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9 June 2023

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

38th meeting

Venue: Strasbourg / hybrid

30 May – 2 June 2023

Adopted by the Lanzarote Committee on 2 June 2023

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 38th meeting on 30 May – 2 June 2023 in Strasbourg and on the KUDO platform.

During this meeting, the Lanzarote Committee:

1. Adopted its agenda.

As regards monitoring the implementation of the Lanzarote Convention

2. Decided to submit questions to the Russian Federation regarding the protection against sexual exploitation and sexual abuse of Ukrainian children unlawfully transferred or deported to the Russian Federation or to the areas temporarily controlled or occupied by the Russian Federation under Rule 28 of the Rules of Procedure on Special reports and urgent situations (see Appendix 1 of this list of decisions).

3. As regards the [Declaration on the situation of the children of Ukraine that was adopted by the Heads of State and Government at the 4th Council of Europe Summit in Reykjavik on 16 and 17 May 2023](#), requested the Secretariat to keep it informed of the progress made in setting up the mechanism to facilitate the exchange of information as referred to in Appendix II of the Declaration, with a view to possibly appointing a representative of the Lanzarote Committee to follow developments and participate in the work of the mechanism.

4. In the context of its next monitoring work on the protection of children against sexual abuse in the circle of trust, agreed on the specific questions to be addressed to Parties through an electronic platform as soon as this will be possible (see Appendix 2 of this list of decisions).

5. Agreed that Parties will be asked to reply to the above questionnaire within three months from the date the questionnaire will be sent to them in its electronic format.

6. Entrusted the Secretariat to prepare a concept note, to be discussed at its next plenary meeting, on how children may be involved in the different stages of the monitoring work referred to above concerning the circle of trust.

7. Agreed, in the framework of the presentation of country factsheets on its 2nd monitoring round on 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”, to provide updated relevant information to the Secretariat (lanzarote.committee@coe.int) to keep a record of the impact of the recommendations on national legal frameworks and policies.

As to capacity building work

8. As regards the statute of limitations in respect of sexual offences against children:
 - agreed to collect more information from specific Parties to allow it to examine compliance of the existing legal frameworks with Article 33 of the Convention.
 - entrusted the Secretariat to prepare a concept note outlining the structure of a future guidance note or similar document which would clarify the meaning of Article 33, present the different legal scenarios considered to be in conformity with that provision, highlight promising practices based on the best interest of the child and set out possible policy measures to promote the implementation of Article 33.
 - agreed to consider, in the context of the above possible guidance note, information that the Brave Movement offered to submit on the impact on victims of any limitation on prosecuting sexual offences against them.

9. As regards the legal age for sexual activities:
 - agreed to collect more information from specific Parties if necessary to complete the comparative study of national approaches in States Parties to the Lanzarote Convention on the legal age for sexual activities
 - entrusted the Secretariat to prepare a document to present the possible follow-up to be given to the presentations and discussions on the legal age for sexual activities during the capacity-building seminar of 31 May, both in terms of the format that this follow-up should take and the concrete measures that could be recommended to better safeguard the best interests of the child.

10. Agreed that Parties interested in developing a [Country Overview on “Ending Child Sexual Abuse and Exploitation: State-of-Play in light of the Lanzarote Convention”](#) inform the Secretariat (lanzarote.committee@coe.int).

11. Agreed to continue exchange of information on progress with the [proposal for an EU Regulation to prevent and combat child sexual abuse](#) and to be informed of the outcome results of other multisectoral workshops focusing on aspects relevant to the mandate of the Committee.

12. Agreed to continue exchange of information on progress with the proposed reform of EU Directive 2011/93 and to be informed of the next steps concerning the review of this and other relevant Directives.

13. Agreed to continue exchange of information on the work of the [Global Taskforce on Child Sexual Abuse Online](#) of the We Protect Global Alliance welcoming the Council of Europe’s possible official involvement in this work.

14. Agreed to continue the exchange of information with the Secretariat of the Budapest Convention Committee on progress of the negotiations of the United Nations Ad Hoc Committee (UN AHC) to elaborate a comprehensive international Convention on Countering the Use of Information and Communications Technologies for Criminal

Purposes, noting that the zero draft of the treaty should be available around 20 June 2023 here: [Ad Hoc Committee - Home \(unodc.org\)](https://www.unodc.org/ad-hoc-committee/).

15. Agreed to organise an in-depth exchange of information at a forthcoming meeting on the [challenges raised by the Metaverse for the protection of children against sexual exploitation and sexual abuse](#).

As to procedural matters

16. Elected by acclamation Ms Anna DOSZPOTH (Hungary) as a member of the Bureau to replace Ms DOURTHE (France) who left the Committee due to a change of duties.

Dates of the next meetings

- **39th meeting**, 26 – 28 September 2023 (Strasbourg)
- **40th meeting**, 28 – 30 November 2023 (Strasbourg)

Appendix I

URGENT QUESTIONS BY THE LAZAROTE COMMITTEE TO THE RUSSIAN FEDERATION

- a. Recalling that the Russian Federation remains a Party to the Council of Europe Convention for the protection of children from sexual exploitation and sexual abuse (Lanzarote Convention), which was ratified by the Russian Federation on 9 August 2013 and entered into force in the Russian Federation on 1 December 2013;
- b. Recalling the grave concern expressed by the Heads of State and Government at the 4th Council of Europe Summit in Reykjavik on 16 and 17 May 2023 regarding, *inter alia*, reports of “*sexual abuse of children, unlawful transfers and deportation of Ukrainian children by Russian forces to the Russian Federation [...] or to the areas temporarily controlled or occupied by the Russian Federation and their forcible placement under custody or adoption by Russian citizens*” and their commitment to support “*the Ukrainian authorities to ensure the immediate return to Ukraine of children who have been unlawfully transferred and deported from Ukraine to the Russian Federation [...] or to the areas temporarily controlled or occupied by the Russian Federation*”;
- c. Reiterating its [Statement on protecting children from sexual exploitation and sexual abuse resulting from the military aggression of the Russian Federation against Ukraine](#) adopted on 10 March 2022;
- d. Reaffirming also its [Declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse, adopted at its 25th meeting \(15-18 October 2019\)](#);
- e. In accordance with Rule 28 on special reports and urgent situations of its [Rules of Procedure](#);

The Lanzarote Committee requests the Russian Federation to submit to it as soon as possible but no later than 10 July 2023 a special report containing responses to the following questions:

1. Since 24 February 2022 to date:
 - a. How many Ukrainian children have been transferred or deported to the Russian Federation or to the areas temporarily controlled or occupied by the Russian Federation? Do your authorities keep a register to record this data? If so, please provide details.
 - b. How many of these children have been placed in institutions, out of home care, under “custody” or “adoption” of Russian citizens, or any other situation? Do your authorities keep a register to record this data? If so, please provide details.
2. What are the specific measures taken in accordance with Article 4 of the Lanzarote Convention to prevent that these children fall victim to sexual exploitation and sexual abuse?

3. How are professionals and volunteers, and any other individuals to whom these children have been entrusted or who have regular contact with them, being screened to ensure that they do not have convictions for acts of sexual exploitation and sexual abuse of children in accordance with Article 5 of the Lanzarote Convention? Please note that the professionals and volunteers and other individuals referred to in this question include both those who work directly with children and those who may have access to the facilities where the children are accommodated, study, play, access healthcare, cultural or other leisure activities etc.
4. Do you provide information and advice concerning prevention of and protection from sexual exploitation and sexual abuse to these children in a manner adapted to their age and maturity, in a language they understand in accordance with Articles 6 and 31.6 of the Lanzarote Convention? Please provide details.
5. What measures have been taken to facilitate reporting suspicion of sexual exploitation or sexual abuse of these children in accordance with Article 12 of the Lanzarote Convention?
6. During the period from 24 February 2022 to date, how many of these children are or have been victims of sexual exploitation or sexual abuse (Art 10.2 (b) of the Lanzarote Convention):
 - a. What measures have been taken to provide support and assistance to them in accordance with Articles 11.1 and 14 of the Lanzarote Convention?
 - b. What steps have been taken to ensure that investigations and prosecutions are carried out in accordance with Chapter VII of the Lanzarote Convention?
7. What steps have been taken to co-operate with Parties to the Lanzarote Convention in accordance with Chapter IX of the Lanzarote Convention?

Appendix II

1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of all forms of child sexual abuse. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

2. The Committee of the Parties to the Convention (also known as the “Lanzarote Committee”), established to monitor whether Parties effectively implement the Convention (Article 1 § 2), decided that:

“1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.

2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.

3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Lanzarote Committee.”¹

The notion of the circle of trust

3. In January 2018, the Lanzarote Committee concluded its first monitoring round “Protection of children against sexual abuse in the circle of trust”. The notion of “circle of trust includes members of the extended family, persons having care-taking functions or exercising control over the child, and any other persons with whom the child has relations, including his/her peers.²

The previous and current monitoring rounds on the circle of trust

4. The two implementation reports adopted as a result of the first monitoring round evaluated the frameworks and strategies put in place by the 26 States Parties to the Lanzarote Convention which had ratified it by the time the monitoring round was

¹ Rule 24 of the Lanzarote Committee’s [Rules of Procedure](#)

² See [1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”](#), p. 12. Examples of the different categories of persons may be found in paragraphs 123-125 of the [Explanatory Report to the Lanzarote Convention](#).

launched³. Since then, the Convention has been ratified by 22 other Parties,⁴ and numerous changes have taken place in the subject area due to the development of international standards and national reforms. Furthermore, a child's circle of trust remains the environment where the vast majority of sexual abuse occurs.⁵ The Committee therefore decided to come back to the subject matter of the first monitoring round in 2023, to both take stock of the situation in the 22 Parties that had not been examined in the first round and to evaluate the follow-up given to the Committee's recommendations by the 26 Parties that had.

5. All of the current 48 Parties will be monitored at the same time to create a momentum around specific aspects of the monitoring theme. To ensure a more accurate reflection of the situation in the Parties and a speedier publication of intermediary results, the monitoring round will be divided into several parts and conducted on the basis of information submitted by the Parties and other stakeholders in response to questionnaires specific for each part.

Involvement of civil society and other relevant stakeholders in the monitoring round

6. In accordance with paragraph 4 of Rule 26 of the Lanzarote Committee's Rules of Procedure, the Secretariat will also address the same questionnaire to representatives of civil society, NGOs and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children, to be replied to in one of the official languages of the Council of Europe within the same deadline as the Parties, with their replies to be made public at the submitter's request. They will however also have the possibility to comment on the replies provided by the Parties withing a different deadline; these comments will be transmitted by the Secretariat to the Party(ies) concerned and made public.

Type of questions and elements to be borne in mind when replying

7. Each of the questionnaires of this monitoring round will contain questions derived from the Committee's first monitoring round recommendations and findings, as well as a few new questions based on the Committee's adopted texts and international standards that have emerged in the meantime, including the case-law of the European Court of Human Rights, to gather information for capacity-building purposes. The first part of the monitoring round will assess the legal framework and related procedures with respect to sexual abuse of children in the circle of trust ("Legal frameworks").

³ Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Spain, Türkiye and Ukraine.

⁴ Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Estonia, Georgia, Germany, Hungary, Ireland, Latvia, Liechtenstein, Monaco, Norway, Poland, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom.

⁵ See [Lanzarote Convention Explanatory Report](#), paras. 48 and 123-125.

8. This specific first questionnaire was adopted by the Lanzarote Committee on 2 June 2023. It is recalled that, in accordance with Rule 26 of the Lanzarote Committee's Rules of Procedure:

"...2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".

3. Parties shall submit their replies in one of the official languages of the Council of Europe to the secretariat within the time limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public.

5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation."

9. In addition, Parties are kindly requested to:

- answer the questions with regard to central, regional and local levels to the extent possible. Federal States may, in respect of their sovereign entities, answer the questions in a summarised way;
- provide, whenever questions/answers refer to it, the relevant text (or a summary) of legislation or other regulations in English or French;
- answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.

10. The term "national legal framework" used in the questionnaire includes not only laws but also all forms of regulations (decrees, resolutions, administrative directions, instructions, and any other decisions creating legal consequences for more than one individual) and higher courts' directive rulings.

11. The questions asked concern the legal frameworks pertaining to both online and offline forms of activity. Should your national legal framework distinguish between them, please provide details.

12. As indicated above, some of the questions are included for capacity-building purposes. Therefore, nothing in the wording of these questions should be taken as an indication of a preferred state of affairs or course of action.

13. The questionnaire uses a colour-coded system to help you differentiate questions based on the Lanzarote Committee's 1st monitoring report's "invite" recommendations (in blue) and "urge"/ "consider" recommendations (in red). The questions based on the European Court of Human Rights' case law and the Committee's adopted texts are coloured red. The questions included for capacity-building purposes are coloured blue.

14. Some of the questions are addressed only to specific Parties found to be not in compliance with a particular requirement of the Convention in the first monitoring round, or to those Parties and to the 22 Parties which had not been evaluated during the first monitoring round. All other questions are meant to be replied to by all Parties.

QUESTIONS

Key notions

1. Does your national legal framework:
 - a. **have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?**⁶ If yes, please provide a copy of the relevant provision(s).
 - b. **[for 22 Parties + Belgium and Luxembourg] establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”?**⁷ If yes, please indicate the specific legal provision.
 - c. **list specific categories of adults in contact with children automatically qualifying as holding this position?**⁸ If yes, please list these categories in your response.
 - d. **define the notion of “circle of trust”?**⁹ If yes, please provide the definition.

Victims’ age

2. Does your national legal framework:
 - a. **[for 22 Parties + Italy, Portugal, San Marino, and Türkiye] provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence?**¹⁰ Please refer to the specific legal provisions.
 - b. **[for 22 Parties + North Macedonia and Ukraine] indicate that the child’s legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence?**¹¹ Please provide details.

⁶ 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework” adopted by the Lanzarote Committee on 4 December 15, Recommendation 3.

⁷ *Ibid.*, Recommendation 2.

⁸ *Ibid.*, Recommendation 4. Examples: members of the extended family (including new partners), persons having caretaking functions (including trainers of any kind) or exercising control over the child professionally or on a voluntary basis (including persons who look after children in their leisure-time) and any other person trusted by the child (including other children).

⁹ *Ibid.*

¹⁰ *Ibid.*, Recommendation 6.

¹¹ *Ibid.*, Recommendation 5.

Scope of offence

3. Does your national legal framework criminalise sexual abuse of children:
 - a. where the offender abuses a recognised position of influence?¹²
 - b. [for 22 Parties + Belgium] where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim's spouse or marital partner?¹³
 - c. [for 22 Parties + the Republic of Moldova] where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?¹⁴

4. Does your national legal framework:
 - a. criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?¹⁵ Please specify which other acts are covered and whether violation of a child's "sexual integrity" specifically is criminalised.
 - b. [For 22 Parties + Bulgaria] ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?¹⁶ Please refer to the specific legal provisions.
 - c. [For 22 Parties + Albania and the Republic of Moldova] make any distinct reference to "homosexual activities" in the description of criminal offences involving sexual abuse and sexual exploitation of children?¹⁷

Ex officio prosecution

5. Does your national legal framework:
 - a. contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his/her legal representative?¹⁸ Please refer to the specific legal provisions.
 - b. contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint/statements?¹⁹ Please refer to the specific legal provision(s).
 - c. [For Portugal] in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child's death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?²⁰

¹² *Ibid.*, Recommendation 1.

¹³ *Ibid.*, Recommendation 7.

¹⁴ *Ibid.*, Recommendation 8.

¹⁵ *Ibid.*, Recommendation 9.

¹⁶ *Ibid.*, Recommendation 11.

¹⁷ *Ibid.*, Recommendation 12.

¹⁸ *Ibid.*, Recommendation 57.

¹⁹ *Ibid.*

²⁰ *Ibid.*, Recommendation 56.

Measures in respect of children who sexually offend and children displaying risky and harmful sexual behaviour

6. Does your national legal framework:
 - a. provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children?²¹ Please provide details.
 - b. differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children? Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.²²

Child victims' rights to protection and parental rights

7. Does your national legal framework:
 - a. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?²³ Please provide details.
 - b. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?²⁴ Please provide details.
 - c. allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?²⁵ Please provide details.
 - d. consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?²⁶ Please provide details.
 - e. ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?²⁷ Please provide details.

²¹ Inspired by *X and Others v. Bulgaria* (no. 22457/16), 2 February 2021 and *A.P. v. the Republic of Moldova* (no. 41086/12), 26 October 2021.

²² Question included for capacity-building purposes.

²³ 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 26.

²⁴ *Ibid.*

²⁵ This question results from the Committee's reasoning that "before resorting to the removal of the victim, the removal of the perpetrator should be preferred" (page 28 of the 1st implementation report).

²⁶ *Ibid.*, Recommendation 27.

²⁷ *Ibid.*, Recommendation 25.

8. Does your national legal framework clearly distinguish:
- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and
 - cases of withdrawal of parental rights once the court has convicted the said parent?²⁸ Please provide details.
9. Does your national legal framework provide for:
- a. automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending?²⁹ Please provide details.
 - b. automatic withdrawal of parental rights of parents convicted of sexual abuse of own child?³⁰ Please provide details.

Guarantees of protection for persons reporting suspected offences

10. How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?³¹

Assistance to third parties

11. What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?³²
12. When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?³³

Monitoring of offenders

13. Does your national legal framework provide for:
- a. a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?³⁴ Please provide details.

²⁸ *Ibid.*, Recommendation 32.

²⁹ Question included for capacity-building purposes, i.e. to map whether there are Parties that have a particular legal framework in such cases.

³⁰ *Ibid.*

³¹ Based on *Yuppala v. Finland* (no. 18620/03), 2 December 2008 and *M.P. v. Finland* (no. 36487/12), 15 December 2016. Partly based on Article 12 of the Lanzarote Convention.

³² 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 30.

³³ *Ibid.*, Recommendation 31.

³⁴ *Ibid.*, Recommendation 33.

- b. **sharing with other countries data concerning persons convicted of child sexual abuse?**³⁵ Please provide details.

Measures in respect of professionals and legal persons

14. Does your national legal framework:
 - a. **allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?**³⁶ Please provide details.
 - b. **ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care”³⁷ settings are held liable?**³⁸ Please provide details.
 - c. **ensure that legal persons failing to protect children in their care from sexual abuse are held liable?**³⁹ Please provide details.

Special representatives

15. How does your national legal framework ensure that special representatives and guardians *ad litem* who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:
 - a. **receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?**⁴⁰
 - b. **avoid combining the functions of a lawyer and guardian ad litem in one person?**⁴¹
 - c. **are provided free of charge for the child victim?**⁴²
16. **[For 22 Parties + Malta]**
 - a. **Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?**⁴³ Please provide details.
 - b. **Is this person allowed to be present throughout the criminal proceedings?**⁴⁴ Please provide details.

³⁵ Based on Article 38 of the Lanzarote Convention.

³⁶ Based on Article 27§3(b) of the Lanzarote Convention.

³⁷ In accordance with the [Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse](#) adopted at its 25th meeting (15-18 October 2019), “out-of-home care” represents all settings in which children can be placed out of their home for care (see point b of the Declaration).

³⁸ Based on the [Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse](#), point 6.

³⁹ *Ibid.*, see point 7.

⁴⁰ 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”, Recommendation 35.

⁴¹ *Ibid.*, Recommendation 36.

⁴² *Ibid.*, Recommendation 37.

⁴³ *Ibid.*, Recommendation 34.

⁴⁴ *Ibid.*

Support for child victims in investigative and judicial proceedings

17. In investigative and judicial proceedings how does your national legal framework ensure that:
- protection measures are available to all children irrespective of their age?⁴⁵
Please provide details.
 - specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child?⁴⁶
 - a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children's psychological well-being?⁴⁷
18. Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?⁴⁸ Please provide details.

In 2023 the Steering Committee for the Rights of the Child (CDEF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.

Investigation

19. In the investigation phase:
- are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?⁴⁹ Please provide details.
 - are all staff responsible for interviewing child victims required to undergo suitable qualifying training?⁵⁰ Please provide details.
 - does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span?⁵¹ Please provide details.

⁴⁵ *Ibid.*, Recommendation 38.

⁴⁶ *Ibid.*, Recommendation 39.

⁴⁷ Based on *N.Ç. v. Türkiye* (no. 40591/11), 9 February 2021.

⁴⁸ 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 40.

⁴⁹ *Ibid.*, Recommendation 41.

⁵⁰ *Ibid.*, Recommendation 42.

⁵¹ *Ibid.*, Recommendation 43.

- d. **[for Serbia]** how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?⁵²
- e. where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first?⁵³ Please provide details.
- f. does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?⁵⁴ Please provide details.

Judicial proceedings

20. In the judicial proceedings:
- a. is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?⁵⁵ Please provide details.
 - b. does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?⁵⁶ Please provide details.
 - c. is there any difference in the scope of the application of this requirement based on the child's age?⁵⁷ Please provide details.
 - d. are video recordings of interviews of child victims regarded as admissible evidence?⁵⁸ Please provide details.
 - e. what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?⁵⁹
 - f. does your national legal framework allow taking the child's testimony without the presumed offender being present?⁶⁰ Please provide details.
 - g. how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?⁶¹
 - h. what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?⁶²

⁵² *Ibid.*, Recommendation 54.

⁵³ *Ibid.*, Recommendation 44.

⁵⁴ *Ibid.*, Recommendation 45.

⁵⁵ *Ibid.*, Recommendation 46.

⁵⁶ *Ibid.*, Recommendation 59.

⁵⁷ *Ibid.*, Recommendation 60.

⁵⁸ *Ibid.*, Recommendation 47.

⁵⁹ *Ibid.*, Recommendation 48.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

⁶² *Ibid.*, Recommendation 49.

- i. does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?⁶³ Please provide details.
- j. does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?⁶⁴ Please provide details.
- k. what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?⁶⁵

⁶³ *Ibid.*, Recommendation 50.

⁶⁴ *Ibid.*, Recommendation 51.

⁶⁵ *Ibid.*, Recommendation 52.