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LANZAROTE CONVENTION

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

Replies to the thematic questionnaire

MALTA

2nd thematic monitoring round

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

Replies registered by the Secretariat on 3 November 2017

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

- Educational and awareness raising sessions are organised regularly for all school children across Malta during school hours through the BeSmartOnline project.
- The BeSmartOnline project is implemented through a consortium coordinated by the Malta Communications Authority (MCA) and brings together the Foundation for Social Welfare Standards, Aġenzija Appoġġ, the Office of the Commissioner for Children and the Directorate for Quality and Standards in Education (DQSE) - particularly the PSCD Department. The consortium is supported by the expertise and experience of a number of strategic partners who contribute through a purposely set up Advisory Board.
- All partners work together to raise awareness and educate children and teens, carers and educators on the safer use of the Internet whilst also educating minors on its good use. The project also established and promotes www.childwebalert.gov.mt, an online reporting facility for illegal online content, particularly child abuse material, internet abuse and offers support services to respective victims.
- A similar awareness raising initiative has also been organised recently by the local Psycho-Social Services team within the Education Department of Malta.

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

- Sessions held for school children, as discussed in point 1.1 are for all children in general. At present, the national vice-squad police team have also organised awareness raising school visits in collaboration with the national psychosocial services unit, specifically to create awareness on this matter and how children should react when faced with such a situation.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

- Aġenzija Appoġġ, the Office of the Commissioner for Children as well as other entities in the sector such as Victim Support regularly provide training to volunteers at Kellimni.com, which is a local child and adolescent online support service available

24/7 reachable through e-mail, chat and smart messaging. Kellimni.com operates within the framework of Child Helpline International and is a joint effort between SOS Malta, the Salesians of Don Bosco, Aġenzija Zghazagh and Aġenzija Appoġġ.

- Through Kellimni.com, young people can, in an anonymous way, express their concerns and talk about the issues directly affecting them. Kellimni.com is aimed at youths who are suffering from any form of social exclusion, abuse, neglect, and/or psychological difficulties and are in need of immediate emotional, moral and social support.
- Furthermore, training is provided to other professionals working in the field such as educators including PSCD (personal, social and career development) teachers through the BeSmartOnline project.
- Awareness sessions are similarly also organised for parents by request through the school or local catechism classes.
- All professionals within the Foundation for Social Welfare and Aġenzija Appoġġ, or those who are even indirectly involved, are provided with on-going training to this effect.

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

The Foundation for Social Welfare, Aġenzija Appoġġ, the Vice Squad and the Cyber Crime Unit within the Malta Police Force and the Education Department are some of the entities that collaborate to raise awareness with respect to questions 1.1, 1.2 and 1.3. The co-ordination is carried out by the respective co-ordinators employed within such entities, under the supervision of the relative Heads of Departments.

List of links:

<http://besmartonline.org.mt/?AspxAutoDetectCookieSupport=1>

<http://besmartonline.org.mt/resource-parents>

<http://besmartonline.org.mt/resource-teachers>

<http://besmartonline.org.mt/resource-social-media>

<http://kellimni.com>

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

State authorities, such as the Foundation for Social Welfare and Agenzija Appogg, encourage the implementation of prevention projects and programmes by sponsoring educational programmes similar to the ones mentioned above. This is also done through educational TV spots / commercials, sponsored by the Malta Communications Authority.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

- Victim Support Malta, a local NGO, offers assistance in the form of support and information to victims and organises awareness-raising activities periodically. It receives EU funding and is also supported by government.
- It should be noted that the most active organisation working in the field on the topic of self-generated sexually explicit images and sexual content is BeSmartOnline, but this is co-funded by government and EU funding and cannot be considered as civil society since it is a consortium between the state welfare/child protection agency, Education department and the Commissioner for Children.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

- Yes through PSCD lessons (personal, social and career development) at secondary level, which is compulsory in all state schools. Some church schools and private/independent schools also hold PSCD lessons.
- At primary level (Year 3 upwards) PSCD lessons cover sexual awareness and internet safety.
- In 2017, all Kinder 2 children in Malta will be given a copy of the Council of Europebook *Kiko and the Hand* (English/Maltese).

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

- Continuous training is provided for professionals working with children through the BeSmartOnline project already explained in detail above.

- BeSmartOnline had organised an awareness raising activity, together with Facebook who visited Malta at a higher education college and a Youth Hub for both teachers and students in 2016 and will be holding other awareness raising events at another higher education institute towards the end of 2017. Moreover, the Ministry for the Family, Children's Rights and Social Solidarity is also committed to create awareness. In fact it continuously sponsors training programmes to professionals.

Question 5. Research

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

- a. self-generated sexually explicit images and/or videos as children have been shared online?
- b. self-generated sexual content as children has been shared online?

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

To date there is no national research study on the subject of self-generated sexually explicit images/content *per se*, however there are discussions underway to further develop the idea.

A University of Malta professor, Dr. M. Clark, had also voiced the strong need to conduct research on the topic of sexting some years ago to prevent a moral panic.

Protection

Question 6. Assistance to victims

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?

- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

Helpline

There is an internet helpline which is an extension of Support line 179. This aims to offer support to individuals that reach them via telephone on free phone 179 or email 179.appogg@gov.mt.

Within the Hotline there are two professional workers, the Hotline administrator and also the Hotline analyst, who have specialised training on dealing with illegal online content and with online risks. Both the Hotline administrator and also the Hotline analyst are accredited as analysts by InHOPE and attended various trainings abroad, including joint trainings with Interpol. Apart from dealing with illegal/indecent online material, the hotline workers together with other entities, which are also involved in the Besmartonline project, attended various media programmes in order to create more awareness about online risks which minors might encounter. Regularly they also hold various talks in schools, youth groups and work places in order to reach out to children, educators and parents.

The helpline offers support to parents, educators or minors on any online safety issue, such as cyberbullying, sexting and online grooming. The individuals seeking support will be referred to a holistic team of experts that are specifically trained in the handling of such cases.

Support line 179 receives calls on situations of child abuse, domestic violence, drug/alcohol/gambling problems, as well as: grooming, cyberbullying, sexting, harassment, outing (posting or sharing the images publicly), pretending to be the person who created the image and posting or sharing it publicly, often with the suggestion that the person is interested in sexual contact. Apart from the support in relation to online safety, the national support line also acts as a national service to people who are experiencing times of difficulty or crisis.

In addition to the national support line 179, Kellimni.com is another support service that is run as a result of a partnership between the SOS Malta, Salesians of Don Bosco, Aġenzija Appoġġ, and Aġenzija Żgħażaġħ. It is run by a team of professionally trained operators and can be reached by email, chat and smart messaging. Chat lines are open 24/7.

• Hotline

The Hotline is an online reporting system which provides a secure and confidential environment where members of the public can anonymously report websites that host content related to online child abuse. Reports are received through www.childwebalert.gov.mt. The Hotline is operated by Aġenzija Appoġġ, which collaborates

with the Cyber Crime Unit of the Malta Police Force and is a member of an International Association of Internet Hotlines called INHOPE.

The Hotline's role and mission is to use its expertise to work with partners to:

- Disrupt the availability of child sexual abuse content hosted anywhere in the world;
- Protect children who are victims of sexual abuse from repeat victimisation and public identification;
- Prevent internet users from accidentally stumbling across child sexual abuse content; and
- Through cooperation with International partners, help in identifying the victims involved in this abuse so that these children can be rescued.

It operates the online reporting system which receives online reports related to child sexual abuse material; whilst also handling calls received through Supportline 179 related to the same topic.

The Team participates actively in awareness campaigns and events, and participates in internet safety education programmes in schools to promote the use of the helpline and hotline. Moreover, the team:

- Receives and assesses reports related to Child Indecent Material online.
- Receives calls related to cyberbullying, grooming, hacked profiles, sexting and addiction through the 179 helpline.
- Supports the identified victims.
- Participates in International meetings such as Insafe meetings and Inhope meetings.
- Collaborates with the Cyber Crime Unit – Malta Police Force.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

- Victim Support Malta

Victim Support Malta (VSM) is a registered Non-Governmental Organisation which provides support and assistance to victims of crime, such as theft and burglary, domestic violence, sexual assault, harassment, discrimination and cybercrime.

The services provided by VSM include the provision of emotional support to assist victims in overcoming trauma following a crime; legal information pertaining to the relative criminal procedures (e.g. the victims' right to request compensation and to access forms of protection provided by the law); and practical assistance (e.g. liaison with the police, or other ancillary matters).

- Kellimni.com

Kellimni.com, operated within the framework of Child Helpline International, offers online support services to children and young people.

This initiative is an online support service run by trained staff and volunteers reachable through e-mail, chat and smart messaging 24/7 for support. Through Kellimni.com, children and young people can, in an anonymous way, express their concerns and talk about the issues directly affecting them. This initiative is aimed at youths who are suffering from any form of social exclusion, abuse, neglect, and/or psychological difficulties and are in need of immediate emotional, moral and social support.

Prosecution

Question 8. Legislation

- 8.1. Does national law contain any reference to:
- self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
- Maltese law (The Criminal Code, Chapter 9 of the Laws of Malta) deals with the offence of possession of indecent material of a child. Under the same article, namely article 208 A1B, the possession of indecent material through ICTs is deemed illegal and subject to prosecution. The wider term “indecent material” is used and could be interpreted to include sound and text. The article itself does not specify who produced the content.
 - Furthermore, article 208 A 1 deals with the production, distribution, dissemination, import, export and sale of indecent material in a wide sense.
- 8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?
- Maltese law does not distinguish the involvement of more than one child involved in consensual posing as it is general in character.

- 8.3. Are there specificities related to the fact that more children appear on the:
- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
 - b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

Stakeholders in the area of children's rights are quite aware of this phenomenon. This has in fact generated a public debate which in turn gave rise to the awareness raising programmes mentioned above and others which are in the pipeline, such as the awareness programmes which the Ministry for the Family, Children Rights and Social Solidarity sponsors from time to time.

Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:¹
- a. possess child self-generated sexually explicit images and/or videos?
 - b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
 - c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?
- 9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?
- 9.3. What are the legal consequences of the above behaviours (9.1.a-c)?
- 9.4. Does national law criminalise cases when adults:²
- a. possess child self-generated sexual content?
 - b. distribute or transmit child self-generated sexual content to other adults?
 - c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

This is covered by article 208 A (1B) of the Criminal Code, which states that:

“Any person who acquires, knowingly obtains access through information and communication technologies to, or is in possession of, any indecent material which shows, depicts or represents a person under age, shall on conviction, be liable to imprisonment for a term from not exceeding three years”.

¹ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

² If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

Therefore this offence carries a maximum punishment of not more than 3 years imprisonment.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Provided there is reasonable suspicion that a person is an accomplice to the commission of, or may have committed, a crime, he will only avoid prosecution if he pleads insanity (not able to stand trial) and is eventually declared of unsound mind by the Court. In such a case, the person is securely kept at a Psychiatric Hospital until he is discharged following a declaration by professionals that he is of sound mind. Upon discharge, a person can be subjected to stand trial again. A person can be declared to have been of unsound mind during the commission of the offence per se, in which case he will be acquitted. Other reasons which halt the prosecution of a case is the issue of prescription, i.e. when a case becomes time barred.

With specific reference to minors, according to Maltese law a minor is deemed criminally responsible at the age of 14.

Moreover, article 37 (1) of the Criminal Code further states that:

The minor under sixteen years of age shall also be exempt from criminal responsibility for any act or omission done without any mischievous discretion.

(2) In the case where the act or omission is committed by a minor who is aged between fourteen to sixteen years of age with mischievous discretion and in the case where the minor is aged between sixteen and eighteen years, the applicable penalty shall be decreased by one or two degrees

9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

Imprisonment for a period of not more than three years upon conviction. The convicted person may also be listed in the Offenders Register for the protection of minors. The upkeep of such register is regulated by the Protection of Minors (Registration) Act, Chapter 518 of the Laws of Malta.

- 9.7. Does national law criminalise cases when children:³
- a. produce self-generated sexually explicit images and/or videos?
 - b. possess self-generated sexually explicit images and/or videos?
 - c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
 - d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?

³ This question does not in any way suggest that these behaviours should be criminalised.

- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

Article 208 A1 speaks of **any person**, therefore it covers children as well. It stipulates that:

“Any citizen or permanent resident of Malta whether in Malta or outside Malta, as well as any person in Malta, who makes or produces or permits to be made or produced any indecent material or produces, distributes, disseminates, imports, exports, offers, sells, supplies, transmits, makes available, procures for oneself or for another, or shows such indecent material...”.

According to Maltese law a minor is deemed criminally responsible at the age of 14.

Moreover, article 37 (1) of the Criminal Code further states that:

The minor under sixteen years of age shall also be exempt from criminal responsibility for any act or omission done without any mischievous discretion.

(2) In the case where the act or omission is committed by a minor who is aged between fourteen to sixteen years of age with mischievous discretion and in the case where the minor is aged between sixteen and eighteen years, the applicable penalty shall be decreased by one or two degrees.

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Same answer to question 9.7. above.

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

Same answer to question 9.7. above.

9.10. Does national law criminalise cases when children:⁴

- a. produce self-generated sexual content?
- b. possess self-generated sexual content?
- c. distribute or transmit self-generated sexual content to peers?
- d. distribute or transmit self-generated sexual content to adults?
- e. distribute or transmit self-generated sexual content of other children to peers?
- f. distribute or transmit self-generated sexual content of other children to adults?

The possession *per se* (and the transmission thereof) of child pornography is considered as an illegal act in Malta, and any person who is found in possession of same is prosecuted.

⁴ This question does not in any way suggest that these behaviours should be criminalised.

Generally, the law does not distinguish between minors and adults. Minors are only spared prosecution if they have not reached the age of 14, or if they have done so, the prosecution should prove that the minor has acted with mischievous discretion.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

Same answer to question 9.5. above

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

Imprisonment (minimum 12 months – maximum 5 years).

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2⁵

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

Malta has made a reservation to this effect.

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2⁶

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

Maltese law does not specify any particular age. Even a minor can be prosecuted if he engages in sexual activities with another minor.

- The offence of 'production' of child pornography is covered under Article 208A. (1) of the Maltese Criminal Code (Chapter 9 Laws of Malta), which stipulates that:

⁵ Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

⁶ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

- Any citizen or permanent resident of Malta whether in Malta or outside Malta, as well as any person in Malta, who makes or produces permits to be made or produced any indecent material or produces, distributes, disseminates, imports, exports, offers, sells, supplies, transmits, makes available, procures for oneself or for another, or shows such indecent material shall, on conviction, be liable to imprisonment for a term from twelve months to five years.

The offence of possession of child pornography is however regulated by Article 208A (1B) of the Criminal Code, which states that:

“Any person who acquires, knowingly obtains access through information and communication technologies to, or is in possession of, any indecent material which shows, depicts or represents a person under age, shall on conviction, be liable to imprisonment for a term from not exceeding three years”.

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

This offence is also covered by Article 208A. (1) of the Maltese Criminal Law, which stipulates that:

- Any citizen or permanent resident of Malta whether in Malta or outside Malta, as well as any person in Malta, who makes or produces permits to be made or produced any indecent material or produces, distributes, disseminates, imports, exports, offers, sells, supplies, transmits, makes available, procures for oneself or for another, or shows such indecent material shall, on conviction, be liable to imprisonment for a term from twelve months to five years

Question 12. Jurisdiction rules⁷

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

If the perpetrator is not a Maltese Citizen, is not a Maltese resident, and the offence takes place outside Maltese territorial jurisdiction, even though the victim is Maltese or happens to be in Malta, the perpetrator cannot be tried before the Maltese Courts. This principle is enshrined in Article 208 A1 of the Maltese Criminal Code, i.e.

- Any citizen or permanent resident of Malta whether in Malta or outside Malta, as well as any person in Malta, who makes or produces permits to be made or

⁷ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

produced any indecent material or produces, distributes, disseminates, imports, exports, offers, sells, supplies, transmits, makes available, procures for oneself or for another, or shows such indecent material shall, on conviction, be liable to imprisonment for a term from twelve months to five years.

A contrariu sensu,

- this means that if the offence is committed in Malta by any person, even though the victim happens to be elsewhere, the Maltese Courts can exercise jurisdiction.

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?
 - b. in prosecution?
 - c. in courts?
-
- CyberCrime unit and the Vice Squad Department within the Police force;
 - Lawyers at the Office of the Attorney General (AG) and also Police prosecutors (under Maltese law the Police act as prosecutors before the superior courts and in other cases of certain importance, whereas the Police can only act as prosecutors before the Inferior Courts.
 - There are no specific Courts or Tribunal which specialise on this subject, however members of the judiciary also receive training periodically to keep themselves up-to-date. Such training is organised through the Judicial Studies Committee.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

There are various departments within Appogg Agency, which is the national agency entrusted to offer support to juveniles, that specifically deals with offences committed by minors and / or against minors. However it deals with general offences and not specifically with ICT facilitated sexual offences. The same can be said to the Cyber Crime Unit and the Vice Squad Department of the Malta Police Force.

In addition to this, reference is made to the above replies in relation to questions

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?
Focus on identifying victim not just removing the material.

- In Malta there is a memorandum of understanding between the Malta Police Force and Agenzija Appogg on victim identification and contribution to the ICSE image database.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

- There are practically no challenges that are faced during the prosecution of such offences. Technical experts are invariably appointed by the Court to establish the details of the subscriber and / or user of the (device) corpus delicti.

Even though for a person to be convicted of a similar offence the identification of the victim is not a legal prerequisite, for preventive measures the victim's identification may lead to practical challenges.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

- Training is organised regularly for professionals, including members of the judiciary by BeSmart Online employees on internet safety issues, who in turn receive their training overseas through InSafe and InHope.
- Prosecutors, including members of the Police receive training through Inhope and Insafe and launched the Amber Alert initiative.
- The Armed Forces of Malta has also recently received training at their own request.

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

Apart from the participation of the Malta Police with Europol and Interpol, no specific measures have been taken to co-operate with other Parties to the Lanzarote Convention.

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

- International co-operation is made through INHOPE – [childwebalert](#).
- Active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database.