



Dipartimento
per le politiche della famiglia

Presidenza del Consiglio dei ministri



Presidency of Italy
Council of Europe
November 2021 - May 2022

Présidence de l'Italie
Conseil de l'Europe
Novembre 2021 - Mai 2022

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



APRIL 2022

**BEYOND THE HORIZON: A
NEW ERA FOR
THE RIGHTS OF THE CHILD**



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Maria José Castello-Branco



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The Lanzarote Convention

On the protection of children against
sexual exploitation and sexual abuse of
children

<https://www.coe.int/fr/web/children/lanzarote-convention>

PREVENTION

PROTECTION

PROSECUTION

**PROMOTION OF
COOPERATION**

CHILD PORNOGRAPHY – Article 20

ANY MATERIAL THAT VISUALLY
DEPICTS A CHILD ENGAGED IN REAL OR
SIMULATED
SEXUALLY EXPLICIT CONDUCT,
OR ANY DEPICTION OF A CHILD'S SEXUAL
ORGANS FOR PRIMARILY SEXUAL PURPOSES.

It includes :

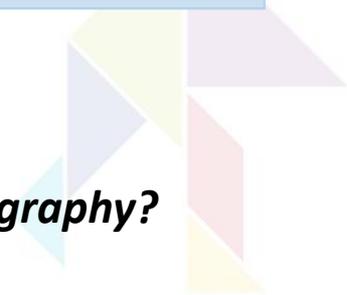


Producing;
Offering;
Making available;
Distributing;
Transmitting;
Procuring for oneself or for another person;
Possessing;
Obtaining access (IT)



**SEXUALLY SUGGESTIVE OR
EXPLICIT IMAGES, AND/OR
VIDEOS GENERATED BY
CHILDREN
or
SGSIV(Self-generated sexual
images or videos)**

How to qualify this behaviour in legal terms ? Pornography?



The Lanzarote Committee

A twofold role – Article 41:

MONITORING and **CAPACITY BUILDING**



Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs)(2017)

Opinion on child sexually suggestive or explicit images and or videos, generated, shared and received by children (2019)

2nd monitoring round: The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)(2022)

The existing offences in the Lanzarote Convention remain criminalised by national law in the same way, whatever the means used by sexual offenders to commit them, be it through the use of ICTs or not, even when the text of the Lanzarote Convention does not specifically mention ICTs (2017)



NOVELTIES:

1. PARTICIPATION OF CHILDREN

2. ADDRESSING “CAPACITY BUILDING CHALLENGES”

ON WORRYING TRENDS NOT EXPLICITLY COVERED BY THE CONVENTION



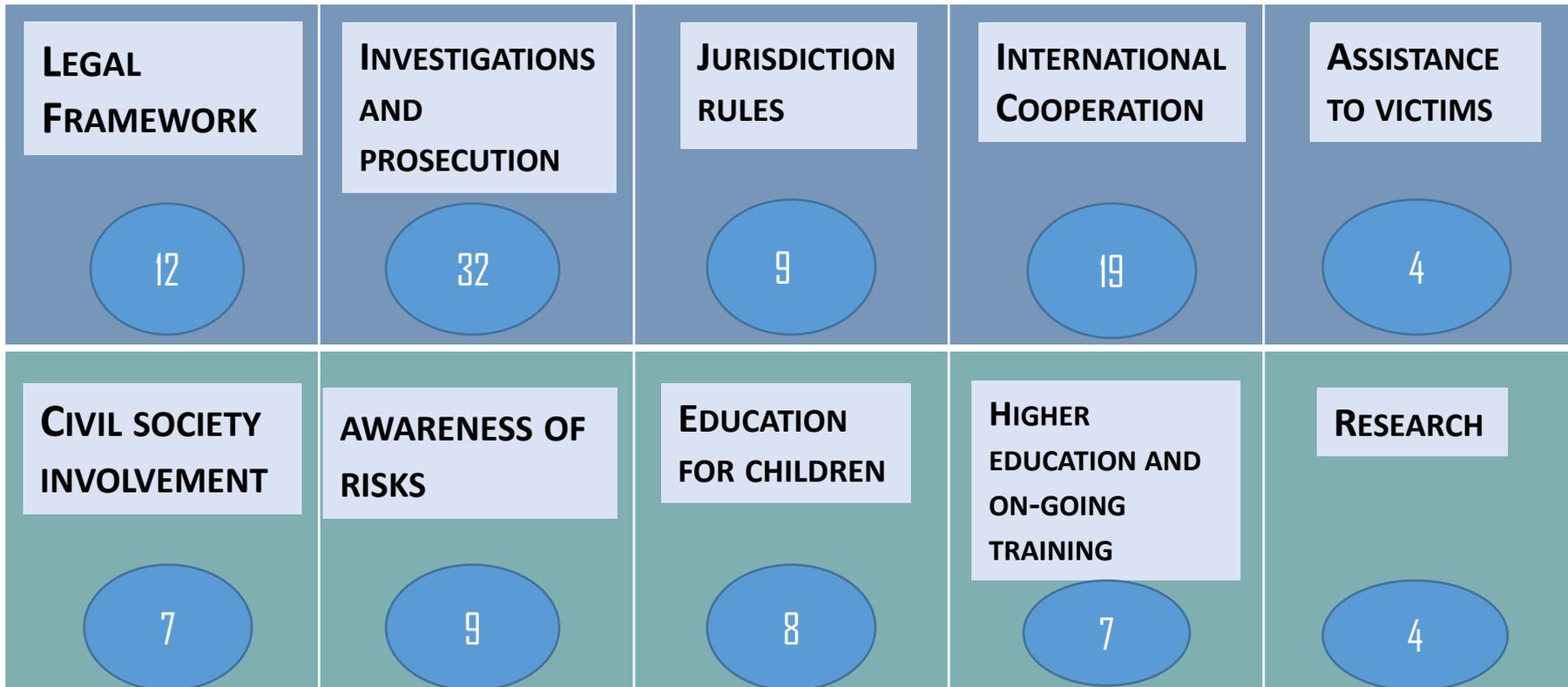
The report is grounded on

Recommendations

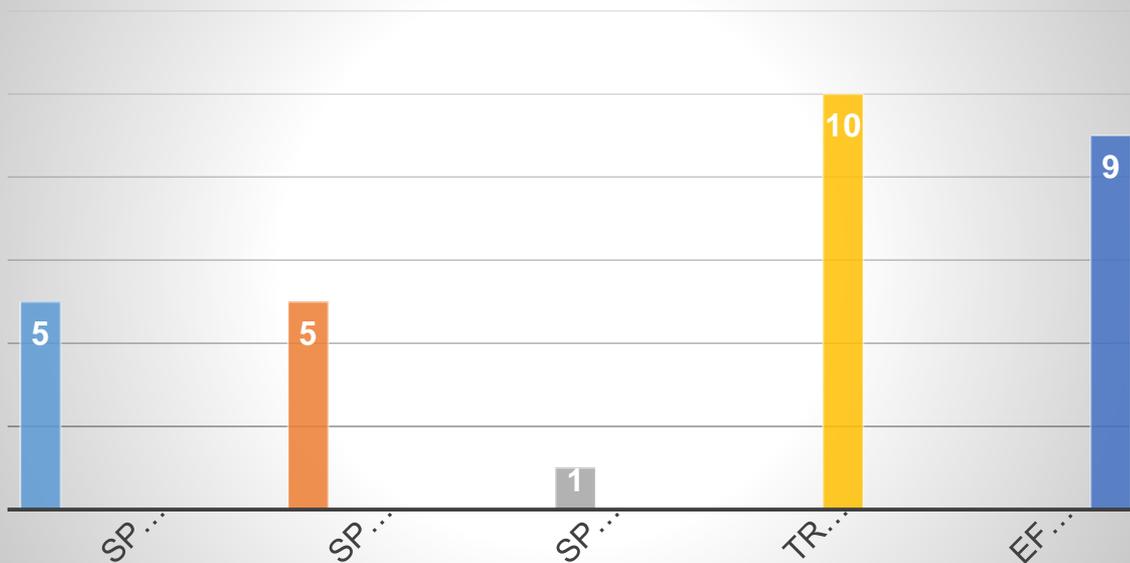
Requiring or
requesting actions to
effectively implement
the Convention

Good practices

Inviting to action to
respond to legal,
policy and
technological
developments



Investigation and prosecutions



MAIN RECOMMENDATIONS ON LEGAL FRAMEWORKS

ASKS NOT TO PROSECUTE CHILDREN:

1. For possessing their own SGSIV, the SGSIV of another child with the informed consent of the child depicted, and the SGSIV of another child as a result of receiving them passively (REC II-6)
2. For sharing their CSGSIV with another child when the sharing is voluntary, consensual and intended solely for their own private use (REC II-8) .

MAIN RECOMMENDATIONS ON LEGAL FRAMEWORKS

ASKS FOR PROSECUTION AS A LAST RESORT

Distribution or transmission by children of sexual material generated by other children when it qualifies as “child pornography” (Article 20(2) of the Lanzarote Convention)(REC II-9)

MAIN RECOMMENDATIONS ON LEGAL FRAMEWORKS

ASKS 5 parties **TO ENSURE**

That, when exemptions from criminal liability exist for adults for the possession of child self-generated sexual images and/or videos, specific safeguards are in place:

- the child depicted has reached the legal age for sexual activities;and
- has given consent for the possession CSGSIV;
- the person possessing the CSGSIV and the child depicted are of similar ages and maturity (e.g., by setting a maximum age difference among them);
- the production and possession of the CSGSIV did not involve any abuse(REC II-5)

MAIN RECOMMENDATIONS ON LEGAL FRAMEWORKS

TO ENCOURAGE

Use of the term “child sexual abuse material” (CSAM) instead of “child pornography” for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child (REC II-1)

MAIN RECOMMENDATIONS ON LEGAL FRAMEWORKS

TO ENCOURAGE

Introducing explicit references to conduct involving child self-generated sexual images and/or videos in the legal frameworks (REC II-2).

MAIN RECOMMENDATIONS ON LEGAL FRAMEWORKS

TO ENCOURAGE

Considering criminalising the offence of grooming (solicitation of children for sexual purposes) even when it does not lead to either a face to face meeting or to producing CSAM (REC II-10)

MAIN RECOMMENDATIONS ON LEGAL FRAMEWORKS

TO ENCOURAGE

Creating a specific incrimination to address sexual extortion of children, or to prosecute both the initial detention of the child-self generated material and the act of extortion when such material is used by the offender to force, coerce or threaten the child to provide additional material, other sexual favours, a financial gain or other gain to the offenders (**REC II-10**)

MAIN RECOMMENDATIONS ON PROSECUTION AND INVESTIGATION

TO ENCOURAGE

That the capacities of any investigative unit specialised in ICT facilitated sexual offences against children take into account evolving technologies and online behaviours, and that they reflect current practices used by perpetrators (REC III -4)

MAIN RECOMMENDATIONS ON PROSECUTION AND INVESTIGATION

TO ENCOURAGE

Ensuring that **training** on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion is available to agents working in law enforcement, prosecution and within courts who are likely to come into contact with such cases, and/or or that they are specialised in dealing with such offences (REC III-5; III-10;III-14, III-16 REC -117) .

MAIN RECOMMENDATIONS ON PROSECUTION AND INVESTIGATION

TO ENCOURAGE

That measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflect current practices across Parties, include the establishment and use of national child abuse material databases, and that resources are sufficiently allocated (REC III-24).

MAIN RECOMMENDATIONS ON PROSECUTION AND INVESTIGATION

TO ENCOURAGE

To engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases (REC III-25, REC III-29).

MAIN RECOMMENDATIONS ON PREVENTION

TO ENCOURAGE

Addressing in educational contexts the issue of the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards child self-generated sexual images and videos (REC IX – 1)

MAIN RECOMMENDATIONS ON PREVENTION

TO ENCOURAGE

Providing information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including as regards child self-generated sexual images and/or videos, within a more general context of sexuality education (REC IX-9)

MAIN GOOD PRACTICES

SLOVENIAN CRIMINAL CODE

On specific
provision dealing
with sexual
extortion of
children in the
context of
CSSGIV

FRANCE, FINLAND, ITALY, MOLDOVA

Victim
identification
functions located
within units
dedicated to child
sexual abuse
materials

GERMANY YOUTH PROTECTION ACT

Extensively
amended in
order to protect
kids from
cybergrooming
and sexual
abuse

ALBANIA, CYPRUS, BELGIUM, PORTUGAL

On educational
ways of raising
awareness

And so many more !

For further information please go to:

<https://www.coe.int/en/web/children/lanzarote-convention>

Thank you for your attention.

