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Review of training strategies and materials for Law Enforcement, Judges and Prosecutors.

BACKGROUND AND GUIDANCE

Project Title	<ul style="list-style-type: none"> • End Online Child Sexual Exploitation and Abuse @ Europe • Protecting children from sexual exploitation and sexual abuse in the Republic of Moldova • Responding to Child sexual exploitation and abuse in Georgia, phase I.
Implementation	Children's Rights Division
Activity Duration	June 2019- May 2020
Activity Beneficiaries	Armenia, Azerbaijan, Ukraine, the Republic of Moldova and Georgia

Prepared by the Children's Rights Division

Directorate of Anti-Discrimination

BACKGROUND

While the exact number of OCSEA victims is unknown, reports show that tens of thousands of children of all ages fall victim to OCSEA each year. This crime is often transnational in nature and ever evolving, recent trends include live streaming of child sex abuse images, increases in streaming of self-generated sexually explicit images and increases in online sexual coercion and extortion. Many of the images that are found to contain criminal content show sexual activity with a child including rape and sexual torture of children of all ages.

The [UN Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the child on the sale of children, child prostitution and child pornography](#) require States to take all appropriate measure to protect the child from all forms of violence, including protection from sexual exploitation and abuse.¹ World leaders have reiterated their commitment to end all forms of violence and abuse of children by 2030, as part of the UN Sustainable Development Goals, in particular SDG 16.2 (End abuse, exploitation, trafficking and all forms of violence and torture against children).

The [Council of Europe Strategy for the Rights of the Child \(2016-2021\)](#) identifies a life free from violence for all children and the rights of the child in the digital environment as priority areas for action. The Council of Europe [Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#) (Lanzarote Convention) and the Council of Europe [Convention on Cybercrime \(Budapest Convention\)](#) provide comprehensive benchmarks to prevent and combat OCSEA. To assist member states to effectively uphold the rights of the child in the digital environment, the [Council of Europe CM/Rec\(2018\)7 Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#) also provides practical guidelines for victim-focused policing, public-private partnerships, awareness-raising activities, prevention strategies and provision of effective remedies for violations of the rights of the child.

Particular challenges to the investigation and prosecution of OCSEA include limited awareness among law enforcement officers on OCSEA which can lead to limited victim identification, victim-blaming or investigations of child victims rather than provision of protection to child victims and witnesses. Access to data/ electronic evidence has also been identified as a challenge.

Law enforcement therefore plays a central role to successful investigation and prosecution of OCSEA cases including: identifying and rescuing victims of OCSEA, registering complaints, interviewing and gathering evidence from the children and processing and preserving evidence (including electronic evidence). Investigations of OCSEA must take place in the best interests of the child and respecting the rights of the child, this is particularly so given the high vulnerability of child victims and witnesses, a child-safeguarding and victim-oriented approach is essential to avoid re-victimisation of the child.

At the same time a child may be involved in criminal justice proceedings against perpetrators of OCSEA in several ways: as a victim, as a witness or as a perpetrator. Although child-victims of OCSEA may not necessarily be directly party to criminal proceedings, their rights must be upheld throughout. It should be borne in mind that child victims of sexual exploitation and abuse, including OCSEA, are a particularly vulnerable group to whom additional safeguards apply.

Once a child has been identified as victim or witness of OCSEA additional procedural safeguards to protect and uphold their rights apply. Judges and prosecutors are under a responsibility to protect and uphold the rights of victims and witnesses of OCSEA including by

¹ UN Convention on the Rights of the Child, Articles 19 and 34.

implementing additional safeguards during interviews and court proceedings. These include providing information, upholding the child's right to be heard, protecting their privacy, identity and image, providing for their safety as well as that of their family, avoiding contact between victims and perpetrators. Such safeguards also apply to a child charged with OCSEA.

Law enforcement officers should receive specialised training to ensure that investigations and proceedings are carried out in accordance with the general measures of protection for victims. Training for judges and prosecutors on the rights of the child and sexual exploitation and abuse of children, including OCSEA is also necessary to ensure proper respect for the procedures and safeguards to uphold the rights of child-victims of OCSEA during criminal justice proceedings. Technical support will be provided to strengthen and develop training materials and programmes for law enforcement agencies, judges and prosecutors.

METHODOLOGY

1. Development of matrix for training strategies and programmes

A model outline of training strategies and programmes will be developed to provide a benchmark against which current training strategies and programmes can be assessed. The methodology should be adapted according to the target group (Law enforcement or Judges and Prosecutors).

2. Review of existing training strategies, materials and programmes

In each selected country a review of existing training strategies and programmes will be undertaken with a view to make recommendations to improve existing strategies, materials and programmes. The initial findings and recommendations will be provided to the authorities in the form of a report. The following will be considered:

- a) Existing training materials and programmes available and accessible for **law enforcement** on:
 - OCSEA:
 - Victim identification
 - Child-friendly practices for interview and investigation:
 - Electronic evidence in the context of OCSEA;
 - Specialist software to facilitate OCSEA investigations;
 - Mutual legal assistance in the context of OCSEA;
 - Multi-stakeholder co-operation at national level;
 - International co-operation mechanisms to facilitate trans-border investigations.

- b) Existing training materials and programmes and capacities available to **prosecutors and judges** with focus on:
 - specialised training on OCSEA;
 - training on specific measures in place before, during and after the trial to ensure child- victims are supported throughout the proceedings (including child-friendly interviewing, use of child-friendly and age-appropriate language, involving parents/guardians/caregivers, non-standard methods of giving evidence, e.g. a live video link);
 - provision of specialised and regular training, psychological and wellness support for judiciary staff);
 - training and information on national and international co-operation.

3. Training module for criminal justice

A pilot training module on the international substantive criminal and procedural law standards applicable to OCSEA, child-friendly justice (including a victim-centred approach) and e-evidence will be developed. The module will be adapted to national contexts and developed to address the specific needs of law enforcement agencies and judges and prosecutors by national experts. The module will then be tested at national training workshops in 2020 to be implemented by both national and international experts.

4. Regional Workshop

A regional training workshop will take place in 2020 including representatives from law enforcement agencies, judges and prosecutors from all focus countries of the project EndOCSEA@Europe to develop training strategies and materials in focus countries and present the pilot training module.

TIMEFRAME

- Development of training materials and programmes model curriculum (August-September 2019);
- Analysis of training materials and programmes available in selected countries (October-December 2019)
- Development of a training module on OCSEA (September 2019 – December 2020)
- Adaptation of training module on OCSEA to national contexts by national experts (December 2019-February 2020)
- Testing of training module on OCSEA in pilot countries (March 2020)
- Regional workshop (May 2020)

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