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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

POLAND

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 25 October 2017

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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? Yes
- b. self-generated sexual content? Yes

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? Yes
- b. self-generated sexual content? Yes

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? Yes
- b. self-generated sexual content? Yes

→ 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.

One of the entities involved in carrying out the above activities is NASK, a research institute affiliated with the Ministry of Digitization. It conducts research aiming at finding solutions which will improve effectiveness, reliability and safety of telecommunication network and other complex online systems.

The key area of NASK activity is to ensure internet safety. NASK Academy is a subsidiary of NASK which prepares and carries out trainings and engages in educational activities aiming at raising awareness and countering cyber threats.

Polish Center of the Safer Internet Program, carries out the following three projects:

1. **Saferinternet.pl** – a project which aim is to raise social awareness on threats posed by modern telecommunication technologies. At the center of attention of the undertaken activities is education, both of the children and their parents as well as efforts to improve qualification of the professionals on how to use the Internet in a safer way. The Project is carried out by FDN and NASK in cooperation with Orange Foundation.

More information on the project can be found on: www.saferinternet.pl

2. **Dyzurnet.pl** – which can be contacted anonymously to provide information on illegal content found on the Internet, such as: material on sexual exploitation of children, racist or xenophobic content. The project is carried out by NASK.

More information on: www.dyzurnet.pl

3. **Telephone and online helpline** – for children and teenagers 116 111 and telephone for parents and teachers dedicated to cases involving child safety 800 100 100.

Thanks to these two projects, young internet users, their parents and professionals can receive help when they are exposed to the Internet content which they find threatening or disturbing. The telephone help-line are operated by the personnel from the Foundation: We Empower Children (Dajemy Dzieciom Siłę). More information can be found on: www.116111.pl and www.800100100.pl

→ 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).

<http://www.saferinternet.pl/materialy-edukacyjne/materialy-multimedialne.html>

<http://www.saferinternet.pl/materialy-edukacyjne/poradniki-i-broszury.html>

<http://www.saferinternet.pl/kampanie-spoleczne.html>

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?

One of the key tasks undertaken by the Ministry of Digitalization is to engage in activities conducive towards broadly understood cyber safety. In particular, their tasks include: drafting up and implementation of strategic documents and acts of law on cyber safety, international and in-country cooperation, working out guidelines and standards for adequate safety measures of the tele information systems, preparing analysis on cyber safety and threats to the national cyber safety, preparing plans for trainings, tests and drills. Other public authorities play active role in raising awareness and disseminate knowledge on the projects, e.g. Ministry of National Education, Ministry of Higher Education and Science, Children's Ombudsman or President of the Office of Electronic Communications. The aforementioned authorities often carry out projects in partnership with Universities, institutes, NGOs and the private sector. Several initiatives, both local and national, are carried out under the auspices of public authorities.

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?

NGOs carry out numerous preventive activities both on the regional and national levels in Poland. These activities are different in scope and character and involve, for example: publications, radio or TV commercials, information campaigns, fliers, subsidies for local initiatives such as "A safe Internet Day" or national campaign in Poland "Protect your child On the Net". Some of the projects are initiated by the NGOs while other are carried out in close cooperation with public authorities or tasks are assigned to other entities.

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?

National curriculum does not contain separate teaching units dedicated exclusively to cyber safety. However, this topic makes part of many other thematic blocks which are presented in order to raise awareness about potentially dangerous cyber contents. Furthermore, there are various other initiatives offered to schools which give them opportunity to organize vocational workshops dedicated to this issue. These projects are run both by public authorities and NGOs. As part of the Ministry of Justice project called "School education against legal exclusion", there were workshops organized in schools across Poland, under the title "the Internet is more than fun – it's your life" which highlighted the threats that children were exposed to when using the Internet. In addition, the Programme "Child on-line" offers varied educational content dedicated to children and teachers.

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?

Higher education and continuous education curricula intended for people who intend to work or are already engaged in work with children, are created in a comprehensive manner and updated to

include issues related to sexually explicit and implicit content and imagery. This is done to sensitize the people who work with children to the issues and teach them how to recognize the threats.

Question 5. Research

- 5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

Public Authorities respond to the arising needs and both initiate and support research into issues related to sexually explicit content and images, for example: <https://www.rpo.gov.pl/en/node/3454> research: impact of pornography on self-awareness and competencies of girls

- 5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:
- self-generated sexually explicit images and/or videos as children have been shared online?
 - self-generated sexual content as children has been shared online?

Some research investigates the issue of psychological effects but it is very difficult to establish whether this is a priority of each investigation.

→ 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.

Public authorities receive current and up-dated information on the results of research either conducted or commissioned by them.

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

Telephone and on-line helpline for children and teenagers: 116111 and telephone helpline for parents and teachers to address issues involving child safety 800 100 100. Young Internet-users, their parents and professionals can receive help from the two helplines whenever they are exposed to threatening or disturbing content while using the Internet. Both helplines are operated by the Foundation: We Empower Children (Dajemy Dzieciom Siłę). More information on: www.116111.pl and www.800100100.pl

- 6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:
- self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - self-generated sexual content are provided with the necessary support, assistance and psychological help?

“a” and “b”

- A good example of such activities, which are combined together with achieving main goal of investigation (prosecuting the offender), is the establishment of special “friendly” rooms for interrogation of minor victims of sexual abuse, so-called “blue rooms”. These facilities are one of the key elements of Police activities taken to avoid re-victimization of molested children. It consists in the establishment in the Police headquarters/stations the a/m rooms for victim’s interrogation. From the given number, 238 rooms are located in Police stations, the rest of them in courts, prosecutor’s offices, governmental and non-governmental institutions and organizations. The idea of “blue rooms”, as it was underlined above, is to avoid the re-victimization of abused children, therefore the key element of these rooms is an equipment which has to create a friendly atmosphere preventing from repeated experience of trauma - special furniture, toys, anatomic dolls etc. to assure that children will feel comfortable. The necessary element of the room is also a Phoenician mirror (one-way mirror) and audio-video equipment to register sound and image of the interrogation. The interrogation has a form of discussion between a victim and a judge with the participation of a psychologist. During the interrogation, prosecutor, defender, official and technician (responsible for a proper way of questioning and right preservation of a recording) are present in an accommodation behind the Phoenician mirror. The interrogation is recorded on DVD/CD and attached to evidences of the case. The evidence material obtained during the interrogation in the “blue room” has the same legal force as testimonies given during the questioning in the court room. This allows to avoid several interrogations of the child victim in the same case. Below please find a link to an article containing some pictures of “blue rooms”:

http://www.policja.pl/porta1/pol/44/80398/quotNiebieskie_Pokojequot.html

- the training process in the field of combating sexual abuse of children and child pornography including child sexual abuse online aimed on positive identification of offenders has been continued according to the schedule. Polish Police conducted series of different trainings in cooperation with various actors and these trainings included:

- series of trainings conducted in cooperation with Research and Academic Computer Network (NASK) for Police officers, prosecutors and judges in the field of combating paedophilia including child sexual abuse online;

- in analysing period Polish Police increases its activity in combating use of hidden services in Internet such as TOR network which are more and more use for the purpose of child abuse and child abuse materials. Due to the fact that hidden services in Internet assures very high level of anonymity for their users (including child offenders), the international cooperation was and is crucial for investigation and prosecution;

- of perpetrators. Therefore Police cooperated very closely with relevant foreign actors in this area: Europol, EU Member States (i.e. Denmark, Germany, UK), USA (such as FBI or ICE), Australia, New Zealand.

→ 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).

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.

The Ministry of Justice, implements the EU Parliament and the EU Council Directive of 25 October 2012, No. 2012/29/UE on *establishing minimum standards on the rights, support and protection of victims of crime*, by undertaking actions through the Victim Aid Fund and Post-Penitentiary Assistance - Justice Fund.

The funding of the aid to the victims from the resources of the aforementioned Funds is made possible by the provisions of art. 43 of the Criminal executive Code and the Ordinance of the Minister

of Justice of 13 September 2017, issued pursuant to art.43 § 19 of the Act, *on the Victim Aid Fund and Post-Penitentiary assistance Fund*, which sets out principles for giving donations and providing assistance to victims of crime.

The aforementioned financial resources are dedicated to provide aid to the victims of crime and to their next-of-kin. The aid can be provided in the form of medical help, psychological or legal aid. Victims of all types of crime in the Criminal Code and their next-of-kin are eligible to receive such assistance.

Within the same framework, it is also possible to offer material help to the victims, for example to cover the cost of medical treatment, medicine, qualification-enhancement courses, temporary accommodation or shelter. It is also allowed to use the Fund resources as co-payment to cover the current cost of accommodation and utility bills, to buy food or food stamps. The list of all the organizations who received subsidies to provide assistance to victims of crime can be found on the Ministry of Justice website www.ms.gov.pl, under the tab: Victim Aid Fund and Post-Penitentiary Assistance Fund.

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)?

According to the provisions of Polish Penal Code (hereinafter “the PC”) penalisation of acts against sexual liberty and decency (implementing Art. 20 of the Lanzarote Convention) depends on pornographic character of the content of the material involved.

The PC does not provide any legal definition of “pornographic content”. This is done by jurisprudence. According to the well-established line of reasoning of the Supreme Court the key elements of such definition are: (1) the content being contained in a fixed form (e.g. film, photographs, magazines, books, images) or not (e.g. live shows), (2) the content presents human sexual acts (especially showing the sexual organs of a person in their sexual functions), both in non-contradictory aspects of their biological orientation and human sexual behaviour contrary to the patterns of sexual behaviour approved in society, (3) the nature of pornography manifests in the transmission of a particular idea (the content), rather than merely a documented record of a particular factual event. Those criteria allow to differentiate the “pornography” (acts related to which are penalised) from other types of behaviours and materials.

- 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?

There is no direct reference in the PC to the number of minors involved (in any manner) in generation of pornographic content. Nevertheless, this circumstance shall be taken into account by the prosecutor/court when assessing the social gravity (social harm) of the offence committed.

According to the PC social gravity of the offence is one of the key factors taken into account by the court when deciding upon the severity of the criminal sanction for a given offence.

The child's acceptance for being involved in generation of pornographic content cannot be taken as any form of mitigating circumstance.

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

See above.

Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:¹
- possess child self-generated sexually explicit images and/or videos?
 - distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
 - distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

Reply provided in reply to General Overview Questionnaire remains valid.

According to Art. 202 § 3 – 4a:

- § 3. Whoever, in order to disseminate, produces, records or imports, keeps or holds or distributes or publicly presents the pornographic content in which a minor participates (...), shall be subject to the penalty of the deprivation of liberty for a term between 2 and 12 years.
- § 4. Whoever records pornographic content in which a minor participates, shall be subject to the penalty of the deprivation of liberty for a term of between 1 to 10 years.
- § 4a. Whoever imports, keeps or holds or obtains access to pornographic content in which a minor under 15 years of age participates, shall be subject to the penalty of the deprivation of liberty for a term of between 3 months to 5 years.

Criteria according to which such material will be assessed (whether it falls within the definition of pornography) are presented under point 8.1.

As explained under point 8.1 the fact that such content was self-generated by a minor does not influence its assessment as a pornography.

- 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?

There are no such special circumstances in the criminal law. In most cases where self-generated sexually explicit (but not pornographic) content is found, a family court and social service will be informed.

- 9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

All those acts may constitute criminal offences with sanctions described under point 9.1.

- 9.4. Does national law criminalise cases when adults:²
- possess child self-generated sexual content?
 - distribute or transmit child self-generated sexual content to other adults?
 - distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

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.

Reply provided in reply to General Overview Questionnaire remains valid.

All such acts are penalised (details provided under point 9.1).

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?

There are no such special circumstances in the criminal law.

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

All those acts shall constitute criminal offences with sanctions described under point 9.1.

- 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?
 - 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?

With respect to criteria for assessment whether such self-generated material falls within the definition of pornography (as described under point 8.1) all above mentioned acts may constitute a criminal offence, as the age of criminal liability in Poland is 17, and term "minor" (in line with Lanzarote Convention's definition of a child) refers to person under 18 years.

Definitions of those criminal offences are provided under point 9.1.

It is therefore possible to prosecute person under 18 years old for acts described in points (a) to (d).

However, according to general rules of the PC, there is a requirement of minimal degree of social gravity (social harm) of the offence. The social gravity is assessed by prosecutor/court individually in each case.

Acts described in points e and (f), that involve a third-party minor, may more likely fall under the provisions of the PC, as the social gravity of such acts is much greater.

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?

See above.

In most cases where self-generated sexually explicit (but not pornographic) content is found, a family court and social service will be informed. This applies also to cases when participating minor is under 17 years (cannot be criminally liable).

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

All those acts may constitute criminal offences with sanctions described under point 9.1.

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

- 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?

With respect to criteria for assessment whether such self-generated material falls within the definition of pornography (as described under point 8.1) all above mentioned acts may constitute a criminal offence, as the age of criminal liability in Poland is 17, and term “minor” (in line with Lanzarote Convention’s definition of a child) refers to person under 18 years.

Distinction between acts described in points (a) to (d) and points (e) and (f) – made under point 9.7 – remains valid.

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?

See above.

In most cases where self-generated sexual (but not pornographic) content is found, a family court and social service will be informed. This applies also to cases when participating minor is under 17 years (cannot be criminally liable).

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

All those acts may constitute criminal offences with sanctions described under point 9.1.

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?

Not applicable.

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?

Not applicable.

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

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.

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?

Except for criminal offences that can be committed only through ICT (e.g. grooming – in case of which use of ICT is an essential part of definition) the PC does not distinguish between offenses on the basis of the means employed by the perpetrator. Therefore, it is not the use of ICT but the nature of perpetrator's behaviour (coercion, extortion etc.) that will determine whether his/her action constitutes a criminal offence. In cases of sexual abuse of children the use of ICT can even be treated as an aggravating circumstance while it is much easier that way to mislead a victim, hide one's identity or cause serious harm and suffering (e.g. by publication of victim's pictures in social platforms).

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.

Rules on jurisdiction in criminal matters are set out in article 5 and articles 109-113 of the PC. Those provisions apply to offences defined in the PC itself, as well as to any other criminal offences defined in Polish law.

According to art. 5 of the PC, Polish criminal jurisdiction, applies to each and every offender (regardless his/her nationality, namely to the Polish nationals, EU nationals and third - country nationals) who commits a prohibited act in Poland, or on a Polish vessel or aircraft, unless Poland is party to an international agreement stating otherwise.

According to art. 111 of the PC jurisdiction over offences committed outside Polish territory is subject to the condition of dual criminality. However, that limitation does not apply to offences:

- specified in art. 112 of the PC (an offence against: the internal or external security of the Poland; Polish offices or public officials, Poland's material economic interests, and an offence of false testimony made before a Polish office, or an offence from which a material benefit was gained, even if indirectly, in the Poland);
- foreseen in the international agreements to which Poland is a party.

Therefore, since Poland is the party to the Lanzarote Convention the requirement of dual criminality does not apply to offences defined therein.

Poland has however declared that it will not apply in whole Article 25, paragraph 1.e of the Convention – stipulating the jurisdiction based on the habitual residence of the perpetrator. This reservation was made pursuant to and within the scope of Article 25, paragraph 3, of the Convention.

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? No
- b. in prosecution? No
- c. in courts? No

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. No

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

→ 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?

In cooperation with Interpol Polish Police continues process of identification of Polish victims of sexual abuse based on evidence materials (child abuse images) successively receiving from ICSE database.

Furthermore as a realization of EU Security Policy Cycle years 2014-2017 Poland actively participates in actions regarding to EU crime priority "Cybercrime-Sub-priority Online Child Sexual Exploitation" which one of the strategic goals is an "increase and improve the capacity and capability to combat online child sexual exploitation within the EU, with focus on victim identification, expertise in investigation and forensic techniques". Between operational aims dedicated to achieve the a/m strategic goal is development of victim identification which consists inter alia identification of at least one expert in all Member States to focus on Victim Identification strictly and only.

Poland wants to cooperate with Interpol in the field of victims' identification more actively. Therefore Polish Police wants to train several Police officers from regional units for combating human trafficking in using of ICSE database and to assure connection of all Regional Police Headquarters where the a/m officers work to the database. At the moment Poland is in the process of analysis possibility of organization of trainings with Interpol trainers specializing in proper and effectively use of ICSE 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?

The issues of the origin of the content (self-generated or made by other person), victim's consent, and means employed by perpetrator (e.g. use of ICT) do not affect the criminal evaluation of the production (recording, performing), and possession of, as well as the obtaining access to the content involving children.

The main challenge is a proper and adequate assessment of such content in order to distinguish whether its character is sexually explicit but legal or pornographic content. The latter allows the prosecution of the offenders while the former may only result in family court and social services based on minor demoralization.

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)? Yes
- b. prosecutors? Yes
- c. judges? Yes

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

Trainings offered on the following topics:

- A. Paedophilia and child pornography, methodology of investigative procedures including methodology of interrogation pursuant to art. 185a CPP.
- B. Child – special care witness. The practice of child-friendly examination of minor witnesses.
- C. Combating cyber crime

Partnerships

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?

- Participation of Polish Police as a partner in nationwide media campaigns organized or co-organized by NGOs including activities under the auspices of “Safer Internet” Programme: in recent years these actions and campaigns focused on different areas such as child sexual abuse, child-grooming, propagation of paedophilia, distribution of child abuse images. Some of them had also strictly preventive measures directed to parents or teachers.

- Analytical works have been undertaken to establish potential gaps between national and EU requirements regarding prosecution of sexual abuse of children. Based on that analysis the draft amendments to the Criminal Code, Code of Criminal Procedure and other laws have been prepared.

- Enhancement and development of international Police cooperation in the field of combating child sexual abuse on line which is crucial to adequate and effective investigation and prosecution: permanent participation in operations and cases conducted or started at the international level.

1. The Polish Police cooperates actively with law enforcement authorities of other countries in the area of preventing, counteracting and fighting sexual crimes bringing harm to children. Poland is engaged in cooperation with countries that are parties to the Lanzarote Convention relating to these issues, including child grooming, violence and sexual extortion against children, as well as obtaining by perpetrators and utilizing by them pictures, videos and other sexually explicit content created by juvenile victims. Cooperation with law enforcement authorities of other countries in the discussed area is of bilateral and multilateral nature and it is carried out through projects and EU priorities related to preventing and fighting pedophilia. This includes the exchange of operational and procedural materials and information, including procedural evidence, joint actions aimed at counteracting such criminal acts, as well as actions aimed at identifying juvenile victims visible in pornographic or sexually explicit pictures and videos (also if taken or made by the victims themselves). The Polish Police takes part in international actions relating to the functioning of the Interpol's International Child Sexual Exploitation Data Base (ICSE).

2. Cooperation between police services at the European level in the area of counteracting and fighting child grooming, sexual coercion and extortion is often coordinated by Europol, and as a part of this coordination a special working project known as AP Twins (oriented at pedophile crime) is fed by reports provided on an ongoing basis by online service providers, such as Facebook, Google or Yahoo. These service providers inform about pedophile behaviors of users of their web services, including persons who contact children for the purpose of exploiting them via the Internet, and often, subsequently, arrange a direct meeting and physically sexually abuse a child. The reports are forwarded to Europol mainly by the American NCMEC, i.e. National Center for Missing & Exploited Children (via American Department of Homeland Security), subsequently they are initially analyzed

and forwarded to specific Member States, including Poland, to be further processed according to national jurisdiction. The reports, often including video and photo evidence, form the basis for the Police to carry out further steps, including identification of victims and perpetrators, and further operational and procedural actions aimed at holding perpetrators criminally accountable and saving juvenile victims.

3. As a part of international cooperation between law enforcement authorities (supported strongly by the members of the Council of Europe), the Polish Police also takes steps aimed at preventing crime in question. An example of such actions is a pan-European campaign launched on 19 June 2017, oriented against online grooming, blackmail, coercion and sexual extortion against children and young people. The campaign is aimed at increasing social awareness about the level of risk and the scale of the problem, as well as at making young people aware of this criminal phenomenon and where they may seek help and support if they become victims. The campaign, in which all EU Member States, as well as Norway, Switzerland and Europol are involved, is one of the components of the EU's Security Policy Cycle in the area of fighting serious and organized crime, including crime relating to online sexual exploitation. An important part of this campaign is a 10-minute movie about online sexual extortions against children. It was prepared and translated by Europol (with active support of Poland) and disseminated in EU Member States involved in the project. The movie presents real stories experienced by young people while they were using the Internet and it is aimed at raising their awareness about risks arising from making online contacts carelessly. The movie ends with information for victims and people who are aware of a sexual extortion against a child – “Seek help. Report the case. We are here to support you”. More information on the campaign and the movie are available at:

<http://www.policja.pl/pol/aktualnosci/144518,Powiedz-NIE-ogolnoeuropejska-kampania-dotyczaca-zwalczania-szantazu-i-wymuszen-s.html>.

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?

See above.