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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**

**PORTUGAL**

**2<sup>nd</sup> 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 11 December 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?

Yes, there are. Please see hereunder - consolidated answer 1.1.; 1.2. and 1.3

**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?

Yes, there are. Please see hereunder - consolidated answer 1.1.; 1.2. and 1.3

**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?

Yes, there are. Please see hereunder- consolidated answer 1.1. ; 1.2. and 1.3.

**→ 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.**

In the field of awareness raising and dissemination of educational materials, we highlight the following entities:

► **Fundação para a Ciência e Tecnologia (FCT) (Science and Technology Foundation)**

The FCT established a comprehensive project - PT SIC Resources (in relation to PT- SIC please see answer to question 2) with the objective to work in the field of digital competences.

One of the most popular resources of PT SIC – “Net com Consciência”, consisting of 10 videos, which address young people's online behaviour, aims to promote safer and more responsible use of the internet, while also encouraging young people to report any harmful content they encounter online to the Portuguese SIC hotline and helpline organisations.

Considering that its aim is to build inclusive and accessible resources, PT SIC worked in close collaboration with Unidade ACESSO of Fundação para a Ciência e a Tecnologia (FCT) to develop two new versions of this resource. The web series is now available with Portuguese Sign Language (allowing deaf people to correctly understand it) and Portuguese Audio Description (helping blind or low vision people to better understand and imagine all the entertaining and pedagogical moments of this series).

These new resources are available in:

Portuguese Language: Subtitled in PT and EN: <https://goo.gl/dURRGV>

- Portuguese Sign Language: <https://goo.gl/axFGNS>
- Portuguese Audio description: <https://goo.gl/dAS7ps>

EPI, Escola Profissional de Imagem (Image Professional School) is a special curricula school that has been a partner of PT SIC since 2014, using their final exams of design and communication classes to produce some of the PT SIC resources. In 2015, PT SIC developed a special awareness session concerning the topics of cyberbullying, sexting, hate speech and grooming. In this awareness session, PT SIC's Helpline was also referred to as the main service to help youngsters when they need some advice about these matters.

Following this active partnership, during the year of 2015, students developed a new set of resources specially designed for young people. These resources are:

- Video "Revenge Porn – What are you sharing?";
- Music Video "Dependência online", about online addiction;
- Helpline Audio Spots, alerting for the dangers related to Sexting and Cyberbullying;
- 6 Original songs, which talk about Sexting, Grooming, Revenge Porn and Cyberbullying;
- 26 Posters, which alert for Cyberbullying, Grooming and online addition risks.

In addition to the special awareness session, during the production of some awareness resources by the students there were also regular follow up meetings with the teacher and their classes.

These students made very good resources and were extremely engaged in this new peer-to-peer methodology.

Although the Revenge Porn Video might seem a little bit shocking, it was well received within the community, considering the comments made by the participants of the PT SIC Awareness Sessions. It is available for download in:

<https://www.youtube.com/watch?v=AxSzREwaKnM>

The SexTing Flyer developed in cooperation with the EPI presents an analysis regarding the meaning of sexting – what it is; why does it constitute a risk to the users who do it; what to do if something goes wrong and which services you can contact to help you out, namely the PT SIC Helpline. It is available for download in:

[http://www.internetsegura.pt/sites/default/files/Jovens\\_Sexting.pdf](http://www.internetsegura.pt/sites/default/files/Jovens_Sexting.pdf)

**Hotline (Linha Alerta) flyer:** The PTSIC hotline flyer gives specific information on which inappropriate content should be reported and provides all the service contacts of the operational team. It is available for download in

<http://www.internetsegura.pt/sites/default/files/Flyer%20Linha%20Ajuda.pdf>

**Safer Internet Day Article: Sexting.** To celebrate Safer Internet Day 2017, PT SIC in association with a magazine “Mais Educativa”, developed an article targeting students (ages 14-19) that addressed Sexting Trend in a more informal way. The article provided several information and guidelines that raise awareness on young people about the risks of sexting and self-generated content and on how to do it, minimizing the risks/impact of something going wrong. The article intends to have a non-judgmental position towards the practice of sexting, explaining how the legislation understands this practice and what could be the consequences of sharing self-generated pornographic content with other people. In the end, the article also provides a list of measures all the users should heed to protect their identity and reputation. It is available for download in: [http://www.internetsegura.pt/sites/default/files/ArtigoMaisEducativa\\_SabesTerUmaRelacaoOnline.pdf](http://www.internetsegura.pt/sites/default/files/ArtigoMaisEducativa_SabesTerUmaRelacaoOnline.pdf)

**Helpline** - During the last year of activity, PT SIC Helpline received mainly contacts from young people (from 12 to 18 years old), parents and teachers.

A relevant percentage of the number of contacts referred to questions regarding technical information and issues related to online privacy, what to do when they are victims of privacy abuse and how they can protect themselves.

More specifically, great part of the young people that contact the helpline, asks questions regarding what to do after seeing photos and/or videos of a sexual nature, which were released online without consent.

Parents that contact the helpline show that they are worried about their children's contacts with strangers.

Some adults also ask which steps they should take as victims of online commercial fraud.

**Hotline** - Over the last 12 months, PT SIC hotline received 1932 reports, from which were positively evaluated 244 cases of Child Sexual Abuse Material (13%) and 7 cases of Racism and/or Xenophobia Promotion (0.4%).

The hotline had an operation peak on the first quarter of 2017, registering a high number of positive reports which were, after due analysis, sent to the Criminal Police and the other Hotlines members of InHope.

#### ► **The Ministry of Education (ME)**

The Ministry of Education (Please see answer to question 2) produces and makes available activities and resources, either under individual projects such as "Miúdos Seguros na Net", or institutions targeted to children wellbeing and also by the Ministry of Education (Directorate-General of Education, <http://www.dge.mec.pt/>) - project "Seguranet", within the consortium "Internet Segura".

Through this project – SeguraNet, invited all educational communities to promote activities in the field of digital security, during the month of October (2017), to mark the month of Cybersecurity.

(i) Digital leaders - This initiative aims to raise safe and responsible use of internet young promoters through the intervention in educational communities, and is addressed to the 1st, 2nd, 3rd and secondary education Cycles (<http://www.seguranet.pt/pt/iniciativa-lideres-digitais>);

(ii) Challenges SeguraNet – This annual competition involves students of 1st, 2nd and 3rd cycles, parents and teacher, where monthly and quarterly challenges are provided for each of these audiences, which address the issues of digital security (<http://www.seguranet.pt/pt/desafios>). The topics include sexting and online predators: (<http://www.seguranet.pt/pt/desafios-2o-e-3o-ciclos>).

(iii) Selo de Segurança Digital (eSafety Label) - Is a European initiative which aims to ensure digital security practices in schools. Schools may be included with the stamps of gold, silver or bronze (<http://www.seguranet.pt/pt/esafety-label>).

In the area of prevention, the following vocational courses - “Area de Integração” (Integration Area) and the education and training courses on - “Cidadania e Mundo Atual” and “Cidadania e Sociedade (Citizenship and Modern World and Citizen and Society) incorporate contents that contribute to awareness-raising on the dangers of sexually explicit images/ content by addressing issues related to sexuality.

► **Comissão de Proteção às Vítimas de Crime (Commission for the Protection of Crime Victims)** (<https://cpvc.mj.pt/>)

The Commission carries out several training/ awareness actions in schools, specifically dealing with this subject. In these activities, the Commission prepares and offers all the didactic material at schools, in particular several power points, in such a way that teachers can use them afterwards. This Commission has made during 2016, 55 training actions, covering all the country, 49 belonging to the public sector, 5 to the private sector and one being a vocational college. It has also participated in 2 seminars organized by a teacher’s union.

► **Polícia Judiciária (Criminal Police)** (<https://www.policiajudiciaria.pt/>)

All the Criminal Police (PJ) departments develop awareness-raising activities – lectures, seminars, workshops – about the dangers of spreading videos and photographs about one’s private life, in general, as well as videos and photographs of a sexual nature. These awareness-raising activities may be requested by schools.

In some locations, PJ units may have agreements with services from the Ministry of Education to enable awareness-raising classes in schools to be given by police staff, in order to explain to the students the risks involved in uploading self-generated intimate images or videos, and other risks related to the unsupervised internet use.

In general, the specialized Law Enforcement Agencies regional squads or units regularly hold awareness sessions targeting teachers’ groups and other professionals dealing with children (at least twice a year, more if requested).

► **Comissão Nacional de Promoção dos Direitos e Proteção das Crianças e Jovens em Risco (National Commission for the Promotion and Protection of Children and Youth at Risk)** (<http://www.cnpcjr.pt/left.asp?11>)

The National Commission is developing a theatre play entitled “mybodymyrules”, addressed to children aged 10 to 14 years, with a view to creating an educational resource for the prevention of sexual abuse –the play deals with issues related to exposure in social networks.

The public presentation is scheduled for the day 18 November 2017 (European day for the protection of children against Sexual abuse).

► **Instituto de Apoio à Criança ( IAC) (<http://www.iacrianca.pt/>)**

IAC Institute carries out awareness sessions related to the safer use of the Internet in schools, specifically in Lisbon and Coimbra district. These actions are aimed at adolescents in public schools. Nevertheless, they also raise awareness to children and young people and their families in troubled neighbourhoods in Lisbon.

IAC Institute is associated to 2 teacher training centers.

IAC has a newsletter called “Infocedi”, which periodically addresses topics related to the safer usage of Internet, fake profiles, cyberbullying, image protection, among others.

IAC’s website references several helplines, namely the free support helpline – SOS Criança.

IAC has recently published the book-game “*Ameaça nas redes sociais!*”(Menace on social net) and the first volume called “*E agora, Marta?*”, (And now, what, Marta?) from the “*Alerta Premika! Risco online detetado*”, (Premika alert! online risk detected?) series, dedicated to children from the first and second cycles.

► **Associação Portuguesa de Apoio à Vítima (APAV) ([https://www.apav.pt/apav\\_v3/index.php/pt/](https://www.apav.pt/apav_v3/index.php/pt/))**

Since its creation in 1990, the Portuguese Association of -Victim’s protection - APAV, a non-public entity, is recognised by law with the statutory objective to inform, protect and support citizens who have been victims of crime. APAV always has in mind not only the need to support victims of crime, but also the need to prevent crime.

This association has put in place numerous awareness-raising sessions to different audiences, from children and young people in schools, to professionals in different areas of intervention.

The issue of sexual violence against children and youngsters, especially with regard to self-generated sexually explicit images and / or videos and self-generated sexual content, has long been addressed by APAV, but has received increased attention since the creation of the CARE network in January 2016.

In fact, awareness-raising and crime prevention sessions have been developed both with children and youngsters, and with parents and professionals who, in different areas, deal with them (health professionals, education, and others).

In 2016, CARE network produced a public campaign, in Portuguese language, addressing the issue of preventing sexual violence against children and youngsters, with the slogan "Sexual abuse of children and youngsters does not have to be a secret". The goal was mainly to provide children, youngsters and adults with knowledge about the different behaviours considered sexually abusive, and the consequences of these crimes, encouraging them to make a formal complaint and/or to seek help. The campaign can be consulted on the APAV website at:

[https://apav.pt/apav\\_v3/index.php/pt/1297-apav-lanca-campanha-de-prevencao-dos-abusos-sexuais-de-criancas-e-juvenis](https://apav.pt/apav_v3/index.php/pt/1297-apav-lanca-campanha-de-prevencao-dos-abusos-sexuais-de-criancas-e-juvenis)

At the same time, there is another APAV website for young people [www.apavparajovens.pt](http://www.apavparajovens.pt), (available in Portuguese, English and Swedish). This website addresses the types of violence to which children and youngsters may face, the consequences that victims may experience, and offers ways

to deal with the crimes if the youngsters are the victims, authors or witnesses. Amongst other topics, the website [www.apavparajovens.pt](http://www.apavparajovens.pt) addresses issues related to sexual violence and online violence.

In addition to this resource, the APAV has the website [www.abcjustica.pt](http://www.abcjustica.pt), which aims to inform children and youngsters of the rights as a victim of crime and what to expect from the development of a criminal process.

Recently, APAV has developed the book “A estrela de Klahan” (The Star of Klahan) which tells the story of a 9-year-old boy who intends to draw adults' attention to the importance of all, including the family, in the support and protection of children. The same project also developed a game, “Junt@s no Quiz” (Together in the quiz) - which is a game with questions and answers about gender equality, relationships, effects of violence, rights and security, to children since age 6, which intends to spread the adoption of safety behaviours in the different contexts in which children move themselves:

[https://www.apav.pt/apav\\_v3/index.php/pt/1576-projeto-junt-s-na-prevencao-da-violencia-contra-as-criancas-dinamizou-dia-j](https://www.apav.pt/apav_v3/index.php/pt/1576-projeto-junt-s-na-prevencao-da-violencia-contra-as-criancas-dinamizou-dia-j)

► Instituto Português Desporto e Juventude (<http://www.ipdj.pt/>)

The Portuguese Institute for Sports and Youth (IPDJ), the “Sexualidade em Linha” Helpline, <http://juventude.gov.pt/Eventos/SexualidadeJuvenil/Paginas/Sexualidade-em-linha-novo-numero-800222003.aspx> receives sporadically requests related to this subject. However, being a helpline in the field of sexual and reproductive health, it plays a proactive role in the prevention of certain behaviours, through the production of contents on the various areas of the Helpline, such as dating relationships; sexual relations and, consequently, abusive relationships, which gain new contours with the use of the internet and social networks. The helpline uses its Facebook page to alert and inform.

<https://juventude.gov.pt/Eventos/SexualidadeJuvenil/Paginas/Sexualidade-em-linha-novo-numero-800222003.aspx>

<https://www.facebook.com/Sexualidade-em-Linha-450510755077632/>

→ 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).

Apart from what has been mentioned in the previous answer, we would also like to draw the attention to the following materials:

- "You and the Internet - (Ab) use, crime and denunciation": <http://www.ministeriopublico.pt/ebook/tu-e-internet>
- Sugar packs (Seguranet): <http://www.seguranet.pt/pt/campanha-pacotes-de-acucar-com-delta-cafes>
- Cartoons (seguranet): <http://www.seguranet.pt/pt/tiras-bd-seguranet>
- Leaflet Internet Segura + Seguranet and online information: <https://www.internetsegura.pt/riscos-e-prevencoes/sexting>  
[https://www.internetsegura.pt/sites/default/files/Jovens\\_Sexting.pdf](https://www.internetsegura.pt/sites/default/files/Jovens_Sexting.pdf)  
<https://criancasatortoeadireitos.wordpress.com/2016/09/10/net-com-consciencia-sexting/>  
(Tutorial series)
- Miúdos Seguros na Net Online Platform: <http://www.miudossegurosna.net/>

- IAC: Instituto de Apoio à Criança:  
<https://criancasatortoeadireitos.wordpress.com/2016/02/20/conheca-os-perigos-do-sexting-e-a-forma-de-os-evitar/>
- The Criminal Police uses materials found in open sources, such as the following:  
<https://www.youtube.com/watch?v=F7pYHN9iC9I>  
[https://www.youtube.com/watch?v=u\\_4w3FYHLE](https://www.youtube.com/watch?v=u_4w3FYHLE)  
<https://www.youtube.com/watch?v=2FnqfnqsVQA>  
<https://www.youtube.com/watch?v=gJ6mOPdR-5A>  
<https://www.youtube.com/watch?v=ESxcGbzfmg0>

The CNAC has produced several power points that can be freely reproduced.

## Question 2. Civil society involvement

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

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

**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?

Questions 2.1 and 2.2:

As far as the preventive activity implemented in civil society is concerned, we would like to **highlight PT SIC**.

PT SIC was created in 2007 under the strategic orientation to assure privacy and security in the use of the Internet, more specifically, to guarantee that all the citizens have access and are able to access and to manage tools that can protect them from the risks that might derive from the use of the Internet. The main goals of the project are:

- To promote the safe use of the Internet;
- To raise awareness in society for the risks associated to the use of the Internet;
- To report illegal contents in the Internet;
- To minimize the effects of illegal and harmful contents.

The PT SIC is a partnership of five entities, namely:

**Fundação para a Ciência e a Tecnologia, I.P. (FCT)** is the coordinator of PT SIC Consortium and is the main funding agency for research in Portugal. FCT is also responsible for coordinating the policies for the information society and mobilizing it through dissemination, qualification and research activities. Besides, FCT has a major role in promoting ICT development and ICT literacy.

**Directorate-General for Education (DGE)** is under the Ministry of Education, and amongst others, has the mission to conceive, develop and evaluate the initiatives concerning the use of Internet in schools and in learning processes. DGE's specific remit is to make sure that



national policies are implemented regarding the pedagogical and didactic components of pre-school, primary, lower and upper secondary education, as well as the provision of education for children not attending school. Internationally, DGE is responsible for the eTwinning and eSafety Label Project.

**Portuguese Institute for Sports and Youth (IPDJ)**, IPDJ acts as a coordinator of Youth Information Points Network, Youth Information Helpline, as well as coordinator of the National Committee of No Hate Speech Movement Campaign, promoted by Council of Europe.

**Portugal Telecom Foundation (FPT)** is a non-lucrative organization, created by Portugal Telecom, a Telecommunications operator. It encourages personal digital capacities development, in particular the support to citizens with special communication needs.

**Microsoft Portugal** is part of Microsoft Corporation with a key role in the spreading of information technology use and the promotion of digital inclusion with a strong input in educational activities. Security is one of the areas where Microsoft has been working with public and private institutions to promote the safe usage of information technologies.

**To achieve its goals**, PT SIC divides its work in four main functions:

**a. Generic Awareness Centre** – Centro Internet Segura – with an objective to educate and raise awareness among the general public about online safety. This work is led by FCT when it comes to the general public.

**b. School Awareness Node - SeguraNet** - with a particular focus on raising awareness of children, parents and teachers on how to stay safe online, DGE is responsible for running this Awareness Node in cooperation with the National ICT Competence Centres.

**c. Hotline** – Linha ALERTA operated by FCT for the public to report illegal content on the Internet in an anonymous way. After receiving a report, the hotline works in partnership with the online industry, law enforcement, government and international partners to eliminate or diminish the accessibility of this content, specifically child pornography images hosted anywhere in the world.

**d. Helpline** – Linha Internet Segura, provided by FCT, helping children, young people and adults with any online safety issues they may face themselves.

In order to accomplish PT SIC mission, every effort is made to produce inventive, educational and appropriate tools, resources and campaigns to engage and motivate children, young people, teachers, social workers, adults and seniors to consider their own online safety. It's also recognized the need to build and strengthen a network with all the stakeholders that are involved in Internet safety and security – public and private institutions and third-sector organizations – in cooperative spirit and reinforcing a positive message about the use of online technologies.

As such, PT SIC counts with two consultancy bodies to better design and prepare its resources and campaigns:

**a. The Digital Leaders initiative for Portuguese schools** aims to improve the knowledge and competences of safer use of the Internet and mobile devices, within educational communities, through specific non-formal training of selected students (from 9 to 18 years old), during the school year. The dissemination of competences is achieved through the development of non-formal awareness sessions promoted by those Digital Leaders students within their educational communities, using the skills acquired and the proposed educational materials.

**b. Advisory Board** – This organ comprises entities and personalities with a recognized know how and responsibilities in the development of Information Society in Portugal, as well as youth and children rights and protection. In the reporting period, the group met two times (December and May) and was enlarged to a total of 23 institutions, that is: Foundation for Science and Technology (FCT), Directorate-General for Education (DGE), Portuguese Institute for Sports and Youth (IPDJ), Microsoft Portugal, National Confederation of Parents Associations (CONFAP), Association for the Telecommunications Operators (APRITEL), National Authority for the Communications (ANACOM), PhD Cristina Ponte (EU KIDS ONLINE Portugal), Institute for Child Support (IAC), Judicial Police (PJ), High Commissariat for Immigration and Intercultural Dialogue (ACIDI), National Association for Information Technologies and Electronics Enterprises (ANETIE), PhD Gustavo Cardoso, National Commission for the Protection of Children and Young People at Risk (CNPCCR), School Libraries Network (RBE), Portuguese Data Protection Authority (CNPD), Google, National Council for Youth (CNJ), National Commission of UNESCO, Casa dos Bits' Media Partner and Portuguese Association for Victim Support (APAV), Portugal Telecom Foundation (FPT) and Association DNS.pt.

The state encourages also the implementation of prevention projects and programs carried out together with civil society through the:

- ▶ **National Commission for the Promotion of the Rights and Protection of Children and Young People (Comissão Nacional de Promoção de Direitos e Proteção de Crianças e Jovens em Risco)** (<http://www.cnpcjr.pt/left.asp?11>)

This Commission has in its website general information about safety on the net with reference to specific entities <http://www.cnpcjr.pt/left.asp?15.03.13>, where we can find ANACOM (National Authority for Communications) that is creating awareness through the <https://www.anacom.pt/render.jsp?contentId=754018>, which directs to the ITU page <http://www.itu.int/en/cop/Pages/default.aspx>

- ▶ **Commissions for the Protection of Children and Young People** (<http://www.cnpcjr.pt/left.asp?14>)

Commissions for the Protection of Children and Young People are active entities in the neighbourhood. An important intervention from the National Commission for the Promotion of the Rights and Protection of Children and Young People must be outlined in the development, as from 2014, of Actions for Sensitization and Specialized Training on Suspected Sexual Abuse of Children and Young People, with the collaboration of the Law Enforcement Office Polícia Judiciária and IMLSF (Institute of Legal Medicine and Forensic Sciences), aiming at training Protection Commissions' professionals as well as entities with competence in Childhood and youth (Preschool, 1st and

2<sup>nd</sup> cycles), Hospitals, Health Centres, IPSS (Private institutions of social solidarity) and Law Enforcement Agencies.

In this context, a game called "Os Búzios" (The whelks), written by the a psychologist, was also distributed by the Commissions, at national level, with a view to detecting, in approaching children and young people, situations involving sexual abuse, in particular due to contacts kept between the abuser and the victim through the internet.

The State also encourages work of civil society trough Portuguese **Law enforcement agencies, Security Forces and Services**

- ▶ **Polícia Judiciária** (<https://www.policiajudiciaria.pt/>)

Is also supporting activities from civil society organized by private law associations and other civil entities: lectures, seminars, and workshops

- ▶ **National Republican Guard** (*Guarda Nacional Republicana* – GNR (<http://www.gnr.pt/>))

In the scope of the "Communicating in Security - Internet Security Program" launched in 2010 in partnership with the "PT Foundation", formalized through a Protocol signed in March 2011, in particular, the "Communicating in Security - Internet Safety" Training Framework, dated January 2013, and the Pedagogical Teacher Support Booklet on "Bullying and Cyberbullying", of September 2013, with presentations on Bullying and Cyberbullying. The Notebook is directed to the military of the Special Programs Sections (SPE) of the Territorial Detachments, in order to carry out awareness actions aimed at 1st, 2nd and 3rd cycle students.

In 2014 GNR signed a Cooperation Protocol with the MSFT (Software for Microcomputers, Lda. - Microsoft Portugal) where programs and projects that contribute to the promotion and awareness of digital citizenship and security were integrated.

- ▶ **Public Security Police** (*Polícia de Segurança Pública* – PSP, <http://www.psp.pt/Pages/defaultPSP.aspx>)

PSP does not have programs or projects specifically directed to the sexual images on the Internet with children. At the general level on the theme of internet use and the risks associated with such use there is a protocol program between PSP and the PT Foundation entitled "Communicating in Security":

<http://comunicaremseguranca.sapo.pt/roadshow-passatempo-vamos-comunicar-em-11063>

Under this program, 1,625 awareness actions were carried out for students, in the academic year 2016-2017 (between September 2016 and August 2017). These actions were attended by 51,286 students, 7,971 teachers and 827 parents. The actions were given by 2,476 PSP trainers and 256 by the PT Foundation.

Special mention should be made to two different civil society entities:

- ▶ **APAV** ([https://www.apav.pt/apav\\_v3/index.php/pt/](https://www.apav.pt/apav_v3/index.php/pt/))

As already mentioned, APAV has created and implemented the CARE network – support to children and youngsters victims of sexual violence, their families and friends.

Nowadays, there are eight staff elements full-time dedicated and about thirty volunteers that provide not only the direct support to victims of sexual violence, but also develop other activities – for example, awareness-raising or research.

CARE network has been developing awareness-raising sessions concerning sexual violence against children and youngsters, since January 2016.

These sessions have, amongst other themes, addressed prevention and action about “self-generated sexually explicit images and/or videos” and “self-generated sexual content”:

<https://www.apav.pt/publiproj/index.php/67-projeto-care-rede-de-apoio-especializado-a-criancas-e-jovens-vitimas-de-violencia-sexual>

► IAC (<http://www.iacrianca.pt/>)

Whenever IAC Institute is aware of reports or requests for help, it forwards them to the Criminal Police. In some cases psychological and legal support is provided, free of charge. IAC Institute actively participates in activities developed by Child Helpline International.

### **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?**

The national curricula does not tackle this issue specifically. However under the theme "Internet Safe Use" it is common to address this issue, with the support of tools and materials mentioned above.

### **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?**

The NOVA Law School Master on Litigation and Arbitration («Mestrado em Direito: Forense e Arbitragem») offers a course on Family and Children Law (<http://www.unl.pt/>). In this course, although the subject of children sexual exploitation and sexual abuse facilitated by information and technologies (ICTs) is not specifically addressed as such, students study several cases of children at risk or in danger, which encompass this type of exploitation.

The same Master also offers a course on Criminal Law, which deals with sexual offences. The crime of sexual exploitation and sexual abuse of children facilitated by ICT is not specifically mentioned on the programme. However, due to the open nature of classes, which are based on dialogues, debates and research made by students, this issue has often been raised and debated.

These two courses are mandatory for students willing to pursue the judicial specialization (= to become Judges or Prosecutors).

At the level of continuous training please see answer to question 15.

## **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.**

Consolidated answer

Yes. Public authorities have supported research on these issues.

According to one Lisbon University (NOVA FCSH) there are doctoral studies in Portugal that approach the topic of self-generated sexually explicit images and/or videos regarding children or young people.

EU Kids Online is a multinational research network, in which Portuguese researchers are actively involved, has been developing considerably important and influential work to enhance knowledge of European children's online opportunities, risks, and safety. For more than one decade, this network is mapping children and parents' experiences of the internet, in dialogue with national and European policy stakeholders

In 2017, the Law Faculty of the same NOVA University awarded a Master degree to a student who wrote a thesis on criminalization of child pornography. The thesis focused on the limits to the criminalization of child pornography, in particular the protection of the freedom of artistic creation. The thesis addressed some problems derived from self-generated sexually explicit images and self-generated sexual content.

Teachers and investigators at the University of Law of COIMBRA have produced several studies which include this subject, namely "Comentário Conimbricense do Código penal", Tomo 1, 2ª edição, 2014.

This University awarded several master degrees concerning these issues. In particular, in the year of 2016 "Cybercrime: child pornography in internet" and "Virtual and apparent pornography: illegitimacy of penal intervention".

## 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?

In both cases a. and b. children are signaled by authorities, such as police bodies, school psychologists and health technicians, and then referred to the Comissão de Proteção de Crianças e Jovens or CPCJ (Commission for the Protection of Children and Young People).

There are also several helplines and hotlines although not exclusively designed for these subjects:

- ▶ **IAC:** SOS-Criança, which includes a hot line number (116 111) and an online chat (<http://www.iacrianca.pt/index.php/setores-iac-sos/apresentacao-sos>)  
Within the consortium "Internet Segura", there are two helplines: one devoted to the identification of "offensive content" and another one to support victims of abuse. Both are operated by civil society organisations (<http://linhaalerta.internetsegura.pt/> and <http://www.internetsegura.pt/linha-internet-segura>). The help requests made to SOS Criança (+351 21 793 16 17) are done by telephone, mail, e-mail and online chat. These requests are received by psychologists who listen, inform, support and refer them to the local entities with territorial jurisdiction. IAC Institute also coordinates with the European Line for Children at Risk through 116 111; and with Missing Children Line – 116 000.
- ▶ **APAV:** has a dedicated site related to social net and new technologies (<https://www.apavparajovens.pt/pt/go/redes-sociais-e-novas-tecnologias>) (with the possibility of quick concealment) and hotline 707 200 077.  
APAV is available to receive requests for support, including from/related to children and youngsters victims of crime.  
This support can be requested in person, through the Victim Support Offices, by telephone, locally to each Victim Support Office or to the Victim Support Helpline (free number 116 006, available every working day between 9am to 7pm), online, via skype (user: apav\_lav), or by email or letter.  
In addition, a request for support can be reached at [www.apavparajovens.pt](http://www.apavparajovens.pt), where there is available a place to send a quick message (<http://www.apavparajovens.pt/en/go/menu-footer2-contactos>).
- ▶ All LEA have profiles in Facebook and on line information and contacts. The aim is to be closer to the citizens and to better and quicker reach them in order to protect their rights and safety, particularly the most vulnerable in which children are included:  
Facebook **PSP:** <https://www.facebook.com/policiasegurancapublica>  
Facebook **Polícia Judiciária:** <https://www.facebook.com/pages/Policia-Judiciaria/103628463064066>  
Facebook **GNR:** <https://www.facebook.com/GuardaNacionalRepublicana>  
Facebook **SEF:** <https://www.facebook.com/servicodeestrangeirosefronteiras>

**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?**

With regard to legislative measures aimed at ensuring psychological support and assistance for child victims - who have participated in videos of sexual content or have been subjected to the viewing of images with such content - several legislative solutions can be highlighted:

1. Law on the Protection of Children and Young People in Danger, approved by Law 147/99, of September 1, amended by Law 142/2015, of September 8.

Under the provisions of Article 3 (2)(b) of this Law, the child who experiences the situations in question is in danger because they affect their health and their integral and balanced development and, therefore, should be the object of the State's protective intervention. Consequently, and in accordance with legal provisions, a promotion and protection measure takes place. Such measure is to be performed in the natural environment (for example, support with parents, support with another family member, confidence of the right person, family or residential care, for example), always according to the solution that best defends the interests of the child, after due analysis and assessment of the specific case by the competent authority, which may be the Commission for the Protection of Children and Youth in the area of residence of the child / young person or the Juvenile Court, depending on whether the case is one or the other. Taking into account the provisions of Arts. 39, 40, 43 and 49 of said Law, the execution of any of these measures may / should include the necessary provision to the child of psychological counselling.

2. Code of Criminal Procedure and Statute of the Victim, approved by Law 130/2015, of September 4.

From the criminal point of view, the child victim is always considered to be a particularly vulnerable victim, under the terms of Article 67-A, §1 d of the Criminal Procedural Code (CPP). Pursuant to the provisions of Article 15 §4 of the Statute of the Victim, the judge or the Public Prosecutor at the investigation stage may determine that psychosocial support be provided to him or her, whenever this proves indispensable for his or her protection.

3. Law on Witness Protection - Law 93/99, of July 14.

Article 27 of the Law on Protection of Witnesses provides for the monitoring of the particularly vulnerable witness, namely through psychological support, by a specialized technician.

It should also be highlighted the abovementioned Law 103/2015 of August 24, which introduced the criminal offence of "Sexual harassment of minors" (Aliciamento de menores para fins sexuais) - Article 176-A of the Criminal Code - added Article 69-C to such Code.

For its importance, the introduction of §3 of that legal provision which provides for an accessory penalty shall be highlighted. In fact, in the cases of conviction of the perpetrator of any crime provided for in Articles 163 - 176-A of the Criminal Code, and in case where a family or quasi-familiar relationship between the accused and the child victim exist, the perpetrator shall, in addition, be sentenced, by the criminal court, with the inhibition of parental responsibilities for a period to be fixed between 5 and 20 years.

On the other hand, the wording introduced in the Civil Code by the recent Law 24/2017 of May 24, subparagraph b) of the new Article 1906-A, inserted in harmonization with a legal provision already contained in Article 40, § 9 of the General Regime of the Civil Guardianship Process (Regime Geral do Processo Tutelar Cível – RGPTC), approved by Law 141/2015 of September 8, provides the possibility of repealing the rule of joint exercise of parental responsibilities, once it is presumed that such exercise is contrary to the interest of the child, in the situations referred to by way of example.

4. The law on cybercrime (Law 109/2009, September 15) can also be useful because it creates specific types of crimes, that PJ'sUNC3T investigates.

→ **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).**

No data available.

### **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**

▶ **PT SIC helpline**

In the scope of PT SIC' Helpline, agreements are in place with APAV (Portuguese Association for Victim Support: [https://apav.pt/apav\\_v3/index.php/en/](https://apav.pt/apav_v3/index.php/en/)) and IAC (Child Care Institute: <http://www.iacrianca.pt/index.php/en/>) which allow specific cases to be referred to those organizations.

▶ **APAV**

A special mention should be brought to APAV CARE network, which works closely with other entities, such as the Criminal Police (Policia Judiciária – PJ), National Institute of Legal Medicine and Forensic Sciences (Instituto Nacional de Medicina Legal e Ciências Forenses, IP) and, more recently, National Institute of Medical Emergencies (Instituto Nacional de Emergência Médica – INEM). This support is provided daily in mutual cooperation with child protection services, social security, courts and other institutions (e.g. shelters for children and youngsters).

## **Legislation**

### **Question 8. Legislation**

**8.1. Does national law contain any reference to:**

**a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (art. 18-23)?**

No.



**b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (art. 18-23)?**

No.

**c. 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)?**

No.

**8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:**

**a. self-generated sexually explicit images and/or videos?**

No (see replies to questions 9.7. and 9.10.).

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

No (see replies to questions 9.7. and 9.10.).

**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?**

No.

**b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?**

No.

## **Question 9. Criminalisation**

**9.1. Does national law criminalise cases when adults:**

**a. possess child self-generated sexually explicit images and/or videos?**

The Portuguese Criminal Code criminalizes possession of any pornographic material, consisting of photographs, films and recordings that involve children (Article 176, n. 1, d), Criminal Code). Furthermore, the law prohibits the possession with intent to distribute of pornographic material with "*realistic representation of children*" (Article 176, n. 4, Criminal Code).

**b. distribute or transmit child self-generated explicit images and/or videos to other adults?**

The Criminal Code criminalizes the distribution, import, export, disclosure, view or transfer of any pornographic material that involve children (Article 176, n.1 c).

**c. distribute or transmit child self-generated explicit images and/or videos to other children than those depicted on such images and/or videos?**

The Portuguese Criminal Code criminalizes distribution, import, export, disclosure, view or transfer of any pornographic material that involve children (Article 176, n. 1 c).

**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 a conviction?**

All cases are prosecuted due to the legality principle.

However, prosecution may not take place in cases of non-existence of criminal liability (f.i. psychic anomaly) or in cases of exception of unlawfulness (rules of consent), article 141, 5 Code of penal procedure)

In cases of prosecution, it is also possible to apply the provisional suspension of the procedures with the imposition of rules of conduct: according to Article 282/8, of the Code of Criminal Procedure, the prosecution can choose, in the interest of the victim and when the victim is a child, to suspend the procedure, as long as the offender has no prior convictions and has never benefited from this measure.

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

For the mere possession of pornographic material involving children, the penalties are one month to 2 years of prison, or up to 5 years of prison if the act was committed with intention to profit (Article 176/5/7, Criminal Code). The mentioned penalties are aggravated by one third if the offender has a close family relationship to the victim or if the offender takes advantage of a relationship of legal, co-habitational, hierarchical, economical or work nature (Article 177/1, Criminal Code).

For the possession with intent to distribute or the act of distribution of pornographic material involving children, by an adult to other adults or children, the penalties are 1 to 5 years of prison, or 1 to 8 years of prison if executed professionally or with intention to profit (Article 176/1/c/d/2, Criminal Code). The mentioned penalties are aggravated by one third if the offender has a close family relationship to the victim or if the offender takes advantage of a relationship of legal, co-habitational, hierarchical, economical or work nature, if committed jointly by 2 or more persons, or if the victim is less than 16 years old (Article 177/1/4/6, Criminal Code). The penalties are aggravated by half if the victim is less than 14 years old (Article 177/7, Criminal Code).

If the possession with intent to distribute and/or distribution are related to pornographic material containing “realistic representation of children” the penalty is 1 to 2 years of prison (Article 176/4, Criminal Code).

**9.4. Does national law criminalize cases when adults:**

**a. possess child self-generated sexual content?**

Portuguese criminal law prohibits the mere possession of any pornographic materials consisting of photographs, films and recordings that involve children (Article 176/5, Criminal Code), regardless of how the material was produced. Law also prohibits the possession with intent to distribute of pornographic material with “realistic representation of children” (Article 176/4, Criminal Code).

**b. distribute or transmit child self-generated content to other adults?**

Please see answer a).

**c. distribute or transmit child self-generated content to other children than those depicted on such sexual content?**

Please see answer a).

**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 a conviction?**

Please see answer 9.2.

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

The consequences are the same as those described in the answer to 9.3.

**9.7. Does national law criminalise cases when children:**

**a. produce self-generated sexually explicit images and/or videos?**

In accordance with Article 19 of the Criminal Code, criminal responsibility begins at the age of 16. In this context, if the child is 16 or older it follows from the wording of Article 176, Criminal Code, that the conduct is criminalised.

Youngsters from 16 to 21 years old can benefit from the special regime foreseen in Decree-Law 401/82, 23 September.

Children between 12 and 16 years old, that commit crimes against sexual self-determination and freedom, may be subjected to several measures established in Law 166/99 (14 September) – admonition, restriction of the right to drive, compensation to the offended, community payback or community service, conduct constraint, imposition of duties, training, education and internment. These measures are applied taking into account the severity of the act committed.

**b. possess self-generated sexually explicit images and/or videos?**

This subject is not specifically addressed. Please see previous answer.

**c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers ?**

Please see answer b).

**d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?**

Please see answer b).

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

Please see answer b).

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

Please see answer b).

**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 a conviction?**

Please see answer 9.2.

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

Please see answer 9.3.

Children between 12 and 16 years old, that commit crimes against sexual self-determination and freedom, may be subjected to several measures established in Law 166/99 (14 September ) – admonition, restriction of the right to drive, compensation to the offended, community payback or community service, conduct constraint, imposition of duties, training, education and internment. These measures are applied taking into account the severity of the act committed.

**9.10. Does national law criminalise cases when children:**

**a. produce self-generated sexual content?**

Please see answer 9.7.

As abovementioned, “sexual content” in the Portuguese criminal law refers to pornographic materials consisting of photographs, films and recordings that involve children (Article 176/5, Criminal Code). The law prohibits the possession with intent to distribute of pornographic material with “realistic representation of children” (Article 176/4, Criminal Code).

**b. possess self-generated sexual content?**

See the preceding answer.

**c. distribute or transmit self-generated sexual content to peers?**

See the preceding answer.

**d. distribute or transmit self-generated sexual content to adults?**

See the preceding answer.

**e. distribute or transmit self-generated sexual content of other children to peers?**

See the preceding answer.

**f. distribute or transmit self-generated sexual content of other children to adults?**

See the preceding answer.

**9.11. 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 a conviction?**

Please see answer 9.2

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

Please see answer 9.3.

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

**10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2**

**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 by them with their consent and solely for their private use?**

As already mentioned above criminal responsibility starts at 16 years of age.

The Portuguese law does not consider, on one hand, the self-generated images; on the other does not consider the cases when the images / videos were produced by children for their own private use.

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

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

**a. self-generated sexually explicit images and/or videos?**

Where sexual crime is concerned, the national law forbids anybody that is criminally responsible that, by means of violence, serious threat, or after making someone unconscious or putting them in the impossibility of resisting, constrains another to suffer or engage, with him or herself or another person, in sexually relevant acts (Article 163, Criminal Code).

Where child pornography is specifically concerned, the law criminalizes offenders that are 16 or older, who intentionally **acquire, detain, access, obtain or facilitate the access** to pornographic material involving other children, by means of ICT's (Article 176, n. 5, Criminal Code).

The law also criminalizes offenders that are 18 or older who, in presence or by means of ICT's, view or facilitate the access to pornographic performances. The law also criminalizes offenders that are 18 or older who, by means of ICT's, lure children to an encounter with the objective of using him/her in pornographic material, or distribute, import, export, disclose, exhibit, or cede such materials (Article 176-A, Criminal Code – see Article 23 of the Lanzarote Convention).

It should be added that in the specific domain of child pornography whoever (16 or older) uses a child (under 18 years old) in a pornographic performance or lures him/her to that end, or uses a child (under 18 years old) in pornographic materials (photograph, film, or recording), or lures him/her to that end, by means of violence or a serious threat, is punishable with a prison penalty of 1 to 8 years (Article 176/3, Criminal Code).

Coercion and extortion are incriminated, under the general provisions, according to Articles 154/155 and 233 of the Criminal Code. It is also important to highlight the importance of criminal prevention. Recently, Law 96/2017, of 23 August has established the objectives, priorities and guidelines for the criminal policy and determined that cybercrime, crimes against freedom and sexual self-determination, as well as crimes against children are crimes considered to be of priority prevention.

#### **b. self-generated sexual content?**

See previous answer and 9.4.a.

### **Question 12. Jurisdiction rules**

**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.**

The Portuguese Criminal Code is in line with Article 25 of The Lanzarote Convention.

If the facts were committed in Portugal or on a Portuguese ship or aircraft, the Portuguese law is applicable and national courts have jurisdiction (Article 4, Criminal Code).

If the facts were committed outside Portuguese territory (including Portuguese ships and aircrafts), the Portuguese law is applicable and national courts have jurisdiction if the facts were committed by a Portuguese national against another Portuguese national who resides in Portugal and is found in Portugal (Article 5/1/b, Criminal Code).

If the facts were committed outside Portuguese territory (including Portuguese ships and aircrafts), the Portuguese law is applicable and national courts have jurisdiction if the offender is found in Portugal and cannot be extradited or handed over in the execution of a European arrest warrant (Article 5/1/c, Criminal Code).

The Portuguese law is applicable and national courts have jurisdiction when the acts are perpetrated against a Portuguese citizen and the offender is found in Portugal, the facts are punishable in the country where they were committed, the crime admits extradition but this cannot be conceded or there is a decision not to execute a European arrest warrant (Article 5/1/e, Criminal Code).

The Portuguese law is also applicable and national courts have jurisdiction, when the facts are committed outside national territory, if the Portuguese State is obliged to judge the case by an international treatise or convention (Article 5/2, Criminal Code).

The country where the victim is or where the illicit was committed is always given notice, so procedures can be conciliated.

## Prosecution

### **Question 13. Specialized units/ departments/ sections**

**13.1. Are there specialized 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?**

Some of these crimes fall within the competence (of investigation) of the Criminal Police, which has specialized sections. Portuguese law has recently created within the Criminal Police a new structure called National Unit against Cybercrime (Unidade Nacional de Combate ao Cibercrime e Criminalidade Tecnológica – UNC3T), a national unit against cybercrime and technologic criminality specialized in the investigation of crimes against children and young people committed with ICT. However, within PJ's other units there are teams specialized in the investigation of child abuses. The inspectors of these brigades receive training on how to interview the victims and how to collect digital forensic evidences, including the self-generated intimate images and videos that are uploaded or shared on the internet

**b. in prosecution?**

The Central Department for Investigation and Prosecution (DCIAP) is a structure that has the authority to initiate, carry out and conduct the prosecution for sexual crimes committed against minors by ICT or disseminated through these ICT (crime communicated through communications from other States and international organizations).

In DIAPs (Departments for Criminal Investigation and Prosecution)<sup>1</sup>, there are specialized sections for sexual crimes against children, including those facilitated by ICTs.

**c. in courts?**

No.

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

NA.

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<sup>1</sup> DIAPs are organizational units of the public prosecutor's office set up in some circumscriptions which have the jurisdiction for investigating and prosecuting crimes attributed.

**→ Please specify how the specialized units/departments/sections referred to above (questions 13.1. and 13.2.) are organized (number of staff, structure, specialized in which areas within ICT's, etc.)?**

These sections have a variable number of deputy prosecutors headed by a senior prosecutor with coordinating functions. The number of judicial officers is (as a rule) proportional to the number of prosecutors.

For instance in DCIAP: 1 magistrate and 2 civil servants dedicated to identification and localization of suspects of child pornography through the screening of procedures sent by National Center for Missing and Exploited Children (through the Cyber Tipline, which “provides the public and electronic service providers (ESPs) with the ability to report online (and via toll-free telephone) instances of online enticement of children for sexual acts, extra-familial child sexual molestation, child pornography, child sex tourism, child sex trafficking, unsolicited obscene materials sent to a child, misleading domain names, and misleading words or digital images on the Internet” <http://www.missingkids.com/gethelpnow/cybertipline>

**→ As regards law enforcement, please indicate if:**

**a. there is a victim identification function?**

Yes.

**b. there is an active contribution to the INTERPOL's international Child Sexual Exploitation (ICSE) image database? If not, why?**

Yes, those data are also centralized by PJ's UNC3T.

Portugal, like most countries in Europe has a Hotline, which is a full member of the INHOPE Association. Apart from cooperating with law enforcement (Polícia Judiciária), the Portuguese Hotline forwards complaints into INHOPE, effectively feeding the ICSE mechanism.

#### **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?**

High and fast evolution of information and communication technologies that the legislative creation can't follow immediately.

Age victim assessment is also a problem especially in relation to children between 16-14 years or under 14 years old.

Difficulties arise in the identification of the perpetrator of the crime due to problems in collecting valid electronic evidence - due to time limits for preserving data traffic (short and different from country to country) and access to them, namely when collecting data from the data holders, especially technologic companies with headquarters abroad. Connecting a particular person to the computer system is also difficult.



Most of the time it takes too long to obtain an answer.

Difficulties appear in retaining the dissemination of the images / videos and consequent continuous victimization of the child.

Related to the same issue, there are difficulties on international police and judicial cooperation, (in particular outside European Union).

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

See answer to previous question.

**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?**

See below.

**c. judges?**

See below.

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

With regard to the training of professionals who are in contact with victims, mainly with the children, victims in offences of a sexual nature, Article 28 of the Statute of the Victim, approved by Law 130/2015, of 4 September, assigns to the Center for Judicial Studies (Centro de Estudos Judiciários) the incumbency of this training regarding judges and prosecutors.

Thus, the Center for Judicial Studies, in its annual plan for the on-going training of judges and prosecutors, has carried out training actions covering themes related to sexual abuse of minors. In these training actions, some particular aspects such as threats arising for children using the internet and the possibility of being harassed for the realization of sexual videos were focused. Another issue addressed was the need for close link between both jurisdictions: Criminal and Family and Children jurisdictions.

In this context, it must be highlighted two training actions carried out in 2016 addressed to judges and Public Prosecutors, under the following themes, respectively: "Violence in the family and para-family framework" and "The Internet and children", both carried out by the Family and Children jurisdiction and included in the Center for Judicial Studies on-going training plan for 2015/2016.

Within the Criminal Police there is the Europol's annual classes about sexual criminality against children and young people; these classes can be attended by police personnel and magistrates.

At the Instituto de Solidariedade Social an effort was made in order to provide training during 2015, 2016 and 2017 on therapeutic hosting, technical specialized hearing, management of crisis, and socio-criminal intervention related with sexual abuse of children (for workers and management leaders).

## **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/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/or videos?**
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images/or videos?**

**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?**

All States parties to the Lanzarote Convention cooperate in making effective the instruments of the Council of Europe (also in the field of extradition and assistance). Concomitant membership of the European Union is also helpful.

Most of the European Union Member States benefit from cooperation instruments, based on mutual recognition and confidence, that allow to produce evidence in a valid way, that can be introduced in national procedures, or ensure the arrest and international delivery of suspects.

We would like to highlight the existence and importance of facilitating mechanisms (as in EU, the European Judicial Network, or at the Council of Europe's Committee of experts on the operation of European Conventions on co-operation in criminal matters, the PC-OC Committee).