



T-ES(2023)11_en final

15 February 2024

LANZAROTE COMMITTEE

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

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Survey of data collection mechanisms regarding data on child sexual exploitation and sexual abuse

Document adopted by the Committee on 15 February 2024

Questions

Survey on mechanisms for data collection on child sexual exploitation and sexual abuse

Data collection mechanisms – questions based on the Lanzarote Convention and Lanzarote Committee recommendations

The aim of this survey is to gather information to allow the Lanzarote Committee to assess how data is collected in State Parties and to identify promising practices for data collection.

1. Who collects data?

- i. Is there a specific mechanism or focal point responsible for collecting data on child sexual exploitation and sexual abuse? If so, please provide details. (Article 10.2b of the Lanzarote Convention and R13 of the first implementation report of first monitoring round)

No

- ii. If not: Do existing general data collection mechanisms collect data on child sexual abuse? Please describe how these mechanisms collect data taking into account all forms of child sexual abuse and exploitation, including online. (Article 10.2b of the Lanzarote Convention and R14 of the first implementation report of first monitoring round)

Each authority, within the limits of its powers, collects certain data related to the abuse and sexual exploitation, including online, of children.

- Thus, the Ministry of Internal Affairs keeps records of cases of abuse and sexual exploitation of children, including online, based on three indices: criminal case number, article of the crime committed and aggressor/offender.

This information is found in the Register of Forensic and Criminological Information, held by the Ministry of Internal Affairs. The Register is completed based on the information presented at each stage of examination of the criminal case, starting with the initiation of criminal prosecution until conviction. The information is presented by the criminal prosecution body, the prosecutor and the court.

- In accordance with the provisions of Government Decision No. 650/2016 and Government Decision No. 794 of August 1, 2018, which approved the Regulation on the organization and operation of the Judicial Information System, the Agency for Court Administration (ACA), an administrative authority under the Ministry of Justice, ensures the collection and systematization of statistical data related to judicial cases examined by national courts of first instance and Courts of Appeal.

Furthermore, we emphasize that ACA currently collects statistical data in accordance with the Regulation on the establishment of national standard complexity levels for criminal, contraventional, and civil cases, approved by Decision No. 165/6 of the Superior Council of Magistracy (CSM) on February 18, 2014, as subsequently amended. It is important to note that, in accordance with this regulation, the Integrated Case Management System (PIGD) only provides data regarding the type of offense or contravention, without highlighting the aggravating circumstances established by substantive law.

- Guardianship authorities keep records of child victims of violence, disaggregated by types of violence, including sexual violence, specified in Government Decision No. 270/2014 on the approval of the Instructions on the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential

victims of violence, neglect, exploitation and trafficking (point 5 of the Instructions), who have been identified or referred to these authorities.

The disaggregation of data by environment, age and sex is generally carried out for the total number of victims of violence. These do not include the respective disaggregations for each type of violence in particular.

These data were reflected in the Annual Statistical Reports No. 103 "On children at risk and children separated from their parents", which are placed on the Ministry's web portal and can be accessed at the following link: <https://social.gov.md/informatie-de-interes-public/rapoarte/compartimentul> (Reports/Domeniul protecției copilului).

The guardianship authorities do not keep records of data by type of crime.

- At the level of the Prosecutor General's Office, in accordance with the provisions of point 68) of the Prosecutor's Office Regulation, adopted by the Prosecutor General's Order No. 33/3 of 03.05.2022, the Child Rights Protection Service monitors and contributes to the implementation of the provisions of the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse.

At the same time, according to point 77) of the same Regulation, the Section for Combating Trafficking in Human Beings monitors and contributes to the implementation of the provisions of the Lanzarote Convention, on the dimension of sexual exploitation of children. Thus, the activity report of the Prosecutor General's Office reflects data on child pornography, enticing the minor for sexual purposes, child trafficking and the resort to prostitution practiced by a child (number of criminal cases initiated, number of criminal cases sent to trial, number of sentences pronounced in the year of analysis).

- The Ministry of Education and Research collects age- and gender-disaggregated sexual abuse data through the Local Specialized Bodies in the Field of Education at district level, based on referral forms. Currently, the collection mechanism mainly aims to record cases of sexual abuse, but does not specifically include cases of online sexual violence and other forms of sexual exploitation of children.

- The Ministry of Health annually collects information received from medical and health institutions about all suspected cases of violence, neglect, exploitation and trafficking of children, based on Order no. 445/2015 "On the approval of the Methodological Instruction on the intervention of medical institutions in the identification, referral, assistance and monitoring of cases of violence, neglect, exploitation and trafficking of children"

- iii. Are data on child sexual exploitation and sexual abuse collected through a multisectoral mechanism involving more than one sector of public administration? Please list sectors involved and who operates the mechanism.

Each authority, within the limits of its powers, collects certain data that are related to the sexual abuse and exploitation, including online, of children.

There is no multi-aspect analysis of the phenomenon.

The activity of the authorities is described above.

2. What data is collected?

- i. Does your State collect data in relation to all of the offences covered by Articles 18-23 of the Convention?

Article	Data collected yes/no/partially?	Can data on this be easily produced? (less than 3 weeks) Yes/No
Sexual abuse (Article 18)	yes	yes
Offences concerning child prostitution (Article 19)	Yes	Yes
Offences concerning child pornography (Article 20)	Yes	Yes
Offences concerning the participation of a child in pornographic performances (Article 21)	No (these actions are not criminalized)	No
Corruption of children (Article 22)	No (these actions are not criminalized)	No
Solicitation of children for sexual purposes (Article 23)	Yes	Yes

If you have indicated “no” or “partially” please provide more information:

- ii. Does your State collect case-based data for child sexual abuse in the circle of trust, including specific aspects mentioned in the table below? (R15 of the first implementation report of the first monitoring round)

	Data collected? Yes/No/partially	Can data on this be easily produced? (less than 3 weeks) Yes/No
a. Number of children (under 18) that were victimized, disaggregated by sex/gender	Yes	Yes
b. Number of children (under 18) that were victimized in the context of: i. reports ii. prosecutions iii. convictions	Partially (<i>The Integrated Case Management System provides general data without specifying information in the context of prosecutions or convictions.</i>)	Yes
c. Number of perpetrators under investigation, disaggregated by sex/gender	Yes	Yes
d. Number of convicted perpetrators, disaggregated by sex/gender	Yes	Yes
e. Number of cases where the person convicted was a minor, disaggregated by sex/gender	Yes	Yes
f. Number of cases where the victim and the perpetrator had a prior acquaintance.	Yes (MIA) No (Ministry of Justice - currently, the Integrated Case Management System does not provide	No

	disaggregated data)	
g. Number of cases where the victim and the perpetrator were strangers.	Yes	Yes
h. Number of cases committed within the family (including extended family) of the child victim,	Yes	Yes
i. Information on the relationship between the victim and the perpetrator	Yes	Yes
j. Information on the environment in which the child sexual abuse was alleged to be committed (home, school, workplace, other)	Yes	Yes
k. Information about the age of the child victim and the perpetrator	Yes <i>Partially (Ministry of Justice - only information about the age of the child victim is available)</i>	Yes
l. If you have responded “partially” to any of the questions above please indicate what data is not collected		

At the moment, the Agency for the Administration of Judicial Courts, an administrative authority subordinated to the Ministry of Justice, in relation to the subject of interest in the analysed Questionnaire, can only present general statistical data regarding the standard version of the crime/offense and certain identifying aspects of the person, such as age and gender, as stipulated in the Decision of the Superior Council of Magistracy No. 165/6 of February 18, 2014.

Additionally, we note that, at present, the Integrated Case Management System does not provide detailed statistical data concerning the individuals involved or the circumstances surrounding the incriminated act. These additional disaggregated statistical data will be included in the next version of the PIGD, scheduled for development between December 2024 and February 2025, and will focus on the aspects requested by the GREVIO Committee, in accordance with the Istanbul Convention.

iii. Is data collected by relevant agencies specifically on CSEA?

There is no agency dedicated to this purpose. Each authority collects within the limits of its assigned powers regarding the prevention and combating of child sexual abuse and exploitation.

For the most part, the authorities keep records of child victims of violence, disaggregated by types of violence, including sexual violence, specified in Government Decision No. 270/2014 on the approval of the Instructions on the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking (point 5 of the Instructions), who have been identified or referred to these authorities.

iv. Does your State collect aggregative data on child sexual exploitation and sexual abuse?

Yes

- v. Does your State use standardised operational definitions and indicators of CSEA to classify data across administrations and sectors at national level?

**Operational definitions regarding child victim, violence against children and sexual violence are regulated by Government Decision No. 270/2014 on the approval of the Instructions regarding the intersectoral cooperation mechanism for the identification, assessment, referral, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation and trafficking (point 4 of the Instructions).
The description of the acts incriminated in the Criminal Code is also used.**

- vi. Does your State use internationally agreed definitions and indicators, such as the International Classification of Crime for Statistical Purposes, to gather data related to child sexual exploitation?

We are currently in the process of aligning with this classifier.

- vii. Does your State collect data on the number of persons convicted of any form of sexual exploitation or sexual abuse of a child committed outside your territory but convicted in your country?

No

- viii. Does your State collect data on the number of persons convicted of any form of child sexual exploitation or sexual abuse committed outside your territory and convicted outside your territory? Please specify if this includes your nationals and persons with habitual residence in your country?

No

- ix. Does your State collect data on the numbers of suspected cases of CSEA which are not substantiated after investigation?

Yes, this data can be selected, if necessary, from the electronic registers of notification evidence and from Register of Forensic and Criminological Information.

- x. Does your State collect data relating to the identity and genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention? (Article 37 paragraph 1 of the Lanzarote Convention)

We are in the process of organizing the process of collecting and storing DNA data in the Automated Information System "State Register of Genetic Data". It is not functional at the moment.

- xi. Is it possible for information about the identity and genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention to be transmitted to the competent authority of another Party? (Article 37 paragraph 3 of the Lanzarote Convention)

National legislation provides for the possibility of exchanging data, including genetic data. Thus, according to the provisions of Law No. 235/2017 on judicial genetic registration, genetic information can be used for the exchange of information with other states, in accordance with international treaties ratified by the Republic of Moldova, for the purpose

of combating cross-border crime. Treaties must contain guarantees regarding the protection of the rights of the subject of personal data.

- xii. Does your State collect the data referred to above in accordance with relevant provisions on the protection of personal data? (as provided for by Articles 10 paragraph 2 and 37 paragraph 1 of the Lanzarote Convention)

National legislation provides for the possibility of exchanging data, including genetic data. Thus, according to the provisions of Law No. 235/2017 on judicial genetic registration, genetic information can be used for the exchange of information with other states, in accordance with international treaties ratified by the Republic of Moldova, for the purpose of combating cross-border crime. Treaties must contain guarantees regarding the protection of the rights of the subject of personal data.

3. Use of data collected

- i. Does your State provide data on CSEA to international organisations such as: Council of Europe, World Health Organisation, EUROSTAT, UN Office of Drugs and Crime and UNICEF?

Yes

- ii. Has your State appointed a national or local agency tasked with providing periodic reports on aggregated data or recording information on child sexual abuse committed in the circle of trust? Please specify the agency responsible. (R20 of the first implementation report of first monitoring round).

No, there is no institution responsible for preparing the periodic report.

There is no agency dedicated to this purpose. Each authority collects within the limits of its assigned powers regarding the prevention and combating of child sexual abuse and exploitation.

4. Evaluation of data collection mechanisms

- i. How does your State evaluate the effectiveness of the mechanisms or focal points for data collection (for example through audits) as regards the accuracy and reliability of the data collected, including any issues of under-reporting? (R21 of the first implementation report of first monitoring round)

There is no such mechanism at the central level. Each authority is responsible for the quality of the data collected.

For example, guardianship authorities keep records of data on children who are victims of violence in accordance with data records (on paper and/or electronic).

These data are annually completed in the Annual Statistical Report No. 103 "On children at risk and children separated from their parents" by each territorial guardianship authority, which is sent to the Ministry of Labor and Social Protection in electronic format.

The Prosecutor General's Office has its own collection and record-keeping authority. Thus, quarterly, by the 15th of the following month, the Section for Combating Trafficking in Human Beings analyses and generalizes the information obtained and presents to the Prosecutor General a report on the activity carried out by prosecutors in the field.

- ii. Is there a system in place to validate the data?

No