



A NEW ERA FOR THE RIGHTS OF THE CHILD: THE NEW “ROME STRATEGY” (2022-2027)

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse: “The Lanzarote Convention” as an instrument of protection

Una nueva era para los derechos de la infancia: El Comité de Lanzarote del Consejo de Europa en Roma (2022-2027)

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KEYWORDS

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ABSTRACT

The significant increase in the existence and exploitation of self-generated sexual images and videos by boys and girls, is the focus of the new monitoring Report presented by the Council of Europe’s Lanzarote Committee in Rome. In 2017, exploitation of boy and girls self-generated sexual material was already perceived as a potentially serious risk. Later, in 2019-2020, a large increase in the existence of sexual material generated by minors was observed. The pandemic situation derived from Covid-19 exacerbated this reality. The Report examines 43 European States Parties to The Lanzarote Convention, with special mention to the fact of preventing this particular form of sexual exploitation of boys and girls, investigat-ing and prosecuting it, improving the identification and protection of victims and and likewise, an improvement of the framework law in this matter with the consequent guidelines to the respective governments.

PALABRAS CLAVE

Explotación
Menores
Material sexual
Autogenerado
TIC
Riesgo
Comité de Lanzarote

RESUMEN

El aumento significativo de la existencia y explotación de imágenes y vídeos sexuales autogenerados por niños y niñas, es el enfoque del nuevo Informe de seguimiento presentado por el Comité de Lanzarote del Consejo de Europa en Roma. En 2017, la explotación de material sexual generado por niños y niñas ya se percibía como un riesgo potencialmente grave. Más tarde, en 2019-2020, se observó un gran aumento de la existencia de material sexual generado por menores. La situación de pandemia derivada de la Covid-19, exacerbó tal realidad. Dicho Informe examina 43 Estados europeos Partes de la Convención de Lanzarote, con especial mención al hecho de prevenir esta forma particular de explotación sexual de niños y niñas, investigarla y procesarla, mejorar la identificación y protección de las víctimas e igualmente, una mejora del marco legal en esta materia con las consiguientes orientaciones a los respectivos gobiernos.

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1. Introduction

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual abuse, also known as “The Lanzarote Convention”¹, requires criminalisation of all kinds of sexual offences against children. The Lanzarote Convention entered into force on 1 July 2010 and to date, it has been signed by all 47 Council of Europe member states and ratified by all except Ireland. Is the first regional treaty dedicated specifically to the protection of children from sexual violence. The State Parties to the Lanzarote Convention are therefore: Albania, Andorra, Austria, Armenia, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Republic of Moldova, Monaco, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tunisia, Turkey and Ukraine². The Lanzarote Convention sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The Committee of the Parties to the Lanzarote Convention, i.e. the “Lanzarote Committee” or the “Committee”, is the body established to monitor whether Parties effectively implement the Lanzarote Convention. The Committee is also charged with identifying good practises, in particular during capacity-building activities such as study visits, conferences, etc. Over the past years, the Committee examined a series of challenges raised by several trends in child sexual exploitation and abuse emerging from the rapid development and increased use of information and communication technologies (ICTs). The Committee agreed to focus its second thematic monitoring round on the “Protection of children against sexual exploitation and sexual abuse which are facilitated by information and communication technologies (ICTs)”. This very broad theme was then narrowed down to “Addressing the challenges raised by child self-generated sexual images and/or videos” to enable the Committee to support the Parties to the Lanzarote Convention more specifically in this regard.

2. Objectives

Moreover, the Lanzarote Committee decided, for the first time, to involve children in its monitoring work based on guidelines drafted for the occasion. It should be recalled that article 9(1) of the Lanzarote Convention requires Parties to “encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children”³. The Committee’s objective was to obtain children’s views on a subject that is of primary relevance to them, confronted as they are on a daily basis with the risks inherent in the self-generation of sexual images and/or videos. Contributions from 306 children from 10 Parties (Bulgaria, Cyprus, Finland, Georgia, Hungary, Italy, Republic of Moldova, Portugal, Serbia and Ukraine), were submitted in a variety of forms, ranging from formal reports, to drawings and videos. The Committee highly appreciated these contributions and warmly thanks all the children who prepared them. Their views and suggestions are duly reflected in this monitoring report in a dedicated chapter providing a comparative overview of their input. This input is additionally streamlined throughout the other chapters of the report in the description of the situation assessed, in boxes with specific suggestions put forward by the children and finally in the Committee’s recommendations themselves.

The Lanzarote Committee express its gratitude also to its observers and participants who regularly attended its meetings and provided constructive insight to its monitoring proceedings. It is similarly grateful to the representatives of civil society and other stakeholders who submitted replies to the Thematic Questionnaire and/or commented on the replies sent by the Parties to this questionnaire. In so doing, they enriched the Committee’s sources of information.

3. Methodology

This second monitoring round concerns the following 43 European States Parties to the Lanzarote Convention: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine.

For the first time, children directly participated in the monitoring process. The monitoring report reflects views of more than 300 children from ten European States on the challenges stemming from the self-generation of sexual material and specific recommendations of the Committee are based on such views. The

¹ CETS n° 201; was adopted and opened for signature on 25 October 2007 in Lanzarote, Spain. For this reason, it is also known as the “Lanzarote Convention”.

² Any non-member State of the Council of Europe may request accession to the Lanzarote Convention. So far, the Committee of Ministers of the Council of Europe agreed to accept such a request by the Kingdom of Morocco and by Tunisia. Tunisia deposited its instrument of accession, Morocco has not yet done so.

monitoring procedure is divided by rounds, each round concerning a specific thematic area and monitoring all States simultaneously. The aim is to create a momentum around a specific aspect of the Lanzarote Convention in all States which in turn fosters exchange of promising practices and enables the detection of inadequacies or difficulties in the existing legislation or policy of the States (Quayle, (2020). The Committee thus gains a comparative overview of the situation in all States party to the Convention. This work resulted in the decision to focus its second thematic monitoring round on the “Protection of children against sexual exploitation and sexual abuse which are facilitated by information and communication technologies (ICTs)”. This very broad theme was then narrowed down to “Addressing the challenges raised by child self-generated sexual images and/or videos” to enable the Committee to support the Parties to the Lanzarote Convention more specifically in this regard. It is important to underline that this report is the 4th implementation report of the Lanzarote Committee since the entry into force of the Lanzarote Convention. The previous reports are:

3.1. Protection of children against sexual abuse in the circle of trust: The framework (first implementation report of the first monitoring round), adopted by the Lanzarote Committee on 4 December 2015.

This first monitoring round of the implementation of the Lanzarote Convention focuses on the protection of children against sexual abuse in the circle of trust. Two reports will cover this theme in the 26 States which were Parties to the Convention at the time the monitoring round was launched. This first report provides the general framework to sexual abuse of children in the circle of trust, addressing four sets of issues: a) criminalisation of sexual abuse of children in the circle of trust; b) collection of data on child sexual abuse in the circle of trust; c) best interests of the child and child friendly criminal proceedings related to cases of child sexual abuse in the circle of trust; and d) corporate liability with respect to such cases. This monitoring round concerns the following 26 Parties which had ratified the Convention at the time the monitoring round was launched: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Portugal, Romania, San Marino, Serbia, Spain, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine³.

According to article 18 of the Lanzarote Convention requires Parties to criminalise the sexual abuse of a child. The provision distinguishes two main types of abuse: Firstly, criminalises the fact of a person engaging in sexual activities with a child who has not reached the age as defined in domestic law below which it is prohibited to engage in sexual activities with him or her; Secondly, criminalises the fact of a person engaging in sexual activities with a child, regardless of the age of the child, in specific circumstances (i.e. where use is made of coercion, force or threats, or when this person abuses a recognised position of trust, authority or influence over the child, or where abuse is made of a particularly vulnerable situation of the child). According to article 3 a) of the Lanzarote Convention a “child” is “any person under the age of 18 years”.

To initiate its first monitoring round, the Lanzarote Committee produced a “Thematic Questionnaire”⁴ to collect information on how the Parties implement the Lanzarote Convention in the specific situation of sexual abuse of children in the circle of trust. In parallel, it also produced a “General Overview Questionnaire”⁵ to take stock of the broader legislative and institutional framework to protect children against sexual exploitation and sexual abuse at the local, regional and national levels⁶. The structures, measures and processes in place to prevent and protect children from sexual abuse in the circle of trust, i.e. the Strategies, will be the subject of the second report due in 2017.

The decision to start its monitoring rounds by first focusing on “the protection of children against sexual abuse in the circle of trust” was uncontroversial. International instruments preceding the Lanzarote Convention mainly had regard to sexual violence against children for commercial aims (prostitution, pornography, trafficking). The Lanzarote Committee thus wanted to put the spotlight on the fact that children are also frequently victims of sexual violence within the family framework, by persons close to them or in their “circle of trust”.

³ Since the launching of the monitoring round 13 more states ratified the Lanzarote Convention, which has 39 States Parties at the date of adoption of this report. The Parties that are not covered by the 1st monitoring round, are: Andorra, Cyprus, Georgia, Germany, Hungary, Latvia, Liechtenstein, Monaco, Poland, Russian Federation, Slovenia, Sweden and Switzerland. See Appendix I for the state of signatures and ratifications of the Convention.

⁴ This Thematic Questionnaire is available on this website: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804703b4>

(date last visit: 08.07.2022.)

⁵ This General Overview Questionnaire is available on this website: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804703b3>

(date last visit: 08.07.2022)

⁶ All replies to the questionnaires are online at www.coe.int/lanzarote under “1st monitoring round” – “state replies”, “replies from other stakeholders” and “replies per question” (date last visit: 08.07.2022).

3.2. Protection of children against sexual abuse in the circle of trust: The strategies (second implementation report of the first monitoring round), adopted by the Lanzarote Committee on 31 January 2018.

This report, examines Parties' strategies (structures, measures and processes in place) to prevent and protect children from sexual abuse in the circle of trust. This report more specifically looks into Parties' strategies with regard to the: a) involvement of relevant stakeholders; b) awarenessraising; c) education and training. It also assesses the processes in place to d) screen and e) deny access to children to persons convicted of sexual offences against them. Finally, stock is taken of the f) measures and programmes to assist sexual offenders. In this case, the Committee urges 13 out of the 26 monitored Parties to extend mandatory screening to the recruitment of all professionals (public or private) in regular contact with children. It also invites all Parties to go beyond the requirement of the Lanzarote Convention and regularly screen such professionals (not only at recruitment). Moreover, it encourages Parties to do the same with all voluntary activities involving contacts with children.

3.3. Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse (special report of an urgent monitoring round), adopted by the Lanzarote Committee on 3 March 2017

This Special Report is the outcome of an urgent monitoring round launched by the Lanzarote Committee to focus on how Parties to the Lanzarote Convention are protecting children affected by the refugee crisis from sexual exploitation and sexual abuse. It covers the situation in the 41 States which were Parties to the Convention at the time the urgent submission for a report was called for by the Lanzarote Committee⁷. In March 2016 the Council of Europe's Secretary General called for a series of priority actions to protect children affected by the refugee crisis⁸.

The Special Report draws on replies from the Parties to the Lanzarote Convention and other stakeholders to a focused questionnaire⁹. This questionnaire sought to evince answers that would allow the mapping of the Parties' responses to the increased risks of sexual violence that confronts children affected by the refugee crisis. Information was sought on four broad topics: 1) Data; 2) Prevention; 3) Protection; and 4) Co-operation. The current report assesses the replies received, in particular in order to examine whether and to what extent Parties apply their existing overall protection framework and measures against sexual exploitation and sexual abuse to children affected by the refugee crisis. It also takes stock of the introduction of specific measures to address the situation of these children and analyses them. The report highlights both the major challenges identified as well as promising practices to tackle such challenges. Where appropriate it puts forward recommendations as to specific steps that might be taken to warrant an effective protection of children affected by the refugee crisis from sexual exploitation and sexual abuse and suggests priority areas for targeted cooperation, bilateral and multilateral, to fully guarantee the protection of the human dignity, the safety, and the physical and psychological integrity of these children (Laird, et al., 2022; Panlilio, et al., 2019; Ramiro et al., 2019).

4. Results

4.1. Preliminary remarks on the first and second implementation report of the first monitoring round

The first report, "The Framework", assessed the criminal law framework and related judicial procedures with respect to the protection of children against sexual abuse in the circle of trust; and the second report, "The Strategies", assesses the structures, measures and processes in place to prevent and protect children from sexual abuse in the circle of trust. As the first implementation report, this one also covers the following 26 Parties which had ratified the Lanzarote Convention at the time the monitoring round was launched¹⁰. Since the launching of the 1st monitoring round, the number of Parties to the Lanzarote Convention has increased to 42. Moreover, the promising practices identified in this and the 1st report, as well as the recommendations addressed to all Parties in both reports, should be taken into account by all Parties to the Convention.

⁷ The following 41 States were parties to the Lanzarote Convention at the time of the launching of this urgent monitoring round: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, The Netherlands, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

⁸ See document SG/Inf (2016) 9 final of 4 March 2016.

⁹ All replies to the questionnaires are online at www.coe.int/lanzarote under "Monitoring" – "Urgent monitoring round: Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse" – "State replies" – "Replies from other stakeholders" and "Replies per question".

¹⁰ Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Portugal, Romania, San Marino, Serbia, Spain, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine.

The first monitoring round of the implementation of the Lanzarote Convention focuses on the protection of children against sexual abuse in the circle of trust. The Committee acknowledges the steps already taken by the Parties and encourages them to do more to involve children and representatives of civil society in preventing sexual abuse of children and assisting victims. In this regard it notes the role of independent national or local human rights institutions, as well as civil society, in providing children with the space, means and opportunity to express their views and contribute to the development and monitoring of relevant state policies, programmes and other initiatives (Seigfried-Spellar & Soldino, 2020). The Committee furthermore notes that collaboration should be strengthened with the private sector, in particular with the information and communication technology sector to prevent sexual abuse and with the media to respect the right of the child to privacy.

It however also we highlight that not enough is done by the Parties to regularly raise children's awareness, in a manner adapted to their age and maturity, with a specific focus on the fact that sexual abuse may also happen within the family or through manipulation of children's trust by persons close to them. The Committee thus underlines that it is important to provide information on the risks of child sexual abuse, including within the circle of trust, within the context of general sexuality education at school. It also underlines those parents and adults assuming parental responsibilities should be further involved in awareness raising initiatives on the protection of children against sexual abuse. All persons working in regular contact with children should be trained to recognise the signs of child sexual abuse and should be informed about reporting mechanisms and how to help the child to disclose and seek assistance. Any person who knows or suspects in good faith that a child is a victim of sexual abuse or exploitation should be encouraged to report to the competent services. In this context, the Committee reiterates that confidentiality rules imposed on certain professionals should not constitute an obstacle to the possibility for those professionals to report to the services responsible for child protection.

The Committee urges 13 out of the 26 monitored Parties to extend mandatory screening to the recruitment of all professionals (public or private) in regular contact with children. It also invites all Parties to go beyond the requirement of the Lanzarote Convention and regularly screen such professionals (not only at recruitment). Moreover, it encourages Parties to do the same with all voluntary activities involving contacts with children.

Finally, the Committee found that most Parties have yet to take action to offer effective intervention programmes or measures to assist both persons (including children) who fear they might commit sexual offences against children and persons already convicted for sexual offences against children. In this context Parties are urged to also put in place a tool or a procedure to assess the dangerousness and possible risk of repetition of offences against children. Similarly, they should have in place a tool or procedure to evaluate the effectiveness of the intervention programmes and measures. With regard to all the above areas, the Committee identifies promising practices that may be of inspiration for those who are not yet doing so.

4.1.1. Participation of children

According to article 9 of Lanzarote Convention, most Parties report different forms of involvement of children in the development and implementation of state policies, programmes or other initiatives in general. Some of them specifically report about forms of involvement of children in relation to the fight against sexual abuse and sexual exploitation of children. A majority of the Parties indicating specific measures in this context, refer to the inclusion of sexual abuse of children in the circle of trust as one of the topics covered. Few Parties explicitly state the lack of specific measures taken in relation to sexual abuse in the circle of trust specifically (Bulgaria, Finland, Greece, Luxembourg, Portugal).

For example, the forms of child participation highlighted are: "Children's Councils": Austria, Belgium, Bulgaria, Croatia, Denmark, Malta, Montenegro, Netherlands, Romania; "Child Rights Committees": Turkey; "Children's Task forces/groups": Lithuania, Netherlands; "Children's Parliament": Montenegro, Portugal; Boys and Girls' Consultation bodies: Italy.

In addition, the above structures are regularly consulted by the central or local government, the national Parliament or non-governmental organisations working for children's rights. In particular, the Committee notes that: The Children's Council in Denmark addresses a broad range of topics, including sexual abuse in the circle of trust and sexual abuse of children more generally; the Council for Children in Malta acts as an advisory body to the Commissioner for Children and monitors compliance with international conventions related to children; the Turkish Child Rights Committees also address issues related to protection against sexual abuse and exploitation. In this context, it is highlighted that a video prepared by the Ministry of Justice, informs children that they have the right to be protected from sexual abuse and that they can report acts of sexual abuse to the police or other public authorities.

Several Parties also indicate that *ad hoc* bodies are set up for consultation during the drafting of a specific policy document or in the framework of a project (Albania, Bosnia and Herzegovina, Croatia, Iceland, Italy, Malta, Serbia). The Lanzarote Committee also notes the role of independent national or local human rights institutions in providing children with the space, means and opportunity to express their views and contribute to the development and monitoring of state policies, programmes and other initiatives in relation to the fight against

sexual abuse of children.

There are some promising practices. In Austria, for example, the National Youth Council provides young people with a strong collective voice towards policy and decision-making at all levels and actively advocates for their interests. In cooperation with partner institutions such as ECPAT and the Austrian Centres for Child Protection, it is involved in the drafting of state policies, programmes or other initiatives also concerning the fight against sexual exploitation and sexual abuse of children. In October 2012, the Austrian National Youth Council issued an expert opinion drawing attention to the specific needs of children who have suffered from sexual abuse in the circle of trust. In Belgium, since 2011, the Flemish government has been subsidising CACHET, which is a youth organisation run by young people, including vulnerable youth to give them a specific voice. Representatives of the organisation were involved in the drafting of policy recommendations on sexual abuse. In Bosnia and Herzegovina, a Network of Young Advisors counsels the Ombudsman for Children of Republika Srpska on all issues of concern to children. Similarly, in Croatia, a Network of Young Advisors consults the Croat Ombudsman for children. In Croatia, a representative of children and a representative of the National Council of Pupils sit on the Council for Children, a governmental advisory body which is, inter alia, entrusted with the task of monitoring the implementation of the National Action Plan for the Rights and Interests of Children. It also coordinates the activities of state and other bodies within the overall implementation of the measures and activities planned. In Iceland, at the initiative and within the framework of UNICEF Iceland, a Focus Group of child victims of sexual abuse, identified and supported by the Barnahús, was established in 2012. The Focus Group was consulted by the ad hoc Working Group that prepared the Action Plan to fight child sexual abuse and strengthen services for child victims in 2013. The Focus Group was also invited to share its experience with the respective Ministers in the Government (Welfare, Interior and Education) and with the Prime Minister when the proposals of the Working Group were discussed. In Montenegro, children can directly contact the representatives of the Ombudsman to share their opinions and suggestions in relation to recommendations, legislative initiatives and opinions.

As recommendation as to steps to be taken to improve the effective implementation of the Lanzarote Convention in this topic, the Committee considers that Parties should further encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual abuse of children in the circle of trust specifically.

4.1.2. Participation of civil society

According to articles 9 and 14 to the Lanzarote Convention, the Lanzarote Committee notes with appreciation that almost all Parties carry out some kind of cooperation with civil society organisations either in the field of prevention or in relation to the provision of victim assistance and support. In this regard, it notes awareness-raising campaigns targeting: children, parents or the public in general (Bosnia and Herzegovina, Croatia, Denmark, Finland, Greece, Republic of Moldova, Netherlands, Portugal, Romania, San Marino, Serbia, Spain, Turkey); educational activities in formal and non-formal settings (Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, Greece, Lithuania, Republic of Moldova, Portugal, Romania, Serbia, Spain, Turkey); support to the participation of children (Finland¹¹, Iceland, Romania); training of professionals working with children (Finland Italy, Montenegro, Portugal, Serbia, Spain).

Like promising practice In Finland, the national central organisation for sports (Finnish Olympic Committee) has outlined in its decision making that one of the ethical aspects that need to be taken into consideration in the field of sport is that sexual relationships between adults and children under the age of 16 are fully prohibited. VALO has also produced material for the adults in sport clubs and organisations with information on sexual offences, how to prevent sexual abuse and harassment and how to deal with situations where abuse or harassment might occur.

Some Parties also highlight more specifically their cooperation with civil society in relation to the provision of assistance and support for child victims and their families (Albania, Bosnia and Herzegovina, Denmark, Serbia, Spain, and Turkey). These measures include among others the operation of shelters for victims, helplines and hotlines as well as the provision of psychological and legal aid.

About financing, we note that several Parties report that they provide financial support from the state budget for projects implemented by civil society actors (Austria, Bosnia and Herzegovina, Croatia, Denmark, Italy, Montenegro, Netherlands, Romania, San Marino and Spain). Croatia indicates that the Ministry of Demography, Families, Youth and Social Policy continuously financially supports the implementation of projects of civil society organisations aimed at the prevention of all forms of violence against and among children and youth (including the prevention of sexual abuse of children and the prevention of online violence against and among children and youth, that is, to protect children from threats they are exposed to when using computers, Internet and other means of remote communication); Italy specifies that the Presidency of the Committee of Ministers issued a public notice (no. 1/2011) for supporting pilot projects for the treatment of children victims of abuse and

¹¹ Save the Children Finland published a guidebook on how to bring up the topic of sexual harassment in professionals' discussions with children. Available on the website: http://s3-eu-west-1.amazonaws.com/pelastakaalapset/main/2016/02/01123848/Ota-puheeksi_Final.pdf

sexual exploitation within the family or outside the family. The Committee also notes that non-governmental organisations seek funding from private donors (including business actors and private foundations), from the European Union and other international organisations.

As recommendations as to steps to be taken to improve the effective implementation of the Lanzarote Convention we highlight that the Lanzarote Committee considers that, if they have not yet done so, Parties should: encourage the participation of the civil society in the elaboration and implementation of policies to prevent sexual abuse of children in the circle of trust also by providing financial support to them; cooperate with civil society organisations engaged in assistance to victims and provide, by means of legislative or other measures, in accordance with the conditions provided for by internal law, the possibility to assist and/or support the victims with their consent during criminal proceedings concerning the offences established in accordance with this Convention.

4.1.3. Participation of the private sector

According to article 9, as regards the role of the private sector, Parties highlight in particular general initiatives concerning prevention and protection of children against sexual abuse and exploitation in the digital environment, such as: the “Better Internet for Kids Coalition”, bringing together all types of industry players, including device manufacturers, to facilitate exchange of good practices, including parental control tools and/or age appropriate settings; the “Mobile Alliance against Child Sexual Abuse Content”, launched in 2008 by the GSMA (a global association representing the interests of the worldwide mobile communications industry), to obstruct the use of the mobile environment by individuals or organisations wishing to consume or profit from child sexual abuse content¹² Members of the Alliance also support and promote “hotlines” for customers to report child sexual abuse content discovered on the Internet; the project “make-IT-safe 2.0”¹³ managed by ECPAT Austria together with its project partners LOGO Jugendmanagement, Akzente Salzburg, BJV (Austrian National Youth Council), bOJA (centre of competence for Open Youth Work in Austria), BÖJI (Austrian Youth Information Centres) and Saferinternet.at (information and coordination centre for safer internet use and media competence in Austria). It is a peer education project, with the focus on out-of-school youth work, and seeks to empower young people to become responsible digital citizens through enhancing their capacity to protect themselves and others against digital abuse; a campaign for the year 2017 initiated by Save the Children Finland together with the telecommunications company Telia to enable children to enjoy and fulfil their rights also on digital platforms.

As promising practices, in Croatia, a “web detectives’ project” is carried out by the non-governmental organisation Centre for Missing and Exploited Children in partnership with the Microsoft Croatia company and in cooperation with the Prevention Department of Osijek-Baranja County Police Administration. The aim of the project is to increase the level of knowledge and awareness about the consequences of abusing the internet and social networks and to contribute to general safety of children as internet users by educating children, youth, parents and teachers about responsible and conscientious ways to use the internet. Web detectives are actually children taught to recognise and report inappropriate content online and they can, by using a unique code from their web detective card, report the inappropriate content online. The Centre for Missing and Exploited Children is also the coordinator of the project “Safer Internet Centre Croatia: making Internet a good and safe place”¹⁰, which consists in carrying out free internet safety workshops for children. These are two-day workshops for primary school children where children learn about responsible and safe ways to use social networks such as Facebook, Instagram, Snapchat and mobile phone applications. The workshops focus on safety and protection of children online. Furthermore, within the project, an application called netHELP is presented; it contains information on cyber bullying for children and parents, educational materials about safe use of internet, information on protection of personal data and protection from different types of harmful content and online dangers. In addition, it is possible to make a free phone call and report violent behaviour, to get counselling and help and it is also possible to talk or chat with experts, psychologists and pedagogues in real time.

In Belgium, for example, a protocol was signed in July 2017 to complement previous cooperation between the Belgian Safer Internet Centre, which is Child Focus¹⁴, and the Police and Judiciary in identifying missing children and combating child abuse material. Similarly, a specific cooperation convention was concluded in Luxembourg between the Police, the telephone helpline organisers and the national Youth Service. Twice a year, the staff members dealing with child sexual abuse material (CSAM) meet to exchange on trends and issues. This exchange among partners helps to coordinate efforts when confronted with peaks notified through the national reporting platform stopline.lu. This also helped enforcing cooperation with the ISPs (Internet service providers), to enable

¹² The GSMA also works to prevent access to websites identified as hosting child sexual abuse content, implementing “Notice and Take Down” processes that enable the removal of any child sexual abuse content posted on their own services. For more details, visit: <https://www.gsma.com/gsmaeurope/safer-mobile-use/national-measures/>

¹³ www.makeitsafe.at runs from May 2016 until April 2018. By September 2017, trainers (experts on online child safety and child protection) educated 25 peer experts (14 till 19 years old) and 10 coaches from youth centres in two states of Austria (Styria and Salzburg). After such training, the new experts start their own activities to give advice to their peers. Within the project and together with the peer experts, tools like a project website, the Toolbox, leaflets and a training manual for coaches are developed to make this peer education project more sustainable and also easily available to others.

¹⁴ Child Focus: <https://www.betterinternetforkids.eu/web/belgium/profile>

the identification of authors or consumers of online CSAM or to speed up the process of the take-down of such illegal material. Also, the Netherlands highlights that it has a “notice and take down procedure” as well as a child abuse material hotline. Other Parties also point out that Safer Internet Centres are usually established under the form of public private partnerships (Belgium, Bulgaria, Lithuania, Portugal, Romania, Serbia). In Portugal, the *SeguraNet* project under the responsibility of the Unit Resources and Educational Technology of the Directorate-General for Education of the Ministry of Education and Science is an integral part of a public-private consortium called “Safe Internet” between the Foundation for Science and Technology, the Portuguese Institute for Sport and Youth and Microsoft Portugal. This project, launched under the European Commission’s programme “Safer Internet Programme”, aims to promote a safe, informed and adequate use of the Internet by the school community (students, teachers and parents).

The ICT sector is also involved in campaigns and awareness raising initiatives (Bosnia and Herzegovina, Montenegro, Romania, Serbia). In Montenegro, a free filtering program is installed in school; similarly, Croatia points out that the Ministry of Science and Education passed a decision on connecting all primary and secondary schools to CARNet network. These schools were automatically included into a system of filtration of unwanted content. According to the Decision of the Ministry of Science and Education, access to 14 categories of websites is disabled on the computers of primary and secondary schools. Categorisation of websites is constant and new versions of the databases are automatically checked every few hours. Luxembourg points out that ECPAT Luxembourg created, with other ECPAT members, a European reporting platform¹⁵ for victims of sexual exploitation of children through tourism. In addition, ECPAT Luxembourg developed a national online reporting mechanism¹⁶ which permits to report different forms of child sexual abuse and exploitation. This platform is funded by the Ministry of Foreign Affairs and was launched and is maintained in collaboration with the Police and BEE SECURE. But Parties also point at different forms of codes of conduct such as a code of conduct for safe and responsible use of electronic communications network in Albania; a self-regulation code on “Internet and Children” in Belgium; a charter of children’s rights on the web, a Code of conduct for the offer of additional services and the protection of children and a code of conduct for mobile phone companies in Italy.

The Committee encourages further sustainable and continued interaction by Parties with the private sector and invites Parties to strengthen collaboration with the private sector, in particular the information and communication technology sector, with the aim to prevent sexual abuse of children.

4.1.4. Participation of the media

Also with regard to the implementation of this part of article 9 of the Convention, Parties generally rather indicate general awareness raising initiatives. In this regard, the Committee notes that in Finland, the National Audio-visual Institute, which coordinates and promotes national media education and monitors audio-visual material, led a project in 2015-2016 called “Finnish Safer Internet Centre”. This project was aimed at improving children’s media skills, safety and well-being related to the Internet and online contents¹⁷.

The Committee also notes the productive collaboration between the media and the Ombudsperson for Children in Croatia. When broadcasting on children, the media rely on the Office of the Children’s Ombudsperson as a source of information on the protection of children against sexual abuse. The latter in fact provides a platform for discussions and publishes its outcomes in order to educate the media on how to report on children. Some Parties provide specific information on legal provisions where the interrelations between the government and/or courts and the media are enshrined (Albania, Belgium, Bosnia and Herzegovina, Croatia, Republic of Moldova, Montenegro and Romania). A variety of ethical standards have been adopted by Parties, such as a Code of Journalists and guidelines for its implementation in Montenegro, a Code of Principles in Journalism in Belgium, a Deontological Code in Portugal, an Ethical Code in Serbia, Criteria for Content in Bulgaria, a Self-regulation Code in Italy.

As promising practices, in Croatia, it is not permitted to publish information which reveals the identity of a child until he/she is eighteen years old if he/she is involved in cases which involve any form of violence, regardless of whether the child is a witness, victim or a perpetrator of criminal offences or the child attempted or committed suicide, nor is it allowed to publish details about the family relations or private life of a child. And in Romania, according to the Audio-visual Content Regulatory Code, providers of audio-visual media services have the obligation to respect the principle of the best interest of the child. It is forbidden to broadcast any clues that could lead to the identification of a child up to 14 years of age in the case of a sexual abuse or accusation of committing or witnessing the offense. Recordings made and made available to the providers of audio-visual media services by the police or judicial authorities cannot be broadcast without the consent of the persons who are victims of crimes, without the consent of their families or, as the case may be, of legal representatives. The identity of persons who are victims of sex offenses cannot be disclosed.

¹⁵ Available on www.reportchildsextourism.eu

¹⁶ In www.childprotection.lu

¹⁷ The report of the project can be found here: https://kavi.fi/sites/default/files/documents/fisic2015-2016_loppuraportti.pdf

Despite the existence of these instruments, some Parties (Italy and Serbia) point at breaches of children's right to respect of their privacy. In this sense, the Committee invites Parties to strengthen the collaboration with the media with the aim to encourage the provision of appropriate information concerning sexual abuse of children in the circle of trust and respect of the child victim to privacy.

4.1.5. Special situation about refugees

When the Lanzarote Committee "receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent possible serious or persistent cases of sexual exploitation and sexual abuse against children in any Party or Parties to the Convention". This is stipulated in Rule 28 of the Lanzarote Committee's Rules of Procedure which refers to special reports and urgent situations. The current report was prepared in this context.

A number of the systemic challenges that have been brought into sharp focus by the increased numbers of people arriving in Europe looking for international protection are raised by the Report. These challenges can have particularly worrying consequences for children affected by the refugee crisis, exposing them to a risk of sexual exploitation and sexual abuse. They are particularly pertinent for both those children who arrive in Europe unaccompanied, and those who go missing after arrival, with their heightened vulnerability posing an increased risk of them falling victim to sexual violence. The Lanzarote Committee commends Parties who have put in place procedures to address such challenges. The Special Report regrets that it remains the case that data collection is sporadic and non-comprehensive across Parties. It is probable that the number of instances of sexual exploitation and abuse is significantly underreported. There are no specific data collection mechanisms or focal points tasked with collecting data on child sexual exploitation and abuse within the context of the refugee crisis. Reasons explaining the difficulties in capturing such data cut across a number of sectors such as limited capacity, insufficient training, abuse not reported due to linguistic or trust issues, or practical difficulties in establishing the number of migrant children on the territory. It is clear that more accurate data would help all relevant actors and stakeholders frame, adjust, and evaluate policies in this field.

In the other hand, the uneven distribution across the continent of children affected by the refugee crisis is stark, with some Parties reporting very few or no such children on their territories, whereas other Parties are receiving thousands of such children. Therefore some Parties' child support services are bearing a disproportionately large burden, while others have not tested the implementation of their child protection approaches in this context. The current report assesses the replies received, in particular in order to examine whether and to what extent Parties apply their existing overall protection framework and measures against sexual exploitation and sexual abuse to children affected by the refugee crisis. It also takes stock of the introduction of specific measures to address the situation of these children and analyses them. The report highlights both the major challenges identified as well as promising practices to tackle such challenges. Where appropriate it puts forward recommendations as to specific steps that might be taken to warrant an effective protection of children affected by the refugee crisis from sexual exploitation and sexual abuse and suggests priority areas for targeted cooperation, bilateral and multilateral, to fully guarantee the protection of the human dignity, the safety, and the physical and psychological integrity of these children. It should be highlighted that Parties were asked to answer the questions from a gender perspective, i.e. specifying, where relevant, whether and how measures take into account gender-specific requirements.

Reception centres need to provide adequate protection for children, with prolonged stays in inappropriate conditions increasing a child's risk of exposure to sexual exploitation or sexual abuse. Parties have taken steps to improve the available facilities and lodging solutions for children, and work in this sphere must continue to ensure that children can be helped and assisted in a non-traumatising environment. It is reiterated that unaccompanied children should be separated from adults in reception centres, and that robust complaint mechanisms to report abuse must be effective. Besides that, Parties have indicated that a number of children go missing from reception facilities. This is of concern, and steps to identify the children that are at particular risk of going missing and to develop specific protocols to support those children to avoid their disappearance are needed to confront this. A number of Parties are implementing methods to avoid that children go missing through increased co-operation between relevant authorities to record and trace disappearances. These efforts could be further fortified by transnational development of common strategies and procedures.

It is relevant that the Committee notes that numerous challenges need to be met to ensure effective preventive measures are taken to target the specific needs of children affected by the refugee crisis. Culture and language differences can pose problems for Parties when screening children for signs of sexual exploitation and abuse, and for transmitting relevant information and advice. Appropriate arrangements should be made to ensure that children receive information on their rights, on care facilities and on procedures available to them in a language they understand, that is culturally and gender appropriate. Equally, all personnel (professional or voluntary) that come into contact with children should be adequately trained, and screened in order to give the best possible protection to children affected by the refugee crisis.

In the specific context of the refugee crisis, it is worth highlighting that Article 11§2 of the Lanzarote Convention provides that when the age of a victim of sexual exploitation and sexual abuse is uncertain and there are reasons to believe he/she is a child, the protection and assistance measures provided for children shall be accorded to him or her pending verification of his or her age. The issue of age verification is of crucial importance in order to identify and delimit who are the recipients of the rights enshrined in the Convention, in particular in the context of protection. Indeed, on the one hand, it is important that children should not be denied protection, and, on the other hand, it is equally important to avoid that adults claim to be children in order to benefit from the protection afforded to children, such as dedicated accommodation, with the additional risk that children housed in these facilities be sexually abused by these adults. In a large majority of cases, when a person claims to be a child, Parties accept this. In the remaining situations, Parties start the procedure of age verification.

The Lanzarote Convention is very clear on the fact that in case of doubt about the age of a person, Parties are asked to grant him or her the same type of protection and assistance as those provided for children pending age verification. The principle of the benefit of the doubt should therefore apply to these persons until it is proven that they are not children. In Hungary, for example, persons who are subject to age verification procedures are treated as adults until the end of the age verification procedure and, in particular, risk detention and would remain unprotected, with no assistance measures. Hungary, therefore, does not apply the principle of the benefit of the doubt during the age verification procedure⁹, which is a major concern for the Lanzarote Committee. On the contrary, once the age verification procedure is over and if doubts about the age of the person remain, Hungary applies the principle of the benefit of the doubt and the person is regarded as a minor. In addition, following legislative changes in Hungary in 2016, detainees claiming to be underage have to bear the costs of their age verification.

The Lanzarote Committee urges Hungary to take the necessary legislative or other measures to ensure that the principle of the benefit of the doubt is adequately applied and adequate protection and assistance measures are provided in line with the Lanzarote Convention to individuals pending verification of their age when there are reasons to believe that they are children and invites Parties to actively participate in the work undertaken within the Council of Europe for the development of standards on age verification and to ensure that those are built, where appropriate, taking into account the requirements of Article 11§2 of the Lanzarote Convention and the findings of this monitoring cycle in order to protect children exposed to sexual exploitation and sexual abuse. But invites Parties to inform all children, in a child friendly manner, of their rights as children, including the types of alternative care offered to them, in order to prevent children from being declared as adults and to protect them from the inherent risks of being considered as adults too.

And finally, in relation of number of children affected by the refugee crisis, the Lanzarote Committee, in order to develop an efficient mechanism for helping and supporting the child victims of sexual exploitation and sexual abuse invites Parties to collect data on the following three categories of children: asylum-seeking children; unaccompanied children; overall estimated number of children affected by the refugee crisis in transit; share the practices of how to effectively collect data concerning children affected by the refugee crisis who are not seeking asylum in their country. In this sense, the European Union Agency for Fundamental Rights (FRA), establish a note on ways to prevent unaccompanied migrant children from going missing: First, ensure that all actors involved, including asylum and migration authorities, law enforcement, judicial and child protection authorities, work together. Second, ensure that all such authorities fully respect the principle of the best interests of the child in all their actions. This means creating a safe environment for unaccompanied children, offering them care, and living conditions that meet their needs and vulnerabilities, and offer effective protection. Third, redouble efforts to fight criminal networks smugglers and traffickers (George et al., 2021; Hallet, 2016). And four measures can significantly help reduce the number of missing unaccompanied children: Provide quality reception and accommodation in foster care and small units in line with existing child protection standards such as the UN Alternative Care Guidelines; Ensure prompt appointment of trained and qualified guardians for all unaccompanied children; Build-up trust; Consider measures to ensure prompt family reunification procedures and early identification and implementation of durable solutions¹⁸.

4.2. Overall result

The Committee of the Parties (the Lanzarote Committee) which monitors the implementation of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (the Lanzarote Convention), has been concerned for several years by the staggering increase of exploitation of child self-generated sexual images and/or videos.

The most recent figures are highlighted by many authoritative sources the Annual Report of the Internet Watch Foundation stresses a 77% rise in child 'self-generated' sexual abuse material from 2019 to 2020 indicating also

¹⁸ European Union Agency for Fundamental Rights (FRA), Background note on ways to prevent unaccompanied migrant children from going missing, April 2016, p. 2.

that in 80% of these cases, the victims were 11 to 13-year-old girls¹⁹. WeProtect Global Alliance's 'Estimates of childhood exposure to online sexual harms and their risk factors' report reveals that 65% of young people surveyed in Western Europe had experienced at least one instance of online sexual harm during childhood²⁰. The Alliance's Global Threat Assessment 2021 report also points out that child sexual abuse online went up by 50% in some European countries during the pandemic²¹. Europol's Internet Organised Threat Assessment (IOCTA) reiterates that the COVID-19 pandemic has significantly influenced the development of a number of threats, including with respect to explicit sexual self-generated material which is being distributed also for profit²².

Back in 2017, when the monitoring round was launched, exploitation of child self-generated sexual material was already perceived as a potentially serious risk (Weston & Mythen, 2020; Urada et al., 2019). Later, in 2019-2020, according to the Internet Watch Foundation, a 77% rise in child self-generated sexual abuse material was observed. Acknowledging already in 2017 that the exponential exploitation of child self-generated sexual material could become a serious threat to children, maximising their risk of becoming victims of sexual exploitation and sexual abuse online, the Lanzarote Committee decided to focus its 2nd thematic monitoring round on the challenges raised by child self-generated sexual images and/or videos. The Covid-19 pandemic with its lockdowns exacerbated the situation. All this proves the timeliness of the report. The report encourages using the term "child sexual abuse material" instead of "child pornography" which can be misleading, undermining the gravity of the crimes it refers to or switch the blame onto the child. To better protect children against the exploitation and abuse of their self-generated sexual material, the Lanzarote Committee also recommends introducing certain legal changes. Children should not be prosecuted for possessing or sharing self-generated sexual images and/or videos of themselves when the possession/sharing of such material is voluntary and is intended only for their own private use. When the distribution of the material is without the consent of the child depicted on it, or concerns other children, priority should be given to educational and other measures aiming to support children in exploring their sexual development - in a safe way, understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos. In such cases, prosecution of children for conduct related to material which qualifies as "child sexual abuse material" should thus only be a last resort measure.

The result of this monitoring round is a report adopted on 10 March 2022 which contains 10 thematic chapters, each providing a comparative overview of the situation in the 43 Parties monitored. Each chapter highlights promising practices for inspiration of what works and identifies the gaps that still need to be addressed to effectively implement the Lanzarote Convention when conduct involving child self-generated material is at stake. The report also contains a series of recommendations addressed to the Parties to the Convention indicating the steps to take to effectively implement the Convention but also the way forward to protect children against the exploitation of their self-generated sexual images and/or videos. Some recommendations are general in nature, while others are addressed to specific Parties. In addition to the 10 thematic chapters, the Lanzarote Committee dedicates the first chapter of its report to children's views on some specific issues of its monitoring work. Children's contributions submitted to the Lanzarote Committee provided it with a concrete insight into their understanding of the challenges raised by the increase in child-generated sexual images and/or videos. The key messages resulting from children's participation in the monitoring round have also been reflected throughout the whole report and several recommendations that the Committee addresses to Parties are based on their specific input.

The Committee recommends creating a specific incrimination to address sexual extortion of children and to ensure effective investigation and prosecution of this specific offence as well as of the other ICT-facilitated sexual offences against children. Where appropriate, covert operations should be allowed (nearly two-thirds of the Parties evaluated are not yet allowing this, the Committee notes). Sufficient resources and state-of-the-art technology should be made available to those in charge of identifying child victims, and co-operation between states Parties to this end should include, where appropriate, providing access to each other's databases. The Committee also reiterates that child victims of ICT-facilitated sexual exploitation and abuse should be provided with specific assistance and support.

Due to their online nature, offences related to child self-generated sexual images and videos have an inherent international aspect, and the prosecution of such offences may involve more than one jurisdiction. More than a half of the monitored Parties have been asked by the Committee to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed. Parties, in general, should take the necessary measures to establish jurisdiction over translational cases of child sexual exploitation and abuse facilitated by ICTs, when a part of the offence has taken place on their territory.

We can highlight groundbreaking features of the Lanzarote Convention. First: is a major step forward in the prevention of sexual offences against children, the prosecution of perpetrators and the protection of child

19 In <https://www.iwff.org.uk/about-us/who-we-are/annual-report-2020/>

20 In <https://www.weprotect.org/economist-impact-global-survey/>

21 Available on the next website: <https://www.weprotect.org>

22 In <https://www.association-secure-transactions.eu/iocta-2021-published-by-europol/>

victims. Building upon existing international and regional legal standards, the Convention extends them to cover and criminalise all sexual offences against children, be they for commercial profit or not. Second: Protecting children is at the heart of this Convention. It focuses on respect for children's rights, ensuring their well-being, responding to their views, needs and concerns, and acting at all times in their best interest. Third: The Lanzarote Convention requires states to ensure that information is provided in a formal or non-formal setting, educating children on the risks of sexual exploitation and sexual abuse, and on how children can protect themselves and request help. Fourth: is the first international legal instrument to require the criminalisation of the solicitation of children for sexual purposes (grooming). The occurrence of this criminal offence, facilitated by information and communication technologies (ICTs) has rapidly increased over the past decade, and the Lanzarote Convention serves as a crucial tool obliging States to protect children from this form of sexual violence and to prosecute offenders. Fifth: Mindful of the transnational character of sexual crimes against children, the Lanzarote Convention incorporates the "principle of extraterritoriality", meaning that citizens or residents of a State Party can be prosecuted for certain offences even if the act is committed abroad. Sixth: The Lanzarote Convention encourages states to set up intervention programmes or measures targeting sex offenders in order to prevent repeat offences from being committed against children. Any such interventions may not necessarily be part of the penal system of sanctions, but can instead be part of the healthcare and welfare systems. And seventh: the Lanzarote Convention establishes common criteria to ensure that an effective, proportionate and dissuasive criminal legal framework is implemented in all countries. Importantly, States are requested to extend any statutes of limitation with regard to sexual offences against children, so that criminal proceedings may be initiated after the victim has reached the age of majority.

5. Discussion

The Convention provides a sound basis for advocacy by civil society and other relevant stakeholders for an improved government response to all forms of sexual violence against children. In fact, implementing the Lanzarote Convention contributes to the landmark commitment by world leaders to end abuse, exploitation, trafficking and all forms of violence and abuse of children by 2030, as part of the UN Sustainable Development Goals. The Lanzarote Convention sets forth the following criminal offences: Article 18: "sexual abuse"; Article 19: "child prostitution"; Articles 20: "child pornography"; Article 21: "participation of a child in pornographic performances"; Article 22: "corruption of children" and Article 23: "solicitation of children for sexual purposes" (also known as "online grooming"). It is important to highlight that the Lanzarote Convention requests countries to extend their statute of limitation on sexual offences against children so that proceedings may be initiated after the victim has reached the adult legal age (Quayle & Koukopoulos, 2019). It also establishes common criteria to ensure that an effective, proportionate and dissuasive punitive system is put in place in all countries and foresees the possibility of prosecuting a citizen for a crime even when committed abroad ("extraterritoriality principle"). For example, prosecution can be brought against sexual offenders when they return to their home country.

6. Conclusions

Sexual exploitation and sexual abuse are among the worst forms of violence against children (Bang et al., 2014; Dubowitz, 2017). It is estimated that about one in five children are victims of some form of sexual violence in Europe and that in about 80% of cases, the abuser is somebody that the child knows. Sexual violence against children can take many different forms, such as: sexual abuse within the family or circle of trust, sexual exploitation through prostitution or sexual abuse materials, sexual violence facilitated by the Internet, and sexual assault by peers. The sexual exploitation and abuse of children has gained increasing attention since the 1990s. Article 34 of the UN Convention on the Rights of the Child (CRC) included a State obligation to protect children from this type of violence. In 2000, the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography further strengthened the legal protection of children from sexual violence, dedicating an entire legal instrument to the prevention of and protection from these offences (Simon, 2020).

The truth is that offences covered by the Lanzarote Convention represent a minimum consensus, meaning that establishing higher standards within a certain State's domestic legal framework is encouraged. This kind of harmonisation has multiple benefits in combating crimes against children at national and international level, such as reducing the risk that offenders could choose to commit criminal acts in a State party which has more lenient rules; increasing the comparability of data at national and regional level and facilitating international cooperation.

In addition to the above, the Lanzarote Convention requires States to offer a holistic response to sexual violence against children, through the four prospects approach: Prevention, Protection, Prosecution and Promotion of national and international cooperation. For this, the Lanzarote Committee, is the body established to monitor how the State parties to the Convention are effectively putting it into practice in legislation and policy but is also mandated to facilitate the collection, analysis and exchange of information, experience and good practice between states to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children. In doing

so, the Lanzarote Committee interacts with civil society and other relevant stakeholders, providing a broad and interactive capacity building platform for its members. In this sense, it is important to note that the Lanzarote Convention can be used in states that are not members of the Council of Europe. Sexual violence against children is a worldwide phenomenon. The Lanzarote Convention was drafted with the understanding that measures to address this global problem should not be limited to a particular geographic area. Therefore, the Convention is open to accession by any country in the world. As a comprehensive instrument for a broad national response to all forms of sexual violence against children, the Lanzarote Convention offers guidance and inspiration for any government in the world wishing to address this serious problem by strengthening its legal framework.

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