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|  | **Document CWG-COP-20/INF/8** |
| **11 January 2024** |
| **English only** |
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| Presentation from the Lanzarote Committee Secretariat, Council of Europe | |
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| **Purpose**  Outline of the Council of Europe contribution to the next working group focusing on legal measures for child online protection  **Action required**  This report is transmitted to the Council Working Group on Child Online Protection **for information**.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **References**  [*https://www.coe.int/children*](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.coe.int%2Fchildren&data=05%7C02%7Ccontributions%40itu.int%7Cd3a1bbc21bef42bd46d708dc12b58a0d%7C23e464d704e64b87913c24bd89219fd3%7C0%7C0%7C638405818259235946%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Cv%2F9Y581Jw5L2rH5qxY1mv3RschINXrw2nsMho%2BrUVs%3D&reserved=0) | |

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Lanzarote Convention / Lanzarote Committee

* Opened for signature in 2007, it is the most comprehensive, legally binding, international instrument on the protection of children against sexual violence.
* Ratified by all 46 member states of the CoE, as well as Tunisia and the Russian Federation (universal scope and is open to non-CoE member states).
* Lanzarote Committee: intergovernmental committee of State Parties plus participants and observers: monitors the implementation of the Convention, all Parties monitored simultaneously in “thematic” rounds. Also facilitates the collection, analysis and exchange of information and good practices to improve capacity to prevent and combat sexual violence against children.
* ITU is a participant in the Lanzarote Committee.
* Since the entry into force of the Convention in 2010, the Committee has continued to interpret the Convention and develop guidance for States to strengthen the protection of children from sexual abuse facilitated by ICTs:
* [Opinion on Article 23 - Solicitation of children for sexual purposes through ICTs (Grooming)](http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168064de98) – to respond to evolution in forms of abuse including the increase in grooming and sexual abuse taking place solely online (without a physical meeting) the Committee updated the interpretation of the convention to include grooming behaviours even when this is not followed by material acts in view of a meeting.
* [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through ICTs](http://rm.coe.int/t-es-2017-03-en-final-interpretative-opinion/168071cb4f) the Committee confirms that sexual exploitation and sexual abuse must be criminalised whatever means are used by the offender to commit the crime, including where this is through ICTs even if the Convention Article does not explicitly refer to ICTs.
* [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](https://rm.coe.int/opinion-of-the-lanzarote-committee-on-child-sexually-suggestive-or-exp/168094e72c) confirms that such images should be considered the result of abusive or exploitative conduct and that children depicted should be referred to victim support services not subject to criminal prosecution. Also aims to protect children from criminalisation when they make images or videos for their own private use or consensually share them with their boyfriend/girlfriend, in such cases criminal prosecution should only be a last resort in certain circumstances (e.g. if they knowingly and intentionally share images or videos).

Last monitoring round was on child self-generated sexual material

* Aware of the increase in new forms of OCSEA, and particularly concerned by the exponential increase in offences committed using **child self-generated sexual material,** the Committee decided to carry its 2nd monitoring round on the challenges raised by such material.
* In October 2023, the Committee published: **thematic** and **country factsheets** containing its main findings on the challenges raised by child self-generated sexual material.

Examples of key recommendations, good practices and challenges identified by the Committee

* *Recommendations linked to legal measures:*
* Terminology: child sexual abuse material rather than child pornography
* Introduce definitions of child sexual abuse material into legal frameworks
* Children should not be prosecuted for possessing their own material, the material of another child (with his/her informed consent) and the material of another child as a result of receiving such material without actively asking for it. (e.g. as a result of photos being shared among the whole school)
* Ensure that use of self-generated images and/or videos to force, coerce or threaten the child (to produce more materials, other sexual favours, financial gain or other gain by offenders) is criminalised. (we are informed that this is a concerning trend, with a marked increase in the use of CSAM for financial extortion of children).
* Ensure jurisdiction over transnational cases of CSEA. (particularly relevant in cases of CSAM/live streaming of abuse).
* Ensure that prosecutions can be initiated regardless of whether or not a victim has made a report or registered a complaint (*ex officio*).
* Remove requirements for dual criminality.
* *Promising practices:*
* Most Parties have specialised units dealing with ICT-facilitated offences against children within law enforcement and have training modules in place for law enforcement agents, prosecutors and judges related to aspects of child sexual exploitation and sexual abuse.
* A number of Parties apply a sort of “universal” jurisdiction principle in cases related to CSAM allowing for prosecution to be initiated regardless of whether or not the behaviour is criminalised in the country of the nationality or place of habitual residence of the victim or the perpetrator.
* Most parties co-ordinate with civil society partners in the prevention of child sexual abuse and exploitation, including where this is facilitated by ICTs, through victim support services and awareness raising initiatives.
* *Particular challenges:*
* At the time the report was adopted (March 2022) only 11 Parties referred explicitly to child self-generated sexual material in their legal frameworks, and 8 Parties still did not have definitions of CSAM in the legislation.
* In the vast majority of Parties children are still potentially criminally liable for distribution or transmission of images or videos that they have taken of themselves.
* At the time the report was adopted in 15 Parties prosecution for offences related to CSAM cannot always be brought without the complaint by the victim (for example in 1 state prosecution *ex officio* was only possible where the victim was a national) and 13 Parties still applied a principle of dual criminality for sexual offences against children.
* Only a few Parties have support services specifically designed for child victims of online sexual abuse.

Other resources:

[Baseline Mapping of member state responses to prevent and combat online child sexual exploitation and abuse](https://rm.coe.int/2021-baseline-mapping-web/1680a3ba96) (second edition published June 2021).

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