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## 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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**Thematic Questionnaire for the 2<sup>nd</sup> monitoring round on**

**The protection of children against sexual exploitation and  
sexual abuse facilitated by information and communication  
technologies (ICTs)**

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| <p>→ <b>Replies to the questionnaire</b> should be sent <b>by 25 October 2017</b></p> <p>→ <b>Comments by civil society on replies</b> of one or more Parties should be sent <b><u>within two months</u></b> from the registering of the replies by the Secretariat</p> |
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**Replies and comments should be addressed to**  
[lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)

This questionnaire and its replies are available online at: <http://www.coe.int/lanzarote>

## I. Introduction

1. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of sexual offences against children. It sets out that Parties to the Convention shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute offenders.

2. Over the past years, the Lanzarote Committee, in charge of the monitoring of the Convention, has examined challenges raised by several trends in child sexual exploitation and abuse which have emerged as a result of the rapid development and increased use of information and communication technologies (ICTs). It decided, in consequence, to focus its 2nd monitoring round on the in-depth analysis of the specific challenges to be met to ensure the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs).

3. The Lanzarote Committee has prepared the following questionnaire with two main aims which correspond to its twofold role in accordance with Article 41 of the Convention, i.e. monitoring and capacity building. Questions are thus of two kinds:

- Monitoring questions: these aim at gathering information to assess Parties’ effective implementation of obligations arising from the Convention
- Capacity building questions: these aim at gathering information on significant legal, policy or technological developments (Article 41§3).

4. It follows from the above distinction that the situation emerging from information submitted with regard to:

- Monitoring questions will give rise to recommendations for Parties to take steps to effectively implement the Convention.
- Capacity building questions will enable the identification of good practices to respond to legal, policy and technological developments and thus be helpful to better understand how to protect children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs).

5. Parties are asked to reply to this questionnaire bearing in mind the [Lanzarote Committee’s Interpretative opinion on the applicability of the Lanzarote Convention to sexual offences against children which are facilitated through the use of ICTs](#).

6. Parties are also asked to answer the questions specifying, where relevant, whether and how measures take into account gender-specific requirements as well as specific vulnerabilities of children. Special consideration should be given to statistics and national literature on this subject.

7. It is recalled that in accordance with Rule 26§3 of the Committee’s Rules of Procedure, replies to this questionnaire shall be submitted to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) in one of the official languages of the Council of Europe (i.e. English or French) within the time limit set below. All replies shall be detailed, answer all questions and contain all relevant reference texts.

**8. Parties shall reply to this questionnaire by 25 October 2017.**

9. Finally, in accordance with Rule 26§4 of the Committee’s Rules of Procedure, representatives of civil society and any other body involved in preventing and combating sexual exploitation and sexual abuse of children may also submit to the Secretariat ([lanzarote.committee@coe.int](mailto:lanzarote.committee@coe.int)) their views on any of the issues covered by this questionnaire. In addition, they may comment on the replies submitted by Parties within two months from the Secretariat’s registration of the relevant Party’s replies.

## II. Preliminary remarks

10. It is recalled that in accordance with Article 3:
- a. “child” shall mean any person under the age of 18 years;
  - b. “sexual exploitation and sexual abuse of children” shall include the behaviour as referred to in Articles 18 to 23 of this Convention;
  - c. “victim” shall mean any child subject to sexual exploitation or sexual abuse.”
11. Parties are also informed that, in the context of the present questionnaire:
- a. “self-generated sexually explicit images and/or videos” refers to any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs made or apparently made by the children themselves on their own initiative;<sup>1</sup>
  - b. “self-generated sexual content” refers to images, videos and other material depicting a child in a sexual suggestive way (e.g. naked or semi naked posing in order to provoke some sexual arousal”) made or apparently made by the children themselves on their own initiative;
  - c. “sexting” is sharing self-generated sexually explicit images and/or videos and/or self-generated sexual content<sup>2</sup> through information and communication technologies (ICTs)<sup>3</sup>;
  - d. “information and communication technologies (ICTs)” refers to all technical means used to handle information and aid communication, including both computer and network hardware as well as necessary software such as mobile phone, tablets, digital cameras, and any other smart devices;
  - e. “ICT facilitated sexual coercion and/or extortion”<sup>4</sup> is using self-generated sexually explicit images and/or videos and/or self-generated sexual content<sup>5</sup> to procure a sexual gain (mainly new images or videos or sexual favours), financial gain or other personal gain from the child or any other person under a particular threat (mainly posting previously acquired images and/or videos online).

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<sup>1</sup> This definition covers Lanzarote Convention Article 20§2 material.

<sup>2</sup> As defined above in 11.a and 11.b.

<sup>3</sup> As defined below in 11.d.

<sup>4</sup> Both “coercion” and “extortion” are used here given that under the legal terminology of some Parties, “extortion” is applicable solely if the benefits expected refer to money or property whilst the Lanzarote Committee wishes to include also situations when the offender demands more self-generated sexually explicit images and/or videos and/or self-generated sexual content<sup>4</sup> or sexual favours.

<sup>5</sup> As defined above in 11.a and 11.b.

### III. Questions

#### Prevention

##### Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
  - a. self-generated sexually explicit images and/or videos?
  - b. self-generated sexual content?
  
- 1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
  - a. self-generated sexually explicit images and/or videos?
  - b. self-generated sexual content?
  
- 1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:
  - a. self-generated sexually explicit images and/or videos?
  - b. self-generated sexual content?

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

##### Question 2. Civil society involvement

- 2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:
  - a. self-generated sexually explicit images and/or videos?
  - b. self-generated sexual content?
  
- 2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:
  - a. self-generated sexually explicit images and/or videos;
  - b. self-generated sexual content?

##### Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

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

#### **Question 4. Higher education curriculum and continuous training**

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

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

#### **Question 5. Research**

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

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

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

- a. self-generated sexually explicit images and/or videos as children have been shared online?
- b. self-generated sexual content as children has been shared online?

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

### **Protection**

#### **Question 6. Assistance to victims**

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

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

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

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

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

#### **Question 7. Cooperation with civil society**

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

## Prosecution

### Question 8. Legislation

- 8.1. Does national law contain any reference to:
- self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
  - self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
  - non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
- 8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:
- self-generated sexually explicit images and/or videos?
  - self-generated sexual content?
- 8.3. Are there specificities related to the fact that more children appear on the:
- self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
  - self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

### Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:<sup>6</sup>
- possess child self-generated sexually explicit images and/or videos?
  - distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
  - distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?
- 9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?
- 9.3. What are the legal consequences of the above behaviours (9.1.a-c)?
- 9.4. Does national law criminalise cases when adults:<sup>7</sup>
- possess child self-generated sexual content?
  - distribute or transmit child self-generated sexual content to other adults?
  - distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

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<sup>6</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

<sup>7</sup> If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

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

9.7. Does national law criminalise cases when children:<sup>8</sup>

- a. produce self-generated sexually explicit images and/or videos?
- b. possess self-generated sexually explicit images and/or videos?
- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

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

9.10. Does national law criminalise cases when children:<sup>9</sup>

- a. produce self-generated sexual content?
- b. possess self-generated sexual content?
- c. distribute or transmit self-generated sexual content to peers?
- d. distribute or transmit self-generated sexual content to adults?
- e. distribute or transmit self-generated sexual content of other children to peers?
- f. distribute or transmit self-generated sexual content of other children to adults?

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

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

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

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2<sup>10</sup>

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

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<sup>8</sup> This question does not in any way suggest that these behaviours should be criminalised.

<sup>9</sup> This question does not in any way suggest that these behaviours should be criminalised.

<sup>10</sup> Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2<sup>11</sup>

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

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

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

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

**Question 12. Jurisdiction rules<sup>12</sup>**

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

**Question 13. Specialised units/departments/sections**

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- a. in law enforcement?
- b. in prosecution?
- c. in courts?

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

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

**Question 14. Challenges in the prosecution phase**

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

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

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<sup>11</sup> Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

<sup>12</sup> Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

### **Question 15. Training of professionals**

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

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

## **Partnerships**

### **Question 16. International co-operation**

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?