



BRIEFING

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

Background information

In May 2005, the Heads of State and Government of the Council of Europe stressed their commitment to eradicate all forms of violence against children and their sexual exploitation by indicating that, if appropriate, a new legal instrument should be drawn up. The Council of Europe Convention for the protection of children against sexual exploitation and sexual abuse (CETS N°201) was the outcome of this decision. It was prepared by all member states of the Council of Europe as well as Canada, the Holy See, Japan, Mexico and the United States of America. It was adopted and opened for signature in October 2007 in Lanzarote, Spain. For this reason, it is also known as “the Lanzarote Convention”.

The Lanzarote Convention entered into force on 1 July 2010. To date, it has been signed by 46 Council of Europe member states and ratified by 30: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxemburg, Malta, Republic of Moldova, Montenegro, the Netherlands, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovenia, Spain, Sweden, Switzerland, “the former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

Any non-member State of the Council of Europe may request accession to the Lanzarote Convention. At the end of 2012, the Committee of Ministers of the Council of Europe agreed to accept such a request by the Kingdom of Morocco. This country is therefore in the process of adjusting its legislation and institutions to be in a position to become a Party to the Convention in the near future.

Aims of the Lanzarote Convention

The Lanzarote Convention is the most ambitious and comprehensive legal instrument on the protection of children against sexual exploitation and sexual abuse. It takes as a starting point the relevant United Nations and Council of Europe standards, extending them to cover all possible kinds of sexual offences against minors (including sexual abuse of a child, child prostitution, pedopornography, grooming and corruption of children through exposure to sexual content and activities) and criminalising them. It covers sexual abuse within the victim’s family or close social surroundings and acts committed for commercial or profit-making purposes. It sets forth that States in Europe and beyond shall establish specific legislation and take measures with an emphasis on keeping the best interest of children at the forefront to prevent sexual violence but also to protect child victims and prosecute perpetrators. It also promotes international cooperation to achieve the same objectives.

Prevention

Inter alia, the Lanzarote Convention establishes that:

- persons working in contact with children should be screened and trained;
- children should be made aware of the risks of sexual exploitation and sexual abuse and of how to protect themselves;
- intervention measures for both offenders and potential offenders aimed at preventing sexual offences against children should be regularly monitored.

Protection

Inter alia, the Lanzarote Convention establishes that:

- programmes to support victims and their families be established;
- therapeutic assistance and emergency psychological care be set-up;
- the reporting of suspicion of sexual exploitation or sexual abuse be encouraged;
- telephone and Internet help lines to provide advice be set-up;
- child-friendly judicial proceedings for protecting the victim's safety, privacy, identity and image be put in place;
- measures adapted to the needs of child victims, respecting the rights of children and their families be established;
- the number of interviews with child victims be limited and the interview take place in reassuring surroundings, with professionals trained for the purpose.

Prosecution

The Lanzarote Convention defines certain types of conduct as **criminal offences**. These include:

- sexual abuse: all cases where a person engages in sexual activities with a child below the age of consent as well as all cases where a person engages in sexual activities with a child by using force or threats;
- child prostitution;
- child pornography;
- corruption of children;
- and solicitation of children for sexual purposes, including Internet grooming.

The Lanzarote Convention establishes **common criteria** to ensure that an **effective, proportionate and dissuasive punitive system** is put in place in all countries. It foresees the possibility of prosecuting a citizen also for a crime committed abroad ("extraterritoriality principle"). For example, prosecution can be brought against sex tourists when they return to their home country. It 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.

Promotion of national and international co-operation

Cooperation is essential to achieve the effective implementation of the Lanzarote Convention. To understand the potential of national and international cooperation, it is sufficient to refer to the following new offences established by the Convention:

- With regard to child prostitution, the Lanzarote Convention establishes links between demand and supply of child prostitutes by requiring criminal sanctions for both the “recruiters” and the “users”;
- With regard to child pornography, the production, offering, distribution, possession and online viewing of child pornography are all to be criminalised according to the Convention;
- Grooming has been included in the Lanzarote Convention, reflecting the increasingly worrying phenomenon of children being sexually harmed when meeting up with adults initially encountered in cyberspace, specifically in Internet chat rooms or on game sites.

Cooperation helps countries identify and analyse problems, find and apply common solutions, share data and expertise, combat impunity and improve prevention and protection measures. It is therefore essential that both European and non-European countries become parties to the Lanzarote Convention.

Monitoring the implementation of the Lanzarote Convention

The “**Lanzarote Committee**” (i.e. the Committee of the Parties to the Convention) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. The monitoring procedure is divided by rounds, each round concerning a theme.

As available data shows that the majority of sexual abuse against children in Council of Europe countries is “committed within the family framework, by persons close to the child or by those in the child’s social environment” (see Lanzarote Convention Explanatory Report, paras. 48 and 123-125), the Lanzarote Committee decided that the **first monitoring round** shall focus on “**sexual abuse of children in the circle of trust**”.

To set this first monitoring round in motion, the Lanzarote Committee prepared a “Thematic Questionnaire” to collect specific information on how Parties implement the Lanzarote Convention with respect to the situation of sexual abuse of children in the circle of trust. In addition it also prepared a “General Overview Questionnaire” to collect information to have a general framework within which it will assess replies by Parties to the thematic questionnaire. Both questionnaires are available at: http://www.coe.int/t/dghl/standardsetting/children/Questionnaires_en.asp

All Parties to the Lanzarote Convention at the time the monitoring process was launched had to reply to both questionnaires by 31 January 2014. Replies received are online at: http://www.coe.int/t/dghl/standardsetting/children/States_Replies_en.asp

All Parties shall be monitored at the same time. The outcome of the monitoring process will be an implementation report concerning all Parties.

Representatives of civil society involved in preventing and combating sexual exploitation and sexual abuse of children have also been invited to reply to both questionnaires by the same deadline. There replies are also online at:

http://www.coe.int/t/dghl/standardsetting/children/RepliesOtherStakeholders_en.asp

States having signed but not ratified the Lanzarote Convention have been encouraged to reply to the General Overview Questionnaire. These replies will not feed into the monitoring process but will provide the Lanzarote Committee with a broader and more comprehensive general framework of the situation.

The first monitoring round concerns the following 26 Parties which had ratified the Convention when the process was launched: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxemburg, Malta, Republic of Moldova, Montenegro, Netherlands, Portugal, Romania, San Marino, Serbia, Spain, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

Exchanging good practices on the implementation of the Lanzarote Convention

The Lanzarote Committee 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 this regard the Committee may organise capacity building activities, exchanges of information or hearings on specific challenges raised by the implementation of the Convention.

The Lanzarote Committee has held the following capacity building activities:

1. Study visit concerning the *Barnahus* (Children’s House) model, which was held in Reykjavik (Iceland) on 31 May-1 June 2012;
2. Good practices conference on the role of international cooperation in tackling sexual violence against children, which was held in Rome (Italy) on 29-30 November 2012.
3. Good practices conference on prevention of sexual abuse of children, which was held in Madrid (Spain) on 10-11 December 2013.

Information on these activities is available on line at:

http://www.coe.int/t/dghl/standardsetting/children/GoodPractices_en.asp

In addition, national round tables may be organised at the initiative of the States to facilitate exchanges of views and experience on the implementation of the Convention with all relevant national stakeholders.

For additional information, visit our website at:

www.coe.int/lanzarote