

Collecting information on sexual violence against children

Answers to a questionnaire addressed to the CDPC delegations

(European Committee on Crime Problems)

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Introduction

In response to its mandate under the children's strategy for 2009-2011, the Council of Europe programme "Building a Europe for and with children" shall launch a Europe-wide campaign in October 2010, to stop sexual violence against children.

The campaign will aim to promote the ratification and implementation of the Council of Europe's primary legal instrument in this area: the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, as well as the Convention on Cybercrime and the Convention on Action against Trafficking in Human Beings.

In preparation of this campaign, the Council of Europe is willing to collect further data on sexual violence against children in its member states. Since the CDPC is the institutional body within the Council of Europe, responsible for the promotion of "the implementation and harmonisation of national policies as well as the development of policies common to member states with regard to criminal law, criminal procedures, crime prevention and the treatment of offenders", in May 2010 its delegations agreed to respond to the following questionnaire:

Questionnaire

- 1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?**

- 2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?**

- 3. In which type of environment are children most frequently victims of sexual violence?**

- 4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.**

Austria/Autriche

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

Yes. The Ministry of Interior collects data on how many cases are reported to the police, whereas the Ministry of Justice collects data on criminal procedures and convictions.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

The Austrian Penal Code (Strafgesetzbuch, StGB) provides sanctions for **Severe sexual abuse of minors** (under 14 years of age) in **§ 206**, for **Sexual abuse of minors** (under 14 years of age) in **§ 207**, **§ 207a – Pornographic representations of minors**, **§ 207b – Sexual abuse of minors** (under 16 or 18 years of age), **§ 208 – Moral endangerment of persons under 16 years of age**, **§ 212 – Misuse of authority**, **§ 214 – Non gratuitous procurement of sexual contacts with minors** and **§ 215a – Promotion of prostitution and pornographic representations involving minors**.

Cases reported to the police (crimes, i.e. liable to imprisonment to more than three years):

	2006	2007	2008
§ 206 StGB	246	296	262
§ 207 StGB	309	313	293
§ 207a StGB	8	14	18
§ 214 StGB	1	1	-
§ 215a	1	0	1

Cases of prosecutions:

	2006	2007	2008
§ 206 StGB	369	394	432
§ 207 StGB	572	575	577
§ 207a StGB	0	1	0
§ 207b StGB	0	0	1
§ 208 StGB	119	233	195
§ 212 StGB	212	212	201
§ 214 StGB	7	6	4
§ 215a	12	10	8

Criminal procedures before courts:

	2006	2007	2008
§ 206 StGB	127	129	117
§ 207 StGB	133	163	168
§ 207a StGB	1	3	0
§ 207b StGB	0	0	0
§ 208 StGB	20	23	20
§ 212 StGB	105	106	107
§ 214 StGB	0	1	0
§ 215a	4	2	3

Convicted persons (in this statistic, if there is more than a single offence in a case convicted, only the most severe offence is counted):

	2006	2007	2008
§ 206 StGB	29	90	75
§ 207 StGB	106	77	75
§ 207a StGB	120	195	205
§ 207b StGB	3	12	9
§ 208 StGB	16	20	10
§ 212 StGB	26	14	13
§ 214 StGB	0	0	1
§ 215a	1	2	0

3. In which type of environment are children most frequently victims of sexual violence?

The Ministry of Interior collects data on the victim-offender relation in cases reported to the police. Generally, in about 30.5% of all crimes against sexual integrity (not only of children) happen in families, of which about two thirds in households. About 42% of victims know their offender, 14.6% of victims know the offender only by chance, the rest has no relationship at all towards the offender.

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

No. Data on criminal procedures and convictions for sexual violence against children are not gendered in Austria.

Azerbaijan/Azerbaidjan

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

The statistics on sexual violence cases against children are conducted within the Ministry of Internal Affairs and the entire database is stored in the Head Office of Operations and Statistic Information of the Ministry of Internal Affairs.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

2008 - According to the aforesaid office, 30 criminal acts of sexual violence against children were registered in the year of 2008 with criminal proceedings having been initiated against the acts. Four of the cases involved fall under Article 149 (rape), 25 of them under Article 150 (violence acts of sexual nature), and one under Article 151 (forcing to sexual acts) of the Criminal Code of the Republic of Azerbaijan. Out of those criminal cases 12 girls and 18 boys were registered as victims. Criminals with 29 facts were brought to justice and convicted. One criminal case of the fact was sent to the court following the decision to carry out compulsory medical examination measures as the accused person was found slow-witted.

2009 - 42 criminal acts of sexual violence against children were registered in the year of 2009 with criminal proceedings having been initiated against the acts. Eleven of the cases involved fall under Article 149, 29 of them under Article 150, one under Article 151 and one under article 171.2.1 (forcefully involving or involving by threat the juveniles in prosecution or immoral conduct) of the Criminal Code of the Republic of Azerbaijan. Out of those criminal cases 27 girls and 15 boys were registered as victims. Criminals with 40 facts were brought to justice and convicted. Implementation of a criminal case over 1 fact was suspended due to the accused person with a rape charges, in the prosecutor's office of the Lachin district under Article 149 of the Criminal Code of the Republic of Azerbaijan, was not determined, and a person committing sexual violence against an underage was found guilty under Article 150.2.3 of the Criminal Code of the Republic of Azerbaijan and arrest warrant was chosen against him and currently the investigation of the criminal case continues.

2010 (first quarter) - For the first quarter of the year 2010, some 13 criminal acts of sexual violence against children were registered in the year of 2009 with criminal proceedings having been initiated against the acts. One of the cases involved fall under Article 149, 12 of them under Article 150 of the Criminal Code of the Republic of Azerbaijan and the investigation of these cases is going on. Out of those criminal cases 6 girls and 7 boys were registered as victims.

Generally, throughout 2008-2009 and the first quarter of the year 2010, 85 criminal acts of sexual violence against children were registered. 24 out of them were committed in the city of Baku, 4 in Ganja, 4 in Mingachevir, 2 in Sumgait and 51 were committed in rural areas of districts and criminal cases were initiated over all acts. Out of those criminal cases 45 girls and 40 boys were registered as victims. Accused persons over 69 criminal cases were convicted. One criminal case of the fact was sent to the court following the decision to carry out compulsory medical examination measures as the accused person was found slow-witted, implementation of a criminal case over 1 fact was suspended due to the accused person was not determined, and investigation criminal cases over 14 acts continues.

3. In which type of environment are children most frequently victims of sexual violence?

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

The State Committee on Family, Women and Children Affairs carried out the inquiry in order to study the reasons of the sexual violence against children in the domestic field.

As a result of the analysis carried out in the regions, where cases of early marriages dominate it is envisaged to improve the legislation and establish the appropriate enforcement mechanisms to struggle against such cases.

In spite of the official statistics collected on the cases of sexual violence against the children the relevant gender analysis of the victims was not fulfilled. However, taking into account the existence of early (child's) marriages in the country and establishment of criminal responsibility for the sexual violence against under-age it is supposed that the girls are exposed to sexual violence more.

It is presumed that in the environment of desolation and weakness of parent's control the children are more frequently exposed to sexual violence. At present the poor functioning of the institute of social worker, weakness of the cooperation between the schools and parents, of the activity of the organizations working with the children at the local level caused the failure to carry out in time and operative interference with the solution of the problems of the children and families under risk.

Denmark/Danemark

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

Yes, in Denmark, statistic information on sexual abuse of children is gathered. Police and Prosecution Service collect data and forward it to Statistics Denmark (organized under the Danish Ministry of Economic and Business Affairs). Statistics Denmark makes the statistic information public.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

Statistic information is not available regarding all sexual offences involving a child victim. Our statistic information only relates to cases regarding sexual intercourse and cases regarding sexual relations other than sexual intercourse (for instance obscene behaviour is not included in the statistics)

Cases reported - 2008: 229 – 2009: 195

Indictments – 2008: 138 – 2009: 177

Convictions – 2008: 75% - 2009: 84%

3. In which type of environment are children most frequently victims of sexual violence?

No statistical information available

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

No statistic information available

Estonia/Estonie

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

Criminal statistics (included data of registered sexual offences against children) is gathered from the “E-file” unified information system of investigative bodies, prosecutor’s office and courts in Estonia. On the basis of this data, the Ministry of Justice shall publish each year an annual report on crime. An English summary of the report you can find here: <http://www.just.ee/43478>.

Ministry of Social Affairs gathers statistics about social services offered for victims, for example victims who have received shelter services because of violence etc.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

Please find the number of sexual offences against children registered in the years 2006-2009 in Estonia in the following table.

Types of criminal offences	§ according to the Penal Code	2006	2007	2008	2009
Rape committed against a person of less than 18 years of age	§ 141 lg 2 p 1	57	41	67	49
Satisfaction of sexual desire by violence against a person of less than 18 years of age	§ 142 lg 2 p 1	41	24	35	49
Compelling person to engage in sexual intercourse committed against a person of less than 18 years of age	§ 143 lg 2 p 1	2	4	4	1
Compelling person to satisfy sexual desire against a person of less than 18 years of age	§ 143 ¹ lg 2 p 1	0	4	12	5
Sexual intercourse with descendant	§ 144	0	2	3	2
Sexual intercourse with child (a person of less than 14 years of age)	§ 145	30	10	11	14
Satisfaction of sexual desire with child (a person of less than 14 years of age)	§ 146	62	23	28	25
Disposing minors to engage in prostitution and aiding prostitution involving minors	§-d 175–176	2	5	15	7
Use of minors in manufacture of pornographic works and manufacture of works involving child pornography or making child pornography available	§-d 177–178	39	26	56	28
Sexual enticement of children	§ 179	11	10	29	20
Total number of registered sexual offences against children		244	149	260	200

260 sexual offences against children were registered in Estonia in 2008 and as of 26th of May, 2010 in case of 27%, the criminal proceedings were terminated, 42% of the cases are still in pre-trial or court procedure and 31% of the cases have reached to a conviction.

3. In which type of environment are children most frequently victims of sexual violence?

According to the criminal statistics, ¾ of child pornography offences (§ 177-178 of Penal Code) and sexual enticement of children (§ 179 of Penal Code) registered in 2009 have been committed via Internet and/or computers. Offences against sexual self-determination have committed often by perpetrator who knows the victims: just close or casual acquaintance, relative or even someone living in the same household.

One Estonian survey (Soo, 2005) showed that children living in institutions were more affected and in risk on victimization (sexual and physical abuse as well).

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

Estonian criminal statistics shows, that most perpetrators in sexual abuse cases are men. According to the surveys done in Estonia (Soo, 2004; Soo, 2005), girls have experienced more sexual abuse than boys. Nevertheless, limited numbers of studies have been carried out in this subject and criminal statistics doesn't enable to give us the reliable data of victims' gender at the moment.

References

- Soo, K. (2004). Seksuaalse väärkohtlemise kogemused ja hoiakud Eesti noorte hulgas
Soo, K. (2005). Erikoolides ja laste hoolekandeesutustes elavate noorte hoiakud ja kogemused seoses seksuaalse, vaimse ja füüsilise vägivallega
Kuritegevus Eestis 2009. (2010). Justiitsministeerium (not published yet)

France

1. Les statistiques sur la violence sexuelle à l'égard des enfants sont-elles recueillies dans votre pays? Si oui, quel organe ou institution collecte ces données?

Les statistiques françaises disponibles en matière de violences sexuelles commises sur des mineurs ont plusieurs origines. Les faits constatés sont recensés par les services de police et de gendarmerie. Par ailleurs, les condamnations prononcées par les juridictions sont enregistrées au casier judiciaire national. Ces données peuvent ainsi être le cas échéant exploitées aux fins d'analyse.

2. Combien de cas de violences sexuelles à l'égard des enfants ont été signalés par an dans votre pays ? Dans combien de ces cas, une procédure pénale est-elle engagée? Combien y a-t-il de condamnations?

A) Nombre de faits constatés et élucidés de viols, d'harcèlements sexuels et d'agressions sexuelles sur mineurs de 2004 à 2008

L'unité de compte est la victime.

		2004	2005	2006	2007	2008
Viols sur mineurs	Faits constatés	6 193	5 581	5 341	5 455	5 643
	Faits élucidés	5 192	4 711	4 387	4 407	4 576
	% de faits élucidés	83,8%	84,4%	82,1%	80,8%	81,1%
Harcèlements sexuels et autres agressions sexuelles sur mineurs	Faits constatés	10 598	9 132	8 257	8 206	8 638
	Faits élucidés	9 035	7 990	7 113	7 184	7 460
	% de faits élucidés	85,3%	87,5%	86,1%	87,5%	86,4%

Source : Ministère de l'intérieur.

B) Dans combien de ces cas, une procédure pénale est-elle engagée?

Il n'existe pas de données nationales disponibles permettant de répondre à cette question.

C) Les condamnations

L'unité de compte est la procédure. Il convient de préciser qu'une procédure peut concerner plusieurs victimes et plusieurs faits.

Le nombre de condamnations pour infraction principale concernant des faits de violences sexuelles sur mineurs baisse de **-13,7%** entre 2004 et 2008 (4 645 condamnations en 2004 à 4 008 en 2008).

Les condamnations « infractions principales » figurant ci-dessous, concernent les condamnations définitives pour lesquelles le viol ou l'agression sexuelle apparaît en premier rang dans l'extrait de décision envoyé au casier judiciaire.

Elles ne prennent donc pas en compte les condamnations pour lesquelles l'infraction de viol ou d'agression sexuelle est connexe ou apparaît à un rang inférieur dans l'extrait.

A titre des réserves méthodologiques, il convient de préciser que les textes répressifs prévoient la circonstance aggravante lorsque les faits sont commis sur mineur de 15 ans, permettant un enregistrement fin au casier judiciaire de ces infractions spécifiques.

En revanche, il n'est pas possible d'isoler statistiquement les viols et agressions sexuelles commises sur des mineurs âgés de plus de 15 à 18 ans.

De même, les viols commis avec plusieurs circonstances aggravantes sont enregistrés dans cette catégorie sans qu'il soit permis d'identifier le nombre de viols sur mineurs de 15 ans.

	2004	2005	2006	2007	2008
Viol sur mineur de 15 ans *	540	557	535	547	519
Agression sexuelle sur mineur de 15 ans **	3 598	3 617	3 389	3 105	3 017
Atteinte sexuelle sur mineur ***	507	474	461	429	472
Ensemble	4 645	4 648	4 385	4 081	4 008

Source : Casier Judiciaire National (données 2008 provisoires).

Les rubriques figurant dans le tableau résultent du regroupement d'infractions suivant :

* **Viol sur mineur de 15 ans** : viol commis sur la personne d'un mineur de 15 ans ; viol commis sur un mineur de 15 ans avec une circonstance aggravante.

** **Agression sexuelle sur mineur de 15 ans** : agression sexuelle sur un mineur de 15 ans imposée ; avec arme ; commise en réunion ; entraînant blessure ou lésion ; par ascendant ou personne ayant autorité ; par personne abusant de l'autorité de sa fonction ; par une personne en état d'ivresse manifeste ; en raison de l'orientation sexuelle.

*** **Atteinte sexuelle sur mineur** :

- atteinte sexuelle sur mineur de 15 ans par personne abusant de l'autorité de sa fonction ; par ascendant ou personne ayant autorité ; par majeur ; par un majeur mis en contact avec la victime par réseau de télécommunications ; avec versement d'une rémunération ; commise en réunion.

- atteinte sexuelle sur mineur de plus de 15 ans par ascendant ou personne ayant autorité ; par personne abusant de l'autorité sa fonction.

Les faits d'agressions sexuelles sur mineurs de 15 ans représentent les infractions sexuelles les plus nombreuses. Il convient cependant de préciser que les crimes de viols font parfois l'objet de requalification en délits, ce processus se nommant « correctionnalisation ». Il n'est pas possible de quantifier ce phénomène.

En conséquence, les faits de viols condamnés devraient être plus nombreux que ceux figurant dans le tableau.

De multiples facteurs expliquent le procédé de la correctionnalisation des viols (accélérer le jugement de faits anciens, adhésion de la victime à la requalification en délit...).

3. Dans quel cadre les enfants sont-ils le plus souvent soumis à la violence sexuelle?

Les rapports d'activité pénale des parquets en 2009 ont mentionné concernant les infractions à caractère sexuel que les victimes sont principalement des mineurs et que les faits sont essentiellement commis par des membres de leur entourage.

Par ailleurs, une enquête nommée « Contexte de la sexualité en France » (CSF)* a été réalisée en 2006, sur un échantillon de 10 403 personnes âgées de 18 à 69 ans. Elle a abordé la question des violences sexuelles. Dans l'ensemble, 6,8 % des femmes et 1,5 % des hommes déclarent avoir subi au moins un viol au cours de leur vie. L'enquête confirme que, « dans toutes les générations, les personnes indiquent des premiers rapports forcés ou tentatives qui se produisent majoritairement avant 18 ans ». Quand le viol a eu lieu avant 18 ans, il s'agit dans les 2/3 des cas d'un membre de la famille père, beau-père ou autre membre (27 % des cas) ou bien de personnes connues de la famille (31 %). Une autre confirmation importante de l'enquête CSF est que les viols et tentatives de viols sont perpétrés dans tous les milieux sociaux. Que l'on observe le milieu social d'origine (à travers la profession du père) ou le milieu social actuel, à travers la profession des femmes interrogées, le constat est le même : le plus fort taux est même atteint chez les femmes appartenant aux cadres et professions intellectuelles pour les viols avant 18 ans, ainsi que chez les artisans-commerçants-chefs d'entreprise pour les viols après 18 ans.

* <http://gazette.kb.inserm.fr/csf/Accueil.html>

4. La violence sexuelle à l'égard des enfants affecte-t-elle un sexe en particulier dans votre pays ? Y a-t-il une catégorie d'enfants plus exposée qu'une autre ? Si oui, merci de préciser.

Il n'existe pas de données disponibles sur le sujet.

Germany/Allemagne

1. Statistical data on sexual abuse of children (including sexual violence) is as other police data on crimes collected by the local police authorities and finally by the Bundeskriminalamt (Federal Criminal Police Office - www.bundeskriminalamt.de). Statistical data on conviction and sentencing are collected by the Statistical Offices of the Länder and finally computed on Federal level by the Federal Statistical Office (www.destatis.de).

2. In 2009, there were 11.319 reported cases to the police with 14.038 victims. The number of person put on trial as well as the number of person convicted for sexual abuse of (including sexual violence against) children (up to 14 years old) in 2008 is displayed in attachment 1 (published by the Federal Statistical Office, Fachserie 10, Reihe 3, Strafverfolgung 2008 (Conviction Statistics), table 9, results concerning 2009 are not yet available). Please take note of the footnote below the table.

It is not possible to compare the data of the Police Crime Statistics and the Conviction Statistics due to different reasons (i.e. possibly different crime categories, different statistical units (cases vs. persons), different time of data recording). Statistical data concerning the criminal investigation proceedings (public prosecutor level) are not available as well.

3. There is no information available about the environment. But it is known that 2.852 victims were relatives to the offender, 4.191 victims were acquainted with the offender, 1.179 had a loose contact to him or her before the crime.

4. 10.618 of the victims were female, 3.420 were male. More information are included in attachment 2 (source: Police Crime Statistics 2009, table 91 and 92).

Latvia/Lettonie

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

Such statistical data are being collected in Latvia by several institutions:

The Information Centre of the Ministry of the Interior collects statistical data on crime statistics, number of registered crimes, including number of crimes related to sexual violence against children. The statistics are being collected according to crime types established in the Criminal Law, included in chapter XVI, Criminal Offences against Morals, and Sexual Inviolability, Articles 159 - 166).

Statistics about verdicts related to sexual violence against children are collected by the Court Administration (a direct administrative institution subordinate to the Minister of Justice).

Starting from 2010, statistical information is collected about children who are victims of sexual violence and who receive social rehabilitation services. This statistical information is collective by the Ministry of Welfare.

The Hotline for Children and Adolescents (116111) run by the State Children's Rights Protection Inspectorate aggregates information regarding the issues about which children are calling. The hotline also receives telephone calls from children reporting of potential violence. If there is suspicion of crime committed against a child (including sexual violence against a child) the inspectorate immediately informs the police about that.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

According to the data provided by the Information Centre of the Ministry of the Interior in 2009, altogether 1 238 children were recognised as victims in different criminal proceedings (including 176 children, who have suffered from sexual violence, those crimes were qualified by Articles 159, 160, 161, 162, 66 of the Criminal Law; http://www.vvc.gov.lv/export/sites/default/docs/LRTA/Likumum/The_Criminal_Law.doc. All those cases were reviewed in criminal procedure.

As well currently 96 criminal proceedings were conducted where there is sexual violence against children.

At the same time it is possible to provide the statistic data of conducted criminal proceedings of sexual violence against children:

2007 was 39 cases;

2008 was 37 cases;

2009 was 25 cases;

2010 – at the moment 6 cases were led to conviction.

Altogether, according to the Criminal Law, Section XVI (Criminal Offences against Morals, and Sexual Inviolability, Articles 159 - 166), 390 criminal offences were registered in 2009 (including crimes where a minor was a victim).

From the first of January to May of 2010 there are recorded 60 events of minors and sexual morals, including 5 rapes; 8 forcible sexual assault cases; 8 cases with sexual intercourse with a person who has not attained 16 years; 12 cases of seduction to libertinism and 3 pornographic or erotic material manufacturing cases in which victims are children.

3. In which type of environment are children most frequently victims of sexual violence?

According to the information provided by the State Children's Rights Protection Inspectorate, children are subject to risk of sexual violence at school (sexual violence committed by peers and pedagogues), in family environment (in relation with parents, grandparents, siblings). The inspectorate has also received calls for assistance in cases of violence in couple relations. Minors also seek help at the inspectorate (Hotline for Children and Adolescents (116111)) in cases of sexual violence occurring outside school (violence committed by friends, acquaintances, other persons). Child safety on the internet is also a live issue. This includes also child protection against sexual violence on the internet.

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

There is statistical data available about the number of victims aggregated by gender (provided by the Information Centre of the Ministry of the Interior).

According to a research conducted in Latvia both genders are subject to the risk of sexual violence. However, for girls the highest risk to become victim of sexual violence is in the age group between 13 to 16 years. The respective age group for boys is from 10 to 14 years of age (Sexual Exploitation of Children in Latvia, Research Report from Riga Christian Street Children Centre, conducted in 2006 - 2007; <http://www.riskchild.org/>

Malta/Malte

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

There is no National Body which collects statistics on sexual violence against children on a National level. But various bodies collect statistics regarding sexual violence as it is normally data relating to their client group. Within Agenzija Appogg, such data is collected from the Child Protection Services. The Police also have statistical data regarding police reports and so they should also have data relating to sexual violence reports. Courts should also have records on the number of sentences passed out.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

The Number of New Cases of Sexual Child Abuse Investigated by the Child Protection Services (CPS) from Agenzija Appogg

Type of Abuse	2001	2002	2003	2004	2005	2006	2007	2008
Sexual	36	99	169	63	55	188	114	91

The number of criminal proceedings and convictions is data collected by the police and courts.

3. In which type of environment are children most frequently victims of sexual violence?

Data from the Child Protection Services indicates that the most predominant form of sexual violence occurs within the family context e.g. parents or relatives. However lately there has also been an increase in cyber crime which includes child grooming.

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

Within the Child Protection Services it seems that slightly more females come forward for service. Fewer males may be coming forward for help due to shame but the trend may be shifting as males seem to be more willing to disclose and come forward. Although there may be more females coming to the Child Protection Services, professionals believe that the sexual abuse is not gendered.

Monaco

1. Les statistiques sur la violence sexuelle à l'égard des enfants sont-elles recueillies dans votre pays? Si oui, quel organe ou institution collecte ces données?

A ce jour, il n'y a pas d'organe ou d'institution spécifique chargée de la collecte des données en cette matière. Pour autant, les autorités monégasques attachent une grande importance à la lutte contre les violences à l'égard des enfants. Ainsi, pour ce qui concerne les services judiciaires, la Direction des Services Judiciaires a demandé au Parquet Général de tenir des statistiques dans ce domaine.

2. Combien de cas de violences sexuelles à l'égard des enfants ont été signalés par an dans votre pays ? Dans combien de ces cas, une procédure pénale est-elle engagée? Combien y a-t-il de condamnations?

Les seules données disponibles concernent les plaintes enregistrées au Parquet Général et les poursuites engagées sur l'année 2009 pour des faits de violence à caractère sexuel infligé à des enfants.

Année	Infractions	Nombre	Etat du dossier	Sanctions prononcées
2009	Attentat à la pudeur sur mineure de 16 ans	2	1 terminé 1 susceptible d'appel	Ordonnance de non-lieu après information judiciaire Condamnation par le tribunal correctionnel par jugement du 26 janvier 2010 à une peine de six mois d'emprisonnement avec sursis et 1.500 euros d'amende
2009	Attentat à la pudeur sur mineure de 15 ans	1	Terminé	Ordonnance de refus d'informer sur plainte avec constitution de partie-civile déposée à la suite du classement sans suite d'une plainte précédente opéré par le Parquet (infraction non caractérisée)
2009	Violences volontaires sur mineure de 16 ans	1	Terminé	Condamnation par le tribunal correctionnel par jugement du 22 septembre 2009 à une peine de deux ans d'emprisonnement
2009	Voies de fait sur mineure de 16 ans et attentat à la pudeur	1	Terminé	Classement sans suite à défaut de l'identification de l'auteur
2009	Viols par ascendant sur mineure de 15 ans	1	Terminés	Condamnation par le Tribunal criminel par arrêt du 19 janvier 2009 à la peine de 10 ans de réclusion criminelle
2009	Viol sur mineure de 15 ans (auteur mineur)	1	Terminé	Condamnation par le Tribunal correctionnel par jugement du 20 novembre 2009 à une peine de 3 ans d'emprisonnement avec sursis avec placement sous le régime de la liberté d'épreuve pendant 5 ans
TOTAUX		7	6 terminés 1 susceptible d'appel	4 condamnations 1 non-lieu 1 classement sans suite 1 refus d'informer

Peuvent être également mentionnées deux affaires jugées en 2010 :

- une condamnation par le Tribunal correctionnel par jugement 23 mars 2010 à une peine de quatre mois d'emprisonnement avec sursis avec placement sous le régime de la liberté d'épreuve pendant trois ans pour organisation avec obligation de se soumettre à des mesures de contrôle, de traitement ou de soins, même sous le régime de l'hospitalisation, pour organisation ou facilitation de l'exploitation sexuelle de mineurs de moins de 18 ans par téléchargement de fichiers photo et vidéo à caractère pédo-pornographique et mise à disposition desdits fichiers sur Internet ;
- une condamnation par le Tribunal correctionnel par jugement 23 mars 2010 à une peine d'un an d'emprisonnement avec sursis et 10.000 euros d'amende pour délits de facilitation de l'exploitation sexuelle de mineurs de 18 ans et de 15 ans par le téléchargement de fichiers à caractère pédo-pornographique et pour enregistrement et détention d'images pédo-pornographiques ;

3. Dans quel cadre les enfants sont-ils le plus souvent soumis à la violence sexuelle?

Il ressort des affaires examinées que les faits de violence sexuelle subis par les enfants se déroulent soit dans le cadre familial soit dans le cadre de leurs connaissances.

4. La violence sexuelle à l'égard des enfants affecte-t-elle un sexe en particulier dans votre pays ? Y a-t-il une catégorie d'enfants plus exposée qu'une autre ? Si oui, merci de préciser.

Il apparaît d'après les données disponibles que les seules affaires portées à la connaissance de la justice concernent les enfants de sexe féminin.

The Netherlands

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

Statistics on sexual violence against children are gathered in the Netherlands. Research and studies initiated by the government are being done periodically by research institutes. Usually research is conducted with regard to child abuse and neglect (violence against children) in general and more specific forms of violence (f.i sexual violence) are being examined within.

In 2005 a study into different forms of child abuse and neglect was conducted. On the basis of the results the cases of sexual violence against children could be estimated at 47.000. This related tot 1,3 victims on every 1000 children. The percentage of cases of sexual violence against children was estimated to be 4,4 % of the total cases of child abuse and neglect.

An English summary of this study can be found via the following weblink:

<http://www.leidenattachmentresearchprogram.eu/NPM-2005-Van-IJzendoorn-abstract-EN.pdf>.

The study is currently being repeated. The results of this new study are expected in 2011.

During 2008 the amount of formal registrations at the Dutch Child Protection Services ('Advies- en Meldpunten Kindermishandeling', AMK) of sexual violence against children was 465 (notably, registration takes place per family. A registration can apply to more than child within the family).

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure ? How many led to a conviction?

Currently, modifications are being made in the registration systems of both the police and the prosecution services in order to add child abuse as a specific registration code. As a result it will be possible to easier and speedily provide accurate data and figures in the near future.

It is expected that in September 2010 research will be completed on the amount of reports, prosecution cases and convictions with respect to the different forms of child abuse. The Netherlands will by then be able to provide the requested information.

3. In which type of environment are children most frequently victims of sexual violence?

On the basis of research it appears that in the Netherlands sexual violence against children is more often committed outside the family environment of the child than within.

An English summary of this study can be found via the following weblink:
http://www.wodc.nl/images/1172a_summary_tcm44-59842.pdf

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details

No data available.

Poland

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

There are collected statistics on sexual violence against children in Poland. Many institutions are involved in gathering these type of data as Police, prison administration or criminal record. However, the main institution responsible for the statistics is placed in Ministry of Justice (Statistics Unit).

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

There is difficult to provide general statistics in order to response to question Nr 2, because the statistics are dedicated to each type of crime where victim is a minor (person under 18 years old). There are 2 types of crime where the sexual intercourse with minor may be involved – rape as well as its particular form (Article 197 of Polish Penal Code), but also sexual intercourse or submitting the minor to another sexual act (Article 200 para 1 of Polish Penal Code). In the latter, the sexual acts might be committed with the consent of minor. If there is no consent in question, the sexual act will be qualified as a rape.

2007

	Reported cases	Cases where the person was accused	Convicted in Court of 1st instance	Finally convicted
rape by use of by force, illegal threat or deceit (Article 197 para 1)			132	
Rape based on submitting minor to other sexual act or to perform such an act (Article 197 para 2)			30	
Rape committed with particular cruelty, or commits it in common with other person (Article 197 para 3)			33	

sexual intercourse or making minor submit to another sexual act (Article 200 para 1)	1882	1196	827	597
Subject minor by use of force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation to practice prostitution (Article 203)	55		24	1 ¹

2008

	Reported cases	Cases where the person was accused	Convicted in Court of 1st instance	Finally convicted
rape by use of by force, illegal threat or deceit (Article 197 para 1)			120	
Rape based on submitting minor to other sexual act or to perform such an act (Article 197 para 2)			45	
Rape committed with particular cruelty, or commits it in common with other person (Article 197 para 3)			17	
sexual intercourse or making minor submit to another sexual act (Article 200)	1683	1144	806	742
Subject minor by use of force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation to practice prostitution (Article 203)			5	

2009

	Reported cases	Cases where the person was accused	Convicted in Court of 1st instance	Finally convicted

¹ Data concerning person sentenced in 1st instancje and finally convicted come from different institutions.

rape by use of by force, illegal threat or deceit (Article 197 para 1)	297 ²		116	
Rape based on submitting minor to other sexual act or to perform such an act (Article 197 para 2)			22	
Rape committed with particular cruelty, or commits it in common with other person (Article 197 para 3)	22		23	
sexual intercourse or making minor submit to another sexual act (Article 200)	1657	1014	786	
Subject minor by use of force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation to practice prostitution (Article 203)	2		26 ³	

3. In which type of environment are children most frequently victims of sexual violence?

The below presented statistics tend to show the differences in crimes committed in countryside and cities.

2006

	Finally convicted	
	city	countryside
sexual intercourse or making minor submit to another sexual act (Article 200 para 1)	295	211
Subject minor by use of force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation to practice prostitution (Article 203)	1	

2007

² Data common for rape covered by Article 197 para 1 and 2.

³ Data concerning Article 203 come from different insistutions.

	Finally convicted	
	city	countryside
sexual intercourse or making minor submit to another sexual act (Article 200 para 1)	338	257
Subject minor by use of force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation to practice prostitution (Article 203)	1	

2008

	Finally convicted	
	city	countryside
sexual intercourse or making minor submit to another sexual act (Article 200 para 1)	455	287
Subject minor by use of force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation to practice prostitution (Article 203)		

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

There are not provided statistics concerning sexual violence against children gendered in Poland. In order to collect such statistics it might be necessary to study this phenomenon case-by-case. However, it is possible to provide statistics tending to show the gender of perpetrators.

Portugal

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

Yes. Statistics on sexual violence against children are gathered by more than one body or institution, and, to a certain extent, they analyze different aspects of the phenomenon.

The Directorate-General for Justice Policy of the Ministry of Justice, entity responsible for the so-called «Statistics of Justice» in Portugal gathers data on crimes of sexual abuse of children recorded by the police authorities, the number of criminal proceedings in judicial courts and the outcome of such proceedings; also, it has information on the number of victims recorded by the police authorities.

The Judiciary Police, the Portuguese criminal investigation police, responsible for the investigation of serious crimes and other crimes gathers statistics on sexual crimes against minors punishable with an imprisonment penalty of more than five years. Available data relate to the number of investigations conducted by the Judiciary Police during pre-trial phase, under the direction of the Public Prosecution, and the number of detentions made.

Within the non-governmental sector, the *Instituto de Apoio à Criança* (Institute for Child Support, IAC), is the entity that in a more consistently way gathers information on sexual abuse of children.

Within IAC a helpline was created – *Serviço SOS Criança* – on the basis of which statistical treatment of requests according to the subject matter is made, including situations of sexual abuse of children and other forms of sexual violence committed against children.

2. How many reported cases are there of sexual violence against children in your country per year? How many led to a criminal procedure? How many led to a conviction?

According to the available statistical data on the Directorate-General for Justice Policy, police authorities recorded **596** cases of sexual abuse of children, adolescents and dependent minors during the year of 2008, and **686** cases in 2009.

During the year of 2008, **288** cases of sexual abuse of children, adolescents and dependent minors were tried in first instance courts, of which **206** were convictions.

3. In which type of environment are children most frequently victims of sexual violence?

According to the conclusions of a study conducted by the Judiciary Police on the subject (2007), sexual violence against children was more frequent in the family environment (34.86% of the total number of preliminary investigations) and in the institutional environment (28% of the total number of preliminary investigations).

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

According to the available data, sexual violence against children is gender-biased and more frequently affects girls than boys.

Indeed, of a total of **303** injured/aggrieved persons in the crimes of sexual abuse of children, adolescents and minor dependents recorded by the police authorities in the year of 2008, **92** were male and **291** female.

As regards 2009, of a total of **307** injured/aggrieved persons in the same category of crimes, **53** were male and **254** were female.

Finally, in 2008, of a total of **305** victims of crimes of sexual abuse of children and dependent minors tried in first instance courts, **64** were male and **241** were female.

Romania/Roumanie

1. Are any statistics available in your country about sexual violence against children? If so, which agency or institution collects this type of data?

Starting with 2007, The National Authority for the Protection of Family and Rights of Children (NAPFRC) collects *data on the sexual abuse of children*. Also, statistics concerning offences against sexual life having minor children as victims are managed by the Romanian General Police Inspectorate - Directorate of Judicial Record, Statistics and Operative Registration, Ministry of Administration and Interior.

As regards trafficking in persons, according to national and international statistics on this phenomenon, the consequences and trauma suffered by child victims of trafficking in persons are profound, causing behavioural disorders, mental illnesses, dysfunctions in their ability to integrate and socialise, etc.

Romanian statistics about victims of trafficking in persons are collected through SIMEV (Integrated Monitoring and Registration System for Victims of Trafficking in Persons), through organised crime officers and employees of the Regional Centres of the NAATP, and subsequently they are stored and processed in the National Agency Against Trafficking in Persons (NAATP), to identify national trends, to implement a horizontal strategy of prevention and awareness-raising, and to identify vulnerable groups. Thus, data concerning the victims of trafficking in persons, who are exploited by various means (sexual exploitation, forced labour, forced beggary, coercive involvement in committing theft, child or Internet pornography, as well as trafficking in persons for the purpose of removal of organs), by categories of gender, age, education and others, are available at the level of the NAATP-RGPI.

Based on the **National Plan of Action 2008-2010 to implement the National Strategy against Trafficking in Persons 2006-2010**, contact points have been set up and are currently operational for sharing data with the other institutions working in the investigation and prosecution of trafficking in persons. Concretely, the Service for Combating Trafficking in Persons (SCTP) maintains communication channels and contact points with the Public Ministry, the Ministry of Justice, the Romanian Intelligence Service, the Romanian Foreign Intelligence Service, the Directorate for Operative Surveillance and Investigation, General Directorate for Intelligence and Internal Security, the Romanian General Inspectorate of the Border Police, the Romanian Immigration Office, the SECI, EUROPOL, INTERPOL, EUROJUST, the ILO.

2. How many cases of sexual violence against children are recorded annually in your country? How many have been prosecuted? How many have resulted in sentences being imposed?

In the year 2009, **1533** sexual offences against minor children were reported, and in **922** cases prosecution was initiated or they were redirected according to competence. No statistical data are available about persons who were sentenced for sexual offences against minor children.

Speaking from the perspective of trafficking in minors, with sexual exploitation, the size of this phenomenon is diminishing, as is that of the entire phenomenon of trafficking in persons nationally, although their percentage has risen from 17% in 2007-2008, to 29% of the total number of victims identified in 2009. Of the total number of child victims identified in Romania since 2007, the sexual exploitation of girls is the main type of trafficking, both nationally and internationally.

In **the year 2007, 292 minor children** were identified as victims of trafficking in persons; in **2008**, their number dropped to **186**, while in **2009, 176** child victims were identified. The distribution of minor children among all the victims was **16.5% in 2007** (1780 victims in total), **15% in 2008** (1240 victims in total) and **22% in 2009** (780 victims in total). Regarding the distribution of children by categories of gender (fig.1.), girls are the main category that is being subjected to trafficking for sexual exploitation (on the streets, in private homes, in clubs, hotels and brothels) and for the purpose of exploitation through child pornography, including on the Internet.

Gender distribution of minor children identified for the years 2007-2009

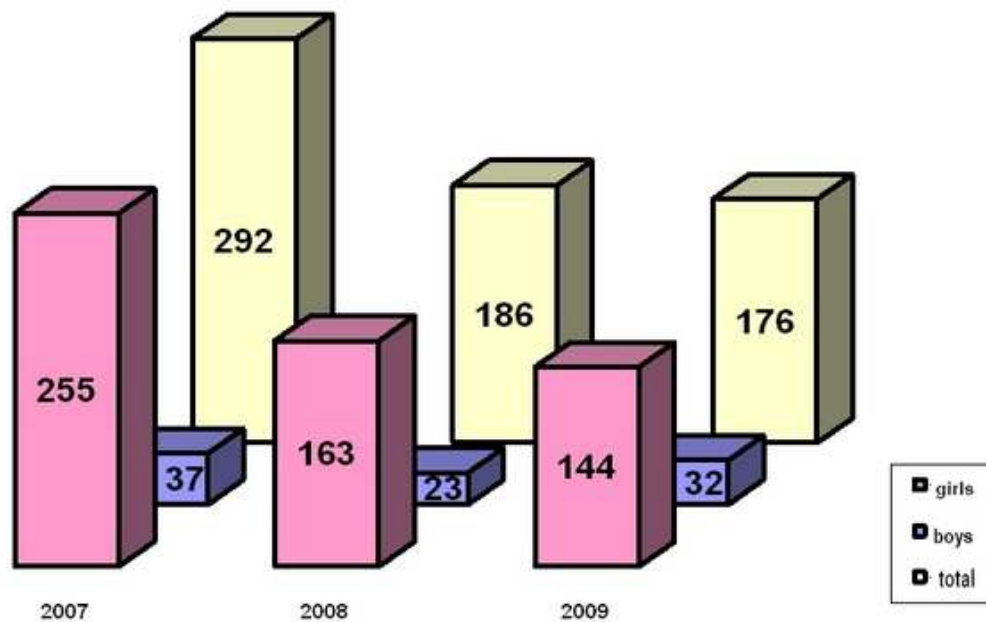


Figure 1. Gender distribution of children **identified** in 2007, 2008 and 2009.

Mentioning the general features of the exploitation of children from Romania, the sexual exploitation of girls has the highest figures, as follows:

- **220 girls were sexually exploited in 2007** (this is 75% of the total number of child victims identified for that period).
- **137 girls were sexually exploited in 2008** (73% of the total number of children identified as victims in 2008);
- **127 girls were sexually exploited in 2009** (72% of the total number of children identified as victims of trafficking in persons in 2009).

Because of the formal nature of the SIMEV, victims included in this database are those who were heard by the structures of combating organised crime.

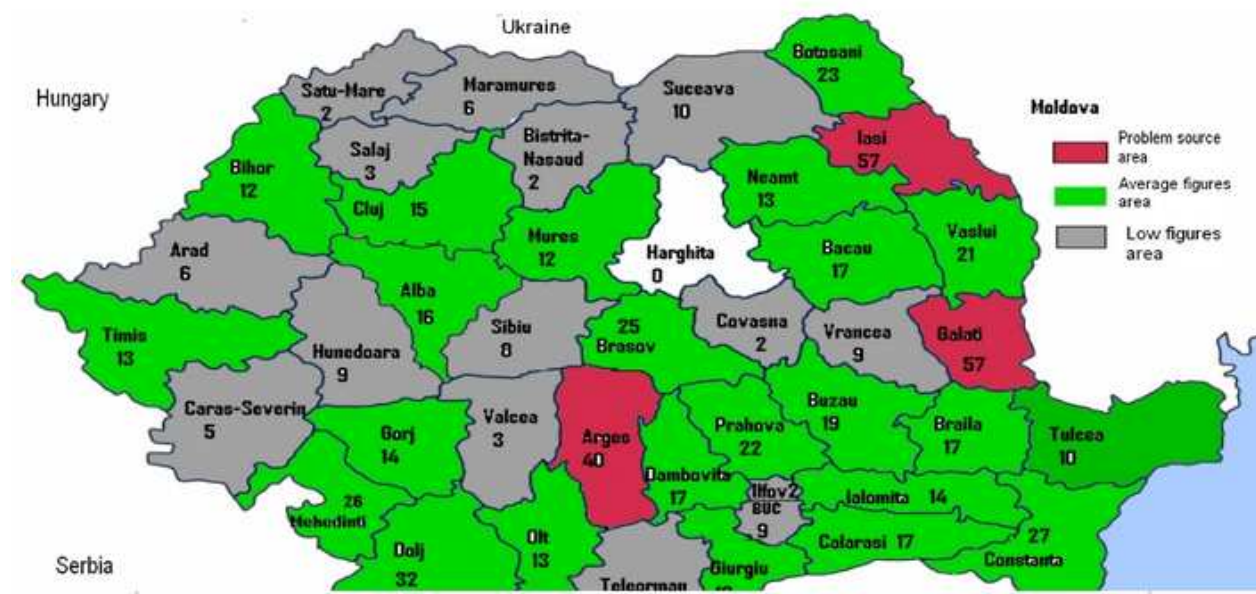
As regards the number of sentences passed for the offence of trafficking in persons during the year 2009 under Act No. 678/2001 to Prevent and Suppress Trafficking in Persons, a total of 183 persons received a final sentence, of which 6 were minors.

Of the above, one person was sentenced to imprisonment from 0 to 6 months, 72 persons were sentenced to imprisonment with enforcement from 1 to 5 years, 64 persons to imprisonment with

enforcement from 5 to 10 years, 5 persons to imprisonment with enforcement from 10 to 15 years, one person to imprisonment of more than 15 years. The enforcement of the penalty was suspended under supervision for 12 sentenced persons and conditional suspension of penalty enforcement was ordered for 22 sentenced persons.

3. In what type of environment are children victims of sexual violence, most often?

Sexual exploitation has occurred to date only among female children. From 2007 to 2009, only girls were identified as victims of sexual exploitation on streets, in clubs, in private homes, in hotels or in brothels. The geographical distribution by county of origin of the child victims of trafficking in persons, in 2007-2009, is detailed in the Map of Counties of Origin



Of the total number of victims of trafficking in persons who were identified during 2007-2009, approximately (on average) 23% were under 18 years of age. A significant amount of these were victims of national trafficking (within the borders of Romania), and the rest were trafficked for various forms of exploitation, outside Romania. In several cases, some of these children were trafficked again, because they were initially exploited in Romania and then sold by the Romanian pimp to other traffickers, who transported the victims to the place of exploitation, the purpose of trafficking in all these cases being that of sexual exploitation. The distribution of child victims by gender and age group shows that most of them were aged 14 to 17. Other victims were aged 10 to 13. Of these victims who were under 13 years of age, a relatively small number were sexually exploited in Romania, the other victims were forced to beg.

A major aspect relating to exploited children is their family situation. Thus, of the child victims of exploitation, a significant number come from families with two parents, while a relatively small number are living in single-parent families; a significant percent of them lack family support, because they come from an institutional environment, are living with relatives, or have been abandoned by their families. This situation draws attention to the fact that most child victims are living with both their parents, and vulnerability to trafficking is present even in families with two parents.

Most child victims who are trafficked out of Romania were victims of sexual exploitation. In this case also, most victims were recruited using false promises, most often relating to the finding of a well-

paid workplace (approx. 90%). Other victims were trafficked following a marriage proposal (approx. 5%), and a relatively small number of victims were kidnapped (approx. 5%). Most often, the offer came from an acquaintance or a person who was close to the victim (approx. 56% of cases).

For other cases (approx. 25%), the proposition was made by a person with whom the victim had never had any relations, and this includes the cases of kidnapping. In other cases, recruitment was made by neighbours (approx. 7%) or by a pimp. A significant number of victims were recruited by their partner or spouse, and a part was recruited by relatives.

As in the case of adult victims, certain types of exploitation are predominant in certain countries. Of the children who were victims of foreign trafficking, the majority were exploited in Italy. In cases of trafficking in children in Italy, a significant number of girls were victims of sexual exploitation (most of them were exploited in the streets, in homes and a few were exploited for offering sexual services in clubs), some were forced to beg, some were exploited for forced labour in hotels, or forced to commit thefts.

Unlike child victims of sexual exploitation outside Romania, most of the children who were sexually exploited inside Romania were exploited in private homes /facilities, representing approximately 63% of the cases, which draws attention to the hidden nature of this phenomenon. Such cases are difficult to identify, because in such locations access is more restricted or more strictly controlled by traffickers and clients, the exploitation is less visible, which means that this phenomenon is a severe social risk.

It is significant also that the only cases of trafficking in persons for child pornography and Internet pornography took place inside Romania. Part of these victims was also sexually abused, and some of them were subject to threats and pressure coming from the traffickers.

4. Does sexual violence against children affect one of the genders more than the other in your country? Is there a category of children that is more at risk than the others? If so, please provide details.

According to statistical data available to the Directorate of Judicial Record, Statistics and Operative Registration - RGPI, sexual abuse against children is not quantified according to gender. There are records of sexual abuse by gender (males abusing females) in general, however there is no distinction as to the category of child victims (girls-boys).

As regards human trafficking, public and private, national and international institutions are continuing their efforts to suppress and prevent this phenomenon, and particularly child trafficking, which are, according to a recent study published by the NAATP, “**Child trafficking in Romania. A study on the recruitment process**” which is available on the website of the Agency [.anitp.mai.gov.ro](http://anitp.mai.gov.ro), (<http://anitp.mai.gov.ro/ro/docs/rapoarte/studiu%20ade.pdf>) in a position of vulnerability generated by a mixture of personal factors (degree of maturity, need for independence, lack of life experience, education), family factors (disorganisation, family conflicts, unemployment, migration, education, lack of financial resources, lack of communication,) and socio-economic factors (poverty, isolation, rural/urban discrepancies), etc.

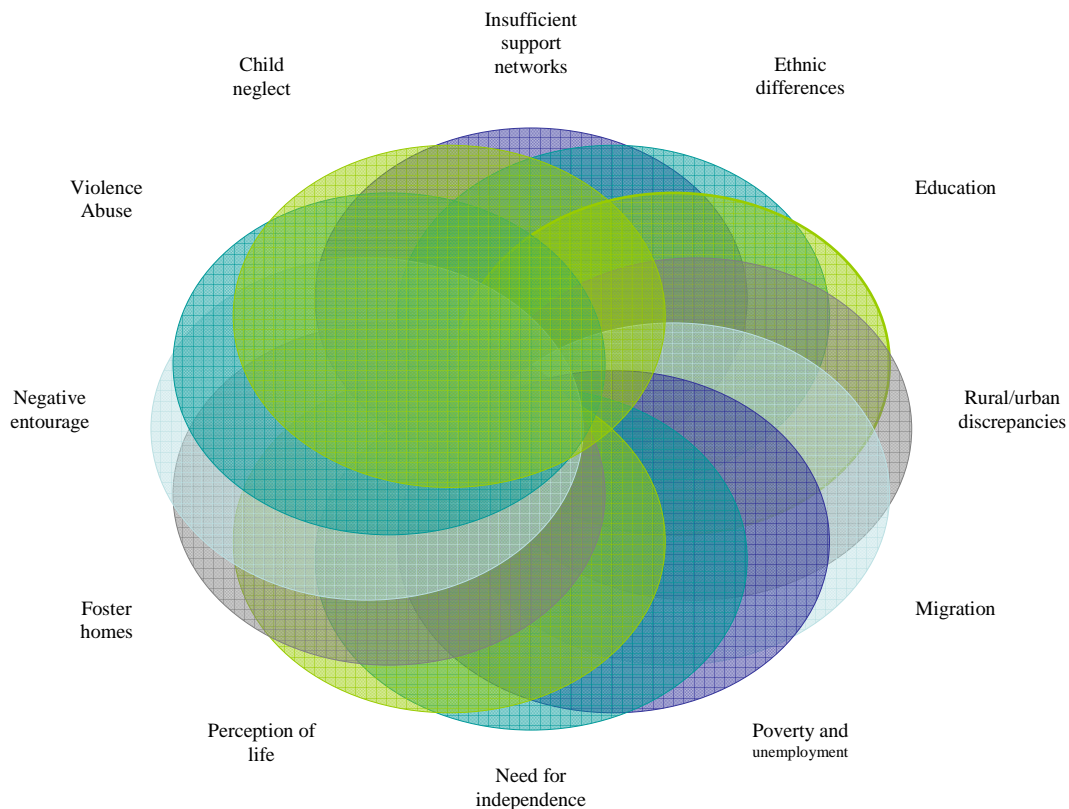


Figure 1. Vulnerability factors in child trafficking⁴.

Minor children who are trafficked by whatever means of exploitation, come equally from rural areas, where the factors that favour trafficking are closely related to the lack of information, to the poverty of families, to the lack of education and to other cultural aspects, and from urban areas, where the factors that favour trafficking are child neglect in education and the manner of spending spare time, the excessive workload of parents, the lack of adequate resources to create an environment that is suitable for children in the current society.

The education of child victims of trafficking in persons is mainly at the level of lower secondary school, the child victims in primary school and upper secondary school being situated in the second and third positions. A small percentage of child victims of trafficking in persons were not attending any form of education at the time of trafficking. It has been deduced from the education level of the children, correlated with their age at the date of trafficking, that the number of children who were attending some level of education at the time of trafficking is greater.

⁴ For more information on vulnerability factors, see *“Child trafficking in Romania. A study of the recruitment process”*, <http://anitp.mai.gov.ro/ro/docs/rapoarte/studiu%20ade.pdf>

Serbia

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

European Committee for Criminal Problems Questionnaire – data on sexual abuse against children in the CE member countries

1. The scope of competencies of The Statistical Office of the Republic of Serbia (RS) comprises gathering and updating numerical data on crime in RS, including the data on victims (age and sex structure), and criminal offences against sexual freedom.

Additionally, statistical data records on sexual abuse against children in RS are kept within the Integrated Information System (IIS) in the Ministry of Interior of RS (MOI). In terms of organization, IIS is part of the IT Directorate within the Sector for Analytics, Telecommunications and Information Technologies. MOI keeps data records on sexual abuse against children, incriminated by the Criminal Law. The following criminal offences against child abuse are tracked statistically:

- CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM (Chapter 18 of Criminal Law): Rape (art.178), Sexual Intercourse with a Helpless Person (art.179), Sexual Intercourse with a Child (art.180), Sexual Intercourse through Abuse of Position (art.181), Prohibited Sexual Activities (art.182), Pimping and Procuring (art.183), Mediation in Prostitution (184), Showing Pornographic Material and Child Pornography (art.185), Pressuring a Child to Engage in Sexual Activities (art.185a), Using computer network or other technical means of communication for criminal offences against sexual freedom of a minor (185b).
- Within the scope of CRIMINAL OFFENCES RELATING TO MARRIAGE AND FAMILY (ch.19 of Criminal Law): Cohabitation with a Minor (art.190) Incest (art.197)
- Within the scope of CRIMINAL OFFENCES AGAINST HUMANITY AND OTHER RIGHTS GUARANTEED BY INTERNATIONAL LAW (ch.34 of Criminal Law): Trafficking in Human Beings (art.388) if committed for the purposes of sexual exploitation.

**CHILDREN AND MINORS VICTIMS OF CRIMINAL OFFENCES AGAINST
SEXUAL FREEDOM
IN 2008 AND 2009 IN RS**

CO AGAINST SEXUAL FREEDOM	sex / age	2008			2009		
		M	F	Total no. of persons	M	F	Total no. of persons
Rape art.178	up to 14	3	11	14	1	7	8
	14 – 16	1	19	20		16	16
	16 – 18		17	17		21	21
	Total	4	47	51	1	44	45
Sexual Intercourse with a Helpless Person art.179	up to 14		4	4		2	2
	14 – 16		6	6		3	3
	16 – 18		1	1		3	3
	Total		11	11		8	8
Sexual Intercourse with a Child art.180		4	68	72	8	66	74
		4	68	72	8	66	74
Sexual Intercourse through Abuse of Position art.181	up to 14		1	1		10	10
	14 – 16		9	9		6	6
	16 – 18		2	2		2	2
	Total		12	12		18	18
Prohibited Sexual Activities art.182	up to 14	3	43	46	5	44	49
	14 – 16		21	21		18	18
	16 – 18	1	13	14	1	16	17
	Total	4	77	81	6	78	84
Pimping and Procuring art.183	up to 14		1	1		5	5
	14 – 16		1	1		3	3
	16 – 18		1	1		1	1
	Total		3	3		9	9
Mediation in Prostitution art.184	up to 14					1	1
	14 – 16		1	1		1	1
	16 – 18		4	4		6	6
	Total		5	5		8	8
Showing Pornographic Material and Child Pornography art.185/*	up to 14	2	10	12	5	7	12
	Total	2	10	12	5	7	12

/*N.B. Upon amendments and supplements of Criminal Law (Official Gazette RS no. 72/09 03/09/2009) this criminal offence reads: Showing, Obtaining and Possession of Pornographic Material and Child Pornography

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

STATISTICAL DATA:

2.

THE NUMBER OF REGISTERED CASES OF SEXUAL ABUSE AND
EXPLOITATION OF CHILDREN AND MINORS
IN 2008 AND 2009, IN RS

CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM	2008	2009
Rape art. 178	50	53
Sexual Intercourse with a Helpless Person art. 179	11	9
Sexual Intercourse with a Child art. 180	75	77
Sexual Intercourse through Abuse of Position art. 181	12	16
Prohibited Sexual Activities art. 182	73	81
Pimping and Procuring art. 183	3	10
Mediation in Prostitution art. 184	5	6
Showing Pornographic Material and Child Pornography art. 185	13	12
Cohabitation with a Minor art. 190	111	136
Incest art. 197	5	3
Total		

**CHILDREN AND MINORS VICTIMS OF CRIMINAL OFFENCES
COHABITATION WITH A MINOR AND INCEST,
IN 2008 AND 2009 IN RS**

CO RELATING TO MARRIAGE AND FAMILY	sex / age	2008			2009		
		M	F	Total number persons	M	F	Total number persons
Cohabitation with a Minor art. 190	up to 14		10	10		17	17
	14 - 16		54	54		67	67
	16 - 18	1	37	38		38	38
	Total	1	101	102		122	122
Incest art. 197	up to 14		3	3		4	4
	14 - 16		1	1		1	1
	16 - 18		1	1			
	Total		5	5		5	5

In the registered cases of criminal offence Trafficking in Human Beings, 17 persons were sexually exploited in 2008, while in 2009 it amounts to 29 underage persons. All victims were females.

Slovak Republic/République slovaque

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

Statistics on sexual violence against children are gathered by the following authorities:

- 1 - Ministry of Justice – data on sentenced person for the criminal offence of sexual violence
- 2 - Ministry of Interior – data on child victims of sexual violence /number of victims/, data on number on accused persons
- 3 - Ministry of Labour, Social Affairs and Family – data on children where the measures of social protection of children has been applied.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

According to the statistics data gathered by the Ministry of Justice 171 persons has been convicted for the criminal offence of sexual violence against person under 15 years of old. For the time being other statistic – reported cases, number of criminal prosecutions are not available.

3. In which type of environment are children most frequently victims of sexual violence?

Data on type of environment in which children are most frequently victims of sexual violence are not systematically gathered.

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

Yes, sexual violence against children is gendered. As the more affected category of children are girls. According to statistics on application of the measures of social protection of children provided by the Ministry of Labour, Social Affairs and Family in 2009 the sexual violence against children has been following: boys – 16 cases, girls – 125 cases.

Slovenia/Slovénie

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

Certain statistical data on all criminal offences is collected by the Statistical office of Republic of Slovenia. Some data on the nature of criminal offences concerning sexual violence against children can also be gathered from the annual reports of the State Prosecutor's Office of RS.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?⁵

According to the Statistical office of RS 66 cases of criminal offence of sexual assault on a person younger than 15 years (Article 183 of Criminal Code) were ended by criminal charges and handed over to the courts in the year 2006. In the year 2007 the number of such cases was 79 and in 2008 there was 54 such cases. With regards to the criminal offence of abuse of prostitution, committed against a minor (Article 185/2 of Criminal Code) there were 2 cases handed over to the courts in 2006, 8 cases in 2007 and 9 cases in 2008. As for the criminal offence of presentation, manufacturing, possession and distribution of pornographic materials (Article 187 of Criminal Code) there was 5 cases in 2006, 4 cases in 2007 and 17 in 2008 which ended with criminal charges.

According to the Statistical office of RS there was 59 convictions of adults for the criminal offence of sexual assault on a person younger than 15 years in 2006, 57 convictions in 2007 and 57 convictions again in 2008. In the year 2006 there was no conviction for the criminal offence of abuse of prostitution, committed against a minor, in the 2007 there was one conviction and in the 2008 the number arose to 5 convictions.

With regards to the criminal offence of presentation, manufacturing, possession and distribution of pornographic materials there was no conviction in the year 2006, one in 2007 and 3 convictions in 2008. However please note that cases ended by convictions are not necessarily the same cases that were handed over to the courts by the prosecutors in the same individual year. Convictions include also conditional sentences.

3. In which type of environment are children most frequently victims of sexual violence?

Unfortunately, we are not able to provide you with an answer to this question.

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

According to the Annual report by the State Prosecutor's Office of RS for 2008 the offenders who commit criminal offences against sexual integrity against children are almost exclusively men and victims of criminal offence of sexual assault on a person younger than 15 years are in majority of cases girls, their age being between 3 to 14 years.

⁵ Please note that new Criminal Code (KZ-1) entered into force on 1. november 2008.

Spain/Espagne

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

Unfortunately, there are no official statistics on sexual violence against children provided by the institutions or stakeholders within the Spanish judicial system. The General Council for the Judiciary (*Consejo General del Poder Judicial*, hereinafter referred to as GCJ) and the General Prosecutor's Office (*Fiscalía General del Estado*, hereinafter referred to as GPO) gather yearly statistics of the activities of all Courts and Prosecutions Offices of the country, which are based on the quarterly statistic collected by each Court or Prosecution Office and prepared by the respective clerks. However, the yearly official statistics drawn up by the GCJ only reflect the number of criminal cases handled by the Criminal Courts of the country (including number of cases set down, disposed of, pending at the end of the year and the number of criminal sentences), with no reference to the different categories of criminal offences handled by the Courts. The official statistics drawn up by the GCJ reflect the yearly activity of the specialised criminal courts in the field of domestic violence and violence against women. It has to be borne in mind, however, that the field of competence of these specialised courts does not include sexual violence against children, which means that no specific statistics on this type of offences is provided.

The official statistics drawn up by the GPO do refer the number of criminal cases handled by the Criminal Courts and Prosecutor's Offices of the country, including a specific reference to the categories of offences these cases refer to, according to the classification of offences under the Spanish Criminal Code. Nevertheless, no information concerning the victims of the various offences is provided. This means that the statistics provide information on the total number of cases related to sexual offences handled by Spanish Criminal Courts and prosecutions Offices, but do not break the general figures down into different categories according to the types of victims, including children subject to sexual violence. Individual information on certain categories of offences of great relevance (terrorism or drug trafficking offences, for instance) is provided, but unfortunately this individualised information does not contemplate specifically sexual violence against children. The only broken down figures refer to offences related to children pornography and offences of corruption of minors (non violent offences), which are included in specific chapters of the Spanish Criminal Code. Other offences of sexual violence against children (particularly rape or violent sexual assault against children) are included in the general figures of sexual offences, which do not specify the number (or percentage) of cases where the victim of the offence was a child or a minor.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

According to the last official statistics published by the GPO (referred to 2008), 235 proceedings (pre-trial investigations) concerning corruption of minors and 791 proceedings (pre-trial investigations) concerning children pornography were initiated by Spanish investigating judges (*Jueces de Instrucción*). However, no statistical information is provided as to how many of those pre-trial investigations ended in a criminal trial and how many led to the conviction of the suspect.

3. In which type of environment are children most frequently victims of sexual violence?

Unfortunately, no official statistics within the Spanish judicial system provide information concerning the type of environment in which children are victims of sexual violence.

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

Unfortunately, no official statistics within the Spanish judicial system provide information as to whether sexual violence against children is gendered or affects a specific category of children.

Sweden/Suede

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

The National Council for Crime Prevention (NCCP) gathers statistics on reported sexual violence against children in Sweden.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

Sweden produces statistics for reported crimes and convictions concerning different kinds of sexual violence against children. Definitions and standards for reported crime are though not the same as for convictions. Comparisons between reported crimes and convictions are therefore not possible. In the near future the statistic will be developed and this problem will be solved then. A project to develop the information systems and the statistic in the Swedish justice system is now running. The main objective of this project is to establish an electronically structured exchange of information in criminal cases, from a report to the police to an executed sentence, to render a more effective management of criminal cases. This electronic flow of information requires that the information is structured in a consistent way, so that different authorities in the area of justice use the same definitions for legal terms. Such a standard is being developed.

Reported cases

	2008	2009
Rape of a child less than 15 years	1 421	1 958

	2008	2009
Rape of a child against children 15–17 years	995	943

Sexual exploitation of a child, sexual abuse of a child etc. less than 15 years	960	856
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Sexual exploitation of a child, sexual abuse of a child etc. against children 15–17 years	85	80
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Convictions

	2008	2009
Rape of a child	143	-

Sexual exploitation of a child, sexual abuse of a child,	95	-
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Not available yet

3. In which type of environment are children most frequently victims of sexual violence?

The statistics of rape of a child are divided according to if the crime has been committed indoors or outdoors and the statistics for sexual abuse of a child shows if the perpetrator is well known for the child or not. Most crimes of sexual violence have been committed indoors and it is common that the perpetrators have a close relation to the child.

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details.

The Swedish statistics on reported sexual violence against children are gendered when it comes to rape. Rape against girls are more common in the statistic than rape against boys. Of the 2 901 reported rapes 2009 (se above 1958+943), 2 501 concerns girls and 400 boys.

Switzerland/Suisse

1. Le code pénal suisse définit un certain nombre de dispositions qui peuvent être considérées comme recouvrant la terminologie "violence sexuelle à l'égard des enfants". En l'absence d'une définition déterminée et pour répondre au plus près au questionnaire nous avons choisi d'exploiter les actes d'ordre sexuel avec des enfants quand il s'agit des consultations d'aide aux victimes d'infractions. Pour les autres actes de violence sexuelle de cette statistique, il n'est pas possible de différencier entre adultes et mineurs. Nous n'avons pas indiqué les données.

Quant à l'exploitation de la statistique judiciaire, nous avons utilisé cette infraction seule et combinée avec d'autres actes comme le viol, la contrainte sexuelle, la pornographie, ou des actes d'ordre sexuel commis sur une personne incapable de discernement.

Il est donc possible de répondre qu'il y a des données statistiques incomplètes sur la question, incomplètes parce que, dans le cas des consultations, les données des violences ne peuvent pas être suffisamment ventilées, exception faite des actes d'ordre sexuel avec les enfants, incomplètes aussi parce que les statistiques policières de la criminalité ne pouvaient pas du tout être différenciées.

Les statistiques sont collectées par l'Office fédéral de la statistique, dans le cas des condamnations pénales des adultes à travers le casier judiciaire suisse.

2. On peut penser que la statistique de l'aide aux victimes recouvre un certain chiffre noir, à un degré non connu. En revanche, on voit bien la différence avec les statistiques judiciaires, indication qu'il y a une grande déperdition des cas dans le processus de traitement policier et de poursuite. Il est aussi fort probable que les cas ne vont jamais être portés à l'attention des autorités policières et judiciaires.

Les données sont disponibles dans le fichier Excel joint. Le Code pénal suisse se trouve sous : http://www.admin.ch/ch/f/rs/c311_0.html

3. A l'aide de la statistique policière de la criminalité, il sera désormais (à partir de 2010) possible de répondre à cette question. Pour le moment, nous ne disposons pas encore de données détaillées.

4. Comme le montrent les fichiers inclus, il semble que les filles soient plus souvent victimes d'actes d'ordre sexuel que les garçons, ratio de 3:1. Comme pour 3, les catégories d'enfants ne pourront faire l'objet d'analyses qu'à l'avenir, quoi qu'il serait souhaitable de savoir ce qu'on entend par catégorie d'enfants.

Consultations par des victimes mineures d'actes d'ordre sexuel avec des enfants (art. 187 CP), selon la victime

Consultations par des victimes	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total des consultations de mineurs pour art. 187 CP	*	1 779	2 136	2 006	2 078	2 187	2 078	2 101	2 004	1 937
Selon le sexe de la victime										
Masculin	*	474	555	470	486	525	477	487	493	468
Féminin	*	1 254	1 549	1 506	1 556	1 640	1 590	1 596	1 503	1 459
Inconnu	*	51	32	30	36	22	11	18	8	10

Etat de la banque de données: 11.06.2009

Jugements pénaux des mineurs pour actes d'ordre sexuel avec des enfants (art. 187 CP), combinés avec les articles 189, 190, 191 et 197 CP

Actes d'ordre sexuel avec des enfants	1999	2000	2001	2002	2003	2004	2005	2006	2007	2007
Total (art. 187 CP)	56	70	73	61	80	83	69	113	98	80
Sans combinaison	38	45	45	39	44	49	49	71	60	46
Combiné avec ...										
... art. 189 CP ¹	5	15	15	12	18	18	11	21	18	14
... art. 190 CP ¹	5	1	4	4	4	5	3	7	1	3
... art. 191 CP ¹	3	2	3	3	5	4	4	7	11	11
... art. 197 CP ¹	0	2	0	1	2	3	1	4	4	9

¹ Art. 189 CP: contrainte sexuelle, art. 190 CP: viol, art. 191 CP: actes d'ordre sexuel commis sur une personne incapable de discernement/résistance, art. 197 CP: pornographie.

Etat de la banque de données: 25.09.2009

Condamnations pour actes d'ordre sexuel avec des enfants (art. 187 CP), combinés avec les articles 189, 190, 191 et 197 CP

Art. 187 CP	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total (art. 187 CP)	367	361	333	347	400	385	409	378	378	400
Sans combinaison	182	174	166	185	208	198	194	198	188	202
Combiné avec ...										
... art. 189 CP ¹	50	70	58	42	56	64	57	52	46	61
... art. 190 CP ¹	30	32	23	22	27	23	21	23	23	26
... art. 191 CP ¹	46	42	38	25	35	23	30	24	23	14
... art. 197 CP ¹	47	39	29	31	39	51	61	54	72	74

¹ Art. 189 CP: contrainte sexuelle, art. 190 CP: viol, art. 191 CP: actes d'ordre sexuel commis sur une personne incapable de discernement/résistance, art. 197 CP: pornographie.

Etat du casier judiciaire: 30.06.2009

“The former Yugoslav Republic of Macedonia”/« l'ex-République yougoslave de Macédoine »

These are the articles in present Macedonian Criminal Code

CRIMES AGAINST SEXUAL FREEDOM AND SEXUAL MORALITY

Rape

Article 186

- (1) A person who by the use of force or threat to directly attack upon the life or body of another or upon the life or body of someone close to that person, forces him to intercourse, shall be punished with imprisonment of one to ten years.
- (2) If because of the crime from item 1 a severe body injury, death or other severe consequences were caused, or the crime was perpetrated by several persons or in an especially cruel and degrading manner, the offender shall be punished with imprisonment of at least *four* years.
- (3) A person that forces another to intercourse with a serious threat that he shall disclose something about this person or about another close to this person, that would harm his honour and reputation, or which would cause some other big evil, shall be punished with imprisonment of six months to five years.
- (4) The person who in the cases from items 1, 2 and 3 commits only some other sexual act, shall be punished for the crime from item 1 - with imprisonment of six months to five years, for the crime from item 2 – with imprisonment of one to ten years, and for the crime from item 3 – with imprisonment of three months to three years.

Statutory rape of a helpless person

Article 187

- (1) A person, who commits statutory rape over another, misusing the mental illness, mental disorder, helplessness, retarded mental development, or some other state because of which this person is unable to resist, shall be punished with imprisonment of three months to five years.
- (2) If because of the crime from item 1 a severe body injury, death or some other severe consequence was caused, or if the crime was perpetrated by several persons in an especially cruel or degrading manner, the offender shall be punished with imprisonment of at least three year.
- (3) The person who in the cases from items 1 and 2 commits only some other sexual act, shall be punished for the crime from item 1 - with imprisonment of three months to three years, and for the crime from item 2 – with imprisonment of one to ten years.

Sexual attack upon a child

Article 188

- (1) A person who commits statutory rape or some other sexual act upon a child shall be punished with imprisonment of six months to five years.
- (2) For the rape of a child or for some other sexual act upon a child, by misusing his mental illness, mental disorder, helplessness, retarded mental development or some other state, because of which the child is incapable of resistance, the offender shall be punished with imprisonment of at least *four* years.

- (3) If the crime from items 1 and 2 is committed by a teacher, educator, adoptive parent, guardian, stepfather, doctor or some other person, by misusing his position *or while performing family violence*, he shall be punished with imprisonment of at least five years.
- (4) If because of the crimes from items 1 and 2 a severe body injury, death or some other severe consequences were caused, or the crime was perpetrated by several persons, or in an especially cruel and degrading manner, the offender shall be punished with imprisonment of at least five years.

Statutory rape with misuse of position

Article 189

- (1) A person who by misusing his position induces another, who is subordinated or dependent *or with the same objective abuses, intimidates or acts in a way that humiliated the human dignity and the human person* in relation to him, to intercourse or to some other sexual, act shall be punished with imprisonment of three months to three years.
- (2) A teacher, educator, adoptive parent, guardian, stepfather, doctor or some other person who by misusing his position commits statutory rape or some other sexual act upon a juvenile older than fourteen years of age, who was entrusted to him for study, education, custody or care, shall be punished with imprisonment of one to five years.

Satisfying sexual passions in front of another

Article 190

- (1) A person who performs a sexual act in front of another, in a public place, shall be punished with a fine, or with imprisonment of up to one year.
- (2) A person who performs a sexual act in front of a child, or who induces a child to perform such an act in front of him or in front of another, shall be punished with a fine, or with imprisonment of up to three years.

Mediation in conducting prostitution

Article 191

- (1) A person who recruits, instigates, stimulates or entices another to prostitution, or a person who in any kind of way participates in handing over another to someone for performing prostitution, shall be punished with imprisonment of six months to five years.
- (2) A person who because of profit enables another to use sexual services shall be punished with a fine, or with imprisonment of up to one year.
- (3) A person who because of profit, by using force or by serious threat to use force, forces or by deceit induces another to give sexual services, shall be punished with imprisonment of six months to five years.
- (4) If the crime from items 1, 2 and 3 is committed with a juvenile, the offender shall be punished with imprisonment of six months to five years.
- (5) If the crime from items 1, 2 and 3 is committed with a child, the offender shall be punished with imprisonment of one to five years.
- (6) A person who organizes the crimes from items 1 to 5 *or the activities that this person will commit while performing family violence* shall be punished with imprisonment of one to ten years.

Procuring and enabling sexual acts

Article 192

- (1) A person who procures a juvenile to sexual acts shall be punished with imprisonment of three months to five years.
- (2) A person who enables the performing of sexual acts with a juvenile shall be punished with imprisonment of three months to three years.

Showing pornographic materials to a child

Article 193

- (1) A person who sells, shows or by public presentation in some other way makes available pictures, audio-visual or other objects with a pornographic content to a child, or shows him a pornographic performance, shall be punished with a fine, or with imprisonment of up to one year.
- (2) If the crime was performed through the public media, the offender shall be punished with a fine, or with imprisonment of up to three years.
- (3) The punishment from item 2 shall be applied to a person who abuses a juvenile in the production of audio-visual pictures or other objects with a pornographic content or for pornographic presentations.
- (4) The objects from items 1, 2 and 3 shall be confiscated.

Incest

Article 194

- (1) A person who commits statutory rape upon a blood relation of the first line or with a brother, respectively sister, shall be punished with a fine, or with imprisonment of up to one year.
- (2) A blood relation in the first line or a brother, respectively sister, who commits statutory rape or some other sexual act upon a *minor*, shall be punished with imprisonment *from one to ten* years.
- (3) *If the crime stipulated in paragraph (1) is performed with a minor, the perpetrator shall be sentenced to imprisonment of at least four years.*

STATISTICS are collected from courts evidences for period 2009

- **Total: 57 cases**
- 36 cases according to Article 188 Sexual attack upon a child or 62%
- 6 cases or 11% according to Article 191 Mediation in conducting prostitution
- 6 cases or 11% according to Article 187 Statutory rape of a helpless person
- 5 cases or 9% according to Article 194 Incest
- 3 cases or 5% according to Article 193 Showing pornographic materials to a child
- 1 cases or 2% according to Article 189 Statutory rape with misuse of position

Victims age: 10-14 years

Prison penalties: 44

Penalties under condition: 3

Security measures: 2

Turkey/Turquie

- According to the information provided by the Social Services and Child Protection Agency. In 2009, 565 sexually abused children were placed into the institutions of Social Services and Child Protection Agency.

Please note that, this data only shows the number of sexually abused children that were placed into the institutions of Social Services and Child Protection Agency. This is not the total number of children who are the victims of sexual violence in 2009.

- Article 103 of the Turkish Penal Code reads as follows;

Sexual abuse of children

- (1) Any person who sexually abuses a minor shall be sentenced to a penalty of imprisonment for a term of three to eight years. Sexual abuse means:
 - a) any act of a sexual nature against a minor who has not completed fifteen years of age or, though having completed fifteen years, lacks the competence to understand the meaning and consequences of such acts,
 - b) sexual acts conducted against any other minor with the use of force, threat, deception or any other method which affects the willingness of the child.
- (2) Where the sexual abuse occurs as a result of the insertion of an organ or a similar object into the body, a penalty of imprisonment for a term eight to fifteen years shall be imposed.
- (3) Where the sexual assault is committed by the direct ascendant, second or third degree blood relative, step father, the adoptive parent, guardian, tutor, teacher, carer, other persons in charge of providing health services or who bears the obligation for protection or supervision, or through abuse of the influence derived from a working relationship or is committed together by more than one person, the penalty to be imposed in accordance with the above sections shall be increased by half.
- (4) Where the sexual assault is committed against a minor described in section one (a) by force or threat, the penalty to be imposed in accordance with the above sections shall be increased by half.
- (5) Where any force or violence, used with the aim of sexual assault, leads to any aggravated injury on account of its consequences the provisions of that offence shall apply in addition.
- (6) Where the offence results in the impairment of the physical or mental health of the victim, a penalty of imprisonment for a term of not less than fifteen years shall be imposed.
- (7) Where the offence leads the victim to enter a vegetative state, or die, a penalty of aggravated life imprisonment shall be imposed.

- Article 104 of the Turkish Penal Code reads as follows;

Sexual Intercourse with those who have not achieved adulthood

- (1) Any person who enters, without any force, threat or deceit, into sexual intercourse with a minor who has completed fifteen years of age shall be sentenced to a penalty of imprisonment for a term of six months to two years, upon complaint.
- (2) Where the offender is more than five years older than the victim, the penalty shall be doubled, irrespective of the presence of a complaint.

According to the information provided by the Ministry of Justice, General Directorate of Judicial Records and Statistics, in 2008

- Under the 103 of the Turkish Penal Code

4061 cases were brought before the competent courts.

The number of victims and complainants were 6132. Please note that this data covers not only the victims but also the complainants (parent/legal guardian of the child) of the crime.

3437 cases were decided, 2250 convictions were made.

- Under the Article 104 of the Turkish Penal Code

934 cases were brought before the competent courts.

The number of victims and complainants were 1313. Please note that this data covers not only the victims but also the complainants (parent/legal guardian of the child) of the crime.

824 cases were decided, 371 convictions were made.

United Kingdom/Royaume-Uni

1. Are statistics on sexual violence against children gathered in your country? If so, which body or institution collects this type of data?

This information is not currently collected centrally. The UK Home Office do not require forces to submit such data, however figures are submitted on offences of sexual violence and the numbers against children under 13 can be separated out by recorded crime types (eg rape of under 13).

The National Society for the Prevention of Cruelty to Children (NSPCC) collected this data through a Freedom of Information request by collating this information together this information from all individual UK forces. Other Non-Government Organisations such as Barnardo's are also likely to collect information relating to this issue.

The National Policing Improvement Agency's (NPIA's) Crime Analysis Unit (which is the Serious Crime Analysis Section [SCAS] and the Missing Persons Bureau team) has a number of databases which, as a small subset of their core remits, will hold partial data on sexual violence against children. These databases are:

- HERMES – a missing persons database
- ViCLAS which is used by SCAS to hold and analyse data on serious offences (that is homicide and rape data)
- CATCHEM which holds data on all child homicides since the 1960s.

The UK also has the Police National Computer (PNC) and its successor, the Police National Database (PND) which hold conviction and other data. PND will hold much more on child abuse in due course - its full usage should be available by 2012.

In addition, the United Kingdom Human Trafficking Centre collects information on children who have been referred through the National Referral Mechanism Process. It collates statistics on children who have been potentially trafficked and trafficked and from this those who have been sexually exploited.

2. How many reported cases are there of sexual violence against children in your country, per year? How many led to a criminal procedure? How many led to a conviction?

As mentioned above, information on offences of sexual violence against children is collected by individual police forces not currently centrally. Following a request by the National Society for the Prevention of Cruelty to Children to each police force between April 2008 and March 2009 21,618 under 18s were victims of sexual offences in England and Wales.

The Home Office is working on Additional Data Requirement from the police this year, so that the police can start centrally recording the age of victims. This work is currently ongoing.

Please see the table below indicates cases of sexual violence against children proceeded against and resulting in a guilty verdict in England and Wales.

The number of defendants proceeded against at magistrates; courts and found guilty at all courts of sexual offences against persons under 18 years, England and Wales, 2004 to 2008⁽¹⁾

Persons	2004 ⁽²⁾	2005	2006	2007	2008
Proceeded against	1,739	2,968	2,939	2,990	2,935
Found guilty	530	1,351	1,764	1,866	2,011

(1) Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

(2) Sexual Offences Act 2003 came into force on 1st May 2004. Data are therefore given in the table for 2004 from 1 May to 31 December 2004.

Source: Justice Statistics Analytical Services in the Ministry of Justice
[Ref: IOS 264-10]

3. In which type of environment are children most frequently victims of sexual violence?

Children can be victims of sexual violence in any environment that they frequent, whether it be online or offline. Indeed the distinction between the two from the perspectives of children and young people is non-existent and their view of the converged environment is one where they move between the on and the offline with ease. Risks present in the offline world are also present online, and children can be sexually abused via the internet. The convergence of online/offline worlds has created an environment where children can be abused without ever having met their abuser.

Children are ‘groomed’ by offenders in a range of online environments; social networking sites, gaming sites, chat sites and through instant messaging. Offenders gain the trust of children over an extended period; communications become sexualised and an offline meeting might be arranged so that the offender can abuse the victim. Some victims are abused online, where the offender will incite the victim to perform a sexual act on a webcam, or expose the victim to a sexual act. In the reporting year 2008-09, the Child Exploitation and Online Protection Centre (CEOP) received 5411 reports of abuse, almost a third of which relate to incidents of grooming.

In addition to solicitation and unwanted contact from offenders, children whose images are recorded as part of the abuse are further victimised through the dissemination of images of child abuse. Such images can be shared through commercial websites; however, UK law enforcement intelligence demonstrates that the majority of images of child abuse are shared within hierarchical networks of offenders through peer-to-peer networks. This is particularly dangerous for children - offenders normalise their behaviour through membership of a hierarchical community of like-minded individuals, gaining prestige by trading and introducing newer, more exclusive images. The production of new images of child exploitation is incentivised by access to higher positions within the network hierarchy. Such networks therefore incentivise the perpetration of child sexual abuse, and sharing images of abuse online re-victimises the child.

4. Is sexual violence against children gendered in your country? Is there a category of children which is more affected than others? If so, please provide details

Some children are at particular risk online. Research has demonstrated that young people who experience discrimination, depression, alienation from parents/peers and other negative life events are more likely to use the internet for developing friendships with strangers, and are therefore more likely to be at risk online. However, the traditional view of vulnerability is different in the online environment – often those who would not be considered vulnerable offline can become vulnerable online as a result of their risk taking behaviour.

Analysis of reports received by CEOP in the calendar year 2008-09 suggest that girls are more likely to be victims of online grooming than boys, with 67% of reports being from females. The average age of under-18 reporters to CEOP is 13.3 for girls and 13.7 for boys.