



PARLIAMENTS UNITED

in combating sexual violence against children

Legal protection of children from sexual exploitation: The “Lanzarote Convention” and the ONE in FIVE campaign

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**Parliamentary Assembly
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**one in five
un sur cinq**

Overview

- It is estimated that One in five children fall victim to sexual violence – a serious human rights violation the Council of Europe has decided to combat through:
 1. legislative harmonisation -
The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) is the most advanced and complete standard in this field
 2. awareness-raising and political action –
The Council of Europe campaign ONE in FIVE to stop sexual violence against children and its parliamentary dimension aims to raise awareness of the full extent of sexual violence against children in our societies and promote appropriate policies to stop this violence

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The Council of Europe

- The Council of Europe is the continent's oldest political organisation. Founded in 1949, it has 47 member states, representing more than 800 million Europeans, and five observer states (Canada, the Holy See, Japan, Mexico and the United States of America).
- The main aims of the Organisation are:
 - to protect human rights, parliamentary democracy and the rule of law in all member states;
 - to develop continent-wide agreements to harmonise member countries' social and legal practices;
 - to promote awareness of a European identity and greater unity based on shared values which cut across different cultures.
- It has two organs:
the Committee of Ministers and the Parliamentary Assembly
and a number of important institutions
European Court of Human Rights, Commissioner for Human Rights,
Congress of Local and Regional Authorities, INGO conference



The “Lanzarote Convention”

- Facts and figures:
 - five years of preparation: starting after Assembly Resolution 1307 (2002) on « the sexual exploitation of children: zero tolerance »
 - opened for signature in October 2007 on the island of Lanzarote
 - ratified by 14 member States so far, with a further 28 member States having signed
 - entered into force in July 2010
 - open for accession by the European Union and non-member States of the Council of Europe
 - first meeting of the Committee of the Parties: 21-22 September 2011

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The Lanzarote Convention (contd)

Characteristics of the Convention:

- most advanced and comprehensive legally binding instrument at international level on the protection of children against sexual exploitation and sexual abuse
- first time an international treaty defines and criminalises sexual abuse of children in such a comprehensive manner, including new forms of sexual abuse (“grooming” etc.) and clear definitions: “child”, “sexual exploitation”, “sexual abuse”, “victim”
- modern “4 Ps”-Convention: prevent, protect, prosecute, promote (multidisciplinary approach)
- Monitoring mechanism: Committee of the Parties

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The Lanzarote Convention (contd)

Characteristics of the Convention (contd):

modern “4 Ps”-Convention: prevent, protect, prosecute, promote

- prevent and combat sexual exploitation and sexual abuse of children
- protect the rights of child victims of sexual exploitation and sexual abuse
- prosecute the perpetrators
- promote appropriate policies and national and international co-operation against this phenomenon

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The Lanzarote Convention (contd)

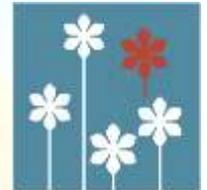
prevent sexual exploitation and sexual abuse of children:

- recruitment, training and awareness raising of persons working in contact with children
- education for children
- preventive intervention programmes or measures
- measures aimed at the general public
- participation of children, the private sector, the media and civil society

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The Lanzarote Convention (contd)

protect the rights of child victims of sexual exploitation and sexual abuse:

- reporting suspected sexual exploitation or sexual abuse
- helplines and assistance to victims (as children and as adults) including measures to
 - * assist victims, in the short and long term, in their physical and psychological recovery
 - * enable adults who were victims during their childhood to speak out
 - * remove alleged perpetrators or take victims away from an abusive family environment

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The Lanzarote Convention (contd)

prosecute the perpetrators:

- substantive criminal law: sexual abuse, child prostitution, child pornography, corruption of children, solicitation of children for sexual purposes, aiding or abetting and attempts to commit an offence
- jurisdictional requirements for initiating proceedings and punishing offences
- corporate liability
- sanctions and aggravating circumstances, previous convictions
- procedures: investigation, prosecution and procedural law
- general measures of protection for children
- statute of limitations
- investigations and interviews with the child

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The Lanzarote Convention (contd)

Examples of acts being criminalised:

- Abuse from a position of trust
- Abuse of vulnerable children
- Child prostitution
- Child pornography
- “Grooming”
- Corruption of children

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The Lanzarote Convention (contd)

promote appropriate policies

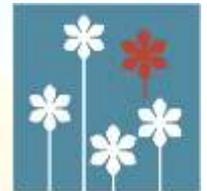
and national and international co-operation against this phenomenon:

- recording and storing of national data on convicted sexual offenders
- international co-operation: information and evidence-sharing, judicial co-operation, assistance programmes benefiting third states
- monitoring mechanism: Committee of the Parties
- relationship with other international instruments (“disconnection clause”)

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The Lanzarote Convention (contd)

Complimentary to other international instruments – UN-level:

- ***United Nations Convention on the Rights of the Child (1989)***
protects children from all forms of sexual exploitation and abuse
(eg Articles 1, 11, 21, and 32-37) = formulated in general and broad terms
(added value of Lanzarote Convention = enhanced protection, further
development of standards)
- ***Optional Protocol on the Sale of Children, Child Prostitution and Child
Pornography (2000)***
- Monitoring mechanism: ***Committee on the Rights of the Child***

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The Lanzarote Convention (contd)

Complimentary to other international instruments – European level:

- a number of **Council of Europe Conventions** touch on some facets of the issue:
 - ***European Social Charter (1961/1996)**
 - ***Convention on Cybercrime (2001)**
 - ***Convention on Action against Trafficking in Human Beings (2005)**
- the Council of the European Union has adopted a number of **Framework Decisions** which also touch on some issues, such as combating the sexual exploitation of children and child pornography, the standing of victims in criminal proceedings, etc. – « disconnection clause »

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The Handbook for Parliamentarians

... is a tool specifically developed for parliamentarians:

- to help promote the Lanzarote Convention – in their country, in parliament, in their relations with their governments, and with their constituents – through a thorough understanding of the Convention
- to show ways of ‘translating’ the Convention into national legislation and highlight examples of ‘good practice’ in this regard
- to help promote the signature, ratification and implementation of the Convention
- to provide MPs with a practical tool to promote the cause of the campaign all over Europe - and beyond

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The ONE in FIVE campaign

- launched at a high-level event in November 2010, the intergovernmental campaign to stop sexual violence against children has been complemented by a parliamentary dimension (a local/regional dimension will be added soon)

Goals:

- to associate national parliamentarians with the parliamentary dimension of the Council of Europe ONE in FIVE Campaign to stop sexual violence against children;
- to promote the signature, ratification and implementation of the Lanzarote Convention;
- to increase the visibility of existing common standards under the Convention and contribute to the implementation of these standards through concrete proposals for legislative and political action;
- to facilitate the exchange of best practices.

Means:

- the Parliamentary Assembly works in close cooperation with the governmental sector of the Council of Europe;
- the Assembly continues to prepare reports on the issue of sexual violence against children and to develop communication materials to help convey its message;
- the Assembly organises debates as well as other events to raise awareness of the issue of sexual abuse of children, and has established a network of contact parliamentarians to this end.



The Network of Contact Parliamentarians

- The Parliamentary Assembly has created a **network of contact parliamentarians** and to date, 38 members have been appointed by national parliaments (June 2011). The network is also open to parliamentarians of non member states and of other international organisations. International partners who have appointed a contact parliamentarian so far include Mexico, Observer state to the Parliamentary Assembly, and the Parliamentary Assembly of Francophonie.

Why has it been set up?

- to associate national parliamentarians with the parliamentary dimension of the Council of Europe ONE in FIVE Campaign to stop sexual violence against children
- to co-ordinate national, European, and international parliamentary action to combat sexual violence against children
- to facilitate the exchange of best practices on the legislative and political action implemented in each member state.

When does the network meet?

- The network will hold several meetings in 2011 during the part-sessions of the Parliamentary Assembly in Strasbourg, and also in the framework of external events.
- **22 June 2011, Strasbourg:** the Network held its third meeting during the third part-session of the Parliamentary Assembly devoted to the issue of "grooming"
- **13 April 2011, Strasbourg:** the Network held its second meeting during the second part-session of the Parliamentary Assembly on the issue of combating "child pornography" on the Internet
- **26 January 2011, Strasbourg:** the network of contact parliamentarians met for the first time during the first part-session 2011 of the Parliamentary Assembly. The handbook for parliamentarians promoting the Lanzarote Convention was presented at that meeting
- **next meetings:** 5 October 2011, Strasbourg, and 17 November 2011, Florence



What can parliaments do?

Examples of parliamentary action at national level:

- take a political and public stance against sexual violence against children (adoption of resolutions, declarations, etc)
- ratify and implement the Lanzarote Convention through national legislation
- set up a parliamentary committee on the rights of the child
- raise awareness at national level through organisation of debates, hearings and conferences in their parliaments

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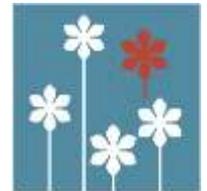
What can parliamentarians do?

- use your right to encourage your parliament to initiate/ revise national laws to ratify and implement the Lanzarote Convention
- put pressure on the government to ensure respect for international obligations
- campaign for the appointment of a parliamentary ombudsperson / committee to address the issue of sexual violence against children
- mobilise local and national NGOs to participate in parliamentary action to fight sexual violence against children

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THANK YOU FOR YOUR ATTENTION!

to find out more, please visit:

www.coe.int/oneinfive

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