Strasbourg, 17 June 2020

**Responses submitted by the Children’s Rights Division of the Council of Europe**

**to the Special Rapporteur on the sale and sexual exploitation of children on protecting human rights during and after COVID-19**

The Council of Europe extends its gratitude to the UN Special Rapporteur on the sale and sexual exploitation of children for the opportunity to submit its responses to the questionnaire on protecting human rights during and after COVID-19. These responses reflect the views of the Secretariat of the Council of Europe and do not necessarily reflect the official position of its member states.

The Council of Europe work on children’s rights in relation to the protection of children from sexual exploitation and sexual abuse is strongly grounded in the UN Convention on the Rights of the Child and aligned closely with the mandate of the Special Rapporteur:

Ensuring a life free from violence for all children is a key priority of the Council of Europe [Strategy for the Rights of the Child (2016-2021)](http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066cff8). The Council of Europe has developed a solid framework of rules, standards, principles and information which assist its member states to this end. The Council of Europe [Convention for the Protection of Children of Children against sexual exploitation and sexual abuse](https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680084822) (“Lanzarote Convention”) is the first regional treaty dedicated specifically to the protection of children from sexual violence. It provides a comprehensive set of obligations, using the “4 ps” approach (prevention, protection, prosecution and promotion of cooperation), which is monitored in thematic rounds by the [Lanzarote Committee](https://www.coe.int/en/web/children/lanzarote-committee). The [Convention on Action against Trafficking in Human Beings](https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008371d) contains specific provisions for the protection of children from trafficking, while the Group of Experts on Action against Trafficking in Human Beings ([GRETA](https://www.coe.int/en/web/anti-human-trafficking/greta)) monitor its implementation with [a focus on trafficking in children](http://rm.coe.int/6gr-extract-web-en/16808b6552). The [Convention on Action against violence against women and domestic violence](https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e) (“Istanbul Convention”) explicitly prohibits child forced marriage. Finally, the [Convention on Cybercrime](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185) (“Budapest Convention”) provides sets outs obligations in relation to online child sexual abuse imagery. These conventions are applicable to and open to accession by any country in the world. These standards are complemented by numerous non-binding instruments, including the [Policy Guidelines on integrated strategies for the protection of children from violence](http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168046d3a0), and extensive awareness-raising [activity](https://www.coe.int/en/web/children/end-child-sex-abuse-day) and [materials](https://www.coe.int/en/web/children/our-material) on sexual violence against children. The Council of Europe has also developed co-operation projects to increase national capacity in tackling sexual violence against children: this includes the pan-European [EndOCSEA@Europe](https://www.coe.int/en/web/children/endocsea-europe) (End Online Child Sexual Exploitation and Abuse @ Europe) project.

This framework provides a strong basis for tackling child sexual violence in the current context of the Covid-19 pandemic. Further, the measures taken, and lessons learned by the Council of Europe in this area, are readily applicable beyond the pan-European region.

This contribution responds to several of the most pertinent general questions put forward by the joint UN questionnaire, as well as the specific questions posed by the Special Rapporteur.

# I. General questions

## Participation and consultation

**Measures taken to uphold children’s right to be heard in matters which concern them appear to have been largely overlooked or suspended during the crisis**. Children appear to have often been excluded from national conversations on the pandemic and when determining responses to it. Meanwhile, restrictive response measures have led to the suspension of or delay in many participation and consultation processes for children. As restrictive measures begin to lift, member states will begin to tackle backlogs and delays which have built up within decision-making processes and judicial proceedings: there is concern that some may be tempted to expedite these processes, through dispensing with children’s right to be heard.[[1]](#footnote-1)

## Awareness-raising

**The Council of Europe has undertaken a number of timely initiatives, aimed at raising awareness of children’s rights in the context of COVID-19**, and with a focus on the risks of violence against children during this time. A dedicated webpage on “[protecting and empowering children during the COVID-19 pandemic](https://www.coe.int/en/web/children/covid-19)” has been established. It contains practical guidance for parents and caregivers on, among other things, children’s online safety in times of social distancing, and on how to spot signs and report violence against children. It also serves as a hub for [awareness-raising and educational materials](https://www.coe.int/en/web/children/our-material) on child sexual violence, aimed at both parents/caregivers and children. Throughout the pandemic, the webpage has been continuously updated with further resources and initiatives.

The Chair of the Lanzarote Committee recently participated in a [recorded interview](https://www.coe.int/en/web/portal/covid-19-one-in-five-children-suffers-one-or-another-form-of-sexual-abuse-or-victimisation-during-their-childhood?fbclid=IwAR3lKTjDQm_9ipIogdRXmVhd6m8H-03RqQyY0XxIhjsrPTUDv7KUppD7HJg), which is freely accessible and aimed at the general public. It seeks to raise awareness of the risks of child sexual exploitation and sexual abuse which children face during the pandemic, and ways in which they can be better protected.

# II. Specific questions of the Special Rapporteur

## 1. The impact of COVID-19 on the nature and scope of sale and sexual exploitation of children

At its [27th meeting](https://www.coe.int/en/web/children/27th-meeting-of-the-committee-of-the-parties-t-es-), the Lanzarote Committee organised a thematic exchange of information, experiences and good practices on “stepping up protection of children against sexual exploitation and abuse in times of the Covid-19 pandemic”. Representatives of INHOPE, the Internet Watch Foundation, EUROPOL and INTERPOL participated in the exchange. A number of possible trends (and risk factors) were observed.

First, there are anecdotal reports from various state Parties that **the rates of disclosure of child abuse and calls for assistance from helplines, has increased** during lockdown/confinement periods, and in the period immediately after the lifting of lockdown measures. At the same time, Council of Europe project officers implementing cooperation activities in Ukraine and the Republic of Moldova have noticed that, in both countries,the number of reported cases of child abuse have decreased considerably. This is thought to be a negative trend, and could be attributed to a number of factors: for example:

* Social workers are not able to carry out home visits during this time
* Children cannot call special services as they are at home with their parents all the time
* Kindergartens and schools are closed, meaning that children cannot report through their teachers and educators.

As the Lanzarote Committee Chair and Vice-Chairperson underlined in their recent [statement on stepping up protection against child sexual exploitation and abuse in times of COVID-19](http://rm.coe.int/covid-19-lc-statement-en-final/16809e17ae), a significant risk factor is that confinement and lockdown measures have left children “trapped” with their abusers: be it at home, in out-of-home care, in makeshift refugee camps or facilities where they are deprived of liberty. In many cases, these children were already in a vulnerable situation, because of a mental or physical disability or a situation of dependence.

Secondly, there was some indication of **changes in certain manifestations of child sexual exploitation and sexual abuse**. On the one hand, reported incidents of so-called sex tourism had decreased, in the wake of travelling restrictions. It was also assumed likely that abuse by perpetrators outside the home had decreased, given restrictions on domestic movement, closures of facilities and cancellation of many activities. On the other hand, there are indications that forms of sexual exploitation and abuse facilitated by ICTs (information and communication technologies) have increased: including the live streaming of abuse, grooming and so-called “sexting” (including the production, distribution and possession of self-generated sexual or sexually explicit videos or images). This [may be attributed](https://rm.coe.int/covid-19-lc-statement-en-final/16809e17ae) to children and potential perpetrators spending more time online, in the face of lockdown or other restrictive measures. There are also indications of increased attempts to access child sexual abuse material online during this period, and of an increase in group chats or forums which have, as their purpose, the exchange of child sexual abuse imagery.

## 2. Essential protection measures to detect and prevent child sexual abuse and exploitation

The Lanzarote Committee Chair and Vice-Chairperson [statement](http://rm.coe.int/covid-19-lc-statement-en-final/16809e17ae) underlines some of the essential measures which must be ensured during this time. These measures include:

* **Awareness-raising** on the increased online risks of child sexual exploitation and sexual abuse, as well as child-friendly information of assistance and support services available to children during this period. This can be done by launching online campaigns and circulating existing awareness-raising materials to prevent child sexual exploitation and sexual abuse;
* **Continuous dialogue** between national, regional and local authorities, as well as cooperation with civil society and the privacy sector, to regularly review the situation, assess needs and adapt measures for preventing and combating child sexual exploitation and sexual abuse, as well as caring for victims;
* Ensuring that **hotlines and helplines** are known to both children and the general public made available around the clock, including through online platforms, and ensuring adequate human resources and equipment during this time
* Ensuring that **parents and caregivers confined with children** are supported in coping with their own emotions and behaviour during the crisis; and that they are empowered to prevent and respond to child sexual abuse, including online abuse. Communication efforts should aim at raising adults’ awareness on the measures they can take to protect children.

## 3. Initiatives on collecting data

The Lanzarote Committee and its Bureau have taken steps to collect data from its state Parties and other stakeholders on the impact of Covid-19 and related measures on sexual abuse and sexual exploitation of children. Its first call for information enquired on the impact that the Covid-19 pandemic and the lockdown measures may have had on the prevention and protection of children against sexual abuse and exploitation, both online and offline. The Bureau subsequently launched a second call for information to achieve a more comprehensive and focused overview of the situation, taking into account also the longer-term impact of the Covid-19. The questions were as follows:

1. To what extent, if at all, has the threat of child sexual abuse/exploitation changed due to COVID-19? If so:

* Please tell us about whether the level of risk has increased/decreased/remained the same and if possible, specify this with regard to the various types of sexual offences against children (Articles 18-23 of the Convention);
* You may also wish to indicate any emerging trends relating to child sexual abuse/exploitation, as the result of COVID-19, and point at measures taken to address them.

2. Did lockdown cause child sexual abuse/exploitation cases (identified/reported) to increase, decrease or stay the same? Please submit data (number of victims/offenders) and highlight what you think may explain the trend.

3. Please also tell us whether and how general child safeguarding measures were, or are likely to be, affected by measures taken by governments in response to COVID-19. In addition, highlight any additional, specific measures put in place during lockdown to ensure reporting by victims of child sexual abuse/exploitation as well as to support and assist them, and whether these measures will be maintained even when the lockdown is lifted.

4. Finally, please tell us whether children have been duly listened to on decision-making concerning their protection against sexual abuse/exploitation during this period. Please also tell us whether and how children will be involved in decision-making on or assessing the impact of COVID-19 measures in the future.

A total of 27 state Parties provided at least one set of information on national measures to prevent and protect children from sexual exploitation and abuse – both during and after the pandemic – and on figures relating to the potential trends identified. The call has been renewed, and new initiatives will shortly be shared with the Lanzarote Committee, allowing for a comprehensive overview of the situation and opportunities to share good practices among state Parties to the Convention.

After Parties have confirmed that they wish for this information to be made public, and its possible rearrangement, these initiatives will be made public on the [webpage of the Children’s Rights Division of the Council of Europe dedicated to the protection of children in times of the Covid-19 pandemic](https://www.coe.int/en/web/children/covid-19), as well as on the [webpage of the Lanzarote Committee](https://www.coe.int/en/web/children/lanzarote-convention).

## 4. Challenges in the provision of undisrupted services

Confinement and other restrictive measures taken in response to COVID-19 appear to have led to significant challenges in assuring the provision of undisrupted services in relation to child sexual exploitation and sexual abuse. As already indicated, children at risk have faced **reduced access to potential reporters of abuse**, including teachers and others working in schools, as well as to social workers and others who may carry out home visits or other inspections.

**Services relating to the detection and handling of child sexual abuse material have also faced operational challenges**. During the 27th Lanzarote Committee meeting exchange of views, for example, it was reported that hotline and helpline providers faced reduced capacity to carry out legal assessments of potential child sexual abuse material reports. As a consequence, unassessed material was being passed directly to law enforcement, and leading to both an increase in “false positives” and a heavier work burden on law enforcement. There had also been a slow-down in the de-listing of URLs which contain child sexual abuse images, as companies face reduced capacity to carry out content moderation. A significant contributing factor to these operational challenges is the fact that workers cannot handle such material in a non-secured, “teleworking” environment.

## 5. Innovative solutions to ensure effective functioning of child protection and justice systems

The European Commission for the Efficiency of Justice (CEPEJ) recently published a [declaration on the lessons learnt and challenges faced by the judiciary during and after the COVID-19 pandemic](https://rm.coe.int/declaration-en/16809ea1e2). It restates important principles of justice and their application to the COVID-19 context. In so doing, it underlines that **judicial systems should give** **priority to cases which concern vulnerable groups** who are at greater risk of suffering during the COVID-19 pandemic. This includes cases of domestic violence, in particular against children. Among other things, the declaration calls for:

* **Constant re-evaluation of emergency measures**, which must respect the principles of legality, legal certainty and proportionality, and which have a fixed end date. Where appropriate, judicial authorities and representative of justice professionals should be consulted on emergency regulations.
* **Provision of access to justice by alternative means**, such as online services or strengthening access to information through court websites and other means of communication.
* **Putting in place safety measures** to respect necessary physical distancing within court premises, prepared in consultation, clearly explained to all, and regularly evaluated and adapted.
* **Human resources and budgetary support** to help courts to put in place a plan to absorb delays; and flexible allocation of resources as close to local reality as possible, both during and after the crisis.
* Ensuring that **IT-solutions, such as online services, remote hearings and videoconferences, always respect fundamental rights.** The impact of the use of these technologies should be evaluated regularly, and special attention should be paid to the most vulnerable groups.

## 6. Relevance and functionality of existing legal frameworks

In times of crisis, it is crucial that member states respond in a manner which upholds human rights, democracy and the rule of law, including through compliance with international obligations and other instruments.

As already indicated, the Council of Europe legal framework addressing violence against children has provided a strong basis for adapting to and managing risks in the context of COVID-19. Monitoring bodies of the Lanzarote and Istanbul Conventions, as well as the Convention on Action against Trafficking in Human Beings, have released statements on the applicability of the respective Conventions’ obligations to the current risks faced in the COVID-19 pandemic, namely:

* [Statement by the Lanzarote Committee Chair and Vice-Chairperson on stepping up protection of children against sexual exploitation and abuse in times of the COVID-19 pandemic](https://rm.coe.int/covid-19-lc-statement-en-final/16809e17ae)
* [Declaration of the Committee of the Parties to the Istanbul Convention on the implementation of the Convention during the COVID-19 pandemic](https://rm.coe.int/declaration-committee-of-the-parties-to-ic-covid-/16809e33c6)
* [Group of Experts on Action against Trafficking in Human Beings, In times emergency the rights and safety of trafficking victims must be respected and protected](https://rm.coe.int/greta-statement-covid19-en/16809e126a)

All other Council of Europe initiatives taken to address violence against children in the COVID-19 context have been strongly grounded within the Council of Europe legal framework.

## 7. Increased action to protect children from violence

At the level of the Council of Europe, numerous initiatives have been carried out in relation to protecting children from violence in the context of COVID-19:

* Within the **Lanzarote Committee**, an aforementioned [joint-statement](https://rm.coe.int/covid-19-lc-statement-en-final/16809e17ae)  has been issued, and an exchange of information on stepping up protection of children against sexual exploitation and abuse in times of the Covid-19 pandemic was held at its [27th meeting](https://www.coe.int/en/web/children/27th-meeting-of-the-committee-of-the-parties-t-es-) (taking place on 16-18 June 2020). The Chair of the Lanzarote Committee has participated in a [recorded interview](https://www.coe.int/en/web/portal/covid-19-one-in-five-children-suffers-one-or-another-form-of-sexual-abuse-or-victimisation-during-their-childhood?fbclid=IwAR3lKTjDQm_9ipIogdRXmVhd6m8H-03RqQyY0XxIhjsrPTUDv7KUppD7HJg), aimed at raising awareness of risks and responses in this context.
* The **Steering Committee for the Rights of the Child** ([CDENF](https://www.coe.int/en/web/children/cdenf)) will hold an exchange of views on 26 June 2020, on COVID-19 pandemic responses: lessons learnt from management and adaptation to ensure that children are treated as rights holders during the pandemic and beyond.
* Within the framework of the **EndOCSEA@Europe project**, a [webinar on online child sexual exploitation and abuse in times of the Covid-19 pandemic](https://www.coe.int/fr/web/children/-/online-child-sexual-exploitation-and-abuse-in-times-of-the-covid-19-pandemic) was held on 28 May 2020. A [dedicated third meeting](https://www.coe.int/en/web/children/-/results-of-the-third-meeting-of-the-steering-committee-of-the-council-of-europe-project-to-end-online-child-sexual-exploitation-and-abuse-europe-endoc) of the Steering Committee of the Council of Europe EndOCSEA@Europe project was organised to discuss the impact of COVID-19 on the phenomenon. The project has also outlined [concrete measures](https://www.coe.int/en/web/children/-/endocsea-europe-project-response-to-covid-19-and-updates) to raise awareness and ensure continuity of capacity-building during this time.
* Protecting children from violence during the pandemic has also been **mainstreamed across the Council of Europe**: among other things, it was was a focus of a digital discussion, open to the public, on the COVID-19 pandemic and fundamental freedoms, and organised under the Greek Chairmanship of the Council of Europe. The [Parliamentary Assembly of the Council of Europe](https://pace.coe.int/en/) will also hold a webinar on Child safeguarding and protection: lessons from the Covid-19 crisis, on 18 June 2020.

1. See [Child-friendly justice in Europe – Participation and Restorative justice (12 May 2020) Welcome from the Secretary General of the Council of Europe.](https://rm.coe.int/statement-sg-coe/16809e5177) [↑](#footnote-ref-1)