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Regional legislation and action to combat sexual exploitation and abuse of children

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Resolution 350 (2012)	2
Recommendation 332 (2012)	5
Explanatory memorandum	6

Summary

Available data suggest that one child in every five is, at some stage, a victim of some form of sexual exploitation or abuse, one of the worst forms of violence against children. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, also known as the “Lanzarote Convention”, is the first international instrument to establish the various forms of sexual abuse of children as criminal offences, including such abuse committed in the home or family, with the use of force, coercion or threats.

While many measures advocated by the Lanzarote Convention will have to be transposed into criminal and civil laws, which are usually the responsibility of the state, some crucial issues in the field of child protection may come under the remit of regions, such as the regulation and organisation of welfare, social and health services and the adoption of specific measures and structures to prevent and protect children from sexual exploitation and abuse.

This explanatory memorandum explores measures, both legislative and administrative, that regions may take in order to implement the provisions of the Lanzarote Convention at regional level.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
ILDG: Independent and Liberal Democrat Group of the Congress
EPP/CD: European People's Party – Christian Democrats of the Congress
SOC: Socialist Group of the Congress
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress
NPA: No political affiliation



Regional legislation and action to combat sexual exploitation and abuse of children

RESOLUTION 350 (2012)²

1. Sexual violence is a complex, sensitive and alarmingly widespread threat to the well-being and healthy development of all children across Europe, regardless of their age, sex or ethnic and religious background. It can take many forms including incest, pornography, prostitution, trafficking in human beings, corruption, solicitation via the Internet, sexual exploitation and sexual abuse.

2. Child sexual abuse and exploitation are often referred to as the “secret crime” as child victims typically experience great difficulty in disclosing it. This and the lack of standardised and comparable data collection methods mean it is difficult to obtain a clear picture of the scope of the problem. However, available data suggest that about one child in five in Europe is a victim of some form of sexual violence, one of the worst forms of violence against children.

3. Although public attention is most often drawn towards the lurking stranger depicted in the media, children are most at risk of abuse from those around them. Indeed it is estimated that in 70% to 85% of cases, the abuser is somebody the child knows and trusts such as family members and friends, care-givers, even peers.

4. The pain of child abuse does not always end after the physical act, as afterwards child victims are subjected to numerous interviews with social, legal and law enforcement agencies. The repetition of the painful details of the abuse might lead to further emotional trauma to the victim. Multidisciplinary centres, where all agencies having to intervene in the investigation of cases of child sexual abuse can do so under one roof, avoid this re-victimisation of the child.

5. The Council of Europe has been fighting sexual violence and abuse against children for more than fifteen years and in 2007 the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), also known as the “Lanzarote Convention”, was opened for signature. This is the first international instrument to establish the various forms of sexual abuse of children as criminal offences, including such abuse committed in the home or family, with the use of force, coercion or threats.

6. The ONE in FIVE Campaign to stop sexual violence against children was launched by the Council of Europe in 2010 and aims to achieve further signature, ratification and implementation of the Lanzarote Convention, as well as to equip children, their families/carers and societies at large with the knowledge and tools to prevent and report sexual violence against children, thereby raising awareness of its extent.

7. The Lanzarote Convention does not indicate specifically whether the legislation and measures it advocates to prevent and protect child victims of sexual abuse and exploitation should be enacted at the State or regional level. Whilst many measures will need to be transposed into criminal and civil law, which are usually a State competence, some crucial issues in the field of child protection may come under the remit of regions, such as the regulation and organisation of welfare, social and health services and the adoption of specific measures and structures to prevent sexual exploitation and abuse and to protect children.

8. An independent, competent regional body for the protection of children against sexual abuse and exploitation is of paramount importance to ensure a comprehensive, multi-agency and interdisciplinary strategy. It may co-ordinate the various agencies including the education, social and health sectors, law enforcement and judicial authorities, and co-operate with national and local agencies working to ensure the child’s rights are effectively implemented when dealing with cases of child sexual abuse and exploitation.

². Debated and approved by the Chamber of Regions on 17 October 2012 and adopted by the Congress on 18 October 2012, 3rd sitting, presented by J. Van Den Hout, Netherlands (R, SOC) on behalf of D. Davidovic, Serbia (R, NR), rapporteur.

9. Regions may promote and conduct awareness-raising campaigns on the phenomenon of child sexual abuse and exploitation addressed to the general public, preferably in co-operation with local and central agencies. They can encourage and finance third sector programmes and projects which promote the participation of children, parents, the media and the private sector in fighting child sexual abuse and exploitation.

10. In areas under their responsibility, regional authorities should ensure that all persons working with children receive adequate training on the phenomenon of sexual abuse and exploitation, including on the rights of the child in such circumstances, and on what to do where sexual violence is suspected. This includes people working in social services, the education, health, judicial and law-enforcement sectors, as well as in areas relating to sport, culture and leisure activities. In addition, awareness of online-related child abuse and exploitation needs to be embedded in child protection systems.

11. Regions should define strategies that recognise existing roles and resources in this field and identify good practices as well as potentialities and challenges ahead to improve concerted action to protect children.

12. The Congress of Local and Regional Authorities of the Council of Europe therefore invites regional authorities and, in particular, those of regions with legislative powers, to integrate the following provisions of the Lanzarote Convention into regional legislation and administrative practice in order to complement the respective activities by national authorities:

a. set up child-friendly, multi-agency and interdisciplinary centres for child victims and witnesses of sexual abuse and exploitation where children can be interviewed and medically examined for forensic purposes, comprehensively assessed and can receive all relevant counselling and therapeutic services from appropriate professionals;

b. establish or designate an independent and competent regional body for the protection of children against sexual abuse and exploitation which would co-ordinate the implementation of a comprehensive, multi-agency and interdisciplinary strategy with national and local actions;

c. set up or designate a focal point for the systematic collection of data on child sexual abuse and exploitation and the promotion of regular surveys among children, including in primary and secondary schools with the aim of measuring the prevalence of child sexual exploitation and abuse;

d. conduct awareness-raising campaigns addressed to the general public, parents, children and professionals working with and for children which address all forms of child sexual exploitation and abuse including "grooming" for sexual purposes, child abusive images on the Internet, trafficking and intra-familial sexual abuse; encourage children's full participation especially with regard to the new communication technologies; produce guidelines explaining appropriate responses or courses of action to be taken where there is a suspicion of abuse;

e. ensure adequate and regular training on different forms of sexual violence for all professionals working for and with children in the different sectors, including the judicial system;

f. ensure that appropriate risk assessment and therapeutic services for young people who commit sex offences and children who display inappropriate sexual behaviour are available and accessible in the region.

13. In addition, the Congress welcomes the adoption by the Council of Europe of its Strategy for the Rights of the Child 2012-2015 and commits to mainstreaming children's rights into all of its policy areas and activities. In this context, the Congress:

a. invites regional authorities to work actively to promote the aims of the Council of Europe's ONE in FIVE Campaign to stop sexual violence against children and, in particular, to implement the Strategic Action Plan which addresses the local and regional dimensions of the campaign;

b. recalls its Resolution 289 (2009) on preventing violence against children and repeats its invitation to regional authorities to incorporate the three dimensions of networking and participative planning; regulation and quality standards; and monitoring and evaluation into their child protection strategies;

c. draws the attention of regional authorities to Committee of Ministers' Recommendation CM/Rec(2011)12 to member States on children's rights and social services friendly to children and families, and invites them to take into account the appended guidelines as a practical tool for adapting their social services systems for children and families to the specific rights, interests and needs of children and to identify practical remedies to existing shortcomings in social service delivery.

Regional legislation and action to combat sexual exploitation and abuse of children

RECOMMENDATION 332 (2012)³

1. The main international legal instruments to protect children's rights are the United Nations Convention on the Rights of the Child (United Nations, 1989) and the Optional Protocol on the sale of children, child prostitution and child pornography (United Nations, 2002). They protect children from all forms of sexual exploitation and abuse, abduction, sale and trafficking, any other form of exploitation and from cruel or inhuman treatment.

2. Among the Council of Europe's legal instruments, the European Social Charter (ETS No. 35, revised in 1996 (ETS No. 163)), the Convention on Cybercrime (ETS No. 185) and the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) give special attention to protecting children and young people against violence or exploitation.

3. The Council of Europe has been fighting sexual violence and abuse against children for more than fifteen years and, based on the conclusions of the Committee of Experts on the Protection of Children against Sexual Exploitation and Sexual Abuse (PC-ES), opened up for signature in 2007 the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, entered into force in 2010), or the "Lanzarote Convention" as it is also known.

4. The Lanzarote Convention is the first international instrument to cover all the various forms of sexual abuse against children as criminal offences, including such abuse committed in the home or family, with the use of force, coercion or threats. It outlines various preventive measures, as well as programmes which support victims, encourage people to report suspected sexual exploitation and abuse, and set up telephone and Internet helplines for children. The convention also ensures that certain types of conduct are classified as criminal offences, such as engaging in sexual activities with a child who has not attained the legal age, and child prostitution and pornography, and criminalises the use of new technologies – the Internet in particular – to sexually harm or abuse children, for example by "grooming".

5. The Congress of Local and Regional Authorities of the Council of Europe welcomes the adoption by the Council of Europe of its Strategy for the Rights of the Child 2012-2015 and in this context:

a. recommends that the Committee of Ministers invite member States to implement fully the strategy, to actively support the Council of Europe ONE in FIVE Campaign to stop sexual violence against children, and to sign and ratify the Lanzarote Convention as soon as possible;

b. recommends also that the Committee of Ministers invite member States to support regional action and measures to prevent and deal with the sexual abuse of children;

c. echoes the call by the Committee of Ministers to member States to take into account the guidelines that appear in the appendix to Recommendation CM/Rec(2011)12 to member States on children's rights and social services friendly to children and families;

d. reiterates its request to the Committee of Ministers to implement its proposals in Congress Recommendation 272 (2009) on preventing violence against children.

³. Debated and approved by the Chamber of Regions on 17 October 2012 and adopted by the Congress on 18 October 2012, 3rd Sitting, presented by J. Van Den Hout, Netherlands (R, SOC) on behalf of D. Davidovic, Serbia (R, NR), rapporteur.

Regional legislation and action to combat sexual exploitation and abuse of children

EXPLANATORY MEMORANDUM⁴

A. Introduction

1. Sexual violence is a complex and alarmingly widespread threat to the well-being and healthy development of children in every society, region and community in Europe. The child victims of sexual violence are of both sexes and all ages.⁵ They come from all social, economic, racial and ethnic backgrounds, although statistics show socially deprived and other vulnerable children are more at risk than others.

2. Sexual violence against children can take many forms. Sexual abuse involves engaging children in sexual activity with or without the use of coercion, force or threats. In most cases the abuse is at the hands of someone in a recognised position of trust, authority or influence. Thus in the great majority of cases, the perpetrator is well known to the victim – a family member, friend of the family, or someone who has regular access to the child victim. The perpetrator is not necessarily an adult, children themselves can display sexually aggressive behaviour against their peers. Some children, including those with disabilities, are subjected to sexual violence and abuse in places where they have been sent for care, ie in specialised care facilities for disadvantaged and vulnerable children. Indeed evidence suggests the prevalence of child sexual abuse and exploitation is considerably higher in residential care than in other settings. It also suggests that most sex offences in care settings are committed by other children.

3. Sexual exploitation refers to forms of sexual violence which subject the child to prostitution, pornography, trafficking or corruption. The Internet and associated technologies have increased the scale of and potential for sexual violence, making it easier than ever to create and distribute abusive images and to “groom”⁶ children for sexual purposes. Vulnerable children, such as unaccompanied, missing or street children, asylum seekers, or children in residential institutions are at high risk of trafficking, not only across national borders but within them.

4. The consequences of sexual violence for the child victims can be serious and long-lasting. The range of emotional, psychological, physical and behavioural problems associated with sexual abuse is well documented. These include symptoms of post-traumatic stress disorders, depression, negative self-esteem, substance abuse, sexualised behaviour, eating disorders and even suicide. Corresponding problems have been highlighted for children subjected to sexual exploitation such as trafficking and pornography. Sexual violence may also have a grave impact on the child’s family, both parents and siblings, who may also be traumatised.

5. A comprehensive and effective national policy for the protection of children from sexual exploitation and sexual abuse requires the active involvement of regional and local authorities. Regions should define strategies that recognise existing roles and resources in this field and identify good practices as well as potentialities and challenges ahead to improve concerted action to protect children.

⁴ This Explanatory Memorandum (adopted by the Current Affairs Committee on 20 March 2012) is based on the document prepared by the Council of Europe consultant Bragi GUDBRANDSSON, General Director, Government Agency for Child Protection (Iceland), which is available upon request from the secretariat.

⁵ “Child” is based on the definition given by the United Nations Convention on the Rights of the Child, ie any person under the age of 18. In certain articles of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, different ages are specified where it is a question of the legal age for engaging in sexual activities without the acts being deemed a criminally punishable offence.

⁶ “Grooming” refers to actions undertaken with the aim of befriending and establishing an emotional connection with a child, in preparation for sexual activity, especially via Internet.

B. The current situation

i. The prevalence of child sexual abuse

6. Available data from research all over Europe suggest one child in every five may be a victim of some form of sexual violence. Differing data collection methods mean statistics vary, in addition, the hidden nature of the crime is a major obstacle to obtaining a clear picture of its scope. It is important that public agencies collect and disseminate statistical data not only to raise awareness of the problem but also to see clearly its extent and to be able to develop strategies to improve action to combat sexual violence and exploitation of children.

ii. Social awareness

7. Social awareness of sexual violence against children seems to go through different stages of development. The first stage is characterised by denial whereby the existence of the problem is at best minimised or at worst flatly denied, even going so far as to imagine the children themselves are to blame for “seducing” innocent men into sexual activity. The second stage – the stage of admittance – is when society can no longer avoid the grim reality of child sexual abuse, although social awareness is limited as the abuse is seen as horrible incidences of psychopathic aggression or outrageous sexually deviant behaviour of paedophiles. Hence the response is narrowed to apprehending perpetrators of evil acts of abuse. This strategy is inadequate as it does not recognise that the roots of child sexual abuse are essentially of a social nature. We need to understand that sexual abuse and exploitation are complex issues with many facets, generated by harmful social forces that affect attitudes and behaviour in society. This is reflected in different phenomena including child pornography and trafficking, “grooming” on the Internet as well as child sexual abuse within and outside of the family. It could be said that society has reached the stage of social recognition once it accepts that it has a collective responsibility to safeguard the unequivocal right of the child to be protected from all forms of sexual violence.

iii. The secret crime

8. Child sexual abuse and exploitation are often referred to as the secret crime as child victims typically experience great difficulty in disclosing it. Young children often lack the verbal skills and vocabulary needed to express themselves or may even not be aware that their rights have been violated. Children may be too ashamed or embarrassed to talk about their experience, or too afraid to tell as they may have been threatened and fear the consequences of disclosure. In some instances, their affection for the perpetrator, who may have a care-taking role, or the feeling that they will not be believed, inhibits them from talking. Although from the child’s perspective there are many good reasons for not disclosing, research indicates that nevertheless the majority of sexually abused children do disclose the abuse at one point in time or another. While younger children most often tell their non-offending care-takers, the older ones, especially adolescents, are more likely to turn to their peers to unburden their secrets.

9. It can safely be assumed that the more society is aware of and sensitive to the problem, the more child victims of sexual abuse are likely to disclose their experience. We know also that some child victims recant their disclosure, especially if they are met with scepticism. Therefore, it is paramount to listen to the child without questioning what is being said, provide reassurance and encouragement, support, empathy and understanding.

iv. Legal protection

10. The main international legal instruments to protect children’s rights are the United Nations Convention on the Rights of the Child (hereafter UNCRC, United Nations, 1989) and the Optional Protocol on the sale of children, child prostitution and child pornography (2002). They protect children from all forms of sexual exploitation and abuse, abduction, sale and trafficking, any other form of exploitation and from cruel or inhuman treatment.

11. Among the Council of Europe’s legal instruments, the European Social Charter (ETS 035, revised in 1996), the Convention on Cybercrime (ETS 185) and the Convention on Action against Trafficking in Human Beings (CETS 197) give special attention to protecting children and young persons against violence or exploitation.

12. The Council of Europe has been fighting sexual violence and abuse against children for more than 15 years and in 2006, following the conclusions of the Third Summit of Heads of State and Governments which called for measures to be drafted to stop the sexual exploitation of children, a Committee of Experts on the Protection of Children against Sexual Exploitation and Sexual Abuse (PC-ES) was set up to review relevant existing international instruments. The Committee concluded there was a need for a new binding instrument to protect children against sexual exploitation and abuse. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, hereafter Lanzarote Convention as it is also known, was opened for signature in 2007.

13. The Lanzarote Convention is the first international instrument to establish the various forms of sexual abuse of children as criminal offences, including such abuse committed in the home or family, with the use of force, coercion or threats. It outlines various preventive measures, establishes programmes to support victims, encourages people to report suspected sexual exploitation and abuse, and sets up telephone and internet helplines for children. It also ensures that certain types of conduct are classified as criminal offences such as engaging in sexual activities with a child below the legal age, child prostitution and pornography, and criminalises the use of new technologies – the Internet in particular – to sexually harm or abuse children, for example by "grooming".⁷

14. The UNCRC lays down the principle that 'the best interests of the child shall be the paramount consideration' in the enactment of laws relating to children. This should be the case for any action, policy, structure, measure, etc set up to combat or deal with child sexual abuse and exploitation. All action must be rights based. As each child is different, this implies an assessment of each case, including the child's need for physical, psychological and social recovery. Appropriate support should be provided based on the assessment and after the child's views have been taken into account.

C. Action at the regional level

15. The Lanzarote Convention stipulates in Article 4 that "Each Party shall take the necessary legislative or other measures to prevent all forms of sexual exploitation and sexual abuse of children and to protect children" and then goes on to prescribe, article by article, the most specific measures to be taken. However, it provides no indication of the type of legislation in which the measures are to be enacted. In many cases, the articles of the Convention are transposed into the member states' criminal law. Some articles, however, could be implemented by means of other legislative instruments, for example in the field of child or youth protection, welfare, social services, etc.

16. Central government is responsible for defining the direction of policies in the social and health fields, however decentralisation enhances democracy by involving local and regional government bodies in decision-making meaning services are better tailored to meet local and regional needs. Different regional social structures and needs make diversity in public provisions not only desirable but necessary, although children's and families' equal access to appropriate services and protection of children must be guaranteed. This requires coordination and convergence among regions through cooperation between state, regional and local bodies, multidisciplinary networking and dissemination of information.

17. The transferral of functions and resources from the central to regional or local authorities presents new opportunities to implement the basic rights embodied in the UNCRC in terms of protection and participation of children as well as provisions friendly to children and families. The flexibility of the Lanzarote Convention in terms of types of legislation leaves scope for regions with legislative powers to transpose its articles into their own legislation in the fields in which they have specific competences, thus bringing their laws and bylaws into line with the Convention. It also gives great scope for implementing the measures listed in the Convention into policies at regional level.

i. Coordination, cooperation, statistical data and research

18. An independent, competent regional body set up to protect children against sexual abuse and exploitation is paramount to ensure a comprehensive, multiagency and interdisciplinary strategy as well as coordination within the national and local framework. This could be a unit within a body

⁷ See footnote 6.

designed to promote and protect the rights of the child in general. More importantly, however, is that this body must receive adequate resources and have clearly defined responsibilities.

19. The role of this regional body is to initiate cooperation between and coordinate the various agencies working to prevent and dealing with cases of child sexual abuse and exploitation, including the education, social and health sectors, law enforcement and judicial authorities. This regional body should cooperate with national and local agencies which work to ensure the child's rights are respected when dealing with cases of child sexual abuse and exploitation. The regional body must have an overview of all interventions, services and resources related to sexual violence against children provided by government and non-governmental agencies in order to be able to coordinate them. The collection and dissemination of good practices from inside and outside the region, advice and networking are also important aspects of this function.

20. The availability and accessibility of reliable information on the nature of sexual violence against children plays a vital role in the fight against child sexual exploitation and abuse. Regions should set up or designate a focal point for data collection and the dissemination of information to relevant partners and civil society. The systematic collection of statistical data should be undertaken, including on the incidence rate or the number of reports to child protection services, different types of violence (eg online, trafficking, incest), risk situations, harmful impacts, and signs and symptoms that children subjected to sexual violence may exhibit, impeachments to law enforcement, indictments by the prosecution and court sentences. These data should cover all factors necessary for observing and evaluating the prevalence of child sexual abuse and exploitation, including demographic data, information on vulnerable groups of children at risk, perpetrators, etc, as well as information on interventions and support to child victims and their families.

21. Research should be encouraged and supported by regions, for instance through cooperation with universities, to help understand further the phenomenon of sexual exploitation and abuse of children and their consequences for the healthy development of children. Regular surveys should be carried out among children in primary and secondary schools in order to measure the prevalence and characteristics of child sexual exploitation and abuse. Research can also be applied as a tool to develop evidence-based practice for prevention and intervention measures in the regional context.

ii. Awareness-raising

22. Raising awareness of the general public on the phenomenon of child sexual abuse and exploitation may be more effective at regional level than at local or national levels. Local government's scope for comprehensive prevention efforts may be somewhat limited and central government may not possess the structural and cultural means for the diversified strategies required. Regions, however, can promote and conduct awareness-raising campaigns addressed to the general public preferably in cooperation with local and central agencies. They can encourage and finance third sector programmes and projects which promote the participation of children, parents, the media and the private sector in fighting sexual abuse and exploitation.

23. Special awareness-raising and educational programmes should be organised by regions to meet the needs of parents, children and professionals who come into contact with children. Measures should be taken to ensure that children, during primary and secondary education, receive information, adapted to their evolving capacities on the risk of sexual abuse and exploitation as well as the means to protect themselves. The most beneficial educational approach is within the general context of information on sexuality and should include a focus on the new communication technologies, for example risky online behaviour. Information should be in child-friendly language, reflect the needs of children of all ages and stages of development, and be especially aimed at vulnerable children and families.

24. The awareness-raising concept of the "Underwear Rule" of the Council of Europe ONE in FIVE Campaign is a good example of how to help parents explain to their children where others may and may not touch them, how to react in such situations and where to seek help. This helps children to understand that their body belongs to them, that there are good and bad touches, good and bad secrets, and the need to tell someone they trust. One of the key messages that must be conveyed to children is that sexual abuse is always the adult's responsibility, not the child's, and that children should tell someone they trust about their adverse experience. Regional media, important in any awareness-raising activity, can be invited to show the Underwear Rule TV spots, to help disseminate information and promote a dialogue for educational purposes.

25. Another important educational topic that needs to be raised among children and their parents is the dangers involved in new communication technologies such as the Internet, mobile phones and other electronic media. These technologies provide new global social spaces that did not exist when most contemporary parents were themselves children. Today's children are pioneers in exploring and employing this form of communication and are often far ahead of their parents and other adults in terms of use, skills and understanding. Protection strategies therefore need to be rooted in children's expert knowledge by ensuring their full participation, especially that of adolescents, in designing and implementing preventive programmes and interventions. Furthermore, there is growing evidence that actively engaged parents who share Internet experiences with their children and are willing to talk about the issues involved are the strongest protective factor for children. Thus parents should be encouraged to communicate with children on the risks involved as well as to equip themselves with information on the topic.

iii. Special protective and preventive measures

26. Regional authorities should ensure that reporting of sexual abuse and exploitation to the child protection services or other appropriate agencies is mandatory for all professionals, including those in private organisations performing tasks on behalf of the state, working for and with children and that this obligation does not breach existing confidentiality rules. Legal provisions to this effect are crucial for detecting abuse and preventing further harm to children. Professionals must be able to report without breaching a child's confidence whenever they have reasonable grounds to believe a child may be a victim of sexual abuse or exploitation. The extent to which the various agencies meet their reporting duties should be examined and kept under regular review.

27. Regional authorities should encourage the general public, through awareness-raising campaigns, to report to child protection services or any other appropriate agency any case where they have reasonable grounds to believe a child is the victim of sexual abuse or exploitation. Indeed, regions could produce guidelines that explain appropriate responses or courses of action to be taken by the general public where there is cause for concern.

28. In areas under their responsibility, regional authorities should ensure that all persons working with children receive adequate training on the phenomenon of sexual abuse and exploitation, including on the rights of the child in such circumstances, and in what to do where sexual violence is suspected. This includes people working in social services, the education, health, judicial and law-enforcement sectors as well as in areas relating to sport, culture and leisure activities. Professionals should receive training in applying participatory methods with the aim of ensuring that children are heard and taken seriously. This should include training in communicating with children of all ages, at each development stage and in different situations of vulnerability, as well as in establishing a trusting relationship based on mutual respect and friendliness. In addition, awareness of online-related child abuse and exploitation needs to be embedded in the child protection systems.

29. Where national guidelines or regulations do not exist, regional authorities should take measures to ensure that access to professions which involve regular contacts with children is not allowed to those having been convicted of acts of sexual exploitation or abuse of children. Professionals working with and for children should be subject to supervision and regular assessment with the aim of ensuring responsibility, accountability and interdisciplinary cooperation between different professions by sharing experiences and good practice. Where national rules do exist, regional authorities should ensure their implementation.

30. Regional policy procedures need to be in place to ensure an appropriate response where child trafficking is suspected, these can include child protection and law enforcement measures, awareness-raising, information and advice, and special protection measures for child victims of trafficking through close cooperation of different agencies. A regional coordination mechanism and monitoring of assistance should be set up. In the regional context, it is paramount to keep in mind that trafficking is not only an international phenomenon but also a domestic problem as children in Europe are often trafficked within their own country.

31. Many European countries have set up child helplines to ensure easy access and anonymous counselling for children and adults calling on their behalf. In countries where these do not exist, regional authorities should set them up offering a range of services from telephone advice to in person, outreach and web-based counselling.

iv. Sex offender management

32. A sex offender management system could be a part of any regional strategy for preventive and protective measures against child sexual abuse and exploitation, in accordance with relevant provisions on the protection of personal data. This could be for example a sex offender register containing details of anyone convicted, cautioned or released from prison for sexual offences against children. Such a register would assist police in the identification of suspects once a crime has been committed, possibly help them to prevent such crime and act as a deterrent to potential re-offenders. It would not be an additional penalty for the sex offender but a measure aimed at protecting children and the community from sex offenders.

33. As far as intervention programmes or measures for sexual offenders are concerned, these do not necessarily have to be part of a criminal punishment system but could be included in health or social welfare systems which, in many countries, fall within the regions' competences.

v. Response to sexual offences by children and youth

34. One of the most important preventive and protective measures against child sexual violence is the issue of juvenile offenders and children who display sexually aggressive behaviour against other children. Current estimates suggest that between 30% and 50% of child molestations are perpetrated by adolescent males. The sexual behaviour of young people can be seen on a continuum from mutually agreed experimentation to very serious crimes such as stalking and multiple rapes. Many children engage in activities that form a normal part of their sexual development, a behaviour that is not abusive and forms an important part of the learning process. Other types of behaviour are harmful and not appropriate. Recent research shows that sexual recidivism rates for juvenile sex offenders are very low, especially when subjected to treatment and other interventions.

35. Regions could offer carefully designed treatment interventions for children and youth offenders as these have proven to be effective and demonstrated a significant reduction in recidivism of juvenile sex offenders. These programmes need to be based on the strength and qualities of the youth and their families and show greater promise if they are delivered in a community environment rather than in a stigmatising residential setting. As they have considerable preventive and protective impact, they are likely to be cost effective in the long run. Finally, it must be remembered that children and youth who sexually offend have the right to be supported and receive the appropriate services to maximise their potential for a healthy development just like any other child.

D. The child-friendly and multidisciplinary response to child sexual abuse

36. The Lanzarote Convention places emphasis on the principle of a multidisciplinary approach to the prevention and investigation of child sexual abuse and exploitation. In the Council of Europe Guidelines on Child-friendly Justice (2010), member states are encouraged to set up child-friendly, multiagency and interdisciplinary centres for child victims and witnesses where children can be interviewed and medically examined for forensic purposes, comprehensively assessed and receive all relevant therapeutic services from appropriate professionals. Committee of Ministers Recommendation CM/Rec(2011)12 to member states on children's rights and social services friendly to children and families makes the same proposal to member states (§V.E.3).

37. Unfortunately, the pain of child abuse does not always end after the physical act. A verbal battery often follows as child victims are subjected to numerous interviews with social, legal and law enforcement agencies. The child is repeatedly asked to share the painful details of the abuse in an effort to learn the facts and circumstances surrounding the situation. Although this process is well intentioned, it usually guarantees further emotional trauma to the victim. This is why the Lanzarote Convention advocates the setting up of multidisciplinary centres where all agencies having to intervene in the investigation of cases of child sexual abuse - child protection or social services, healthcare services, law enforcement agencies, the court system - can do so under one roof.

38. During the past years, child-friendly, multiagency and interdisciplinary centres for the investigation of child sexual abuse have been set up in many countries in Europe with the aim of securing the best interest of the child. In these centres, investigative interviews are conducted by trained professionals according to an established forensic protocol and videotaped to enable viewing by those agencies

needing to see it. They also have the mission to provide comprehensive services for child victims and their family, providing therapeutic services to the child and counselling to the parents.

39. Such centres have been in existence in the USA, where they are called Children's Advocacy Centres, for a quarter of a century. In Europe, the first centre - the Barnahus (Children's House) - was established in Iceland in the late 1990s and comparable centres have been set up in over 30 locations including Sweden, Norway, Denmark, Croatia and the Netherlands. The positive experiences of these countries demonstrate that this approach is a viable option to safeguard the rights of child victims of sexual abuse irrespective of socio-political and cultural differences. Child-friendly, multiagency and interdisciplinary centres, should be set up by regions across their territory in particular where the cost of such centres would be too onerous for towns and villages.

40. The Lanzarote Convention calls for the appointment of a person or body whose task would be to raise the general public's awareness about sexual exploitation and abuse of children. Regions should introduce regional children's ombudsmen or commissioners for this purpose who could also monitor the implementation of children's rights.

E. Conclusion

41. International law requires a state to carry out its international obligations, however the provisions of the Lanzarote Convention need not necessarily be regulated by national legislation. The Convention is flexible in its approach and while many measures will be transposed into member states' criminal or sometimes civil law, some come under the specific legislative and regulatory powers of regions and can be interpreted into policies by regional government.

42. Regions play a key role in delivering services in the field of child protection and are able to regulate and manage affairs in children's best interests thanks to their proximity. While bearing in mind the respective roles, functions and competences of each level of government - national, regional and local - regions can take appropriate legislative and administrative measures in order to stop the sexual violence against children.