"Barnahus a travelling idea-The 20th anniversary of Barnahus in Iceland", 2018: The Nordic Congress on Child Welfare, Harpa, Reykjavik, Iceland, 5/9/2018

"Child protection from sexual victimization: experience from Council of Europe's Lanzarote Convention"

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Chair of the Lanzarote Committee, Council of Europe
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Child Abuse and Neglect and perplexities with Child Sexual Abuse (CSA)



Milestones of development for CSA-related research and interventions

- Initially Medical-centered model
- In turn, influenced by Women's and Human Rights' Movements, research often dominated by victimological studies
- Sometimes over-charged with values, beliefs, ideologies or even preoccupation of pioneers
- Gradually fine-grained through understanding of relative autonomy of scientific evidence and rightful human rights' agenda
- During the last couple of decades entering the evidencebased practice paradigm
- Augmented by the necessary practice-based evidence





Magnitude of CSA: some recent empirical results to be considered...

Research	Male	Female	
Sethi et. al. (WHO-E), 2013	5.7%	13.4%	Review, Europe
Barth et. al., 2013	6%	13%	Review, 24 countries
Pereda et. al., 2009	7,4%	19,2%	Global Review
Stoltenborgh et al., 2011	7,6%	18%	Global Review
Stoltenborgh et al., 2011	5.6%	13.5%	Review, Europe
Radford et. al. (NSPCC), 2013	12.5%	20.8%	UK
Radford et. al. (NSPCC), 2013	3.7%	13.2%	UK, contact CSA
Averdijk et. al., 2011	8.1%	21.7%	Switzerland, adolescents, contact CSA
Optimus, 2016	10.6%	12%	S. Africa, contact CSA
Tanaka et. al., 2017	4.1%	10,4-60,7%	Japan, Review
Tanaka et. al., 2017	0,5-1,3%	1,3-8,3%	Japan, penetrative CSA
Moore et. al., 2010	5,5%	14,1%	Australia, under 16yo





Intervention at all levels for eliminating children's victimization

- Primary prevention: Awareness raising, early detection programs, identification of cases in the community, universal supportive programs
- Secondary prevention: Improvement and standardization of the system of substantiation of reports or allegations, avoiding secondary revictimization, children friendly services
- Tertiary prevention: Development of specialized therapeutic units, de-institutionalization of placement systems, actions for especially vulnerable populations
- Horizontal actions of prevention: Building sufficient datasets, national registries, coordination of services and sectors





Council of Europe and its leading role for the protection of children from Child Sexual Abuse (CSA)





Council of Europe's programs & initiatives for protecting & promoting the Rights of the Child



Building a Europe for and with Children

A Council of Europe programme for the promotion of Children's Rights and the protection of Children from violence



A Council of Europe Strategy for the Rights of the Child 2012-2015



"Growing with Children's Rights"

A Conference on the implementation of the Council of Europe

Strategy for the Rights of the Child

(2012-2015)





Council of Europe's programs & initiatives for protecting & promoting the Rights of the Child

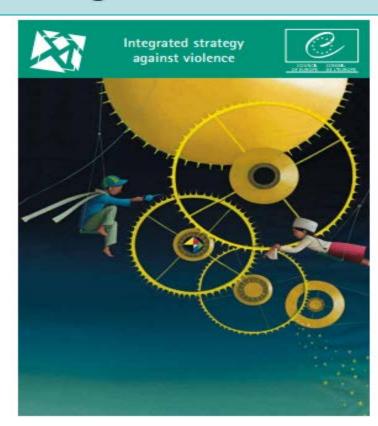


www.coe.int/children

Building a Europe for and with children







Council of Europe Policy guidelines on integrated national strategies for the protection of children from violence





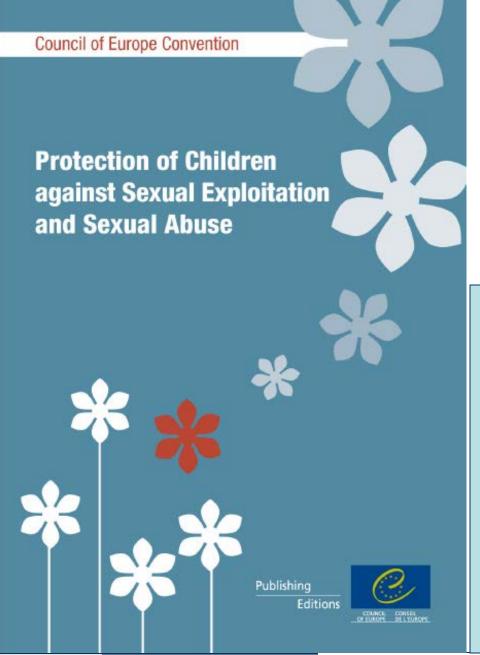


Why an international Convention was necessary for protecting children from sexual victimization?

Because up to that point legislation, intersectoral and international collaboration, awareness and systems' capacity were not corresponding to the magnitude of the problem







The Lanzarote Convention and the Committee of Parties

Initially open for signature on 25.10.2007; entering into force on 01.07.2010

Insofar signed by 47 member states and ratified by 44 states

Provided by Articles 39-41 of the Convention, the Committee became a useful resource for its implementation







Council of Range Committee on the Protection of Children against Securi September and Securi States

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31

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Source: Treaty Office on http://conventions.com/sti-1/Disables

LC: 47 member states have signed it and 44 have ratified it insofar:

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, FYROM, Turkey, UK, Ukraine





Countries which have ratified the Lanzarote Convention insofar







Main Axes of CoE's LC

Prevention

Protection

Prosecution





Prevention (examples)

- screening procedures for candidates to professions involving contacts with children
- sex education and information on the risks of sexual exploitation and sexual abuse
- encouraging involvement of the private sector, in particular the information and communication technology sector, the tourism and travel industry and the banking and finance sectors
- measures for sex offenders to minimize danger of them re-offending children





Protection (examples)

- early identification of child victims of sexual abuse (mandatory reporting)
- special telephone and/or internet SOS helplines to provide advice
- provisos for removing a child victim from the family environment but also to remove the alleged perpetrator from the home in order to avoid revictimizing the child-victim.
- child-friendly procedures for victims
- limiting as much as possible the number of instances in which a child victim is to have contact with prosecuting authorities





Prosecution (examples)

- describing new legal concepts such as:
 - child sexual abuse: sexual activities with a child below the legal age according to domestic law or with any child (that is to say any person under 18) where use is made of force or threats; of a recognized position of trust; of a particularly vulnerable situation of the child
 - sexual abuse "within the family"
 - child prostitution including all involved parties
 - child pornography including all aware parties
 - "grooming"
 - child sex tourism addressing issues of country jurisdiction
- extension of the period for criminal proceedings





Milestones of CoE's LC working methods

- Main leading tools: mainstreaming, networking, study visits, good practices' demonstration, exchanging experiences, facilitating information flow, monitoring and reporting
- Collaboration and synergies with other CoE's Departments or initiatives such as EPAS, GRETA etc
- Alignment with other European and International Organizations and Agencies respectful activities (EC, UN, UNICEF, WHO etc)





The double role of the Lanzarote Committee

- The Committee monitors how States Parties put the Lanzarote Convention into practice through legislation, policy and other measures.
- It also facilitates the collection and exchange of information and good practice between States to build their capacity to prevent and combat sexual exploitation and sexual abuse of children. Thus has the traditional follow up competencies and also (LC/Exp. Rep. p.271):
- a) "plays a role in the effective implementation of the Convention, by making proposals to facilitate or improve the effective use and implementation of the Convention, including the identification of any problems and the effects of any declarations made under the Convention;
- b) plays a general advisory role in respect of the Convention by expressing an opinion on any question concerning the application of the Convention;
- c) serves as **a clearing house** and facilitates the exchange of information on significant legal, policy or technological developments in relation to the application of the provisions of the Convention."





CoE's LC commitment on inclusion and cooperation; "Observers" in meetings:

- Relevant international NGOs/civil society (ECPAT, Missing Children, Hope for children etc.)
- Networks of Ombudspersons and National Institutions for Human Rights
- Relevant sections within the Council of Europe, such as the Commissioner for Human Rights, the Parliamentary Assembly and the Congress of Local and Regional Authorities, the Conference of INGOs, and relevant intergovernmental committees
- International organizations such as European Union and the United Nations and their specialized agencies, Europol and INTERPOL and the World Health Organization.





Actions and initiatives (examples)

- "One in Five" pan-European Campaign to stop child sexual victimization and developing awareness raising material
- Promoting collaboration and knowledge exchange in modes of forensic interviews and children friendly justice procedures in cases of child sexual abuse allegations
- Specific thematic initiatives such as:
 - Child protection from sexual victimization in sports' context
 - Securing the rights of children and adolescents to choose sexual identity and orientation
 - Child protection from sexual abuse by the use of ICTs
- Focus on combating CSA within the circle of trust
- Monitoring implementation of the Lanzarote Convention
- In situ visits in emergency situations with vulnerable children's groups (i.e. children on the move)



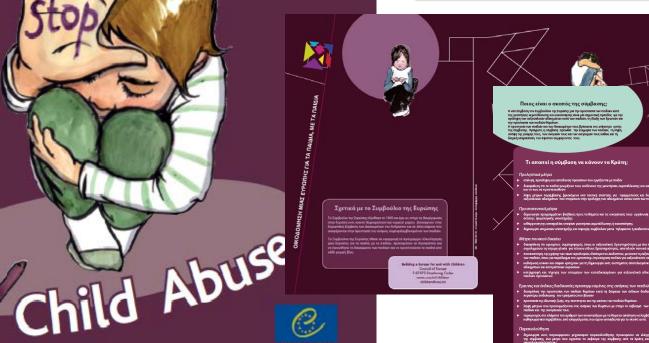


Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

www.coe.int/children



www.underwearrule.org







"Barnahus a travelling idea-The 20th anniversary of Barnahus in Iceland", 2018: The Nordic Congress on Child Welfare, Harpa, Reykjavik, Iceland, 5/9/2018

One in Five Pan-European Campaign

- to achieve further signature, ratification and implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- •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.

Council of Europe campaign to stop sexual violence against children



Campagne du Conseil de l'Europe contre la violence sexuelle à l'égard des enfants

www.coe.int/oneinfive





18th of November:

Pan-European Day for the protection of children from sexual exploitation and sexual abuse



18 NOVEMBER

European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse







Conferences on International Cooperation: Rome,

2012; Madrid, 2013



Protecting children from CSA Council of Europe In Sports



The Council in brief

Human Rights

Democracy

Council of Europe > Democracy > Enlarged Partial Agreement on Sport (EPAS)

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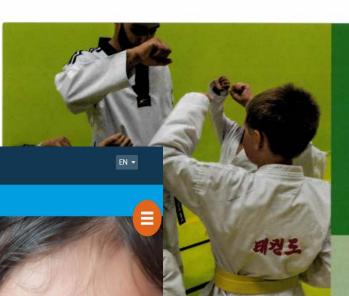


HUMAN RIGHTS CHANNEL

English

Français

Español



STOP SEXUAL ABUSE OF CHILDREN IN SPORT

Pro Safe Sport+



nus+) & Council of Europe (Enlarged Partial Agreement on Sport)





Implemented by the Council of Europe



COUNCIL OF EUROPE



Thematic monitoring rounds

- 1st monitoring round (2013-2017) on the protection of children from sexual abuse in the circle of trust: The round led to the adoption of two implementation reports, one related to the legal framework and the other to the strategies to tackle the phenomenon.
- Urgent monitoring round (2016-2017) to respond to the urgent migrant and refugee situation in Europe: to protect children affected by the refugee crisis from sexual exploitation and sexual abuse; report published in March 2017.
- 2nd monitoring round (2017-...) on the protection of children against sexual exploitation and abuse facilitated by information and communication technologies (ICTs): focus also on child protection from the criminal exploitation of child self-generated sexual content.





LC's Opinions/Declarations

- Opinion on Article 23 of the LC: Solicitation of children for sexual purposes through information and communication technologies (Grooming), providing Parties with advice to protect children from abuse committed exclusively online, where no physical meeting with the abuser has taken place.
- Interpretative opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of ICTs has also been adopted.
- Declaration on web addresses advertising or promoting child sexual abuse material or images or any other offences established in accordance with the Lanzarote Convention, and
- Declaration on protecting refugee and migrant children against sexual exploitation and sexual abuse.





CSA and children-friendly juridical procedures





Rationale of children-friendly justice

- To assign a participatory role to the child for procedures that concern it directly
- To avoid standard potentially harmful errors such as secondary re-victimization of children victims by juridical procedures
- To ensure equally the rights of the alleged perpetrator ("rule of equal arms")
- To achieve timely execution of the process of clinical and juridical inquiries on any hint, report or allegation
- To take appropriate provisos for particular clauses such as i.e. child sexual abuse in which objective forensic evidence are decisive only in a small percentage of overall cases





Effect of Thresholds on False Positives

The assessment has an Area Under the Receiver Operator Curve = 63%: Prevalence assumed to be 10%: Applied to 100,000 children

LOW THRESHOLD

False Positives

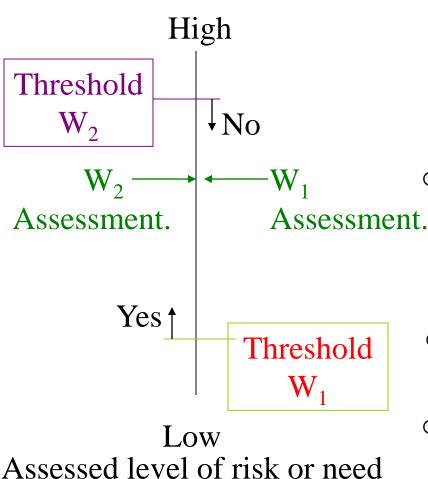
HIGHER THRESHOLD

34,000 False Positives





The process of decision-making: the concept of "threshold"



- If threshold low, W₁ needs little evidence before taking action.
- If threshold high, W₂ needs
 much evidence before taking action.
- Even if they agree on the assessment,
- they disagree about taking
 action. *From Len Dalgleish, 2000



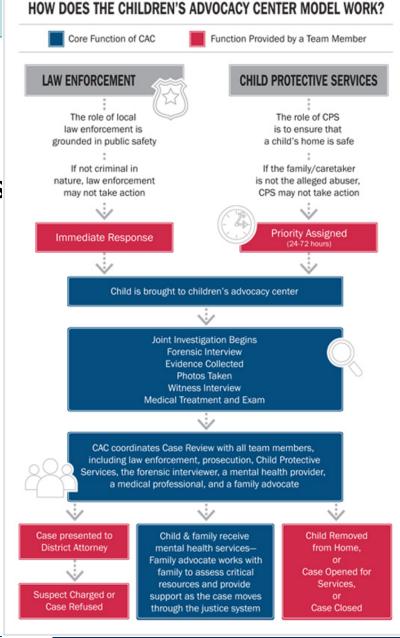


Examples from the U.S.A.

Child Advocacy Centers
Standardization of Protocols
Currently under the overall
framework of "National Children's
Alliance" more than 800 CACs are
operated either by governmental
agencies or NGOs



CHILDREN'S ALLIANCE®







U.S. National Children's Alliance: geographical coverage and operational data (2012)



NCA National Statistics - Statistical Report Total number of children served at the CAC: Male 106,282 Female 179,179 Undisclosed Age of children at first contact with center: 0-6 years 109,619 103,636 13-18 years 71,840 Undisclosed 1,362 256,741 Total number of alleged offenders: Relationship of alleged offender to child: 72,412 13,287 49,287 17,305 Parent's boyfriend/girifriend 58,537 Other known person 22.055 Age of alleged offenders: Under 13 18,227 Age 13 to 17 25,756 147,005 Alleged Offender Age Undisclosed 71,820 Types of abuse reported: Sexual Abuse 197.902 Physical Abuse 49,155 17,531 Witness to Violence 14,630 Drug Endangerment 8,507 15,667

Down death

Race or ethnicity of total children seen at CAC:

Number of the children receiving services:

Black/African American

Asian/Pacific Islander

American Indian/Alaska Native

Referral to Counseling Therapy Onsite Forensic Interviewing

Other Services Provided By CAC Case Management/Coordination

Offsite Forensic Interviewing

Other Categories

Hispanic/Latino

Undisclosed





2/20/2013

1.062.903

158,476 56,335

40,054

5,083

2.701

13.916

78,926 70,984 109.053

196,732

7.628

380,851

327,491

Why the Lanzarote Convention is relevant to interdisciplinary unified forensic assessment of children-victims' disclosures?

- Because LC includes an entire Chapter (Chapter VII
 - Investigation, prosecution and procedural law) which is exactly focusing on protecting childrenvictim's rights during juridical procedures employing a children-centered perspective
- Because LC includes other useful concepts and other definitions to facilitate prosecution of offenders and protection of victims
- Because LC has already capitalized on the experience insofar of the implementation and monitoring of measures for combating CSA





Provisions of the LC for children-victims' assessment, interview and protection from re-victimization in criminal proceedings

- Art. 35, Interview with the Child, §1: principles of children-friendly interview and §2: interview's videotaping to avoid unnecessary re-interviewing the child-victim
- Art. 36, Criminal Court Proceedings especially §2: avoiding public; by the use of ICTs avoiding the child to be in the court room
- Other Articles on children friendly justice, (Art. 30-36), on provisions to protect children victims (Art. 13-17), definitions etc.





LC's Art. 35 Interview with the Child, §1

- "Interviews with the child take place without unjustified delay after the facts have been reported to the competent authorities;
- Interviews with the child take place, where necessary, in premises designed or adapted for this purpose;
- Interviews with the child are carried out by professionals trained for this purpose;
- The same persons, if possible and where appropriate, conduct all interviews with the child;
- The number of interviews is as limited as possible and in so far as strictly necessary for the purpose of criminal proceedings;
- The child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person."





Progress in the state of the art insofar and the way ahead

- By now a substantial progress has been made throughout several European states regarding children-friendly juridical procedures for victims of CSA.
- This is definitely an extremely positive development which has to be rejoiced.
- However, new challenges have to be addressed such expansion of the model, harmonization of procedures applied, addressing new emerging phenomena of CSA and vulnerable children's populations and so forth





Current challenges to be addressed

- Ensuring that children-friendly models are installed and become operational in all European states so that all children-victims enjoy the same rights equally secured across countries and regions
- Ensuring that variations of models that are applied do not influence the fundamental quality of services provided to children-victims
- Ensuring that provisos included for safeguarding children's rights in juridical procedures are equally applying to all children's subgroups especially the most vulnerable ones (such as children on the move, socially excluded children etc.)
- Ensure that existing models are evaluated and engage in an ongoing process of exchange of good practices and continuous improvement





Last but not least...

- Combating CSA is a long lasting cause: short term results might be visible but long term commitment will be necessary and persistence despite circumstantial factors
- Wider consensus alliances with all involved stakeholders are essential: all involved governmental services along with civil society's organizations like NGOs along with private sector large and small/medium stakeholders could and should play a role in that cause
- Introducing effective legislation is not just about prosecution and definitely is not the end: introducing legislation on CSA is also raising awareness, creating a public discussion on the issue, training societies in recognizing/combating CSA but also needs implementation





Thank you very much!!!

www.coe.int/lanzarote



