

The Lanzarote Committee: protecting children from sexual violence in Europe and beyond

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The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, known as the Lanzarote Convention, is considered the most comprehensive international instrument dedicated to protect children from sexual violence in all spheres of life and settings. The purpose of the study is to present the functioning and practice of the Lanzarote Committee as an international human rights monitoring body along with the challenges it faces as well as to propose solutions how to handle them.

Keywords: Lanzarote Convention, Council of Europe, human rights monitoring, protection of children sexual violence, child participation

1. Introduction

The human rights monitoring mechanisms of the Council of Europe are a still somewhat under-researched topic, research much rather focuses on the jurisprudence and functioning of the European Court of Human Rights. The few critical evaluations available of European monitoring mechanisms¹ do not cover the Lanzarote Committee that has been overseeing the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) since 2011. This Convention is a powerful instrument protecting children from sexual violence in an inter-connected world where the harmonization of legislation, transnational cooperation to end impunity and synchronized efforts of various stakeholders are more needed than ever. The purpose of this study is to dedicate well-deserved attention to the work of the Lanzarote Committee as an international human rights monitoring body.

The United Nations Convention on the Rights of the Child (CRC) was the first human rights treaty to explicitly recognize children as rights-holders.² As the most widely ratified human rights treaty, it prohibits all forms of violence against children including sexual violence and provides protection from all kinds of exploitation. The fundamental assumption that “no violence against children is justifiable, all violence against children is preventable”³ is not challenged anymore but supported by a growing number of international instruments. The Lanzarote Convention is not the first Council of Europe treaty protecting the rights of the child, however, it is now considered as the most comprehensive international instrument dedicated to protecting children from sexual violence in all settings and spheres of life. It aims to prevent and combat sexual violence against children, to protect the rights of child victims and to promote international cooperation among states and national collaboration among the different stakeholders. As of March 2020, all 47 Council of Europe

¹ For example P. Lemmens & A. Alen & B. De Witte & A. Verstichel, *The Framework Convention for the Protection of National Minorities: a Useful Pan-European Instrument?:* Intersentia, Antwerpen, Oxford and Portland 2008, and G. de Beco, *Human Rights Monitoring Mechanisms of the Council of Europe*, Routledge, Abingdon 2012.

² J. E. Doek, *The human rights of children: An introduction*, in U. Kilkelly & T. Liefwaard (Eds.), *International Human Rights of Children*, Springer, Singapore 2019, pp. 12.

³ Report of the independent expert for the United Nations study on violence against children (A/61/299), para. 1.

member states signed and 45 states have ratified the Convention,⁴ while Tunisia acceded as the first non-member state in 2019.

The first part of the study presents the framework of the Lanzarote Convention starting from its origins then explaining its personal scope and the mandate of the Lanzarote Committee. The second part deals with the composition of the Committee and its impact on effectiveness. The third part introduces the monitoring procedures, the fourth part summarizes the facilitation of exchange of information, experiences and good practices. Then, the cooperation between the Lanzarote Committee and other stakeholders is assessed, at the end, the role of children and their possible participation in the monitoring of the Convention is discussed. The conclusions drawn are intended to support the discussion around a possible revision of the working methods of the Lanzarote Committee.

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

2.1. Why a Council of Europe treaty to combat sexual violence against children?

According to the Explanatory Report of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the idea of a European convention was triggered by the conclusions of the UN Committee on the Rights of the Child (CRC Committee). This monitoring body found that, despite having an Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (hereinafter Optional Protocol on the Sale of Children), “children in Europe are not sufficiently protected against sexual exploitation and abuse”.⁵ The Group of Specialists on the Protection of Children against Sexual Exploitation, appointed by the Committee of Ministers of the Council of Europe in 2002, conducted a thorough analysis of the international instruments at place⁶ and found that there was a need for a new binding instrument to protect children against sexual exploitation and sexual abuse.⁷ This new instrument was vested with several ground-breaking features.

First, the Lanzarote Convention goes further than the Optional Protocol on the Sale of Children in terms of substantive criminal law. It also covers sexual abuse of children (Article 18), including sexual abuse in the context of the ‘circle of trust’, corruption of children (Article 22), when the

⁴ The state of signatures and ratifications is available at the website of the Treaty Office of the Council of Europe: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/201/signatures?p_auth=BCK75HnV (30 March 2020).

⁵ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Explanatory Report, para. 7.

⁶ These instruments are the following: The United Nations Convention on the Rights of the Child; The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; International Labour Organisation Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; The European Social Charter (Revised); The Convention on Cybercrime; The Council of Europe Convention on Action against Trafficking in Human Beings; The Council of the European Union Framework Decision on combating the sexual exploitation of children and child pornography; The Council of the European Union Framework Decision on the standing of victims in criminal procedures; The Stockholm Declaration and Agenda for Action; The Yokohama Global Commitment; The Budapest Commitment and Plan of Action; Recommendation (2001) 16 on the protection of children against sexual exploitation.

⁷ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Explanatory Report, para. 32.

child is made to witness sexual abuse or sexual activities even without taking part, and solicitation of children for sexual purposes (Article 23). The Lanzarote Convention is the first international instrument to criminalize the preparatory stage of sexual abuse and production of child pornography, known as ‘online grooming’. This offence covers cases when an adult intentionally propose a meeting online to a child with the intention to commit such offences and takes steps to make the meeting happen, but no abuse takes place, therefore the offender could have not been held criminally liable for at least an attempt of an offence otherwise. In 2015, taking into account the rapid changes of information and communication technologies (ICTs), the Lanzarote Committee held that the solicitation of children via ICTs does not necessarily result in a meeting in person the offences committed during an online meeting nonetheless might cause serious harm to the child.⁸ Recently, both the Lanzarote Committee and the CRC Committee made a standing to ensure the applicability of the instruments to sexual offences committed against children, irrespective whether they were facilitated by information and communication technologies or not.⁹

It is important to refer to the child-centred and child-friendly justice measures of the Convention that contributes to a better protection of children from sexual violence. The Lanzarote Convention emphasizes education of children on the risks of sexual exploitation and sexual abuse (Article 6) and the “participation of children in the development and implementation of state policies, programmes and other initiatives concerning the fight against sexual exploitation and sexual abuse of children” (Article 9) among the preventive measures. With regard to the protection and assistance provided to child victims, in line with the principle of the best interest of the child in investigations and criminal proceedings [Article 30 (1)], the Convention introduces a multidisciplinary response based on interagency and intersectoral cooperation. The most well-known model is the Icelandic Children’s House or Barnahus, endorsed as a promising practice by the Lanzarote Committee.¹⁰ Moreover, the provisions on interviewing child victims and their participation in the criminal court proceedings are also ground-breaking in terms of balancing the best interest of child victims, among others to avoid exacerbating their trauma, and the principles of fair trials guaranteed to every suspect or accused person.

2.2. The duty-bearers under the Convention: State Parties

The Lanzarote Convention was opened for signature on 25 October 2007 and entered into force on 1 July 2010 after its fifth ratification. As of March 2020, all Council of Europe member states signed the Convention with Armenia and Ireland yet to ratify. The treaty is open for signature by non-member states of the Council of Europe, however, those state that did not take part in its elaboration, shall be invited to accede by the Committee of Ministers of the Council of Europe upon unanimous consent of the members of the Lanzarote Committee (Article 46 (1)). Tunisia, as the first and so far only non-member state, acceded to the Convention on 15 October 2019 that entered into force on 1 February 2020 in respect of it. The Lanzarote Convention has a potential to grow beyond Europe much like the Budapest Convention on Cybercrime: out of 65 ratifications, 21 are non-member states including Australia, Canada, Japan and the United States of America.

⁸ Opinion on Article 23 of the Lanzarote Convention - Solicitation of children for sexual purposes through information and communication technologies (Grooming), 17 June 2015.

⁹ Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs), 12 May 2017, and Guidelines regarding the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, UN Committee on the Rights of the Child, 10 September 2019, CRC/C/156.

¹⁰ Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse. 1st Implementation Report. Protection of children against sexual abuse in the circle of trust: The framework, 4 December 2015. pp. 25.

Under Article 47, the territorial application of the Convention can be specified at the time of signature or deposition of the instruments of ratification. Azerbaijan (in respect of the Nagorno-Karabakh region) and the Republic of Moldova (without specific reference in the declaration but with regard to Transnistria) declared that they cannot guarantee the application of the Convention in areas where they do not exercise effective control. Georgia did not make such declaration upon signature, but referred to the occupation of South Ossetia and Abkhazia in its reply to the General Overview Questionnaire.¹¹ Although the Convention does not allow the State Parties to narrow the territorial application after the signature, in 2015, Ukraine informed the Secretary General that the application of all Council of Europe treaties, including the Lanzarote Convention, is limited or not guaranteed in the Autonomous Republic of Crimea and the City of Sevastopol as well as in certain districts of the Donetsk and Luhansk oblasts.¹² Cyprus generally denotes that it cannot ensure the application of human rights conventions in the occupied area (Turkish Republic of Northern Cyprus) but has not made such remarks in relation to the application of the Lanzarote Convention.

The question of territorial application can be relevant also in case of state parties that have effective control over all their territories but have special arrangements with certain regions and departments. Denmark excluded the application of the Convention in case of the Faroe Islands and Greenland and the Netherlands with respect to its overseas territories, while France declared that the Convention shall apply to the whole territory of the Republic. Considering the transnational and global aspects of sexual abuse and exploitation of children, it would be desirable to extend to the application of the Convention to highest possible extent, as it happened in case of the CRC with regard to autonomous regions and overseas territories of the Council of Europe Member States. Nevertheless, the Convention provides for the extension of the territorial application even after ratification (Article 47 (2)).

Article 48 of the Convention provides for reservations only in respect of 7 provisions that are expressly established.¹³ All the reservations admissible are to be found in the chapter on substantive criminal law. Out of the 46 ratifications, 17 state parties made a reservation, and none has been withdrawn so far:

- Germany, Hungary and the Russian Federation in respect of Article 20 (3) 1st indent, therefore they reserved the right not to apply the Convention for the production and possession of pornographic material “consisting exclusively of simulated representations or realistic images of a non-existent child”.
- Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland in respect of Article 20 (3) 2nd indent, hence they exclude the criminal responsibility of children for the production and possession of material that involves only them, provided that they reached the age of sexual consent and the images are “produced and possessed by them with their consent and solely for their own private use”. It is to be noted that the Convention did not expressly talk about the way children get to possess the material e.g. sharing of these images that is definitely much easier and common these days than at the time of the Convention’s drafting.
- Bulgaria, Hungary, the Russian Federation in respect of Article 20 (4) not to criminalize

¹¹ See the reply of Georgia to the General Overview Questionnaire, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680470916> (29 March 2020).

¹² See the full text of the declaration at the website of the Council of Europe Treaty Office: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/201/declarations?p_auth=xslwGgMH&_coeconventions_WAR_coeconventionsportlet_enVigueur=false&_coeconventions_WAR_coeconventionsportlet_searchBy=state&_coeconventions_WAR_coeconventionsportlet_codePays=U&_coeconventions_WAR_coeconventionsportlet_codeNature=10 (29 March 2020).

¹³ These articles are the following: Article 20(3) 1st and 2nd indent, 20 (4), 21(2), 24(3), 25(3), 25(5).

the “knowingly obtaining access, through information and communication technologies to child pornography”.

- Bulgaria and the Russian Federation in respect of Article 21 (2), therefore to criminalize “knowingly attending pornographic performances involving the participation of children” only in cases where children have been recruited or coerced.
- Andorra, Belgium, Bulgaria, France, Germany, Luxembourg, Monaco, the Russian Federation, Slovenia, Sweden and Switzerland in respect of Article 24 (3) not to criminalize the intentional attempt to commit certain offences established by the Convention.
- Germany, Hungary, Latvia, Montenegro, Poland, the Russian Federation, Slovenia and Switzerland in respect of Article 25 (3), in order not to apply or apply only in specific cases and under specific conditions the obligation to establish jurisdiction for the offences committed by persons who has their habitual residence in the territory of the respective state.
- The Russian Federation in respect of Article 25 (5), hence they limited the application of extraterritorial jurisdiction without dual criminality with the regard to certain cases of sexual abuse of children (Article 18 (1b)) committed by its national who has their habitual residence in the territory.

2.3. The right-holders under the Convention: children

Aim of the Convention is to ensure children’s right to protection from all forms of violence including sexual abuse and exploitation without any limitation on the personal scope of the application. The ‘child’ is defined by the Convention as any person under the age of 18 years,¹⁴ irrespective of their sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth, sexual orientation, state of health, disability or other status.¹⁵ Accordingly, the same protection applies to every child including children who reached majority in terms of civil law obligations earlier than 18 years due to marriage as well as children who are on the move but, regularly or irregularly, reside within the territory of one of the signatories of the Convention. With regard to some of the offences, the age of legal consent is also relevant although its determination is left to discretion of the states (Article 18 (2)). In any case, the Convention does not intend to criminalize consensual sexual activities between minors,¹⁶ as it was reiterated by the Lanzarote Committee in its Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children.¹⁷ In order to fight impunity for sexual exploitation of children in travel and tourism, the extraterritorial scope of the Convention ensures the prosecution of nationals of the state parties for certain offences committed abroad to the detriment of third country national children even if the act is not criminalized in the place where it was committed.¹⁸

Following the call of the Secretary General of the Council of Europe for a series of priority actions to protect children affected by the refugee crisis, the Lanzarote Committee dedicated special attention to asylum seeker and refugee children as well as children in irregular migration situation. In 2016, it decided to launch an urgent monitoring round in order to analyse how the risks of sexual

¹⁴ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Article 3.a.

¹⁵ Ibid. Article 2.

¹⁶ Ibid. Article 18(3).

¹⁷ Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children, Council of Europe, 6 June 2019.

¹⁸ In accordance with Article 25 (4) of Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, these offences include Article 18, 19, 20, paragraph 1.a., and 21, paragraph 1.a and 1.b.

abuse and exploitation of children arise in the context of the refugee crises. In 2017, after several rounds of exchange of information, the Lanzarote Committee accepted the invitation of the Hungarian authorities for a country visit to the transit zones established on the Hungarian-Serbian border with the aim to monitor the situation of unaccompanied asylum-seeker children there.¹⁹ On both occasions, the Committee recalled Article 11 (2) of the Lanzarote Convention and reiterated that in case of doubt about the age of the person when there are reasons to believe that the victim is a child, the same protection and assistance should be provided for them as for any other child while the age verification procedure is pending.²⁰ In June, 2018, the Committee issued a declaration “on protecting migrant and refugee children against sexual exploitation and sexual abuse” and requested the State Parties to “uphold the rights and best interests of the child at all times, regardless of their migration status” and “take measures to address the specific risk of exposure to sexual exploitation and sexual abuse of migrant and refugee children, taking into account the increased vulnerability caused by factors such as deprivation of liberty, family separation, inadequacy of reception and care and lack of effective guardianship systems”.²¹

Children placed out of their home for care is another group particularly vulnerable to sexual violence. In order to ensure the protection of children out-of-home care, the Committee called upon the states to put in place measures necessary in this context including the screening of all persons taking care of the children, adequate mechanisms for supporting children to disclose any sexual violence as well as protocols for effective follow-up and evaluation.²² The Lanzarote Committee pays special attention to the application of the non-discrimination principle and the protection of children who are the most vulnerable to sexual abuse and exploitation and it can be hoped that this approach will lead to specific measures with regard to other vulnerable groups in time.²³

2.4. Mandate of the Lanzarote Committee

Being a treaty-based human rights monitoring mechanism, the two-fold role of the Lanzarote Committee is defined by the Lanzarote Convention: to monitor the implementation of the Convention as well as to “facilitate the collection, analysis and exchange of information, experience and good practice between the states to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children”.²⁴ Furthermore, whenever deemed appropriate, the Committee can facilitate the effective use and implementation of the Convention and express an opinion on any question concerning its application. The elaboration of the working methods is left to the discretion of the Committee as it adopts its own rules of procedures [Article 39 (3)]. The composition and functioning of the Committee will be discussed as follows.

¹⁹ All the documents related to this urgent monitoring round is available on the website of the Lanzarote Committee: <https://www.coe.int/en/web/children/urgent-monitoring2> (30 March 2020).

²⁰ Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, Special report Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, Council of Europe, 3 March 2017, p. 9.

²¹ Declaration of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) on protecting migrant and refugee children against sexual exploitation and sexual abuse, 28 June 2018.

²² Lanzarote Committee, Declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse, Council of Europe, 21 October 2019.

²³ Children particularly vulnerable to sexual abuse and exploitation are not a pre-defined group. As an example, the Lanzarote Committee Chair and Vice-Chairperson recently has issued a statement “on stepping up protection of children against sexual exploitation and abuse in times of the COVID-19 pandemic” after identifying children subject to confinement measures as a vulnerable group (3 April 2020).

²⁴ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Article 41.

3. Composition of the Lanzarote Committee

3.1. Representatives of the State Parties

The implementation of the Lanzarote Convention is overseen by the Lanzarote Committee, which is composed of representatives of the state parties,²⁵ hence the number of its members always depends on the actual number of ratifications. According to its Rules of Procedure, the representatives should be “experts of the highest possible rank in the field of children’s right, in particular in the protection of children against sexual exploitation and sexual abuse”.²⁶ The state parties can nominate a substitute member as well, but only one representative can exercise the right to vote and reimbursement of travel and subsistence expenses. The decisions are taken by two-thirds majority of the votes cast, provided a quorum is present, while procedural matters can be settled by simple majority. No rules are in place on the conflict of interest, namely in cases when the Committee is to decide about a matter concerning one or more countries.

Accordingly, the Lanzarote Committee is not an independent expert body. The monitoring of the Convention can be considered a peer review with pros and cons. It is definitely an advantage that the Committee can serve as a forum to collect, analyse and exchange good practices as well as to discuss sensitive topics with direct involvement of state representatives. According to Gauthier de Beco, if an international monitoring body is not independent, states will not listen to them,²⁷ but we can argue the opposite as well: legitimacy of a Committee of Parties is less likely to be challenged since all decisions are made by the states themselves. It seems as a weakness that some discussions might get a political character and eventually influence the outcomes of the monitoring process. In addition to this, the fluctuation of the members appears to be quite high compared to independent bodies where the experts usually serve their terms.

The Committee meets three times per year for three days usually in Strasbourg, at the headquarter of the Council of Europe, but it already held meetings in Spain (Madrid), in France (Lyon), the Netherlands (the Hague) and Cyprus (Nicosia) upon the invitation of the respective government. Sessions held outside of Strasbourg are good occasion to combine the ordinary meeting with a capacity-building activity hosted by the local authorities and non-governmental organizations. The meetings are not public unless the Committee itself decides otherwise. The official languages are English and French, this applies to the meetings as well as to all documents prepared by the Committee.²⁸

Chairperson and a vice-chairperson are elected from the members of the Committee for a one-year term with the possibility of renewal once. In addition, the Committee appoints a Bureau, consisting of the chairperson, the vice-chairperson and three members, to ensure continuity between the meetings, to supervise the preparations of the meetings and to execute other additional specific tasks delegated to them.²⁹ Working groups can be set up as well to deal with specific matters, like it happened in case of the preparations of the Thematic Questionnaire of the 2nd monitoring round, with the participation of external experts. Like other human rights monitoring bodies, the Committee is supported by a Secretariat in the execution of its mandate. It is notable that the Secretariat is still

²⁵ Ibid. Article 39.

²⁶ Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, Rules of Procedure (revised as of 15-17 March 2016), Rule 2.1.

²⁷ de Beco 2012, p. 182.

²⁸ Lanzarote Committee, Rules of Procedure, Rule 6.

²⁹ Lanzarote Committee, Rules of Procedure, Rule 4.

composed of two permanent agents despite of the wide ratifications of the Convention that multiplied the workload in the last few years and already caused delays in the performance of its tasks.

3.2. Other representatives

The Lanzarote Committee has other representatives named ‘participants’ who are representatives of bodies of the Council of Europe and other international organizations³⁰ and ‘observers’ representing international non-governmental organizations and relevant private sector actors.³¹ The other representatives can participate in the meetings and take part in the discussions without the right to vote and reimbursement of their travel and daily expenses.

Currently, the participants from Council of Europe bodies consist of representatives of the Parliamentary Assembly, the Congress of Local and Regional Authorities, the Commissioner for Human Rights, the Conference of International Non-governmental Organizations and several other steering committees and monitoring bodies. Beyond the Council of Europe, member states and states with observer status that are not Parties to the Convention yet, European Union and its agencies, the United Nations and its specialized agencies, Europol, Interpol, the World Health Organization, the International Organization of La Francophonie, the Council of the Baltic Sea States, the European Network of Ombudsperson for Children, the European Network of National Human Rights Institutions appoints a participant.

The procedure of admitting civil society organizations as observers is set out by the resolution of Committee of Ministers on intergovernmental committees and subordinate bodies, their terms of reference and working methods.³² Accordingly, the Lanzarote Committee considers the expression of interest of non-governmental organizations working at international or European level and may decide by unanimous vote to accept it. The most significant international non-governmental organizations in the field of protection of children from sexual violence, such as ECPAT International, the European NGO Alliance for Child Safety Online, INHOPE Foundation and Missing Children Europe, have already been admitted as observers to the Lanzarote Committee.³³ The cooperation with civil society organizations is discussed later in this study.

4. The monitoring procedure

4.1. General Overview Questionnaire

Within six months from its ratification, states shall submit their reply to the General Overview Questionnaire aimed at “providing a general overview of the legislation, institutional framework and policies for the implementation of the Convention at the national, regional and local level”. It contains 23 questions under four headings: (1) General framework, (2) Prevention, (3) Protection

³⁰ Ibid. Rule 2.2.

³¹ Ibid. Rule 2.3.

³² Committee of Ministers, Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods, 2011.

³³ Cf. the website of the Lanzarote Committee: [https://www.coe.int/en/web/children/civil-society#%2229153566%22:\[2\]](https://www.coe.int/en/web/children/civil-society#%2229153566%22:[2]) (30 March 2020).

and promotion of child victims and (4) Prosecution of perpetrators.³⁴ Thereafter, the states shall regularly update their reply in case of substantial changes that probably occurs eventually. The state reply to the General Overview Questionnaire is similar to an initial state report at the UN human rights system, however, it is not assessed by the Lanzarote Committee separately but used as a reference in the thematic monitoring procedures.³⁵ One can argue that this is a missed opportunity: persistent issues of non-compliance with the Convention either will never be revealed by the Committee or with long delay and by coincidence during a thematic monitoring round.

4.2. Thematic monitoring

The monitoring of the Lanzarote Convention is divided by rounds, similarly to other Council of Europe monitoring mechanisms, and each monitoring round has a thematic focus based on a questionnaire developed by the Lanzarote Committee. The replies constitute the state report. However, there is no country-by-country assessment as a matter of course, whether the implementation report shall by Party or cover all Parties has to be decided at the early stage of monitoring.³⁶ This approach was decided by the Lanzarote Committee at its 2nd meeting in March, 2012.³⁷ As of March 2020, the Lanzarote Committee concluded one thematic monitoring round on sexual abuse of children in the circle of trust. The 2nd thematic round on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies is currently ongoing. In both cases, the implementation report covers all Parties instead of individual assessment.

The length of the monitoring round seems to be determined by several factors. The states respond to the Thematic Questionnaire within a timeframe given by the Committee but the lack of response, even partial, certainly causes a delay. Then, the Committee seeks information from other stakeholders: civil society organizations and national human rights institutions can submit replies to the monitoring questionnaire or comments on the states' replies within 2 months from its publication on the website of the Committee.³⁸ As an example, the table compiling the various deadlines by countries for other stakeholders to submit information in the 2nd monitoring round shows the struggle of the states to respect the deadlines.³⁹

Once the Committee received all the replies, it starts the discussion question by question in plenary. Any member of the Lanzarote Committee can volunteer to be rapporteur for the replies given to the different questions. Most of the cases, the observations have two readings as the rapporteur points out difficulties in the analysis and request further information. The 1st monitoring round, counting from the decision about the topic in March 2012 till the adoption of the 2nd implementation report in March 2017, lasted five years. As it was mentioned above, the 2nd thematic round is still pending, the decision about the topic was made in June 2016, the thematic questionnaire was adopted in June 2017 with deadline for replies in October 2017. Nevertheless, it is important to recall that the Committee had been and is working on the discussion of the replies in parallel with follow-up

³⁴ General Overview Questionnaire on the implementation of the Lanzarote Convention As adopted by the Lanzarote Committee on 16 May 2013, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804703b3> (29 March 2020).

³⁵ State Party replies to the General Overview Questionnaire are available on the website of the Lanzarote Committee, under the heading of the 1st thematic monitoring round: <https://www.coe.int/en/web/children/state-replies> (29 March 2020).

³⁶ Lanzarote Committee, Rules of Procedure, Rule 27.3.

³⁷ Lanzarote Committee, Report of the 2nd meeting, Strasbourg, 29-30 March 2012.

³⁸ Lanzarote Committee, Rules of Procedure, Rule 22.

³⁹ State of play of replies to the 2nd monitoring round questionnaire, <https://rm.coe.int/state-of-play-of-replies-to-the-2nd-monitoring-round-questionnaire/168079324f> (29 March 2020).

on the implementation reports of the previous rounds as well as drafting declarations and opinions. Furthermore, it belongs to the full picture that there has been always an overlap between the different monitoring rounds, the Committee started to discuss the topic of the next monitoring round and to draft the questionnaire while it was finalizing the implementation report of the previous round.⁴⁰

The state replies, the contributions of non-governmental organizations, national human rights institutions and children constitute an equal and legitimate source of information for monitoring purposes. Unlike other Council of Europe monitoring bodies, the Lanzarote Committee does not undertake on-the-spot visits during the thematic monitoring. There are no separate meetings or dialogues with the states under review, the members occasionally engage with the Committee if they want to challenge the assessment of the situation in their countries or if the Chairperson or other members of the Committee address them. In practice, the Committee is always open to receive clarifications or updates, written or during the meetings, until the last moment before the adoption of the report.

The implementation report consists of the analysis of the situation, the conclusions derived, compilation of good practices, and general or country-specific recommendations. The Lanzarote Committee rarely singles out states for ‘naming and shaming’: out of the 96 recommendations formulated in the implementation reports of the 1st monitoring round 22 recommendations were addressed to specific states, sometimes to more than one. The Committee established a practice of classifying recommendations by their levels of urgency with the purpose to determine priorities for implementation, nevertheless, some argues that this can be also counter-productive as states might consider the remaining ones unimportant.⁴¹ The Lanzarote Committee urges State Parties in case of lack of compliance with the Convention or when the implementation of a key obligation is lacking; it considers that steps should be taken if further improvement are necessary to fully comply with the Convention; it invites the State Parties to take measures if it believes that they are on the right track but it wishes to point out at one or several promising practices to reinforce the protection of children.⁴² The Lanzarote Committee adopts the final report that has not to be endorsed by the Committee of Ministers therefore made public immediately.

4.3. Urgent monitoring

The Rules of Procedures provides that “if the Lanzarote Committee receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent possible serious or persistent cases of sexual exploitation and sexual abuse against children in any Party or Parties to the Convention”.⁴³ Accordingly, the urgent monitoring round might cover all state parties or focus on the situation in one particular country. The special reports, including the findings and the recommendations, are published on the day of their adoption by the Lanzarote Committee along with the comments from the parties concerned.

The first urgent monitoring round covering all signatories to the Convention was triggered by the 2015 refugee crisis in Europe. The Lanzarote Committee, as a response to the call of the Secretary General for priority actions, decided to launch a monitoring on the protection of children affected

⁴⁰ See the meeting reports of the Lanzarote Committee.

⁴¹ de Beco 2012, p. 175.

⁴² Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse. 1st Implementation Report. Protection of children against sexual abuse in the circle of trust: The framework, 4 December 2015. pp. 7.

⁴³ Lanzarote Committee, Rules of Procedure, Rule 28.1.

by the refugee crisis from sexual exploitation and sexual abuse in June 2016. The deadline to submit replies to the Focused Questionnaire was set by September 2016. Despite of the fact that the Committee was still finalizing the implementation report of the 1st thematic monitoring round, they managed to examine the replies and information from other stakeholders and publish the special report in March 2017. They formulated 36 recommendations for all state parties while only one was addressed to one particular country that shows the Committee decided to deal with the issue of the refugee crisis as a European challenge.

Eventually, the Lanzarote Committee decided to focus on the situation of children affected by the refugee crisis in one state party, Hungary. Following an exchange of information and an invitation for a country visit from the state authorities, in June 2017, a delegation of the Committee visited the transit zones at the Serbian/Hungarian border to monitor the protection of asylum-seeking children from sexual exploitation residing there. Breaking the practice of the previous special report, the Committee decided to take note of the “Special report further to a visit undertaken by a delegation of the Lanzarote Committee to the transit zones at the Serbian/Hungarian border prepared by the members of the delegation with the support of the Secretariat”⁴⁴ and endorse the recommendations contained therein. Therefore, the report was published as the report of a country visit taken by a delegation while it included the Committee’s exchange with the state authorities before and after the visit. Hungary was given the opportunity to address the Committee and engage in dialogue during the discussion of the delegation report as well as at the subsequent meetings when the implementation of the 24 recommendations was assessed. In June 2019, the Committee decided to merge the follow-up of the recommendations of the delegation report with the procedure assessing the implementation of the recommendations of the special report “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”.⁴⁵

The possibility to examine urgent situations in one or several state parties to the Convention is crucial in case of specific children’s rights issues, as we have seen that the CRC Committee also decided recently to undertake field visits. Notwithstanding, country monitoring and especially country visits require elaborated rules, among others on the conflict of interest in case of the country rapporteurs or delegation members, and clarifications on the procedure of adoption of the special report without forgetting about the necessary human and financial resources.

4.4. Follow-up to the implementation reports

The process of the follow-up on the implementation of the recommendations of the monitoring reports is currently under development as the Rules of Procedure only foresee that the Committee “may on a regular basis ask Parties to inform it of the steps taken to implement its recommendations”.⁴⁶ The Committee has not set yet deadlines for reporting about the implementation of the recommendations in its monitoring reports but has requested the states to send such information afterwards. As of March 2020, follow-up on the recommendations of the 1st monitoring round has not started yet due to heavy workload of the Committee. Taking the urgent monitoring round with 41 states under review as an example, the assessment of the implementation of the 36 general and 1 country-specific recommendation means the in-depth evaluation of 1476 different items. In relation to the urgent monitoring round, the Committee developed the approach to prioritize the ‘urge’ recommendations, but it is still an overwhelming task to deal with.

⁴⁴ The special report, <https://rm.coe.int/special-report-further-to-a-visit-undertaken-by-a-delegation-of-the-la/1680784275> (29 March 2020).

⁴⁵ List of decisions 24th meeting Strasbourg, 4-6 June 2019, T-ES(2019)16_en, 25 June 2019.

⁴⁶ Lanzarote Committee, Rules of Procedure, Rule 27.6.

Currently the Lanzarote Committee is facing several challenges in relation to the assessment of the implementation of its recommendations. Since it runs thematic monitoring rounds, the Committee is not going back to check the situation in the respective countries in the next round as a matter of course, it needs a separate procedure for that. Furthermore, the monitoring is mostly not country-specific - as it was mentioned before, the only urgent monitoring focusing on one country was already merged with the follow-up of the general urgent monitoring round -, while recommendations addressed to all State Parties do not necessarily relevant for all of them. This was partially resolved in the 2nd implementation report of the 1st thematic monitoring round where the ‘urge’ recommendations were addressed to particular states. Nevertheless, even in case of recommendations appropriate for all or several countries, the progress of implementation is probably different hence the follow-up procedure will end up fragmented.

A possible revision of the monitoring mechanism and the working methods of the Committee would definitely have an impact on the follow-up. Nevertheless, it would be crucial to ease the workload of the Committee, feed the follow-up into the monitoring as an integral part of it and strengthen cooperation with civil society organizations with regard to the implementation and follow-up of recommendations.

5. Exchange of information, experiences and good practices

The other function of the Lanzarote Committee is to provide platform for states, participants and observers to exchange information, experiences and good practices. The determination of promising practices is also part of the monitoring: in the 1st implementation report 66 projects were identified as such. Beyond the monitoring rounds, members of the Committee or external experts can share and exchange information concerning the protection of children sexual abuse and exploitation at the meetings or in writing.

With a view to support the state parties in the implementation of the Convention, the Lanzarote Committee can issue opinions and already did so on some occasions.⁴⁷ These are soft-law documents, non-binding in legal terms, but they can be incorporated within the framework of the monitoring as it happened in case of the “Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs)”. The states were requested, at the introduction of the 2nd thematic questionnaire, to bear in mind the Interpretative Opinion while replying to the questions.⁴⁸ The opinions are aimed at interpreting the implementation of the Lanzarote Convention, with particular focus on emerging issues such as online grooming or self-generated sexual images of children, while declarations address recent events or practical matters. The themes covered by the standard-setting of the Committee will probably vary as the monitoring activities evolve and more practical experience will be in place to identify what issues entails further clarification.

⁴⁷ The adopted documents of the Lanzarote Committee, [https://www.coe.int/en/web/children/lanzarote-committee#%2212441908%22:\[2\]](https://www.coe.int/en/web/children/lanzarote-committee#%2212441908%22:[2]) (30 March 2020).

⁴⁸ Lanzarote Committee, Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, Thematic Questionnaire for the 2nd monitoring round on The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs), <https://rm.coe.int/thematic-questionnaire-for-the-2nd-monitoring-round-on-the-protection-/168075f307> (30 March 2020).

6. Cooperation with other stakeholders

6.1. Role of civil society organizations

The Council of Europe carried out an evaluation of the contribution of international non-governmental organizations to standard setting and monitoring, among others, of the Lanzarote Committee.⁴⁹ It concluded that the expertise provided by non-governmental organizations manifest an added-value and contribute to the validity, the legitimacy and impact of the organization, although, the Council of Europe “needs to create incentives and facilitate NGOs’ contribution” as they have limited human resources especially to familiarize themselves with the standards, structure and working methods of the organization.⁵⁰

The Lanzarote Convention explicitly recognizes the role of civil society actors in respect of:

- Participation in the elaboration and implementation of policies [Art. 9 (2),(4)],
- Multi-agency and multi-stakeholder cooperation on national level [Art. 10 (2b), (3)],
- Victim assistance and support [Art. 14 (2), Art. 31 (5)],
- Engagement with the Lanzarote Committee including the assessment of compliance with the Convention [Art. 40 (3)].

With regard to the promotion and implementation of the Convention, state is the addressee of the obligations, nevertheless, also obliged to encourage, facilitate and support the activities of civil society to this end. Non-governmental organizations can provide valuable expertise in law and policy making procedures and contribute to implementation at national and local level. They are key local partners in raising awareness on the phenomenon of sexual abuse and sexual exploitation of children, educating children and young people and providing training for professionals, and by all these means, enhancing visibility of the Lanzarote Convention for the public at large. In addition, civil society plays a pivotal role in the provision of victim assistance and services, in many cases, by taking over tasks from the state even without the allocation of the necessary resources. Nevertheless, the multi-stakeholder approach promoted by the Convention includes civil society and other private actors as well. The Lanzarote Committee has a role to play here: it can call upon state parties to strengthen cooperation with non-governmental organizations, especially in case of the provision of services for child victims that has to be in accordance with law and in collaboration with state authorities. Furthermore, it can endorse NGO projects as a promising practice and encourage the states to provide funding for other stakeholders contributing to the implementation of the Convention.

Concerning the monitoring of the Convention, civil society actors can engage with the Lanzarote Committee directly and vice versa. Human rights monitoring bodies cannot rely solely on the information provided by the states otherwise it is not assessment but mere description of state measures. We have to assume that no situation is perfect, some data is always hidden by the state due to fear of criticism or other political reasons. On the other, non-governmental organizations can take advantage of international monitoring and synchronize it with their advocacy efforts: they can refer to the standards of the Convention, soft-law instruments of the Committee as well as findings and recommendations of the monitoring procedures.

⁴⁹ Co-operation of (I)NGOs with the Council of Europe in standard setting and monitoring, Evaluation Report, Directorate of Internal Oversight, Evaluation Division, ²² April 2016.

⁵⁰ Ibid. p. 35.

As explained above, non-governmental organizations, separately or in coalition, may submit replies to the same monitoring questionnaires addressed to the states or comment on the state's replies. According to the Rules of Procedure, the secretariat transmits the civil society comments to the Parties concerned and makes them public,⁵¹ but in practice, the Committee has allowed civil society organizations to opt for confidential reporting.⁵² Otherwise, the Lanzarote Committee is transparent with its monitoring, all contributions submitted by state and non-state actors are published on its website with the exception of civil society reports requested to be kept confidential.

To the General Overview Questionnaire 7 replies, to the 1st Thematic Questionnaire 4 replies, to the Special Questionnaire of the urgent monitoring round 3 replies, to the 2nd Thematic Questionnaire 14 replies arrived from non-governmental organizations. It has to be considered that the number of ratifications were rapidly growing since the 1st thematic monitoring round, therefore non-governmental organizations from more and more countries were given the opportunity to submit information on compliance with the Convention. Moreover, this data does not take into account the number of confidential submissions. Although the Rules of Procedure would allow the Committee to organize hearings with external experts,⁵³ it met with national non-governmental organizations only during its country visit to Hungary when no additional resources were needed.⁵⁴

The observer status of international non-governmental organizations has a considerable but unlocked potential. As discussed above, observers can contribute to the preparation of reports, opinions, declarations and take part in any of the discussions of the Lanzarote Committee that means access to the working documents and meetings, too. This option is not available for national or sub-national NGOs but their expertise could be still channelized through the observers that are usually international networks or umbrella organizations. Another issue to be raised here is that significant number of national non-governmental organizations would still miss a direct link to the Committee because they do not have membership or cooperation with any of the observer INGOs. It seems to be the best solution to set up an NGO Group for the Lanzarote Convention coordinated by an INGO but open for any national non-governmental organization that is working on the implementation and monitoring of the Convention as it happened in case of the CRC. Nowadays, the successor of the NGO Group for the UN Convention on the Rights of the Child is an independent international non-governmental organization, namely the Child Rights Connect, that play a central role in key children's rights developments at international level.⁵⁵

States would also benefit from enhanced and structured civil society engagement, as it would ensure a transparent, effective and reliable monitoring procedure. In order to further strengthen the cooperation between the Lanzarote Committee and civil society actors, both parties need to take steps. The evaluation study referred above found that the NGOs are motivated to make investment to engage with the Council of Europe if they expect tangible impact of their contribution.⁵⁶ Therefore, the Committee should keep cooperation as a priority and maintain the mutually beneficial relationship. Civil society organizations also need to take initiative and organize themselves in order

⁵¹ Lanzarote Committee, Rules of Procedure, Rule 26.4.

⁵² See the *Practical information to guide civil society in commenting/replying* in the 2nd monitoring round of the Lanzarote Committee on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies available at the website of the Lanzarote Committee, <https://rm.coe.int/information-note-for-civil-society/1680796253> (30 March 2020).

⁵³ Lanzarote Committee, Rules of Procedure, Rule 20.

⁵⁴ Appendix 3, Situation of children in the transit zone in Hungary. Visit by a delegation of members of the Lanzarote Committee (5-7 July 2017). Programme of the visit.

⁵⁵ I. Paolazzi, *The NGO Group for the Convention on the Rights of the Child*. in J. Zermatten, & J. D. Philip (Eds.), 30 ans de droits de l'enfant: un nouvel élan pour l'humanité! Université de Genève, Geneva 2019, p. 109.

⁵⁶ Co-operation of (I)NGOs with the Council of Europe in standard setting and monitoring, Evaluation Report, Directorate of Internal Oversight, Evaluation Division, 22 April 2016, p. 36.

to optimize this relationship and maximize the use of their space of manoeuvre.

6.2. Role of national human rights institutions

National human rights institutions (NHRI), in terms of the Paris Principles adopted by the United Nations General Assembly,⁵⁷ have a different role to play than civil society due to their mandate and powers. These institutions are established by the Constitution or legislation to promote and protect human rights with resources from the state budget and independence from all branches of the state. Within their competence, they encourage ratification of international human rights instruments, promote and ensure the harmonization of national legislation, regulations and practices with these instruments and their effective implementation. This applies to the Lanzarote Convention *mutatis mutandis*, while the Convention also requires states to set up or designate independent national or local institutions for the promotion and protection of the rights of the child provided with specific resources and responsibilities (Article 10 (2a)). Thanks to their wide competences including “the hearing any person and obtain any information and any documents necessary for assessing situation falling”,⁵⁸ they are in a good position to assess compliance with the Convention and its implementation as well as to advise the government, the Parliament or any other competent body.

The European Network of Ombudsperson for Children, the European Network of National Human Rights institutions are participants of the Lanzarote Committee, therefore they can take part in the discussions without the right to vote. Their representatives being present at the meetings are usually one of its members, for example Children’s Ombudsman from a member state, who can provide valuable contribution based on field experience. With regard to the monitoring of the Convention, national human rights institutions can submit reports according to the same rules as civil society, however, only one submission arrived to the Special Questionnaire of the urgent monitoring round and four to the 2nd Thematic Questionnaire.

It would be pivotal to strengthen cooperation between the Lanzarote Committee and NHRIs because it would definitely pay off in long run. The dynamics of this relationship is similar to the one with civil society actors: national human rights institutions will actively engage with the Lanzarote Committee if they see that their contribution has an impact on the monitoring of the Convention and on their advocacy activities. Notwithstanding, these institutions also need to set as a priority of their strategy to monitoring and support the implementation of the Lanzarote Convention, like in case of the CRC.

7. Child participation

The CRC declares that every child who is capable of forming his or her own views has the right to express those views freely in all matters affecting them, whereas the views of the child being given due weight in accordance with the age and maturity of the child.⁵⁹ Matters covered by the Lanzarote Convention are definitely affecting children, let alone that they are the right-holders under the Convention as discussed earlier. Children can be involved in the promotion and implementation of human rights conventions at national, regional or local level as well as in its monitoring including

⁵⁷ Principles relating to the Status of National Institutions (The Paris Principles), adopted by General Assembly resolution 48/134 of 20 December 1993.

⁵⁸ *Ibid.*

⁵⁹ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Article 12.

engagement with the international monitoring body.

The Lanzarote Convention mentions explicitly the involvement of children in the Chapter on preventive measures and request states to „encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or others initiatives concerning the fight against sexual exploitation and sexual abuse of children.”⁶⁰ The Explanatory report points out that “the development of policies and measures, including action plans, to combat the sexual exploitation and abuse of children must of necessity be informed by children’s own views and experiences in accordance with their evolving capacity”.⁶¹ Accordingly, child participation in the promotion and implementation of the Convention belongs to the scope of the monitoring exercised by the Lanzarote Committee, however, only the 1st thematic questionnaire addressed child participation so far.

The modalities of child participation in the monitoring of the Lanzarote Convention and opportunities for engagement with its monitoring body had been on the agenda of the Lanzarote Committee for a while. In 2017, launching of the 2nd thematic monitoring round proved to be a good occasion to pilot child participation particularly because the topic of sexual abuse and exploitation facilitated by ICTs is relevant for all children these days. With the aim to provide support, the Lanzarote Committee prepared the ‘Guidelines for Implementation of Child Participation in the 2nd thematic monitoring round of the Lanzarote Convention’.⁶² These Guidelines, a compilation of practical information and model workshops with non-formal educational means, are addressed to the organizers and facilitators of the child consultations.

Due to the peculiarities of the monitoring of the Lanzarote Convention, participation of children is different compared to the monitoring of the CRC for example. The scope of child participation is more narrow but at the same time more focused because it is based a thematic questionnaire. In the 2nd thematic monitoring round, 16 questions were addressed to the State Parties to assess whether they protect children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs), particularly ICT facilitated sexual coercion and/or extortion using self-generated sexual images of children. In order to ensure that the participation of children is effective and meaningful, out of the 16 questions 3 were considered relevant for the children’s life and proposed for the consultation with the children:

- (1) whether the national curriculum include awareness-raising about the risks of self-generated sexual images,
- (2) whether is it in place any awareness-raising activity addressed to children about the risks of self-generated sexual images,
- (3) what kind of reporting procedures or helplines are in place to provide children with the necessary support, assistance and psychological help in case they fall victim of sexual coercion or extortion.⁶³

⁶⁰ Ibid. Article 9 (1).

⁶¹ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Explanatory Report, para. 67.

⁶² The Guidelines are available on the website of the Committee, <https://rm.coe.int/guidelines-for-implementation-of-child-participation-in-the-2nd-monito/16808a3956> (30 March 2020).

⁶³ See Guidelines for Implementation of Child Participation in the 2nd thematic monitoring round of the Lanzarote Convention on “The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)” <https://rm.coe.int/guidelines-for-implementation-of-child-participation-in-the-2nd-monito/16808a3956> (30 March 2020).

With the regard to the next thematic monitoring rounds of the Lanzarote Convention, the Lanzarote Committee probably has to consider each time the most relevant and important questions that would constitute the basis of consultations with children. Nevertheless, children's participation in the reporting process could have bigger impact if children are already involved in the preparatory phase when the Lanzarote Committee chooses the topic of the next monitoring round and drafts the questionnaire. On one hand, they could influence the decision related to the topic and framework of the upcoming monitoring round, on the other hand, the children themselves could define the extent and form of their participation in the process. The Committee furthermore should consider separate or private meetings with children, like the CRC Committee, in order to be able to get clarifications and raise further questions to the children. This would require child-friendly environment and preparation of the members of the Committee who are engaging with the children.

Even though the monitoring of the Lanzarote Convention is thematic, and the Lanzarote Committee mostly issues general recommendations addressed to all state parties with the exception of cases of serious lack of compliance with the Convention, children express their views on the implementation of the Convention in their respective countries. In the 2nd thematic monitoring round, children submitted contribution to the Lanzarote Committee from ten state parties that is a high number considering that this was the first occasion to involve children in the monitoring. At this stage, while discussing the state replies to the questionnaire and information gained from other sources of information, the Lanzarote Committee faces the challenge how to take into account the children's contributions reflecting the situation in one country. Most probably, the solution will be in line with the practice of the monitoring body, similar issues raised by children from several countries will be addressed by general recommendations while the ones related to the implementation of the Convention in a particular country will entail a country-specific recommendation.

One of the most challenging issue faced by the Lanzarote Committee was to reach out partners who could involve children in the monitoring based on the Guidelines provided. The CRC has the highest number of ratifications and reporting states as well as the highest level of civil society participation in the UN treaty body system. Without any doubt, this is thanks to the unique role and position of the Child Rights Connect that has been the strategic partner of the CRC Committee and the Office of the High Commissioner for Human Rights for the engagement of civil society in the reporting cycle.⁶⁴ The Child Rights Connect provides a valuable support for non-governmental and children's organizations concerning the preparation of children's reports or involvement of children in the drafting of civil society reports, furthermore, participation of children in the pre-sessional working groups of the CRC or in private meetings. Within the period between 2009 and 2018, 55 children's reports were submitted to the CRC and 80 other reports included children's perspective.⁶⁵

The Lanzarote Committee has no such strategic civil society partner yet, however, international non-governmental organizations holding observer status with the Committee widely disseminated the Guidelines within their network. As discussed above, there would be a potential in setting up strategic partnership with observer INGOs or create an NGO Group for the Lanzarote Convention also to support wider participation of children. Nevertheless, it should be pointed out that the Lanzarote Committee has been encouraging state authorities also to involve children in the monitoring: during the 2nd thematic round, out of the 10 children's contributions 2 of them were actually supported by state authorities. This important move has to be further endorsed in order to strengthen the responsibility of states to involve children in the monitoring of human rights conventions instead of expecting non-governmental organizations to do so.

⁶⁴ Child Rights Connect, *Study on the global status of engagement in CRC reporting*, 2019, p. 9.

⁶⁵ *Ibid.* p. 36.

The Lanzarote Committee has put into practice the provisions of the Convention on child participation and has shown good example to the state parties. Beyond the child participation in the monitoring, in 2019, the focus of the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse was to empower children to stop sexual violence and support awareness-raising projects designed and implemented by children themselves.⁶⁶ Hopefully, this approach will apply to all the upcoming European Days irrespective of the theme in focus.

Nevertheless, the Lanzarote Committee needs a carefully thought-out strategy for child participation in the monitoring of the Convention, preferably in the form of working methods. This can serve as a good practice for other Council of Europe monitoring bodies and contribute to mainstreaming child participation throughout the organization. The CRC Committee already adopted such a document with the aim to define, facilitate and promote the meaningful participation of children in the reporting process.⁶⁷ Working methods of the Lanzarote Committee would ensure that children are involved in a meaningful way in all stages of the monitoring including the preliminary stage when it decides about the theme and at the follow-up phase when the recommendations are implemented and monitored. In any case, the Lanzarote Committee should follow-up with the children who sent contribution to them regarding the outcomes of the monitoring, the impact of their engagement and how their views were taken into account. This can happen along with the preparation of the child-friendly version of monitoring reports that can be widely disseminated among children.

8. Conclusions

The Lanzarote Committee is arguably a significant international monitoring body due to its important and unique mandate to protect children from sexual violence in Europe and beyond. The study presented the functioning and practice of the Lanzarote Committee along with the challenges it faces such as delayed discussion of the state replies and prolonged monitoring rounds, limited participation of non-governmental organizations and lack of sufficient follow-up to the recommendations. Therefore, it is probably fair to say that the Committee has arrived to the moment to assess its own work and performance and introduce adjustments, even major ones.

First and foremost, the Committee should examine the effectiveness of the thematic monitoring covering all state parties and consider country monitoring via thematic questionnaires. Country monitoring fosters a permanent dialogue with the states, examines and focuses on individual performance – there is no place to hide. The monitoring fatigue, experienced by states both at the Council of Europe and the United Nations human rights system, is another factor to consider: the reporting and in general the contributions expected from the state parties should be manageable which is not the case if the Committee is working on several documents at the same time.

Second, as it has been argued, peer review of the respect of human rights standards conducted by Committee of Parties to the Convention has benefits and burdens. In the Council of Europe system there are conventions, such as the Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, of which monitoring is shared: the Committee of Parties adopts and addresses recommendations to the states based on the report and conclusions of an independent expert body. If the Lanzarote Committee opts for this solution, the role of the two bodies has to be explicitly defined in order to ensure smooth collaboration.

⁶⁶ The 2019 Edition of the European Day, <https://www.coe.int/en/web/children/2019-edition> (30 March 2020).

⁶⁷ Committee on the Rights of the Child Working methods for the participation of children in the reporting process of the Committee on the Rights of the Child, 16 October 2014, CRC/C/66/2.

Third, the Lanzarote Committee has difficulty in coping with the current workload that is not proportional to the available human and financial resources. Nevertheless, the Committee also should set its own priorities not to fragment the already scarce resources: working on more than one monitoring round in parallel with the follow-up of the implementation of recommendations of the previous rounds as well as drafting opinions and declarations are time-consuming not to mention the administrative issues to deal with. The prolonged monitoring rounds and the lack of follow-up on its recommendations significantly weakens the monitoring system and the position of the Committee, too.

Fourth, the Committee should acknowledge the potential in cooperation with other stakeholders and develop broad alliance with non-governmental organizations and national human rights institutions. At the same time, non-governmental organizations, with the lead of the international NGOs with observer status, should organize themselves and create the environment that optimize their active engagement with the Committee. As it was suggested, an NGO Group for the Lanzarote Convention can be set up also to serve as a forum to share information about the work of the Committee and to facilitate the contribution of civil society actors.

Lastly, it should be concluded that the Lanzarote Committee is in the position to interpret its mandate flexibly. The provisions of the Lanzarote Conventions provide for general framework except that it assigns the monitoring to the competence of the Committee of the Parties. Consequently, the Committee can adapt its working methods according to the circumstances by modifying its Rules of Procedures, an Optional Protocol would be necessary only in case of a decision to set up an independent expert body to monitor the Convention without regard to the preservation of the Committee of Parties.