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Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse

*(Adopted by the Committee of Ministers on 12 July 2007
at the 1002nd meeting of the Ministers' Deputies)*

The member states of the Council of Europe and the other signatories hereto;

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering that every child has the right to such measures of protection as are required by his or her status as a minor, his or her family, society and the state;

Observing that the sexual exploitation of children, in particular child pornography and prostitution, and all forms of sexual abuse of children, including acts which are committed abroad, are destructive to children's health and psycho-social development;

Observing that the sexual exploitation and sexual abuse of children have grown to worrying proportions at both national and international level, in particular as regards the increased use by both children and perpetrators of information and communication technologies (ICTs), and that preventing and combating such sexual exploitation and sexual abuse of children require international co-operation;

Considering that the well-being and best interests of children are fundamental values shared by all member states and promoted without any discrimination;

Recalling the Action Plan adopted at the Third Summit of Heads of State and Governments of the Council of Europe (11-12 May 2005), calling for the elaboration of measures to stop sexual exploitation of children;

Recalling in particular Committee of Ministers' Recommendation No. R (91) 11 concerning sexual exploitation, prostitution, and trafficking in, children and young adults, Recommendation Rec(2001)16 on the protection of children against sexual exploitation, and the Convention on Cybercrime (ETS No. 185), especially Article 9 thereof, as well as the Council of Europe Convention on Action against Trafficking in Human Beings (ETS No. 197);

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 5), the European Social Charter (1996, ETS No. 163), and the European Convention on the Exercise of Children's Rights (1987);

Also bearing in mind the United Nations Convention on the Rights of the Child, especially Article 34 thereof, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the International Labour Organisation Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

Bearing in mind the Council of the European Union Framework Decision on combating the sexual exploitation of children and child pornography (2004/68/JHA), the Council of the European Union Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA), and the Council of the European Union Framework Decision on combating trafficking in human beings (2002/192/JHA);

Taking due account of other relevant international instruments and programmes in this field, in particular the Stockholm Agenda for Action, adopted at the 1st World Congress against Commercial Sexual Exploitation of Children (27-31 August 1996, Yokohama), the Yokohama Global Commitment adopted at the 2nd World Congress against Commercial Sexual Exploitation of Children (20-21 December 2001), the Budapest Commitment and Plan of Action, adopted at the preparatory Conference for the 2nd World Congress against Commercial Sexual Exploitation of Children (20-21 November 2001), the United Nations General Assembly Resolution "A world fit for children" and the three-year programme "Building a Europe for and with children", adopted following the 2004 Summit and launched by the Monaco Conference (4-5 April 2006);

Determined to contribute effectively to the common goal of protecting children against sexual exploitation and sexual abuse, and of providing assistance to victims;

Taking into account the need to prepare a comprehensive international instrument focusing on the preventive, protective and law aspects of the fight against all forms of sexual exploitation and sexual abuse of children and setting up a specific mechanism for monitoring and reporting;

mechanism,

Have agreed as follows:

Chapter I – Purposes, non-discrimination principle and definitions

Article 1 – Purposes

1. The purposes of this Convention are to:

- a. prevent and combat sexual exploitation and sexual abuse of children;
- b. protect the rights of child victims of sexual exploitation and sexual abuse;
- c. promote national and international co-operation against sexual exploitation and sexual abuse of children.

2. In order to ensure effective implementation of its provisions by the Parties, this Convention sets up a specific monitoring mechanism.

Article 2 – Non-discrimination principle

The implementation of the provisions of this Convention by the Parties, in particular the enjoyment of measures to protect child victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status.

Article 3 – Definitions

For the purposes of this Convention:

- a. "child" shall mean any person under the age of 18 years;
- b. "sexual exploitation and sexual abuse of children" shall include the behaviour as referred to in Articles 18 to 20 of the Convention;
- c. "victim" shall mean any child subject to sexual exploitation or sexual abuse.

Chapter II – Preventive measures

Article 4 – Principles

Each Party shall take the necessary legislative or other measures to prevent all forms of sexual exploitation and sexual abuse of children and to protect children.

Article 5 – Recruitment, training and awareness raising of persons working in contact with children

1. Each Party shall take the necessary legislative or other measures to encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement and in areas relating to sport, culture and leisure activities.

2. Each Party shall take the necessary legislative or other measures to ensure that the persons referred to in paragraph 1 have adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibilities for their protection in Article 12, paragraph 1.

3. Each Party shall take the necessary legislative or other measures, in conformity with its internal law, to ensure that those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children.

Article 6 – Education for children

Each Party shall take the necessary legislative or other measures to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, in accordance with their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a broader context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of information and communication technologies.

Article 7 – Preventive intervention programmes or measures

Each Party shall ensure that persons who fear that they might commit any of the offences established in accordance with Article 18 shall have access to appropriate support and counselling services.

Convention may have access, where appropriate, to effective intervention programmes or measures designed to evaluate the risk of offences being committed.

Article 8 – Measures for the general public

1. Each Party shall promote or conduct awareness raising campaigns addressed to the general public providing information on the phenomenon of sexual exploitation and sexual abuse of children and on the preventive measures which can be taken.
2. Each Party shall take the necessary legislative or other measures to prevent or prohibit the dissemination of material offences established in accordance with this Convention.

Article 9 – Participation of children, the private sector, the media and civil society

1. Each Party shall encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children.
2. Each Party shall encourage the private sector, in particular the information and communication technology sector, the travel industry and the banking and finance sectors, as well as civil society, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through self-regulation.
3. Each Party shall encourage the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children, with due respect for the independence of the media and freedom of the press.
4. Each Party shall encourage the financing, including, where appropriate, by the creation of funds, of the projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.

Chapter III – Specialised authorities and co-ordinating bodies

Article 10 – National measures of co-ordination and collaboration

1. Each Party shall take the necessary measures to ensure the co-ordination on a national or local level between the departments in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children, the education sector, the health sector, the social services and the law-enforcement and judicial authorities.
2. Each Party shall take the necessary legislative or other measures to set up or designate:
 - a. independent competent national or local institutions for the promotion and protection of the rights of the child which are provided with specific resources and responsibilities;
 - b. mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with the requirements of personal data protection.

3. Each Party shall encourage co-operation between the competent state authorities, civil society and the private sector to better prevent and combat sexual exploitation and sexual abuse of children.

Chapter IV – Protective measures and assistance to victims

Article 11 – Principles

1. Each Party shall establish effective social programmes and set up multidisciplinary structures to provide the necessary assistance to victims, their close relatives and for any person who is responsible for their care.
2. Each Party shall take the necessary legislative or other measures to ensure that when the age of the victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance measures provided for children shall be applicable pending verification of his or her age.

Article 12 – Reporting suspicion of sexual exploitation or sexual abuse

1. Each Party shall take the necessary legislative or other measures to ensure that the confidentiality rules imposed by certain professionals called upon to work in contact with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for

child is the victim of sexual exploitation or sexual abuse.

2. Each Party shall take the necessary legislative or other measures to encourage any person who knows about or suspects, faith, sexual exploitation or sexual abuse of children to report these facts to the competent services.

Article 13 – Helplines

Each Party shall take the necessary legislative or other measures to encourage and support the setting up of information as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity.

Article 14 – Assistance to victims

1. Each Party shall take the necessary legislative or other measures to assist victims, in the short and long term, in the psycho-social recovery. Measures taken pursuant to this paragraph shall take due account of the child's views, needs

2. Each Party shall take measures, under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.

3. When the parents or persons who have care of the child are involved in his or her sexual exploitation or sexual abuse, intervention procedures taken in application of Article 11, paragraph 1, shall include:

- the possibility of removing the alleged perpetrator;
- the possibility of removing the victim from his or her family environment. The conditions and duration of such measures shall be determined in accordance with the best interests of the child.

4. Each Party shall take the necessary legislative or other measures to ensure that the persons who are close to the victim, where appropriate, from therapeutic assistance, notably emergency psychological care.

Chapter V – Intervention programmes or measures

Article 15 – General principles

1. Each Party shall ensure or promote, in accordance with its internal law, effective intervention programmes or measures for persons referred to in Article 16, paragraphs 1 and 2, with a view to preventing and minimising the risks of repeated offences of a similar nature against children. Such programmes or measures shall be accessible at any time during the proceedings, inside or outside prison, according to the conditions laid down in internal law.

2. Each Party shall ensure or promote, in accordance with its internal law, the development of partnerships or other forms of co-operation between the competent authorities, in particular health-care services and the social services, and the judicial authorities and other bodies responsible for the follow-up of the persons referred to in Article 16, paragraphs 1 and 2.

3. Each Party shall provide, in accordance with its internal law, for an assessment of the dangerousness and possible re-offending of the offences established in accordance with this Convention, by the persons referred to in Article 16, paragraphs 1 and 2, and of identifying appropriate programmes or measures.

4. Each Party shall, in accordance with its internal law, provide for assessing the effectiveness of the programmes and measures implemented.

Article 16 – Recipients of intervention programmes and measures

1. Each Party shall ensure, in accordance with its internal law, that persons subject to criminal proceedings for any of the offences established in accordance with this Convention may have access to the programmes or measures mentioned in Article 15, under conditions which are neither detrimental nor contrary to the rights of the defence and to the requirements of a fair trial, and particularly with due respect for the rules governing the principle of the presumption of innocence.

2. Each Party shall ensure, in accordance with its internal law, that persons convicted of any of the offences established in accordance with this Convention may have access to the programmes or measures mentioned in Article 15, paragraph 1.

3. Each Party shall ensure, in accordance with its internal law, that intervention programmes or measures are developed and implemented to meet the developmental needs of children who sexually offend, including those who are below the age of criminal responsibility, with a view to the aim of addressing their sexual behavioural problems.

Article 17 – Information and consent

1. Each Party shall ensure, in accordance with its internal law, that the persons referred to in Article 16 to whom intervention programmes or measures have been proposed are fully informed of the reasons for the proposal and consent to the proposed measure with full knowledge of the facts.

2. Each Party shall ensure, in accordance with its internal law, that persons to whom intervention programmes or measures proposed may refuse them and, in the case of convicted persons, that they are made aware of the possible consequences they might have.

Chapter VI – Substantive criminal law

Article 18 – Sexual abuse

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is

- a. engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the age for sexual activities;
- b. engaging in sexual activities with a child where:
 - use is made of coercion, force or threats; or
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or dependence.

2. For the purpose of paragraph 1 above, each Party shall decide the age below which it is prohibited to engage in sexual activities with a child.

3. The provisions of Article 18, paragraph 1a do not intend to govern consensual sexual activities between minors.

Article 19 – Offences concerning child prostitution

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is

- a. recruiting a child into prostitution or causing a child to participate in prostitution;
- b. coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
- c. having recourse to child prostitution.

2. For the purpose of the present article, the term “child prostitution” shall mean the fact of using a child for sexual activities for which money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment or consideration is made to the child or to a third person.

Article 20 – Offences concerning child pornography

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, without right, is criminalised:

- a. producing child pornography;
- b. offering or making available child pornography;
- c. distributing or transmitting child pornography;
- d. procuring child pornography for oneself or for another person;
- e. possessing child pornography;
- f. knowingly obtaining access, through information and communication technologies, to child pornography.

2. For the purpose of the present article, the term “child pornography” shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes.

3. Each Party may reserve the right not to apply, in whole or in part, paragraph 1a and e to the production and possession of child pornographic material:

- consisting exclusively of simulated representations or realistic images of a non-existent child;
- involving children who have reached the age set in application of Article 18, paragraph 2, where they are produced and possessed by them with their consent and solely for their own private use.

4. Each Party may reserve the right not to apply, in whole or in part, paragraph 1 f.

Article 21 – Offences concerning the participation of a child in pornographic performances

1. Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct is
 - a. recruiting a child into participating in pornographic performances or causing a child to participate in s performances;
 - b. coercing a child into participating in pornographic performances or profiting from or otherwise exploit such purposes;
 - c. knowingly attending pornographic performances involving the participation of children.
2. Each Party may reserve the right to limit the application of paragraph 1 c to cases where children have been recruite conformity with paragraph 1 a or b.

Article 22 – Corruption of children

Each Party shall take the necessary legislative or other measures to criminalise the intentional causing, for sexual purp who has not reached the age set in application of Article 18, paragraph 2, to witness sexual abuse or sexual activities, having to participate.

Article 23 – Solicitation of children for sexual purposes

Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through inform communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, p the purpose of committing any of the offences established in accordance with Article 18, paragraph 1 a, or Article 20, p; against him or her, where this proposal has been followed by material acts leading to such a meeting.

Article 24 – Aiding or abetting and attempt

1. Each Party shall take the necessary legislative or other measures to establish as criminal offences when committed aiding or abetting the commission of any of the offences established in accordance with this Convention.
2. Each Party shall take the necessary legislative or other measures to establish as criminal offences, when committec attempt to commit the offences established in accordance with this Convention.
3. Each Party may reserve the right not to apply, in whole or in part, paragraph 2 to offences established in accordance paragraph 1 b, d, e and f, Article 21, paragraph 1 c, Article 22 and Article 23.

Article 25 – Jurisdiction

1. Each Party shall take the necessary legislative or other measures to establish jurisdiction over any offence establish with this Convention, when the offence is committed:
 - a. in its territory; or
 - b. on board a ship flying the flag of that Party; or
 - c. on board an aircraft registered under the laws of that Party; or
 - d. by one of its nationals; or
 - e. by a person who has his or her habitual residence in its territory.
2. Each Party shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offi in accordance with this Convention where the offence is committed against one of its nationals or a person who has hi residence in its territory.
3. Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or ac declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply specific cases or conditions the jurisdiction rules laid down in paragraph 1 e of this article.
4. For the prosecution of the offences established in accordance with Articles 18, 19, 20, paragraph 1 a, and 21, paragr this Convention, each Party shall take the necessary legislative or other measures to ensure that its jurisdiction as reg; is not subordinate to the condition that the acts are criminalised at the place where they were performed.
5. Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or ac declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to limit the a

paragraph 4 of this article, with regard to offences established in accordance with Article 18, paragraph 1*b*, second and third cases where its national has his or her habitual residence in its territory.

6. For the prosecution of the offences established in accordance with Articles 18, 19, 20, paragraph 1*a*, and 21 of this Convention, each Party shall take the necessary legislative or other measures to ensure that its jurisdiction as regards paragraphs 1*d* and 1*e* is subordinate to the condition that the prosecution can only be initiated following a report from the victim or a denunciator of the place where the offence was committed.

7. Each Party shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged offender is present on its territory and it does not extradite him or her to the State which claims jurisdiction solely on the basis of his or her nationality.

8. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult with a view to determining the most appropriate jurisdiction for prosecution.

9. Without prejudice to the general norms of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with internal law.

Article 26 – Corporate liability

1. Each Party shall take the necessary legislative or other measures to ensure that a legal person can be held liable for an offence established in accordance with this Convention, committed for its benefit by any natural person, acting either individually or as an organ of the legal person, who has a leading position within the legal person, based on:

- a. power of representation of the legal person;
- b. an authority to take decisions on behalf of the legal person;
- c. an authority to exercise control within the legal person.

2. Apart from the cases already provided for in paragraph 1, each Party shall take the necessary legislative or other measures to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 makes possible the commission of an offence established in accordance with this Convention for the benefit of that legal person or person acting under its authority.

3. Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.

4. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.

Article 27 – Sanctions and measures

1. Each Party shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. Such sanctions shall include penalties involving deprivation of liberty which can give rise to extradition.

2. Each Party shall take the necessary legislative or other measures to ensure that legal persons held liable in accordance with Article 26 shall be subject to effective, proportionate and dissuasive sanctions which shall include monetary criminal or non-criminal sanctions. Such measures may include other measures, in particular:

- a. exclusion from entitlement to public benefits or aid;
- b. temporary or permanent disqualification from the practice of commercial activities;
- c. placing under judicial supervision;
- d. judicial winding-up order.

3. Each Party shall take the necessary legislative or other measures to:

- a. provide for the seizure and confiscation of:

- goods, documents and other instrumentalities used to commit the offences, or to facilitate their commission, in accordance with this Convention;
- the proceeds derived from such offences or their value;

- b. enable the temporary or permanent closure of any establishment used to carry out any of the offences established in accordance with this Convention, without prejudice to the rights of bona fide third parties, or to deny the perpetrator or permanently, the exercise of the professional or voluntary activity involving contact with children in the course of which the offence was committed.

4. Each Party may adopt other measures in relation to perpetrators, such as withdrawal of parental rights or monitoring convicted persons.

5. Each Party may establish that the proceeds of crime or property confiscated in accordance with this article can be a special fund in order to finance prevention and assistance programmes for victims of any of the offences established in this Convention.

Article 28 – Aggravating circumstances

Each Party shall take the necessary legislative or other measures to ensure that the following circumstances, in so far as they already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be considered as aggravating circumstances in the determination of the sanctions in relation to the offences established in this Convention:

- a. the offence seriously damaged the physical or mental health of the victim;
- b. the offence was preceded or accompanied by acts of torture or serious violence;
- c. the offence was committed against a particularly vulnerable victim;
- d. the offence was committed by a member of the family, a person cohabiting with the child or a person having authority;
- e. the offence was committed by several people acting together;
- f. the offence was committed within the framework of a criminal organisation;
- g. the perpetrator has previously been convicted of offences of the same nature.

Article 29 – Previous convictions

Each Party shall take the necessary legislative or other measures to provide for the possibility to take into account final convictions passed by another Party in relation to the offences established in accordance with this Convention when determining the sanctions.

Chapter VII – Investigation, prosecution and procedural law

Article 30 – Principles

1. Each Party shall take the necessary legislative or other measures to ensure that investigations and criminal proceedings are carried out in the best interests and respecting the rights of the child.

2. Each Party shall adopt a protective approach towards victims, ensuring that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate.

3. Each Party shall ensure that the investigations and criminal proceedings are treated as priority and carried out without delay.

4. Each Party shall ensure that the measures applicable under the current chapter are not prejudicial to the rights and requirements of a fair and impartial trial, in conformity with Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

5. Each Party shall take the necessary legislative or other measures, in conformity with the fundamental principles of it

– to ensure an effective investigation and prosecution of offences established in accordance with this Convention, where appropriate, for the possibility of covert operations;/

– to enable units or investigative services to identify the victims of the offences established in accordance with this Convention, in particular by analysing child pornography material, such as photographs and audiovisual recordings made available through the use of information and communication technologies.

Article 31 – General measures of protection

1. Each Party shall take the necessary legislative or other measures to protect the rights and interests of victims, including their needs as witnesses, at all stages of investigations and criminal proceedings, in particular by:

- a. informing them of their rights and the services at their disposal and, unless they do not wish to receive such information, the follow-up given to their complaint, the charges, the general progress of the investigation and their role as well as the outcome of their cases;
- b. ensuring, at least in cases where the victims and their families might be in danger, that they may be heard, when necessary, when the person prosecuted or convicted is released temporarily or definitively;
- c. enabling them, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and to be represented by a legal representative.

- chose the means of having their views, needs and concerns presented, directly or through an intermed considered;
- d. providing them with appropriate support services so that their rights and interests are duly presented account;
- e. protecting their privacy, their identity and their image and by taking measures in accordance with inte prevent the public dissemination of any information that could lead to their identification;
- f. providing for their safety, as well as that of their families and witnesses on their behalf, from intimidati repeat victimisation;
- g. ensuring that contact between victims and perpetrators within court and law enforcement agency pre unless the competent authorities establish otherwise in the best interests of the child or when the inves proceedings require such contact.

2. Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to inform judicial and administrative proceedings.

3. Each Party shall ensure that victims have access, provided free of charge where warranted, to legal aid when it is pr have the status of parties to criminal proceedings.

4. Each Party shall provide for the possibility for the judicial authorities to appoint a special representative for the victir law, he or she may have the status of a party to the criminal proceedings and where the holders of parental responsibi from representing the child in such proceedings as a result of a conflict of interest between them and the victim.

5. Each Party shall provide, by means of legislative or other measures, in accordance with the conditions provided for l the possibility for groups, foundations, associations or governmental or non-governmental organisations, to assist and/ victims with their consent during criminal proceedings concerning the offences established in accordance with this Cor

6. Each Party shall ensure that the information given to victims in conformity with the provisions of this article is done s adapted to their age and maturity and in a language that they can understand.

Article 32 – Initiation of proceedings

Each Party shall take the necessary legislative or other measures to ensure that investigations or prosecution of offend accordance with this Convention shall not be dependent upon the report or accusation made by a victim, and that the p continue even if the victim has withdrawn his or her statements.

Article 33 – Statute of limitation

Each Party shall take the necessary legislative or other measures to ensure that the statute of limitation for initiating pr regard to the offences established in accordance with Articles 18, 19, paragraph 1 a and b, and 21, paragraph 1 a and k a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority a commensurate with the gravity of the crime in question.

Article 34 – Investigations

1. Each Party shall adopt such measures as may be necessary to ensure that persons, units or services in charge of ir specialised in the field of combating sexual exploitation and sexual abuse of children or that persons are trained for thi units or services shall have adequate financial resources.

2. Each Party shall take the necessary legislative or other measures to ensure that uncertainty as to the actual age of t prevent the initiation of criminal investigations.

Article 35 – Interviews with the child

1. Each Party shall take the necessary legislative or other measures to ensure that:

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

2. Each Party shall take the necessary legislative or other measures to ensure that all interviews with the victim or, wh those with a child witness, may be videotaped and that these videotaped interviews may be accepted as evidence duri

proceedings, according to the rules provided by its internal law.

3. When the age of the victim is uncertain and there are reasons to believe that the victim is a child, the measures established in paragraphs 1 and 2 shall be applied pending verification of his or her age.

Article 36 – Criminal court proceedings

1. Each Party shall take the necessary legislative or other measures, with due respect for the rules governing the autonomous professions, to ensure that training on children's rights and sexual exploitation and sexual abuse of children is available to all persons involved in the proceedings, in particular judges, prosecutors and lawyers.

2. Each Party shall take the necessary legislative or other measures to ensure, according to the rules provided by its internal law, that:

- a. the judge may order the hearing to take place without the presence of the public;
- b. the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies.

Chapter VIII – Recording and storing of data

Article 37 – Recording and storing of national data on convicted sexual offenders

1. For the purposes of prevention and prosecution of the offences established in accordance with this Convention, each Party shall take the necessary legislative or other measures to collect and store, in accordance with the relevant provisions on the protection of personal data and other appropriate rules and guarantees as prescribed by domestic law, data relating to the identity and to the DNA of persons convicted of the offences established in accordance with this Convention.

2. Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the name and address of a single national authority in charge of the purposes of paragraph 1.

3. Each Party shall take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 is transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and in international instruments.

Chapter IX – International co-operation

Article 38 – General principles and measures for international co-operation

1. The Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the use of relevant applicable international and regional instruments, arrangements agreed on the basis of uniform or reciprocal laws or internal laws, to the widest extent possible, for the purpose of:

- a. preventing and combating sexual exploitation and sexual abuse of children;
- b. protecting and providing assistance to victims;
- c. investigations or proceedings concerning the offences established in accordance with this Convention.

2. Each Party shall take the necessary legislative or other measures to ensure that victims of an offence established in this Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence.

3. If a Party that makes mutual legal assistance in criminal matters or extradition conditional on the existence of a treaty requests legal assistance or extradition from a Party with which it has not concluded such a treaty, it may consider that the existence of this Convention is a legal basis for mutual legal assistance in criminal matters or extradition in respect of the offences established in accordance with this Convention.

4. Each Party shall endeavour to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states.

Chapter X – Monitoring mechanism

Article 39 – Committee of the Parties

1. The Committee of the Parties shall be composed of representatives of the Parties to the Convention.

2. The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting within a period of one year following the entry into force of this Convention for the tenth signatory having ratified it. It shall meet whenever at least one third of the Parties or the Secretary General so requests.

3. The Committee of the Parties shall adopt its own rules of procedure.

Article 40 – Other representatives

1. The Parliamentary Assembly of the Council of Europe, the Commissioner for Human Rights, the European Committee on Crime Problems (CDPC), as well as other relevant Council of Europe intergovernmental committees, shall each appoint a representative to the Committee of the Parties.

2. The Committee of Ministers may invite other Council of Europe bodies to appoint a representative to the Committee after consulting the latter.

3. Representatives of civil society, and in particular non-governmental organisations, may be admitted as observers to the Parties following the procedure established by the relevant rules of the Council of Europe.

4. Representatives appointed under paragraphs 1 to 3 above shall participate in meetings of the Committee of the Parties with the right to vote.

Article 41 – Functions of the Committee of the Parties

1. The Committee of the Parties shall monitor the implementation of this Convention. The rules of procedure of the Committee of the Parties shall determine the procedure for evaluating the implementation of this Convention.

2. The Committee of the Parties shall facilitate the collection, analysis and exchange of information, experience and good practice between states to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children.

3. The Committee of the Parties shall also, where appropriate:

- a. facilitate or improve the effective use and implementation of this Convention, including the identification of and the effects of any declaration or reservation made under this Convention;
- b. express an opinion on any question concerning the application of this Convention and facilitate the exchange of information on significant legal, policy or technological developments.

4. The Committee of the Parties shall be assisted by the Secretariat of the Council of Europe in carrying out its functions under this article.

5. The European Committee on Crime Problems (CDPC) shall be kept periodically informed regarding the activities mentioned in paragraphs 1, 2 and 3 of this article.

Chapter XI – Relationship with other international instruments

Article 42 – Relation to the United Nations Convention on the Rights of the Child and its Optional Protocol on the sale of children, prostitution and child pornography

This Convention shall not affect the rights and obligations arising from the provisions of the United Nations Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, and is intended to complement the protection afforded by them and develop and complement the standards contained therein.

Article 43 – Relation to other international instruments

1. This Convention shall not affect the rights and obligations derived from other international instruments to which Parties to this Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention which provide for greater protection and assistance for child victims of sexual exploitation or sexual abuse.

2. The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles contained therein.

3. Parties which are members of the European Union shall, in their mutual relations, apply Community and European Union law in so far as there are Community or European Union rules governing the particular subject concerned and applicable to the parties concerned, without prejudice to the object and purpose of the present Convention and without prejudice to its full application with respect to those Parties which are not members of the European Union.

Chapter XII – Amendments to the Convention

Article 44 – Amendments

1. Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by him or her to the member states of the Council of Europe, any signatory, any State of the European Community, any state invited to sign this Convention in accordance with the provisions of Article 45, paragraph 1, and any state invited to accede to this Convention in accordance with the provisions of Article 46, paragraph 1.
2. Any amendment proposed by a Party shall be communicated to the European Committee on Crime Problems (CDPC) and the Committee of Ministers shall submit to the Committee of Ministers its opinion on that proposed amendment.
3. The Committee of Ministers shall consider the proposed amendment and the opinion submitted by the CDPC and, after consultation with the non-member states Parties to this Convention, may adopt the amendment.
4. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 3 of this article shall be communicated to the Parties for acceptance.
5. Any amendment adopted in accordance with paragraph 3 of this article shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General that they have accepted it.

Chapter XIII – Final clauses

Article 45 – Signature and entry into force

1. This Convention shall be open for signature by the member states of the Council of Europe, the non-member states which participated in its elaboration, as well as the European Community.
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 5 signatories, including at least 3 member states of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.
4. In respect of any state referred to in paragraph 1 or the European Community, which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of its instrument of ratification, acceptance or approval.

Article 46 – Accession to the Convention

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consulting the States Parties to this Convention and obtaining their unanimous consent, invite any non-member state of the Council of Europe, which participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Contracting States or the Committee of Ministers.
2. In respect of any acceding state, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 47 – Territorial application

1. Any state or the European Community may, at the time of signature or when depositing its instrument of ratification, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 48 – Reservations

No reservation may be made in respect of any provision of this Convention, with the exception of the reservations expressly established. Any reservation may be withdrawn at any time.

Article 49 – Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months from the date of receipt of the notification by the Secretary General.

Article 50 – Notification

The Secretary General of the Council of Europe shall notify the member states of the Council of Europe, any state signatory to the Convention, the European Community, any state invited to sign this Convention in accordance with the provisions of Article 44 and any state invited to accede to this Convention in accordance with the provisions of Article 46 of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 45 and 46;
- d. any amendment adopted in accordance with Article 44 and the date on which such an amendment enters into force;
- e. any denunciation made in pursuance of the provisions of Article 49;
- f. any other act, notification or communication relating to this Convention;
- g. any reservation made under Article 48.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at XX, this [date], in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member state of the Council of Europe, to the non-member states which have participated in the elaboration of this Convention, to the European Community and to any state invited to accede to this Convention.

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Related Documents

Meetings

[1002nd meeting of the Ministers' Deputies](#) / 11 July 2007

Other documents

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