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Virtual Global Taskforce Advisory Group Meeting

Harmonising criminal law to facilitate cooperation against the sexual exploitation and abuse of children in cyberspace: Options for VGT/COE cooperation

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- The Lanzarote and Budapest conventions as guidelines for harmonising legislation
- Lanzarote convention: contents + reach
- Budapest convention contents + reach
- Technical assistance to date
- Guideline function
- Possible future assistance and coop with vgt

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International standards developed by the Council of Europe:

- **Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201) [Lanzarote 2007]**

- **Convention on Cybercrime (CETS 185) [Budapest 2001]**
 - Article 9 (child pornography)
 - Procedural measures
 - International cooperation

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Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201)

- Preventive measures (persons in contact with children, education for children, preventive interventions, public education etc.)
- Specialised authorities (coordination and collaboration)
- Protection and assistance to victims (reporting suspicions, helplines, etc.)
- Substantive criminal law
 - Art 18 Sexual abuse
 - Art 19 Child prostitution
 - Art 20 Child pornography
 - Art 21 Child participation in pornographic performances
 - Art 22 Corruption of children
 - Art 23 Solicitation of children for sexual purposes
- Investigation, prosecution and procedural law
 - Investigation, interviews, court proceedings in the interest in and respecting the rights of the child, including special needs, etc.
- International cooperation
- Monitoring mechanism
- Accession

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Lanzarote Convention: State of signature and ratifications (1 Sep 2011)

Ratifications (13):

- Albania
- Austria
- Denmark
- Finland
- France
- Greece
- Malta
- Montenegro
- Netherlands
- Romania
- San Marino
- Serbia
- Spain

Signatures (29):

- Armenia
- Azerbaijan
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Estonia
- Georgia
- Germany
- Hungary
- Iceland
- Ireland
- Italy
- Liechtenstein
- Lithuania
- Luxembourg
- Moldova
- Monaco
- Norway
- Poland
- Portugal
- Slovakia
- Sweden
- Switzerland
- The former Yugoslav Republic of Macedonia
- Turkey
- Ukraine
- United Kingdom

Also able to sign/ratify:

- Canada
- Holy Sea
- Japan
- Mexico
- USA
- European Union

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Budapest Convention on Cybercrime

- Substantive criminal law
 - Article 9 Child pornography
- Procedural law (scope and specific provisions)
 - Expedited preservation
 - Search and seizure
 - Interception
 - etc
- International cooperation (general and specific provisions)

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Budapest Convention: 54 countries ratified, signed or invited to accede

Ratified (31):	Signed (16):	Invited (7):
<ul style="list-style-type: none"> ▪ Albania ▪ Armenia ▪ Azerbaijan ▪ Bosnia and Herzegovina ▪ Bulgaria ▪ Croatia ▪ Cyprus ▪ Denmark ▪ Estonia ▪ Finland ▪ France ▪ Germany ▪ Hungary ▪ Iceland ▪ Italy ▪ Latvia ▪ Lithuania ▪ Moldova ▪ Montenegro ▪ Netherlands ▪ Norway ▪ Portugal ▪ Romania ▪ Serbia ▪ Slovakia ▪ Slovenia ▪ Spain ▪ The former Yugoslav Republic of Macedonia ▪ Ukraine ▪ United Kingdom ▪ USA 	<ul style="list-style-type: none"> ▪ Austria ▪ Belgium ▪ Canada ▪ Czech Rep ▪ Georgia ▪ Greece ▪ Ireland ▪ Japan ▪ Liechtenstein ▪ Luxembourg ▪ Malta ▪ Poland ▪ South Africa ▪ Sweden ▪ Switzerland ▪ Turkey 	<ul style="list-style-type: none"> ▪ Argentina ▪ Australia ▪ Chile ▪ Costa Rica ▪ Dominican Republic ▪ Mexico ▪ Philippines

+ many countries are using the Budapest Convention as a guideline or model law

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Technical assistance for capacity building

- Global Project on Cybercrime (since 2006)
- Project on Cybercrime in Georgia (2009-10) – CoE/EU joint project
- CyberCrime@IPA (since 2010) – CoE/EU joint project
- CyberCrime@EAP (since 2011) – CoE/EU joint project

- Octopus conferences (since 2004)
 - From 21-23 November 2011: Octopus + 10th anniversary of Budapest Convention (Strasbourg, France)

Note:

- Primary focus on Budapest Convention
- Limited coverage of Lanzarote Convention so far

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Budapest Convention as a guideline/model law – useful tools

Country profiles

Provision of Convention	Country A	Country B	
Art 4 System interference	§	§	Starting point for analyses Also possible for Lanzarote Convention
Art 6 Misuse of devices	§	§	
Art 9 Child pornography	§	§	
Art 16 Expedited preservation	§	§	

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Budapest Convention: legislative analyses and reviews

Legislative review workshops and/or written analysis by CoE (with partners):

- 12 countries of Asia (including 2 workshops for ASEAN countries)
 - 16 countries of Latin America
 - 13 countries of the Caribbean
 - 18 countries of Africa
 - European countries
 - Legislative review workshop for Pacific Island States
- = Much progress already made since 2006 in the strengthening and harmonising of legislation globally
+ reforms underway in many countries at this moment

Same possible for Lanzarote Convention

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Council of Europe – VGT cooperation

in support of legislative reform on the basis of the Lanzarote (and Budapest) Conventions

- CoE providing expertise to activities organised by VGT?
- CoE legislative analyses on request?
- CoE contribution to workshops?
- Launch specific project for consistent advice to priority countries?

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Thank you.

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