

EXECUTIVE COUNCIL

PUBLIC

Title:	Extension of the Lanzarote Convention to the Falkland Islands
Paper Number:	124/18
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Responsible Director:	Attorney General
Report Author:	Attorney General
Portfolio Holder:	MLA Roger Spink
Reason for paper:	This paper is submitted to Executive Council: For policy decision (including budgetary policy)
Publication:	Yes
Previous papers:	none
List of Documents:	Annex – Lanzarote Convention Requirements and Assessment

1. Recommendations

Honourable Members are recommended to approve:

- (a) that they wish, in principle to request that the application of the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse be extended to apply in the Falkland Islands.
- (b) That the Attorney General be instructed to work with Corporate Management Team to assess in detail the actions which would be necessary for the requirements of the Convention to be met, and assess the costs associated with such actions, then report back to Executive Council, at which point a final decision will be made as to whether formally to request the Convention be extended to apply in the Falkland Islands.

2. Additional Budgetary Implications

- 2.1 There are no additional budgetary implications associated with agreeing the recommendations in this report. It is likely that there will be some costs associated with fully meeting the requirements of the Convention. If the recommendations in this report are agreed, these costs will be assessed and considered before a final decision to proceed is taken.

3. Executive Summary

- 3.1 The purposes of the Lanzarote 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
- 3.2 In order to ensure effective implementation of its provisions the Convention sets up a specific monitoring mechanism. If the Convention is extended to the Falkland Islands, we will be required to report such information as is required.
- 3.3 This report recommends that we agree in principle to request that the Convention be extended to apply in the Falkland Islands, but then go on to fully consider the implications of doing so.
- 3.4 For the avoidance of any doubt, it is not considered that there are specific shortcomings in the Falkland Islands, different from the issues which exist everywhere, which necessitate urgent further action in this area. However, we can always look to improve services and protections.
- 3.5 The Annex to this report sets out the content of the Lanzarote Convention and contains an initial assessment of the current state of compliance in the Falkland Islands and what action might be required if the recommendations are agreed.

4. Background and Links to Islands Plan

- 4.1 The Lanzarote Convention was agreed on 25 October 2007 by Council of Europe. The Council of Europe is an international organisation, based in Strasbourg which comprises 47 countries of Europe (28 of which are currently members of the European Union, an entirely separate organisation). It was set up to promote democracy and protect human rights and the rule of law in Europe. The best known Convention agreed by the Council of Europe is the Convention for the Protection of Human Rights and Fundamental Freedoms. The UK's membership of the Council of Europe is unrelated to its membership of the European Union, and is therefore not affected by the decision of the UK to leave the European Union.
- 4.2 The Convention was agreed by the United Kingdom Government in 2007. The Convention is to take effect in the UK in 2018.
- 4.3 It is usual for the UK Government only to extend the application of international treaties and conventions to Overseas Territories if the Government of the Territory requests this. Earlier this year, the UK asked, in the usual way, whether the Falkland Islands Government wished to request that the Convention be extended to apply in the Falkland Islands at the same time as it came into effect in the UK.
- 4.4 As we had not had the opportunity to examine the full implications of extending the Convention, we did not request that the Convention be extended to the Falkland Islands at the same time as it would come into effect in the UK. However, having carried out an initial assessment of the requirements and what might be required to demonstrate

compliance, we are now ready to consider whether, in principle, we do wish to have the Convention extended to the Falkland Islands. If this is agreed, a more detailed assessment and action plan will be developed, and any additional costs of implementing this will be assessed, before a final decision is made.

- 4.5 Meeting the requirements of the Convention supports a number of the themes and objectives of the Islands Plan 2018-2022, as set out below.

PUBLIC SAFETY & SECURITY

- ***We will ensure that the Falkland Islands are a safe place for people to live and to bring up their families.***

Enhance cross-agency information sharing and develop public safety policies and targeted education campaigns;

Develop ongoing programmes for crime prevention, intelligence gathering and community policing;

Provide a high quality prison service and support the rehabilitation of offenders;

HEALTH & COMMUNITY WELLBEING

- ***We will provide high quality treatment and support across all of our health and social care services;***

- ***We will maintain and improve our existing resources and services, investing in developments to support the current and future wellbeing of everyone in the Falkland Islands.***

Progress safeguarding activities for vulnerable people of all ages;

5. Options and Reasons for Recommending Relevant Option

- 5.1 Option 1 – Do nothing – this would not mean that we would not continue to meet some or all of the Convention requirements; simply that we would not be officially obliged to do so, and would not be required to participate in the Convention monitoring arrangements. Residents and others would not be able to rely on the assurance that the public commitment and monitoring arrangements could give. There is a risk that in not extending the Convention here, we might give the impression that the matters covered by the Convention are not important. This option is not recommended.
- 5.2 Option 2 – Decide that, in principle, it is intended to work to meet the requirements of the Convention and ask to have it extended to apply to the Falkland Islands. This gives a clear statement of intent that the matters covered by the Convention are important. Giving more detailed consideration to the requirements will allow a more informed decision to be made as to whether the Convention requirements can reasonably be met in the Falkland Islands without disproportionate cost. This option is recommended.
- 5.3 Option 3 – Decide immediately to ask that the Convention be extended to the Falkland Islands. As with option 2, this would give a clear statement of intent that the matters covered by the Convention are important. However, whilst it is considered that most

Convention requirements are already met or can be met from existing resources, it does appear on a high-level assessment that some requirements will require additional resource. It is unclear at this stage whether the requirements can be met in a way which will be proportionate. This option is therefore not recommended.

6. Resource Implications

- 6.1 Financial Implications: There are no financial implications arising from agreeing the recommendations in this report. The full implications of compliance with the Convention will be assessed if the recommendations are agreed. If option 3 was chosen, this could represent an unquantified financial commitment.
- 6.2 Human Resource Implications: There are no human resource implications arising from agreeing the recommendations in this report. The full implications of compliance with the Convention will be assessed if the recommendations are agreed. It is highly likely that additional staff training will be required, but it is unclear if this will require additional financial or human resource. If option 3 was chosen, this could represent an unquantified commitment.
- 6.3 Other Resource Implications: It is unclear whether any further resources will be required. This will be assessed if the recommendations are agreed.

7. Legal Implications

- 7.1 If the Convention is extended to apply in the Falkland Islands, the Government will be obliged to meet its requirements. The Convention requirements include a number of matters which have consequent legal implications. For example, there are requirements to ensure that certain conduct is criminalised.

8. Environmental & Sustainability Implications

- 8.1 There are no environmental or sustainability implications arising from this report – whether the recommendations are agreed or another option is chosen.

9. Significant Risks

- 9.1 It is not considered that there are significant risks arising from this report, especially if the recommendations are agreed. As noted above, there are potential reputational risks if option 1 is chosen. This will be mitigated by clarity on communications around the decision and the reasons why it is not considered that we should investigate extending the Convention to apply here.

10. Consultation

- 10.1 There has been informal consultation with Members of the Legislative Assembly and various public officers, and they agree with the principles.

11. Communication

- 11.1 It is not considered necessary to proactively publicise this issue at this time. However, there would be an opportunity to publicise our commitment to the aims of the Convention following consideration of the suggested later report.