



Netzwerk **Kinderrechte** Schweiz
Réseau suisse des **droits de l'enfant**
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Child Rights Network Switzerland



Kinderschutz Schweiz
ECPAT Switzerland



Alternative Report to the First National Report of Switzerland

Alternative Report on the national implementation of the Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography, 2000 (OPSC)

Ratified by Switzerland on 19 September 2006/ Entry into force on 19 October 2006

Submitted to the Committee on the Rights of Child on 1 March 2014

This Alternative Report was prepared by ECPAT Switzerland and Child Rights Network Switzerland, a coalition of child rights and protection organizations in Switzerland



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Executive Summary

The Convention on the Rights of the Child (CRC) is the most important international instrument for the protection of children – including from all forms of abuse, violence, neglect and exploitation. The CRC addresses these rights to protection from violence in various provisions. Articles 19 and 34 outline the duty of States Parties to protect children from 'all forms of sexual exploitation and sexual abuse'. This includes the coercion of a child to engage in any type of sexual activity, the exploitative use of children for the production of sexual abuse images. Article 35 CRC calls on States Parties to take 'all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form'. A further core duty is stated in article 39 of the Convention: States Parties have the duty to provide adequate recovery and rehabilitation of child victims of sexual abuse and exploitation.¹

Switzerland became State Party to the CRC in 1997 and joined the OPSC in 2006.² New legal and other measures were taken to protect children from violence and exploitation. Yet, in Switzerland significant gaps for the full protection of children from sexual abuse and exploitation exist.

Implementation of the Convention and Protocols in Switzerland:

Coordination and Monitoring

Switzerland's federalist responsibility is shared between the federal government, the cantons and the municipalities. In the field of child protection no national coordination and monitoring system on CRC and OPSC implementation exists.³

Federal law is often not fully implemented due to budget restrictions and/ or priorities in budget allocation made by the State Party or cantons. Policies and programmes necessary to promote the rights and protection of children are therefore not carried out. This affects key areas such as education, health, awareness programmes for children aimed at protecting them from sexual abuse, child friendly justice and non-discrimination and is contradictory to the obligations by State Parties under the Convention and its Optional Protocols.

No coordination of initiatives to prevent sexual exploitation of children

In particular, the vertical coordination between the federal government and the cantons is missing. Planned coordination mechanisms are limited to certain aspects of a policy on children and youth (such as promotion of children and youth) but fail to cover the entire range

¹ UNICEF Innocenti Research Centre, *Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*, UNICEF IRC, Florence, 2009, p.1, www.unicef-irc.org/publications/ (accessed January 2014)

² www.admin.ch, Classified Compilation of Swiss Federal Law: SR 0.107, UN Convention on the Rights of the Child (Übereinkommen über die Rechte des Kindes), entry into force for Switzerland on 26 March 1997 and SR 0.107.2, Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

³ Child Rights Network Switzerland, *Second NGO Report (2009) and amended Second NGO Report (2014) to the Committee on the Rights of the Child*, 2014.



of issues addressed in the Convention and OPSC.⁴

CRC/OPSC Monitoring: No independent national human rights institution in Switzerland

The Committee issued General Comment No. 2 encouraging States to set up independent national human rights institutions in the promotion and protection of the rights of the child. The Swiss Centre of Expertise in Human Rights is not an independent human rights institution in the spirit of the Paris Principles on the National Institution of Human Rights. The creation of a legally based independent human rights institution would greatly benefit the implementation of the rights enshrined in the Convention and Optional Protocols.

CRC/OPSC Monitoring: Insufficient data collection

Research for the Alternative Report highlighted once again the significant gaps in data collection and reporting. Data on the situation of children and youth are dispersed in numerous statistics and studies. Studies by the Federal Statistical Office generally cover only persons above 16 years. There is neither representative combining of data on childhood and youth, nor periodic reporting in the form of a regular report on childhood and youth in Switzerland. Data collection on the situation of particularly vulnerable minors is unsystematic. For example, there is no coordinated registration system for child abuse, no systematic data on criminal investigation into sexual crimes against minors abroad or into criminal acts relating to child pornography.

The available statistics give no concise overview of crimes committed against children, the type of violence, sexual abuse or exploitation that was carried out, the relationship between victim and offender and the sentence that was pronounced on the perpetrator do either not exist or are not made publicly available.⁵ No data is available on particularly vulnerable groups of children and youth knowing that they are of greater risk of becoming victims of trafficking or being sexually exploited. Without available data, OPSC monitoring is not possible.

CRC/OPSC Monitoring: Need for a National Rapporteur

The appointment of a National Rapporteur on sexual violence against children and on the sale and trafficking of children would greatly improve the monitoring of OPSC implementation in Switzerland. The time line of State party reporting to the Committee can leave a time period of several years in which the status of child rights and protection and CRC/OPSC implementation in Switzerland is not analysed and no appropriate measures are planned.

Need for a national strategy to protect children from sexual abuse and exploitation

In recent years the public outrage over cases of horrific violence against children and sexual exploitation led to initiatives by civil society organizations and the Swiss public. Important amendments to federal law targeting perpetrators of sexual violence and exploitation against children and strengthening the rights of child victims were passed: article 123b of the Constitution states that there is "No time limit for the right to prosecute or for penalties for sexual or pornography offences involving prepubescent children".

In spite of some improvements in federal legislation, the absence of a national strategy

⁴ Child Rights Network Switzerland, *Second NGO Report (2014) to the Committee on the Rights of the Child*, 2014.

⁵ www.bfs.admin.ch



seriously impedes the protection of children from sexual abuse and exploitation. Only through a national strategy carried out at all levels of government and joining efforts by police, courts, schools and associations can children be protected from sexual violence.⁶

In relation to OPSC implementation the National Action Plan to Fight Human Trafficking exists. Due to lobbying by Swiss Foundation for Child Protection / ECPAT Switzerland special attention and drafting of policies for children affected by trafficking was included in the National Action Plan was and will have to be analysed. The core issues and recommendations to protect children and support child victims still need to be established.

Enhance international assistance and cooperation

To prevent crimes against children Switzerland must continue and enhance international assistance and cooperation. The Swiss Government should present a policy on travel bans and notifications of other countries on planned travels of convicted child sex offenders and what measures Switzerland undertakes if a notification is received on the planned entry to Switzerland by a person convicted for sexual exploitation of a child. In this regard, Switzerland must monitor convicted sex offenders and establish a national register.

In 2012, the Swiss government pledged full commitment to the *Global Alliance Against Child Sexual Abuse Online*. The Swiss government needs to present which measures are developed to fulfil the commitment that was made.

⁶ Swiss Centre of Expertise in Human Rights (SCHR), *The status of children and youth politics in Switzerland*, 2013, ('Mise en oeuvre des droits humains en Suisse – Un état des lieux dans le domaine de la politique de l'enfance et de la jeunesse'). Referred to as 'Baseline Study' in this report. Available at www.skmr.ch.



1. Introduction

[1] This Alternative Report to the initial report presented by Switzerland to the Committee on the Rights of the Child (hereafter referred to as the 'Committee') on measures taken by the Swiss Government towards 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 (OPSC), was prepared by *ECPAT Switzerland/ Kinderschutz Schweiz* (Swiss Foundation for Child Protection) and *Child Rights Network Switzerland*.⁷

[2] Switzerland approved the Convention on the Rights of the Child on 24 February 1997. Further, the Optional Protocol to the Convention on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography, 2000 (OPSC) was ratified by Switzerland on 19 September 2006 and entered into force on 19 October 2006.

[3] Based on Article 12 of the OPSC each State Party has the obligation to submit a First Report providing comprehensive information on measures taken to implement the provisions of the Protocol within two years following the entry into force. The Initial State Report on OPSC implementation was submitted to the Committee on the Rights of the Child on 9 December 2011, five years after Switzerland became State Party.

[4] *About Child Rights Network Switzerland*

Child Rights Network Switzerland is a coalition of 50 child rights and protection organizations in Switzerland. Kinderschutz Schweiz/ ECPAT Switzerland are members.

[5] *About Kinderschutz Schweiz (Swiss Foundation for Child Protection)*

The foundation campaigns for the full implementation of the United Nations Convention on the Rights of the Child and its Optional Protocols. The foundation has been active for over 30 years and continues to campaign for the right to a safe childhood free from physical, mental or sexual violence.

[6] *About ECPAT Switzerland*

ECPAT Switzerland focuses its work on the protection of children from sexual exploitation and trafficking. ECPAT Switzerland is a specialized unit of Kinderschutz Schweiz. ECPAT Switzerland is part of the global network ECPAT International that is active in more than 70 countries and supported by over 80 local organizations. ECPAT Switzerland advises Parliament and government agencies and works with the Swiss Federal Police - in particular the Unit against Paedo-criminality and Child Pornography and the Cybercrime Coordination Unit - to identify gaps in the protection of children from sale and sexual exploitation.

⁷ Initial Report by Switzerland of 9 December 2011 submitted under article 12, paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (hereinafter 'Initial Report' or 'First Report').
http://www.eda.admin.ch/etc/medialib/downloads/edazen/topics/human/humri.Par.0064.File.tmp/CRC%20FP_Bericht%20CH_%20D_9122011.pdf



2. General Observations to the First State Report

[7] The First State Report by Switzerland on OPSC implementation was submitted to the Committee on the Rights of the Child on 9 November 2011, five years after Switzerland became State Party.

[8] Council of Europe Convention on the Protection of Children against Sexual Exploitation

The First State Report of Switzerland describes the intention to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ('Lanzarote Convention'). This regional instrument entered into force in 2010. It was only in September 2013 that the Swiss Parliament ratified Lanzarote Convention. A federal council decision to amend the Swiss Criminal Code regarding protection from sexual abuse and exploitation has been adopted.

[9] The reservation made to article 23 'Grooming'/ Solicitation of children for sexual purposes' of Lanzarote Convention should be withdrawn. In response to recommendations made by ECPAT Switzerland and Swiss Cybercrime Coordination Unit, the Committee for Legal Affairs of the National Council of Parliament has passed an initiative to amend the Swiss Criminal Code to ensure that 'Grooming'/ Solicitation of children for sexual purposes' is a criminal offence. The initiative is still pending.

[10] Switzerland became State Party to the CRC in 1997 and to the OPSC in 2006. This placed Switzerland under the obligation to ensure adequate legislation and measures are in place to protect all children until the age of 18 from prostitution, pornography and trafficking and prosecute criminals. Therefore, the amended legal provisions to the Swiss Criminal Code were due even before ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

[11] In order to fully implement Lanzarote Convention new legal provisions of the Criminal Code are necessary as well as the adoption of policies and programmes for the prevention of sexual abuse and exploitation, on training and awareness raising of persons working with children, on programmes for the education of children and awareness raising campaign.

[12] The Initial State Report provides only very basic data collection

Information on the implementation of OPSC on the level of criminal prosecutions and convictions is missing in the First State Report. Furthermore, important information on quantitative evaluations and statistical data is not provided in the initial report of Switzerland. The data provided in the annex to the initial State Report presents very basic and insufficient data regarding prosecution and conviction of crimes against children.



[13] Civil Society Initiatives and Actions to prevent sexual abuse and exploitation of children

The First State Report mentions a long list of activities provided by NGOs with the aim of preventing sexual violence against children. Although the State Report would give the impression that these very important initiatives are implemented nation wide and (fully) funded by the government, it must be emphasised that this is not the case. To give an example, the very successful initiative aimed at elementary school children 'My body is mine!' was developed by the Kinderschutz Schweiz/ ECPAT Switzerland and received hardly any funding from the government.⁸ This initiative is not carried out nation wide, it remains voluntary for cantons to bring it to primary schools.

[14] Protection of children from all forms of exploitation

The initial report by Switzerland does not include a list of actions undertaken by the State Party regarding the protection of children from other forms of commercial exploitation like labour exploitation, sale for the purpose of theft or burglary and begging or for the intention of trade in organs.

⁸ 'My body is mine!', 'Mon corps à mois', 'Mein Körper gehört mir!'. An initiative by Kinderschutz Schweiz/ ECPAT Switzerland (www.kinderschutz.ch). For more information see chapter 6 *Prevention* of this Alternative Report.



3. General Measures of OPSC Implementation

[15] Although some improvement for OPSC has been made by the State Party significant gaps to fulfil the rights and obligations of the Convention and Protocol persist in Switzerland. This leaves children at great risk of being affected by violence, sexual abuse and exploitation and trafficking.

[16] Child Rights Network would like recall the recommendations of the CRC Committee made to the State Party on the obligation to prevent sexual exploitation and sexual abuse of children:

CRC Committee Concluding Observations Switzerland (2002)

CRC/C/15/Add.182

Sexual exploitation and sexual abuse

52. While welcoming the amendments to the Penal Code prohibiting the possession of hard-core pornography, including child pornography, and the establishment of a new centre against cyber-crime in 2003, the Committee remains concerned at the lack of knowledge about the extent of sexual exploitation of children, in particular vulnerable groups, in the State party.

53. In light of article 34 and other related articles of the Convention, the Committee recommends that the undertake studies with a view to assessing the extent of sexual exploitation and trafficking of children, including prostitution and child pornography (including on the Internet), and implement appropriate policies and programmes for prevention and for the recovery and social reintegration of child victims, in accordance with the 1996 Declaration and Agenda for Action and the 2001 Global Commitment adopted at the World Congresses against Commercial Sexual Exploitation of Children

[17] The persistent lack of knowledge about the extent of sexual exploitation and abuse of children impedes adequate policies and programmes. Furthermore, an assessment of the 'extent of sexual exploitation and trafficking of children, including prostitution and pornography' - including the Internet has not been carried out.

[18] Need for a national strategy to protect children from sexual abuse and exploitation

In recent years the public outrage over crimes against children and sexual exploitation led to initiatives by civil society organizations and the Swiss public. In spite of some improvements in federal legislation, no national strategy to protect children from sexual abuse and exploitation exists.⁹ The Swiss federalist system was the main reason for the

⁹ Swiss Centre of Expertise in Human Rights (SCHR), *Baseline Study*, www.skmr.ch.



rejection of the initiative for a *Swiss National Child Protection Programme*.¹⁰ In preparation for a National Action Plan on child protection in Switzerland, Kinderschutz Schweiz/ ECPAT Switzerland identified a list of gaps in child protection and made detailed recommendations for actions to protect children from sexual exploitation.¹¹

[19] Sale of Children / Trafficking of Children

The Swiss Government launched the National Action Plan to Fight Human Trafficking in October 2012 and it will end in 2014. This initiative is carried out in collaboration between NGOs and the government. However, NGOs do not receive federal funding for their work and expertise. An important issue remains the knowledge of City Police, Cantonal Police, Border Agency, social workers in identifying a child as a victim of trafficking. Special attention is needed for unaccompanied minors.

[20] The Committee should recommend to the Swiss Government:

- To develop a national strategy on policies and programmes for the prevention of sexual abuse and violence and recovery for children affected by these severe crimes.
- To appoint a National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children

Law enforcement and jurisprudence

[21] Child Pornography

ECPAT Switzerland would like to draw attention to serious gaps in the fight against child pornography:

[22] 'Indecent images' / 'Posing images' of minors

According to current Swiss jurisprudence, images are illegal and fall under article 197 CP 'Child pornography' if they show a sexual action involving a child or if the sexual organs of the child are emphasized. Images showing children in 'suggestive' or 'indecent' / 'sexualised' poses can fall under article 197 Criminal Code. It lies with prosecution and courts to decide if an indecent image of a child is illegal child pornography or not. Recent jurisprudence of the Swiss Federal Court states that snap shots of naked children for example at the beach or nudist beaches are not child pornography even if they will be used for sexual pleasure by a paedophile (see Federal court decision BGE 133 IV 31, E.6). The right and protection of the child is not taken into count. It cannot be legal that anybody can take pictures of naked children or film naked children and then misuse the material or even circulate or use in a commercial way. This denies the child the right to protection and infringes the right to protection of personality and privacy of the minor. It is particularly disturbing for a child that such material was produced and circulated. Even

¹⁰ ECPAT, *Global Monitoring Report on the status of action against commercial sexual exploitation of children – Switzerland*, ECPAT, Bangkok, 2013, available at www.ecpat.net.

¹¹ ECPAT, *Global Monitoring Report on the status of action against commercial sexual exploitation of children – Switzerland*, ECPAT, Bangkok, 2013, p. 13 -14, available at www.ecpat.net.



more so, when the child is growing up.

[23] Clarification is needed in regard to 'teen modelling' websites. To give an example: In 2013 ECPAT Switzerland reported a website showing girls aged about 13 years dressed in fishnet stockings/mini skirts and in indecent poses. CYCO explained that the reported site could not be blocked as it was hosted abroad. In Switzerland a clear policy must be adopted that so-called 'teen-modelling' websites with images of minors in indecent or sexualised poses are illegal and have to be blocked. Furthermore, the case highlights the need for stronger international cooperation and effort to protect children.

[24] Operation 'Spade'

The international police operation 'Spade' against child pornography revealed a serious case of child pornography and included Switzerland. 154 people domiciled in Switzerland had bought 306 DVDs and Internet downloads from the online provider 'Azov'. The videos showed naked boys aged 10 to 16 years playing on the beach. The Swiss Federal Office of Police who had been provided with this data by the Canadian authorities did neither investigate nor prosecute any of the people who had ordered these films. Federal Office of Police stated that under Swiss law these videos were not illegal: the videos did not show sexual actions with children or put a special focus on the sexual organs of the children and were therefore not child pornography under article 197 CP. About 10% of the people who had bought videos showing naked children from 'Azov' had been previously known to the Swiss police in relation to child pornography.¹²

[25] This case reveals serious gaps in combatting child pornography: operation 'Spade' identified an online provider selling child pornography, none of the people in Switzerland who had bought videos was investigated or convicted for child pornography, no police investigation into the suspects and whether they were in possession of other child pornography material took place, the police decided that the production, sale, possession of videos showing naked children did not qualify as child pornography and was therefore not illegal under Swiss law.

[26] Either law enforcement and jurisprudence changes their narrow view on child pornography to include the production, sale and distribution of a video showing naked children and make it illegal under article 197 CP or the current article 197 CP needs to be amended immediately to criminalise this action.

[27] The Committee should recommend to the Swiss Government:

- To take immediate action against child pornography
- To clarify immediately that article 197 CP 'Child Pornography' must be applied in favour of the full protection of children and include as criminal offence the production, sale and distribution of an image/ video showing specifically naked children
- In case the State party/ jurisprudence does not approve of this interpretation of article 197

¹² Statement issued by FEPOLE on 18.02.2014, SonntagsZeitung 'Nackte Kinder, legale Videos', 23.02.2014.



CP then the provision must immediately be amended

- To adopt a guideline regarding 'posing images' of minors that fully protect children from sexual abuse and exploitation
- To adopt a guideline regarding 'teen modelling websites' that fully protect children from sexual exploitation

[28] These examples show that a general lack of understanding of the seriousness of the crime of viewing, sharing and producing of child abuse images and videos persists. Even more so at the level of district court: A large number of convictions in relation to child pornography result in very weak sentences. The police and courts need to take more serious action against child pornography. A sexual image of a child is a severe form of child abuse and a severe crime against a child. Child abuse images are documented evidence of a crime in progress – a child being sexually abused, assaulted and exploited.¹³

[29] Furthermore, the Committee - in light of article 34 and other related articles of the Convention - recommended that Switzerland undertake studies with a view to assessing the extent of sexual exploitation and trafficking of children, including prostitution and child pornography (including via the Internet), and implement appropriate policies and programmes for prevention and for the recovery and social reintegration of child victims.¹⁴

[30] Low number of victims identified regarding child abuse material

The Swiss Cybercrime Coordination Unit emphasises the need to improve victim identification. In an effort to achieve this goal, a National Image Hash Value Database (NDHS) has been developed and is in the process of being improved (NDHS II). Data (picture and video files) seized during investigations into child pornography offences is categorised by cantonal authorities and then transmitted to the federal police. The Cybercrime Coordination Unit generates a hash value for each data and stores the value in the NDHS. This is a very important measure taken towards identification of offenders and children affected by sexual exploitation that needs to be further developed.¹⁵

[31] To date only a low number of data on victims and data on offenders could be introduced into INTERPOL'S International Child Sexual Exploitation Database (ICSE). In March 2013 the ICSE database contained 2'980 data of victims and 1615 data of offenders. Switzerland provided 62 data on victims and 28 data on offenders. Low victim identification translates into children affected by these serious crimes continuing to be abused or at risk and not receiving adequate remedy and rehabilitation.

¹³ Cf. INTERPOL, Crimes Against Children Unit: <http://www.interpol.int/Crime-areas/Crimes-against-children/Appropriate-terminology>

¹⁴ CRC Committee, Review of First State Report by Switzerland on CRC Implementation, 2002, Concluding Observations, para. 53 (CRC/C/15/Add. 182).

¹⁵ Swiss Cybercrime Coordination Unit – *Annual Report 2012*, Switzerland, 2013, available at www.cybercrime.admin.ch



Data Collection

[32] Lack of representative data collection

Research for the Alternative Report highlighted once again the significant gaps in data collection and reporting. Data on the situation of children and youth are dispersed in numerous statistics and studies. Studies by the Federal Statistical Office generally cover only persons above 16 years. There is neither representative combining of data on childhood and youth, nor periodic reporting in the form of a regular report on childhood and youth in Switzerland.

[33] Data collection on the situation of particularly vulnerable persons is unsystematic. For example, there is no coordinated registration system for child abuse, no systematic data on criminal investigation into sexual crimes against minors abroad or into criminal acts relating to child pornography.

[34] The available statistics give no concise overview of crimes committed against children, the type of violence, sexual abuse or exploitation that was carried out, the relationship between victim and offender and the sentence that was pronounced on the perpetrator do either not exist or are not publicly available.¹⁶ No data is available on particularly vulnerable groups of children and youth knowing that they are of greater risk of becoming victims of trafficking or being sexually exploited.

[35] In its Concluding Observations to the First State Report of Switzerland on CRC Implementation, the Committee emphasised the need for a reliable and representative data collection on child rights and protection in Switzerland.¹⁷ This data is particularly important to identify to what extent children are protected from violence and sexual abuse and exploitation and if children affected by this kind of crime are identified and receive immediate care and rehabilitation. Without this data, it is not possible to develop adequate programmes.

¹⁶ www.bfs.admin.ch

¹⁷ CRC Committee, Review of First State Report by Switzerland on CRC Implementation, 2002, Concluding Observations, para. 18 (CRC/C/15/Add. 182).



4. Criminal Law and other Legal Provisions

[36]

The Protocol outlines which specific acts and activities must be criminalized (art. 3) within the areas of sale of children for purposes of sexual exploitation, transfer of organs (a/b), forced labour (a/c), or adoption (a), as well as child prostitution (b) and child pornography (c). These are to be understood as 'Minimum Standards'. The OPSC includes provisions on standards regarding jurisdiction, extradition and investigation of these criminal offences (article. 4, 5 and 6) and on the confiscation of goods or profit resulting from these offences (art. 7).¹⁸

[37] ECPAT Switzerland would like to recall the recommendations of the CRC Committee made to Switzerland regarding the obligation to prevent sexual exploitation and sexual abuse of children:

Concluding observations 2002

53. In light of article 34 and other related articles of the Convention, the Committee recommends that the State Party undertake studies with a view to assessing the extent of sexual exploitation and trafficking of children, including prostitution and child pornography (including on the Internet), and implement appropriate policies and programmes for prevention and for the recovery and social reintegration of child victims, in accordance with the 1996 Declaration and Agenda for Action and the 2001 Global Commitment adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Legislation

[38] In line with adopting The Council of Europe Convention against Sexual Exploitation and Sexual Abuse a draft for amendments to the Swiss Criminal Code has been adopted:

Child Prostitution and Child Pornography

[39] Under Swiss federal law, buying sexual services from minors aged between 16 and 18 years is not illegal. However, with the ratification of the Council of Europe Convention against Sexual Exploitation and Sexual Abuse article 195 CP will be amended and a new article 196 will be introduced. The protection will be extended from 16 to 18 years and will close a significant gap.

¹⁸ *Reporting on the OPSC and OPAC, A Guide for Non-Governmental Organizations*, by child rights connect, 2010 (formerly 'NGO Group for the Convention on the Rights of the Child'),
Download via: http://www.childrightsconnect.org/wp-content/uploads/2013/10/Guide_OP_EN_web.pdf



[40] Article 197 will be amended to cover viewing of child abuse material/ child pornography without 'possession'. Streaming via Internet, saving images in temporary Internet files without downloading the images or videos will qualify as criminal offence.

[41] Furthermore, any person who subjects a person under the age of 18 to pornographic documents or videos or pornographic representations is liable to a custodial sentence. Here the age of protection was extended from 16 to 18.

[42] Children until the age of 18 will be protected from participating in sexual representations. Any person soliciting a person under the age of 18 to participate in sexual representations is liable to a custodial sentence.

[43] Reservation made to article 23 Lanzarote Convention on 'Grooming'/ Solicitation of children for sexual purposes

However, Switzerland has made a reservation to Article 23 of the Council of Europe Convention on 'grooming'/ solicitation of children for sexual purposes arguing that federal legislation is sufficient to protect minors. This is far from being the case and at the same time a very narrow and harmful understanding of the risk of children and youth from online sexual abuse and exploitation:

[44] Children are exposed to new risks due to the Internet. There are countless cases of adults pretending to be a child/youth and getting into contact with a child for example using an Internet chat. According to the Swiss Cybercrime Unit (CYCO) it takes only a few moments before strong sexual language is used by the perpetrator even questions regarding sexual preferences of the minor and the request for a picture or video chat. This harmful online abuse must qualify as a criminal offence and mandatory police investigation. The next level of risk for the minor can be the person trying to meet with the child with the intention of sexually exploiting the child.

[45] The Committee should recommend to the Swiss Government:

- To withdraw the reservation made to Council of Europe Convention on the Prevention of Sexual Exploitation and Sexual Abuse, article 23 'grooming'/ 'solicitation of children for sexual purposes'/
- To pass new legal provisions explicitly criminalising Internet related crimes against children and make the solicitation of children for sexual purposes a criminal offence
- To amend article 198 of the Criminal Code explicitly making sexual abuse/ harassment of minors via the Internet (including sexual harassment by word, image, video) liable to punishment and qualify it as a criminal offence with mandatory investigation and prosecution upon notice as opposed prosecution only if the child affected/ guardian files a criminal complaint
- To adopt federal legislation granting the police the right for preventive investigation into Internet related crimes to detect cases of sexual harassment or solicitation for sexual purpose by an adult towards a child.¹⁹

¹⁹ Swiss Cybercrime Coordination Unit, Annual Report 2012.



- To take regulatory measures which increase safeguards for children in relation to the use of Internet
- To present a report on the policies and programmes planned to comply with obligations under articles 4 to 9 Lanzarote Convention on Preventive measures

[46] Sexual exploitation of children in travel and tourism

The Swiss Government should present its policy on travel bans and notifications of other countries on planned travels of convicted child sex offenders and what measures Switzerland undertakes if a notification is received on the planned entry to Switzerland by a person convicted for sexual exploitation of a child. In this regard, Switzerland must monitor convicted sex offenders and establish a national register for sex offenders.

[47] The Committee should recommend to the Swiss Government:

- To present policies and measures on protecting children from travelling sex offenders. A special register of convicted child sex offenders should be introduced and notifications of planned travel should be consistently exchanged between Switzerland and other countries.
- To make criminal record checks mandatory for tour operators and relief agencies if a person who is applying for a (volunteer) position abroad will be in direct contact with children ('voluntourism')
- To issue travel bans for convicted child sex offenders.



5. Protection of the Rights of Victims

[48] According to article 8 of Protocol State parties should undertake appropriate measures to protect the rights and interests of child victims at all stages of the criminal justice process, in particular by recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses. In addition recovery must be supported, access to procedures to seek compensation and prevention measures to protect children from these offences (arts. 8, 9). International cooperation is also called for in the areas of prevention, detection, investigation, prosecution and punishment of those responsible (art. 10).

[49] **No comprehensive data on victims of sexual exploitation and trafficking.**

There remains no comprehensive and systematic collection of data on victims and perpetrators of sexual abuse and exploitation. There is a huge gap in available data regarding the number and type of offences of sexual abuse and exploitation and trafficking carried out against children.²⁰

[50] *Counselling Services for children affected by sexual abuse and exploitation:*

In 2012 more than 3'500 children affected by sexual violence benefitted from counselling through specialised Victim Support Agencies. However, no data was collected giving details on the age of the child victim, the age of the offender, if and what kind of relation existed between victim and offender, the gender of the victim or offender.²¹ Although national data on counselling and support carried out by Victim Support Agencies is disaggregated according to the gender of a child affected by the offence and gender of the offender, age of victim and whether the victim knew the offender this data is not analysed in relation to type of crime.

[51] Until 2009 more detailed data was available. Unfortunately, this is no longer the case and it is not clear whether the Federal Statistical Office has stopped to collect this data or if data is no longer available to the public. In any case to fulfil the State duty to deliver adequate remedy and rehabilitation to child victims detailed data is key. In Switzerland the number of sexual abuse and exploitation offences carried out against children continues to be very high. Nearly a quarter of crimes of sexual type were against children.²²

[52] **Criminal justice process**

According to counselling centres for victims improvements have been made to support victims and witnesses during all stages of the criminal justice process. Exceptions do exist and particularly very young children are denied justice. The counselling centre

²⁰ National data on victim support, compare www.bfs.admin.ch

²¹ National data on victim support, compare www.bfs.admin.ch

²² Swiss Criminal Statistics of Law Enforcement Agencies, 2012, available at www.bfs.admin.ch



CASTAGNA²³ points out shortcomings in the investigation of suspected cases of sexual abuse and exploitation of children:

- [53] In Switzerland it is still the case that victims have less rights than offenders. On the one hand the inequality is demonstrated in the fact, that neither the victims are informed about the release of the offender nor is there an offender monitoring system in place which could minimize the risk of recidivism. On the other hand it is the victim that has to carry the burden of proof.
- [54] Especially for child victims under the age of five it is difficult to provide a complete chain of evidence. This is also the reason why there is no accusation in a lot of cases. To achieve a complete and consequential evidence that is approved by the court is almost impossible for a little child. A fact that increases this issue is that the staff working with the child victims have often no appropriated training, especially at the level of law enforcement agency and judiciary. But according to art. 8 para. 4. of this protocol State parties have to ensure appropriate training, in particular legal and psychological training for a person who works with victims .
- [55] To give an example to demonstrate how the lack of up-to-date knowledge at the level of law court prevents an accusation:

A small girl tells about the nursery school that the nursery school teacher was playing naked with her and suddenly there was yoghurt on her bottom.

The court decided the evidence was not plausible because in this nursery school there was no yoghurt at all.

- [56] Scientific findings show that small children use explanations by adults to handle unfamiliar impressions and experiences. Furthermore children often want to protect the offender, particularly because they mostly are in a too close relationship to him or her, so they just tell the least sever things.
- [57] Another deficit ensuring the rights of child victims is, that the obligation to inform at the institutional level is often not used. Particular institutions tend to investigate on their own and decide if there should be an official accusation or not. But there are often just laymen without the required expert knowledge, experience and especially not the required distance to judge in such cases. Here again is an example to show the need for professionalism and continuous training:

During 20 years a school social worker was employed in different municipalities. Almost at every work place there were indications and rumors about sexual assaults. The accusations were just investigated in institution intern bodies. The result of the investigation was mostly to dismiss the school social worker but

²³ CASTAGNA, Victim Support and Counselling Centre, Zurich, www.castagna-zh.ch. Interview conducted with Regula Schwager, counsellor of children and youth.



without informing the subsequent employer. This enabled the school social worker to go on with sexual assaults.

[58] Victim identification in relation to child pornography

Switzerland has the obligation to enhance efforts for victim identification. In relation to child abuse material (CAM) greater effort must be undertaken for the analysis of photographs and films depicting the sexual abuse of a child. Victim identification has several very important aims: locate the victim, stop any ongoing danger or abuse, recovery and stop re-victimization through circulation of the material.²⁴

[59] Interpol emphasises the fact that “image analysis is the examination of the digital, visual and audio content of those photographs and films for identification purposes. Clues can come from many places and in many forms, and it is the task of the victim identification specialist to retrieve those clues and piece them together using a range of specialized tools.” The results of this analysis will be crucial to the investigation that can then take place in the physical world. Child pornography is a globalized crime that needs strong international cooperation and victim identification specialists at federal and cantonal police in Switzerland.

[60] Child sexual abuse is a reality in every society but one that is rarely spoken about and is largely invisible due to the social taboos surrounding it. The vast majority of child sexual abuse and exploitation is not documented, mostly taking place behind closed doors in private settings such as the home. Contrary to common conceptions of the crime and its perpetrators, the abuser is most often a person known to the child, such as a parent, relative, neighbour or childcare professional.²⁵

[61] The Committee should recommend to the Swiss Government:

- To strengthen the Cybercrime Coordination Unit by creating a specialised police unit that pro-actively investigates child pornographic images/ cases of child sexual abuse online to identify victims in Switzerland and abroad.
- To strengthen investigation of cases of child abuse online as well as cases of sexual exploitation of minors that are not documented and convict perpetrators.

[62] Victim identification in relation to sale of children and trafficking

Child victims of trafficking are often not recognized as victims by police. Children who are being exploited and forced to beg or steal are often not regarded as victims of trafficking.

[63] Case ‘Ayala’

‘Ayala’ is the case of a young girl who was placed with relatives after her parents died.

²⁴ INTERPOL – Victim identification: <http://www.interpol.int/Crime-areas/Crimes-against-children/Victim-identification>; Swiss Cybercrime Unit (CYCO)

²⁵ *Kinderschutzgruppe und Opferberatungsstelle des Kinderspitals Zürich (Child Protection and Victim Support Unit, University Children’s Hospital Zurich), Annual Report and Statistics 2012 and 2013.*



'Ayala' was sexually exploited in an African country by a relative and then trafficked into France. There a relative forced her to apply for asylum and forced her into prostitution. At the age of 14 'Ayala' escape and applied for asylum in Switzerland. The hearing by the Swiss authority took place without a legal guardian for the child although this is mandatory. The Swiss government denied asylum on the grounds of Dublin policy, that a request for asylum could only be made in one European country. After a successful appeal to the Federal Court, 'Ayala' was recognized as a victim of trafficking and was granted asylum'.²⁶

[64] The Committee should recommend to the Swiss Government:

- To ensure special awareness exists for City police, Cantonal Police and Border Agency, social workers and other authorities who can get in contact with child victims of trafficking to be able to identify a child as a victim of trafficking
- To ensure that special awareness for trafficking exists in the procedure of asylum requests and for unaccompanied minors
- To ensure that all minors are granted a special person of confidence/ legal guardian in asylum procedure.

²⁶ www.odae-romand.ch, Observatoire romand du droit d'asile et des étrangers.



6. Prevention

[65] Civil Society Initiatives and Actions to protect children from sexual abuse and exploitation of children

The First State Report mentions a long list of activities provided by NGOs with the aim of preventing sexual violence against children. Although the State Report would give the impression that these successful initiatives are implemented nation wide and (fully) funded by the government, it must be emphasised that this is not the case.

[66] The need for national policies and programmes for prevention

Programmes and initiatives aimed at keeping children safe are neither (fully) funded by the Swiss Government nor are they carried out on a systematic and national level. Significant differences are to be found among the 26 cantons of Switzerland. Child Rights Network Switzerland strongly recommends a national strategy and action plan for child protection programmes. Swiss NGOs have developed various programmes and initiatives to protect children from sexual abuse and exploitation.

[67] Implementation of OPSC/ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

To fully comply with the obligations under OPSC and the newly ratified Lanzarote Convention Switzerland will have to present policies and programmes for the prevention of sexual abuse and exploitation, on training and awareness raising of persons working with children, on programmes for the education of children and awareness raising campaign. Action must be undertaken on the side of strengthening children. Action must also focus on the demand side and include monitoring and therapy of convicted child sex offenders and potential child sex offenders.²⁷

[68] The Committee should recommend to the Swiss Government:

- To present a report on the policies and programmes planned to comply with obligations under articles 4 to 9 Lanzarote Convention on Preventive measures against sexual abuse and exploitation, including regarding training and awareness raising of persons working with children, programmes for the education of children and awareness raising campaigns.
- To present policies and programmes for appropriate monitoring of convicted child sex offenders.
- To present policies and programmes for counselling and therapy to prevent a person of sexually abusing and exploiting a child or of reoffending.
- To set up specialised counselling and therapy centres and train counsellors and medical staff.
- A person trying to access a child pornography site that has been blocked by the Swiss Cybercrime Unit is automatically redirected to the website of the campaign 'Stop Child

²⁷ 'Kein Täter werden', www.kein-taeter-werden.de.



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Pornography' (launched by the Swiss Crime Prevention Organisation, ECPAT Switzerland and the Federal Police).

A list of counselling centres and specialists for paedo-criminals, paedophiles, a person at risk of sexually exploiting a child should be published on the website 'Stop Child Pornography'.



7. International Assistance and Cooperation

Enhance international assistance and cooperation

[69] *Child Pornography*

In relation to the sexual abuse of children to produce child abuse images and videos and the sale or circulation of this child abuse material, the State party must continue to enhance international cooperation. This is the only way to fight organized crime in this area of commercial sexual exploitation of children and for victim identification.

[70] The Swiss Cybercrime Unit of the Federal Police strongly recommends that the Federal Council enhances international assistance and cooperation: Membership of Switzerland to the Virtual Global Task Force (VGT) is now planned. Furthermore, the Federal Council has joined The Global Alliance against Child Sexual Abuse Online when it was launched in December 2012 and pledged full commitment. A first report on country implementation of the Global Alliance has been produced by the European Commission. Swiss implementation remains very low.

[71] **The Committee should recommend to the Swiss Government to:**

- To give detailed information on how the government will enhance international assistance and cooperation.
- To publish a detailed report on how the commitment made to the Global Alliance against Child Sexual Abuse Online is being fulfilled.²⁸

[72] *Cooperation regarding databases and victim identification*

Switzerland should continue to provide national data on victims and data on offenders to the International Child Sexual Exploitation Databases (for example the Interpol ICSE Database). The Swiss Cybercrime Coordination Unit has developed a national image hash value database (NDHS) enabling investigators to identify and compare images.²⁹

[73] *Special register for crimes against children and notification of travel/ travel ban*

The Swiss Government should present its policy on travel bans and notifications of other countries on planned travels of convicted child sex offenders and what measures Switzerland undertakes if a notification is received on the planned entry to Switzerland by a person convicted for sexual exploitation of a child. In this regard, Switzerland must monitor convicted sex offenders and establish a national register for sex offenders.

[74] *Sexual exploitation of children in the context of travel and tourism*

The awareness campaign 'Don't Look Away! stopchildsextourism.ch' to protect children

²⁸ *Virtual Global Task Force Combatting Online Child Sexual Abuse* (<http://www.virtualglobaltaskforce.com>), *Global Alliance against Child Sexual Abuse Online*, see Report December 2013, <http://ec.europa.eu/home-affairs>.

²⁹ Swiss Cybercrime Coordination Unit, Annual Report 2012.



from sexual exploitation in travel and tourism was launched in 2010 in cooperation between Swiss Foundation for Child Protection / ECPAT Switzerland, Federal Office of Police and the Swiss State Secretariat for Economic Affairs SECO (responsible for trade promotion and tourism policies) SECO, Fedpol and ECPAT Switzerland. The Swiss campaign has been extended to other European countries. The international network to protect children and prosecute and convict travelling sex offenders must be strengthened. An important part is the exchange of information among foreign national police and the Swiss Police for cases involving Swiss nationals. The Swiss Police Attachés/ Liaison Officers can play a key role. However, only a very limited number of Swiss Police Attachés/ Liaison Officers are posted abroad (i.e. no Police Attaché in Africa, one Person in Thailand and covering South East Asia)

[75] Trafficking of Children

At the level of assistance and international cooperation, the Alternative Report recommends further bilateral (outreach) programmes against the sale of children in the way the Swiss Government has initiated with Romania to prevent children being trafficked to Switzerland and exploited.



8. Summary of Recommendations for OPSC implementation

The key recommendations to be made to the Swiss Government are summarised here.

[76] Coordination and Monitoring

In the field of child protection no national coordination and monitoring system on CRC and OPSC implementation exists. Very often federal law is not fully implemented due to budget restrictions and/ or priorities in budget allocation made by the State Party or cantons. Policies and programmes necessary to promote the rights and protection of children are therefore not carried out. The appointment of a National Rapporteur on the status of sexual abuse and exploitation of children and on the sale and trafficking of children would greatly improve the monitoring of OPSC implementation in Switzerland.

The Committee should recommend to the Swiss Government:

- To take into account the study by the Swiss Centre of Expertise in Human Rights on the implementation of international human rights recommendations in Switzerland and elaborate a mechanism to follow-up on recommendations by the Committee on the Rights of the Child.
- To establish a legally based independent human rights institution in the spirit of the Paris Principles which - in line with General Comment No. 2 of the Committee on the Rights of the Child - has a clear mandate with respect to matters arising from the Convention and Protocols.
- To appoint a National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children
- To establish a constitutional basis to enable the federal government to issue principles on the protection, promotion and participation of children and youth.
- To develop a national strategy on policies and programmes for the prevention of sexual abuse and violence and recovery for children affected by these severe crimes.

[77] Implementation of OPSC/ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

The Committee should recommend to the Swiss Government:

- To enact the new legal provisions to the Swiss Criminal Code as soon as possible (latest by 1 July 2014)
- To present a report on the policies and programmes planned to comply with obligations under articles 4 to 9 Lanzarote Convention on Preventive measures against sexual abuse and exploitation, including regarding training and awareness raising of persons working with children, programmes for the education of children and awareness raising campaigns.
- To present policies and programmes for appropriate monitoring of convicted child sex



offenders.

- To present policies and programmes for counselling and therapy to prevent a person of sexually abusing and exploiting a child or of reoffending.
- To set up specialised counselling and therapy centres and train counsellors and medical staff.
- A person trying to access a child pornography site that has been blocked by the Swiss Cybercrime Unit is automatically redirected to the website of the campaign 'Stop Child Pornography' (launched by the Swiss Crime Prevention Organisation, ECPAT Switzerland and the Federal Police).

A list of counselling centres and specialists for paedo-criminals, paedophiles, a person at risk of sexually exploiting a child should be published on the website 'Stop Child Pornography'.

- To plan government financial support for cantons and ensure that cantons carry out planned measures

[78] Grooming/ Solicitation of children for sexual purposes

The Committee should recommend to the Swiss Government:

- To withdraw the reservation made to Council of Europe Convention on the Prevention of Sexual Exploitation and Sexual Abuse, article 23 'grooming'/ 'solicitation of children for sexual purposes'/
- To pass new legal provisions explicitly criminalising Internet related crimes against children and make the solicitation of children for sexual purposes a criminal offence
- To amend article 198 of the Criminal Code explicitly making sexual abuse/ harassment of minors via the Internet (including sexual harassment by word, image, video) liable to punishment and qualify it as a criminal offence with mandatory investigation and prosecution upon notice as opposed prosecution only if the child affected/ guardian files a criminal complaint
- To adopt federal legislation granting the police the right for preventive investigation into Internet related crimes to detect cases of sexual harassment or solicitation for sexual purpose by an adult towards a child.³⁰
- To take regulatory measures which increase safeguards for children in relation to the use of Internet

³⁰ Swiss Cybercrime Coordination Unit, Annual Report 2012.



[79] Data Collection

The Committee should recommend to the Swiss Government:

- To collect national data on child sexual abuse and exploitation
- To collect detailed and disaggregated data on crimes of violence, sexual abuse and exploitation of children and the sale of children.
- To undertake studies with a view of assessing the extent of violence, sexual abuse and exploitation and trafficking of children – including sexual abuse and exploitation via internet – to be able to implement appropriate policies and measures for prevention and recovery.
- To create the foundations for the collection of representative data on particularly vulnerable groups of children and youth.

[80] Combatting Child Pornography: Criminal Law and Law enforcement

The Committee should recommend to the Swiss Government:

- To take immediate action against child pornography
- To clarify immediately that article 197 CP 'Child Pornography' must be applied in favour of the full protection of children and include as criminal offence the production, sale and distribution of a video showing specifically naked children
- In case the State party/ jurisprudence does not allow this interpretation of article 197 CP then article 197 CP must immediately be amended to include images and videos of naked children produced and commercially distributed as a criminal offence
- To adopt a guideline regarding 'posing images' of minors that fully protect children from sexual abuse and exploitation
- To adopt a guideline regarding 'teen modelling websites' that fully protect children from sexual exploitation

[81] Sexual Exploitation in Travel and Tourism

The Swiss Government should present its policy on travel bans and notifications in relation to convicted child sex offenders.

The Committee should recommend to the Swiss Government:

- To present policies and measures on protecting children from travelling sex offenders. A special register of convicted child sex offenders should be introduced and notifications of planned travel should be consistently exchanged between Switzerland and other countries.



[82] Enhance international assistance and cooperation

[83] Child Pornography: Cooperation for victim identification and global initiatives

A strong cooperation and assistance between the Federal Office of Police and other countries is very important. The Federal Council joined the Global Alliance against Child Sexual Abuse Online in 2012 and must show full commitment to this initiative through national child protection policies and measures.

The Committee should recommend to the Swiss Government:

- To provide national data on victims and data of offenders to the International Child Sexual Exploitation Databases (for example the Interpol ICSE Database). The Swiss Cybercrime Coordination Unit has developed a national image hash value database (NDHS) enabling investigators to identify and compare images. This should be further developed and strengthened and compatibility with international databases ensured.
- To fully support international initiatives for cooperation.
- To give detailed information on how the Federal Council is implementing the commitment made to the Global Alliance Against Child Sexual Abuse Online.

[84] Prevention of Child Trafficking

At the level of assistance and international cooperation, bilateral (outreach) programmes to prevent minors being sold and/or trafficked into Switzerland are important

The Committee should recommend to the Swiss Government:

- To launch programmes for international cooperation and awareness raising on combatting the sale of children
- To ensure children who are victims are identified as such and receive assistance and recovery support

[85] Training on the prevention of sexual abuse, exploitation or trafficking of children

The knowledge of the CRC and OPSC must be enhanced among government bodies. Furthermore, the understanding of the seriousness of sexual crimes against children needs to be improved.

The Committee should recommend to the Swiss Government:

- To ensure government bodies are aware of the CRC and its Optional Protocols and apply these international standards for new policies and programmes



ANNEX I

RESOURCES

Publications

ECPAT, *Global Monitoring Report on the status of action against commercial sexual exploitation of children – Switzerland*, ECPAT Bangkok, 2013, available at www.ecpat.net

First Report of Switzerland of 9 December 2011 on 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. The Report is available in French and German and can be accessed via <http://www.eda.admin.ch/eda/de/home/topics/human/humri/humrtr/humrep/childr.html>

Child Rights Network Switzerland, *Second NGO Report to the Committee on the Rights of the Child – Switzerland*, 2013, available at www.netzwerk-kinderrechte.ch

Child Protection Unit of the Paediatric Hospital Services Zurich (Kinderschutzgruppe des Kinderspitals Zürich)
Annual Report, 2013,
available at www.kispi.uzh.ch/Kinderspital/Medizin/Kinderschutzgruppe_en.html

Dis No, *Abus envers les enfants : éviter le premier passage à l'acte. Etat des lieux et analyse de la situation au niveau international. Perspective pour la Suisse romande*, Octobre 2012, Association Dis No, www.disno.ch

OPTIMUS Study Initiative, *Optimus Study Switzerland on sexual violence among teenagers*, 2012, available at www.optimusstudy.org

Journal of Adolescent Health (2013) 1-8, www.jahonline.org *Child Sexual Abuse Revisited : A Population-Based Cross-Sectional Study Among Swiss Adolescents*, by Meichun Mohler-Kuo, Sc.D, Markus A. Landolt, Ph.D., Thomas Maier M.D., Ursula Meidert, M.S., Verena Schönbucher, Ph.D., Ulrich Schnyder, M.D.

Swiss Cybercrime Coordination Unit – *Annual Report 2012*, Switzerland, 2013, available at www.cybercrime.admin.ch

Swiss Centre of Expertise in Human Rights (SCHR), *The status of children and youth politics in Switzerland*, 2013 ('Mise en oeuvre des droits humains en Suisse – Un état des lieux dans le domaine de la politique de l'enfance et de la jeunesse'), Weblaw editions, available at www.skmr.ch



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Thematic and Country Reports of the Special Rapporteur on the sale of children, child prostitution and child pornography, available at www.ohchr.org

Universal Periodic Review Switzerland, Report submitted to the Office of the United Nations High Commissioner for Human Rights (OHCHR) by Swiss Foundation for Child Protection/ ECPAT Switzerland, 2012 and Summary prepared by the OHCHR in regard to Switzerland, see www.ohchr.org

UNICEF Innocenti Research Centre, *Handbook on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*, UNICEF IRC, Florence, 2009, available at www.unicef-irc.org/publications/

Databases and Websites

ECPAT International, www.ecpat.net

ECPAT Switzerland, www.ecpat.ch/ www.kinderschutz.ch

Child Rights Network Switzerland, www.netzwerk-kinderrechte.ch

Don't Look Away! www.stopchildsextourism.ch

Office of the High Commissioner for Human Rights, www.ohchr.org

Swiss Government Resources:

www.admin.ch

www.cybercrime.admin.ch

www.bfs.admin.ch

INTERPOL, Crimes Against Children Unit, www.interpol.org

OPTIMUS Study Initiative, www.optimusstudy.org

UNICEF Innocenti Research Centre, www.unicef-irc.org

Virtual Global Task Force, www.virtualglobaltaskforce.com

Global Alliance against Child Sexual Abuse Online, www.ec.europa.eu/home-affairs



ANNEX II

Civil society initiatives for prevention of Sexual Exploitation and Trafficking

'My Body is mine!'

The interactive programme 'My Body is mine!' is an important measure for the prevention of sexual abuse. Swiss Foundation for Child Protection adapted this programme aimed at children attending 2nd, 3rd and 4th grade of elementary school 'My Body is mine' is an interactive exhibition to keep children safe. Specially trained staff assists the children. So far, only 12 cantons and 3 municipalities bought this programme and interactive exhibition.³¹

Don't Look Away! – www.stopchildsextourism.ch

A major area of concern remains the risk of children being sexually exploited and abused in the context of travel and tourism. "Don't Look Away! www.stopchildsextourism.ch" is an awareness campaign addressed to the public – people travelling abroad for tourism or business – and to tourism professionals. Another key aspect of this child protection initiative is the law enforcement side. Switzerland created the world's first online reporting reform. Tourists and travellers can use this form to quickly report any suspected cases of child sexual exploitation.³²

Switzerland launched this campaign in 2010 - partners of the campaign are Swiss Foundation for Child Protection/ ECPAT Switzerland, Swiss State Secretariat of Economic Affairs, Fedpol and the tourism industry.

Youth and Social Media

There are various programmes aimed at *children* and youth to learn a safe way of using the Internet and social media. Some initiatives are also aimed at parents. However, children in Switzerland continue to be exposed to various Internet related crimes: grooming, cybermobbing, being sent offensive content. The efforts on educating children on the risks must be drastically increased.

Some of the current information booklets and online platforms are: '*My little Safebook*'³³ that was developed by the Swiss Organisation for Crime Prevention. Further information is available on www.safersurfing.ch, www.klicksafe.ch, '*Youth and Media*' ("www.jugendundmedien.ch")

'Switzerland Against Human trafficking' - A week of action against human trafficking (18 -25 October 2013)

In a collaboration between the Federal Department of Foreign Affairs, Federal Office of Police and a coalition of NGOs a special week of action against trafficking of children and adults took

³¹ www.kinderschutz.ch, Kinderschutz Schweiz/ ECPAT Switzerland. The following cantons participate in the programme: (Basel-Stadt, Basel-Land, Geneva, Lucerne, Obwalden, St.Gallen, Solothurn, Schwyz, Thurgau, Tessin, Uri, Zurich.)

³² Online reporting form for suspected cases of sex tourism involving minors: www.stopchildsextourism.ch, www.fedpol.admin.ch

³³ Schweizerische Kriminalprävention, My little Safebook, available via <http://news.skppsc.ch/de/2013/01/24/neue-broschure-my-little-safebook-fur-einen-sicheren-umgang-mit-den-sozialen-medien/>



place in October 2013. The International Organization for Migration (IOM), ECPAT Switzerland, Swiss Foundation for Child Protection, FIZ (advocacy and support for victims of trafficking) and Coeur des Grottes (advocacy and support for victims of trafficking) and members of the police and other authorities carried out awareness activities³⁴. Again, many NGOs demonstrated a great effort to raise awareness of the public on victims of trafficking but did not receive government funding.

National Action Plan to Fight Human Trafficking

The National Action Plan to fight human trafficking follows an international move to raise awareness and identify victims of human trafficking on a national level. The Federal Department of Justice and Police launched the National Action Plan against Trafficking in 2012. The Swiss Coordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM) is responsible for implementation in cooperation with NGOs.

„I am my Bodyguard“

A prevention and self-defence course for children aged 6-14

Innocence in Danger offers a new life skills course. With this fun-based three hours course, especially designed for children, the participants learn how to avoid and protect themselves against sexual predators, and they develop an understanding of awareness, self-confidence and physical self-defence skills.³⁵

Summer Camp for children affected by sexual abuse and exploitation

Innocence in Danger organizes a retreat summer camp for twenty children aged 7-14, who have been affected by sexual abuse. One guardian parent is invited to accompany the child to the camp. During their ten-day stay, the attendants participate in a program consisting of creative and sportive activities, which support the development of their resilience. The camp helps children and parents to regain their self-confidence, to find ways to deal with their experiences and to reconstruct their personalities. The summer camp is free of charge for all participants. All costs are covered by Innocence in Danger.³⁶

³⁴ Die Schweiz gegen Menschenhandel. <http://www.18oktober.ch>, 2013.

³⁵ www.innocenceindanger.ch, 'I am my Bodyguard' can be booked by schools, private or public parties. It is available in English and German. A French translation is planned. Project partners are security companies Excel Security Solutions and Anax.

³⁶ www.innocenceindanger.ch.