



FACTSHEET – SWITZERLAND

Lanzarote Committee Implementation Report on:

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)”

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I. Introduction

Protecting children from sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs) is a common challenge faced by all States. The often transnational nature of these offences makes international cooperation of the utmost importance especially to identify and protect victims as well as to identify and prosecute perpetrators.

The Council of Europe [Convention on the Protection of Children against sexual exploitation and sexual abuse](#) (“Lanzarote Convention”) is a comprehensive instrument that sets out the applicable standards necessary to:

- Prevent child sexual exploitation and abuse, including where this is facilitated by ICTs;
- Protect victims;
- Prosecute perpetrators; and
- Promote national and international co-operation to strengthen these actions.

The [Committee of the Parties to the Lanzarote Convention](#) (“the Lanzarote Committee”) monitors the implementation of the Convention in thematic monitoring rounds. This allows for all Parties to be monitored simultaneously on the same theme.

Particularly concerned by the exponential increase in offences committed using child self-generated sexual images and/or videos (CSGSIV), the Lanzarote Committee decided to dedicate its second monitoring round to this topic. The 43 States that were Party to the Convention at the time the monitoring round was launched took part, including Switzerland.

The [implementation report](#) adopted by the Lanzarote Committee in the context of this monitoring round is based on information provided by [State Parties](#) and [other stakeholders](#) in response to a questionnaire. The implementation report also contains information received from 306 [children](#) in 10 Parties who chose to participate.

The Lanzarote Committee’s recommendations to improve or reinforce the protection of children against sexual exploitation and sexual abuse can be found in boxes in each of the 10 thematic chapters. The key messages resulting from the children’s participation are also reflected throughout the whole report. Each chapter also includes examples of promising practices.

The Lanzarote Committee indicates the different levels of urgency applicable to the recommendations made by using the following terms:

- **“Require”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by its Explanatory report;
- **“Request”**: when the steps recommended correspond to obligations arising from the Lanzarote Convention, as clarified by documents adopted by the Committee (e.g. previous monitoring round findings, opinions, other)¹;
- **“Invite”**: when the steps recommended correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Lanzarote Convention.

This factsheet is based on the implementation report and has been prepared by the Lanzarote Committee Secretariat as a practical tool to be used by Switzerland to clearly identify the relevant recommendations and actions addressed by the Lanzarote Committee to it. Therefore, it does not include updated information on measures implemented by the Parties since the adoption of the report in March 2022. Parties are

¹ See Rule 30 (General comments, proposals and opinions) of the Lanzarote Committee’s Rules of Procedure.

encouraged to inform the secretariat of any relevant measures implemented after that date, which may have an impact on the Committee's analysis and recommendations by completing this [online form](#) or by email to lanzarote.committee@coe.int.

Key findings of the implementation report as to all Parties

The Committee raised particular concerns that in the vast majority of State Parties, children are at risk of criminal liability in relation to their own self-generated materials, and that many Parties do not provide for the specific offence where a child is a victim of extortion involving the use of its CSGSIV.

Strengthening international cooperation was identified as of particular importance in this context, given that these offences often contain a transnational element. The Lanzarote Committee also called on Parties to establish jurisdiction where any constituent element of an offence takes place within their territory.

Many Parties were found to provide mechanisms to facilitate reporting of these crimes but without providing specific services to support and assist children who have been victims of online sexual abuse to recover. Lack of public awareness and education, including among children, about the specific risks associated with ICT facilitated sexual abuse and self-generated content was also identified as a common challenge.

II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to Switzerland

The Committee observes that Switzerland does not have a legislative definition, prosecutorial practice or case law to rely upon to describe child sexual abuse material (“CSAM”).²

To improve the effective implementation of the Convention, the Committee **invites** Switzerland: to introduce a definition of “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)^{3 4}

Reservations allowed by Article 20(3) of the Convention as regards own sexual images consensually produced and possessed by children for private use

The Committee highlights that Article 20(3) second indent foresees exemption from liability for the production and possession of one’s sexually explicit images only where the children in question are above the age of sexual consent and where the material is produced/possessed with their consent for their own private use.⁵ The Committee observes that Switzerland made such a reservation.⁶ Regarding the implementation of the reservation in national law, the Committee observes that in Switzerland children above 16 are exempt from penalties relating to child pornography in such circumstances (Article 197(8) of the Criminal Code).⁷

Interplay of the age of criminal responsibility and the age of sexual consent with the criminalisation of conduct related to the production and possession of CSAM and CSGSIV

Children who are below the age of criminal responsibility (the age of 10⁸) and above the legal age for sexual activities (it appears to be 16 in Switzerland) cannot be held criminally liable for production and possession of CSGSIV in Switzerland.⁹ However, the Committee notes that, based on the information submitted to it, children younger than 16 may be held criminally liable, but no sentence would be pronounced for a series of reasons (e.g. if the sentence would jeopardise the purpose of a protective measure already ordered or to be ordered in the context of the proceedings, if the juvenile’s culpability and the consequences of the act are of little importance, if the juvenile has been directly affected by the consequences of his or her act to such an extent that a sentence would be inappropriate, if the juvenile has already been sufficiently punished by his or her parents, if a relatively long period has elapsed since the act, if the juvenile’s behaviour has been satisfactory and if the public interest and the interest of the injured party in prosecuting the juvenile are of little importance as foreseen by Article 21 Droit Pénal des mineurs (DPMIn)). Furthermore, the investigating authority, the juvenile prosecutor’s office or the court shall waive criminal prosecution in cases where the conditions for exemption under Article 21 of the DPMIn are fulfilled and no protective measures are required

² Para. 50.

³ The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular](#)

⁴ Recommendation II-3.

⁵ Para. 54.

⁶ Para. 55.

⁷ Para. 56.

⁸ Fines and deprivation of liberty cannot be applied as criminal sanctions to children under the age of 15.

⁹ Para. 71.

or the civil authority has already ordered appropriate measures, or the conciliation or mediation has been successful in line with Article 5 Procédure Pénale applicable aux mineurs (PPmin). The Committee also notes that that a revision of the penal code concerning sexual offences is ongoing. It includes *inter alia* the above-mentioned article 197 para. 8 of the Criminal Code as well as issues related to the criminal liability for child self-generated sexual images/videos.¹⁰

- To improve the effective implementation of the Convention, the Committee **requests** Switzerland to ensure in its legal framework¹¹ that a child will not be prosecuted when he/she possess:
 - their own self-generated sexually suggestive or explicit images and/or videos;
 - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
 - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for them.¹²

Criminalisation of conduct related to “offering or making available” CSAM and its relationship with the sharing their own or other children’s self-generated material

The Committee observes that children are potentially criminally liable for the distribution or transmission of their own CSGSIV under special circumstances,¹³ and Switzerland has rules that lead to the criminalisation of the distribution by children of SGSIV of *other* children.¹⁴

Therefore, the Committee **requests** Switzerland to ensure in its legal framework¹⁵ that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual and intended solely for their own private use.¹⁶
- the distribution or transmission by

¹⁰ Para. 74.

¹¹ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹² Recommendation II-6.

¹³ Para. 78.

¹⁴ Para. 82.

children of self-generated sexually explicit images and/or videos of other children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) of the Convention.¹⁷

Other criminal offences foreseen by the Lanzarote Convention (Articles 22 and 23) that may involve the sharing of CSGSIV

The Committee notes that the conduct involving the “distribution or transmission” of CSGSIV may also come within the scope of other offences covered by the Convention. A person intentionally sending CSGSIV to children not depicted in the images/videos themselves may be considered as having caused the child to witness sexual abuse or sexual activities. This would thereby fall under Article 22 of the Convention (“Corruption of children”). In such case, the recipient child should not be considered to possess or have obtained access to “child pornography” (as made clear by paragraph 6 of the Committee’s 2019 Opinion). In this regard, the Committee observes that that Switzerland, Article 197(1) of the Criminal Code makes it an offence for any person to offer, show, pass on or make accessible to a person under the age of 16 pornographic documents, sound or visual recordings, depictions or other items of a similar nature.¹⁸

- To improve the effective implementation of the Convention, the Committee **invites** Switzerland to consider criminalising the offence of “grooming” (solicitation of children for sexual purposes), even when it does not lead to a face-to-face meeting or producing child sexual abuse material.¹⁹

On the prosecution of conduct amounting to “sexual extortion of children”

The Committee observes that in cases of “sexual extortion of children” for the objective of obtaining additional sexual images or videos of the child, Switzerland prosecutes for offences

¹⁵ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹⁶ Recommendation II-8.

¹⁷ Recommendation II-9.

¹⁸ Para. 83.

¹⁹ Recommendation II-10.

related to “child pornography”, in concurrence with offences where threat is a core element, such as extortion or coercion.²⁰ Additionally, Switzerland referred to further offences which may be established, in recognition of the constituent elements of coercion/extortion, such as the offence of corruption of children, as well as wilful defamation and the breach of secrecy or privacy through the use of an image-carrying device.²¹

In cases where the objective of the perpetrator is to obtain other sexual favours from the child depicted in the images/videos or from another child, the Committee observes that Switzerland

would prosecute for offences related to sexual abuse of a child in accordance with Article 18, child prostitution, participation in pornographic performances, corruption of children,²² Indecent assault, or threatening behaviour and coercion.²³ Switzerland would also prosecute conduct relating to the possession of the initial child sexual image or video as an offence related to “child pornography” under Article 20.²⁴

In cases where the objective of the perpetrator is a financial gain, the Committee observes that in Switzerland the conduct will be qualified as extortion or aggravated extortion, and Switzerland referred to the offence of coercion.²⁵

Generic recommendations of the Committee on legal frameworks

The Committee **invites** all Parties, including Switzerland:

- to rather use the term “child sexual abuse material” (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the “Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse” in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children;²⁶
- to strengthen the protection of children by introducing explicit references in their respective legal frameworks to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort;²⁷
- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children

in the context of offences covered by the Convention;²⁸

- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos;²⁹
- when dealing with sexual extortion cases involving children, to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional self-generated sexual images and/or videos, other sexual favours, a financial gain or other gain to the offenders by:
 - either creating a specific incrimination to address this situation;
 - or prosecuting both the initial detention of CSGSIV and the act of extortion;³⁰
 - to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.³¹

²⁰ Para. 98.

²¹ Para. 100.

²² Para. 102.

²³ Para. 104.

²⁴ Para. 103.

²⁵ Para. 106.

²⁶ Recommendation II-1.

²⁷ Recommendation II-2.

²⁸ Recommendation II-4.

²⁹ Recommendation II-7.

³⁰ Recommendation II-11.

³¹ Recommendation II-12.

III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on investigations and prosecution specific to Switzerland

The Committee observed that Switzerland's investigation, prosecution, and legal services are already in line with some of its recommendations as Switzerland has:

- specialised units dealing with ICT-facilitated offences against children within law enforcement, with some having more than one specialised unit.³²
- training programmes provided by State authorities and external training available for law enforcement agents, used either in full or in part to provide information related to aspects of child sexual exploitation and sexual abuse.³³
- training programmes organised by prosecution authorities and external training available for prosecutors and judges on aspects of child sexual exploitation and sexual abuse.³⁴
- victim identification units within law enforcement for cases of ICT facilitated sexual offences against children.³⁵
- the National Image Hash Value Database (NDHS) of the Swiss Cybercrime Coordination Unit for identification of victims in child abuse materials.³⁶

The Committee also observes that Switzerland makes an active contribution to the INTERPOL's international child sexual exploitation (ICSE) database through its units specialised in cybercrime or high-tech crimes.³⁷

- To improve the effective implementation

of the Convention, the Committee **requests** Switzerland to ensure that training on ICT facilitated sexual offences against children is available for prosecutors and judges who are or will be working on these issues.³⁸

The Committee also **invites** Switzerland:

- to establish, where appropriate, specialised units, services or persons within the courts in charge of dealing with ICT facilitated sexual offences against children.³⁹
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.⁴⁰
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.⁴¹
- to provide specific training⁴² on ICT facilitated sexual offences against children, including when such offences involve CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.⁴³
- to ensure that training on the challenges raised by CSGSIV and ICT-facilitated coercion or extortion of children⁴⁴ is available to prosecutors

³² Para. 115.

³³ Para. 145, 146, 148.

³⁴ Para. 156, 157, 167.

³⁵ Para. 180.

³⁶ Para. 183.

³⁷ Para. 186.

³⁸ Recommendation III-16 and III-18.

³⁹ Recommendation III-8.

⁴⁰ Recommendation III-9.

⁴¹ Recommendation III-10.

⁴² Such trainings can also be part of broader training programmes.

⁴³ Recommendation III-14.

⁴⁴ Such trainings can also be part of broader training programmes.

and judges.⁴⁵

- to offer joint (or “joined-up”) training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.⁴⁶
- to ensure that training on ICT-facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.⁴⁷

The Committee observes that for Switzerland the speed of development of modern technologies and the internet is a challenge as it requires constant development of IT experts’ knowledge,

which can be crucial during the investigation phase. These identified difficulties underscore the need for on-going, post-qualification training of all professionals involved in proceedings concerning ICT-facilitated sexual exploitation and abuse, which is ideally mandatory.⁴⁸ Additionally, Switzerland referred to the use of the Darknet and virtual private networks which make it more difficult to detect offences and their perpetrators.⁴⁹ Switzerland noted that where evidence is obtained, searching the data of devices in order to isolate and analyse it requires a considerable amount of time, resources and work.⁵⁰ Switzerland also recalled that it may even happen that the encryption is so effective that the law enforcement specialists cannot decode the entirety of the data entered.⁵¹

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities:

- Mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Committee **requests** those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.⁵²

The Committee **invites** all Parties, including Switzerland:

- to ensure that the capacities of any investigative unit specialised in ICT-facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators. Additionally, the Committee invites all Parties to exchange best practices between the relevant investigative units.⁵³
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against

children involving CSGSIV.⁵⁴

On measures to ensure the effective investigation and prosecution:

The Committee **invites** all Parties, including Switzerland:

- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflect current practices across Parties, including establishing and using national child abuse material databases, and that resources are sufficiently allocated.⁵⁵
- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other’s databases or shared databases, including those containing information on such perpetrators.⁵⁶
- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the

⁴⁵ Recommendations III-17 and III-19.

⁴⁶ Recommendation III-20.

⁴⁷ Recommendation III-21.

⁴⁸ Para. 173.

⁴⁹ Para. 195.

⁵⁰ Para. 207.

⁵¹ Para. 208.

⁵² Recommendations III-3 and III-7.

⁵³ Recommendation III-4.

⁵⁴ Recommendation III-5.

⁵⁵ Recommendation III-24.

⁵⁶ Recommendations III-25, III-29.

rights of the parties involved.⁵⁷

- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is

sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.⁵⁸

⁵⁷ Recommendation III-31.

⁵⁸ Recommendation III-32.

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations of the Committee on jurisdiction rules specific to Switzerland

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1) (a-c))

The Committee notes that Switzerland has established laws clarifying the circumstances in which their national criminal law will apply to a transnational situation following the territoriality principle. Pursuant to article 8 of the Criminal Code of Switzerland, an offence is considered to be committed at the place where the person commits it or unlawfully omits to act, and the place where the offence has taken effect.⁵⁹

Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

The Committee observes that Switzerland has reserved the right not to apply the jurisdiction rule provided under the Convention requiring Parties to take the necessary legislative and other measures to establish jurisdiction over offences committed by persons who have their habitual residence in its territory (Article 25(1)(e)). Accordingly, Switzerland does not establish jurisdiction over any offence covered by the Convention if the offence was committed by a person who has his or her habitual residence in its territory.⁶⁰

- The Committee **invites** Switzerland to consider removing this reservation and establish jurisdiction for offences under the Convention when such offences are committed abroad by persons having their habitual residence in its territory.⁶¹

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from

the State where the offence was committed (Article 25(6))

The Committee observes that in Switzerland the offences of sexual abuse, offences concerning child prostitution, the production of child pornography and participation of a child in pornographic performances are prosecuted ex officio in line with Article 25(6) of the Convention.⁶²

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4)): the dual criminality principle

The Committee observes a **promising practice** as Switzerland can establish jurisdiction in case of offences committed against a person under eighteen years of age, irrespective of the laws of the country of commission and the nationality of the offender, if the offender is present in Switzerland. The dual criminality principle is not applicable, including for offences where the accused is not a national or habitual resident of the Party.

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

As detailed in the Explanatory Report of the Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed against one of their nationals or a person having habitual residence in their territory under Article 25(2). The passive personality principle is applied in respect of offences committed against a national in Switzerland.⁶³

⁵⁹ Para. 214.

⁶⁰ Para. 216.

⁶¹ Recommendation IV-3.

⁶² Para. 218.

⁶³ Para. 231.

- The Committee **requests** Parties that are not already doing so, including Switzerland, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the

Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.⁶⁴

⁶⁴ Recommendation IV-9.

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Observations of the Committee on international cooperation specific to Switzerland

The Committee observed that WeProtect,⁶⁵ European Financial Coalition,⁶⁶ ECPAT,⁶⁷ Victims Support Europe,⁶⁸ and EMPACT⁶⁹ conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Switzerland.⁷⁰ Switzerland reported the work with Victim Support Europe and a site related to victims assistance where a part is specifically dedicated to victims of offences committed outside the country.⁷¹

Additionally, law enforcement representatives from Switzerland attend the Europol's central training course "Combatting the Sexual Exploitation of Children on the Internet" (COSEC) and Europol-Interpol-Cepol co-organised training course on victim identification (VID training course) in addition to collaborating with the European Police College (CEPOL).⁷²

Generic recommendations of the Committee on international cooperation

• The Committee **requests** all Parties, including Switzerland, to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁷³

The Committee **invites** all Parties, including Switzerland:

• to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to CSGSIV.⁷⁴

• to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in

accordance with the Lanzarote Convention, in matters related to CSGSIV.⁷⁵

• to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁷⁶

• to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to CSGSIV.⁷⁷

• to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁷⁸

• to support regional and international

⁶⁵ <https://www.weprotect.org/>

⁶⁶ <http://www.europeanfinancialcoalition.eu/>

⁶⁷ <https://ecpat.org/>

⁶⁸ <https://victim-support.eu/>

⁶⁹ <https://www.europol.europa.eu/empact>

⁷⁰ Para. 255.

⁷¹ Para. 261.

⁷² Para. 259.

⁷³ Recommendation V-3.

⁷⁴ Recommendations V-6, V-11.

⁷⁵ Recommendations V-4, V-7, V-12, V-15.

⁷⁶ Recommendation V-5.

⁷⁷ Recommendations V-8, V-13.

⁷⁸ Recommendation V-9.

capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to CSGSIV.⁷⁹

- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Lanzarote Convention, in investigation and proceedings concerning the offences established in accordance with the Lanzarote Convention, in

particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to CSGSIV.⁸⁰

- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to CSGSIV, in assistance programmes for development provided for the benefit of third States.⁸¹

⁷⁹ Recommendation V-10.

⁸⁰ Recommendations V-14, V-16.

⁸¹ Recommendation V-19.

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations of the Committee on assistance to victims specific to Switzerland

The Committee observes that helplines for children that are accessible 24 hours a day, 7 days a week and that are run in collaboration between different bodies, including ministries and NGOs in Switzerland, can be very effective for victims who benefit from this synergy and broader services.⁸²

Switzerland also provides moral and financial compensation to victims of crime, including children victims of sexual abuse.⁸³

The Committee also observes that Switzerland

has carried out advertising campaigns to raise awareness of violence facilitated by ICTs, informing all children about the possibility of calling for help when encountering sexual abuse and violence.⁸⁴

Additionally, the Committee observes that Switzerland has legislation addressing the problem of child abuse facilitated by information and communication technologies.⁸⁵

Generic recommendations of the Committee on assistance to victims

- The Committee **invites** all Parties, including Switzerland, to promote awareness raising or specialised training for professionals who advise children through telephone or

internet helplines on ICT-facilitated sexual exploitation and abuse of children – including the risks associated with CSGSIV – and how to provide appropriate support to victims and to those who wish to help them.⁸⁶

⁸² Para. 277, 280.

⁸³ Para. 293.

⁸⁴ Para. 279.

⁸⁵ Para. 288.

⁸⁶ Recommendation VI-2.

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Observations of the Committee on civil society involvement and cooperation specific to Switzerland

The Committee observes that Switzerland encourages the implementation of prevention projects and programs which are aimed at raising the awareness of adults such as parents, educators, doctors and social workers, carried out by civil society, not only at the federal/national level but also at the regional/local one.⁸⁷ NGOs are the most involved counterparts in this field, along with the media, schools and other educational institutions in the Switzerland.⁸⁸ Switzerland supports the development of prevention activities by civil society in the form of financial support and grants.⁸⁹ The Committee observes cases where state and civil society representatives cooperate through working groups.⁹⁰ Civil society is consulted during the drafting of new legislation

in Switzerland.⁹¹

The Committee observes that Switzerland provided information about general prevention projects and programmes on violence against children, preventive and awareness-raising activities to minimise the risk of abuse that children face online, and projects specifically aimed at educating and raising awareness of children on the issue of CSGSIV.⁹²

The Committee also observed a few other forms of assistance such as shelters where victims of violence, including children, can seek support in cases of sexual abuse, free legal advice, physical assistance and psychological support that NGOs offer to children in Switzerland.⁹³

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee **invites** all Parties, including Switzerland:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of CSGSIV.⁹⁴
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable

nature.⁹⁵

- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives⁹⁶ and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards CSGSIV.⁹⁷

Promising practices

In Switzerland, several forms of support for private non-profit organisations are provided for in the

⁸⁷ Para. 307, 315.

⁸⁸ Para. 308.

⁸⁹ Paras. 310.

⁹⁰ Para. 312.

⁹¹ Para. 313.

⁹² Paras. 319-321.

⁹³ Para. 329.

⁹⁴ Recommendation VII-3.

⁹⁵ Recommendation VII-4.

⁹⁶ Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.

⁹⁷ Recommendations VII-6, VII-7.

Federal Law on the Promotion of Children and Youth.

In Switzerland, a comic book called the “Stories from the Internet” has been published to educate children on the risks associated with the online environment and safety practices. It has been translated and is now also used in Bosnia and Herzegovina.

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Observations and recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves specific to Switzerland

The Committee observes that Switzerland has brochures⁹⁸ on cyber harassment and pornography that directly address issues relating to sexual photos and videos generated by children themselves.⁹⁹

Additionally, in Switzerland, on behalf of the Federal Council, the Federal Social Insurance Office (OFAS) – which is responsible for the federal policy on children and youth – created the National Youth and Media Platform,¹⁰⁰ the objective of which is to protect children and young people from the risks of digital media. Through various means of information, parents, teachers and reference persons in contact with children and young people are made aware of the issue and thus strengthen their skills in the matter. As part of “Sexuality and the Internet”, the OFAS has, among other things, granted financial contributions for projects to prevent risks in matters of sexuality on the Internet (child self-generated sexual

abuse material, sexting, cybergrooming, etc.¹⁰¹).¹⁰²

Although not necessarily specific to co-ordination of awareness-raising activities about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, the Committee also observes that in Switzerland the Cybercrime Co-ordination Unit (SCOCI) co-ordinates procedures and maintains a wide network of contacts at the international level (sharing criminal police information with Interpol and Europol). For its part, the Federal Office of Police (Fedpol) has been pursuing the same objectives as INHOPE since 2013 and is thus working nationally and internationally to have child sexual abuse material removed. SCOCI, Fedpol and ECPAT Switzerland have a network of contacts at the national and international levels to combat child sexual abuse material.¹⁰³

⁹⁸ See, for example, the brochure “Pornographie : Agir de bon droit” (“Pornography: What the Law Says”), containing information on the topics of pornography and sexting and the law surrounding them: <https://www.skppsc.ch/fr/wp-content/uploads/sites/5/2016/12/droitpornographie.pdf> (in French).

⁹⁹ Para. 354.

¹⁰⁰ www.jeunesetmedias.ch

¹⁰¹ See also:

<https://www.jeunesetmedias.ch/themes/sexualite-et-pornographie-sur-le-web>

¹⁰² Para. 373.

¹⁰³ Para. 378.

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee **invites** all Parties, including Switzerland:

- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.¹⁰⁴
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.¹⁰⁵

- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.¹⁰⁶
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.¹⁰⁷

¹⁰⁴ Recommendation VIII-2.

¹⁰⁵ Recommendation VIII-4.

¹⁰⁶ Recommendation VIII-5.

¹⁰⁷ Recommendation VIII-8.

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations and recommendation of the Committee on education for children specific to Switzerland

The Committee observes that in Switzerland both national curricula and non-formal educational activities address the challenges raised by CSGSIV.¹⁰⁸ The information on the risks of sexual exploitation and sexual abuse facilitated by ICTs and/or on the challenges raised by CSGSIV is delivered in the framework of topics related to “Media and Informatics”.¹⁰⁹

- Therefore, the Committee **invites** Switzerland to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including CSGSIV, within a more general context of sexuality education.¹¹⁰

The Committee also observes that in Switzerland, police spread the message contained in

brochures on cyberbullying and sexual abuse that explicitly address issues relating to the sexual abuse and sexual exploitation of children through ICTs, in schools and at parents’ evenings. The Young People and Media national platform also provides information, recommendations, brochures and leaflets for parents and reference persons to improve their digital skills. This includes raising their awareness of issues relating to the internet and sexuality. The material is also used in schools and at parents’ evenings. Additionally, in the German community of Switzerland, the liaison between the school and the parents, who are primarily responsible for teaching how to use the media and respect the laws, is explicitly provided for in the “*Lehrplan 21*”.¹¹¹

Generic recommendations of the Committee on education for children

- The Committee **requires** all Parties, including Switzerland, to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.¹¹²

The Committee **invites** all Parties, including Switzerland:

- to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards CSGSIV, is provided to children during both primary and

secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels).¹¹³

- to consistently involve children in the development of internet safety awareness programmes.¹¹⁴
- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards CSGSIV, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.¹¹⁵

¹⁰⁸ Para. 385.

¹⁰⁹ Para. 398.

¹¹⁰ Recommendation IX-7.

¹¹¹ Para. 403.

¹¹² Recommendation IX-3.

¹¹³ Recommendation IX-2.

¹¹⁴ Recommendation IX-4.

¹¹⁵ Recommendation IX-6.

Promising practice

In Switzerland, brochures produced by the Swiss Crime Prevention on cyber harassment and pornography explicitly address issues related to child self-generated sexual images and the related risks of sexual abuse and cyber harassment.¹¹⁶ Their contents are disseminated by the police to schools, at parents' evenings, etc., or used directly by schools. Several Swiss NGOs develop material and/or visit schools to address issues such as the internet and sexuality, including self-generated sexual images and videos (see, for example, *Zischtig*, *Action Innocence* and *Pro Juventute*).

¹¹⁶ See Pornographie illégale & porno-dépendance | Prévention Suisse de la Criminalité (skppsc.ch)

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to Switzerland

The Committee observes that persons working in contact with children receive information during their professional education on the risks associated with CSGSIV and on the protection of children against sexual exploitation and sexual abuse.¹¹⁷

The Committee also observes that some of the professionals working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse.¹¹⁸ Some persons working in contact

with children are made aware of the protection and rights of children in different frameworks and on different topics, and the focus of trainings is generally linked to the rights of children in the digital environment.¹¹⁹

On the other hand, the Committee observes that only some of the professionals working in contact with children seem to have been trained on the possibility to report situations where they have reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse.¹²⁰

Generic recommendations of the Committee on higher education curriculum and continuous training

- The Committee **invites** all Parties, including Switzerland, to ensure that all the sectors where professionals work in contact with children, including when working on a

voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with CSGSIV.¹²¹

Promising practices

Teachers in Switzerland have a continuing education obligation. For this purpose, they have access to a wide range of continuing education opportunities in Switzerland and abroad that are dedicated to the challenges associated with CSGSIV. The Young People and Media national platform also promotes the media skills of parents, teachers and reference persons and helps them to support children and young people actively in their daily use of media. The aim is to raise their awareness of the opportunities and risks of digital media, which includes sexual images and videos self-generated by

¹¹⁷ Paras. 410, 412, 416.

¹¹⁸ Para. 428.

¹¹⁹ Para. 432.

¹²⁰ Para. 429.

¹²¹ Recommendation X-3.

minors. The platform publishes information material with a brochure about digital education in schools, setting out a plan for responding to inappropriate or abusive media use by pupils. In addition, as part of the platform's 2018 and 2019 spotlight on "Sexuality and the Internet", pilot awareness-raising projects for parents and professionals were supported. On this basis, a national working group on sexuality and digital media was set up, which produced a position paper on "Sexuality and digital media: protecting children and promoting their skills".

The network "Prevention of sexual abuse in leisure time activities" coordinated by Child Protection Switzerland is an association of organisations active in the field of prevention of sexual abuse of children and adolescents in leisure time activities. It aims to achieve coordinated cooperation throughout Switzerland and a common approach to prevention.¹²² The network develops guidelines, information and recommendations on the subject.

The online encyclopaedia "safe!healthy!"¹²³ is made available by the Office of Public Health of the Canton of St. Gallen (Switzerland) for health promotion, prevention, and safety in schools. The website offers various thematic brochures, designed to support teachers, school administrators, school social workers and public authorities for prevention, early detection and crisis intervention. The website "safe?! online" is dedicated to the opportunities and risks of modern electronic information and communication technologies and provides a guide to online behaviour.

Practical guides have been developed in certain cantons (Zurich, St. Gallen, etc.) for child protection authorities, social services and other specialists working with children, explaining the procedure to adopt in cases of suspected child abuse. In addition, it provides financial support to Swiss Olympic and the national sports federations with which it has concluded a service contract and provides direct support to sports associations and other organisations that offer courses and camps for children and young people according to federal standards (J+S offer). The FOSPO and Swiss Olympic have agreed on a charter defining nine principles to promote health, respect and fair play in sport, which includes a commitment against violence, exploitation and sexual abuse. On the basis of this charter, the Federal Office of Sport (FOSPO) adopts preventive and repressive measures to improve the protection of children and young people against sexual abuse. As part of the initial and further training of instructors, J+S also offers a training course for managers on the subject of "Against sexual abuse in sport". Finally, all sports instructors are informed about the Pro Juventute instructor counselling programme, which was developed in partnership with the FOSPO and Swiss Olympic. Its objective is to offer a free and confidential first contact to all persons responsible for organisations dealing with children and adolescents. The service is available 24 hours a day, 365 days a year, by telephone or e-mail.

The Confederation uses the child protection/children's rights budget line to subsidise organisations involved in prevention at national level. The purpose of the measures supported is to protect children and young people against any form of violence, harm, brutality, neglect, abandonment, ill-treatment or physical or psychological exploitation, and any form of sexual abuse or harassment. The financial support is regulated by the order on child and youth protection measures and on strengthening children's rights, based on Article 386 (4) of the Swiss Criminal Code. The Confederation also supports organisations that implement awareness-raising measures on children's rights for those involved in initial and continuing training, by means of funding granted for five years from the same budget. The aim here is for people working for and with children to be able to take children's rights into account in their daily work and have access to practical aids such as memos and checklists.

¹²² See <https://www.kinderschutz.ch/fr/engagement/reseaux/reseau-domaine-des-loisirs>

¹²³ The "safe!healthy!" online encyclopaedia can be found at: <http://www.zepa.info/sicher-gsund.html>

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations and recommendations of the Committee on research specific to Switzerland

The Committee observes that Switzerland provided information on research undertaken on the issues raised by CSGSIV.¹²⁴ This research CSGSIV was conducted within a wider framework, as part of a broader research project including such topics as children and the media/the internet.¹²⁵ For instances, the JAMES study¹²⁶ was conducted by the Zurich University of Applied Psychology in cooperation with Swisscom, the primary telecommunications operator in the country.¹²⁷

The Committee also observes that Switzerland has participated in the EU Kids Online surveys which is a multinational research network seeking to enhance knowledge of children's

online opportunities, risks and safety. Surveys carried out under the framework of EU Kids Online collect data and information on, *inter alia*, children's practice of sending and receiving sexual messages online.¹²⁸ According to EU Kids Online 2020 Report,¹²⁹ national authorities in Switzerland supported the research and enabled the surveys to be carried.¹³⁰ The research in 2013 was co-financed by the "Office Fédéral des Assurances Sociales" (Federal Office of Social Insurance).¹³¹

Additionally, the Committee observed that the "Fonds national Suisse" (Swiss national fund) supports research projects which are carried out by public authorities.¹³²

Generic recommendations of the Committee on research

The Committee **invites** all Parties, including Switzerland:

- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and research on the issue is regularly undertaken.¹³³
- to build on the findings from existing research on CSGSIV, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues

raised by CSGSIV.¹³⁴

- to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from CSGSIV, with due respect for the requirements of personal data protection.¹³⁵

¹²⁴ Para. 437.

¹²⁵ Para. 438.

¹²⁶ JAMES study:

<https://www.swisscom.ch/fr/about/durabilite/james.html>

¹²⁷ Para. 449.

¹²⁸ Para. 440.

¹²⁹ [https://www.lse.ac.uk/media-and-](https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf)

[communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf](https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf)

¹³⁰ Para. 454.

¹³¹ Para. 453.

¹³² Para. 451.

¹³³ Recommendation XI-2.

¹³⁴ Recommendation XI-3.

¹³⁵ Recommendation XI-4.