COUNCIL OF EUROPE
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LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

"Screening of professionals, volunteers and other persons in contact with children"

IGLIJ Institute of Gender, Law and International Justice

SWITZERLAND

Replies received by the Secretariat on 1 September 2026

LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe Convention
on the Protection of Children against Sexual Exploitation and Sexual Abuse

CIVIL SOCIETY INFORMATION AND COMMENTS

Thematic Monitoring Round

“Screening of Professionals, Volunteers and Other Persons in Contact with Children”

State Party concerned	Switzerland
Submitted by	Institute of Gender, Law & International Justice (IGLIJ)
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Submission pursuant to the Lanzarote Committee’s invitation to civil society organisations and national human rights institutions to provide information or comments on State Party replies by 1 September 2026.

Executive Summary

Purpose. This submission provides targeted civil-society information concerning Switzerland's implementation of Article 5(3) of the Lanzarote Convention in the context of the Committee's 2026 monitoring round. It comments principally on Questions 1–2, 8, 12–21 and 22–24 of the thematic questionnaire and on the Swiss reply received by the Secretariat on 30 June 2026.

Central observation. Switzerland's federal criminal-record infrastructure contains important safeguards, and the Swiss reply identifies concrete mechanisms in fields such as adoption and foster care. At the same time, the published reply expressly acknowledges that a complete picture depends on federal and cantonal rules and leaves a number of questions without substantive responses. The Committee would therefore benefit from a consolidated account of where screening is mandatory, what information is reviewed, who bears responsibility, whether checks are repeated, and how relevant convictions from other jurisdictions are identified.

Approach. IGLIJ does not seek to substitute its assessment for information properly held by Swiss federal or cantonal authorities. Where the published State reply does not provide an answer, this submission identifies the resulting implementation question and recommends clarification rather than asserting an unsupported gap in law or practice.

Priority recommendations

- Complete a national, sector-by-sector mapping of federal and cantonal screening requirements.
- Clarify which criminal-record extract or authority-level information is required in each child-contact context.
- Clarify the legal position on periodic or continuous re-screening after initial recruitment.
- Establish a transparent account of oversight, enforcement, and consequences for failure to conduct mandatory screening.
- Clarify cross-border screening for persons with material periods of residence or employment abroad, using objective residence/employment criteria rather than nationality alone.
- Ensure that criminal-record checks sit within a broader safeguarding system that includes safer recruitment, training, supervision, reporting, and accessible complaints mechanisms.

I. Scope, Method and Evidentiary Basis

The Council of Europe launched this monitoring round on 27 March 2026 to examine screening procedures used by the 48 State Parties, the categories of persons subject to screening, the information examined, and challenges related to cross-border screening. Civil society organisations and national human rights institutions were invited to answer one or more questions, provide other relevant information, and/or comment on State Party replies by 1 September 2026.[1]

The thematic questionnaire defines "screening" for this round as the verification of criminal convictions for sexual offences against children and asks respondents to describe laws, policies and practices in force on 27 March 2026, or measures in the process of adoption with their expected entry into force.[2]

This contribution is intentionally selective. It relies primarily on the Lanzarote Committee's questionnaire, Switzerland's published response, and official information from the Swiss Federal Office of Justice. It distinguishes between: (i) facts established in those materials; (ii) implementation questions left open by the published State response; and (iii) recommendations advanced by IGLIJ.

II. Persons Concerned by Screening Requirements

Questions 1–2 — Scope of screening and “regular contact”

Switzerland’s reply explains that, because legislative competences are divided between the Confederation and the cantons, there is no single federal rule governing criminal-record screening across every field covered by the questionnaire. It further states that a complete answer requires contributions from competent cantonal and specialist bodies and that the State was still working to provide a detailed response.[3]

That federal structure is not itself a deficiency. For the purposes of Article 5(3), however, it makes a consolidated implementation map especially valuable. The Committee’s questionnaire asks whether the absence of convictions for sexual offences against children is a prerequisite across a wide range of settings—including education, childcare, residential care, migration facilities, sport, healthcare, social protection, justice, civil-society organisations, victim services, and domestic-violence services—and distinguishes public employment, private employment, volunteering and self-employment.[4]

IGLIJ respectfully recommends that Switzerland be invited to complete a national sector-by-sector mapping identifying, for each relevant setting:

- the applicable federal or cantonal legal basis;
- whether screening is mandatory or discretionary;
- the categories of persons covered (public employees, private employees, volunteers and self-employed professionals);
- the criminal-record extract or authority-level information used;
- the point at which screening must occur; and
- the competent authority responsible for supervision or enforcement.

The Committee may also wish to seek a direct answer to Question 2(b) concerning whether Swiss rules distinguish direct, indirect and online contact with children. The published State reply does not provide that clarification. In IGLIJ’s view, where an adult’s role involves sustained or regular digital access to a child—for example through online counselling, mentoring or remote education—the mode of contact should not, by itself, remove the relationship from an otherwise applicable safeguarding framework.

III. Information Revealed Through Screening

Question 8 — Convictions, extracts and activity prohibitions

Switzerland’s response to Question 8 states that criminal-record verification can identify convictions corresponding to the offences addressed by Articles 18–24 of the Lanzarote Convention, and it identifies the relevant provisions of the Swiss Criminal Code. It further explains that a criminal-record extract indicates the applicable article, paragraph, letter and number, allowing the reader to determine whether the offence concerned a minor or, where relevant, a person under 16.[5]

A key implementation question is therefore not simply whether relevant information exists in VOSTRA, but which form of information is actually available to and required of the decision-maker in a given recruitment or volunteer context. The Federal Office of Justice confirms that the Swiss Criminal Records Unit issues both a private extract and a special private extract and that VOSTRA serves federal and cantonal authorities in a range of functions, including child and adult protection.[6]

The Committee would benefit from clarification, sector by sector, of whether screening relies on a private extract, a special private extract, an authority extract, or another lawful channel. This matters because registration in the criminal-record system, disclosure in a particular extract, and the existence of an activity/contact prohibition are legally distinct questions. IGLIJ therefore recommends that Switzerland clarify:

- which form of criminal-record information is required in each relevant sector;
- whether the applicable mechanism reveals all convictions that must be screened for Article 5(3) purposes;

- whether requirements differ among cantons or between paid and voluntary roles; and
- how the system addresses relevant convictions once ordinary disclosure or retention rules change over time.

IV. Screening Procedure

Question 12 — Federal and cantonal allocation of rules

Switzerland explains that the content of the criminal register, the information recorded, and the procedures for entry and deletion are governed at federal level by the legislation on the criminal records information system, while the obligation to check prior convictions in a particular field may be governed by federal or cantonal law.[7]

IGLIJ respectfully submits that a publicly accessible national overview would improve transparency without displacing cantonal competence. Such an overview could identify the competent authority, legal basis, persons screened, timing, type of criminal-record information examined, repeat-screening requirements, oversight mechanisms, and rules for persons with significant prior residence or employment abroad.

Questions 13–16 — Responsibility, cost, oversight and non-compliance

The published Swiss reply does not yet provide substantive answers to Questions 13–16, which ask who must obtain the information, who bears the cost, how compliance is monitored, and whether sanctions apply when a mandatory check is not performed.[8]

These are implementation-critical questions. A screening requirement is most effective where the duty-holder is identifiable, the required evidence is clear, compliance is capable of supervision, and proportionate consequences exist for failure to comply. IGLIJ therefore recommends that the Committee request a sector-specific account of:

- who is legally responsible for initiating and completing the check;
- whether the candidate, employer, volunteer organisation or public authority bears any administrative cost;
- which supervisory, licensing or inspection body verifies compliance; and
- what administrative, licensing, civil or other consequences follow from non-compliance with a mandatory screening duty.

Question 17 — Continuous or periodic screening

The Committee's questionnaire recalls its previous recommendations encouraging continuous screening of professionals and volunteers in regular contact with children.[9] Switzerland's published reply does not yet state whether periodic re-screening is required after initial recruitment for professionals, volunteers, foster parents or guardians.

An initial criminal-record check is necessarily time-specific. IGLIJ recommends clarification of any periodic or event-triggered review requirements and, where no general framework exists, consideration of a proportionate model combining pre-engagement screening with periodic or risk-triggered review. Such mechanisms should complement—not substitute for—safeguarding policies, supervision, reporting systems and professional training.

Question 18 — Pending investigations and safeguarding risk

The Swiss Federal Office of Justice states that VOSTRA records pending criminal proceedings in specified circumstances, including proceedings against adults for felonies and misdemeanours under federal law.[10] Switzerland's reply also explains, in the adoption and foster-care context, that authority extracts may contain pending proceedings as well as convictions and activity prohibitions.[11]

The published reply does not yet answer Question 18, which asks whether law-enforcement or other authorities may inform an employer or volunteer organisation when a person working with children is under investigation for a sexual offence against a child, and what consequences follow.

IGLIJ does not suggest treating an investigation as equivalent to a conviction. The presumption of innocence, privacy, data protection and procedural fairness remain essential. The Committee may nevertheless wish to seek clarification of the lawful threshold for any disclosure, who may receive such information, what interim safeguarding measures may be taken, and what review protections apply following discontinuance, acquittal or conviction.

V. Cross-Border Screening

Questions 19–21 — Prior residence or employment abroad

Cross-border screening is a particularly important issue for Switzerland. The Federal Office of Justice states that VOSTRA contains records of persons convicted in Switzerland and Swiss nationals convicted abroad.[12] The published State reply does not yet answer Questions 19–21 concerning checks in countries where a candidate previously resided or worked and mechanisms for exchanging relevant conviction data outside criminal proceedings.

Switzerland's own response demonstrates that foreign criminal-record material is already relevant in at least one child-protection setting. For prospective adoptive parents, the competent cantonal authority obtains an authority extract and, for foreign nationals, requires a criminal-record extract from the State of origin or an equivalent document.[13]

IGLIJ respectfully submits that nationality alone is not an adequate proxy for criminal-record history. A Swiss national may have spent substantial periods abroad, while a foreign national may have lived or worked in States other than the State of nationality. Where proportionate and legally feasible, cross-border screening should therefore be connected to objectively relevant prior residence or employment.

IGLIJ recommends that the Committee invite Switzerland to clarify:

- whether applicants must disclose material periods of prior residence or employment abroad;
- when criminal-record evidence from those jurisdictions is required;
- whether the same rules apply to professionals and volunteers;
- which authority is responsible for obtaining or validating foreign documentation;
- what procedure applies when an equivalent foreign certificate is unavailable;
- how authenticity, translation and differences in offence classification are addressed; and
- which bilateral or multilateral mechanisms are available for recruitment, volunteering, adoption, foster care or guardianship purposes outside criminal proceedings.

Any additional cross-border verification should be designed and applied consistently with equality and non-discrimination. The relevant trigger should be an objectively material connection to another jurisdiction, not foreign birth or nationality alone.

VI. Additional Information and Practical Challenges

Question 22 — Screening as one component of safeguarding

Criminal-conviction screening is an important preventive safeguard, but it cannot independently establish that a person is suitable to work or volunteer with children. It is necessarily limited by whether conduct is reported, investigated, prosecuted, convicted and capable of lawful disclosure.

IGLIJ therefore encourages the Committee to situate screening within a wider safeguarding framework that includes, as appropriate:

- safer recruitment and reference checks;
- clear codes of conduct and institutional safeguarding policies;
- training for staff and volunteers;
- effective supervision;
- accessible reporting and complaint mechanisms for children;

- procedures for responding to allegations and escalating risk; and
- regular review of safeguarding practices.

Particular attention may be warranted in settings where children can face intersecting vulnerabilities, including migration and reception facilities, residential care, social-protection services, victim-support services and domestic-violence services—all of which are expressly within the scope of Question 1.

Question 23 — Practical implementation challenges

On the basis of the published official materials, IGLIJ identifies five implementation questions that merit particular attention:

1. Fragmentation and visibility of rules — The federal/cantonal division of competence can make it difficult to see, from a single source, whether equivalent minimum screening safeguards apply across sectors and cantons. A consolidated national mapping would materially improve transparency.

2. The form of criminal-record information used — The effectiveness of a screening duty depends on which information the relevant decision-maker is entitled and required to obtain. The applicable extract or authority channel should be clear for each context.

3. Point-in-time screening — Where screening occurs only at entry, later convictions or prohibitions may not be identified promptly. The legal position on periodic and event-triggered review should be explicit.

4. Cross-border information — A domestic criminal-record extract cannot, by itself, establish the absence of relevant convictions in every jurisdiction where an applicant has materially lived or worked.

5. Consistency between professional and voluntary roles — The safeguarding rationale turns on access to children and the nature of contact, not only on whether the role is paid. Organised voluntary roles involving comparable regular access should be addressed explicitly.

VII. Promising Practices

Question 24

The official Swiss materials also identify safeguards that deserve recognition and can form a foundation for further clarification and harmonisation:

- Swiss criminal law permits activity prohibitions in connection with specified offences, and Switzerland's reply confirms that such prohibitions are not confined to public-sector activity but can apply to professional and organised non-professional activities.[14]
- The Swiss Criminal Records Unit maintains VOSTRA and issues private and special private extracts, providing a dedicated criminal-record infrastructure relevant to child and adult protection.[15]
- In adoption and foster-care contexts, competent authorities have access to authority-level criminal-record information that includes pending proceedings, convictions and activity prohibitions, with additional foreign-record evidence required in specified adoption cases.[16]
- The Swiss reply expressly recognises the need to gather information from cantonal and specialist authorities in order to provide a complete picture, which creates an opportunity to develop a more transparent national account of screening requirements.[17]

VIII. Recommendations to the Lanzarote Committee

IGLIJ respectfully invites the Lanzarote Committee, in its assessment of Switzerland, to consider recommending that Switzerland:

1. Complete and publish a sector-by-sector mapping of screening requirements across the Confederation, identifying applicable federal and cantonal legal bases.
2. Ensure that the legal position is clear for all professionals in public and private sectors whose work involves regular contact with children, consistent with Article 5(3) of the Convention.

3. Clarify the application of equivalent safeguarding principles to organised volunteers whose roles entail comparable regular access to children.
4. Identify the specific form of criminal-record information required in each relevant context and explain whether that mechanism reveals all convictions that must be considered for Article 5(3) purposes.
5. Clarify whether and how regular online or digitally mediated contact with children is treated for screening purposes.
6. Clarify any periodic, continuous or event-triggered re-screening requirements after initial recruitment or approval.
7. Identify oversight and enforcement mechanisms, including the authorities responsible for verifying compliance and the consequences of failure to perform mandatory checks.
8. Establish a transparent approach to cross-border screening based on material prior residence or employment abroad rather than nationality alone.
9. Clarify procedures for cases in which foreign criminal-record information is unavailable, incomplete, difficult to authenticate or based on materially different offence classifications.
10. Ensure that criminal-record screening functions as one component of a broader safeguarding framework that includes safer recruitment, training, supervision, reporting, complaints and institutional accountability.

IX. Conclusion

Switzerland has important criminal-record and child-protection mechanisms on which to build. The central issue emerging from the presently published materials is not an asserted absence of safeguards, but the need for a clearer, complete and nationally intelligible account of how screening operates across sectors and cantons.

In particular, the Committee would benefit from additional information demonstrating where screening is mandatory; what criminal-record information is used; whether equivalent rules cover professional and voluntary roles; how compliance is supervised; whether screening is repeated; and how relevant convictions from other jurisdictions are identified.

IGLIJ respectfully submits these observations to support the Lanzarote Committee's assessment and the development of practical, proportionate and rights-consistent safeguards for children in Switzerland.

Authorities and Sources

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