



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

T-ES(2017)ICT-LI

LANZAROTE CONVENTION

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

Replies to the thematic questionnaire

LIECHTENSTEIN

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 24 October 2017

**Report pursuant to Article 41
of the Council of Europe Convention of 25 October 2007
on the Protection of Children
against Sexual Exploitation and Sexual Abuse**

TABLE OF CONTENTS

	Page
Foreword.....	4
I. PREVENTION	ERROR! BOOKMARK NOT DEFINED.
Question 1 Awareness-raising or educational activities/tools/ materials/measures	5
Question 2. Civil society involvement.....	7
Question 3. National curriculum	7
Question 4. Higher education curriculum and continuous training	8
Question 5. Research.....	8
II. PROTECTION	ERROR! BOOKMARK NOT DEFINED.
Question 6. Assistance to victims	8
Question 7. Cooperation with civil society	11
III. PROSECUTION	ERROR! BOOKMARK NOT DEFINED.
Question 8. Legislation	12
Question 9. Criminalisation	13
Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use	15
Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion.....	16
Question 12. Jurisdiction rules.....	16
Question 13. Specialised units/departments/sections.....	17
Question 14. Challenges in the prosecution phase	18
Question 15. Training of professionals	18
IV. PARTNERSHIPS	ERROR! BOOKMARK NOT DEFINED.
Question 16. International co-operation.....	19

Foreword

This report adopted by the Government of the Principality of Liechtenstein on 24 October 2017 is being submitted pursuant to Article 41 of the Council of Europe Convention of 25 October 2007 on the Protection of Children against Sexual Exploitation and Sexual Abuse. The report contains replies to the Thematic Questionnaire for the 2nd monitoring round on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs). The report was prepared by the Office for Foreign Affairs in collaboration with the Court of Justice, the Office of Justice, the Office of Social Services and the National Police.

Government of the Principality of Liechtenstein

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?

Various measures are implemented in Liechtenstein for children and young people to raise their awareness of the risks involved in self-generated sexually explicit images, videos, and content:

- **"angek(l)ickt" and "angek(l)ickt Junior" projects (www.angeklickt.li):** *The project offers a multimedia live stage performance and specific discussion workshops on the topic of media use. The project "angek(l)ickt Junior", whose target group is children in 4th to 6th grade, aims to prepare them for media consumption and to draw their attention to dangers and risks. The project "angek(l)ickt", whose target group is children in 8th grade and above, is designed for young people and their media use. The media prevention performance is also aimed at parents and teachers to raise their awareness of the issues addressed. In terms of content, it deals with topics such as truth and deception, self-portrayal and selfies, cybermobbing, cybergrooming, data protection, and tips on media use.*
- **Travelling exhibition "I say what's up" (<http://www.kszsq.ch/erwachsene/schule-bildung/kampagnen/ich-saeg-was-lauft>):** *The interactive travelling exhibition is aimed at secondary school students and serves to raise awareness on the topic of sexual violence among young people. Sexual harassment and other forms of abuse perpetrated through electronic media are also discussed, and options are presented for obtaining help. The exhibition was first shown in Liechtenstein in September 2017. It can be attended by secondary school classes as part of their class instruction. The exhibition in Liechtenstein is organised by the Office of Education and in cooperation with the love.li competence centre of the Sophie von Liechtenstein Foundation for Woman and Child and the Fa6 – Centre for Sexuality and HIV Prevention.*
- **Workshop on sex education and media competence:** *In the field of sex education, the love.li competence centre of the Sophie von Liechtenstein Foundation for Woman and Child and the Fa6 – Centre for Sexuality and HIV Prevention offer counselling, lectures, and workshops and work closely together with schools. The NetzWerk association and the aha – Youth Information Liechtenstein association also support schools in the fields of prevention and sex education. In this context, the use of new media as well as potential risks and dangers are discussed. The kinderschutz.li association, which grew out of a parents' association, is also noteworthy, working to prevent violence, bullying, and abuse. In cooperation with experts, the association offers workshops, lectures, and so on for children, parents, and teachers on topics such as media competence. Here again, there is close cooperation with schools.*

- 1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
 - a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

This aspect is discussed in part in the responses to questions 1.1 and 1.3.

- 1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:
 - a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

In order to raise the awareness of parents and other persons in regular contact with children regarding the risks to which children are exposed in the creation and distribution of sexually explicit images, videos, and content, the following measures and services are available in Liechtenstein:

- **The "freelance" prevention programme** (<http://www.be-freelance.net/de/unterrichtsmodule/digitale-medien/unterrichtseinheiten>): *The programme offers various teaching materials for the secondary school level on tobacco/alcohol/cannabis and digital media. The package on digital media includes materials for teaching units on the topics of cybergrooming and sexting. The learning objectives of the materials are to provide information and raise awareness in regard to these topics.*
- **The "safe!healthy!" online encyclopaedia** (<http://www.zepra.info/sicher-gsund.html>): *The "safe!healthy!" online encyclopaedia is provided 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 booklets. These are designed as aids to teachers, school administrators, school social workers, and public authorities for prevention, early detection, and crisis intervention. The "safe?! online:-)" booklet is dedicated to the opportunities and risks of modern electronic information and communication technologies and provides a guide to online behaviour.*
- **Workshops:** *The competence centres referred to in question 1.1 also offer workshops for parents, teachers, and other professional groups working in education.*
- **Brochures:** *The Office of Social Services has published the brochures "Talking with children about digital media!" (<http://www.llv.li/files/asd/medien-primar-web-2016.pdf>) and "Talking with young people about digital media!" (<http://www.llv.li/files/asd/medien-sekundar-web-2016.pdf>). These information brochures give tips and information to parents about responsible use of media by children and young people. Topics such as sexting, cybergrooming, and the use of personal data are discussed in the brochures.*

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

The Government's Media Competence Expert Group supports networking and cooperation between individual institutions. The expert group serves as a contact point for dealing with new media, coordinates and supports institutions and multipliers in the organisation of training courses and

other events, runs a pool of speakers, coordinates information and advisory activities, and reviews the properness of information material and its applicability to Liechtenstein.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

See above.

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The Office of Social Services (Child and Youth Protection Unit, Child and Youth Development Unit) is tasked with protecting children and young people from dangers that could threaten their development. It informs children, young people, and adults responsible for them about these dangers, raises awareness, and provides support in dealing with them. The focus is on topics such as legal and illegal addictive substances, new media and media products, violence, consumption and debt, working conditions, and any kind of exploitation of physical and mental immaturity. For prevention, the Child and Youth Protection Unit provides awareness-raising, advice, and information, and it facilitates networking and support for projects and initiatives. This educational and awareness-raising work is intended to encourage civil society to take up and implement the topics within their areas of responsibility. During the implementation phase, civil society organisations may receive technical and financial support from the Office of Social Services.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

See the activities of love.li, fa6, NetzWerk, aha, and kinderschutz.li mentioned in the response to question 1.1.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The Liechtenstein curriculum does not explicitly address the topic of new media or the risks associated with its use. Media education and media competence are nonetheless an integral part of the learning content of Liechtenstein primary and secondary schools. Teachers are provided with the teaching materials mentioned in the response to question 1.3. They also have the opportunity to take

advantage of the offers mentioned in the response to question 1.1 as part of their class instruction. A new curriculum for Liechtenstein is currently being developed, in which the topic of new media is to be explicitly included.

With regard to vocational training (apprenticeships), it should be noted that Liechtenstein apprentices attend vocational school in Switzerland.

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

In Liechtenstein itself, no higher education studies are offered in the field of education. These studies are generally pursued in the neighbouring countries of Switzerland and Austria and thus follow the higher education curricula of those two countries. Teachers in Liechtenstein have a continuing education obligation. For this purpose, they have access to a wide range of continuing education opportunities in Liechtenstein and abroad that are dedicated to the problems raised here.

Question 5. Research

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

There is no research in this regard in Liechtenstein.

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

- a. self-generated sexually explicit images and/or videos as children have been shared online?
- b. self-generated sexual content as children has been shared online?

There is no *research* in this regard in Liechtenstein.

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

Protection

Question 6. Assistance to victims

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

There are various contact offices in Liechtenstein where children, young people, and their trusted adults can turn for help:

- **Office of Social Services (Child and Youth Support Unit):** *The Child and Youth Support Unit aims to support family systems in meeting the needs of children and young people, and it intervenes where official measures are necessary for the protection or welfare of children and young people. The Child and Youth Support Unit seeks solutions for children at risk that are appropriate to their situation and age and implements measures in the closest possible cooperation with the legal guardians, taking into account the social environment. These measures may involve various types of support in the children's existing environment, but also the placement of children in foster families or in educational-therapeutic institutions.*
- **Victims Assistance Office:** *The Victims Assistance Office supports persons who have been directly affected by an offence in their physical, psychological, or sexual integrity, as well as their family members. The right to support exists irrespective of whether the perpetrator has been identified and whether the perpetrator acted culpably, intentionally, or negligently. The Victims Assistance Office provides or – where it cannot do so itself – arranges the provision of necessary medical, psychological, social, material, and legal assistance in individual cases. The Victims Assistance Office provides 24-hour assistance for the most urgent needs arising from the offence (urgent assistance) and provides additional assistance until the health of the person concerned has stabilised and the other consequences of the offence have been eliminated or compensated to the extent possible (longer-term assistance). The victims and their family members are advised by the Victims Assistance Office or a specialist appointed by it, informed about the rights and obligations of the victims in the proceedings and the conduct of the proceedings, and supported in the exercise of their rights. If necessary, the Victims Assistance Office accompanies or represents victims in court. The Victims Assistance Office is administratively assigned to the Office of Justice, but is independent of instructions in the performance of its tasks.*
- **Expert Group against Sexual Abuse:** *The Expert Group against the Sexual Abuse of Children and Young People offers anonymous counselling for children and adolescents who have suffered sexual violence as well as for their family members. Similarly, specialists who have gained knowledge of such incidents may contact the expert group. The expert group undertakes a case assessment, advises on further steps, and provides appropriate assistance.*
- **Media Competence Expert Group:** *The Media Competence Expert Group is the contact office for the use of new media. In the event of imminent danger, it offers prompt and targeted assistance in the form of advice and the initiation of interventions.*
- **Ombuds Office for Children and Young People (OSKJ) within the Association for Human Rights:** *The OSKJ is a neutral, publicly accessible contact and complaints office. Children and young people as well as adults can contact the ombuds office with their questions and concerns regarding child and youth affairs in order to obtain information, draw attention to grievances, or receive help.*

- **147 – Helpline for children and young people:** *The helpline for children and young people is a contact point for questions and problems of all kinds supported by an NGO. The advisors are available around the clock at the toll-free number 147. Both the calling and the advising person normally remain anonymous. If necessary, callers will be referred to an office that can specifically address the problem.*
- **Independent psychotherapists and psychiatrists:** *There are four child and adolescent therapists/psychotherapists and one child and adolescent psychiatrist in Liechtenstein with health insurance contracts. The costs for treatment and therapy are thus covered by health insurance. This ensures relatively low-threshold access to psychotherapeutic and psychiatric care for children and adolescents in Liechtenstein as needed.*

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
 - b. self-generated sexual content are provided with the necessary support, assistance and psychological help?
- **Children and Youth Act (KJG; LGBl. 2009 No. 29):** *Children and young people, their parents, and other caregivers are entitled to "support" as defined in Chapter II Section B of the KJG within the scope of application of child and youth support (Article 7 KJG). This scope includes the use of violence, physical or psychological abuse, sexual abuse, or other sexual offences against children and adolescents. Support under Chapter II Section B of the KJG includes, for example, information and prevention, counselling, care, therapy, placement in suitable facilities, participation in training and employment programmes, as well as work and integration projects. Subject to the jurisdiction of the Liechtenstein Court of Justice, the Office of Social Services is responsible for providing child and youth support (Article 9(1) KJG). The Office of Social Services is primarily responsible for official measures, particularly in the area of child protection.*
According to § 53(1) of the Code of Criminal Procedure (StPO; LGBl. 1988 No. 62), every public authority in Liechtenstein is obliged to report punishable acts that concern its legal sphere of activity. Furthermore, according to Article 20(1) KJG, persons who have a well-founded suspicion regarding the existence of a serious injury or endangerment to the well-being of children and young people or knowledge to that effect are obliged to report this to the Office of Social Services. In addition to mistreatment and other serious forms of violence, gross neglect, impending forced marriage, squalor, and drug addiction, sexual abuse is explicitly mentioned as a form of serious violation or endangerment of the well-being of children and adolescents. Anyone who fails to comply with the obligation to report such offences is liable to prosecution (Article 101(b) KJG). Anyone who has a well-founded suspicion or knowledge of a less serious injury or endangerment of the well-being of children and young people is entitled to report to the Office of Social Services (Article 20(2) KJG). Persons who are subject to official or professional secrecy obligations are released from their duty of confidentiality with respect to their reporting obligations and the exercise of their right to report under Article 20 KJG (Article 22 KJG).

- **Victims Assistance Act (OHG; LGBl. 2007 No. 228) and Code of Criminal Procedure:** Pursuant to §§ 31a(1)(3) and 31b(1) StPO there is a general duty of instruction for law enforcement authorities to inform victims in accordance with Article 1(1) OHG, which extends to all rights that accrue to them in criminal proceedings. Victims must be informed of the conditions for obtaining assistance from the Victims Assistance Office no later than before their first examination (§ 31b(2) StPO). This corresponds to a duty of instruction set out in the OHG concerning victims' rights that is incumbent in particular on the National Police, the Court of Justice, and the Office of the Public Prosecutor (see Article 8 OHG).

With regard to the powers and responsibilities of the Victims Assistance Office set out in the OHG, please refer to the response to question 6.1 on the Victims Assistance Office.

Insofar as the victim does not receive any compensation from the perpetrator or third parties (e.g. insurance companies), the OHG enables the victim to obtain compensation from the State for material and non-material damage suffered (Articles 18-24 OHG). Compensation for non-material damage is an expression of society's recognition of the difficult situation of the victim, in the spirit of comprehensive victim protection. It also takes account of the interests of victims of sexual offences, who are generally not likely to suffer material damage, but usually suffer serious non-material damage. Unlike the compensation of pecuniary losses, compensation for non-material damages is not dependent on the victim's income.

For situations immediately following extremely stressful events – including sexual abuse or the discovery of abuse – there is a Crisis Intervention Team (KIT) in Liechtenstein that is available around the clock. The KIT supports and advises affected persons and their family members in the first few hours after the event who have experienced extremely stressful situations and – if necessary and desired – in the arrangement of further support. The KIT is closely networked with public authorities such as the National Police and the Office of Social Services. The support and advice of the KIT is free of charge.

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

No figures have been ascertained in Liechtenstein on this particular issue.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

The NGOs referred to under 6.1 (Ombuds Office for Children and Young People, Helpline) serve victims of offences as low-threshold initial contact points. For more far-reaching advice, care, and/or arrangement of other support, public offices are primarily responsible (Office of Social Services, Victims Assistance Office). With their knowledge of the existing support available in Liechtenstein, the NGOs are able to encourage or assist children and young people in turning to public offices. An exchange between public offices and NGOs takes place as needed.

Question 8. Legislation

8.1. Does national law contain any reference to:

- a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
- b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
- c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

§ 219(1) and (2) StGB (LGBI. 1988 No. 37) set out an absolute prohibition on circulating pornographic depictions of minors: Under paragraph 1, the offence consists in producing, procuring, or possessing pornographic depictions of a minor or in offering, procuring, passing on, presenting, or making accessible in any other manner a pornographic depiction of a minor to another person. Under paragraph 2, any person who produces, imports, transports, or exports a pornographic depiction of a minor for the purpose of dissemination or who commits an act referred to in paragraph 1 on a commercial basis is criminally liable. Similarly, under § 219(4) StGB, any person who by means of information or communications technologies knowingly accesses a pornographic depiction of minors is criminally liable. This means that already the viewing of certain internet content by knowingly accessing relevant internet sites is criminalised, even without additionally saving that content on data carriers.

The definition of pornographic depictions of minors set out in § 219(5) StGB makes no distinction between real pornography, the appearance of pornography, and virtual pornography, and the criterion of realism likewise does not have to be met, so that all real depictions or entirely artificial forms of depiction generated on a computer, such as photographs, slides, other images and films, comics, animated films, CD-ROMs, DVDs, computer games, and the like are covered by the offence of pornographic depiction of minors.

The criterion for distinguishing pornographic from non-pornographic images or depictions is set out in § 215a(3) StGB. Accordingly, persons are deemed to participate in a pornographic performance who perform a sexual act on themselves, on another person, or on an animal, where that act is reduced to the act itself, separated from other expressions of life, and serves to sexually arouse a spectator, or who have such an act performed on themselves, or in that manner display their genitalia or pubic region.

Criminalisation of the production or possession of non-pictorial self-generated sexual content as referred to in question 8.1.c is not covered by the Liechtenstein Criminal Code.

- 8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:
- a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

The Liechtenstein Criminal Code does not distinguish whether one or more children are involved in the production of child pornography material.

- 8.3. Are there specificities related to the fact that more children appear on the:
- a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
 - b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

No, see the response to question 8.2.

Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:¹
- a. possess child self-generated sexually explicit images and/or videos?
 - b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
 - c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

As explained in the response to question 8.1, the possession, transfer, offering, passing on, or making accessible in any other manner a pornographic depiction of a minor to another person is punishable under § 219(1) StGB.

- 9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Theoretically alternative measures according to Chapter IIIa of the Code of Criminal Procedure ("Diversion") could be taken. In practice, however, adults are always prosecuted in such cases.

- 9.3. What are the legal consequences of the above behaviours (9.1.a-c)?

The sentence imposed under § 219 StGB is imprisonment of up to 10 years.

- 9.4. Does national law criminalise cases when adults:²
- a. possess child self-generated sexual content?
 - b. distribute or transmit child self-generated sexual content to other adults?
 - c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

Yes, see the response to question 9.1.

¹ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

² If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

- 9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Theoretically alternative measures according to Chapter IIIa of the Code of Criminal Procedure ("Diversion") could be taken. As a rule, such alternative measures are not considered and adults are always prosecuted in such cases.

- 9.6. What are the legal consequences of the above behaviours (9.4.a-c)?

The sentence imposed under § 219 StGB is imprisonment of up to 10 years.

- 9.7. Does national law criminalise cases when children:³

- a. produce self-generated sexually explicit images and/or videos?
- b. possess self-generated sexually explicit images and/or videos?
- c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
- d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?
- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

Under § 219(6) StGB, criminal liability is excluded for the production or possession of child pornography material if production or possession of the pornographic depiction of an adolescent is with the adolescent's consent and for the adolescent's own use. According to the legal definition set out in § 74(1)(2) StGB, an adolescent is a person between the age of 14 and 18. The transfer of pornographic depictions by the adolescent depicted and the transfer of pornographic depictions of other adolescents or children by adolescents are, however, prohibited by criminal law.

Children under the age of 14 have not reached the age of criminal responsibility and thus cannot be held criminally responsible for the production, possession, or transfer of pornographic depictions of a minor (i.e. of a person who has not reached the age of 18), irrespective of whether the depictions are transferred to other children/adolescents or to adults.

- 9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

Children (i.e. juveniles) between the age of 14 and 18 could be prosecuted specifically for the distribution of self-generated sexually explicit images of other children to peers or to adults. If the requirements of §22a Code of Criminal Procedure ("Diversion") are met (e.g. the suspect's culpability is not considered to be serious, the offence did not result in a person's death, and no sexual assault under § 201 StGB or sexual abuse of a defenceless or mentally impaired person under § 204 StGB has occurred), the Public Prosecutor will consider alternative measures, such as the measures described in §§ 22c, 22d, or 22f of the Code of Criminal Procedure (the payment of an amount of money, the

³ This question does not in any way suggest that these behaviours should be criminalised.

performance of community service, the setting of a probation period, possibly in connection with supervised probation and compliance with duties).

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

See also the response to question 9.7. The severity of penalties for offences committed by adolescents is governed by § 6(4) of the Juvenile Court Act (LGBI. 1988 No. 39 as amended). The maximum custodial sentence under § 219 StGB is reduced by half.

9.10. Does national law criminalise cases when children: ⁴

- a. produce self-generated sexual content?
- b. possess self-generated sexual content?
- c. distribute or transmit self-generated sexual content to peers?
- d. distribute or transmit self-generated sexual content to adults?
- e. distribute or transmit self-generated sexual content of other children to peers?
- f. distribute or transmit self-generated sexual content of other children to adults?

See response to question 9.7.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

See response to question 9.8.

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

See response to question 9.9.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2⁵

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

See response to question 9.7.

⁴ This question does not in any way suggest that these behaviours should be criminalised.

⁵ Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2⁶

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

The answer to this question depends in part on the age of the perpetrator. If the perpetrator is at least 14 years old, the possible criminal offences are §§ 106 (aggravated coercion), 144 (extortion), and 145 (aggravated extortion) of the Criminal Code. In the case of extortion, unlawful enrichment of the perpetrator or damage to the victim's assets is a prerequisite for the realisation of the offence.

Question 12. Jurisdiction rules⁷

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

According to § 64(1)(4a) StGB, in regard to offences under §§ 203(2) (sexual harassment of under-age persons), 205 (aggravated sexual abuse of under-age persons), 206 (sexual abuse of under-age persons), 207 (endangerment of the morals of under-age persons or adolescents), 208 (sexual abuse of minors), 209 (initiation of sexual contacts with under-age persons), 209a (immoral influence on under-age persons), 214 (arrangement of sexual contacts with minors in return for a valuable consideration), 215a (promotion of prostitution and pornographic performances of minors), and 219 (pornographic depictions of minors) of the Criminal Code, extraterritorial jurisdiction is exercised irrespective of the criminal laws of the place where the act is committed if the perpetrator or the victim is a Liechtenstein citizen or if the perpetrator's or victim's place of residence or habitual abode is in Liechtenstein.

For acts other than those referred to in § 63 and § 64 StGB that have been committed abroad, the Liechtenstein criminal laws shall apply, provided that the acts also carry a penalty under the laws of the place where they are committed, if the perpetrator was a Liechtenstein citizen at the time of the act or acquired Liechtenstein citizenship at a later point in time and still holds it at the time the criminal proceedings are initiated (§ 65(1)(1) StGB), or if the perpetrator was a foreign national at the time of the act, is caught in Liechtenstein, and cannot be extradited abroad for reasons other than the type or nature of the act (§ 65(1)(2) StGB).

⁶ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

⁷ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

a. in law enforcement?

There is no specialised unit of the Liechtenstein National Police. Within the Crime Investigation Division, the Serious Crime Unit (KOM EM) is also responsible for investigations into all sexual offences. Two investigators are responsible for the sexual offences section within the KOM EM. They have many years of experience and training, especially in the investigation and questioning of victims who are minors. In addition, the Crime Investigation Division has two IT forensic experts who provide technical support to the investigators and carry out internet monitoring for the Crime Investigation Division in regard to prohibited pornographic material.

b. in prosecution?

The Liechtenstein Office of the Public Prosecutor consists of seven prosecutors. They deal with all types of cases. Two prosecutors, however, are specialised in dealing with cases of sexual offences against children. They provide the five other prosecutors with their expert knowledge and assist them with regard to all questions relating to the prosecution of such offences. Also, the two specialised prosecutors are in permanent contact with other authorities working in this field such as the Family Court, the Office of Social Services, and the Office of Education.

c. in courts?

There is no specialised division for this purpose within the Court of Justice. When technical questions arise, IT experts of the National Police are consulted; all other cases are assigned to the officers of the National Police responsible for sexual offences in general. At the court and the Office of the Public Prosecutor, cases are in general assigned according to when they arise, since no specialisation in regard to sexual offences applies.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

See response to question 13.1.a.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

→ As regards law enforcement, please indicate if:

- a. there is a victim identification function?
- b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

When assessing whether material constitutes child pornography, the National Police can access the National Image Hash Value Database (NDHS) of the Swiss Cybercrime Coordination Unit (CYCO). The National Police is also able to carry out its own internet monitoring (ICAC Cops). However, the National Police does not contribute actively to INTERPOL's International Child Sexual Exploitation

(ICSE) image database. The reason is that the National Police does not have experts specialising in the identification of victims of online child abuse materials.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

For the Liechtenstein National Police, it is a challenge to examine and visualise the large volumes of relevant images and videos, to assess the ages of the persons depicted (< 18 years), to identify the depicted persons on the basis of the image recordings, to prove that the materials are being offered to other internet users (e.g. via P2P file-sharing exchanges), and to deal with the psychological burden on investigators and forensic experts when looking at the data on an extended basis. Furthermore, access to protected internet environments (closed chats, darknet, etc.) is often only possible under special access conditions (personal recommendation, contribution of own material, etc.).

The Office of the Public Prosecutor is well equipped to prosecute both types (14.a and 14.b) of cases. There are no serious challenges in this regard. The prosecutors in Liechtenstein try to address the specifics of every case. While adult offenders are systematically prosecuted, there is a policy to react in a differentiated manner when the offenders are juveniles between the age of 14 and 18. Sometimes alternative measures are considered the more appropriate reaction. The protection of victims is taken seriously at all stages of the proceedings.

Courts do not consider there to be any special circumstances or specific challenges in dealing with cases of sexual offences. Rather, the same questions and difficulties arise in the course of the investigation as they do every time a crime is committed with the help of IT resources. In this respect, a special challenge for Liechtenstein is that, due to its small size, it is often necessary to obtain data from foreign providers by way of mutual legal assistance, which is time-consuming and can be problematic especially with regard to the retention periods for peripheral data. Otherwise, however, criminal prosecution has the necessary legal bases and other resources to be able to proceed adequately.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

There is no specialised training of police officers to that effect in Liechtenstein.

With regard to the Office of the Public Prosecutor, please refer to the response to question 13.1. Two prosecutors regularly visit training courses for prosecutors in this field. In team meetings the knowledge acquired by these two prosecutors is shared with the other prosecutors.

Judges are trained at the Court of Justice by being assigned to the various divisions, including the investigating judges' divisions. It can therefore be assumed that when a case arises, candidate judges may also be called upon to deal with such offences. There is no offence-specific training; training covers all possible criminal offences in general. Therefore, more specialised knowledge tends to be gained primarily with regard to the types of offences that occur more frequently. (Active) sexual offences occur comparatively rarely in Liechtenstein and even more rarely are committed using ICT. Only the consumption of child pornography regularly leads to prosecutions, but no specific problems are to be expected with regard to investigations of such cases, and international cooperation between police authorities within the framework of internet screening functions smoothly.

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

Partnerships

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

Cooperation to that effect does not currently exist.

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

Cooperation to that effect does not currently exist.