



STATE PARTY EXAMINATION OF SWITZERLAND'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

68TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
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Switzerland ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 19 September 2006. On 22 January 2015, the Committee on the Rights of the Child (the Committee) examined the initial periodic report of Switzerland.

Opening Comments

The delegation of Switzerland was led by Ambassador Stephan Cueni, Head of the International Affairs Division, Federal Social Insurance Office of Switzerland. He was supported by representatives from the Federal Social Insurance Office, Canton of Fribourg, the Conference of Cantonal Directors of Social Affairs (CDAS), the Federal Office of Public Health, the Federal Office of Justice, the Federal Office of Police, the State Secretariat for Migration, and the Permanent Mission of Switzerland to the United Nations Office at Geneva.

Mr. Gehad Madi, the Country Rapporteur for the OPSC, welcomed the Swiss delegation.

General Measures of Implementation

Legislation

The Committee commended the State party for the amendments to the penal code. It pointed out that article 182 of the penal code incriminated trafficking offences in conformity to the protocol. However, the minimum penalty was of one year of imprisonment. The Committee asked whether the delegation deemed the length of the penalty to be sufficient. The delegation explained that the minimal sentence of one year of imprisonment was only for mild cases. It added that the maximum penalty was of twenty years.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at

www.childrightsconnect.org/index.php/publications-resources/crc#countrysum

The Committee noted that article 187 of the penal code did not criminalise the diffusion of images of nude children on the beach. It asked if the State party intended to change that. The delegation informed the Committee that a motion had been introduced at the parliament to criminalise the diffusion of images of nude children.

The Committee was concerned about the differentiation between sale and trafficking in Swiss law. The delegation explained that in trafficking, the victim was considered as an object of exploitation.

Coordination and monitoring

The Committee asked if a national plan had been elaborated to fight the trafficking of children. The delegation explained that the Coordination Unit against Trafficking of Persons and the Smuggling of Migrants had established a national action plan. The Coordination Unit worked in close collaboration with ECPAT Suisse. Some of the action plan's measures included the elaboration of a legal basis for preventative measures, the realisation of a feasibility study to evaluate the scale of trafficking and the appointment and training of prosecutors that would also serve as contact points. The delegation added that the Council of Europe would evaluate the State party and a revised action plan would be elaborated upon reception of the Council's recommendations.

The Committee noted with concerns that there was no monitoring mechanism in place for sex offenders. The delegation explained that a popular initiative had been taken to prevent sex offenders/paedophiles to work with children. The delegation added that cantons had also taken measures to prevent sexting. A system had been put in place for the prevention of victims' blackmailing.

Dissemination and training

The Committee commended the elaboration of a code of conduct by ECPAT in regards to sexual tourism. It further asked whether tourism professionals implemented the code. The delegation explained that only travel agencies were concerned by the code since the code aimed at the prevention of sexual tourism abroad. It added that the implementation of the code of good conduct was a voluntary act.

The Committee asked whether some cases of sexual tourism had been reported to Swiss authorities. The delegation responded that no case of sexual tourism had been brought to the attention of the police on Swiss grounds. However, some Swiss nationals had been prosecuted for sexual tourism abroad: 5 cases in 2011, 3 in 2012 and 5 in 2013.

The Committee asked about the dissemination and awareness raising on the OPSC among children and professionals working with/for children. The delegation answered that projects had been developed for the dissemination and sensitisation on the OPSC. The Swiss Foundation for Child Protection had published manuals and offered trainings on the OPSC. It added that the programme Youth and Media sensitized people on the risks linked to the use of the new information and communication technologies. Sensitisation campaigns on the safe use of media were held regularly at the cantonal level.

Data collection

The Committee asked for information on how data were collected in regards to sexual exploitation of children. The delegation replied that there were three principal data sources: the police, child protection services and questionnaires for youth. The delegation added that the questionnaires were the more reliable source.

Cooperation with civil society

The Committee regretted that there was very limited financial support for NGOs.

Prevention

The Committee asked about measures for the prevention of sexual crimes through the use of the Internet. The delegation explained that Internet services providers had implemented two regulatory tools to prevent the sexual harassment of children on the Internet: a 2008 sectorial initiative and the Swiss Internet Industry Association, a network of over a hundred members.

Prohibition and related matters

The Committee asked if the exportation of pornographic material involving children was reprehensible by law. The delegation answered that Article 187, paragraph 4 of the penal code prohibited the exportation of pornographic material involving children.

Protection of the rights of victims

The Committee raised concerns about 16 being the age of legal protection in regards to child pornography. It then asked whether measures were taken to have the age of legal protection to 18. The delegation highlighted that the penal code would be amended. It added that the legal age for prostitution and pornography had been raised to 18. It also added that Articles 196 and 197 of the Swiss penal code covered child pornography.

The Committee pointed out the lack of adequate system of identification and rehabilitation of children victims of sexual abuse. The delegation explained that the Coordination Unit against the Trafficking of persons in collaboration with the cities of the State had given recommendations for children victims of trafficking and sexual exploitation. It added that support was provided to victims at centres established for that purpose. Children victims of sexual abuse could also ask the federal government for compensation.

International assistance and cooperation

The Committee asked whether double incrimination was necessary for the extradition of sex crimes perpetrators. It also asked if Article 5 paragraph 2 of the OPSC could serve as base for extradition between the State party and another State. The delegation said that Article 5 of the penal code allowed double incrimination. But it added that double incrimination was not necessary for certain offenses.

Concluding remarks

Mr. Gehad Madi, the Country Rapporteur for the OPSC, thanked the delegation for the cooperation. He encouraged the State party to consider the Concluding Observations for the elaboration of the next report on the CRC and its optional protocols.

Mr. Cueni, Head of delegation, thanked the Committee for the interactive dialogue. It assured the Committee that the Concluding Observations would be given due consideration and would influence the Swiss legislation.