

## Comments on the Written Replies of the Swiss Government to the OPSC

### Questions 1 & 2, page 1-2

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- **Question:** What will the State Party undertake to enable data collection in the foreseeable future?
- **Comment:** The available data (incl. the new system of the Federal Statistical Office) are insufficient; in particular, there is no information regarding under 16 year olds. Without data, neither monitoring nor progress is possible.

### Question 3, page 3

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- **Comment:** The national action plan to fight human trafficking (2012-14) has experienced delays and only few financial resources are available. In particular, NGOs receive little financial support for their services from the Federal Government. For other issues (sexual exploitation / abuse) there is no action plan at all.
- **Question:** Are there any studies envisaged by the State Party that could further investigate these phenomena and may serve as the basis for an action plan?

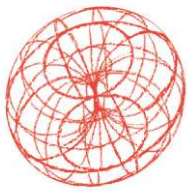
### Question 5, page 3

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- **Specification:** It is correct that the global network ECPAT International together with national ECPAT groups focus their work on eliminating the sexual exploitation of children and trafficking of children. Kinderschutz Schweiz/ ECPAT Switzerland currently only receive funding from the State Secretariat for Economic Affairs (SECO) for some of the activities of child protection in travel and tourism (i.e. awareness raising campaign „Don't Look Away! [www.stopchildsextourism.ch](http://www.stopchildsextourism.ch)“). However, activities for other areas of OPSC implementation do not receive financial support by the Federal Government.
- **Comment:** Part 2 of the Federal Government's reply does not answer question 5.
- **Question:** Which financial services does the Federal Government provide or plan to provide regarding the implementation of the OPSC? What kind of (national) measures and/or campaigns and/or other initiatives does the State Party finance or plan to finance for preventing sexual exploitation and child trafficking?

### Question 6, page 3/4

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- **Specification:** A systematic and national strategy to raise awareness and inform as well as present the OPSC to the public does not exist. The measures that are taken are fragmented.
- **Question:** Does the Federal Government have any plans regarding a systematic strategy?
- **Specification:** The participation of Kinderschutz Schweiz/ECPAT Switzerland as an expert in the National Action Plan against Human Trafficking is currently not being financially supported by the Federal Government.

#### **Question 7 and 8, page 5/6/7/8**

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- **Question:** We recommend the Committee to ask the State Party to clarify the national strategy and measures with regard to the protection of children and young people – particularly vulnerable groups of minors – victims of sexual violence, exploitation, sexual exploitation, abuse and sexual exploitation for the purpose of production of child pornography and child trafficking.
- **Question:** Regarding unaccompanied minors in Switzerland who seek asylum and the strong risk of these children potentially being victims of trafficking and/or other forms of exploitation: Can the Federal Government present a national overview of the number of applications, type of assistance received and outcome of the trial? When minors are involved, is a legal guardian immediately and automatically appointed in all federal reception and process centers (EVZ) as well as later on in the Cantons? Is a legal guardian present in every step of the process? Are the authorities' members systematically trained regarding special protection claims of minors in asylum procedures? Are the authorities' members systematically trained in improved victim identification and special protection and support claims for child victims of child trafficking / exploitation?

#### **Question 9, page 7**

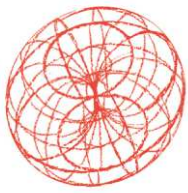
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- **Question:** Are there detailed statistics of criminal procedures or convictions of sex offenders who have committed crimes against minors abroad?
- **Specification:** In protecting children and young people against pedosexual offenders and other offenders both in Switzerland and abroad, specialized registers and travel bans preventing convicted offenders from entering or leaving a country and an automatic exchange of information between states do not exist.
- **Question:** Support of victims: Is there any information on medical / psychological support as well as financial compensation and long-term support of child victims abroad?

#### **Question 11, page 9**

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- **Comment:** Regarding 'Grooming' / Sexual harassment of minors / Solicitation of children for sexual purposes: Today's laws contain significant gaps, regarding comprehensive protection of children from grooming, i.e. protection against sexual harassment and solicitation of children for sexual purposes. Therefore, a review of all existing criminal provisions for the protection of children against pedosexual perpetrators is necessary. In addition, Article 198 Swiss Criminal Code on sexual



harassment is a weak provision: the stated criminal offence cannot be prosecuted without a formal complaint by the victim.

→ **Specification:** Le harcèlement sexuel d'enfants et la tentative d'entrer en contact avec eux à des fins sexuelles. Les lacunes actuelles de la législation:

Pour protéger les enfants contre le harcèlement sexuel sur Internet, il y a lieu de procéder à des ajustements de la législation: il existe des pédophiles qui utilisent Internet afin de rencontrer des enfants et se livrer à des actes d'ordre sexuel avec des enfants. Il y a aussi beaucoup d'auteurs qui satisfont leurs intérêts sexuels pour des enfants sans qu'une rencontre soit le but, en utilisant les chat-rooms.

L'art. 198 CP rend punissable en partie le harcèlement sexuel mais ne suffit pas pour punir les nouvelles formes de harcèlement via Internet. L'article 198 CP est très faible, car il s'agit d'une infraction poursuivie sur plainte. Dans de tels cas, la police ne peut pas intervenir si elle fait des investigations à but préventif. S'ils se font harceler sexuellement, les enfants, en général, ne se confient pas à leurs parents mais plutôt à leurs amis. Il n'y a guère de plaintes pénales et les pédophiles peuvent continuer leurs agissements sur le net sans être inquiétés.

La législation pénale actuelle ne protège pas suffisamment les enfants et les jeunes contre le harcèlement sexuel et les dangers sur Internet. L'art. 198 devrait être érigé en infraction poursuivie d'office. L'art. 198 doit en outre être complété et inclure explicitement le harcèlement au moyen des technologies de l'information et de la communication.

### **Question 12, page 10**

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→ **Question:** Is there any further information available concerning the right of residence and support (incl. financial support) for child victims of exploitation or potential child victims of child trafficking and sexual exploitation?

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