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### **Comments to the fifth Swedish governmental report from ECPAT Sweden**

Dear Madam and Sir,

We are pleased to submit the enclosed document for consideration. It represents ECPAT Sweden's main issues of concern on the fifth Swedish governmental report on the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography on issues relating to commercial sexual exploitation of children.

We hope that this information will be useful in the coming discussions with the representatives of the Swedish Government.

We give our consent regarding placing this alternative report on the electronic database managed by Child Rights Connect.

It is ECPAT Sweden's intention to participate at the pre-session in June and at the hearing of the Swedish Government.

Yours sincerely,  
ECPAT Sweden

Anders L. Pettersson  
Executive Director  
ECPAT Sweden



## **Comments to the fifth Swedish Government report on the UN Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography**

ECPAT Sweden was established in 1996 and is the only organisation in Sweden focusing on combating commercial sexual exploitation of children. Our goal is to ensure the Swedish Governments full implementation of articles 34 and 35 of the UN Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in Sweden. ECPAT Sweden has succeeded to draw public attention to commercial sexual exploitation of children in persistent lobbying of the Government, law enforcement, relevant ministries and authorities. The efforts have resulted in improved awareness, legislation and a better priority when investigating the crimes.

Over the years ECPAT Sweden has conducted training on commercial sexual exploitation of children for police, prosecutors, judges, lawyers, teachers among others, as well as organised wide-ranging awareness campaigns. ECPAT Sweden has also initiated several co-operations with the private sector. In 1998 ECPAT Sweden developed the Code of Conduct for the Protection of Children against Sexual Exploitation in Travel and Tourism, which is now implemented by the tourism industry in over 40 countries. In 2005 ECPAT Sweden initiated the blocking of child sexual abuse materials on the Internet, a collaboration between the National Police and the major Internet Service Providers. At the same time ECPAT Sweden established the ECPAT Hotline ([www.ecpathotline.se](http://www.ecpathotline.se)), a webpage for reporting commercial sexual exploitation of children, with the main objective to increase the reports from the general public to the National Bureau of Investigation. With the goal of making it impossible to use the financial systems for trade in sexual abuse images of children, ECPAT Sweden formed a financial coalition against child pornography launched in August 2008. ECPAT Sweden is constantly monitoring the situation in Sweden and evaluating the activities taken by different stakeholders, especially the Swedish Government.

ECPAT Sweden's mandate covers commercial sexual exploitation of children and our alternative report is consequently limited to this topic. Our focus is new information, acquired since ECPAT Sweden's last report was submitted in May 2011. In our list of recommendations we have summarized some of the outstanding challenges, most of them previously observed by the Committee on the Rights of the Child (hereinafter referred to as "the Committee") in their Concluding Observations.

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## Summary

Much work remains in Sweden in order to protect children from all forms of sexual exploitation and sexual abuse in accordance with the Convention on the Rights of the Child (hereinafter referred to as "CRC") and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (hereinafter referred to as "OP"). It is regrettable that most of the fundamental recommendations made by the Committee have, despite repeated criticism, still not been implemented by the Government. It is also regrettable that the Swedish Government still has not yet implemented the CRC into the Swedish national legislation and signed the third Optional Protocol to the CRC on a Communications Procedure.

The general legislation is in place but the sanctions are too weak and therefore these crimes are not given the priority and the resources required. The commercial aspect of sexual abuse of children seems to undermine the legal protection; perpetrators ("the sexbuyers") are sentenced for the purchase and not for the actual sexual offence. Millions of sexual abuse images are never screened and children are not identified, due to lack of resources and priority. The Swedish National Police does not have enough tools to combat the new challenges they face when investigating crimes committed on the Internet. Furthermore, there is still no compulsory training on commercial sexual exploitation of children, including victim and offender psychology for professionals, working with and for children. The offered counselling and treatment for potential offenders and perpetrators is still limited. Sanctions for corporate liability is not developed at all.

Still, year after year, hundreds of asylum-seeking minors disappear; without measures being taken to find them - some of them have later been found victims of commercial sexual exploitation. Sweden also discriminates foreign children being victims of commercial sexual exploitation by Swedish citizens, both abroad and in Sweden.

ECPAT Sweden prioritizes' the following issues:

- Exclude financial penalty from the punishment of the offences under the OP;
- Make training on the OP compulsory for all students and professionals working with or for children (urgently social workers and judges) and,
- Ensure preventive counseling and rehabilitation for all perpetrators of offences under the OP.

## **I. General measures of implementation (Articles 4 and 42)**

### **Article 4**

#### **The lack of collection of data**

ECPAT Sweden is concerned that we still in 2014, do not know neither the extent of commercial sexual exploitation of children in Sweden, nor by Swedish perpetrators abroad. The Swedish National Council for Crime Prevention concludes, in the evaluation of the action plan against trafficking and prostitution: "...*there are still gaps in knowledge regarding the magnitude of problems and character, as well as regarding effective tools to help the victims.*"

Data is still lacking for almost all forms of sexual exploitation of children, e.g. there is no estimation of the number of children in prostitution in Sweden, number of children being trafficked to and within Sweden for sexual purposes, or abused by Swedes abroad. Furthermore, it is still not possible to follow a case from report to verdict.<sup>1</sup> As a consequence of the lack of data, it is difficult or impossible to follow trends of commercial sexual exploitation of children committed in Sweden and abroad.

#### **Regular & compulsory training**

There has been an improvement in regards to training on children's rights in general. However, there is still no regular and compulsory training on the CRC and the OP for professionals working with or for children. Training on commercial sexual exploitation of children, including victim and perpetrator psychology, must urgently be included in the compulsory education for all students whom in the future will work directly with children or to safeguard the rights of children, as well as for the same group of professionals. The training must be regular and compulsory and not made on ad hoc basis.

The County Administrative Board in Stockholm, verified in their recent report regarding trafficking of children that "*Despite major training initiatives aimed at social services and other agencies and organizations, there is a lack of knowledge of how to detect trafficking in Swedish children and foreign children.*"<sup>2</sup> UNICEF Sweden states in another recent report that: "*There is considerable uncertainty among authorities on the mandate and responsibilities. Despite several efforts to increase knowledge when it comes to support for individual children who may be victims of trafficking the authorities are paralyzed. Both the Social Services Act and the Convention on the Rights of Child are clear that all children who are staying in Sweden should receive support if they are*

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<sup>1</sup> The number of notifications is compared with the number of prosecuted individuals, despite the fact that most of the notifications were made the previous year.

<sup>2</sup> The County Administrative Board in Stockholm, *Children being victims of trafficking – a national mapping*, report 2012:27, p 17.

*abused. But still children are exploited just in front of officials from various agencies without being detected.*"<sup>3</sup> A report by the Swedish Ombudsman for Children published in 2012, reveals that in nearly a third of the chambers in Sweden, prosecutors dealing with crimes against children are not specially trained.<sup>4</sup> The Swedish National Police Board gives a clear recommendation in regards to training of professionals in their report from 2014. *"Efforts to combat trafficking, no matter for what purpose, must be concentrated at all stages of the criminal activity. When it comes to sex trafficking the police authorities should focus on both the men who buy sex or sexual acts of children under 18 years in Sweden, in transit and on organizers within Sweden and abroad. This work is particularly important to prevent the establishment of aggravated criminal organizations in Sweden, and to reduce the demand for sexual services. To succeed in this work, police, prosecutors and judges should systematically improve their skills through capacity building measures, exchange of experiences and prioritize the work to combat these crimes."*<sup>5</sup>

There are no special Courts or specially trained judges in Sweden, when it comes to crimes against children. The only compulsory training for judges is the training for newly appointed judges. Due to lobbying of ECPAT Sweden, a course on commercial sexual exploitation of children was introduced in 2010. The course was given by ECPAT Sweden, the Swedish National Bureau of Investigation and the Swedish Prison and Probation Service. In total the training was held eight (8) times, and the last training was offered in February 2012. When the new compulsory education program for judges was introduced in autumn 2012, training on commercial sexual exploitation of children, including victim- and offender-psychology had been excluded. The explanation, given by the headmaster of the Academy of the Swedish Courts, was that the information was important, however in dialogue with judges, this training was not given priority. Unfortunately, training on the OP and CRC is neither given priority during the four and the half (4,5) years of university education to become a lawyer nor during the compulsory training for newly appointed judges (except during the period of 2010-2012). When it comes to training and seminars offered to judges in general, they are on a voluntary basis and it is up to the individual judge to decide whether he or she is in need of more information.

The lack of knowledge of the complexity of commercial sexual exploitation of children becomes highly visible when it comes to sanctions and the reasoning in the verdicts. Commercial sexual exploitation of children is often sanctioned with an economic penalty or a short sentence of imprisonment not proportional to the severity of the

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<sup>3</sup> UNICEF Innocenti Research Center, *Child Trafficking in the Nordic Countries: Rethinking strategies and national responses*, 2012.

<sup>4</sup> The Swedish Ombudsman for Children, *Time for justice*, report 2012:01, p. 9.

<sup>5</sup> The National Police Board, *Human trafficking for sexual and other purposes*, report 14, 2014, p. 39.

crime. The commercial aspect of the sexual abuse, the remuneration, seems to undermine the legal protection of children. Another consequence related to the lack of training is the lack of protection for children between 12 and 18 years. When the child is close to the age of consent, which is 15 years old, there is practically no legal protection in Sweden. The arguments from the perpetrators that he/she believed the child was over 15 years are in general accepted. Children are also constantly treated as adults and there is no particular child focus.<sup>6</sup>

### **Dissemination and awareness-raising**

ECPAT Sweden is not aware of the recommendations by the Committee (the Concluding Observations) have been made widely available, to the public at large, civil society organisations, youth groups, professional groups, communities or children. The purpose would be to generate debate and awareness of the implementation and monitoring. ECPAT Sweden is constantly in contact with enumerated groups and very rarely anyone has heard of the important recommendations.

### **Allocation of resources**

Measures still need to be strengthened to ensure equal access and availability of services for all children, irrespective of where they live. This is illustrated in the following quote by one of the police officers who work fulltime to investigate child prostitution in Stockholm (online and offline): “...we only have a mandate to work in Stockholm, but we constantly see ads from all over the country, ”<sup>7</sup>

## **Article 42**

### **Incorporate the CRC into Swedish law**

The fact that CRC is not incorporated into Swedish law, influences how children’s rights are protected by the Government, ministries, authorities and the law enforcement on a daily basis. ECPAT Sweden urges the Government to speed up the process of incorporating the CRC into the Swedish national law so that it will be directly applicable in the national Courts. It is regrettable that the commission on how to incorporate the CRC into Swedish law will not be presented until April 2015. ECPAT Sweden also urges the Government to sign the third Optional Protocol on a Communications Procedure.

### **Coordination and a long term strategy**

Commercial sexual exploitation of children falls within the realm of several different ministries, and involves a number of actors throughout society. The absence of strong

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<sup>6</sup> The National Police Board, *Human trafficking for sexual and other purposes*, report 14, 2014, p. 26.

<sup>7</sup> Simon Haggström, Swedish National Police, in Swedish newspaper *Aftonbladet* 29 august 2013.

<http://www.aftonbladet.se/nyheter/article17373270.ab> (visited February 28 2014)

Quote confirmed on telephone 27/2 2014.



national coordination and a long-term strategy influence the result and impact of activities carried out in Sweden. Each enumerated activity in the governmental report is warmly welcomed, but it must be part of a long-term strategy and initiated in a context that is constantly evaluated, monitored and coordinated with other activities taken by different actors in the society. A number of reports recently highlight the lack of coordination and collaboration among different stakeholders in the society, but also between relevant ministries.

The Swedish National Council for Crime Prevention clearly illustrates that the lack of coordination impact the effectiveness of the work carried out in the evaluation of the action plan against trafficking and prostitution, (carried out 2008-2011, with a budget of 219 million SEK) “...there is a need to improve the coordination of the different activities carried out in the area. The lack of coordination has resulted in agencies and organizations having made reports and educational material with similar themes...”<sup>8</sup>

The County Administrative Board in Stockholm (2012) also underlines the importance of a long-term strategy in a report in which it is revealed that that hundreds of children disappear yearly in Sweden with no actions taken from the society. “..There is also a need to better monitor and foresee new risks in order to improve the preventive work.”<sup>9</sup>

## **II. Definition of the child**

Thousands of images of children are not identified as illegal, since the definition of a child in the Child Pornography Act only applies a strict age limit of 18 years when it comes to producing child pornography (Penal Code chapter 16, article 10a). For the remaining crimes (distributing, disseminating, offering, selling, possession, accessing etc.) a child is defined as a person whose pubertal development is not complete or, if it is apparent from the picture and its attendant circumstances, the victim is less than 18 years of age.

The same children that are not defined as ‘children’ in accordance with the Child Pornography Act are treated as adults when it comes to sexual abuse and commercial sexual exploitation of children. The arguments from the perpetrators that he/she believed the child was 15 years old (age of consent) or above (when it comes to purchase of a sexual act of a minor) are in general accepted. The closer the child is to 18 years of age, the easier a consent to sexual exploitation is accepted by the Courts. It is possible to say that in practice, the actual protection against commercial sexual

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<sup>8</sup> The Swedish National Council for Crime Prevention, *Prostitution and trafficking for sexual purposes. Final report regarding the governmental plan of action*, report 2011:18, p. 37.

<sup>9</sup> The County Administrative Board in Stockholm, *Children being victims of trafficking – a national mapping*, report 2012:27, p. 28.

exploitation exists for children up to 12 years of age.<sup>10</sup> A strict age limit of 18 years should be applied for all crimes, even if the adult is not aware of the child's age. "In many cases when the perpetrators are prosecuted for attempt or purchase of a sexual act of minor they claim that they had no knowledge of the child's actual age. In these situations, courts often find that the defendant's objection regarding the child's age cannot be refuted and they are sentenced to "purchase of sexual services", a crime which results in a shorter penalty."<sup>11</sup>

### III. General principles

#### **Article 2**

##### **Non-discrimination**

Children (citizens) are poorly protected from sexual exploitation in Sweden, but foreign children and children abroad being abused by Swedish perpetrators are even less protected. ECPAT Sweden has for the last ten years raised awareness about the risk of commercial sexual exploitation of children within the migration system. The risks the unaccompanied asylum-seeking minors may face are now well known, still hundreds unaccompanied asylum-seeking minors disappear yearly, without little or no action taken.<sup>12</sup> "An assumption is that they belong to the very socially marginalized groups and that they have been abandoned, lent or sold. The children are without rights and without any social safety net. They are left to their fate and no one knows who has the main responsibility for them", states the the County Administrative Board of Stockholm in the summary of their report about trafficking of children from 2012. The report is based on a national survey conducted during 2009-2011 revealing that 166 children were registered as suspected victims of trafficking during this time (a third of these children were unaccompanied asylum-seeking minors).<sup>13</sup> "If they are treated as Swedish children? No, they are not. My workload is for example much bigger than that of other social workers and when it comes to Swedish cases the investigation is much more extensive...."<sup>14</sup>, states a social worker that handle cases regarding unaccompanied asylum-seeking minors.

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<sup>10</sup> Stockholm University, Faculty of law, statement on the proposed new law on sexual crimes, p. 4.

<sup>11</sup> The National Police Board, *Human trafficking for sexual and other purposes*, report 14, 2014, p. 27.

<sup>12</sup> The County Administrative Board in Stockholm, *Children being victims of trafficking – a national mapping*, report 2012:27, p 8.

<sup>13</sup> The County Administrative Board in Stockholm, *Children being victims of trafficking – a national mapping*, report 2012:27, p 34.

<sup>14</sup> Save the Children Sweden, extract from the Swedish report *What has happened – unaccompanied asylum-seeking minors – reception since the municipalities have taken over the responsibility of accommodation and care*- 2008, p. 30.

### **Victims of child sex tourism**

Due to years of lobbying by ECPAT Sweden, there is now an allocated group at the Swedish National Bureau of Investigation focusing on child sex tourism, and specially appointed prosecutors in the major cities to handle these cases. ECPAT Sweden warmly welcomes this development along with the great initiative by the Swedish National Police Board to invite relevant ministries and authorities as well as ECPAT Sweden to annual meetings on the topic, in order to increase the collaboration and the efforts against this criminality. However, the Government needs to continue its' efforts and accept its' responsibility for the rights of foreign children by e.g. allocating resources for these investigations allowing police and prosecutors to be able to conduct their investigations without no time pressure because of financial aspects.

### **Article 12**

#### **Respect for the views of the child**

Children are discriminated by the mere fact that they are children in the Courts. Swedish Save the Children, who meets sexually abused children, witness that children still feel mistrusted in the legal procedure. Children experience that just the mere fact that they are children, means they are met with skepticism. Furthermore, Save the Children witness that they meet parents, police officers and prosecutors that describe the hopelessness to handle these cases and that they feel it is not even worth the pain to report suspicious cases of sexual abuse against children. According to Save the Children the requirement of high level of evidence makes it impossible to get justice for abused children.<sup>15</sup>

The establishment of "Barnahus" (Children's Advocacy Center) is an important improvement in order to safeguard children's rights in the legal system. However, an evaluation revealed that the establishment of "Barnahus" has not demonstrated any improvements so far when it comes to the quality of the criminal investigations, instead the rate of prosecution has been even lower in these cases. The fact that children give their witness statement through video link has made their testimonies even weaker. An evaluation made in 2013 of the 23 centers of "Barnahus" in Sweden showed that only 30% of the offices had specially trained child interrogators. In addition it was concluded that the quality of the centers differ. Training and skills must improve and additional research is needed.<sup>16</sup>

In the case from the Supreme Court<sup>17</sup> regarding sexual abuse on a child that sets the precedence of how a victim's statement should be validated, the Supreme Court stated:

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<sup>15</sup> Save the Children Sweden, <http://www.raddabarnen.se/press/vi-kommenterar/se-over-lagstiftning-om-overgrepp-mot-barn/>, published January 14 2011 (visited February 28 2014).

<sup>16</sup> Save the Children Sweden, *Inside a Children's Advocacy Centre*, 2013, p. 43.

<sup>17</sup> Case no. B2937-10 issued in Stockholm on 28 December 2010

*"However, according to their testimonies the boy's statements were brief and imprecise and therefore their testimonies do not provide any clear support for the information provided by the boy in the case." "TP (the boy) provided detailed descriptions of the first two occasions of abuse ... Prior to this, he had answered 'no' several times during the investigations when asked whether any such abuse had taken place. He explained this by saying that he felt ashamed and assumed that he would not be believed. His account of the abuse appears to be manifestly lacking in detail in comparison with how he recounted other circumstances. In general his account appears to be short and vague."* The quotations illustrates the total lack of child focus and knowledge of children's reactions to sexual abuse. The Supreme Court did not believe the child's statement to be trustworthy, even though two witnesses could confirm the child's statement.

## **IV. Civil rights and freedoms**

### **Article 17**

#### **Access to information**

Despite several reports about children becoming victims of sexual exploitation on the Internet, training on the risks in connection with the use of new media, is still on ad hoc basis and not a compulsory part of the school curriculum, offered at all schools throughout Sweden. Also, teachers as well as psychologists, nurses and all personnel employed in school lack compulsory training. The need of knowledge has been highlighted by the Committee several times and by ECPAT Sweden ever since the introduction of computers in schools. ECPAT Sweden ordered a survey on grooming in 2013, which revealed that information about grooming is not communicated to the parents nor to the children. The survey also showed that the existence of grooming is relatively known among children (the survey addressed children between 15-18 years old), that 8 % of the children had been victims of grooming themselves and 12 % knew someone who had been groomed. Very few stated that they would report the crime to the police. More information about grooming and the mere fact that this is a crime, which should be reported to the police, to both children and parents is needed urgently and on a regular basis.

## **V. Special protection measures**

### **Article 22**

#### **Asylum-seeking and refugee children**

ECPAT Sweden has several times emphasized that there are apart from unaccompanied asylum-seeking minors other groups of children being at risk of commercial sexual exploitation within

the migration system; children arriving to Sweden after their supposed custodians, children arriving with adults falsely acting as legal custodians, children entering Sweden with the use of look-alike-passports, children to migrants in hiding and children of foreign girlfriends and boyfriends temporary staying in Sweden. These children must be highlighted in strategies and already existing plans of action.

ECPAT Sweden welcomes the activity in the newly presented National Plan of Action where the Migration Board has been given the task to review their routines and collaboration with other authorities in relation to suspected human trafficking of children. However, the Government needs to improve the national responsibility for children at risk in the migration system, by evaluating and strengthen routines, training and the collaboration with other authorities. In addition the intelligence gathering, statistics, monitoring of loopholes in the system that may be misused and analysis must be developed, in order to protect children in accordance with the CRC and the OP and to enable detection of children at risk. It is outrageous that hundreds of children continue to disappear year after year, with no follow-up or effective measures taken by the Government.

### **Article 34**

#### **Commercial Sexual Exploitation of Children**

##### **National Plan of Action**

The new National Plan of Action (NPA) was presented only a few days before submitting this report, after several years delay. It is a two-year plan that does not outline the necessary long-term strategy. ECPAT Sweden is concerned about the broadened agenda including other forms of exploitation, the vague scope of the actions included, the lack of focus on demand and profiteers, as well as the fact that the NPA lack longevity. Most of all ECPAT Sweden is very concerned about the absence of concrete actions in accordance with the previous recommendations of the Committee. Even though some of the issues raised in this new NPA are similar when it comes to exploitation of children for other purposes, a focus on commercial sexual exploitation is more urgent than ever. The combat against commercial sexual exploitation of children is facing challenges that demand even greater effort and focus, the access to Internet

expands globally, existing technology constantly develops, new commercial services are offered to erase electronic traces on the Internet (facilitating both perpetrators and profiteers) and the increasing use of the hidden Internet.

### **Child Sex Tourism**

The Government needs to improve its efforts when it comes to child sex tourism and strengthen its international cooperation by multilateral, regional and bilateral arrangements for the prevention and elimination of child sex tourism. The Government further needs to increase the knowledge about child sex tourism in general and Swedish perpetrators going abroad. In addition, the Government should work closer with the tourism industry, disseminate the UNWTO Global Code of Ethics for Tourism and become a member of the UNWTO and its' task force, World Tourism Network on Child Protection.

### **Legislation**

When it comes to legislation in general, the sanctions must be in accordance with the severity of the crimes. The sale of children is prohibited in theory but fails in practice. *Purchase of sexual act of a minor* is sanctioned with a fine as a minimum; and the law is selectively applied. In practice, the law against adult prostitution (*purchase of a sexual service*) is frequently used also in cases when the victim is a trafficked minor. The Courts do not try the age intent of the perpetrator and consequently deprives the child protection and access to remedy. The trafficking act is in practice limited to cross-border trafficking offences with foreign victims. There are few convictions when it comes to trafficking. ECPAT Sweden is of the opinion that a special act when it comes to trafficking of children, as suggested by UNICEF Sweden, would increase the amount of verdicts and better visualize the special protection needs for children.

In addition, the current Child Pornography Act must be defined as a sexual crime against children, instead of a crime against public order which is the case today. ECPAT Sweden firmly believes that a changed definition would contribute to another way of validating the crime, as a sexual crime against a child, not at least would allow the child, being documented in the sexual abuse material, to be defined as a victim and granted compensation. This is not the case today.

In a report from June 2013, the Swedish National Council for Crime Prevention evaluated the application of the penal code provision criminalizing *contact with a child for sexual purposes* (Penal Code Chapter 6, Section 10 a). The provision came into force on July 1, 2009. Between this date and the end of 2012, a total of 617 reported offences were registered by the police as a possible *contact with a child for sexual*

*purposes, while at the same there were only five convictions for offences against the provision. A total of ten percent of the contacts registered as contacts with a child for sexual purposes resulted in prosecutions. "The principal reason that the gap between the number of reported offences and the number of prosecutions is so large is that the vast majority of the contacts that the police have registered as contact offences do not meet the legal requirements of the contact provision."<sup>18</sup> "One central finding from the National Council's study is that the provision on contact with a child for sexual purposes is not functioning effectively as a means of convicting individuals who contact children for the purposes of sexually exploiting and abusing them. Although the study shows that the police and prosecutors encounter a number of problems in their work to investigate and prosecute contacts of this kind, these investigative difficulties are not the principal reason that there have been so few convictions for offences against the contact provision."<sup>19</sup>*

### **The new National Police organization**

In 2015, a new organization for the Swedish National Police will be introduced, in which twenty-one authorities will become one authority. ECPAT Sweden underlines that the structure of the organization must allow rapid and efficient investigations when it comes to commercial sexual exploitation of children. Besides strengthened legislation, allocated financial resources is essential (for cases of trafficking and child sex tourism). Also needed is increased knowledge within the entire organization and a new set of "tools" for the police to be able to investigate these crimes.<sup>20</sup> In addition more human resources are needed for victim identification, outreach programs etc.

### **Corporate liability**

Sweden has still not taken any further measures on establishing corporate liability for crimes under the CRC and the OP, nor has any initiative been taken to encourage corporations to implement a policy against commercial sexual exploitation of children (see suggestion for such a policy in Appendix) and to include a clause in contracts with customers and suppliers in this regard. ECPAT Sweden encourages the Government to set a good example when it comes to government-owned companies, the government offices on national, regional and local level as well as government agencies. In the procurement of service in connection with travel (flights, hotels, transportation etc.)

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<sup>18</sup> The Swedish National Council for Crime Prevention, *Evaluation of the provision on contact with a child for sexual purposes*, report 2013:14, p. 13

<sup>19</sup> The Swedish National Council for Crime Prevention, *Evaluation of the provision on contact with a child for sexual purposes*, report 2013:14, p. 16.

<sup>20</sup> For example, the police needs to be able use sexual abuse images, in order to be to infiltrate closed networks of perpetrators.

companies should preferably be signatories of the Code of Conduct for the Protection of Children against Sexual Exploitation in Travel and Tourism.

## **Conclusion**

In conclusion, the Swedish Government needs to address a number of fundamental issues of concern in order to fulfil the CRC and the OP, when it comes to commercial sexual exploitation of children. The recommendations have been repeated several times by the Committee. Reports and evaluations by different stakeholders, including governmental reports, have for many years illustrated the basic needs such as statistics, acknowledgment of the extent of the criminality, sanctions in accordance with the severity of the crime, compulsory training, expanded treatment for offenders, increased collaboration and coordination among different stakeholders, the need to monitor and foresee new risks. Unfortunately, the Government still refuses to take the comprehensive actions needed and to allocate adequate resources.

Until these measures are taken, Sweden has no realistic chance to protect children from all forms of commercial sexual exploitation in accordance with the requirements in the CRC and the OP. Sweden was the host of the first World Congress and one of the first countries to sign the CRC and the expectations are thus high and should be.





## **List of recommendations**

ECPAT Sweden would like to make the following recommendations;

### **General measures of implementation**

- Fully incorporate the CRC into the Swedish national legislation and sign the third Optional Protocol on a Communications Procedure.
- Establish a long-term strategy.
- Introduce an inter-ministry reference group on commercial sexual exploitation of children.
- Establish a coordinated approach between all entities collecting data on children and introduce a comprehensive system of data collection of victims of sexual exploitation.
- Increase the intelligence gathering and analysis in order to enable detection of new groups of children at risk of commercial sexual exploitation.
- Exclude financial penalty for these offences.
- Offer training about sexual abuse, commercial sexual exploitation of children, victim- and offender psychology compulsory and regularly for all professionals working with and for children.
- Offer education about commercial sexual exploitation and the risks connected thereto a compulsory part of the school curriculum.
- Launch awareness raising campaigns towards the general public regarding sexual exploitation of children in general and the importance to report offences under the Optional Protocol.
- Increase and make available nationwide treatment for offenders; men, women and children, who have committed or run a risk of committing sexual offences.
- Prohibit individuals, being sentenced for a crime under the Optional Protocol, to work with children, regardless if the employment is in the public, private or non-profit sector.
- Revise the screening procedure of the criminal record when it comes to crimes under the Optional Protocol in order to facilitate the investigations of these crimes. Crimes under the Optional Protocol should not be removed from the criminal record after a certain period of time.



- Review the possibilities to introduce specially trained judges for offences under Optional Protocol
- Make the compensation to children being violated of an offence under the Optional Protocol compulsory. Revise the procuring act and the child pornography act accordingly.

## Legislation

### Sale of Children (CRC article 34; OP article 2, 3.1 a),

- Revise the legislation “*purchase of sexual act of a minor*” and apply strict age limit even when the perpetrator claims to be unaware of the age of the child.
- Revise the grooming legislation and criminalise the mere fact that an adult contact a child for sexual purposes

### Child Pornography (CRC article 34, OP article 3.1.c, 3.2 and 3.3)

- Apply a strict age definition of 18 years of age to all acts (only production as per today).
- Define child pornography as a sexual crime against children instead of a crime against public order and place the Child Pornography Act among the other sexual crimes. Make it compulsory for Internet Service Providers, site owners, web hotels, domain name registries, photo shops to report child pornography to the police.

## Jurisdiction

- Remove the requirement of double jeopardy for the remaining offences under the Optional Protocol:
  - chapter 6, section 8, of the Penal Code (exploitation of a child for sexual posing),
  - chapter 6, section 10a, of the Penal Code (grooming)
  - chapter 16, section 10 a, of the Penal Code (child pornography - except for grave forms of possession and the production)
  - chapter 6, section 10, of the Penal Code (sexual molestation of a child).



### **Child sex tourism**

- Appoint a Government inquiry regarding sex offences committed against children abroad by Swedes.
- Establish contacts with the Prosecutor-General in those countries that are considered to be particularly adversely affected by child sex tourism, with the aim of establishing bilateral agreements, routines and action plans covering the reporting of child sex tourism.
- Introduce mandatory regular training for all police liaison officers about commercial sexual exploitation of children, with a special focus on child sex tourism.

### **Corporate liability**

- Appoint a commission to investigate how to strengthen the legislation when it comes to corporate liability for crimes under the Convention on the Rights of the Child and its Optional Protocols.
- Implement a policy against commercial sexual exploitation of children within all government-owned companies.

## **Appendix**

### **Policy against commercial sexual exploitation of children**



## Appendix

### Policy against Commercial Sexual Exploitation of Children

#### **We make a stand against commercial sexual exploitation of children**

We make an active stand against commercial sexual exploitation of children (CSEC). CSEC is a criminal activity and a contemporary form of slavery that is unacceptable in a modern society. The different forms of CSEC include trafficking of children for sexual purposes, child sexual abuse material (known as “child pornography”) and sexual exploitation of children in connection to travels (child sex tourism). We take our social responsibility, by which we mean that we work actively to minimize our negative impact on children and their environment – this includes taking all measures possible to prevent and to end commercial sexual exploitation of children.

#### **Respect for the fundamental right of the child not to be sexually exploited**

We undertake to respect and support the rights of the child not to be sexually exploited by:

- Preventing and prohibiting any form of sexual exploitation that could exist in connection to our business activities (this includes production, services/goods, collaborations, investments etc.).
- Taking action to stop ongoing sexual exploitation.

#### **Actions to ensure that children enjoy their fundamental rights free and secure from all forms of commercial sexual exploitation**

We take a strong position against all forms of sexual exploitation of children in all our activities and business relations;

1. We make a clear stand against CSEC in all existing policies. We undertake to respect and observe the rights of the child as stated in the United Nations Convention on the Rights of the Child and its Optional Protocols.
2. In all our procurements we require our business partners and suppliers to respect and observe the rights of the child as stated in the United Nations Convention on the Rights of the Child and its Optional Protocols.



3. A fundamental requirement for all our investments is that the rights of the child as stated in the United Nations Convention on the Rights of the Child and its Optional Protocols are respected and observed.
4. We will not portray or in any other way expose children in a sexual manner in our information- or marketing campaigns, neither through images nor descriptions.
5. All our employees, board members and other persons connected to our business activities take a clear stand against all forms of sexual exploitation of children. This is applicable to work at home as well as abroad and on temporary business journeys.

#### **Business travels**

- We travel preferably with airline companies that are signatories of the Code of Conduct for the Protection of Children against Sexual Exploitation in Travel and Tourism, and will also prioritize hotels and other service providers within the travel sector that take an active stand against sexual exploitation of children.
- We do not visit bars or restaurants where children are exposed and/or exploited sexually.
- We report all cases where we suspect that children are being sexually exploited to the police.

#### **Use of digital media and information technology**

- All contact with child sexual abuse material (child pornography) is prohibited.
- It is strictly prohibited to try to get in contact with children for sexual purposes for example through chat forums, social forums, applications or other forums.
- Our internet provider blocks access to child pornography material.
- We take all possible measures to prevent access to child pornography material, such as screening/filter services etc.
- A discovery of child sexual abuse material/child pornography is always reported to the police ([itbrott.desk.rkp@polisen.se](mailto:itbrott.desk.rkp@polisen.se)) this includes material discovered on the computer of an employee. Discovered child sexual material/child pornography may never be deleted, since the material might be needed as evidence of sexual abuse against a child and to identify victims and perpetrators.

