



Comments by ECPAT Sweden to the Universal Periodic Review of Sweden January 2015

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 of the Rights of the Child 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 Convention of the Right of the Child 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. Thousands 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 are 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.

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. 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 against commercial sexual exploitation of children.
- 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 offences under the Optional Protocol.
- 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.