



Convention on the Rights of the Child

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Written replies by the Government of Sweden to the list of issues (CRC/C/OPSC/SWE/Q/1) related to the consideration of the initial report of Sweden submitted under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SWE/1) *

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

Response to the issues raised in paragraph 2 (a) and (b) of the list of issues (CRC/C/OPSC/SWE/Q/1)

1. The Swedish Government adopted a national action plan to combat prostitution and trafficking in human beings for sexual purposes in July 2008. The plan, which covered the period 2008-2010, included 36 measures to fight prostitution and trafficking for sexual purposes out of which several were aiming at training for professionals. Not all the training programmes carried out within the framework of the action plan have been mandatory. Even so, participation in these trainings has been high among professionals that have been invited.

2. As part of the action plan mentioned above, the Crime Victim Compensation and Support Authority in 2008 was instructed by the Government to set up and in consultation with other relevant agencies provide a training programme targeting the judiciary, police authorities, public prosecution offices and employees of the Swedish Migration Board. The training programme aimed at increasing the knowledge of mechanisms which have an effect on the occurrence of prostitution and trafficking for sexual purposes. Furthermore, the programme aimed at improving the treatment of persons who have been subjected to prostitution and trafficking for sexual purposes. The Crime Victim Compensation and Support Authority delivered a final report on the assignment on 15 December 2010.

3. In May 2011, the Government instructed the Crime Victim Compensation and Support Authority to develop and provide a training programme aimed at improving the treatment in the judiciary system of victims of sexual crimes. The special needs and conditions for child victims in their contacts with relevant authorities are highlighted in the assignment. The Crime Victim Compensation and Support Authority is to deliver their report in June 2014.

4. The Judicial Academy offers in service training for all professional judges. The Judicial Academy arranges recurrent training sessions on “Attempts, preparation and felony in crime, the sexual crimes”. There is a section within this training session which focuses on definitions of sexual crimes and how to apply the relevant legislation. Further, the ongoing education of young judges includes a section on trafficking. In that section, which is mandatory, ECPAT Sweden is one of the lecturing organisations. The goal of the education is to increase the knowledge of the participants as to the background of trafficking and the effects of that type of criminality on both society as a whole and on the individual.

5. In addition, the Courts has arranged training for both permanent and non-permanent judges on the Convention on the Rights of the Child and how children and their best interest should be considered in legal process.

6. Within the Police a number of activities pertaining to training and knowledge and awareness-raising have been conducted:

- An interactive training has being published on the Police authority’s intranet. The purpose of the training is to illustrate the complexity of trafficking and to give all officers access to a cost-efficient and adapted training on effective and correct methods to discover and investigate trafficking.
- A training package directed to investigators in contact with trafficking has been designed in cooperation between the National Police Board and the Police Academy. The training takes place over a period of two weeks and includes all relevant components.
- A handbook for investigators has been prepared in cooperation between the National Criminal Police, the Prosecution Service and local Police Authorities.

- During 2009, additional training was provided to investigators specialising on inter alia the handling of informants. The purpose was to increase the volume of operative information.
- A special seminar bringing all police authorities together was held concerning surveillance and search on the Internet on prostitution (a criminal offence in Sweden), trafficking and procuring. The flow of information to the National Criminal police has increased with around 500% on the basis of this seminar.
- A cooperation programme between the Police and the Prosecution Service has been carried out in order to develop working methods and to increase efficiency in investigating the very complex offence trafficking.

7. In September 2008, the Government issued an assignment to the Swedish National Police Board and the Swedish Prosecution Authority to reinforce operational initiatives to combat prostitution and human trafficking, and the expanded development of methodology and skills by the public authorities. In total, the National Police Board was assigned SEK 30 million to strengthen operational initiatives and SEK 10 million for developing methodology and skills. The assignment was due for completion on 31 December 2010.

8. In addition, this has included training of intelligence officers and specialized investigators regarding child prostitution, grooming and trafficking in children. All investigators of child-related crimes receive a special education in two steps. Step 1 includes investigation methodology and step 2 includes interrogation methods. A mandatory further education is held every third year.

9. In the Prosecution Authority's basic education, which is mandatory for all prosecutors, there are sections about crime victims, about sexual offences and about internet-related criminality, i.e. child pornography. In the further education, prosecutors can attend the course about internet-related criminality and evidence, including child pornography offences.

10. The Prosecution Authority also arranges special education on assaults against children. These courses comprise several weeks of education and aim at giving specialised prosecutors deeper knowledge about violence and sexual assault against children.

11. The Prosecution Authority, in cooperation with the Police, has since 2008 arranged special education for prosecutors who are specialised on handling trafficking cases at the International Public Prosecution Offices. Education on issues on how to best treat and respond to trafficking victims during the investigation has also been arranged for these specialised prosecutors. Additionally, training to raise awareness of the phenomenon of trafficking, the victims of trafficking and their situation has been held during 2009-2011. This training has been directed towards prosecutors in general and not only to the prosecutors specialised in investigating trafficking cases. The purpose of this more general education has been to highlight the topic of trafficking in order to promote early detection of these cases within the general penal system.

12. The Prosecution Authority has since 2005 produced several legal manuals and handbooks on the subject of trafficking and child abuse, including for example best practice on how conduct preliminary investigations. These handbooks include, among other things, information on how to apply for a temporary residence permit for the trafficking victim during the trial.

13. In 2007, the Crime Victim Compensation and Support Authority was instructed by the Government to set up a training programme targeting personnel of the Police, the Prosecution Authority, and the Swedish courts. The intention of the programme was to increase knowledge about victims of sexual violence and to improve treatment of these victims of crime in connection with the filing of a police report, preliminary investigation

and court proceedings. In the case of children who had fallen victim to sexual crimes, the programme would specially focus on increasing knowledge about children's special vulnerability and needs. The Crime Victim Compensation and Support Authority delivered a final report on the assignment on 1 October 2009.

14. The National Board of Youth Affairs has developed and carried out a training programme for professionals working with children and youth, in order to intensify preventive work targeting young people at risk. The programme aims at increasing professionals' knowledge on risks of sexual exploitation of young people, among other things on the internet and other types of interactive media. The work targets professionals working with children and youth, in various sectors and/or organisations. As part of this work the National Board of Youth Affairs has developed methodological material on sexual exploitation of children and young people, for use by various national organisations. For the period 2011-2014 the National Board of Youth Affairs has received further funding for a continued training programme for professionals working with youth.

15. The National Board for Health and Social Welfare has produced a handbook/training material for professional that work with children at risk, for example children and youth that that have been subject to trafficking for sexual purposes. The handbook/training material is geared towards professionals in health care, the social services, service youth clinics and sheltered housing. The National Board for Health and Social Welfare plans to conduct trainings for the target groups.

16. The National Board of Institutional Care has worked to develop methods for enhanced care for youth in institutional care that are, or run the risk of becoming, victims of trafficking or prostitution. Within the project the Board has developed methods to map needs and provide support for youth in institutional care with regard to exploitation. Training and awareness raising activities aimed at both staff and clients in care have also been conducted.

17. The Swedish school curricula states that democracy forms the basis of the national school system. The Education Act stipulates that all school activity should be carried out in accordance with fundamental democratic values and that each and everyone working in the school should encourage respect for the intrinsic value of each person. The inviolability of human life, individual freedom and integrity, the equal value of all people, equality between women and men and solidarity with the weak and vulnerable are all values that the school should represent and impart. Within subjects such as social studies and sex and human relationship's education questions concerning equality between men and women, boys and girls, self respect and mutual respect are addressed.

18. The Government has taken several measures to targeting gender equality in education. In 2008, the Government decided to invest a total of 110 million SEK (12 million Euro) in gender equality in schools. Measures include the establishment of a gender equality committee and an assignment to the Swedish National Agency for School Improvement of planning and implementing measures aimed at promoting gender equality in compulsory school and equivalent school forms, upper secondary school and adult education. The task includes improved student health, the continued professional development of teachers and other school staff in the area of honour traditions and sex and relationship education and recruitment of more male teachers.

Response to the issues raised in paragraph 2 (c) of the list of issues

19. As already reported, the Children's Welfare Foundation as part of a governmental assignment has compiled the research and knowledge that exists within agencies, NGOs and companies on sexual exploitation of children. When the Children's Welfare Foundation reported on the assignment, it recommended the establishment of a knowledge centre in order to enhance the spreading of knowledge about sexual exploitation of children to the

relevant professional groups. The proposal from the Children's Welfare Foundation has been taken into consideration at the Government Offices. The Government is however now considering a knowledge centre which should cover issues regarding violence against children, including sexual exploitation, i.e. a centre with a broader perspective.

20. The Crime Victim Compensation and Support Authority already has the role as a centre of competence relevant in the context of Optional Protocol. The dissemination of information to crime victims on criminal injuries compensation is a statutory duty for the Crime Victim Compensation and Support Authority, included among the other obligations in the area of information to crime victims. Victims are informed not only of their opportunity to claim compensation, but also of the application procedures. The Crime Victim Compensation and Support Authority is operating a telephone service where anyone may ask questions and seek advice on compensation and damages. The helpline is used extensively by the public, as well as by lawyers representing victims as counsel for the injured party. The authority has produced a number of different leaflets with information pertaining to crime victims, including information on state compensation.

21. The authority also plays a role as an expert centre in the field of crime victims. The Swedish Government has therefore charged the authority with a number of tasks. One task was to develop a research programme in victimology. There were three areas in particular that were identified as important areas of research: crime victims in the judicial system, crime victims and ethnicity, and children as crime victims. One of the effects of the programme was that a research group on victimology was established at the law faculty at Umeå University.

22. The Children's Welfare Foundation has promoted and managed a network for professionals in the health care sector, social services and other agencies working with children and youth that are victims of trafficking. In addition, the foundation has conducted activities for awareness raising and educational purposes.

Response to the issues raised in paragraph 3 of the list of issues

23. Since 2007, the Government on the website of the Ministry of Foreign Affairs informs potential travellers about the occurring sexual exploitation of children in different countries, and about the possible judicial consequences for the Swedish nationals if they are involved in such activities. The travellers are also informed about their possibilities to report suspicious child abuse cases to either Swedish or foreign police, or to ECPAT Sweden.

24. Since Sweden is giving priority to sexual exploitation of children, child sex tourism is an issue of great concern. During the Presidency of the European Union in 2009, Sweden therefore took the initiative to bring the issue forward at EU-level. First, the issue was highlighted in the Action-Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings. Second, the issue is included in the Declaration of the EU Ministerial Conference "Towards Global EU Action against Trafficking in Human Beings", held on 19-20 October 2009 in Brussels on the occasion of the third EU Anti-Trafficking Day and gathering more than 600 participants.

25. Furthermore, since the beginning of 2009, a dedicated effort has been made by the Swedish Police on looking into the phenomenon child sex tourism. In 2009-2010, the Swedish police recorded 13 reports concerning the child sex trade. Most of these reports concern crimes against children in Thailand and encompass accused men. Plaintiffs have been identified in the majority of the reports. Some of these plaintiffs are counted in several reports, as several of the perpetrators have exploited the same child. One report concerns an identified Swedish man who sexually exploited children in Cambodia.

26. At present there are a few convictions of Swedish citizens in Thailand and Cambodia. There are two convictions expected in Sweden, one of which involves a confessed rape of a child in the Philippines. The intelligence picture has much improved including hot spots and modus operandi. A number of persons have also been investigated for suspicions of having committed sexual offences against children during travelling to South East Asia in particular. On this basis, it is now being discussed how to establish this line of work into the daily law enforcement business. An important part of strengthening the work is to establish ways and means within the EU to address child sex tourism. An EU-project with a broad partnership including a common interest in the issue is therefore being planned at present.

27. The National Bureau of Investigation was awarded funding in early 2009 via a Government assignment on the national action plan to combat prostitution and trafficking in human beings for sexual purposes, for a special initiative to combat Swedish perpetrators who subject children to sexual abuse abroad. Among other things, the initiative involves four full-time intelligence officers and two full-time analysts working on issues concerning the child sex trade. The four who work on this initiative also assist the police authorities from other countries with their investigations when Swedes are suspected of having sexually exploited children abroad.

28. In an attempt to combat the child sex trade more effectively, a special tip-off form has been created on the website of the Swedish national Police. Tip-offs can also be left at the website for the Swedish Embassy in Thailand. The National Bureau of Investigation receives information about the groups and individuals who are involved in the child sex trade from police authorities, PTN police liaison officers¹, NGOs and the general public. The result shows that the effort has been successful in that the number of suspects has rapidly increased and the intelligence picture has been improved. Brochures about the child sex trade at all passport offices and police station reception desks have been distributed nationwide.

29. The Swedish Government has been active in supporting the European Commission in its work of developing the Agenda of the Rights of the Child (2011). The Agenda expresses that "Child sex tourism must be eradicated. ... Since few travelling sex offenders face legal consequences in their respective home countries in the EU, action should be undertaken to increase the number of investigations and prosecutions within the EU for offences committed outside the EU."

30. The Government is now preparing the implementation in Sweden of the Communication of the European Commission (COM(2010)674) on establishment of a hotline for missing children in all member states of the European Union. The hotline - 116 000 - will offer help, support and a potential lifeline for missing children and their parents. The service is based on a close cooperation between law enforcement agencies both at national and international level and therefore will be also an instrument in effective combating trafficking of children.

Response to the issues raised in paragraph 4 of the list of issues

31. On 1 July 2009 new legislation criminalising the grooming of children for sexual purposes entered into force. It is intended to further strengthen the penal law protection for children against being exposed to sexual abuse.

32. Under Chapter 6, Section 10 a, of the Penal Code anyone who, for the purpose of committing certain criminal acts [rape of a child, gross rape of a child, sexual exploitation

¹ Police and customs collaboration between the Nordic countries.

of a child, sexual abuse of a child, gross sexual abuse of a child, exploitation of a child for sexual posing, gross exploitation of a child for sexual posing or sexual molestation] against a child under fifteen years of age, comes to an agreement with the child to meet, and thereafter takes any measure to promote that such a meeting comes about, shall be sentenced for contact with a child for a sexual purpose to pay a fine or to imprisonment for at most one year. The provision applies to contacts made on the internet or elsewhere; i.e., it covers both on-line and off-line grooming.

33. After the enactment of the new legislation, only one person has been convicted of this offence. This shows the difficulties in applying the legislation and also shows that "grooming" in itself disappears in statistical data when the sexual offence against the child has occurred. There are good reasons to believe that the number of unrecorded cases is high.

34. A database has been created by the Swedish National Bureau of Investigation, where information about individuals, whom there are reasons to suspect intend to commit sexual offences against children, is stored. Local police authorities have the possibility to submit a query to this database within the scope of a preliminary investigation on charges of sexual offences against children.

35. In order to gather information to be registered in this database, the Swedish Bureau of Investigation has started to co-operate with private organisations that are providing social fora for children and youth in Sweden. Approximately 10 social fora now collaborate with the Police, which cover the Swedish market quite well. Collaboration has also been proposed to NGO:s that might have access to relevant information in this field. These NGO:s have not been very interested in collaborating with the Police, except for one organisation. In addition to this, information is gathered from local police authorities, from preliminary investigations, intelligence and other kinds of information that the Police receive. The database currently contains the names of 479 individuals who have committed or can be suspected of committing sexual offences against children in future.

36. These efforts have proven very successful and during the year 2010, 173 queries were put to this database. In 65 per cent of the cases, the requesting Police authority received information that was useful for their preliminary investigation. As a result of this work, forty individuals in total have been identified, suspected on reasonable grounds for sexual offences against children.

Response to the issues raised in paragraph 5 of the list of issues

37. While there is no particular provision criminalising the trafficking of children, the crime of human trafficking in Chapter 4, Section 1 a, of the Penal Code, covers the trafficking of children. Section two of the mentioned provision also specifies that when an act in accordance with section one is committed against a child, it is a crime even if none of the means enumerated in section one has been used.

38. In order to strengthen the penal law protection against human trafficking and to enable more effective law enforcement, legislative amendments were adopted and entered into force on 1 July 2010. As a result of the amendments the elements of the crime are described more clearly. Among other things, the requirement that the offender assumes control of the victim has been removed. In May 2010 Sweden ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

Response to the issues raised in paragraph 6 of the list of issues.

39. The double criminality requirement for the crime of human trafficking was removed as of 1 July 2010. The double criminality requirement was also removed for the child pornography crime except for minor cases, where a person portrays a child in a pornographic image, and in all gross cases of the crime. The scope of the crime of child

pornography under Chapter 6, Section 10 a, of the Penal Code was extended to cover the viewing of child pornographic images that the offender has gained access to.

40. Furthermore, the circumstances determining whether the crime is gross are described more clearly, e.g., that the child is very young, subject to violence or force or exposed to particularly ruthless treatment. The rules on the statutory period of limitation were also amended. Thus, in regular and gross crimes concerning the depiction of a child in a pornographic image, the period of limitation does not start to run until the child turns 18 years.

41. As of 1 of January 2011 the scope of the criminalised area was further broadened when it concerns the portraying of children in pornographic pictures. In this respect the provision now includes any depiction of a person whose pubertal development is not completed or who is under the age of 18.

42. It should be noted that the Sexual Offences Commission of 2008 has recommended that the requirement for double criminality should be removed for some additional provisions on sexual crimes against children (exploitation of a child for sexual posing and purchasing of a sexual act from a child). This proposal is being considered at the Ministry of Justice.

Response to the issues raised in paragraph 7 of the list of issues

43. It is, in the registration system of the Governmental Offices, not possible to draw statistics with regard to the type of crimes extradition has been requested.

Response to the issues raised in paragraph 8 of the list of issues

44. The County Administrative Board of Stockholm has been commissioned to develop rehabilitation programmes for victims of trafficking for sexual purposes and prostitution. Rehabilitation programmes are to consider the special needs of children, when rehabilitation is offered to a child. The rehabilitation programmes aim to empower victims of trafficking to create a better future for themselves, by identifying what basic conditions and resources are needed for them to gain access to, inter alia, education and the regular labour market. These rehabilitation programmes are to be tailor made to meet individual needs and provide support for trafficking victims whether they stay in Sweden or return to their home country.

45. The County Administrative Board of Stockholm also runs a safe return project, funded and commissioned by the Government. The County Administrative Board of Stockholm plans, coordinates and develops measures for safe returns for victims of trafficking to their home countries. The project's objectives are to make trafficking victims' return safe, efficient and adequately organised so as to avoid the risk of re-trafficking. The project aims to provide victims with opportunities to start a new life when they are back in their home country. The project works closely with NGOs and governmental bodies in countries of origin and in transit states, among other things to create routines for safe returns.

46. Despite these facts, there are signals from the specialists working with foreign children that not always these children get assistance and protection service with the same quality standards as for Swedish children. The Swedish social services working with the children must improve to find appropriate methods to meet these children and provide them with the assistance they are entitled to. In order to continue the support for the work of the social services on this area, the National Board of Health and Welfare and UNICEF Sweden during 2010 have published an updated version of the brochure entitled "*Kan det vara människohandel?*" [Can this be human trafficking?] containing information for agencies and others who may come into contact with children who have been exposed to human trafficking.

Response to the issues raised in paragraph 9 of the list of issues

47. The Tort Liability Act contains provisions on the obligation of a perpetrator to compensate a victim of crime for the injuries he or she has incurred. Compensation can be paid for personal injury, physical as well as psychological (which includes hospital costs, loss of income, pain and suffering) and damage to objects. Furthermore, a victim of crime can be entitled to compensation for infringement of his or her individual freedom or violation of personal integrity. This kind of compensation is normally the largest single item of compensation.

48. The main rule is that the perpetrator shall pay compensation. Where the perpetrator does not have financial capacity to pay compensation, or where it has not been possible to identify a perpetrator, the victim can apply for state compensation. During 2010 approximately 12 million Euros were paid to victims of crimes.

49. The Criminal Injuries Compensation Act is applicable if the crime was committed in Sweden or if the victim is resident in Sweden. A right to compensation is afforded to victims of crimes or to such a victim's surviving family. The compensation is primarily paid for personal injury, which includes both physical and psychological injury. There is no need for the crime to be a violent crime, although, as a main rule, there has to be a personal injury. Compensation may be paid for the violation of personal integrity suffered by the victim.

50. The compensation may cover for example costs of medical care, and other costs or expenses, loss of income, pain and suffering, permanent disability and harm as well as other inconveniences resulting from the injury. In case the victim has died, compensation can be paid for personal injury that the death caused a person that was particularly close to the victim.

51. The state compensation scheme is subsidiary to any compensation that the victim may obtain from the perpetrator (should his or her identity be known) or under any insurance policy. The compensation can be reduced if the victim by his or her conduct contributed to the injury or otherwise increased the risk for being injured. The Crime Victim Compensation and Support Authority can oblige the perpetrator (should his or her identity be known) to reimburse the compensation awarded. As a main rule, this is done where a court has identified the author of the crime. During 2010 the Authority managed to get approximately 3.3 million Euros from perpetrators of crimes.

Response to the issues raised in paragraph 10 of the list of issues.

52. We have no additional or updated information related to the initial report regarding disclosure of criminal records.
