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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

SWEDEN

Replies registered by the Secretariat on 21 February 2014

Sweden has ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), the Lanzarote Convention, on the 28th of June 2013. In respect of Sweden the Lanzarote Convention came into force on the 1st of October 2013.

Protection of children against exploitation and abuse and meeting their human rights is a permanent ongoing process. Strengthening protection of children against sexual exploitation and sexual abuse has been a key element in the work of the government and its authorities meeting the rights of the child in Sweden. The answers to the general Overview Questionnaire are therefore referring as well to measures and activities initiated or implemented before the ratification of the Lanzarote convention. This approach will offer a more comprehensive image of the protection of children against sexual exploitation and sexual abuse in Sweden. For a better understanding of the Swedish legislation we are sending enclosed to the questionnaire an unofficial translation of Chapter 6 of the Swedish Penal Code on sexual crimes.

This compilation has been prepared at the Family and Social Service Division within the Ministry of Health and Social Affairs, with the participation of representatives from the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Education and Research, the Ministry of Employment and the Ministry of Health and Social Affairs as well.

Question 1: Definition of “child”

- a. Does the notion of “child” under your internal law correspond to that set out in Article 3, letter (a), i.e. “any person under the age of 18 years”?
- b. What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with Article 11, para. 2?
- c. Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

a)

Persons under 18 in Sweden are children/minors. A minor comes under the rules of the Code of Parenthood and Guardianship concerning custody, access and maintenance obligations. Under this code, a person under 18 does not have full powers of determination over his personal or economic affairs. Parallel to the child's increasing age and development, however, the custodian must show increasing consideration for the child's viewpoints and wishes. The protection and rights which the rules of the Code of Parenthood and Guardianship imply in personal and economic matters are supplemented by special rules for children and young persons in other fields where they are affected.

b)

According to the Swedish Social Services Act ((1980:620), municipalities are responsible for providing support and assistance to people in vulnerable situations through the Social Service Welfare Committee. This can cover children and young

people, people with substance abuse problems, elderly people and people with disabilities. Any such support or assistance is to be based on the needs of the individual. The support of victims offered by the Social Service Welfare Committee and other authorities are pending of the concrete needs of the victims as a result of the offence, not necessarily of the age of the victims. But, of course, in case there is no other information about the age of the victim, if there are reasons to believe that the victim is a child then the rights of this child will be determining the measures of the authorities.

In 2010 the Riksdag approved the Government's strategy to strengthen the rights of the child. The strategy consists of principles expressing the fundamental conditions for strengthening the rights of the child. Some of these principles have to be applied even in the activity of the authorities dealing with cases of children victims of any kind of abuse:

- The child's physical and mental integrity must be respected in all circumstances.
- Children must have the right to express their views in all matters that concern them.
- Children must receive information about their rights and what they mean in practice.
- Parents must receive information about the rights of the child and be offered parenting support.
- Decision-makers and relevant professional groups must have knowledge of child rights and put this knowledge into practice in their relevant professional activities.
- Actors involved in activities concerning children must strengthen child rights by working in partnership.
- Current knowledge of children's living conditions must form the basis of decisions and priorities affecting children.
- Decisions and measures affecting children must be monitored and evaluated based on a child rights perspective.

c)

According to the internal law, the age of consent for sexual activity is fifteen years.

Question 2: Non discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in Article 2, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

According to the Swedish Discrimination Act (2008:567), discrimination based on sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age is forbidden. The prohibition covers a wide range of areas such as education, social security and when a person is in contact with public authorities. The Equality Ombudsman is to supervise compliance with the Act. The Ombudsman registers and investigates complaints based on the law's prohibition of discrimination

and harassment, and can represent victims in court free of charge. The Court can decide on compensation to the person who has been discriminated against.

Question 3: Overview of the implementation

Please indicate (without entering into details):

- a. the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;
- b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;
- c. whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.

a)

The legislation on sexual crimes can be found in the Swedish Penal Code, chapter 6. New legislation on sexual crimes came into force on 1 April 2005. The purpose of the legislation is to further strengthen and make clear the absolute right of every individual to personal and sexual integrity and sexual self-determination and to highlight and strengthen in different ways protection for children and young people from sexual violations. Several new penal provisions that only protect children were introduced by the Reform – rape of a child, sexual exploitation of a child, sexual abuse of a child. Under these provisions, the use of violence or threats is no longer a requirement for the crimes to be applicable.

The legislation also includes several penal provisions focusing on sexual exploitation of children, e.g. exploitation of a child for sexual posing, purchase of sexual acts from children and contact with a child for a sexual purpose.

The Sexual Offences Reform of 2005 has been evaluated. One of the conclusions of the commission is that sexual offences against children are generally attributed a higher penal value today than prior to the Reform. In particular, the Reform has involved a significant lift in the stringency of penalties as regards acts that are charged as rape of a child.

To further strengthen the legislation on sexual crimes some amendments to the legislation were also made on 1 July 2013. Several of the amendments aimed to improve the protection of children. For example the scope of the provision on gross sexual abuse of a child was broadened.

(Enclosed to the questionnaire is an unofficial translation of Chapter 6 of the Swedish Penal Code on sexual crimes.)

b) A national action plan against sexual exploitation of children was presented already in December 2007, containing a description of the work carried out in the area

between 2001 and 2007 as well as ten measures initiated by the Government to further promote and strengthen efforts to prevent and combat sexual exploitation of children.

A follow-up of the action plan as a whole, and a revision, was carried out during 2013. A new national action plan against trafficking in children, exploitation of children and sexual abuse on children will be presented to the Swedish parliament in February this year.

The coordination responsibility within the Government Offices for matters pertaining strategies to protect children against sexual abuse and sexual exploitation of children lies with the Ministry of Health and Social Affairs. The Ministry of Education and Research coordinates gender equality policy and efforts to combat violence in close relationships. The Ministry of Justice is responsible for legislation concerning the constitution and general administrative law, civil law, procedural law and criminal law. In the international arena, the Ministry takes part in efforts to lay the groundwork for international cooperation against cross-border crime.

c)

The legislation on a counsel for an injured party and a special representative may be said to be aimed at providing support for children to make known their views in criminal justice issues that concern them and gaining respect for children's views and perceptions.

The common national guidelines for collaboration on children suspected of being subject to crime and criteria for the Children's Houses contain recommendations whose purpose is that in their contacts with children the authorities should have a clear child rights perspective and give children an opportunity to relate under safe and secure conditions what may have happened to him or her.

The Prosecution Service Agency manuals "Dealing with Child Abuse," "Dealing with gross violation of integrity crimes" and "Responding to Crime Victims" include recommendations on how children under Art 12 of the CRC should be given the opportunity to voice their opinions and be heard in matters affecting them. The manuals also address the question of how children who have witnessed violence in their family are to be given the opportunity to be heard, including safeguarding the child's right to criminal injuries compensation under the Criminal Damage Act.

At the local public prosecution offices special prosecutors are appointed to deal with crimes against children and crimes by young offenders. These prosecutors have a commitment to and an awareness of the importance of children understanding what is happening and their need and right to be heard.

The instruction of the Crime Victim Compensation and Support Authority state that it shall make active efforts so that public authorities and other actors acquire a greater knowledge of crime victim issues and an awareness of the availability of crime victim compensation, and also utilize the views and experiences of crime victims. The

Authority shall integrate gender equality and a child and youth perspective by in its operations highlighting and noting conditions on the basis of age and gender.

For a number of years, the Ombudsman for Children has been systematically listening to children and young people in vulnerable situations. The Ombudsman has met children taken into social care and children who have been exposed to violence and abuse in close relationships.

There are no provisions ensuring that the conditions during legal proceedings need to be child-friendly, as the main rule is that children should not be present in court. In the exceptional cases where a child is examined in court, there are different measures that can be taken to make it easier for the child. The examination can be conducted via telephone or video conference. If that is not possible and the child is under 15 years old, the hearing can be held in camera. In such cases, the court may allow that the child's parents or other persons are present during the examination.

(Please, see more about this issue under the answers to question 23)

Question 4: Child participation

- a. Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children;
- b. In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims.

a)

One of the principles of the government strategy for strengthening child rights is that children should be given opportunities to express their views in issues that concern them. Children have the right that in line with their age and maturity to influence their situation by, among other things, expressing their views freely in all matters affecting them, has been enshrined in law in several areas. Furthermore, the legislation cannot, however, ensure that the rights of every child are respected in every situation, but, as in the case of other rights, it is obviously of central importance that also application is consistent with the now current right. It is also noted that the right comprises several varying factors. Among other matters, it is a question of the child's ability to form its own opinion about things, appropriate information to facilitate this process, the interaction with parents or guardians as well as the complexity and sensitivity of the issues.

In 2010, the government commissioned the Ombudsman for Children to implement a project to ascertain the experiences and views of children and young people with respect to staying in foster homes and homes for care or residence (HVB). The purpose of this assignment was a methodical study and compilation by the authority of how a sample of children and young people perceive social child and youth care, the shortcomings and merits that they notice and the areas in which further progress can be made.

In 2011, the Ombudsman for Children was commissioned to gather the views and experiences of children and young people who had been subjected to violence and other abuses as well as those who are living under a protected identity, in accordance with the above-mentioned method.

b)

On April 1, 2008, amendments to the Social Services Act (2001:453) and to the Act (1990:52) with particular regard to the care of young people came into force with the objective of strengthening the position of children and young people and their right to information. Provisions were added to both these Acts that granted children and young people the right to receive relevant information about their case. Moreover, a provision was added to the effect that the application for care by the social welfare committee in accordance with the Act (1990:52) with particular regard to the care of young people, shall include an account of how the relevant information was given to the young person, the kind of relevant information provided, and the attitude of the young person.

In 2010, new provisions of the Social Services Act (2001:453) came into force, which made it possible for social services child protection supervisors to speak to the child without the guardian's consent and without the latter being present. The supervisions of social services have to make visits at least two times a year at the homes for care or resident for children in their municipality.

Question 5: Specialised bodies/mechanisms

a. Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (Article 10, para. 2, letter (a));

b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (Article 10, para. 2, letter (b));

c. Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (Article 37, para. 1).

a)

The Ombudsman for Children in Sweden is a government agency tasked with representing children regarding their rights and interests on the basis of the UN Convention on the Rights of the Child (CRC).

The Ombudsman for Children monitors how the CRC is complied with in society and pushes for its implementation in Sweden's municipalities, county councils/regions and government agencies. Every year, the Ombudsman for Children submits a report to the government. This includes analyses and recommendations for improvements for children. The Ombudsman for Children shall, by law, provide information and build opinion on issues relevant to children's rights and interests.

The Ombudsman for Children holds regular dialogues with children, particularly those in vulnerable situations, to obtain knowledge of their conditions and their opinions on relevant issues.

The Ombudsman for Children has legal powers to request information and to summon parties to talks, but has no regulatory powers. The Ombudsman for Children may not interfere in individual cases, but does have a duty of notification. The Ombudsman for Children shall immediately submit a report to the Social Welfare Board if it becomes aware that a child is abused at home or is otherwise aware that the Board needs to intervene to protect a child.

b)

Official Swedish crime statistics present yearly data on the number of reported cases of purchasing a sexual act by a child under the age of 18 and human trafficking of children under the age of 18 for sexual purposes and other purposes, respectively. Additionally, data is presented on reported cases of a) child rape, b) sexual exploitation of children, and c) sexual abuse of children. The data under a, b and c is divided into crimes against children under the age of 15 and against children aged 15–17.

Official criminal statistics presents incidents according to type of crime and relevant section of the law. There is no information in the statistics that makes it possible to discern whether the crimes have any connection with tourism. Development of statistics and methods is continuous. The extensive project which will mean the introduction of an electronic flow of information between authorities in the legal chain will eventually bring considerable scope for development of statistics, including more detailed presentations.

c)

DNA profiles from persons who have been sentenced by a final and non-appealable judgment to a penalty other than a fine, or have accepted a summary imposition of a punishment consisting of a suspended sentence, are registered in the DNA register kept by the Swedish National Police Board (RPS). When a person is removed from the criminal record, the DNA profile is also removed from the DNA register. DNA register legislation is found in the Police Data Act (2010:361, chap 4, § 1-10) and the Code of Judicial Procedure (chap 28).

Question 6: National or local coordination, cooperation and partnerships

a. Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (Article 10, para. 1);

b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (Article 10, para. 3)? If so, please specify how;

c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (Article 15, para. 2 and Article 16)?

a)

Combating men's violence against women/girls, including prostitution and human trafficking for sexual purposes, are top priorities in the Government's gender equality work. During the 2011–2014 period the Government is intensifying its efforts to prevent and combat sexual violence and other sexual abuse. A fundamental part of this is following up and assuring the sustainability of previously implemented measures. Several Government agencies have therefore been given (renewed) tasks which are deemed strategically important for creating the conditions for cooperation, knowledge development and good dissemination at the national and regional levels.

The coordination responsibility within the Government Offices for matters pertaining to the sexual exploitation of children lies with the Ministry of Health and Social Affairs. The Ministry of Education and Research coordinates gender equality policy and efforts to combat violence in close relationships.

The Stockholm County Administrative Board has been tasked for the period 2011-2014 with coordinating, at the national level, work carried out by agencies against prostitution, human trafficking for sexual purposes and with promoting improved cooperation between Government agencies, non-governmental organisations and other actors in the area. Following the expiry of the Action Plan in 2013 this mandate was extended and broadened to include measures to combat trafficking for the purpose of removal of organs, involvement in armed conflicts and forced labour, as well as strengthening co-operation with NGOs. The extended mandate also added a special focus on children as victims of human trafficking.

b)

According to the Action plan to combat prostitution and trafficking in human beings for sexual purposes (2008-2010), commissioned by the Swedish government, The County Administrative Board of Stockholm has been mandated to improve national co-operation against trafficking in human beings (THB) for sexual exploitation and prostitution for the period 2008-2014. The County Administrative Board of Stockholm was designated to co-ordinate co-operation among the key state actors. All National County Boards have been tasked during the period of 2011-2014 to support measures to combat prostitution and human trafficking for sexual purposes which includes cooperation within, and between, the counties.

In 2012 the Government announced its appointment of a Swedish Domestic Violence Coordinator. The Coordinator will work to improve collaboration between the relevant actors, contribute to greater consensus on how domestic violence can best be prevented and combated and, in consultation with the actors, and contribute to spreading insight into this area.

Grooming: With the introduction of the offence “contact with a child for sexual purpose” (grooming) in 2009, an intelligence operation was also launched. The purpose was to obtain an overall view of the phenomenon. Several hundreds of persons were identified on the Internet behaving in a way that demonstrated an interest in sexual contacts with in particular adolescent girls. The success of this intelligence operation was much depending on cooperation with the private entities running social websites where grooming occur.

National Image Database: This database is a national tool similar to the ICSE-database at Interpol. It is operated at national level by the National Bureau of Investigations and contains today files well over a million (images and film sequences). The database is fed through criminal investigations, international exchanges, the ECPAT Sweden-hotline and some other sources. Each image in the database is given a unique digital code after classification as child sexual abuse material in an investigation. An image recognition software can on this basis sort out images in future investigations which saves work hours on classification. The software can also match series of images, for instance to find missing images in a series. The Swedish software company Netclean is drawing on the digital codes of this database for its filters. More than 400 000 licenses have been sold in Sweden alone.

Financial Coalition against Child Pornography on the Internet: In 2007 a Financial Coalition against Child Pornography on the Internet was established in Sweden. It brings together actors from the payment industry (Swedish Bankers’ Association, more than 25 banks and credit card companies), ISP’s, software and telecommunication companies, NGO’s (ECPAT Sweden) and the National Bureau of Investigation. The Ministry of Justice, Ministry of Finance and the Financial Inspection are observers. The Financial Coalition has through its collaborative approach been able to stop payments for child pornography and today it is difficult to purchase child sexual abuse material by means of credit cards from Sweden. A sub-group of the Financial Coalition is undertaking efforts to see how other means of payment than by credit card for child sexual abuse material can be blocked. Over the past few years, there has been an explosion of payment methods. Furthermore, the National Bureau of Investigation is actively working within the European Financial Coalition under the auspices of Europol and the Coalition as such will enhance its work at European level.

Cooperation on blocking: In Sweden, a legal obligation to block websites would conflict with the Swedish constitutional protection of the freedom of expression and information, i.e. the freedom to disseminate, procure and receive information and otherwise to acquaint oneself with the utterances of others. This is due to the fact that it is not technically possible to block only the illegal information that is the aim of the measure, but that also legitimate information that anyone has the right to procure would be blocked at the same time. For this reason, blocking of websites with a child pornographic content in Sweden is carried out in voluntary cooperation between the Police and the Internet Service Providers. Over 90 percent of subscribers to the Internet in Sweden are covered in this voluntary cooperation.

The cooperation operates in the following way: The Police receives information on child pornographic websites from different channels such as Europol, Interpol, child right organisations or the general public. Information is also collected by the Police in its daily work on acting against child pornography on the Internet.

The information is verified and then shared with the Internet Service Providers who make the technical arrangements for blocking at the level of the end user. This means that anyone trying to access the website in question instead will see a message saying that this site is blocked due to its child pornographic content. The formal borders of the EU do not make any difference as to whether an ISP in cooperation with the Swedish police will block a website or not. In other words websites with child pornographic content will be blocked and made not accessible in Sweden regardless of whether the site is located within or outside the EU.

In the procedure to verify that the website contains child pornographic material, the Police also check the location of the website. In connection with the blocking and on that basis, information is sent to the appropriate judicial or law enforcement authority in the country where the website is located. This information informs the authority that a website located on its territory contains illegal material. However, no further steps are taken since it might interfere with for instance an ongoing investigation in that country. The message is displayed between 30000 to 70000 times each day, however with great variation depending on the day of the week (for instance Sundays being more frequent than Mondays). The figure does not say anything on the number of individuals attempting to get access; it merely states the number of displays of the message and includes therefore, most likely, series of attempts from one individual and side effects of "pornsurfing".

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (Article 38, para. 4)? Please give examples.

Swedish International Development Cooperation Agency (Sida) supports UN Action and to the Team of Experts targeting the very core of the issues of conflict- related sexual violence. They are working together with the Office of the Special Representative of the Secretary General on Sexual violence in Conflict. UN Action is a network of 13 UN organisations that unites efforts across the UN system with the goal of ending sexual violence during and in the aftermath of armed conflict. It was launched in 2007 to improve coordination and accountability, amplify advocacy, and support country efforts to prevent sexual violence and respond more effectively to the needs of survivors. The theory of change is that acting as "one UN" will enhance understanding, policy and mandate, response and prevention of CRSV at international and national levels. The network has a small Secretariat to support the work which is carried out within three pillars; country- level action which primary supports the design and implementation of strategies to prevent sexual violence, calling for joint efforts between UN agencies and contributes with the tools and knowledge that have

been formulated at central level, advocacy for action both at central/local level that UN resolutions on sexual violence in conflict should be implemented – both internally within the UN-system but also towards other relevant actors, and (3) knowledge generation. Sida has supported UN Action since 2009 and is entering a new agreement 2013/14.

One example regarding the international cooperation at country level, with the Democratic Republic of Congo (DRC): Gender is integrated in all projects in the Swedish development cooperation in DRC; either as targeted programmes, through specific components focusing on gender or through gender in the dialogue. Based on the four focus areas outlined in the Swedish policy for gender equality in development cooperation (2010-2015), the portfolio consists of between others women's security, including combating all forms of gender-based violence. Sweden supports security and gender justice through a number of different actors. Through EU, Sweden supports two justice reform programmes - PARJ and Uhaki Safi (80 MSEK and 60 MSEK respectively) -where gender is addressed but not the main focus. Swedish support to International Centre for Transitional Justice (ICTJ), 23 MSEK) has a strong component on increasing gender justice which aims at strengthening civil society on gender, collection of sex- and age disaggregated data (SADD) and fight impunity on SGBV. UNDP's Access to Justice Programme (43,5 MSEK) is specifically targeting women's access to justice in the DRC for women and girls that are victims of SGBV. Within security and stabilization in broader terms (for example through Swedish support to ISSSS and SSU, in total 32 MSEK), gender issues are key, especially gender based violence.

In addition, gender inequality is targeted through addressing gender roles and masculinities, for example through UNICEF's programme on children associated with armed forces and groups where UNICEF uses the window of opportunity for change when boys and young men are in transit to address violent forms of masculinities. UNICEF has moreover developed specific activities for girls and young women in transit and established specific reintegration measures, as reintegration for girls and young women is generally more difficult.

Concerning humanitarian support in DRC (amounting to 248 MSEK), gender sensitivity is one key criteria for selection of partners whom Sweden cooperates, especially concerning the Pooled Fund. For bilateral support, gender mainstreaming remains to be strengthened. This is a general, global problem as pointed out in the OECD-DAC Peer review conducted earlier in 2013, which discusses the challenge of ensuring a strong gender perspective in humanitarian interventions.

Sweden co-operates closely with its neighbours through the Council of the Baltic States (CBSS) and its Expert Group for Cooperation on Children at Risk (EGCC). The expert group comprises senior officials in ministries responsible for children's issues in Sweden, Norway, Island, Denmark, Finland, Estonia, Latvia, Lithuania, Russia, Germany and the European Commission, focusing on i.e. protecting children from sexual abuse and sexual exploitation. The EGCC, through the Children's unit at the CBSS Secretariat, is a platform for exchange between professionals working to support

children at risk and involves child protection services, public agencies, non-governmental organisations, researchers and international organisations in its projects and activities. The EGCC identifies supports and implements cooperation on children at risk between countries and organisations in the region. It also examines and reviews areas of concern regard to children, as identified by its network of National Coordinators and experts. Based on these findings the EGCC adopts programmes and implements actions within areas of concern. Activities and programmes are carried out together with national authorities, agencies and organisations in cooperation with regional and international organisations.

Question 8: Education, awareness raising and training

- a. Which legislative or other measures have been taken to:
 - ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (Article 6, Explanatory Report, paras. 59-62). Please also specify whether this information includes the risks of the use of new information and communication technologies (Article 6, Explanatory Report, para. 63);
 - encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (Article 5, para. 1);
 - ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (Article 5, para. 2).
- b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (Article 8, para. 1);
- c. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (Article 8, para. 2, Explanatory Report, para. 66).

a)

The Government has assigned the Swedish National Board for Youth Affairs several tasks with the purpose of preventing sexual exploitation of boys and girls on and via the internet. In 2008 the Government gave the agency the task of conducting a study regarding the experiences and attitudes of boys and girls concerning this and of producing a material that schools can use in the later years of compulsory school and in upper secondary school for discussions with students. The task also included providing further education mainly for people working in school, school health services and social protection sector on preventing sexual exploitation on and via the internet. The task of providing further education was extended in 2011 for another three years. In 2012 the government also gave Swedish National Board for Youth Affairs the task of producing material with information directly for girls and boys.

In 2008 the Government gave the National Agency for Education an ongoing task of supporting the schools in working with information and communications technology. Part of the task is to make efforts for a safer use of ICT, protection of the personal integrity and critical thinking using the internet. The Agency is providing material and information, including on sexual exploitation via the internet, for schools and has also conducted seminars for teachers and school leaders.

The Government has assigned The National Agency for Education with the task of enhancing school health services. This includes professional development for school health services personnel with focus on mental illness and children in distress or at risk of being in distress. The agency has also been given the task during 2014-2015 of producing material for teachers and other school personnel with information and support regarding the obligation to report suspicions that a child is in distress.

Questions concerning sexuality, relations and sex have been given greater and clearer scope than previously in the new Curriculum for the compulsory school, preschool class and the recreation centre and the Curriculum for the upper secondary school. The principal has a special responsibility to integrate interdisciplinary fields of knowledge, such as sex and relationship, into different subjects. The government in 2011 assigned the National Agency for Education the task of offering compulsory and upper secondary school teachers and other school personnel in service training on sex and relationship education aimed at preventing sexual violence and harassment. The task also includes producing material for use in sex and relationship education in schools.

b)

The Swedish Ministry of Health and Social Affairs together with the Swedish police and ECPAT Sweden stands behind the campaign "Don't look away!" – a campaign against sexual offenses against children. The film-spot was shown in airports and at the train between Stockholm Central Station and the Arlanda airport (Arlanda Express) during the period December 2011–March 2012.

The campaign was started again in December 2013 and will be finished in the end of February 2014. The purpose is to alert travellers to questions about protecting children from sexual exploitation in conjunction with tourism and travelling. The campaign (film-spot) builds on the campaign as Germany, Austria and Switzerland started in September 2010. The campaign has an educational message targeted directly to the traveller to draw attention to occasions where sexual exploitation of children in conjunction with tourism and travelling may be suspected. Information on how to contact the police is displayed clearly so that travellers directly can contact the police on suspicion of crime. According to a first estimation there are more than 3.5 million people reached by the message of this campaign. The film-spot can be seen as well on the Governments website, www.regeringen.se. The travel businesses have been offered the film-spot to use in their trainings and to show it on board their flights.

For the period 2011–2014, the Government has commissioned the Crime Victim Compensation and Support Authority to distribute funding for research, method development and other similar initiatives aimed at increasing knowledge about men's violence against women, including sexual violence and other sexual abuse. This also includes knowledge about perpetrators and the effects of measures to prevent repeat offences among perpetrators of violent and sexual crimes. Increased knowledge is required in order to allow for the development, inter alia, of evidence based working methods intended to improve the protection of and support for victims of crime. In this connection, support for children growing up in families where violence occurs is to be taken account of. The commission is to be completed and presented by 15 December 2014.

c)

Sweden has a very far-reaching criminalisation of all conceivable forms of engagement with child pornography pictures. According to Chapter 16, Section 10 a of the Swedish Penal Code it is criminal to portray a child in a pornographic picture, to make such a picture available to some other person, to acquire or offer such a picture, to facilitate in any way dealing in such pictures, or to possess such a picture.

Since 1 July 2010, viewing child pornographic pictures that **the viewer has acquired access to** is also a crime of child pornography. This includes, of course, so called web-viewing without possession. All kinds of pictures are covered by the regulation, for example pictures in printed publications, pictures in video recordings and pictures that are communicated on the Internet. A child pornographic picture constitutes a violation against not only the depicted child but also children in general. Consequently, the criminal regulation comprises animated pictures of child pornography and regardless of whether the depicted child actually exists or not.

The attempt to commit an intentional child pornography crime is punishable if it is not petty, as is attempting or preparing a gross child pornography crime. Instigation and complicity are also punishable offences. In addition, it may be added that advertisements offering sexual services should be covered by the penal provision on procuring in Chapter 6, Section 12 of the Penal Code. Advertisements on children for sexual posing should be covered by the penal provision on exploitation of children for sexual posing in Chapter 6, Section 8 of the Penal Code.

Moreover, it may be mentioned that a person who makes available electronic noticeboards is responsible for removing messages with a content which is evidently to be regarded as a child pornography crime (Section 5 of the Electronic Noticeboards Act (1998:112)). In addition there is a special act (1998:1443) on the prohibiting of importation and exportation of child pornography, which specifies that a depiction of children in child pornography images may not be imported to or exported from Sweden. Provisions on punishments for such unlawful importation are included in the Act (2000:1225) on Penalties for Smuggling.

Question 9: recruitment and screening

- a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (Article 5, para. 3). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;
- b. Does the screening of candidates apply to voluntary activities?

a)

According to a new law, which came into force in December 2013 (Act 2013:852) all employers that recruit a person for professional or organized voluntary activities involving direct and regular contact with children, are entitled to request information from the criminal records. The law is applicable on all types of professions involving direct and regular contact with children. How long a crime persists in the criminal records depends on which sanction has been imposed and how old the offender was at the time of the crime. A crime can remain in the records between three to ten years.

b)

Yes, the law is applicable to voluntary activities as well.

Question 10: Preventing intervention programmes or measures

- a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (Article 7, Explanatory Report, para. 64);
- b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (Articles 15 to 17). Please indicate in particular:
- who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
 - how the appropriate programme or measure is determined for each person;
 - whether there are specific programmes for young offenders;
 - whether persons have a right to refuse the proposed programme/measures?

a)

Karolinska University Hospital (Centre for Andrology and Sexual Medicine, CASM) is an important factor in the work of ensuring that persons who fear that they may commit sexual offences have access to intervention programmes and measures for preventing the risks of offences being committed. CASM receives patients with sexual deviance and compulsive sexual behaviour or sexual addiction. The Government has granted CASM funds for the development and quality assurance of the activity that receives persons who commit or risk committing acts of sexual violence. The Government decided to develop activities geared towards persons who are not subject to measures within the framework of e.g. correctional treatment or institutional youth care. Such development comprises the following parts: 1) to establish a “stop line” against sexual violence by developing existing telephone and internet services with the

aim of reaching a larger and broader target group than at present, i.e. persons, primarily men, who commit or risk committing acts of sexual violence, persons close to them, and staff in relevant services; 2) to survey local services in the field with the aim of being able to refer people seeking help and their families from all over the country, and to create the basis for a national network of caregivers and other actors in the area; 3) to develop treatment and working methods currently used at CASM with people who commit or risk committing acts of sexual violence. The development efforts at CASM are also intended to reach people close to those in the target group, as well as the staff that receive them.

b)

Treatment programmes of the kind referred to in articles 15-17 are offered within the Swedish Prison and Probation Service both in prison and during probation both as group sessions and as individual treatment. For all persons who are serving a prison sentence an individual enforcement plan shall be drawn up. The plan is based on a risk and needs assessment. Among the programmes provided by the Swedish Prison and Probation Service is the Sex Offender Treatment Program (ROS). The target group are men sentenced for different kinds of sexual offences. The programme, which has been used since 2002, aims to identify the offender's risk factors for reoffending. In order to evaluate the effects of the program in the short perspective pre and post tests are carried out for each participant. A more extensive evaluation of effects on re-offending started in 2006. Canadian studies have proved that programs for sexual offenders designed in this way lower the rate of recidivism. The program was fully accredited in 2006 by the scientific panel within the Swedish Prison and Probation Service. Participation in all treatment programmes are based on consent.

Question 11: Participation of the private sector, the media and the civil society

What steps have been taken to encourage:

a. the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (Article 9, para. 2, Explanatory Report, paras. 68-73);

b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (Article 9, para. 3, Explanatory Report, para. 74);

c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (Article 9, para. 4, Explanatory Report, para. 75). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (Article 27, para. 5, Explanatory Report, para. 193).

a)

Surfa Lugnt (Safe Surfing) is a network of national agencies, business enterprises and NGOs spreading knowledge on children's use of Internet and others digital media platforms. Ministry of Health and Social Affairs has encouraged and offered financial support to this network. Partners in the network are between others Ombudsman for

Children, organisation Friends, World Childhood Foundation, Save the Children Sweden, F-Secure, Swedish Media Council and Swedish IT and Telecom Industries. The network has its own website and is running projects and information campaigns for spreading relevant information for the target group. The target group for the network consists in parents, teachers, pedagogues and other professionals working with children.

(See the answer under question 6 b) as well.)

b)

The government and its authorities are permanently informing the public opinion, including media, about initiatives and measures, including measures focusing on protection of children against sexual exploitation and sexual abuse. There is up to mass media actors to decide if and how they want to reflect these activities.

c)

The National Board of Health and Welfare collects, compiles, analyses and passes on information. The intention is that health and social care should be based on sound knowledge and experience. One of the tasks of the National Board of Health and Welfare is the allocation of government subsidies to a large number of organizations of the civil society working with social issues. Many of the organisations getting government subsidies are implementing projects focusing on protection of women and children against violence and abuses.

The Swedish Inheritance Fund Commission supports non-profit organisations and other voluntary associations wishing to test new ideas in projects developing activities for children, young people and persons with disabilities. The projects financed by the Inheritance Fund can also be focusing on the protection of children against violence and abuses.

The future action plan against trafficking in children, exploitation of children and sexual abuse of children which will be presented and financed by the government is also addressing the involvement of the civil society in concrete actions for improving the protection of children.

Question 12: Effectiveness of preventive measures and programmes

a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;

b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

a)

The Swedish National Council for Crime Prevention (in Swedish Brottsförebyggande rådet - Brå) - an agency under the Ministry of Justice - is a center for research and development within the judicial system. The Council primarily works to reduce crime and improve levels of safety in society by producing data and disseminating

knowledge on crime and crime prevention work. The Council also produces Sweden's official crime statistics, evaluates reforms, conducts research to develop new knowledge and provides support to local crime prevention work. The results of this work are a basis for decision makers within the judicial system, the Parliament and the Government.

Over the last decade, the number of reported sexual offences has increased constantly, and the reports of rape have more than doubled. This is likely due to a combination of an actual increase together with a rising trend for reporting the crime. A large portion of the increase has occurred since 2005, when the new sexual offences legislation came into force, which meant that some actions that were previously classed as sexual exploitation are now classed as rape.

The number of reported sexual offences decreased in 2012, compared to the year before. Reported rape fell by 5 percent compared with 2011, to 6,200 reported crimes. Of those who are suspected for sexual offences, the majority of the suspects are men and only about two percent are women. A majority of the victims are women. In a third of reported rapes, the victim is younger than 15. According to the statistics from the Council during 2012 have been 2 880 cases of reported rape against children. 10 percent of the victims were boys.

b)

According to Swedish researchers an example of good practices in preventing sexual exploitation and sexual abuse of children in our country is the early detection of children at risk for sexual exploitation and sexual abuse as well as early intervention for supporting these children.

Besides the legal obligation of personal working with children to report suspicions of sexual exploitation or sexual abuse, (described in more details under question 13) is to underline the professional support for children during the process of investigation of alleged sexual abuse. You can find more information about this topic under the answers to question 21 b)

The spreading of knowledge for specialists working with children is also an important element in the preventing work. In this respect the National Board for Health and Welfare is a central actor. The National Board of Health and Welfare is a government agency under the Ministry of Health and Social Affairs, with a very wide range of activities and many different duties within the fields of social services, health and medical services, environmental health, communicable disease prevention and epidemiology. The agency is collecting, compiling, analysing and passing on information as well as developing standards based on legislation and the information collected.

Another actor in this field is Children's Welfare Foundation Sweden. The foundation is periodically organising seminars, round table discussions and conferences for specialists working with children at risk. One important target group for these

activities are the professionals working within social services at the municipality level. The government has several times offered financial support for these activities.

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

a. Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (Article 12, para. 1, Explanatory report, para. 89);

b. Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (Article 12, para. 2, Explanatory Report, para. 91). Please provide examples of good practice.

a)

The obligation to give notice to the Social Welfare Committee in the municipality is regulated in the Swedish Social Services Act. It applies everyone working at a public agency whose activities concern children or young people. It also applies employees in the health care sector, dental care, pre-schools, schools, social services or prison and probation services. A notification/reporting to the Social Welfare Committee shall be made immediately if a suspicion that a child is at risk. This rule is ensuring that all cases of children in need of protection and support are brought to the attention of the Social Welfare Committee.

The employees are obliged to provide all information that may be of importance for the social services in the investigation of a child's need of support and protection. That means that the obligation to give notice breach the confidentiality rules if suspicion that a child is at risk.

b)

There is no rule imposing private persons to intervene or report to authorities in case of any offence. Neither is the rule stopping any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities.

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity?

There are several help lines for different target groups in Sweden which the Government has encouraged for example by providing funding. The National Centre for Knowledge on Men's Violence against Women (Uppsala University) has been tasked with developing the national telephone support line (Kvinnofridslinjen) to assure the quality of the support it provides and to reach out to more women who are

subjected to threats, violence and/or sexual abuse. The Government has approved Karolinska University Hospital funding for the period 2011-2014 for to establish a support line for potential or current sex offenders at the unit at the Centre for Andrology and Sexual Medicine (CASM) that receives people who commit, or are at risk of committing, sexual violence. The County Administrative Board in Stockholm has been assigned to establish telephone counselling for Roma girls and women regarding questions about sexual and reproductive health.

BRIS – Children’s Rights in Society – is an NGO with a voluntary organisation and no political or religious affiliations, which supports children and young people in distress. BRIS is a link between children, adults and the rest of society. The core of support services is comprised of hotline BRIS 116 111, the BRIS-mail and the BRIS-chat, to which children and young people up to the age of 18 can turn anonymously and free-of-charge when they need support from an adult. BRIS works for the full application of the principles established in the Convention of the Rights of the Child.

Question 15: Assistance to victims

- a. Please indicate which types of assistance described in Article 14 are provided to victims of sexual exploitation and sexual abuse of children. (Explanatory Report paras. 93-100) Please specify:
 - how the assistance is adapted to the victims' age and maturity;
 - how due account is taken of the child's views, needs and concerns;
 - if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.
- b. Please specify if and to what extent internal law provides for the possibility of removing (Article 14, para. 3, Explanatory Report, para. 99):
 - the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
 - the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.
- c. If internal law does provide for this:
 - are the conditions and duration of such removal to be determined in accordance with the best interests of the child?
 - are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (Article 11, Explanatory Report, paras. 87-88).
- d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (Article 38, para. 2, Explanatory Report, paras. 258-259).

a)

In Sweden support and assistance are provided by the municipalities. According to the Swedish Social Services Act, the Social Welfare Committee in each municipality is responsible for providing medical and psychological support and other forms of social assistance and help and support to victims of crime that may be needed. Municipalities often provide this support in close cooperation with civil society actors. Each municipality has the responsibility to provide the necessary support and assistance to those who are resident in the municipality. An individual assessment

must be made in each case. The municipality is also responsible to provide the support the victims of crime need, but also to their family.

The child has the right to express his or her views in all matters affecting the child, in weight in accordance with the age and maturity of the child. This right have to be respected when making the individual assessment. The social services having dialog with the child should create proper opportunities for the child to talk about violence and abuse. At a situation when an application is being made, the child will be involved based on age and maturity and be supported in the situation.

The child will also receive information, depending on their maturity level, about what will happen, the legal process, and the support, assistance and protection that will be offered by the authorities.

b)

A person suspected of sexual violation of a child can be deprived of his/hers liberty. According to the main rule on deprivation of liberty, any person suspected on probable cause of an offence punishable by imprisonment for a term of one year or more may be placed in detention if, in view of the nature of the offence, the suspect's circumstances, or any other factor, there is a reasonable risk that the person will:

1. flee or otherwise evade legal proceedings or punishment;
 2. impede the inquiry into the matter at issue by removing evidence or in another way;
- or
3. continue his criminal activity.

c)

The support for the child victim and his or her family is offered by the social services in the municipalities of residence, according to the Social Services Act.

d)

All residents in Sweden victims of offences, indifferent of their nationality have the possibility to make complain before Swedish competent authorities.

Question 16: Criminal law offences

- a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;
- b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;
- c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;
- d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

a)-c)

	Sexual Abuse (Article 18)		Penal Code
1.	Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities.	YES	Ch. 6, Section 4-6
2.	Engaging in sexual activities with a child where;		
-	use is made of coercion, force or threats;	YES	Ch. 6, Section 1-6
-	abuse is made of a recognised position of trust, authority or influence over the child, including within the family	YES	-“-
-	abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.	YES	-“-
	Child Prostitution (Article 19)		
1.	Recruiting a child into prostitution or causing a child to participate in prostitution;	YES	Ch. 6, Section 4-6, 9, 12
2.	Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes	YES	-“-
3.	Having recourse to child prostitution.	YES	-“-
	Child Pornography (Article 20)		
1.	Producing child pornography;	YES	Ch. 16 Section 10a
2.	Offering or making available child pornography;	YES	-“-
3.	Distributing or transmitting child pornography;	YES	-“-
4	Procuring child pornography for oneself or for another person;	YES	-“-
5.	Possessing child pornography;	YES	-“-
6	Knowingly obtaining access, through information and communication technologies, to child pornography.	YES	-“-
	Participation of a Child in Pornographic Performances (Article 21)		
1.	Recruiting a child into participating in pornographic performances or causing a child to participate in such performances	YES	Ch. 6, Section 8
2.	Coercing a child into participating in pornographic performances or	YES	-“-

	profiting from or otherwise exploiting a child for such purposes		
3.	Knowingly attending pornographic performances involving the participation of children.	YES	-“-
	Anyone who promotes or exploits the sexual posing or participation in sexual posing by a child under 15 years of age is sentenced for <i>exploitation of a child for sexual posing</i> . The same applies to anyone who commits such an act against a child who has turned 15 but not yet 18, if the posing is intended to damage the child’s health or development. Regarding the latter specification, this should be the case as a rule when posing has occurred against payment or under duress, or if the child has been misled or someone has persuaded or in some other way influenced the child to pose in an environment typically harmful to the child, e.g. at a sex club or for the production of pornographic images. However, such voluntary participation as e.g. when a boyfriend or a girlfriend poses sexually for one another for the purpose of exploring their sexuality falls outside of the punishable area.		
	Corruption of Children (Article 22)		
	The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.	YES	Ch. 6, Section 10
	Solicitation of Children for Sexual Purposes (Article 23)		
	The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by		Ch. 6, Section 10a

	material acts leading to such a meeting		
	Aiding or abetting and attempt (Article 24)		
1.	Intentionally aiding or abetting the commission of any of the above offences.	YES	Ch. 23, Section 4
2.	The attempt to commit any of the above offences in Article 18–21.	YES	Ch. 6, Section 15, and Ch. 16, Section 17
	Pursuant to Article 24.3 of the Convention Sweden has reserved the right not to apply paragraph 2 to offences established in accordance with Article 22 and 23.	NO	

d)

Chapter 6 of the Swedish Penal Code contains a number of penal provisions focusing on sexual crimes against children. Some of these concern acts committed against someone who is under 15 years of age and some acts committed against someone who is under 18 years of age. The differences reflect the fact that the age limit for the right to sexual self-determination in Sweden is 15. Thus, in respect of children under the age of 15, Swedish criminal law offers complete protection against all forms of sexual acts. Additionally, there is special protection for the 15-18 age group against being exploited in various contexts.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with Article 26? Please specify under which conditions.

The Swedish penal system is based on the assumption that only individual natural persons can commit criminal offences and be punished for them. Legal persons may, however, be subject to sanctions or other serious legal consequences as a result of offences committed in connection with their activities. The traditional institutions are damages and forfeiture of assets. In addition administrative fines, corporate fines, can be imposed directly on legal persons in various circumstances.

Under Swedish law all entrepreneurs can be subject to corporate fines for crimes committed in the exercise of their business. The term entrepreneur has a broad definition and covers natural and legal persons who professionally run a business of an economic nature, regardless of whether the business is run with the aim to generate profit or not. Also state owned companies can therefore be subject to corporate fines. However, if the crime committed is related to the exercise of public authority it is not considered to be committed in the exercise of business in such way that it can lead to corporate fines.

Question 18: Sanctions and measures

a. Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (Article 27, Explanatory Report, paras. 182-193);

b. Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (Article 29, Explanatory Report, paras. 203-208).

a)

As mentioned above the Swedish penal system is based on the assumption that only individual natural persons can commit criminal offences and be punished for them.

The scale of punishment for sexual crimes are devised in such a way as to reflect the seriousness of the crime and provide margins for covering different situations of varying degrees of difficulty. Even if all sexual crimes against children are serious – and the scale for punishment therefore usually only contains imprisonment, it must also be possible in this area to differentiate between various acts in terms of penal value.

The criminal offences established in accordance with the Convention correspond to several different penal provisions in the Swedish Penal Code. To carry out sexual acts against a child may be considered, depending on the individual circumstances, as rape, gross rape, sexual coercion, gross sexual coercion, sexual exploitation of a person in a position of dependence, gross sexual exploitation of a person in a position of dependence, rape of a child, gross rape of a child, sexual exploitation 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, purchase of a sexual act from a child, sexual molestation, contact with a child for a sexual purpose, procuring, gross procuring, child pornography or gross child pornography (Ch. 6, Section 1–6, 8-10 a, 12 and Ch. 16 Section 10 a of the Penal Code). The penalty scales for these crimes runs from fines to imprisonment for at most ten years.

Punishment for an attempt shall be at most what is applicable to a completed crime and not less than imprisonment if the least punishment for the completed crime is imprisonment for two years or more (e.g. rape of a child and gross rape of a child).

In Sweden the issue of liability for legal entities is regulated by means of the provisions on corporate fines, among other means. A corporate fine is an alternative punishment that can be imposed on a business for crimes committed in the course of its activity, under certain circumstances (Ch. 36, Section 7-10 a of the Penal Code). The system of corporate fines was made more effective in 2006, e.g. by increasing the possibilities of increasing the sanction and by raising the maximum amount. One aim of this was to increase the practical application of the sanction for crimes in business activities.

b)

Previous convictions have primarily influence on the choice of sanction and the length of the imprisonment (Ch. 30, Section 4 and Ch. 29, Section 4 of the Penal Code). Relapse in crime is taken into account in sharpening direction in different ways but as a general rule it is not of importance where the previous offence was committed. Criminal convictions in another party may therefore be taken into account when determining the penalty for the offences established in accordance with the Convention.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required.

Crimes committed in Sweden shall be adjudged in accordance with Swedish law and by a Swedish court. Crimes committed outside Sweden shall be adjudged according to Swedish law and by a Swedish court when the crime has been committed by a Swedish citizen or an alien domiciled in Sweden, by an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in Sweden or who is a Danish, Finnish, Icelandic or Norwegian citizen and is present in Sweden, or by any other alien, who is present in Sweden, and the crime under Swedish law can result in imprisonment for more than six months. This shall not apply if the act is not subject to criminal responsibility under the law of the place where it was committed (double criminality) or if it was committed within an area not belonging to any state and, under Swedish law, the punishment for the act cannot be more severe than a fine. In these cases, a sanction may not be imposed which is more severe than the severest punishment provided for the crime under the law in the place where it was committed (Ch. 2, Section 2 of the Penal Code).

The limitations mentioned above are not applicable in relation to the offences mentioned in article 18, 19, 20, 21 of the Convention or attempts to commit such offences, if the crime is committed against a person under the age of eighteen. There is an exemption made to the requirement of double criminality in relation to the provision on rape, gross rape, sexual coercion, gross sexual coercion, sexual exploitation of a person in a position of dependence, gross sexual exploitation of a person in a position of dependence, rape of a child, gross rape of a child, sexual exploitation of a child, sexual abuse of a child, gross sexual abuse of a child, gross exploitation of a child for sexual posing, gross exploitation of a child for sexual posing, purchase of a sexual act from a child, child pornography crime and gross child pornography crimes. This means that these offences, when committed against a person under the age of eighteen, can be adjudged in accordance with Swedish law in a Swedish court, independent of the law in the country where the crime is committed.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in Article 28, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (Explanatory Report, paras. 194-202).

The circumstances referred to in Article 28 are examples of such aggravating circumstances that according to Swedish law shall be given special consideration in addition to what is applicable to each and every type of crime (Ch. 29, Section 1 and 2 of the Penal Code). In assessing the penal value, the court shall take into account as aggravating circumstances, among other things, if the crime was manifested especial ruthlessness, whether the accused exploited some other person's vulnerable position or that person's special difficulties in protecting himself, whether the accused exploited his position or otherwise abused a special confidence or trust, whether the accused induced another person to take part in the crime by coercion, deceit or misuse of that person's youthfulness, lack of understanding or dependent status, whether the crime was part of a criminal activity which was especially carefully planned or carried out on a large scale and in which the accused had a significant role or whether the crime was intended to harm the security and trust of a child in its relationship with a related person.

In determining the appropriate punishment, the court, if sufficient consideration cannot be given to the circumstances through choice of sanction or forfeiture of conditionally granted liberty, shall, besides the penal value of the crime, take account of whether the accused has previously been guilty of crime. In this connection, special consideration shall be given to i.a. whether the previous and the new criminality are similar in nature or whether in both cases they are of an especially serious character.

Question 21: Measures of protection for the child victim

- a. Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (Article 31, para. 1, letter (a) and para. 2). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;
- b. Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (Article 31, para. 1, letter (c));
- c. What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (Article 31, para. 1, letter (d));
- d. Please describe the measures taken to protect the privacy, the identity and the image of child victims (Article 31, para. 1, letter (e));
- e. Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (Article 31, para. 1, letter (f));
- f. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (Article 31, para. 1, letter (b));

g. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (Article 31, para. 1, letter (g));

h. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (Article 31, para. 3).

a)

Child victims are mostly informed about their rights by adults close to the child. With exception for the situation where the legal guardian is the suspect, information to a child victim is mostly provided by the Police via the child's parents. Practically in all cases where the child is a victim of the relevant crime type, a lawyer is appointed by the court as counsel for an injured party. Older children are informed directly by the Police about their right to such counsel. When the case involves young children, the parents get this kind of information. If, which is almost always the case, a counsel for an injured party is appointed, it is the counsel who provides the child with the relevant information about the legal proceedings.

The government tasked The Swedish Crime Victim Compensation and Support Authority to develop or adapt information on protection and support directly to children and young people as victims, including children who have witnessed violence. The assignment will be carried out in collaboration with the Children's Ombudsman and consultation with other relevant agencies and non-profit organizations. Children and young people should be involved in the development of the material, which will be adapted to different ages and are available in relevant languages.

b)

Child victims of a crime have no less right than adults who are victims of crime. In many parts of the country there are so called "Children's houses" (Barnahus in Swedish) where interviews with the child victim is carried out. These facilities provide a safe and comfortable environment for the child, thus making it easier for the child to explain what has happened. The child is meeting under the same roof different specialists such as prosecutors, police officers, physicians, psychologists and social workers. The environment improves the possibility of a successful interview. This cooperation between different authorities is creating conditions for finding the best solutions for supporting the child victim and his or her family. In the regions where there are no such facilities, the ambition is to create an equal environment, specially adapted for children's needs. Interviews are carried out by specially trained officers.

c)

Please see the answer under a) and under question 15 a).

d)

During the preliminary investigation the contact details (but not the identity) are kept confidential if it could be assumed that the victim could be subject to threat or violence or other severe detriment if the contact details are revealed.

Various legislation enables courts to hold hearings behind closed doors/in camera (Chapter 5, Section 1 of the Code of Judicial Procedure and Chapter 35, Section 12 of the Public Access to Information and Secrecy Act). If a court hearing has been held behind closed doors, the court may impose a duty of confidentiality on those who have been attending.

The safety in courts is facilitated e.g. by security checks. According to the Act on Security Checks in Court (1981:1064), a Swedish court may decide to have a security check if the court finds that such a check is needed to limit the risk of crimes being committed during or in connection with a criminal proceeding.

Swedish law is based on the principle that judgments, including the reasons for judgment, are public. This means that any secrecy provision ipso jure ceases to be applicable in regard to information revealed in the judgment. However under certain conditions a court can, as an exception to the mentioned principle, according to Chapter 43, Section 8 in the Public Access to Information and Secrecy Act decide that a secrecy provision shall remain applicable on information revealed in the judgment. This has the effect that if there is a request from anyone else than a party to gain access to the judgment the court has to consider whether the information held in the judgment can be disclosed or whether a secrecy provision requires that the information, or more likely some of the information, shall be kept secret.

In certain cases, the court can decide that a witness or a victim may be questioned by telephone instead of by attending in person. At all courts it is also possible to give testimony by means of a video conference. It is the court that decides in which cases this can be allowed (Chapter 5, Section 10 of the Code of Judicial Procedure). In almost all courts, it is possible to let a victim or a witness enter the courtroom from a certain entrance, separated from the public and the defendant. Further, if there is ground to believe that, in the presence of e.g. the defendant, a witness or a victim does not tell the truth openly through fear or any other cause, the court may order the defendant to be excluded from the courtroom during the examination. In such cases, the defendant can listen to the examination from another room (Chapter 36, Section 18, and Chapter 37, Section 3 of the Code of Judicial Procedure).

The court may also in other situations, if there are special reasons for it, decide that a record of a statement or a recorded statement shall be admitted as proof in a proceeding (Chapter 35, Section 14 of the Code of Judicial Procedure). What is here said about a written or recorded statement, also applies to an audio recording or an audio and visual recording of a statement.

e)

Please see the answer under d).

Furthermore the Act on Restraining Order (1988:688) is an important part in the efforts to protect between others women who are subjected to persecution and harassment by men that they have previously lived with. It however gives the same protection to other exposed persons and counteracts domestic violence. The basic

prerequisite for a restraining order follows from the wording of the act below. It is a criminal offence to breach a restraining order.

Act on restraining orders Section 1 (unofficial translation):

According to this law a restraining order can be issued for a person prohibiting him or her to visit, make contact with or follow another person.

A restraining order may be issued if there due to specific circumstances is a risk that a person will commit a crime against, stalk or in some other way seriously harass another person. In assessing if there is such a risk there shall in particular be considered if the person who is prohibited to make contact has committed crimes against some person's life, health, liberty or peace.

A restraining order may be issued only if the reasons for such an order are proportionate in relation to the intrusion or damage that the order means for the person who is prohibited to make contact.

A restraining order does not cover contacts that given specific circumstances is clearly legitimate.

Act on restraining orders Section 24 (unofficial translation):

A person who breaches a restraining order shall be sentenced for violation of a restraining order to a fine or imprisonment for at most one year.

If the crime is petty, no punishment shall be imposed.

f)

According to the Regulation on Detention (Swedish Code of Statutes 2010:2011) and the Regulation on Imprisonment (Swedish Code of Statutes 2010:2010) the Swedish Prison and Probation Service has an obligation to ask the injured party whether he or she want a notification if the prisoner or remand prisoner is granted leave, if he or she escapes, is transferred to another prison, or is released.

g)

There are different measures that can be taken to avoid the contact between victims and perpetrator.

The court may decide to have a security check and, thus, control the persons who are entering the court building and attending the legal proceedings. A decision on security check may be ordered if the court finds that such a check is needed to limit the risk of crimes being committed during or in connection with a legal proceeding (Act on Security Checks in Court [1981:1064]).

The court can arrange for the victim and his or her counsel to have a separate room at court before entering the court room and during coffee breaks and alike. The court can also arrange so that the victim and his or her counsel may enter the court room through a separate door.

The court may decide that a victim can listen to the main hearing from a separate room. In these cases, the victim does not have to be present in the court room except when being examined by the court. The court may then decide that a victim shall be

examined in the absence of the defendant or another person. This may be the case if there is ground to believe that the victim – in the presence of the defendant or any listener – does not tell the truth openly through fear or any other cause (Chapter 36, Section 18, and Chapter 37, Section 3 of the Code of Judicial Procedure).

The court may also decide that a victim shall be examined via telephone or video conference (Chapter 5, Section 10 of the Code of Judicial Procedure). This may be the case if there is a threat picture against the victim or the court premises, or if the victim feels a palpable fear of coming to the premises where the hearing is to be held.

The court may decide that the hearing or parts of the hearing, for example an examination with a victim, shall be held behind closed doors/in camera (Chapter 5, Section 1 of the Code of Judicial Procedure, and Chapter 35, Section 12 of the Public Access to Information and Secrecy Act).

h)

In criminal cases regarding sexual offences, the court shall appoint a counsel for an injured party if it is not obvious that the victim is not in need of such a counsel. The counsel shall be a lawyer, a legal associate at a law firm or another person who is suitable for the task. The counsel assists the party and protects the party's interests as a victim of crime and can, for example, bring an action for damages on the victim's behalf in the criminal case if the prosecutor does not do so. It is the court that appoints the counsel. The counsel is paid by the state and will not cost the victim anything (The Act on Counsel for an Injured Party [1988:609]).

When the victim is a child, the court can appoint a special representative. This is the case if the child's legal guardian is suspected of the crime or it may be anticipated that the child's legal guardian, because of his or her relationship to the person suspected of the crime, might not act in the best interest of the child. The special representative shall be a lawyer (in Swedish *advokat*), a legal associate at a law firm or another person who is suitable for the task. The special representative protects the child's interests as a victim during preliminary investigation and trial. He or she can, for example, bring an action for damages on the child's behalf in the criminal case if the prosecutor does not do so. It is the court that appoints the special representative. The special representative is paid by the state and will not cost the victim anything (The Act on Special Representative for a Child [1999:997]).

Question 22: Investigations and criminal measures to protect the child victim

- a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate?
- b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement?
- c. Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with Articles 18, 19,

paragraph 1.a and b, and 21, paragraph 1.a and b, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question?

d. Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (Article 31, para. 4). Please also describe under which conditions it is possible;

e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (Article 31, para. 5). Please specify under which conditions, if so required;

f. Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (Article 30, para. 5);

g. Please also describe what techniques have been developed for examining material containing pornographic images of children (Article 30, para. 5).

a)

As mentioned in relation to the questions under 21, the method of interviewing children includes e.g. an endeavour to, as much as possible, reduce the time spent on handling the case, the use of “Children House” models, video recorded interviews and specially trained officers conducting the interviews.

According to the Decree on Preliminary Investigations, children are to be interviewed by a person specially qualified for the task.

This provision applies regardless of whether the child is the injured party, a witness or the suspect of having committed a crime. In police work, therefore, investigations involving children as victims or the injured party are carried out by investigators specialising in crimes against children.

There is a national training program for investigators to specialise in investigations involving crimes against children. It comprises fifteen weeks of training, including ten weeks of investigative methods in this particular field and five weeks specifically concerned with interviewing children victims of crime. The training is based on the principle of safeguarding the best interest of the child. In the interests of maintaining the knowledge and keeping the specialisation up-to-date, further training is offered every three years. In October 2013, the Policed decided to further develop its work to investigate crimes against children and safeguard their best interest. Further specialisation in investigation of different types of crime against children will therefore be developed, including investigations on sexual exploitation and sexual abuse.

Furthermore, when a child is subjected to crime, the police collaborate with other authorities. This collaboration takes place through, for example, the Children's House (Barnahus) where the environment and working methods are particularly suited to the child's needs.

b)

According to chapter 20, section 3 in the Swedish Procedural Code, all offences, other than those expressly excepted, fall within the domain of public prosecution. Crimes relating to sexual exploitation and sexual abuse of children are not excepted from public prosecution. Consequently, the prosecution of such crimes are not dependent

upon the report or accusation of the victim and the procedure may continue also in the event that the victim withdraws his/hers statement.

c)

The rules on statute of limitation has been changed in Swedish law for the offences established in accordance with Articles 18, 19 and 21 and attempts to commit such offences, if the crime is committed against a person who has not turned eighteen years of age.

In Swedish legislation these offences corresponds to rape, gross rape, sexual coercion, gross sexual coercion, sexual exploitation of a person in a position of dependence, gross sexual exploitation of a person in a position of dependence, rape of a child, gross rape of a child, sexual exploitation of a child, sexual abuse of a child, gross sexual abuse of a child, gross exploitation of a child for sexual posing, exploitation of a child for sexual posing, purchase of a sexual act from a child, sexual molestation, procuring, gross procuring, child pornography crime and gross child pornography crime. In accordance with Ch. 35, Section 4, of the Penal Code the period of limitation for these crimes is reckoned from the day the child turns, or would have turned, 18 years of age and not, as generally applies, from the date when the crimes was committed.

d)

Please, see the answer under question 21.h

e)

A victim who is examined in court may also be accompanied by a suitable person for support (a supporting person) during the legal proceedings (Chapter 20, Section 15 of the Code of Judicial Procedure). The supporting person may be, for example, a close relative, a friend or a representative from an association or group. The support person may only be a personal support. Thus, he or she may not take any legal transactions during the proceedings.

Witness support is available at most public courts and they will be able to assist anyone who attends the court for a trial. A witness support person is a person working on a not-for-profit basis and who assists witnesses and victims of crime with humanitarian support and practical information in connection with a criminal trial. A witness support person wears a badge with the text 'Witness Support' (Vittnesstöd) and has sworn a moral promise of confidentiality. The witness support person will primarily be a fellow human being but can also explain how the criminal procedure is handled. They can also provide information about compensation and practical matters, such as the location of the cloakroom and restroom. The witness support person can also refer witnesses and victims of crime to other persons and bodies that may also be able to provide support.

f)

Covert coercive measures such as covert interception of telecommunications, covert telecommunications surveillance, electronic eavesdropping and covert camera surveillance can be used in relation to the offences covered by the Convention.

However, in accordance with conditions in the legislation (e.g. the severity of the offence and that the measure should be of exceptional importance to the investigation of the offence), the possibility to use these measures on the relevant crimes must be decided on a case by case basis.

In recent years there has been a shift in Sweden on how child sexual abuse material is viewed; rather than a focus on this material being criminal to possess and distribute, it is considered as evidence of sexual abuse of children, in particular if the material is not previously known and relatively recently produced. In turn, this means that more intrusive, investigative techniques can be applied, including wire-tapping of traffic on the Internet from and to a suspect. Indeed, it is a difference to investigate possession of child pornography and gross rape of a child in terms of possible investigative methods that can be applied in the latter case due to the possible penalty it carries.

g)

Techniques to examine child pornographic material: The Swedish National Bureau of Investigation was in 2012 given a clearer mandate and a coordinating role in the work against child sexual abuse online across the 21 regional police services. This has meant that the cooperation between the regional and national levels has improved, including an increase in the child sexual abuse material that is exchanged between regional and national level. In turn, this development will have a positive impact on the ability of the National Bureau to contribute to international cooperation. In addition, an extra two investigators working solely on victim identification were deployed to the National Bureau. Already in the first year, these measures meant that an increasing number of children have been identified. It is in particular clear that there is a correlation between the investment in the number of dedicated investigators on identification and the increase in number of children identified. Given these developments, the reinforcement on identification will be maintained and possibly increase further. In turn, the Swedish contribution to the ICSE- database at Interpol and the network around it will most likely grow and improve. The National Bureau will follow-up its efforts and report to Interpol and its ICSE-database.

Since 2006 over 250 officers have been trained in classification and investigation of child pornography offences. At present, around 100 of the trained officers are still active in child sexual abuse investigations. An important aspect of training is that the National Bureau can provide training also to other relevant actors than the law enforcement services, for instance to prosecutors.

(Please, see even under 6b. and 11b. – a description of the specific techniques offered by the use of an image database and blocking.)

Question 23: Child friendly interviewing and proceedings

- a. Please describe how interviews (Article 35) with child victims are carried out, indicating in particular whether:
- they take place without unjustified delay after the facts have been reported to the competent authorities;
 - they take place, where necessary, in premises designed or adapted for this purpose;
 - they are carried out by professionals trained for this purpose;
 - the same persons are, if possible and where appropriate, conducting all interviews with the child;
 - the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;
 - the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.
- b. Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;
- c. Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (Article 36).

a)

According to the Decree on Preliminary Investigations, children are to be heard by a person specially qualified for the task. This provision applies regardless of whether the child is the injured party, a witness or suspected of a crime. In police work, therefore, most investigations involving children are handled by specialised investigators. There is a national training programme for such specialised investigators comprising 15 weeks' training and based on the principle of safeguarding the best interests of the child. In the interests of keeping the knowledge and specialisation up to date, this further training is held every three years.

The handbook "Processing cases of abuse against children" is intended as guidance for prosecutors in how to apply a child perspective when investigating suspected crimes against children in an efficient and legally certain way. The previously mentioned training programme in processing cases of abuse against children is intended to give prosecutors a good grounding in how to investigate suspected crimes against children.

Interviews with child victims should, as a rule, be carried out within 14 days from when the crime was reported to the Police. If possible, the interviews are conducted in "Children's house" and performed by an officer with special training. All interviews should be performed by the same officer and the number of interviews should be kept to a minimum.

The child's counsel and parents may attend the interview (unless the parents are suspected of the crime or their presence for other reasons is considered to obstruct the interview).

(Please, see even the answer under question 22 a.)

b)

In Sweden, children are very seldom heard directly in court. Testimony from children is instead, as a general rule, presented in court by showing a police examination on video (Chapter 35, Section 14, the Code of Judicial Procedure). In these cases, the child does not have to come to the court premises. If a testimony is sought from a person who is under the age of fifteen years, the court shall determine in accordance with the circumstances whether he or she may be heard as a witness (Chapter 36, Section 4, the Code of Judicial Procedure).

c)

If the victim is a child, he or she is very seldom examined in court. In those rare cases where a child is examined in court, the examination almost always takes place behind closed doors/in camera (Chapter 5, Section 1, the Code of Judicial Procedure and Chapter 35, Section 12 of the Public Access to Information and Secrecy Act). The court may in such cases permit that certain persons, for example the child's parents or a person from the social services, may be present during the examination behind closed doors/in camera.

As already mentioned, testimonies from children are, as a general rule, presented in court by showing a police examination on video (Chapter 35, Section 14, the Code of Judicial Procedure). The court may also decide that a victim shall be examined via telephone or video conference (Chapter 5, Section 10 of the Code of Judicial Procedure). This may be the case if there is a threat picture against the victim or the court premises, or if the victim feels a palpable fear of coming to the premises where the hearing is to be held.

The court may also decide that a victim can listen to the main hearing from a separate room. In these cases, the victim does not have to be present in the court room except when being examined by the court. The court may then decide that a victim shall be examined in the absence of the defendant or another person. This may be the case if there is ground to believe that the victim – in the presence of the defendant or any listener – does not tell the truth openly through fear or any other cause (Chapter 36, Section 18 and Chapter 37, Section 3, Code of Judicial Procedure).

Annexe 1: Unofficial translation of Chapter 6 of the Swedish Penal Code on sexual crimes.