



T-ES(2019)ICT-SE-NGO

## **LANZAROTE CONVENTION**

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

**Comments on the replies to the thematic questionnaire**

**SWEDEN**

**ECPAT SWEDEN**

**2<sup>nd</sup> thematic monitoring round**

**“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”**

Replies registered by the Secretariat on 11 February 2019



ECPAT Sweden appreciates the references which are made to ECPAT's work and efforts to combat sexual exploitation of children. Nevertheless, we find it unfortunate that the replies of the government reflect a certain lack of understanding when it comes to the issues at hand and the appropriate terminology to be used when describing the phenomena which this thematic questionnaire aims at exploring.

### **Questions 1.1-1.3**

The government makes a number of references to materials which, although they are important, do not concern self-generated sexually explicit images or self-generated sexual content. For example, the material "Liten" does not concern sexual exploitation at all, and is also intended for younger children, who are not the ones at greatest risk for this type of sexual exploitation.

To our knowledge, neither the Swedish National Agency for Education, nor the Swedish Media Council deal specifically with sexual exploitation in the materials referred to.

We would like to point to a few awareness-raising efforts which we find more relevant in this context, two of which are briefly mentioned under question 2. Save the children Sweden produced a material in 2013 titled "Stopp! Min Kropp!" (roughly translates to "Stop! It's my body") for professionals as well as parents, on how to talk to children about bodily integrity, setting boundaries and about sexual exploitation. This handbook has been widely used in pre-primary education, but also contains a section on school age children as well as a section on teenagers, and the use of internet specifically.

Save the children Sweden have also developed a material which specifically aims to prevent sexual exploitation of children on the internet. The material is titled "#nätsmart" (roughly translates to "#internet savvy") and was published in 2015. It provides advice for parents and other adults on how to talk to children of different ages about the internet and about managing risks on the internet.

In addition, ECPAT Sweden published a material in 2017, which was revised in 2018, for adults on how to talk to children about sexual exploitation on the internet. The material, which is titled "Ta snacket" also deals with managing risks on the internet, and specifically deals with self-generated images and content.

### **Question 2. Civil Society involvement**

The government funding which ECPAT Sweden receives from the National Board for Health and Welfare is used to fund our hotline, as well as research projects on sexual exploitation. ECPAT Hotline is a web based reporting system for anyone who wants to report suspected sexual exploitation of children. We review and sort the tips as well as forward all relevant



information to the police. ECPAT Hotline is a member of INHOPE, a global umbrella organisation uniting National Internet Hotlines engaged in combating online child sexual exploitation and child sexual abuse material. It should be pointed out that the ECPAT Hotline is not a prevention project or programme, but rather an effort to combat online sexual crimes against children.

### **Questions 3 and 4. National curriculum and higher education curriculum**

In 2018, the Swedish Schools Inspectorate published a report on Sex and Relationship Education (SRE) in Sweden, which shows that in SRE in Swedish schools continues to be risk-focused, lacking a gender perspective and with limited possibilities for students to affect contents and form.

The report shows that teachers need further training when it comes to SRE, including training on how to deal with controversial discussions related to norms and values. Most teachers receive no further training within SRE.

Sex and Relationship Education in most schools in Sweden is integrated in several or all subjects. The report by the Swedish Schools Inspectorate shows that this shared responsibility in reality leads to a lack of systematic approach, a lack of coordination, and to many teachers experiencing an insecurity as to how SRE is supposed to be integrated into the subjects which they teach. Few schools relate SRE to the parts of the national curriculum which deals with issues of norms, gender roles, identity and relationships. In many schools, SRE is limited to a few days per school year, or only to certain grades. Lessons often take place sporadically, and SRE is often introduced too late. Students themselves state that they would have liked SRE to be introduced at an earlier age, and that more SRE is needed.

### **Question 5. Research**

The research which is mentioned in this section does not to our knowledge, although it is certainly important and valuable in itself, concern self-generated sexual content or self/generated sexually explicit images and/or videos.

### **Question 6. Assistance to victims**

BRIS runs a very important and valuable national helpline which deals with a wide range of topics. However, their helpline is not specifically aimed at supporting children who are victims of sexual exploitation. At ECPAT Sweden we have identified the need for a national helpline for children which deals specifically with sexual exploitation on the internet.



Similarly, the website kollpasoc.se does not provide information on sexual exploitation specifically. It is mainly a source of information for children who have been in contact with the social services or who wish to establish a contact, providing information on what the social services in Sweden do and on children's rights related to situations where Swedish social services may step in.

### **Question 7. Cooperation with civil society**

At the Nordic Forum against Sexual Exploitation of Children Online, ECPAT Sweden introduced a number of challenges which were the subjects of the discussions which took place. For several of these challenges, much work remains to be done.

One of the challenges which were discussed during the Nordic Forum, and which also resulted in the fifth key action point, was to raise awareness when it comes to images depicting children in erotic or suggestive poses, which do not fall within the classification of illegal child abuse images. This includes self-generated sexually explicit images or self-generated sexual content. The challenge presented at the Nordic Forum included looking into best practices for a legal development with regards to such images, a process where the government plays a vital role. We would argue that this remains a great challenge for the Swedish legal system. See question 9 below, for more on ECPAT Sweden's analysis of this issue.

During the forum, another challenge raised was that of children's empowerment and participation online. There is a general lack of understanding of the impact sexual exploitation has on children, and children are seldom heard on this topic. ECPAT argued, as explained under question 6 above, that there is a need for a helpline for children, designed to assist children to remove pictures, and to provide support for those who suspect that they are being groomed, are being abused, or have other questions and concerns. In addition, other efforts are needed to enable the participation of children and youth in efforts to prevent and combat sexual exploitation, including for example research on the experiences of children and involving children in developing education programmes and awareness-raising efforts.

Regarding the last key action point, this relates to a different challenge presented during the Nordic Forum: to create and distribute a common terminology on the issue of sexual exploitation of children. The challenge specifically referred to the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, sometimes referred to as the Luxembourg guidelines. It is worth noticing that there still seems to be work to be done within this area, seeing as the Swedish government in this questionnaire uses terminology which is not consistent with Luxembourg guidelines. For example, the use of terms such as "children who sell sex" and "child sex tourism", as is done in 1.3, should be



avoided. This reflects a usage of inappropriate terms in general, by both governmental actors and civil society, which ECPAT finds problematic.

## **Question 9. Criminalisation**

### **Questions 9.1 and 9.4**

All acts of dealing with child sexual abuse material are unlawful according to Swedish law: portraying, disseminating, selling, possessing, as well as viewing such an image. An image is considered “child pornography” if a child is depicted and if the image, according to “common language and general values” is pornographic. Regarding the act of portraying or producing “child pornography”, all children under 18 are covered by this provision, regardless of sexual maturity. However, regarding all other acts (disseminating, selling, possessing, or viewing an image) it must be apparent from either the content itself that the child portrayed is under the age of 18, or from the context information of the image, for example its title. This means that an image or video of a pubescent child under the age of 18 might not be considered child pornography.

Images such as nude images of a child which do not focus on genitalia, are not always considered child pornography, even when placed in a sexual context. See below for more details.

In January 2018, a new law entered into force which concerns invasion of privacy. This new offence criminalises the invasion of another person’s private life through the dissemination of material of private or personal nature, such as nude images.

### **Question 9.2**

In 2017, ECPAT Sweden published a report titled “I gråzonen” (In the Grey Area), which concerns acts of sexual exploitation which are considered legal in Sweden. Through our hotline, we encounter images and videos of children which are published in a sexualised context, but which are not in themselves illegal. This includes, for example, images of children who are naked, published on websites containing legal (adult) pornographic material, or where sex toys are sold. The fact that such images are published and spread in a sexualised context, constitutes a serious violation of the individual child’s right to integrity.

The report shows that there is a wide range of images, including self-generated images, which are not considered illegal by the police, regardless of the context in which they are published. In the report, we asked both criminal investigators and prosecutors specialised in child sexual exploitation material to analyse fictitious images of children, published in different contexts online. Our analysis shows that some images were considered illegal by prosecutors, but not by the criminal investigators, which suggests that a large amount of



images will never be subjected to any investigation, although a prosecutor might have considered them illegal at a later stage.

### **Questions 9.3 and 9 6**

In ECPAT Sweden's opinion, the legal consequences of crimes related to child sexual abuse material (child pornography) do not fully reflect the seriousness of the crime and the violations of the rights of the child. Acts of gross child pornography should not be punished with prison sentences of less than 12 months. Prison sentences of less than 12 months in Sweden often result in conditional sentences.

The child pornography crime is placed under the chapter in the Swedish Penal Code dealing with crimes against public order. ECPAT Sweden has long argued that it should be placed under chapter 6 of the Swedish Penal Code instead, where all other sexual offences are placed.

### **Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion.**

In 2018, the Court of Appeal in Stockholm ruled several offences as rape, even though the offender and the children who were his victims were not physically present in the same room. The offender had contacted several children in other countries through social media and had forced them to commit sexual acts on themselves through coercion and extortion. The court's decision sent a clear signal that sexual acts performed under threats of violence issued online can be considered as serious and traumatic as physical attacks.

Thus, offences such as rape and sexual abuse, can be relevant in cases of ICT facilitated coercion and/or extortion.

### **Question 13. Specialised units/departments/sections**

In 2019, ECPAT Sweden has published two reports which specifically examine the level of knowledge and training of Swedish prosecutors when it comes to child sexual exploitation on the internet. The reports analyse challenges when it comes to the available resources and capacity to investigate such crimes.

The report shows that Swedish prosecutors in general have limited training within this specific area. It is possible for prosecutors to specialise in crimes against children, this includes some training on sexual exploitation, parts of which concern internet-related crime. As a consequence, there are a number of prosecutors in Sweden with extensive knowledge and experience of these types of crime, but prosecutors in general hold a low level of knowledge. The Swedish Prosecution Authority operates through a number of regional public prosecution offices which naturally differ in size and capacity. The work of regional



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prosecutors is also dependent on a close cooperation with the police, the knowledge and capacity of which also varies between different regions.

In addition, the report points out that the level of knowledge of judges when it comes to these crimes is generally lower than that of prosecutors, which further complicates their work.

ECPAT Sweden, based on these findings, recommend that the Swedish Prosecution Authority is given sufficient resources to prioritise investigations of child sexual exploitation on the internet. This involves training all prosecutors in child sexual exploitation, including exploitation on the internet as well as offline. Given the technical nature of such crimes, such training needs to be updated continuously. It is also recommended that prosecutors have sufficient resources to be able to work in teams or to pair up with a specialised prosecutor if need be.

#### **Question 15. Training of professionals**

See comments above.