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LANZAROTE CONVENTION

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

Replies to the thematic questionnaire

SWEDEN

2nd 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 2 November 2017

Updated information registered by the Secretariat on 11 December 2018

The objective of the Swedish government's child rights policy is to ensure that children and young people are respected, given the chance to develop and enjoy security, and are able to participate and have an influence. This objective is based in part on the commitments that Sweden has made by ratifying the United Nations Convention on the Rights of the Child, and aims to promote and protect the rights and interests of the child in society.

The vision of the government is that Sweden should be one of the very best countries to grow up in. Every girl and boy, regardless of background or functional capacity, must feel secure and be given the best conditions for realising their potential and growing as a person who thinks for themselves and is able to participate in the development of society on their own terms. The Government wants to improve the conditions in which all children grow up. The rights and living conditions enjoyed by children in Sweden must meet the requirements that follow from the Convention on the Rights of the Child and other international agreements, including Lanzarote convention, where children are concerned.

Combatting the exploitation and sexual abuse of all children is of the utmost priority to the Government. The aim is for no child to be a victim of these crimes. The protection of girls and boys against sexual exploitation and sexual abuse facilitated by information and communication technologies is an important issue in the framework of the Swedish child rights policy. In June 2016, the Government adopted an updated Action plan for 2016–2018 in the form of a written communication to the Riksdag, the Swedish parliament. The overall goals of the action plan are to ensure that: children do not become the victims of human trafficking, sexual abuse and exploitation; all children who have been subjected to these forms of abuse receive the protection and support they need; children's knowledge of their rights to protection against these forms of abuse is promoted; and their opportunities to reduce their vulnerability increase. The action plan contains 23 measures aimed at preventing abuse, protecting and supporting children, and creating the conditions for the effective prosecution of the perpetrators of such abuse.

There are no specific measures focusing only on self-generated sexually explicit images/videos or self-generated sexual content. However, all these all aspects are targeted both in the measures and in the broader goals of the action plan, such as:

- No children to be the victims of sexual abuse or exploitation, either in Sweden or through travel and tourism abroad.

- All children who have been the victims of human trafficking, sexual abuse or exploitation to receive the protection and support they need.
- Promoting children’s awareness of their right to be protected from abuse and exploitation and increasing their opportunities to counteract their vulnerability themselves.

The answers to the thematic Questionnaire for the 2nd monitoring round are delivered by the experts of the Government Offices of Sweden, working at Ministry of Justice, Ministry of Education and Ministry of Health and social Affairs.

PREVENTION

Question 1. Awareness-raising or educational activities/tools/materials/measures

1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:

a. self-generated sexually explicit images and/or videos?

b. self-generated sexual content?

The Swedish Crime Victim Compensation and Support Authority initiated the production and publication of a book for children – “Liten” (“Little”) - adapted for children from four to seven years old. The story encourages children to tell an adult when it does not feel good at home. This book can be used as a basis for talks with children about their rights and adults' obligations. Children who read “Liten” may know that there are many adults who will help children and that there are other children who are not well at home. By talking to children about how it is at home and how it can feel when adults are bothering, the children have the opportunity to share their experiences. The authority has among other things spread the book to all preschools in Sweden. It is also available in the bookstore.

See more about this issue under answers to 1.2 and 1.3.

1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:

a. self-generated sexually explicit images and/or videos?

b. self-generated sexual content?

The book "Liten" mentioned above under question 1.1 is part of the Swedish Crime Victim Compensation and Support Authority's information concept "Jag vill veta" ("I want to know"). The information is aimed at children up to 18 years old and, in addition to the children's book, contains a website, brochures, movies and games. All information is collected on the website "jagvillveta.se" and has been prepared in cooperation with the Swedish Ombudsman for Children. The content is available in Swedish and in several other languages.

The Children's Welfare Foundation Sweden receives in 2016 funding to continue to spread information to children about their rights and where they can turn if they or a friend have been the victim of sexual abuse. The existing website "dagsattprataom.se" will be made even more accessible and also translated into more languages. A guide will be drawn up on the basis of children's wishes that adults at school should be courageous enough to talk about these issues at school when the children wish to do so. (see website "dagsattprataom.se"). The aim is for knowledge of the children's own rights concerning sexual abuse to reach more children and for adults at school to receive support on appropriate ways of talking and asking about children's vulnerability.

See more about this issue under answers to 1.1 and 1.3.

1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:

a. self-generated sexually explicit images and/or videos?

b. self-generated sexual content?

In 2015, the Swedish Crime Victim Compensation and Support Authority was commissioned by the government to develop a guidance for staff in preschool. According to the assignment, the guide will be based on the book "Liten" (see above) and the website "jagvillveta.se" and designed to be useful for the pre-school staff. The purpose of the tutorial is to provide staff in preschool tools to talk with children about difficult events, feelings and children's rights based on the book and the website. The tutorial will also convey knowledge of children who are exposed to crime and to raise children's rights and preschool staff duties. The result is the website of the Swedish Crime Victim Compensation and Support Authority "Liten och trygg" ("Little and Safe")

which is offering pre-school staff knowledge and educational exercises to pay attention to children who can be victims of sexual abuses.

The Swedish Police has been commissioned in 2016 by the government to propose measures to combat different types of sex crimes against children. This includes internet-related sex crimes against children and documentation of sexual abuse via the internet, child sex tourism, children who sell sex, human trafficking seeking to exploit children in prostitution, and sexual blackmail as a result of adults' contact with children with a sexual purpose. The measures will help the Swedish Police to improve its ability to discover, investigate, obstruct and prevent sex crimes against children, to identify victims and perpetrators of these crimes, and to improve international collaboration.

In 2016 the Swedish National Agency for Education has been commissioned to produce and carry out national school development programmes. These include initiatives to strengthen digital skills in schools. In its planning, the Swedish National Agency for Education has included in-service training for teachers and other school staff on safe and critical internet use. The purpose is to help to provide children and young people with education in safe and critical use of the internet, so reducing the risk of them becoming the victims, e.g. of harmful interactions or exploitation via the internet.

The Swedish Media Council is a government agency whose primary task is to promote the empowering of minors as conscious media users and to protect them from harmful media influences. Children and young people are the ultimate target group, but parents, educators, social workers, media and Internet industry as well as policy makers are also important target audiences and stakeholders for the agency.

The Swedish Media Council produces information and pedagogical material to be used by parents, educators and people who meet children and young people in their profession. The Media Council also publishes reports and other material on developments in the media, media effects and the media situation of children and young people. The Council also monitors research in its field. The website of the Swedish Media Council is an important platform for the dissemination of awareness tools and knowledge. All resources can be ordered or downloaded free of charge from the website.

The council published 2016 the report "Children, BRIS and IT 2014" (please see about BRIS, under question 6). This is a report what children and young people are telling BRIS about their everyday lives online. It is based on the contacts in the BRIS-mail and BRIS-chat services, as well as summaries of calls about children on the BRIS Adult Hotline, relating to computers/mobiles/the Internet. The report concludes with tips on the BRIS

Academy's lectures and training courses, as well as other sources of additional knowledge on the subject.

In 2017 the Council published the study "Duckface/Stoneface - Social media, online games and image communication among boys and girls in grades 4 and 7". The study examines central online activities among 10 and 13 year-olds from a gender perspective. It turns out that there are very strong features of gender equality both online and offline.

Other existing resources of knowledge for children and specialists:

County Council of Stockholm: "1177 – Vårdguiden" (1177 - The care guide) is a website established by the County Council of Stockholm. It is offering detailed information about sexual abuses on children. This website contains information for parents and other adults mistaking sexual abuses on children, including which authorities and support services are available in these cases.

The Swedish Agency for Youth and Civil Society: "See you offline?" - a methodology for young, sex and internet. "See you offline?" is consisting of a tutoring book and five related short films on DVD for those working at high school or high school, in leisure activities or youth organizations, including a chapter on violations, threats and harassment online. The material is intended for the age group 13-25 years, and can be used for high school and high school. The content is easily accessible and engaging and leads to reflection and discussion. This is a tutorial for adults. It is not intended for distribution in the classroom. The movies that belong to the book are also featured on the national authorities YouTube channel.

Not your fault! - To prevent sexual exposure. It is a guide edited by the same Swedish Agency for Youth and Civil Society for those who in their profession or non-profit engagement meet young people who may have been exposed to sexual abuse or young people who have sold sex or images of themselves with sexual content.

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

a. self-generated sexually explicit images and/or videos

b. self-generated sexual content?

The National Board for Health and Welfare is the national authority which is annually distributing the government grants to different recipients. Some state grants are distributed to civil society organizations, while other state grants are distributed to public actors such as municipalities and county councils.

Government grants aim to stimulate quality development in the field of public health, health care and social services. They are a tool for achieving political goals, for example by stimulating quality development in public health and social services. The National Board of Health and Welfare allocates state subsidies mainly to civil society organizations. Follow-up of state grants shall provide knowledge and decision-making for government, government, civil society organizations, the profession and decision-makers at various levels.

One of the actors of civil society relevant in the context of this questioner which is receiving such government grants is ECPAT Sweden. The government has also a good dialogue and cooperation with ECPAT Sweden. You can find more details under the answer to question 7.

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

a. self-generated sexually explicit images and/or videos;

b. self-generated sexual content?

Some examples of activities implemented by the Swedish civil society:

ECPAT Sweden: ECPOD is a podcast, which we have developed by ECPAT Sweden telling how children explode in sex trade today, both in Sweden and in the world. About the demand for the trafficking of children forward and about the children exposed and exploited sexually. It is a pod about the fight against child sex trafficking, narrated by young people who themselves have been exposed and by professionals with long professional experience.

One example of ECPOD podcast: A dad and his daughter tell us how it happened when he found uncovered pictures on her phone and how the family's everyday life was raining. Another participant is an investigator of IT-related sexual offenses.

Other example of this podcast: "Girl, soon 18. Make a bid on my virginity", it was stated in an advertisement where a girl posted herself for an online auction, an advertisement that was happily discovered by the Stockholm police prostitution group. In ECPOD's sixth section you can hear the police telling how they help the girl out of a situation where she is exploited in Swedish sex trade and about the demand that must be stopped for child sex trade to end. (You can find the pod on acast.com/ecpod under the hash tag #ECPOD.)

Rädda Barnen (Save the Children Sweden) is publishing "Stop! Min kropp!" ("Stop! My body!") consisting in a website and a handbook focusing on sexual abuse on children in different ages as well as how to discuss with children victims of sexual abuses and other related issues. (see <https://www.raddabarnen.se/vad-vi-gor/barn-utsatta-for-sexuella-overgrepp/vad-ar-ett-sexuellt-overgrepp/>)

There are also tips on how to talk to children of different ages of sexual abuse online on "# network smart".

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?*
- b. self-generated sexual content?*

There is no explicit expression in the curricula about awareness of these risks. However, there are provisions that can clearly be said to cover these aspects and issues. The school, based on these writing in the curriculum, is given the task of dealing with these questions in the course of the education.

For example, according to the curriculum, the school has the task of encouraging students to orient themselves and act in a complex reality with a high level of information flow, increased digitalization and rapid pace of change.

The school will further enable students to develop their ability to use digital technology. They will also be given the opportunity to develop a critical and responsible approach to digital technology, to see opportunities and understand risks as well as to evaluate information.

In addition, according to the curricula, in the work on norms and values in the society everyone working in the school should pay attention to the opportunities and risks that increased digitalization entails.

Even in teaching civics subjects, the risks and possibilities of digitization should be highlighted. As part of the school's work on sex and social education, thoughts about sex, sexuality and relationships should be included.

This information should be interpreted in the framework of other Swedish legislation regarding education. The Education Act (2010:800) clarifies the importance of human rights as a central aspect of the democratic mandate of the schools, and it states that every person working in education shall promote human rights and actively combat all forms of degrading treatment. Furthermore it states that education shall be designed in accordance with fundamental democratic values and human rights such as the sanctity of human life, individual freedom and integrity, the equal value of all human beings, gender equality and solidarity between people.

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

a. self-generated sexually explicit images and/or videos?

b. self-generated sexual content?

At a national level, the qualification descriptors for a degree of Bachelor of Arts in Pre-School Education (Förskollärarexamen) or a degree of Bachelor/Master of Arts in Primary Education (Grundlärarexamen) stipulates, for instance, that the student has to demonstrate the capacity to prevent and restrain discrimination and other forms of harassment of children.

In the curricula for education about gender equality, issues on sexuality and human relationships are stipulated.

There is a long history of sex education in Sweden. Compulsory sex education was introduced in Swedish schools in 1955. Terms such as sexuality, relationships, gender, gender equality and norms have since 2011 been included in several courses and curricula for compulsory and upper secondary school and adult education. This means that the responsibility for including sex education falls on several teachers and that it

will be brought up within the scope of multiple courses and subjects. The teachers work with different types of tools, including images and videos.

Question 5. Research

5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:

a. self-generated sexually explicit images and/or videos?

b. self-generated sexual content?

Study on young people who have been the victims of online sexual abuse: The Government granted 2016 funding to the Children's Welfare Foundation Sweden to carry out a study into children who have been the victims of sexual abuse via the internet. The aim is to expand knowledge of the consequences for children and young people of sexual abuse online.

5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:

a. self-generated sexually explicit images and/or videos as children have been shared online?

b. self-generated sexual content as children has been shared online?

A model for better support and treatment for children who have been the victims of sexual abuse and physical violence: The Government has granted the Children's Welfare Foundation Sweden funding for a development project on the principle that all children who have been the victims of sexual abuse and/or physical violence have the right to an assessment and the right to support and rehabilitation according to need. The model will support providing good information to children and parents, a functioning care chain and the opportunity for children and parents to seek and obtain support and treatment when the need arises. Particular attention should be paid to children with disabilities, as international reports show that they are more frequently the victims of violence and sexual abuse, for example, than other children.

The aim is that the model will give children who have been the victims of sexual abuse or physical violence improved possibilities for support and rehabilitation.

Barnafrid – National Knowledge Centre on violence against children: In June 2015, Linköping University was tasked by the Government with gathering and disseminating knowledge about violence and other forms of child abuse. University has established Barnafrid – National Knowledge Centre. Barnafrid is to promote interdisciplinary knowledge development, help improve preventive work and develop effective measures to protect and support children. Barnafrid is to undertake interdisciplinary work and stimulate and support cross agency collaboration.

PROTECTION

Question 6. Assistance to victims

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?

b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

Children may feel especially vulnerable in certain situations in life and need support from the Swedish social services. To increase knowledge among children and young people about where they can turn, the National Board of Health and Welfare and the Ombudsman for Children, on instructions from the Government, have produced information material for children and young people about social services. All of the information material was co-produced with children and young people, and the website “kollpasoc.se” was launched in 2016. On the site you can get information between others on how it should be at home, what you do if you do not have it so well and what can help you can get if you do things that are not good. There is the opportunity to ask questions, chat and see the information films. The site is primarily driven by the Ombudsman for Children.

The European Commission has reserved five short numbers with a single format 116 + 3 digits for helplines that should be accessible to everyone in the Member States of the European Union. 116 is a range of easy-to-remember and free-of-charge phone numbers to assist children and adults in need.

The number 116 111 is specifically for children who seek assistance and need someone to talk to. The service helps children in need of care and protection and links them to the appropriate services and resources; it provides children with an opportunity to express their concerns and talk about issues directly affecting them. In Sweden this helpline is operated by BRIS (Children's Rights in the Society).

BRIS is a Swedish NGO focused on dialogues and support for children and young people. BRIS is offering support online via hotline 116 111, mail and the bris-chat. Children and young people up to 18 years have the possibility of safe, anonymous and free email, chat, or call a counsellor at BRIS. The NGO is also offering support activity by working employees, curators. Their long experience of contact with children and young people has resulted in a high level of expertise in regards to assess what measures are needed at the side of the authorities' activities to protect children and young people's rights. BRIS also offers forum for children and young people. It discussed all possible topics anonymously and securely through BRIS.se.

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?

b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

According to the Social Services Act, the social services in each municipality are responsible for providing help and support to the crime victim and those persons close to the crime victim.

A number of NGOs work on a voluntary basis to provide crime victims with help and support. The most well-established ones, located in different parts of the country, are women's shelters and crime victim support centres. All are bound by professional secrecy. The associations can apply for economic support from the government.

Victim support centres provide help to victims of all kinds of crimes. When a crime is reported to the police, the crime victim should be informed that there are victim support centres and other support services available. The police will also ask the crime victim whether he or she would like to be contacted by a support centre.

The victim support centres can offer help in the form of a support person, and many also run a witness support service. There is a national organisation for these centres - the Victim Support Sweden.

Question 7. Cooperation with civil society

In November 2016, the Swedish government and ECPAT Sweden have in partnership organised The Nordic Forum against Sexual Exploitation of Children Online. The participants represented the governments, civil society, national authorities and experts from Sweden and other Nordic countries. The Nordic Forum identified a number of key action points, both immediate and long term, which together form a strategic framework for addressing key challenges related to stopping sexual exploitation of children online, the “Nordic Forum Agenda of Action”:

- Form a strong IT/Telecom coalition to enable better collaboration and forceful action to stop commercial sexual exploitation of children online, industry, tech companies, public sector, civil society and law enforcement should come together in a coalition with an SDG. A first explorative meeting is called for first quarter of 2017.
- Develop new technology to enable prevention, detection and solution of sexual exploitation of children online.
- Take action within Agenda 2030 framework with focus on the private sector having an important role to play in the realisation of SDGs 5.2, 8.6 and 16.2. Tangible, operative action points, targets and guidelines should be set for business wanting to implement and incorporate the work against the sexual exploitation of children.
- Clarify and define terminology. Guidelines in the Nordic languages are needed to ensure that the words used are clear, correct and best suited to protect the child. The guidelines should be spread through training, promotions and campaigns.

PROSECUTION

Question 8. Legislation

8.1. Does national law contain any reference to:

a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

Yes, see the answers below (9.1 a and 11 a)

b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

See the answers below (9.1 a and 11 a)

c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?

No, there are no such references.

8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:

There are no specific rules in regard to the number of children. Please see the answers below concerning national law.

a. self-generated sexually explicit images and/or videos?

b. self-generated sexual content?

8.3. Are there specificities related to the fact that more children appear on the:

There are no specific rules in regard to the number of children. Please see the answers below concerning national law.

a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?

b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

Question 9. Criminalisation

9.1. Does national law criminalise cases when adults:

a. possess child self-generated sexually explicit images and/or videos?

Yes, Sweden has very far-reaching criminalisation of all conceivable forms of engagement with child pornography pictures. According to Chapter 16, Section 10a 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.

b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?

Yes, see answer above (9.1.a).

It could also be considered as sexual molestation. According to Chapter 6, Section 10 of the Swedish Penal Code a person who exposes himself or herself to another person in a manner that is likely to cause discomfort or who otherwise by word or deed molests a person in a way that is likely to violate that person's sexual integrity, shall be sentenced for sexual molestation to a fine or imprisonment for at most two years.

c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?

Yes, see answer above (9.1.a and 9.1 b)

9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

According to Chapter 16 Section 10 b of the Swedish Penal Code the prohibitions in Section 10 a against depiction and possession do not apply to a person who produces a pornographic picture, if the difference in age and development between the child and the person who produces the picture is minor and the circumstances otherwise do not

warrant the person who has committed the act being convicted of a crime. Furthermore, the prohibitions in Section 10 a against depiction and possession do not apply to a person who draws, paints or in some other similar hand-crafted fashion produces a picture of the kind described in the first paragraph as long as it is not intended for dissemination, transfer, granted use, exhibition or in any other way be made available to others. Even in other cases the act shall not constitute a crime if, having regard to the circumstances, it is justifiable.

9.3. What are the legal consequences of the above behaviors (9.1.a-c)?

Acts of child pornography are punishable with imprisonment for at most two years, or, if the crime is petty, to a fine or imprisonment for at most six months. Acts of gross child pornography are punishable with imprisonment of at least six months and at most six years.

Acts of sexual molestation are punishable with a fine or imprisonment for at most two years.

9.4. Does national law criminalise cases when adults:

a. possess child self-generated sexual content?

See the answer above (9.1a).

b. distribute or transmit child self-generated sexual content to other adults?

It could be considered as sexual molestation, (see above 9.1b). See also the answer to 9.1a.

c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?

It could be considered as sexual molestation (see above 9.1b). See also the answer to 9.1a.

9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

See the answer above (9.2)

9.6. *What are the legal consequences of the above behaviors (9.4.a-c)?*

See the answer above (9.3)

9.7. *Does national law criminalise cases when children:*

a. produce self-generated sexually explicit images and/or videos?

No, not if it is images and/or videos of themselves. But if it is images and/or videos of another child, see answer above (9.1.a).

b. possess self-generated sexually explicit images and/or videos?

No, not if it is images and/or videos of themselves. But if it is images and/or videos of another child, see answer above (9.1.a).

c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?

Yes, it could be considered as sexual molestation, see above (9.1b).

d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?

Yes, it could be considered as sexual molestation, see above (9.1b).

e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?

Yes, see answer above (9.1a and 9.1b).

In addition, a new penalty provision on unlawful violation of privacy (Chapter 4, Section 6 c) has been proposed. The new provision is to apply to a person who violates another person's private life by spreading e.g. images or other information about someone's sex life or images of someone's naked body. The new legislation is proposed to enter into force on 1 January 2018.

f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

Yes, see answer above (9.1a and 9.1b).

In addition, a new penalty provision on unlawful violation of privacy (Chapter 4, Section 6 c) has been proposed. The new provision is to apply to a person who violates another person's private life by spreading e.g. images or other information about someone's sex life or images of someone's naked body. The new legislation is proposed to enter into force on 1 January 2018.

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

See the answer above (9.2).

Furthermore, according to Chapter 1 Section 6 of the Swedish Penal Code, no sanction shall be imposed upon a person for an offence committed before the age of fifteen.

9.9. What are the legal consequences of the above behaviors (9.7.a-f)?

See the answer above (9.3)

Furthermore, according to Chapter 1 Section 6 of the Swedish Penal Code, no sanction shall be imposed upon a person for an offence committed before the age of fifteen.

9.10. Does national law criminalise cases when children:

a. produce self-generated sexual content?

See the answer above (9.1a)

b. possess self-generated sexual content?

See the answer above (9.1a)

c. distribute or transmit self-generated sexual content to peers?

Yes, it could be considered as sexual molestation, see above (9.1b).

d. distribute or transmit self-generated sexual content to adults?

Yes, it could be considered as sexual molestation, see above (9.1b).

e. distribute or transmit self-generated sexual content of other children to peers?

Yes, it could be considered as sexual molestation, see above (9.1b). See also the answer to 9.1a

In addition, a new penalty provision on unlawful violation of privacy (Chapter 4, Section 6 c) has been proposed. The new provision is to apply to a person who violates another person's private life by spreading e.g. images or other information about someone's sex life or images of someone's naked body. The new legislation is proposed to enter into force on 1 January 2018.

f. distribute or transmit self-generated sexual content of other children to adults?

Yes, it could be considered as sexual molestation, see above (9.1b). See also the answer to 9.1a

In addition, a new penalty provision on unlawful violation of privacy (Chapter 4, Section 6 c) has been proposed. The new provision is to apply to a person who violates another person's private life by spreading e.g. images or other information about someone's sex life or images of someone's naked body. The new legislation is proposed to enter into force on 1 January 2018.

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

See the answer to 9.2.

Furthermore, according to Chapter 1 Section 6 of the Swedish Penal Code, no sanction shall be imposed upon a person for an offence committed before the age of fifteen.

9.12. What are the legal consequences of the above behaviors (9.10.a-f)?

See the answer to 9.3.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) – including Sweden

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

See the answer to 9.2.

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

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

a. self-generated sexually explicit images and/or videos?

According to Chapter 6 Section 8 a person who promotes or exploits performance or participation in sexual posing by a child less than fifteen years of age shall be sentenced for exploitation of a child for sexual posing to a fine or imprisonment for at most two years. This also applies to a person who commits such an act against a child who has attained the age of fifteen but not eighteen if the posing is by its nature likely to damage the child's health or development. If the offence is gross, a sentence to imprisonment for at least six months and at most six years shall be imposed for gross exploitation of a child for sexual posing. In assessing whether the crime is gross, special consideration shall be given to whether the crime has concerned a large-scale activity, brought significant financial gain or involved ruthless exploitation of the child.

b. self-generated sexual content?

According to Chapter 6 Section 10 a person who, otherwise than as previously provided in the Chapter, sexually touches a child under fifteen years of age or induces the child to undertake or participate in an act with sexual implications, shall be sentenced for sexual molestation to a fine or imprisonment for at most two years. This also applies to a person who exposes himself or herself to another person in a manner that is likely to cause discomfort or who otherwise by word or deed molests a person in a way that is likely to violate that person's sexual integrity.

Question 12. Jurisdiction rules

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

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, 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 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

a. in law enforcement?

Yes, at national level there has been a specialized unit/section since over twenty years. This specialized unit is now working within the Swedish Cybercrime Centre (SC3) established on 1 October 2015. Over the coming three years, seven regional cybercrime centres will be established with approximately 300 officers. The mission will be intelligence work, to investigate all sorts of cyber-related criminality and support investigations with cyber expertise. The mission includes child sexual abuse online.

Furthermore, on 6 October 2016 the Government commissioned the Police, in cooperation with the Prosecution Authority, to strengthen its work against child sexual abuse and to develop working methods etc. A series of actions are being taken following the commission such as strengthening the cooperation between police and prosecution, developing the capacity to identify children in child sexual abuse material, establishing a forum with relevant stakeholders (police, prosecution, NGOs, social services etc.) in order to enhance the coordination and improving cooperation co-operation with countries in South East Asia.

b. in prosecution?

The Swedish Prosecution Authority has no specialized components in charge of dealing with ICT facilitated sexual offences against children (cf. questions 9-11). Within the different prosecutions offices throughout Sweden such crimes would be allotted to prosecutors who specializes in IT-related crimes, in crimes concerning violence and sexual abuse towards children or in gross and organized crimes. The allotment would depend on the facts of the case and available resources. The structure and composition of personnel of the individual prosecution office differs in accordance with the influx of and type of cases prevalent in its area of responsibility. However, at least one of the types of specialized prosecutors described supra would be part of the staff found in every prosecution office. Crimes which are serious, organized and/or international would chiefly be handled by the Swedish prosecution authority's national unit against organized crimes. In addition, there is a national network for prosecutors working with IT-related crimes, with two dedicated contact-persons in every region. In this network issues as on-going development, new forms of crimes committed, need for education and training etc. would be discussed and addressed. The Swedish Prosecution Authority

also has development centres, which monitor the development of the different relevant subject matters, now in question, and write guidelines, manuals and organizes seminars and training sessions etc.

c. in courts?

There are no specialised courts, departments or units that deal only with this kind of cases.

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

There are no specialised courts, departments or units that deal only with this kind of cases involving juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

Within the Swedish Cybercrime Centre (SC3) there are five different groups dealing with ICT facilitated sexual offences against children. The groups are specialized in (a) victim identification, crime prevention and intelligence (b) investigation of sexual offences against children, including investigations of Swedes traveling abroad to commit sexual abuse against children (c) handling of notifications from, among others, Swedish authorities and other countries (d) collection of data from the Internet and (e) development of methods.

→ As regards law enforcement, please indicate if:

a. there is a victim identification function?

Yes. At present there are two dedicated officers working this key task. The function does not have a specific name. This is part of the tasks of the Swedish Cybercrime Centre.

b. there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

Yes, regularly, from the Swedish Cybercrime Centre.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

a. self-generated sexually explicit images and/or videos?

Evidence and other contents of the case file of sexually explicit nature are considered classified and are subject to a confidentiality assessment if someone requests access to the case file. In the same way, evidence and other information of sexually explicit nature are assessed beforehand and presented in a part of the trial open only to the parties.

b. self-generated sexual content?

Prosecution: One of the biggest difficulties that can be encountered during the preliminary investigation is if the prosecutor does not have a known offender and it's hard to track them. To succeed you need IP numbers, subscriber data, etc. from the telecommunications companies. It is very different from different telecommunications companies what tasks can be obtained but generally it has become more difficult since the verdict regarding data retention.

The prosecutor can also encounter difficulties with obtaining material from servers located in other countries, as mutual legal aid may in some cases take a long time. Another problem is how to legitimately consider and handle cloud services (images are often saved in different types of cloud services and how to access what's in the cloud, and to get the material deleted if it's child pornographic).

Evidence and other contents of the case file of sexual nature are often considered classified and are subject to a confidentiality assessment if someone requests access to the case file. In the same way, evidence and other information of sexual nature are assessed beforehand and often presented in a part of the trial open only to the parties

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

a. law enforcement agents (in particular for front desk officers)?

At present, a two-week basic training is carried out twice a year to train officers in classifying child sexual abuse material. Usually around twenty officers participate in each session. At present around 300 officers have gone through this training, but many do not

work on child sexual abuse regularly. There are plans to develop training on child sexual abuse online 2.0.

b. prosecutors?

The Swedish Prosecution Authority provides two different courses regarding ICT facilitated sexual offences against children. They also provide an FAQ on how to handle these cases on their website. Furthermore, the authority provides certain guidelines on how to combat ICT facilitated sexual offences against children. The Swedish Prosecution Authority is currently working on implementing the project *Crimes against children, close relationships and sexual offenses against adults and children - a developed best practice*. This project is carried out in close cooperation with the police and includes further development of the methodology and work procedure.

c. judges

Sexual offences in general are addressed in training sessions offered by the Courts of Sweden Judicial Training Academy. Furthermore, a special two day training session for penal law judges is organized every year. The content is different each year and the main purpose of the training session is to offer a possibility for judges from courts all over Sweden to meet and discuss selected issues and exchange experiences. The criminal trial procedure when children are involved and online sexual offences against children and teenagers were two of the main issues addressed in the 2016 training session for penal law judges.

→ *If so, please share the details of the training offered, specifying whether the training is mandatory.*

Training for permanent judges is not mandatory in Sweden.

PARTNERSHIP

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for: a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos? b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos? c. investigating and

prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

The cooperation of the Nordic governments and their agencies on questions concerning the exploitation or abuse of children should be strengthened further. Developments in communication technology create new risks of abuse of children. These cross-border threats partly need to be handled through strengthened cooperation between the Nordic countries: Norway, Denmark, Finland, Island and Sweden. For details please see the answer regarding The Nordic Forum against Sexual Exploitation of Children Online (question no. 7). During the Forum, the Swedish government organised a round table with governmental delegations from Norway, Denmark and Island discussing the existing possibilities to extend the Nordic cooperation in protection of children online.

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for: a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content? b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content? c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

Over the past few years there have been quite a few investigations into live streamed sexual abuse, sextortion and large-scale grooming-like offences such as sexual posing with over 100 victims.

Example of international cooperation: Recently, a Swedish man around 40 years old was prosecuted for gross rape of a child, gross sexual abuse of a child, sexual exploitation of a child for sexual posing and child pornography. The prosecuted has contacted 27 children in the US, Canada and the UK. 18 victims have been identified. The contact was initiated on KIK where threats lead to a number of children sending pictures and short clips to him. Communications have thereafter taken place via Skype and ooVoo. The prosecuted has recorded films of the children when they have performed sexual acts. These sexual acts have been very gross and have included sex with animals, sex with next of kin, penetrations with objects and indecent exposure outdoors for strangers. The close cooperation between law enforcement services in concerned countries was the key for the success in this investigation.

Other examples of measures regarding international cooperation focusing on protection of children against violence and sexual abuses and exploitation:

A Swedish Ambassador at large for international cooperation against human trafficking: combatting human trafficking and protecting between others the children against sexual exploitation demands effective international collaboration. For this reason, the Government has appointed 2016 an Ambassador at large for work to combat human trafficking. The ambassador is to work proactively, raise the issue on the international agenda and help to reinforce international efforts against human trafficking, including sexual abuses against children. The measure means that the ambassador will work to ensure that Sweden's contribution towards international efforts to counteract human trafficking and sexual exploitation of girls and boys is reinforced, and that international experiences are passed on to Swedish agencies so that any victims receive the protection and support that they need in Sweden.

Sweden is an active member of two global partnerships focusing on international cooperation for stopping violence and exploitation of children, including issues relevant in the context of Lanzarote convention. The first one is WeProtect Global Alliance to End Child Sexual Exploitation Online. This an international movement dedicated to national and global action to end the sexual exploitation of children online. The WePROTECT Global Alliance is focused on four key areas to help deliver this vision:

- securing high-level commitment by governments, the technology industry and international and civil society organisations to tackling this crime;
- support comprehensive national action, through the WePROTECT Model National Response and the Fund to End Violence Against Children;
- galvanising global action by catalysing and driving critical interventions needed to end online child sexual exploitation;
- strategy and governance, including securing a long-term future for this initiative and a clear and stable governance structure.

The second partnership, based on Agenda 2030 and launched in 2016, is the Global Partnership to End Violence against Children ('End Violence'). End Violence convenes governments, UN agencies, international organizations, civil society, faith groups, the private sector, philanthropic foundations, researchers, academics, and children in order to:

- build and sustain political will to achieve the SDGs, promoting evidence-based strategies that will lead to significant, sustained and measurable reductions in violence against children;

- work together with partners to accelerate action to tackle the violence that children face, with an initial focus on countries that wish to lead the movement to end violence;
- Strengthen collaboration among and between countries, and with civil society and other stakeholders. End Violence will work with and supplement the efforts of existing partnerships.

Some of the parties in the Lanzarote convention are participating in this Global Partnership: Montenegro, Romania, Switzerland and United Kingdom.

In February 2018, the government of Sweden in close cooperation with the Global Partnership to End Violence against Children and with We Protect Global Alliance will host the first so called Solutions Summit. This Solutions Summit will take a frank look at progress and create a forum for “real time” sharing and learning between countries. It will visualize and propagate solutions, bringing together leaders that can make a change in the lives of children.

This Summit will be structured around the three goals: building political will, accelerating action within countries and strengthening collaboration. One important topic of the Solutions Summit will be “Protecting against violence and abuse online: Children in the Digital Age.”

The participants will:

- Review initiatives designed to promote a safe, inclusive and empowering digital agenda for children, while helping to prevent and address risks associated with the cyberspace, including online sexual abuse and cyberbullying;
- Identify advances in data collection, subsequent policies and laws to protect children;
- The private sector and initiatives promoted - exchange experiences and evidence of success among private sector initiatives.