



Convention on the Rights of the Child

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Summary record of the 1661st meeting*

Held at the Palais Wilson, Geneva, on Monday, 3 October 2011, at 3 p.m.

Chairperson: Mr. Zermatten

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* No summary record was issued for the 1660th meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (continued)

Initial report of Sweden on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/SWE/1; CRC/C/OPSC/SWE/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sweden took places at the Committee table.*
2. **Ms. Jenryd** (Sweden) said that many advances had been made since Sweden had submitted its initial report on the implementation of the Optional Protocol in early 2009. In December 2010 the Swedish Parliament had approved a new strategy to strengthen the rights of the child, focusing on respect for the physical and mental integrity of the child in all circumstances.
3. Special measures Sweden had taken to implement the Optional Protocol also included the National Action Plan for Safeguarding Children from Sexual Exploitation and the National Action Plan to Combat Prostitution and Trafficking in Human Beings for Sexual Purposes (2008–2010), under which the Swedish National Board for Youth Affairs had conducted a survey among young persons aged 13 to 25 on their sexual experiences on the Internet and other media and on their experiences with and attitudes towards paid sexual services. The results of that survey had led to the development of training materials mainly directed at social services and education professionals.
4. A new criminal offence, “Contact with children for sexual purposes”, had been added to the Criminal Code to punish the “grooming” of children for sex. Sweden had also amended the provisions on the offence of trafficking in persons with a view to making them easier to apply, and had amended the provisions on child pornography in order to strengthen child protection. A recent evaluation of the 2005 legislation on sex crimes had shown that children were better protected than before, as sexual offences committed against them were now considered to be more serious. Sweden was considering acceding to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.
5. The Records Checks for Preschool, School and School Childcare Personnel Act required applicants to positions in those fields of activity to provide their employer with a copy of their criminal record. However, it was at the discretion of the employer to decide whether or not to employ a convicted person.
6. The Swedish Prosecution Authority, together with the National Police Board, the National Board of Forensic Medicine and the National Board of Health and Welfare, had established trial operations under the same roof for investigations of serious offences against children, such as sexual abuse and assault. The purpose was to avoid the need for the child to visit several different places to make statements and to answer the same questions over and over. Another aim was to enhance the quality of the investigations through methodological development. The agencies involved were to work closely together not only on each individual case, but also at an overall level.
7. Cases involving human trafficking and the sexual exploitation of children in the context of tourism and travel were normally handled by a prosecutor at one of the three international public prosecution offices located in Stockholm, Göteborg and Malmö. In order to further combat child sex tourism, in 2009 the State had granted additional funds to the National Bureau of Investigation of the Swedish Police so that it could strengthen its efforts to combat Swedish perpetrators of sexual abuse of children abroad.

8. Given that the fight against child sex tourism required international cooperation and broad alliances, Sweden was currently developing a European Union project in that connection, which would bring together various law enforcement and judicial agencies and other public services, as well as NGOs and academia, the first step being to consolidate existing knowledge and experiences, and then to raise sex tourism to the political level at organizing a conference in Brussels.

9. Having held the Presidency of the European Union during the second half of 2009, Sweden had availed itself of the opportunity to raise the issue of trafficking in children and child sex tourism at the European level. Sweden had also actively supported the European Commission in its preparation of the European Union Agenda for the Rights of the Child, which, issued in February 2011, expressly stated that child sex tourism needed to be eradicated.

10. While the Internet was an extraordinary medium that enabled children to exercise their right to information, express their views and take part in society, it could also pose risks for them connected with child pornography and sexual exploitation. Surveys had shown that one third of adolescents between the ages of 15 and 16 had already had some form of sexual contact, in most cases online, with an unknown person whom they knew or thought to be an adult. One way to protect children from such contact on the Internet being to keep them informed, the Swedish Government was currently preparing a resolution in support of developing working methods for social services to better meet children's needs for protection online.

11. **Ms. Herczog** (Country Rapporteur for Sweden) said that the State party should focus more attention on the root causes of the offences referred to in the Optional Protocol and on ways to prevent them, rather than on intervening once the offences had been committed. She regretted that the Optional Protocol had been only partially incorporated into national legislation and wished to know if Sweden planned to incorporate it shortly in its entirety.

12. Welcoming the updated National Action Plan for Safeguarding Children from Sexual Exploitation, she wished to know whether all staff of law enforcement and judicial bodies received the same training regardless of their profession or field of activity, so that they might all share the same level of knowledge. She would also like further details on the interplay between the child protection system and the aforementioned action plan for dealing with the sexual exploitation, trafficking and sale of children.

13. She would like to know whether the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse had been translated into Swedish and whether it was widely distributed. Had the State party conducted programmes to raise awareness of that Convention? It would also be useful to know whether the Convention had any effect on national legislation or Government policies. The delegation might also indicate whether Sweden planned to implement the European Union Agenda for the Rights of the Child.

14. Noting that the State party had not adopted the European hotline number for reporting missing children (116,000), she would like to learn the reasons behind that decision. She would also like to know whether Sweden intended to incorporate in its National Action Plan for Safeguarding Children from Sexual Exploitation the Council of Europe "One in Five" campaign to stop sexual abuse against children.

15. It would be interesting to know what types of training Sweden offered for children and their parents to prevent the sexual exploitation, trafficking and sale of children. Had the State party conducted awareness-raising programmes on those issues? The delegation might also indicate whether the Committee's new general comment on the right of the child to freedom from all forms of violence had been translated into Swedish.

16. **Mr. Kotrane** asked whether offering, delivering or accepting a child for the purpose of engaging the child in forced labour was now subject to penal sanctions and no longer punished only under labour laws, and whether the sale of children and human organs were subject to criminal prosecution.

17. He regretted that the Swedish Criminal Code only punished the production of pornographic materials involving children but did not criminalize the possession, export or import of such material. It was also regrettable that, in the declaration it had entered with regard to article 2 (c) of the Optional Protocol upon its ratification, the State party had indicated that the “representation ... of a child engaged in ... explicit sexual activities” referred only to visual representation; in other words, images representing such acts, which excluded, *inter alia*, comics, writings and plays involving child pornography.

18. He further regretted that under the Criminal Code sexual abuse was considered a breach of public order and not a violation of the rights of the child, thereby preventing victims from seeking redress and asserting their own interests through criminal proceedings.

19. It was also regrettable that Internet service providers were not obliged to alert the authorities when they suspected that children were victims of child pornography, and that Swedish legislation did not provide for the criminal liability of legal persons as required under the Optional Protocol.

20. In conclusion, he pointed out that Swedish law also appeared not to have affirmed the principle of universal jurisdiction, given that in order for the Swedish courts to have jurisdiction to try offences committed abroad, the criterion of double criminality must normally apply, except in cases where the offence carried a minimum sentence of four years’ imprisonment. He would like clarification in that regard.

21. **Ms. Maurás Pérez**, aware that the State party intended to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, asked whether it also intended to amend its Criminal Code accordingly and to include in the section on the responsibilities of businesses a ban on conducting activities that violated the principles of the Convention, which would apply in particular to the tourism and transport industry and to Internet service providers.

22. Referring to the Code of Ethics developed by four Swedish pension funds, whereby they undertook not to invest in foreign companies that did not respect the environment and did not apply certain ethical standards, she would like to know if the Ethics Council responsible for monitoring the implementation of the Code might consider a ban on investments in companies that might have committed offences referred to in the Optional Protocol and if enforcement of the Code could be extended to cover all public bodies.

23. **Mr. Madi**, noting the State party’s efforts over the past three years to combat the sexual exploitation of children, particularly by identifying and prosecuting Swedish nationals who committed such crimes abroad, asked how many such cases had been brought before the Swedish courts during that period.

24. He welcomed the abolition of double criminality but regretted that there were still exceptions to that principle, particularly for “minor” child pornography offences. The Committee felt that no act connected with the sexual exploitation of children could be described as “minor”.

25. Lastly, he wished to know whether the Crime Victim Compensation Act — which applied only if the offence was committed in Sweden and if the victim was Swedish — could not also cover victims of any nationality living abroad, given that the State party prosecuted Swedish nationals who had committed reprehensible acts in other countries. He believed that the Act should be supplemented in that direction.

26. **Ms. Al-Shehail** expressed regret at the lack of a comprehensive data collection system, which explained why so little data was available on all forms of sexual exploitation of children, and in particular on children who were forced to prostitute themselves or were victims of international or domestic trafficking.

27. She wished to know whether the Swedish National Council for Crime Prevention, which was responsible for producing official statistics on crime, followed up on cases for statistical purposes, from the moment the complaint was filed until the verdict was announced.

28. **Mr. Koomprahant** asked whether the State party had established programmes to counsel young people and educate them about sex and reproductive health, given that it was from the critical period of puberty that some future deviancy might develop, such as sexual addiction or sexual attraction to children. If so, he would like to know who had access to those programmes and services.

29. It would be interesting to know whether court rulings had already been issued requiring sex offenders to seek help and, if so, what percentage of offenders had been required to undergo treatment and whether their behaviour had been monitored after the treatment had ended.

30. **Mr. Polar** asked whether procurers tried to take advantage of the fact that the age of consent for sexual relations was set at 15 years, in order to circumvent the law and engage in their illicit activities.

31. It would appear that, in order for an act to be criminalized in the State party, it must be motivated by a desire for financial gain or be perpetrated on a large scale. Should it then be inferred that the acts referred to in articles 2 and 3 were not considered to constitute an offence if they did not meet those criteria?

32. According to information before the Committee, it would seem that in the State party the public had the impression that the current legislation applied only to offences committed abroad against foreign minors and not against Swedish children. The Committee would welcome the Swedish delegation's comments on that matter.

33. The delegation might also indicate which offences referred to in articles 2 and 3 of the Optional Protocol were subject to the criterion of double criminality, how child pornography was defined in the State party, and what penalties applied for the sale of children; it might also provide additional information on the trade in children's organs.

34. Lastly, the delegation might indicate what steps the State party had taken to give effect to article 10 of the Optional Protocol, and in particular to foster the physical and psychological rehabilitation of child victims and their social reintegration and repatriation; to eliminate the poverty and underdevelopment that made children vulnerable; and to provide financial, technical or other assistance as part of existing cooperation programmes.

35. **Ms. Sandberg** requested more specific information on the assistance and protection services available to victims as provided for under the Optional Protocol, and in particular on the rehabilitation programmes set up in Stockholm. She would like to know whether those programmes would later be replicated in other cities.

36. According to information in her possession, the protection that child protection specialists provided to foreign children was inferior to that provided to Swedish children. She therefore wished to know whether the State party planned to remedy that problem by providing training for social services staff, and whether, generally speaking, the social services' assistance and rehabilitation programmes for victims took sufficient account of the children's specific needs.

37. She also wondered whether it was difficult for victims of trafficking to obtain a residence permit, whether the special hotline that the State party was setting up was designed to receive calls relating only to children who disappeared in member countries of the European Union or whether it would be more general, and what the special online services for children would comprise.

38. **Mr. Guráň** asked what role the Office of the Children's Ombudsman played, and in particular whether that body was competent to receive complaints from children, especially child victims of trafficking and prostitution. He would like to know what programmes had been established for Roma and refugee children, who were particularly vulnerable.

39. **Mr. Cardona Llorens** said that statistics from 2007 had shown that only 1 per cent of child victims of prostitution had filed complaints, and that the conviction rate had been derisory. He wondered if the relevant authorities had wondered why the complaint and conviction rate was so low.

40. Referring to paragraphs 44 and following of the State party's report, regarding the exploitation of minors 15 years of age or of young people over 15 and under 18 years of age for purposes of sexual posing, he would appreciate an explanation of the distinction between those different age groups.

41. Lastly, the Swedish delegation might be able to say whether the State party applied *sensu stricto* the principle of *aut dedere aut judicare* (extradite or prosecute); in other words, whether it tried all offences committed by persons whom it had no intention of extraditing, even if it had received an extradition request.

42. **Ms. Aidoo**, welcoming the State party's efforts to effectively combat the sexual exploitation of children and sex tourism, asked what specific measures were taken to crack down on the sale of children, as defined in article 3.

43. She wished to know whether the State party allocated sufficient budgetary resources to regional governments to allow them to collect data on the sale of children and child prostitution, raise awareness of the Optional Protocol, and improve training for judges and other professionals. Did the Convention on the Rights of the Child Coordination Office have sufficient numbers of qualified staff and adequate technical resources to carry out its functions?

44. **Ms. Lee**, recalling that chapter 6 of the State party's Criminal Code provided for the option of imposing fines on persons inciting a child to participate in an act with sexual implications, asked whether the delegation possessed specific data on the nature of the penalties imposed in such cases.

45. She would like to know whether the practice of asking school personnel to provide a copy of their criminal record would be extended to other sectors. She also wondered what measures the State party was taking to prevent offences covered by the Optional Protocol and recidivism, and what treatment must be followed by persons who had been merely fined rather than imprisoned.

46. **Ms. Wijemanne** said that, according to the information in her possession, nearly 30 per cent of Swedish adolescents had been solicited by an adult for sexual purposes, and she asked what follow-up was given to victims' complaints. It was her understanding from the report that Internet service providers were not required to report child pornography content; she requested further clarification in that regard. Lastly, she would like to know if there was a mechanism to monitor data exchange on the Internet, which body managed the telephone helpline, and how calls were followed up.

The meeting was suspended at 4.20 p.m. and resumed at 4.45 p.m.

47. **Mr. Holmström** (Sweden) said that for the past year the Ministry for Children and the Elderly had been responsible for monitoring the implementation of the Convention and its Optional Protocol, the articles of which, once adapted, had been incorporated, into various laws. Sweden considered it wise to adapt the provisions of the Optional Protocol to the requirements of domestic law, given that its provisions set out objectives to be achieved rather than specific rights.

48. **Ms. Herczog** asked why the State party did not simply transpose the articles of the Optional Protocol into the domestic legal order.

49. **Mr. Stoican** (Sweden) said that it was because of the administrative divisions, as the central Government, the municipalities and other administrative entities all had very distinct obligations. In many cases, the legal requirements imposed by Sweden regarding acts covered by the Optional Protocol far exceeded international norms.

50. **The Chairperson** said that the Convention and the Optional Protocol did not set out objectives; rather, they were intended to uphold rights. The Optional Protocol required States parties to criminalize the acts described in articles 2 and 3. Those acts must be criminalized in accordance with the classification provided in the articles; otherwise the Optional Protocol was not applicable in the domestic legal order.

51. **Mr. Kotrane** also pointed out that the Optional Protocol was not subject to interpretation; national law must reiterate the offences exactly as they were set out and defined.

52. **Ms. Wikstrand Danelius** (Sweden) said that Sweden was considering acceding to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, known as the Lanzarote Convention. In order to comply with that Convention, it would have to amend its domestic legislation on sexual offences, and in particular withdraw the requirement of double criminality needed to prosecute persons who had had sexual relations with minors in exchange for money and those who had exploited a minor's image for pornographic purposes. In addition, acts falling within the scope of the Lanzarote Convention and committed by companies were subject to a fine.

53. **The Chairperson**, expressing surprise that companies were only fined, asked whether the State party's criminal law included provisions permitting seizure or confiscation of the company's goods or obligation on the company to cease its activities in such cases, as provided for under the Optional Protocol.

54. **Ms. Wikstrand Danelius** (Sweden) replied that Swedish criminal law did not provide for that possibility.

55. **The Chairperson** pointed out that the Optional Protocol required States parties to develop an arsenal of criminal legislation to enforce its provisions.

56. **Ms. Wikstrand Danelius** (Sweden) said that in Swedish law, the sale of children referred to any activity aimed at recruiting, selling, transferring, housing or delivering a child for purposes of sexual exploitation, and that the intermediary and the buyer were also subject to penal sanctions. The age of sexual consent was 15 years.

57. **The Chairperson** asked what protection was given to minors 15 to 18 years of age who engaged in prostitution.

58. **Ms. Lee**, supported by **Mr. Cardona Llorens**, asked whether it was legal to have paid sex with a child over 15 years of age, and whether a minor who engaged in prostitution was regarded as an offender or a victim.

59. **Ms. Wikstrand Danelius** (Sweden) replied that it was illegal to pay for sexual services in Sweden, regardless of the person's age. However, the sale of sexual services,

while in no way encouraged, was allowed. Minors 15 to 18 years of age who engaged in paid sexual activities would still be considered as victims, not offenders. The younger the victim, the more likely it was that the offender would receive severe criminal penalties.

60. **Ms. Lee** asked if criminal penalties were expressly provided for by law.

61. **Ms. Wikstrand Danelius** (Sweden) replied that the penalty was all the more severe if the victim had not reached the age of sexual consent. Thus, sexual intercourse with a minor under the age of 15 would be comparable to rape.

62. **Mr. Cardona Llorens** said that he would appreciate additional information clarifying paragraph 46 of the report, which stated that persons who encouraged a child between 15 and 18 years of age to participate in sexual posing were subject to penalties if the posing was likely to damage the child's health or development.

63. **Mr. Polar** asked what protection was offered to a girl of 15 who had sex with a young man of 19, assuming that the question of consent was difficult to determine.

64. **Mr. Sjölinder** (Sweden) said that an action plan to combat prostitution and trafficking for the purposes of sexual exploitation had just been completed and would soon be reviewed. The plan included 36 measures and had a budget of 23 million euros. It placed particular emphasis on training and coordination between the relevant bodies, and between the authorities and NGOs. It had also led to the establishment of centralized procedures for handling cases of trafficking in persons.

65. The rehabilitation programmes set up in Stockholm would be extended to other municipalities.

66. The Government intended to launch an action plan on trafficking for reasons other than sexual purposes, such as labour exploitation, begging or minor offences. The experience gained by implementing the plan to combat trafficking for the purposes of sexual exploitation, particularly with regard to training and coordination, would be very useful in that regard. However, new challenges would have to be met, and it would be particularly important to involve all labour market stakeholders.

67. **The Chairperson** asked whether the anti-trafficking measures Sweden had adopted also applied to other offences covered by the Optional Protocol, namely child pornography, the sale of children and child prostitution.

68. **Mr. Sjölinder** (Sweden) replied that the measures were the same and were all intended to combat exploitation. There were some cases in which children had been sold, particularly for the purpose of begging. Trafficking therefore encompassed the sale of children.

69. **Ms. Herczog** asked what happened to children who begged, including those who begged with their parents.

70. **Mr. Sjölinder** (Sweden) said that parents who exploited their children were punished.

71. **Ms. Julhén** (Sweden) said that, as part of the National Action Plan to Combat Prostitution and Trafficking in Human Beings for Sexual Purposes, the National Board of Health and Welfare had developed tools to train staff who worked with children at risk.

72. **Mr. Stoican** (Sweden) said that Sweden fulfilled its obligations under article 10 of the Optional Protocol. It was one of the few countries that devoted 1 per cent of GDP to development assistance and carried out development projects in many countries across all continents.

73. **Ms. Herczog** asked whether Sweden considered those measures to be overseas assistance or preventive action against the trafficking and exploitation of children.

74. **Mr. Stoican** (Sweden) said that the international projects were assistance projects focusing on respect for the rights of children and were conducted worldwide in collaboration with the public authorities and NGOs.

75. **The Chairperson** requested clarification on the exercise of universal jurisdiction and on the application of the double criminality criterion.

76. **Mr. Sjölinder** (Sweden) replied that universal jurisdiction was exercised for the offences referred to in chapter 6 of the Criminal Code. Sweden planned to waive the double criminality requirement in two cases, namely the posing of children for pornographic photographs and the purchase of sexual services, as provided for in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

77. **The Chairperson** asked whether the Optional Protocol could serve as a basis for extradition in the absence of bilateral or multilateral extradition agreements.

78. **Mr. Sjölinder** (Sweden) said that the Protocol could not be used as a basis for extradition. No agreement was required for Sweden to extradite an individual at the request of another country.

79. **The Chairperson** asked whether the Committee should infer that Sweden extradited its own nationals.

80. **Mr. Sjölinder** (Sweden) explained that a Swede could be extradited only to a European Union country or to a Nordic country if he or she had resided there for at least two years.

81. **The Chairperson** asked which body managed the telephone support services.

82. **Mr. Stoican** (Sweden) said that some of those services were managed by an NGO, with Government financial support. Calls from children or parents were answered by specialists. If the situation was serious, the organization could alert the authorities so that they could take assistance measures.

83. **Mr. Koomphaphant** asked what treatment was offered to perpetrators of sexual offences.

84. **Ms. Julhén** (Sweden) said that there was a programme for imprisoned perpetrators of sexual offences, but for those who were not in prison only one university hospital was equipped with an appropriate department. That department would soon be setting up an emergency hotline for persons on the verge of committing sexual abuse.

85. **Ms. Herczog**, while welcoming the information provided, regretted that, due to the lack of time, it was not possible to go into further detail about certain issues. She considered in particular that it was not clear why Sweden could not incorporate the Optional Protocol into its domestic law. The system for assisting victims and the programmes offered to perpetrators of offences had not been fully explained. It was nevertheless clear from the dialogue that Sweden was determined to implement the Convention and its Optional Protocol.

86. **Ms. Jenryd** (Sweden) said that her delegation would do its utmost to respond to the questions left unanswered. In 2012 Sweden would submit to the Committee its fifth periodic report on the implementation of the Convention on the Rights of the Child and would update its National Action Plan for Safeguarding Children from Sexual Exploitation in the light of the Committee's observations and recommendations.

The meeting rose at 6 p.m.