



SUBMISSION FROM ECPAT SWEDEN

**The human rights situation in Sweden regarding
child sexual exploitation**

**To the Human Rights Council
October 2024
for the 49th session (May 2025)
of the
Human Rights Council Universal Periodic Review (Fourth Cycle)**

ECPAT Sweden is a child rights organization working to end sexual exploitation of children. We spread knowledge about sexual exploitation and prevent children and young people from being exposed. We provide information and expertise on the subject and work with prevention. We advocate for policy change and we collaborate with government agencies, the private sector, and other organizations. ECPAT Sweden also operates a web-based Hotline to which the public can anonymously report suspected child sexual exploitation; Ditt ECPAT, a helpline for children up to 18 years old and ECPAT Vuxenstöd, a helpline for parents and adults. ECPAT Sweden is a member of ECPAT International, a global network exclusively dedicated to ending child sexual exploitation.

Ratification of the Third Optional Protocol and the adoption of a new national strategy to prevent and combat violence against children

1. Regarding Sweden's ratification of the Third Optional Protocol to the Convention on the Rights of the Child, the Swedish government in the UPR:s Third Cycle responded that they could not commit to a ratification before the issue had been analyzed further.ⁱ A public inquiry has now reached the conclusion that Sweden should ratify the Third Optional Protocol and published its report on August 23 2023.ⁱⁱ To strengthen children's possibilities to assert their right it is crucial that the Swedish government acts quickly to ratify the protocol.
2. Since the last UPR review there is now a proposal for a new national strategy to prevent and combat violence against children.ⁱⁱⁱ The strategy is yet to be adopted after the proposal was published January 18 2023.
3. The Swedish Government should
 - As a matter of priority start the process to ratify the Third Optional Protocol to the Convention on the Rights of the Child.
 - Promptly take the necessary steps to adopt the proposed new national strategy to prevent and combat violence against children.

The pubertal development criteria in Swedish child sexual abuse material legislation

4. In their last concluding observations on the combined sixth and seventh periodic reports the Committee on the Rights of the Child stated that Sweden should criminalize all forms of handling of child sexual abuse material without an assessment of the victim's pubertal development.^{iv} Since the concluding observations were published no efforts to change the law in this regard have been made.
5. The offence for handling all forms of child sexual abuse material in Sweden states the following (chapter 16 section 10 a paragraph 3 of the Criminal Code):

“A ‘child’ means a person whose pubertal development is not complete or who is under eighteen years of age. If their pubertal development is complete, responsibility is only assigned for an act under the first paragraph, points 2–5, if it can be seen from the image and its attendant circumstances that the person depicted is under eighteen years of age.”

6. In conclusion, this means that the Swedish child pornography offence differs between children depending on their pubertal development resulting in children who have completed their pubertal development not being offered adequate support, protection or justice. This way of reasoning is in breach of the United Nations Convention on the Rights of the Child (CRC), article 1 and article 2, which clearly states that a child is a person under the age of 18 – and that all children have the same rights.
7. A stressing issue that illustrates this problem is so called “expose accounts”. In ECPAT Sweden's report on expose accounts from 2023 the issue of mostly teenage girls having

their nude images being disseminated together with other personal information – making it easier for them to be identified and harassed even more – is described. The report also highlights the lack of sufficient legal framework in these cases due to the current construction of the child pornography offence.^v The increase of expose accounts is also mentioned in the Special Rapporteur Mama Fatima Singhateh’s thematic report on existing and emerging threats that technologies pose to children in facilitating, heightening and committing various manifestations of sale, sexual exploitation and sexual abuse against children.^{vi} In these cases the legal construction of the child pornography offence renders a systematic discrimination of particularly teenage girls, as they are often the victims of not having sexually exploitative imagery of themselves fall under this offence, but rather less serious offences such as unlawful breach of privacy. In its current state the applicability of the child pornography offence can therefore be questioned on the entire basis of the Convention on the Elimination of All Forms of Discrimination against Women.

8. The Swedish Government should:
 - Make the required changes to the definition of a child in the child pornography offence so that all children under the age of 18 are guaranteed the same legal protection, without their pubertal development having to be assessed.

Terminology

9. ECPAT Sweden is of the opinion that the child pornography offence of chapter 16 section 10 a of the Swedish Criminal Code should change name to reflect that a child can never consent to participation in this kind of material. Pornography is legal, as long as it involves consenting adults. The term child pornography therefore lends an idea of legitimacy to the crime and could be seen as blaming the child victim while reducing the offender’s responsibility. The European Parliament, in its Resolution on Child Sexual Abuse Online of 11 March 2015, made the statement that it “is essential to use the correct terminology for crimes against children, including the description of images of sexual abuse of children, and to use the appropriate term ‘child sexual abuse material’ rather than ‘child pornography’.”^{vii} The proposed recast of the EU directive 2011/93 on child sexual abuse and exploitation also includes an updated terminology where the term child pornography is replaced by child sexual abuse material. A change of terminology would also be in accordance with the Committee on the Rights of the Child’s recommendations.^{viii}
10. The Swedish Government should:
 - Update the terminology of chapter 16 section 10 of the Swedish Criminal Code so it is in accordance with international guidelines and recommendations.

Children in alternative care

11. Sweden has failed children in alternative care. Time and time again, attention has been drawn to shortcomings and abuse in homes where children are cared for. Several authorities in Sweden have carried out audits, all of which have concluded that there are serious problems at these homes. The Health and Social Care Inspectorate carried out an inspection that showed extensive shortcomings in all homes where girls are cared

for.^{ix} The staff at the homes have repeatedly used their powers in an unlawful manner, in particular with regard to coercive measures. Children have in many cases been isolated and have not had the possibility to have contact with the outside world. It has also been noted that sexual abuse and violence are structural problems at these homes.^x Both the Committee against Torture and the Committee on the Rights of Persons with Disabilities have concluded in their reports on Sweden that they are concerned regarding violence and use of coercion by staff against children in alternative care.^{xi} Despite these serious shortcomings, the Swedish Government has proposed new legislation that enables more coercive measures towards children, including an increase in the use of solitary confinement during nighttime. That is unacceptable, especially because this is a clearly not in line with the recommendations from the Committee on the Rights of the Child to Sweden regarding children in alternative care. Because of the serious shortcomings the Swedish Government is now conducting several inquiries regarding the alternative care and children's safety in Sweden. This is much welcomed, but focus should also lie on enabling children to get compensation if they have been abused in alternative care and reduce instead of increasing the use of coercive and intrusive measures.

12. The Swedish Government should:

- Enable children to receive compensation if they have been abused in alternative care
- Not implement legislation that further enables coercion and violence by staff towards children in alternative care, specifically regarding solitary confinement
- Make sure that children in alternative care are informed of their rights and possibilities to report crimes and other unacceptable behavior from staff.
- Make sure that children in alternative care have the possibility to contact other authorities and organizations that provide help and support for children

Online child sexual abuse and exploitation

13. For the past couple of years, ECPAT Sweden has seen an increase in, primarily teenage boys, being victimized by organized crime through financial sextortion. The perpetrator pretends to be a girl of about the same age as the boy and gets him to send a nude image of himself to “her”, often after him having received a nude image of a girl from the perpetrator. When the boy has sent a nude image of himself the extortion starts as the perpetrator demands money from the boy under the threat of disseminating the image to the boy’s social media contacts, family and friends.^{xii} The consequences of this form of sexual exploitation are severe for the short- and long-term health and well-being of the victims, as well as their financial situation. In our helpline and hotline, we’ve seen boy victims of financial sextortion express suicidal thoughts. During 2022 the FBI could identify more than a dozen suicides connected to financial sextortion.^{xiii} In conversation with the national police, we’ve found that there is a lack in the Police Authority of a coherent picture of what the situation looks like when it comes to reports to the police concerning financial sextortion. This is in part because what offence the report is registered as varies as there is not one offence that covers the different aspects of the crime. ECPAT Sweden sees a need for increased protection of children in the national criminal law when it comes to sextortion crimes, particularly financial sextortion. This could be achieved by a new offence that takes into consideration the harm to the personal and sexual integrity of the child as well as the financial harm, thereby

combining existing offences on sexual violence against children and extortion into a new offence. As it is now, there is no offence in Swedish legislation that fully covers the full harm caused by financial sextortion. We find these are necessary steps to take for Sweden to live to up to its obligations under article 34 of the CRC.

14. A further step to the increased protection of children from sexual exploitation, which is an obligation of States also according to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, is to tackle the damaging effect the dissemination of child sexual abuse and exploitation material has on survivors of abuse. We want to stress that victims of child sexual abuse are constantly reliving their traumas due to the knowledge of exploiting images or videos of them being disseminated online. The work ECPAT Sweden does as a hotline in terms of removing child sexual abuse and exploitation material online is crucial. Thanks to the cooperation between our helpline and hotline we can also help children reaching out to us who have had or fear that their nudes are going to be spread online by taking down the illegal or harmful material from the internet and prevent as well as limit future dissemination. This is of vital importance for the health and well-being of the child in question. However, ECPAT Hotline is currently dependent on private funding to be able to operate. In 2023 a government inquiry therefore proposed that a hotline should be government-funded so that the operations were not dependent on financial factors.^{xiv} Since the inquiry was published, no further measures have been taken by the legislator.
15. All online sexual offences against children must be investigated by specialist police, with adequate training and resources. Today, some of these offences are not handled by cybercrime specialists but by local police. For example, cybercrime centers investigate child pornography offences, which means that the child in question must not have completed their pubertal development (see paragraphs 5-6). If the child has completed their pubertal development, local police is likely to handle the investigation as it is not seen as a sexual offence against the child. The Police Authority's resources must be prioritized so that all forms of online child sexual abuse and exploitation, regardless of the child's age or pubertal development, is handled by competent police with a child rights perspective.
16. When it comes to online child sexual abuse and exploitation there is a distinct lack of knowledge among professionals who come into contact with children. Children who reach out to our helpline share their experiences of not being taken seriously and of being blamed and shamed when they have told a professional about having been subjected to sexual violence online. Child victims of sexual abuse and exploitation, whether online or offline, should never be blamed, shamed or punished for the abuse and exploitation. They need to be identified, protected and given all the support and help they need. There is a gap between the fact that for instance 20 % of girls age 10-17 have had at least one nude image of themselves disseminated against their consent and the lack of effort in preventing and combating online child sexual exploitation and abuse.^{xv} The efforts we need go beyond awareness-raising for children and parents. Political decisionmakers at a national as well as a municipal level must make sure that schools, the healthcare system, social services *et cetera*, have the resources and child

rights-centered guidelines they need to keep children safe and identify and address online child sexual abuse and exploitation.

17. We welcome the Government's *action plan on preventing and combating men's violence against women, domestic violence, honour-related violence and prostitution and trafficking in persons* from June 20 2024 as one of its focus areas is digital dimensions of violence.^{xvi} However, we fear that it is not ambitious enough as the main focus of the measures taken under this new action plan is awareness-raising and data collection. There is, although more is needed, already plenty of research regarding different forms of online violence and more concrete steps needs to be taken. The action plan is for two years, and we know that the pace of emerging trends and technologies when it comes to online violence is very high which is why the measures presented in the action plan are not enough. We also question the limited resources assigned to the actions included in the plan that concerns online child sexual abuse and exploitation.
18. The Swedish Government should:
 - Fund a hotline for the removal of child sexual abuse and exploitation material.
 - Grant financial resources to the police targeted on the investigation and prevention of online child sexual abuse and exploitation offences
 - Increase the protection of children provided by criminal law when it comes to sextortion by creating a new and specific offence
 - Strengthen efforts to identify and give support and assistance to child victims of online sexual abuse and exploitation by providing sufficient resources and child rights-centered guidelines

Support and help for children who are victims of sexual exploitation

19. For children who are victims of sexual crimes, the help and support from the adult world and especially from authorities is crucial for the children's wellbeing. Sadly, the reality for children is that they often do not trust authorities to give them adequate help and support.
20. Children's attitudes towards authorities play a big part in their willingness to open up about abuse they have been a victim of. ECPAT Sweden has seen, through our helpline and our yearly survey *Nude Online* that children's attitudes towards the police and social services in Sweden are noticeably worse if a child has been in contact with the authorities compared to if the child has not been in contact with them. This is worrying and shows that children do not get the help and support that is needed from these authorities. The lack of education and knowledge that these authorities have regarding sexual crimes towards children is one of the main reasons for this. In 2024 a public inquiry proposed a program for children subjected to sexual exploitation. The inquiry acknowledges that Sweden does not live up to its international commitments when it comes to protecting children from all forms of sexual exploitation. This proposal is welcomed, however, ECPAT Sweden would like to emphasize that it is of the utmost importance that the right type of support and care is offered to children and that children's right to participation is prioritized. In many cases children who have been

victims of sexual exploitation, where for example payment has been involved, have been forced into alternative care and not seen as victims of sexual crimes.

21. The Swedish Government should:

- Enable and prioritize education of personnel regarding sexual exploitation of children at the police and social services so that children who are victims of sexual crimes get the support and help they are in need of and have the right to.

i Report of the Working Group on the Universal Periodic Review: Sweden, 2020, A/HRC/44/12, para. 9.

ii See SOU 2023:40

https://www.regeringen.se/contentassets/4ebbe056919a49a2bc51109778c7ef8b/sou-2023_40.pdf (summary available in English).

iii See SOU 2022:70

https://www.regeringen.se/contentassets/27340f3a96404791bf2c2b6011f98778/sou-2022_70_volym-1.pdf and https://www.regeringen.se/contentassets/27340f3a96404791bf2c2b6011f98778/sou-2022_70_volym-2.pdf (summary available in English).

iv Concluding observations on the combined sixth and seventh periodic reports of Sweden, 2023, CRC/C/SWE/CO/6-7, para 46 (a).

v ECPAT Sweden, 2023, ” ‘I was just looking, I didn’t do anything bad’ – A report on children being exposed on expose accounts” https://ecpat.se/wp-content/uploads/2020/12/Expose_ENG.pdf.

vi Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhateh, A/79/122, para 35.

vii European Parliament resolution of 11 March 2015 on child sexual abuse online, 2015/2564 (RSP) 2016/C 316/12 article 12, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015IP0070>.

viii Guidelines regarding 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/156, para. 5.

ix Report of the Health and Social Care Inspectorate, 2023,

<https://www.ivo.se/globalassets/dokument/publikationer/rapporter/rapporter-2023/tillsyn-av-sis-sarskilda-ungdomshem.pdf>, (only available in Swedish).

x Report from Barnrättsbyrån and World Childhood Foundation “Vem ska tro på mig? – en granskning av sexuella övergrepp på de statliga ungdomshemmen, 2023,

https://barnrattsbyran.se/app/uploads/2023/03/SiS_rapport_digital_pdf_uppslog.pdf (only available in Swedish)

xi Committee against Torture, Concluding observations on the eight periodic report of Sweden, 2021

<https://documents.un.org/doc/undoc/gen/g21/381/20/pdf/g2138120.pdf> and Committee on the Rights of Persons with Disabilities, Concluding reports on the combined second and third periodic reports of Sweden, 2024,

<https://documents.un.org/doc/undoc/gen/g24/065/40/pdf/g2406540.pdf>

xii ECPAT Sweden, 2023 ”Then ‘she’ took a screenshot and it all began – a report on financial sextortion of children, with particular focus on the vulnerability of boys, https://ecpat.se/wp-content/uploads/2020/12/Sextortion_EN.pdf, Canadian Centre for Child Protection, 2022 “An analysis of financial sextortion victim posts published on r/sextortion”,

https://content.c3p.ca/pdfs/C3P_AnalysisOfFinanSextortionPostsReddit_en.pdf.

xiii Federal Bureau of Investigation, “FBI and Partners Issue National Public Safety Alert on Financial Sextortion Schemes”, 2022

<https://www.fbi.gov/news/press-releases/press-releases/fbi-and-partners-issue-national-public-safety-alert-on-financial-sextortion-schemes>.

xiv See SOU 2023:98, https://www.regeringen.se/contentassets/9ddeb144bd5c440cbec79e6b8a62a4cc/sou-2023_98_volym-1_webb.pdf (summary available in English).

xv See ECPAT Sweden, 2023 ” ‘Be careful and talk to an adult as soon as something happens’ – A report on sexual exploitation of children and the strategies they use to protect themselves”, https://ecpat.se/wp-content/uploads/2020/12/Rapport_Brottsutsatthet_EN.pdf.

^{xvi} ”Fri och trygg utan våld och förtryck Åtgärdsprogram för att förebygga och bekämpa mäns våld mot kvinnor, våld i nära relationer och hedersrelaterat våld och förtryck samt prostitution och människohandel 2024–2026”, <https://www.regeringen.se/contentassets/a82a7847ffc24e9b93f92750f94a1ea9/fri-och-trygg-utan-vald-och-fortryck-atgardsprogram-for-att-forebygga-och-bekampa-mans-vald-mot-kvinnor-vald-i-nara-relationer-och-hedersrelaterat-vald-och-fortryck-samt-prostitution-och-manniskohandel-20242026.pdf> (only available in Swedish).