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Comments of the Ombudsman for Children in Sweden on Sweden's initial report 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

The Ombudsman for Children in Sweden (*the Ombudsman*) welcomes the opportunity to comment on Sweden's first report 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 (*the report*). The Ombudsman notes with appreciation that the Government of Sweden has taken several measures in order to battle the sale of children, child prostitution and child pornography. Still, the Ombudsman would like to call attention to some remaining areas of concern.

The headlines used below correspond with the headlines used in the report.

IV. Prevention and detection

Article 9.1 – Prevention programmes

The Ombudsman notes that the Government of Sweden has taken some measures aimed at raising awareness among children and young people about the harmful effects of sexual exploitation of children. The Ombudsman would like to stress the importance of continuing such preventive work.

It is well-known that Swedish nationals travel abroad in order to sexually exploit foreign children in socially and economically vulnerable situations. These offenders run little risk of being punished for their crimes. The Ombudsman is of course deeply concerned about the child sex tourism.

The Committee on the Rights of the Child recently recommended Sweden to increase its effort to prevent and combat child sex tourism by setting up a mechanism for collecting data and information related to sex tourism. The

Committee further recommended Sweden to tackle attitudes, such as the idea that it is acceptable to abuse and exploit children living in poverty in foreign countries.

The Ombudsman presupposes that the Government of Sweden will address the problem of child sex tourism and make the efforts suggested by the Committee in order to battle child sex tourism. Anything less would be unacceptable.

The Ombudsman is concerned about the relatively large number of asylum-seeking minors disappearing in Sweden every year. According to ECPAT Sweden, more than 660 children were registered as missing by the Swedish Migration Board from January to June 2010. In June, nearly 500 of these children were still missing and 118 of them were unaccompanied asylum-seeking minors.

Until now, it is not known what has happened to the missing children. However, some of them probably remain in Sweden, and are at risk of being exploited for sexual purposes.

The Ombudsman encourages the Government of Sweden to investigate the nature and extent of the exploitation of asylum-seeking children in Sweden and to take the necessary preventive measures.

V. Prohibition and related matters (articles 3; 4, paragraphs 2 and 3; 4; 6 and 7)

Article 3.1.c including 3.2 and 3.3 – Child pornography

The Ombudsman notes with appreciation that the Swedish child pornography penal provision includes numerous dealings with child pornography, such as viewing. Unfortunately, the law only covers pornographic pictures, and not sounds.

Article 4 - Jurisdiction

The Ombudsman notes with appreciation that, in several cases, double criminality is not required in order to prosecute a Swedish national for sex offenses against children committed abroad.

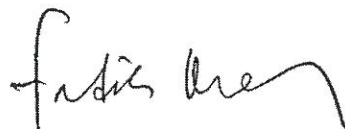
However, double criminality is required in order to prosecute a Swedish national who has committed a crime under Chapter 6, section 9, of the Penal Code (purchase of a sexual act from a child). The same goes for the crime under Chapter 6, section 8, of the Penal Code (exploitation of a child for sexual posing), unless the crime is gross. The Ombudsman finds this unfortunate. It is nonetheless positive that the Ministry of Justice is at present considering the suggestion that the requirement for double criminality shall be abolished for these crimes. The actual proposal was submitted in a report in 2010 from the Sexual Offences Commission of 2008.

VII. International assistance and cooperation (article 10)

Article 10.1 – International assistance and cooperation

Even though it is legally possible to prosecute a Swedish national in Sweden for sex offenses against children committed abroad, this seldom happens in practice. Firstly, few reports regarding these types of crimes are made in Sweden. Secondly, if a report is made, it is often discontinued. In other words, the possibility to prosecute nationals for sex offenses committed abroad is not enough in order to combat child sex tourism.

The Ombudsman would like to stress the importance of international cooperation in order to battle child sex tourism. The Government of Sweden must take further actions to strengthen international cooperation in order to prevent, detect, investigate, prosecute and punish child sex tourists.

A handwritten signature in black ink, which appears to read "Fredrik Malmberg".

Fredrik Malmberg
Ombudsman for Children in Sweden