



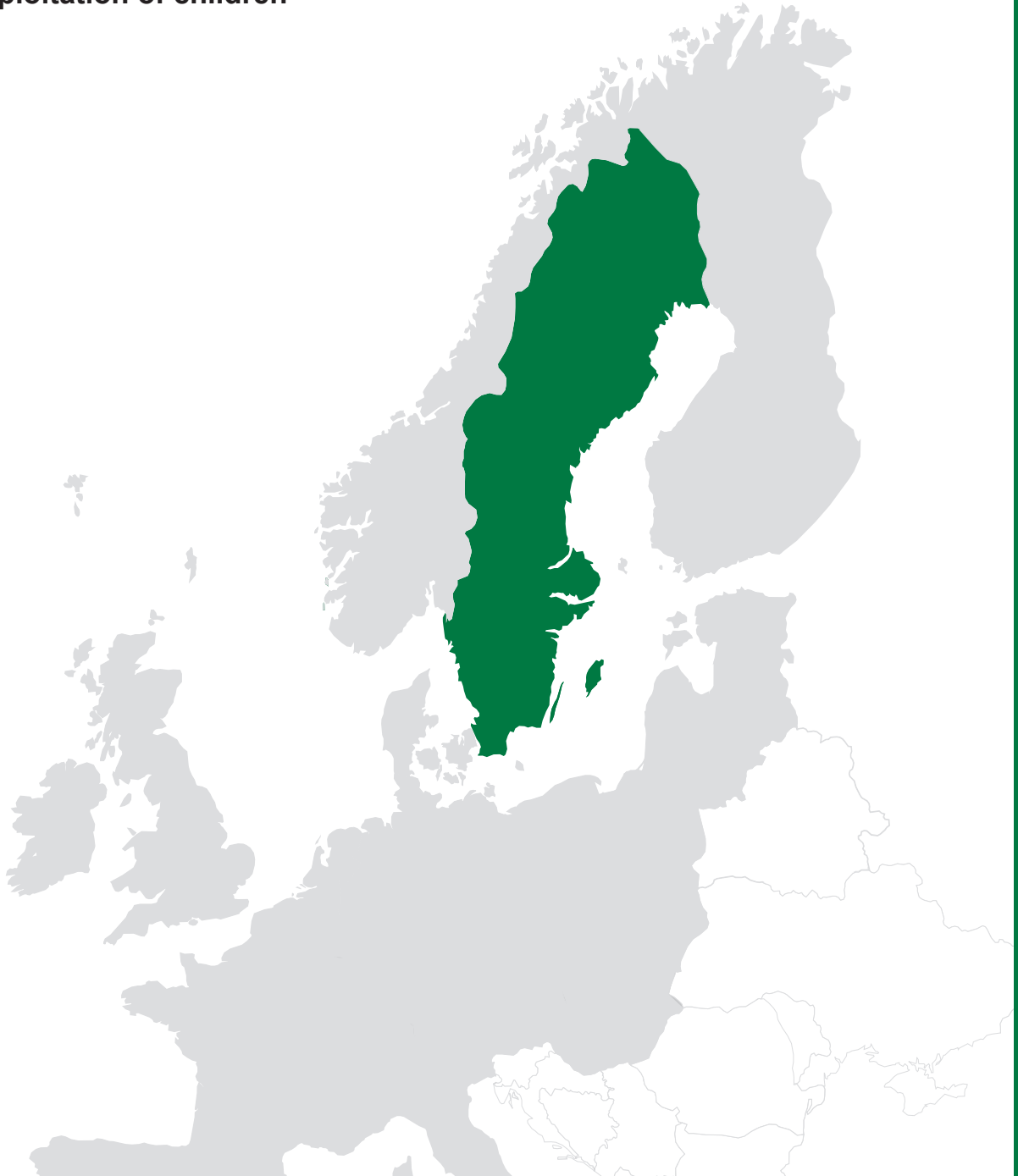
Global Monitoring



Report on the

status of action against commercial
sexual exploitation of children

SWEDEN



This publication has been produced with the financial assistance of the Swedish International Development Cooperation Agency (SIDA) and the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg, the Ministry of Foreign Affairs of France, Groupe Développement and ECPAT Luxembourg. The views expressed herein are solely those of ECPAT International. The support received from SIDA, the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg and the Ministry of Foreign Affairs of France does not constitute endorsement of the opinions expressed.



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DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères



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Design by: Manida Naebklang

Printed by: Saladaeng Printing Co.Ltd.

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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

COSPOL: Comprehensive Operational Strategic Planning for the Police

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

DNS: Domain name service

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

EU: European Union

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICT: Information and communication technologies

ICTSD: International Centre for Trade and Sustainable Development

ILO: International Labour Organization

ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour

INGO: International non-governmental organization

INHOPE: International Association of Internet Hotlines

IOM: International Organization for Migration

IRC: Internet Relay Chat

ISP: Internet service provider

IT: Information technology

MoU: Memorandum of Understanding

NGO: Non-governmental organization

NPA: National plan of action

OSCE: Organisation on Security and Cooperation in Europe

ODHIR: Office for Democratic Institutions and Human Rights

QCS: Quality of care standards

STIs: Sexually transmitted infections

UN: United Nations

UNDP: United Nations Development Programme

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations Children's Fund

UNOHCHR: United Nations Office of the High Commissioner for Human Rights

WGCC: Working Group for Cooperation on Children at Risk

WHO: World Health Organization

WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

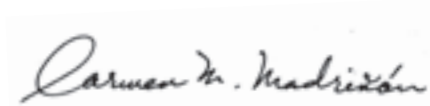
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



SWEDEN

Sweden is seldom viewed as a country where children are victimised through commercial sexual exploitation, but a number of studies have indicated that both girls and boys are exploited through prostitution, pornography and trafficking for sexual purposes. Child sex tourism as practiced by Swedish nationals in foreign destinations, is also particularly problematic.

Young women are rarely seen in street prostitution,¹ and the most common means of making contact with young girls is via the Internet, through 'neutral' chatrooms where men offer them money for sex, rather than through sex-oriented websites.² A survey³ on the sexual exploitation of children in the country, conducted in 2003 by the National Council for Crime Prevention, included several cases of male abusers contacting minor girls via the Internet and telephone, reaching an agreement on sexual relations in exchange for compensation in the form of money, alcohol or other goods.⁴ Many young girls in such situations fail to perceive themselves as being 'exploited',⁵ and often do not regard the exchange of sex for money or material goods as prostitution.⁶ Girls are also lured into prostitution under the pretence of a romantic relationship, some of them being first sexually exploited by their boyfriends, who then 'sell' the girls to their friends.⁷ The survey also indicated that although girls make up 70 per cent of victims of all forms of commercial sexual exploitation of children (CSEC) in general, boys constitute the majority when it comes to prostitution. According to the Committee on Knowledge about the Sexual Exploitation of Children in Sweden,⁸ most of the boys victimised through prostitution are of foreign origin - first and second generation immigrants, according to another study conducted by Carl Göran Svedins. The average age at which both girls and boys become involved in prostitution is 16.⁹ Common features of child victims of prostitution include drug or alcohol dependence, mental illness and the occurrence of sexual/physical abuse or neglect earlier in their lives, according to a poll undertaken by the Committee.¹⁰

With regard to trafficking, most of the girls trafficked into Sweden for sexual purposes are over 18 years of age, although there have been cases of girls aged 16-17. These girls are usually enticed to leave their homes by promises of better job prospects.¹¹ Between 2003 and 2004, girls aged 16-17 were reported to have been trafficked from Russia, Lithuania,

Poland, Estonia, Moldova and Vietnam, into Sweden.¹² Although human trafficking receives considerable attention in the Swedish political agenda, 90 per cent of cases relate to trafficking in women, while the specifics of child trafficking normally fail to be addressed. There are limited data or studies on trafficking in children for sexual purposes; for instance, the yearly national reports on trafficking conducted by the National Criminal Investigation Department, do not feature any specific statistics regarding trafficked children.

Swedish men charged with sexually exploiting refugee children

Recently, reports have emerged of individuals sexually exploiting child refugees who had been staying in special units for unaccompanied children. This has led to discussions on whether it may be necessary to introduce measures to prevent individuals who pretend to be a child's relative from removing the child from such centres in order to victimise him/her.

In 2002, the Swedish Court of Appeal heard a criminal case where six men had been charged with exploiting at least four refugee children for several years. One of the men had come into contact with the boys when he worked at a special unit for refugees. He then procured the boys for the other men. The lead procurer was sentenced to five years' imprisonment, while the other five men were given jail sentences ranging from 2 months to 4 years.¹³

A number of Swedish tourists travel abroad to exploit children, and it is worrying that the issue has not been taken into account in the national strategies on crimes against children and children's rights, and that there are no official reports regarding the problem. According to the Estonian newspaper *Postimees*, in Tallinn, the number of Swedish sex tourists has doubled since the law that criminalises the purchase of sexual services came into force in Sweden, in 1999. The situation could be similar in other Baltic countries.

According to ECPAT Sweden, the number of Swedes visiting websites, accessing and downloading information, and exchanging sexual images involving children on the Internet is on the rise. This does not seem to happen through paedophile networks, but rather by using credit cards to buy access to commercial child pornography websites run, to a large extent, by criminal groups. Legal measures to combat the consumption and dissemination of child pornography have been taken in Sweden through legislative reform and collaboration between law enforcers, Internet service providers (ISPs) and non-governmental organizations (NGOs). Furthermore, as grooming of children on the Internet for sexual purposes has become a major problem in the country, much discussed in the Swedish media in the past few months, various actors have pushed to amend the legislation further to include provisions such as those found under British law, on grooming. The Minister of Justice has agreed that a review is necessary.

In the last five years, the number of international commercial websites providing paying customers in Sweden and elsewhere in the world with pornographic material featuring children, is estimated to have increased by 400 per cent¹⁴. This means that thousands of new victims have been abused to provide for the demand for such materials.

Sweden took the lead in supporting and galvanising early action against CSEC, as the host for the First World Congress against CSEC in 1996. H.M. Queen Silvia has played a significant role in this respect and continues to remain actively involved in work against CSEC. She has personally endorsed several ECPAT International initiatives and supported many related projects around the world. Sweden adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

Sweden announced its first *National Plan of Action against Commercial Sexual Exploitation of Children* in 1998. In response to criticism by local NGOs,¹⁵ and as part of the Government's preparatory work for the Second World Congress,¹⁶ a second NPA was drafted in 2001 to include more holistic measures. The Government evaluates and updates the NPA each time a report to the Committee on the Rights of the Child is prepared. An evaluation is due in 2006.

Not all provisions in the NPA have been properly implemented yet; for instance, collection of information on trafficking in women and children remains rather poor, and there are no statistics regarding trafficked children. CSEC-related topics within the educational system have yet to be introduced. Better support for victims of trafficking still need to be provided within the social services, particularly in terms of housing, and there are still no special units for trafficked children. The participation of children and young people in the NPA implementation process needs to be reinforced; and interaction between the Government and NGOs to discuss CSEC issues remains insufficient.

Regarding the provisions that have been implemented, a working group to develop a national inventory of CSEC and to present proposals for improving the protection of children was established.¹⁷ Also, treatment programmes for victims and perpetrators were developed through the Norrtälje Prison as well as Children's Houses.

Sweden is also in the process of developing an NPA for combating trafficking in human beings, which will also address trafficking in children for sexual purposes.¹⁸

Understanding demand

As part of the implementation of the National Plan of Action against CSEC, the Norrtälje Prison specialises in the treatment of sex offenders, many of whom have been convicted for sexual crimes against children.

In an effort to better understand and reduce the demand for sex with children, a representative of ECPAT Sweden has been liaising with the prison staff and inmates and recently interviewed one such offender, who confirmed that he had been influenced by the viewing of child pornography when committing his crimes. Already familiar with hard core pornography, he came across child pornography while using the Internet and was contacted by a Hungarian man who proposed to send him a few images in return for others. He then decided to take sexual photographs of his three year-old daughter, and later began to abuse her and her friends (around nine little girls), also photographing the abuse. He reported that he became increasingly “obsessed”, taking more and more photographs in order to receive new ones. This went on for six years. The case underlines the importance of blocking access to child pornography as a preventive measure against further abuse.

While it is still too early to assess the degree of rehabilitation that can be achieved among those who are already outside the prison system, staff at the Norrtälje Prison report that the treatment programme has been effective. They have however called for continuous monitoring of criminals who already served their sentences, ideally for at least another ten years or so, in order to ensure and assess treatment results better.

COORDINATION AND COOPERATION

Local and National Level

Good collaboration, mostly between NGOs and the corporate sector, to tackle child sex tourism has been established. There has also been good cooperation between the ECPAT Sweden network, the police and ISPs to combat child pornography. Fostering alliances with powerful actors in the private sector is highly recommended to ensure effective coordinated action against CSEC, as these actors are capable of making a significant impact. On the other hand, coordination to protect child victims of trafficking adequately and appropriately is still deficient. It should be noted that the public sector has failed to engage in cooperation efforts.

The Committee on the Rights of the Child recommended that “a standing structure involving NGOs as well as relevant ministries, county councils and municipalities be established to coordinate actions between all actors to ensure the implementation of the

Convention [*on the Rights of the Child*], ... at all levels.”¹⁹

In 2003, the Ministry of Health and Social Affairs established the Committee on Knowledge about the Sexual Exploitation of Children in Sweden. The Committee organised four regional conferences in 2005, and produced a report proposing a variety of measures to tackle the exploitation of children in general.²⁰ Some of these recommendations are being followed up, particularly in relation to combating child pornography.

A good example of cooperation between the private sector and law enforcers

In 2005, major Internet service providers in Sweden began blocking access to websites containing commercial child pornography (using a technique based on domain name service - DNS - filtering). The National Criminal Investigation Department selects the websites to be blocked and instructs the ISPs accordingly. To date, 13 major ISPs have signed an agreement with the Department, and more are expected to enter the partnership. The police estimate that 80 to 90 per cent of the traffic of such materials is blocked, and that approximately 30,000 attempts to access child pornography websites are halted daily. However, the distribution of child pornography through file sharing and e-mailing is not affected.²¹

Key partners from the corporate sector have been recently involved in action against child trafficking, including the ferry companies operating on the Baltic Sea between Sweden and the Baltic countries. According to the national police, a majority of trafficking victims are brought to Sweden on these ferries. ECPAT Sweden began advocating with the ferry companies more than two years ago, and has now succeeded in collaborating with two of the major ones. Their staff receive training on how to combat child trafficking, and awareness raising materials in Polish, Russian and English are available on the ships and at the ticket offices in Gdynia (Poland) and Karlskrona (Sweden).

Regional and International Level

International cooperation on CSEC focuses mainly on trafficking in children for sexual purposes, and there is a need to address the question of child sex tourism in particular. It would thus be highly recommended that the Government join the French initiative on European Union (EU) governmental action against child sex tourism.

Sweden is a member of several regional bodies working to combat human trafficking (including trafficking in children for sexual purposes), such as the Nordic Baltic Task

Force against Trafficking in Human Beings and the Task Force against Trafficking in Human Beings in the Barents Euro-Arctic Region. Furthermore, within the framework of a coordinating initiative on unaccompanied and trafficked children promoted by the Working Group for Cooperation on Children at Risk (WGCC) of the Council of the Baltic Sea States (CBSS), a National Contact Point for Unaccompanied and Trafficked Children was established at the Department for Migration and Asylum Policy.²²

EU-wide child pornography raids

Between 2 and 6 May 2005, police forces in eight European countries raided the homes of individuals suspected of child pornography offences. Around 100 suspects were questioned in Britain, Denmark, France, Malta, the Netherlands, Norway, Poland and Sweden. The seized material included several thousand pictures and around 100 videos containing child pornography. In Sweden alone, police agents were dispatched to the homes of 15 suspects. The operation resulted from cooperation between members of a joint police action group formed to combat Internet-related child pornography offences, called *the Comprehensive Operational Strategic Planning for the Police (COSPOL)*. Other similar operations are planned.²³

During the past few years ECPAT Sweden has intensified its efforts regarding the safety of children on the Internet. An animated film on this topic was produced and presented on various occasions; it is being translated into English, French, Spanish, Portuguese Italian and German for use by other ECPAT groups. Another important multi-country initiative has been the “Hotline and Blocking Project”, involving ECPAT groups in Denmark, Japan, New Zealand, Switzerland and the ECPAT International Secretariat in Thailand. Members of these groups, together with law enforcers, Interpol, ISPs, the Ministry of Justice and technical high school professionals participated in training sessions held in Stockholm on how to run a hotline and block sites.

PREVENTION

More attention must be given to preventing child sex tourism, in particular by tackling the demand aspect. To address demand in general, a strategy using helplines and help desks could prove effective in providing potential perpetrators with a channel for obtaining help and treatment that might prevent them from committing a crime. Compulsory education on Internet safety in all schools is recommended, as well as the broad inclusion of CSEC topics in courses attended by professionals intending to work with or for children, such as social workers, journalists, doctors and legal professionals.

Between 2000 and 2005, Save the Children Sweden operated a hotline to report child pornography on the Internet. ECPAT Sweden then launched a web-based hotline (www.ecpathotline.se) where the general public can anonymously submit information about suspected child pornographic web sites, suspected cases of trafficking in children for sexual purposes and child sex tourism. To facilitate this work, software called NetClean Analyze automatically separates previously reported images from new ones. The reports are sorted and forwarded to the National Police for investigation. ECPAT Sweden also facilitated the establishment of closer cooperation between the Swedish Police, Interpol and the information technology (IT) industry, whereby major Swedish ISPs recently started blocking access to child pornography websites.

When a film leads to major awareness raising and legal reform

In 2002, the Swedish film *Lilya 4-ever* was launched. The film tells the story of 16 year-old Lithuanian girl who, after being abandoned by her mother and without any adult supervision, is approached by a young man who becomes her boyfriend and promises her a job picking vegetables in Sweden. She eagerly accepts the invitation but upon arrival is locked up in a flat and sexually exploited. The film is based on the true case of a Lithuanian girl trafficked to Sweden; no one was prosecuted due to various loopholes in the trafficking legislation at the time.

The film was shown in numerous cinemas around the country for about a year. It was also viewed by government officials, border police, customs officers, coast guards and staff of the Swedish Board of Migration, who reported that their understanding of child trafficking had been enormously enhanced by watching the film. It has since been used as an educational tool in Swedish schools, and in awareness raising activities in several European countries.

The film's impact on Swedish society has probably advanced the legal reform on the human trafficking law that was subsequently undertaken. Another important achievement was attributed to the film: in 2003, the Swedish Government earmarked Sweden Kroner 30 million (approx. US\$4,070,000), divided over a three-year period, for the National Police to use in combating trafficking in human beings.

In an effort to prevent child sex tourism, several tour operators have signed the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*.²⁴ It should be noted that ECPAT Sweden and Scandinavian tour operators were the initiators of this Code in 1998, and since then both the Swedish tourism industry and civil society have been significantly involved in promoting and implementing the Code. Major companies such as Apollo, Fritidsresor and Mytravel have signed the Code. Their managers and personnel who work in destinations such as Cuba, Thailand, Vietnam, the Gambia and

the Dominican Republic have received training on child sex tourism. Monitoring visits to such places, which included interviews with the trained staff to assess the scope of their initiatives, have taken place during the past six years.

PROTECTION

Sweden ratified the *Convention on the Rights of the Child (CRC)* in 1990, the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2006 and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2004. *ILO Convention No. 182* was ratified by Sweden in 2001. Sweden signed the Council of Europe's *Convention on Action against Trafficking in Human Beings* in 2006. It has not ratified the *Convention on Cybercrime*.

Legislation

In April 2005, new legislation on sexual crimes came into force, with extensive provisions on sexual crimes against children that substantially strengthened child protection. As part of this reform, Sweden removed the principle of double criminality in its extraterritorial legislation, in cases of sexual crimes against minors. However, double criminality is still in force in relation to buying sexual services from a minor between the ages of 15 and 18. Child pornography and trafficking laws are currently under review, and a law against grooming children on the Internet for sexual purposes is being examined. The definition of a child is also being reviewed to ensure that a child is consistently defined as a person under the age of 18 in all laws relating to CSEC.

Prostitution of Children

Swedish law criminalises many acts related to prostitution and some are specific to children. It criminalises the act of inducing a child under 18 years of age to undertake or endure a sexual act in return for payment. The term "sexual act" is probably broad enough to include the sexual activities covered by the *Optional Protocol*. However, while Swedish law criminalises procuring in general, it fails to address the procuring of children. Therefore, penalties for procuring should be increased when such an offence is committed against children.

The age of sexual consent in Sweden is 15. This is the age at which children are considered as having gained the right to sexual self-determination.²⁵ The *Penal Code* consequently outlaws different categories of sexual activities with children under that age. Engaging in sexual intercourse or other comparable sexual acts with a child under the age of 15 is considered *rape of a child* and is punishable by a prison sentence of two to six years.²⁶ Carrying out other sexual acts (such as masturbation of the perpetrator or fondling of a child's genitals) with children in this age group is considered *sexual abuse* and is punishable by imprisonment for two years.²⁷ The above protective measures extend to children between the age of 15 and 18, when the offender is the parent or guardian of the child, such as a foster parent.²⁸ If the crime is considered aggravated ("gross"), stricter sentences apply. In making such an assessment, special consideration shall be given to, *inter alia*, how old the child is.²⁹ Finally, sexual touching of a child under the age of 15, or inducing such a child to undertake or participate in an act with sexual implications, is considered *sexual molestation* and is punishable by a fine or imprisonment for up to two years.³⁰

With respect to prostitution, in 1999 the Swedish Government criminalised the purchase of sexual services under the *Act Prohibiting the Purchase of Sexual Services*.³¹ Any person who obtains casual sexual relations in exchange for payment from another person, regardless of the age of the latter, shall be sentenced for the purchase of sexual services and ordered to pay a fine or face imprisonment for a maximum of six months. The law states that this provision applies even if the payment was promised or given by another person.³² It would cover cases where for example, business contacts provide and pay for prostitutes.³³ The above offences are not considered aggravated when committed against children.

Amendments to the *Penal Code* that were passed in April 2005 also strengthened the ban on purchasing sexual acts from children by extending the penal provision to include purchases of sexual acts from children in situations other than prostitution as it is traditionally understood. A person who induces a child under 18 years of age to undertake or endure a sexual act in return for payment, shall be sentenced for *purchase of a sexual act from a child* and ordered to pay a fine or face imprisonment for up to two years.³⁴ The law states that this provision applies even if the payment was promised or given by another person. "Payment" (*ersättning* in Swedish) is not restricted to money but also includes clothing, jewellery and other forms of compensation.

An example of such a situation is when a person takes advantage of a young person's lack of maturity, and when by giving recompense, attracts and exploits the young person sexually. This provision extends to include a person who exploits a sexual act paid for by another

person. The maximum penalty for this crime has been increased from six months' to two years' imprisonment. The stated purpose of this increase is to emphasise that penal value is greater for an act directed against a child than for an act directed against an adult. The previous classification of the crime as seduction of youth was replaced with *purchase of a sexual act from a child*.³⁵

In addition, the statutory limitation period for sexual crimes against children was extended so that the limitation period for initiating judicial proceedings does not begin to run out until the child turns or would have turned 18 years old.³⁶

The *Penal Code* also criminalises procuring; anyone who promotes or financially exploits a person's engagement in casual sexual relations in return for payment shall be sentenced for procuring and is subject to imprisonment for up to four years.³⁷ Even though Court practice has imposed stricter penalties for the procuring of children, this provision does not make any mention of children and should be revised to specifically include stricter penalties when the offence is committed against a child.

Trafficking in Children for Sexual Purposes

In 2002, legislation came into force that criminalised trafficking in human beings for sexual purposes.³⁸ In 2004, this legislation was amended to criminalise trafficking within national borders as well, and to include trafficking for other purposes such as organ removal, labour, adoption, etc. The definition of trafficking meets the requirements of the *Trafficking Protocol* with regards to trafficking in children for sexual purposes.

The legislation currently applies to anyone who recruits, transports, harbours, receives or takes other similar actions towards a person younger than 18 years of age, thereby gaining control over him/her, in order for that person to be subjected to certain sexual offences such as casual sexual relations or other forms of exploitation for sexual purposes. Criminal liability also extends to anyone who takes control of a minor for the above purposes or who hands control of the minor over to another person. A person found guilty of trafficking in human beings will be sentenced to jail for a minimum term of two years and a maximum of ten years.³⁹

In October 2004, amendments were passed to the penal provisions in the *Aliens Act*,

enabling a time-limited residence permit to be issued to a victim or witness if it is deemed necessary in order to conclude a preliminary investigation or the proceedings in a criminal case.⁴⁰ Another amendment to the *Aliens Act*, effective from August 2006, allows all victims or witnesses to stay in Sweden for one month, on a time-limited residence permit, in order to consider whether they would like to participate in the criminal investigation/proceedings or not. If so, the permit is prolonged for a minimum period of six months, and then prolonged as long as is deemed necessary.

Child Pornography

A child is defined as “a person whose pubertal development is not complete or, if it is apparent from the picture and its attendant circumstances, is less than 18 years of age”.⁴¹ This understanding has been extremely detrimental to the protection of children from commercial sexual exploitation and is not consistent with the principle of the *Convention on the Rights of the Child* to protect all children up to the age of 18. Furthermore, paying for access to child pornography websites should be considered a criminal offence even if the buyer has not saved the pictures onto his computer or printed them.

In January 1999, new legislation extending criminal liability for association with child pornography came into force.⁴² As a result, virtually all forms of association with child pornography images, including simple possession, now constitute a criminal offence. The legislation applies to all types of media and therefore also to the electronic environment.

Under Swedish law, anyone who portrays a child in a pornographic picture; disseminates, transfers, grants use, exhibits or in any other way makes such a picture of a child available to another person; acquires or offers such a picture; brings about contact between a buyer and a seller of such pictures or takes any other similar step to facilitate dealing in such pictures; or possesses such a picture, shall be sentenced to imprisonment for a maximum of two years or, if the crime is petty, to a fine or imprisonment, for up to six months. Offenders are liable to a minimum of six months and a maximum of six years imprisonment if the act was committed in the course of business or otherwise for profit, was part of a criminal activity that was systematically practised or practised on a larger scale, or concerned a particularly large number of pictures or pictures in which children are exposed to especially ruthless treatment.⁴³ Negligent acts of dissemination are also punishable if they occur in the course of commercial operations or if they otherwise are committed for profit.⁴⁴

The prohibition against possession is not absolute as it does not apply to a person who draws, paints or produces in a similar way, a child pornography picture, when such a picture is intended for this person's personal use.⁴⁵

In April 2005, the *Penal Code* was amended to include a new offence termed 'exploitation of a child for sexual posing'. The *Code* now makes it an offence for anyone to promote or exploit the performance or participation in sexual posing by a child under the age of 15, or between the age of 15 and 18, in return for compensation, if the posing is, by its nature, likely to damage the child's health or development. The 'exploitation of a child for sexual posing' is liable to a fine or imprisonment for up to two years.⁴⁶ This crime refers to sexual posing that occurs in sex clubs, private circles or for the production of pornographic pictures. Sexual posing means to participate in or perform a sexual act or to openly expose the body to one or more people or in front of a camera.⁴⁷ In cases of gross exploitation, the punishment is imprisonment for six months to six years.⁴⁸

Minimum penalties usually applied in child pornography cases

Overall, it appears that in many instances, the Courts only apply minimum penalties for cases of child pornography. In May 2002, a man was convicted of gross child pornography for disseminating over 2,000 child pornographic pictures and films via the Internet. However, he was only charged with six months' imprisonment, the minimum jail sentence for this offence. One of the reasons for the minimal sentences is the lengthy period of time that law enforcement takes to analyse the child pornography pictures, which often amounts to 1-2 years. The Court can then use the fact that the crime was committed many years ago in its decision to impose a milder sentence.⁴⁹

It must be stressed that paying for access to child pornography sites is not considered a criminal offence if the buyer has not saved the pictures onto his computer or printed them.⁵⁰

At the time of writing this report, Swedish law was under review and all the above-mentioned loopholes were expected to be considered. The results of the review should be presented by the end of August 2007.

Restricting the meaning of “child” in child pornography legislation

In February 2005, the Swedish Supreme Court ruled that two underage girls who were filmed in a pornographic video looked so mature that the film could not be classified as child pornography. A 42 year-old man made the pornographic films with the girls, who were aged 16 and 17, and he was aware of the girls’ real ages. The Court identified the girls as being minors, but nevertheless acquitted him of child pornography crimes.⁵¹

This has set an extremely serious precedent. As a result of this ruling, an image of an underage child in pornography may not be illegal unless the image is of someone who is clearly younger than 18. If the child appears to be of adult age, police are unable to confiscate pictures or other pornographic materials or close down websites, even if they know that the images are those of minors.⁵² It is of the utmost importance that this unusual Swedish legislation, which defines ‘a child’ according to his/her apparent age, be amended. In the meantime, one hopes that the Judiciary will ‘interpret’ the law in a way that protects minors effectively and punishes the perpetrators appropriately.

Extraterritorial Legislation

The Swedish *Penal Code* provides that a Swedish citizen who has committed a crime outside Sweden is liable under Swedish law and in a Swedish Court. This law extends to other Nordic citizens living in Sweden, to foreigners domiciled in Sweden and to foreigners who became Swedish citizens after the crime was committed.⁵³ In April 2005, Sweden eliminated the requirement for double criminality with regards to cases of serious sexual crimes committed abroad against children under 18 years of age. This applies to cases involving the sexual exploitation of a child, procuring, the gross forms of the aforementioned crimes, and the gross exploitation of a child for sexual posing.⁵⁴

Although extraterritorial legislation has been in place in Sweden for 44 years, longer than in many other countries, to date there have been only two cases where child sex tourists were convicted in Swedish Courts. This is far fewer than the number of cases in European countries that have introduced this law more recently, and is a sign of the lack of governmental action taken on the problem of child sex tourism. The prosecutions of the two cases were greatly facilitated by NGOs, which for example, paid for all the expenses of a Thai victim to travel to Sweden for the trial of a case in 1994.

Swedish sex tourists producing child pornography in Paraguay

In 2005, two Swedish men, aged 56 and 49, were arrested at Asuncion International Airport prior to their departure from Paraguay, carrying child pornographic material that they had produced in the country.⁵⁵

Child Protection Units

A special unit in the National Criminal Investigation Department deals with sexual exploitation of children, including child pornography offences. The special unit collects and organises pornographic pictures of children in a digital reference library (containing over 360,000 pictures to date), which has considerably facilitated the identification of victims and perpetrators.⁵⁶

Regarding child-friendly procedures, Sweden has followed an interesting model elaborated by Iceland, called Children's Houses, which limit the number of times that child victims of sexual abuse have to liaise with the police, prosecutors, social workers, etc. All these experts can be met in one facility and coordinate with each other so that the child does not have to answer the same disturbing questions repeatedly. This model has been highly praised in Scandinavia and is being gradually implemented in Swedish cities.

Support Services for Children

According to the Committee on Knowledge about the Sexual Exploitation of Children in Sweden, providing appropriate rehabilitation services to child victims of trafficking is hampered by the lack of cooperation/coordination, knowledge and clear division of responsibilities between the various organisations working on the issue. Furthermore, the current programmes available to victims are not tailored to meet the specific needs of the child.⁵⁷

Police usually refer child victims of trafficking and prostitution to shelters that care for adult women,⁵⁸ and have complained that often there is nowhere to refer the children. Institutions specialised in supporting the recovery of child victims of sexual exploitation do exist, but as the law does not allow the police or the social services to restrict the victims' movements, they often run away and end up being exploited again.⁵⁹ Child victims of trafficking, with few exceptions, just disappear (presumably going back to their countries of origin, where they do not receive any support upon their return).⁶⁰

In an effort to improve the situation, the Swedish NGO Kvinnoforum, the MiraMed Institute and the Angel Coalition in Russia are cooperating on the project 'Safe Return and Recovery', to set up Russia's first safe houses for women and child victims of trafficking. Several training sessions have been held at the safe houses for Russian staff as well as for psychologists, social workers, law enforcers and government officials.⁶¹ This project also aims to formulate a protocol for rehabilitation and repatriation, to be developed in collaboration with the Russian Government, the Baltic States and destination countries in the region.

Training Law Enforcement Personnel

Judges, prosecutors and police officers receive training in relation to the sexual abuse of children, but it is important that the measures proposed by the Committee on Knowledge about the Sexual Exploitation of Children in Sweden are implemented to reinforce their ability to deal with CSEC cases specifically.

The Swedish Government also provides training for police and prosecutors on the proper handling of trafficking cases and victims, although no specific attention seems to be given to trafficking in children for sexual purposes. In 2004, the National Police Academy began providing anti-trafficking training for new recruits. According to the police, this is improving the effectiveness of anti-trafficking efforts throughout the country.⁶²

In 2004, members of the National Police Board participated in training on the investigation of crimes involving the sexual exploitation of children. In addition, the Prosecutor General organised a five-day workshop for all Swedish prosecutors dealing with CSEC issues.⁶³ These two initiatives have contributed to an increase in prosecutions related to sexual abuse and exploitation of minors,⁶⁴ which had been a recurrent problem partly due to the lack of training on procedures for questioning child victims.⁶⁵

Since the 1990s, ECPAT Sweden and Save the Children Sweden, in partnership with the Swedish Peacekeeping Forces International (Swedint), have organised training programmes for soldiers and officers on children's rights, to ensure the *Convention on the Rights of the Child* is on the military agenda. Brief, straightforward rules of good conduct are provided to soldiers on their way to assignments in conflict areas, notably in West Africa, stressing that their duty is also to combat the sexual exploitation of children.⁶⁶



PRIORITY ACTIONS REQUIRED

- A child must be consistently defined as a person under the age of 18 in all laws related to CSEC.
- Child pornography should be made a criminal offence regardless of whether such material is downloaded or saved. The law should also be amended to include provisions for grooming children on the Internet for sexual purposes.
- Swedish law fails to address the procuring of children specifically. Penalties for procuring should be increased when the offences are committed against children.
- Sweden must ratify the Convention on Cybercrime and the Convention on Action against Trafficking in Human Beings.
- Systematic collection of information on trafficking in children for sexual purposes, followed by appropriate strategies to combat the issue, are needed if it is to be dealt with effectively.
- The particular features of the sexual exploitation of boys must be investigated and appropriate action must be taken.
- More concrete governmental action is required to deal with the problem of child sex tourism. The Swedish Government must join the French initiative on EU governmental action against CST, and also request that state airlines raise awareness among their passengers. Tackling demand and enforcing extraterritorial legislation are also priorities. Furthermore, training on how to prevent child sex tourism should be made compulsory in all tourism training institutions in the country.

- It is important that the Swedish Government engage more actively in setting up coordination mechanisms to eliminate CSEC.
- Important recommendations made by the Committee on Knowledge about the Sexual Exploitation of Children in Sweden must be followed up. In particular, the National Board of Health and Welfare must consider the sexual exploitation of children when producing a documentation system for investigation and follow up, and a handbook for social investigations. The issue should also receive adequate attention by the Committee on a National Action Plan for Social Services for Children and Young People.
- Under the National Board of Health and Welfare, regional competence centres should be established to reinforce protection for children at risk or victimised by sexual exploitation.
- Fostering alliances with powerful actors in the private sector is highly recommended to ensure effective CSEC prevention. This is particularly important in combating child pornography, since the largest part of child pornographic activity is commercial, an effective way to combat it would be to fight its profitability.
- CSEC-related topics must be introduced into the educational system as a prevention strategy.
- Special services for children trafficked for sexual purposes must be established to ensure they appropriately meet the specific needs of the victims.
- The Committee on Knowledge about the Sexual Exploitation of Children in Sweden recommended that training for police, prosecutors, judges and lay assessors of cases concerning child physical and sexual abuse, should also include the sexual exploitation of children; this also applies to prosecutors in the international public prosecution office investigating crimes against children. In addition, they recommended that guidelines on how to deal with cases of sexual exploitation of children be prepared by the National Police Board.

Endnotes

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- ⁵ Ibid. p.74.
- ⁶ Ibid. p.49.
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NOTES

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