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Call for input: Existing and Emerging Sexually Exploitative Practices against Children in the Digital Environment

The Ombudsman for Children in Sweden is a government agency established in 1993 representing children's rights and interests on the basis of the UN Convention on the Rights of the Child. The Ombudsman is an independent national institution based on the Paris Principles that monitors the implementation of the Convention in municipalities, regions and government agencies. The Ombudsman identifies weaknesses in the implementation of the Convention on the Rights of the Child, proposes changes to laws and ordinances, collects and disseminates knowledge and information about the situation of children and advocates and participates in the public debate.

The Ombudsman for Children welcomes the opportunity to provide input the Special Rapporteur's report to the 79th session of the UN General Assembly in October 2024 and wishes to provide the following information.

1. Provide information on how technologies are used to facilitate the sexual exploitation and abuse of children?

In 2021 the Ombudsman for Children published a report on the effects of pornography on children and youth.¹ For the purpose of the study the Ombudsman interviewed young adults who have been victims of commercial sexual exploitation, as well as consulted with 42 children and young people aged 15 to 26 years old, on the effects of pornography consumption. The young people we met who had experienced commercial sexual exploitation pointed out that they saw an increased normalisation among youth to selling sexualized images online. They pointed to sugar-dating sites as well as sites like OnlyFans as gateways for youth to start selling sexual images and more online. They raised concern that girls normalize these acts, thinking that they can "control" the material and make money quickly. However, the youth have experienced that this often leads to situations of sextortion and therefore poses a significant risk to be forcibly recruited into prostitution. The report outlines the need to increase the quality of sexual education, from a child rights perspective, to equip children and youth with critical skills to navigate risks they meet online, and to strengthen children's resistance to being enticed into sexual exploitation online.

¹ Kartläggning av kunskap om pornografins inverkan på barn och unga. Delrapport 3: Insamlade erfarenheter från offentliga och ideella aktörer samt barn och unga. Med anledning av regeringsuppdrag i enlighet med A2020/0036/JÅM.

Similar results have been presented in a recent interview study with people who have experienced being photographed or filmed for pornography in Sweden.² Although the interviewees were adults, most (58%) had been sexually exploited as children. The most common form of pornography production that the respondents had been part of was self-produced material (81%). The most common way that the material was spread was through messaging applications (57.7%) and free pornography sites (e.g. pornhub, Xvideos, XNXX, Redtube) (46.2%) as well as unnamed websites (50%). The responses show that these other sites included escort sites, sites for direct live-streamed webcamsex and commercial sites for selling self-produced material.

ECPAT Sweden has recently published several important reports highlighting various issues connected to sexual exploitation. One report highlights "sugar dating" as an increasing trend among children and youth based on an interview study with 14 children as well as responses to a questionnaire from 1516 children aged 10-17.³ The report identifies a worrying normalization among children when it comes to selling sex and to sugar dating online, seeing it as a "personal choice" and a way to earn "easy" and "fast" money.

ECPAT Sweden has also recently identified (in line with findings from the FBI and the Canadian Centre for Child Protection among others) increasing instances of sextortion of children for financial gain of which boys are identified to be the primary victims.⁴ The perpetrators are often connected to organized crime and often work from abroad such as from Africa or South East Asia.⁵

3. What are the remaining gaps that limit the effective implementation and application of existing laws, policies and guidelines to prevent, detect, report and protect children from sexual exploitation and sexual abuse online?

The Ombudsman for Children in Sweden has previously brought attention to a number of shortcomings in Swedish legislation, policy and practice in regard to preventing and prosecuting the sexual exploitation of children. Several studies show that the proportion of young people who have been sexually exploited for compensation is significantly higher than the number of reported crimes.⁶ However, the police work to discover sex purchase crimes against children is limited and the number of unreported cases is large.⁷ More resources for the outreach work should be prioritised. Sweden needs to ensure that sexual exploitation of children is seen as a serious crime and prioritised by the police and

² Donevan, M., Jonsson, L. & Svedin, C-G. (2023) Osynliga Brottsoffer: Intervjustudie bland personer som blivit filmade eller fotograferade för pornografiproduktion. Can be read https://www.regeringen.se/contentassets/9ddeb144bd5c440cbec79e6b8a62a4cc/sou-2023_98_volym-2_webb.pdf

³ ECPAT (2024). "Man ser det som ett hack. Något lätt som ingen behöver få veta": En rapport om barns upplevelser och erfarenheter av sugardejting. [Sugardejting - "trendigt" och allt vanligare även bland yngre barn - ECPAT Sverige](#)

⁴ ECPAT (2023). "Då tog 'hon' en screen och allt började": En rapport om sexuell utpressning av barn i ekonomiskt syfte med särskilt fokus på pojkars utsatthet. [Organiserad brottslighet bakom sexuell utpressning av barn i ekonomiskt syfte - ECPAT Sverige](#)

⁵ FBI National Press Office, 16 Januari 2024 [Sextortion: A Growing Threat Targeting Minors — FBI](#)

⁶ 7 The Children's Welfare Foundation Sweden, 2021, "Unga, sex och internet efter #metoo" (Young people, sex and internet after #metoo), p. 15 ff and the National Council on Crime Prevention, 2022, "Utnyttjande av barn genom köp av sexuell handling: En uppföljning av lagens tillämpning" (Exploitation of a child through the purchase of a sex act: A follow-up of the law's application).

⁷ The National Council on Crime Prevention, 2022, "Utnyttjande av barn genom köp av sexuell handling: En uppföljning av lagens tillämpning" (Exploitation of a child through the purchase of a sex act: A follow-up of the law's application) 169 For example The Ombudsman for Children in Sweden, referral response <https://www.regeringen.se/4a74cb/contentassets/c492e7528a4d4f22a67a576df10bac35/barnombudsmanne.pdf>

the legal system. The severity of punishments and crime classifications must reflect the gravity of the crimes.

In several respects concerning crimes of sexual abuse, children between the ages of 15 and 17 are treated as adults. The Ombudsman has repeatedly pointed out that 15-17-year-olds are children and are covered by the Convention, even if they have reached the age of sexual self-determination.⁸ The Ombudsman believes that Chapter 6 of the Swedish Penal Code⁹ needs to be reviewed in its entirety in order to strengthen the protection of children in this age group, but especially in terms of the crime of exploitation of children through the purchase of sexual acts.¹⁰ Today, the legislation on sexual abuse is partly based on whether the perpetrator was negligent in terms of the child's age rather than the child's actual age. Despite the fact that the legislation on negligence was strengthened in 2018, the negligence assessment can still partly be based on the child's physical development. The Ombudsman believes that assessments of this kind can be viewed as a second violation of the child. The Ombudsman therefore points to Sweden's responsibility to ensure that children aged 15-17 the same protection against sexual abuse as younger children, in accordance with the Convention on the Rights of the Child (CRC) as well as the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography. Furthermore, Sweden needs to ensure that every child, regardless of physical development, enjoys equal protection.

The Committee on the Rights of the Child has criticized the lack of protection children for children who have gone through puberty¹¹ as not all children are protected by the penal regulation on child pornography. The law sets out that it must be apparent from the child's pubertal development or the circumstances surrounding the picture that the person depicted is under the age of 18. The Ombudsman has pointed out in several comments to law proposals that the statute of limitations should be abolished for the distribution of child pornography.¹²

The crime of child pornography is still placed in Chapter 16 of the Criminal Code (crimes against public order) and is therefore not legally considered sexual abuse.¹³ This means that children depicted in child pornography are not necessarily considered to be injured parties.

A key issue that victims of sexual exploitation online often point to is the need for effective tools and systems to take down child sexual abuse material. Victims who have had their images or films spread online point to the difficulties in attempting

⁸ For example The Ombudsman for Children in Sweden, referral response https://www.regeringen.se/4a74cb/contentassets/c492e7528a4d4f22a67a576df10bac35/barnombudsmanne_n.pdf.

⁹ SFS 1962:700

¹⁰ For more information see The Ombudsman for Children in Sweden, Referral response: <https://www.barnombudsmannen.se/stallningstaganden/remissvar-och-skrivelser/ett-starkt-straffrattsligt-skydd-mot-kop-av-sexuelltjanst-och-utnyttjande-av-barn-genom-kop-av-sexuell-handling-m.m/> and the Ombudsman, 2013, "Skärpt lagstiftning krävs för att skydda barn från sexuell exploatering" (Stricter legislation in the purpose of protecting children from sexual assault on the internet).

¹¹ Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Sweden. 6 February 2023. CRC/C/SWE/CO/6-7, para. 46 (a).

¹² For example The Ombudsman for Children in Sweden, referral response: <https://www.barnombudsmannen.se/stallningstaganden/remissvar-och-skrivelser/en-oversyn-av-den-straffrattsliga-regleringen-om-preskription>

¹³ There has been a proposal to transfer the crime of child pornography to Chapter 6 of the Swedish Penal Code (see Ds 2018:23, Some questions about the crime of child pornography and about abolished limitation for serious crimes against children), but as far as the Ombudsman can see, the Government has not yet moved on with this proposal.

to remove material online.¹⁴ Sweden therefore needs to ensure that funding for the hotline that works to remove these images is increased to attend to the increasing numbers of victims, as well as ensure that the funding of this service is made permanent.

8. Are there any examples of proactive measures taken to facilitate consultation and participation with a broad range of stakeholders, including children and child-rights organisations, for informing policy and legislation, setting technical standards and implementing processes to eradicate child sexual abuse and exploitation in the digital environment?

Prior to the adoption of the General comment no. 25 on the rights of children in relation to the digital environment, the Ombudsman for Children together with the Swedish Authority for Privacy Protection as well as Swedish Agency for the Media joined hands to initiate and produce a stakeholder guide to the rights of children and young people on digital platforms.¹⁵ The guide provides general support, primarily based on an integrity perspective and the right to privacy, where GDPR is central to this legislation, as well as adopting a child rights perspective. The guide also contains advice based on the intentions of the legislator in terms of protecting children from harmful media influence.

In 2007 ECPAT Sweden initiated a Finance coalition against sexual exploitation of children which brings together various stakeholders such as the police, banks and other actors from the world of finance. ECPAT Sweden also coordinates a coalition of tech companies as well as companies within the telecom industry with the aim of collaborating to prevent and hinder that the techy-industries products and services are abused by perpetrators to perpetrate sexual exploitation and abuse against children online.¹⁶

Another important project of note within the Swedish context is a project by the World Childhood Foundation. The project entitled "Stella Polaris" was initiated in 2021. The purpose of the project is to coordinate, promote and intensify AI-related initiatives that can be useful in the fight against sexual exploitation and abuse against children in Sweden. In this project the World Childhood foundation collaborates with police, prosecutors and child rights actors, AI experts, programmers, researchers and tech companies to develop AI-related solutions or promote the use of existing tools to protect children.

¹⁴ Utredningen om skydd, stöd och vård för personer som har utsatts för övergrepp vid produktion eller distribution av pornografi (SOU 2023:98): Skydd, stöd och vård för personer som har utsatts för övergrepp vid produktion eller distribution av pornografi - Regeringen.se

¹⁵ Ombudsman for Children in Sweden, Swedish Authority for Privacy Protection and the Swedish Agency for the Media [The rights of children and young people on digital platforms \(imy.se\)](https://www.imy.se)

¹⁶ Members include Tele2, Telia, Tre, Telenor, Bredband2, TikTok, Glesys, Internetstiftelsen, Softtronic, Bontouch.