



Ministry of Health and Social Affairs

Lanzarote Committee – Sweden’s response to the questionnaire
“Protecting children against sexual abuse in the circle of trust:
legal frameworks”

Key notions

1. Does your national legal framework:

a. have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children? If yes, please provide a copy of the relevant provision(s).

The criminalisation of sexual offences against children varies depending on the age of the child.

If the child is under fifteen years of age, sexual acts are criminalised irrespective of the perpetrator’s relationship to the child.

If the child has attained fifteen but not eighteen years of age, an act of vaginal, anal or oral intercourse, or another sexual act that in view of the seriousness of the violation is comparable to sexual intercourse, or other forms of sexual acts, is criminalised as rape of a child or sexual assault of a child if the child is the perpetrator’s descendant, is being brought up by or has a comparable relationship with the perpetrator, or for whose care or supervision the perpetrator is responsible by decision of a public authority. The same applies if the perpetrator, by improper means, induces the child to undertake or submit to such an act. It is also criminalised as rape to perform vaginal, anal or oral intercourse, or some other sexual act that in view of the seriousness of the violation is comparable to sexual intercourse, with a

person who is not participating voluntarily. When assessing whether participation is voluntary or not, particular consideration is given to whether voluntariness was expressed by word or deed or in some other way. A person can never be considered to be participating voluntarily if, inter alia, the perpetrator induces the person to participate by seriously abusing the person's position of dependence on the perpetrator. The same applies to a person who induces another person who is not participating voluntarily to undertake or submit to such an act.

Chapter 6, Section 1 of the Swedish Criminal Code:

A person who performs vaginal, anal or oral intercourse, or some other sexual act that in view of the seriousness of the violation is comparable to sexual intercourse, with a person who is not participating voluntarily is guilty of rape and is sentenced to imprisonment for at least three and at most six years. The same applies to a person who induces another person who is not participating voluntarily to undertake or submit to such an act. When assessing whether participation is voluntary or not, particular consideration is given to whether voluntariness was expressed by word or deed or in some other way. A person can never be considered to be participating voluntarily if:

1. their participation is a result of assault, other violence or a threat of a criminal act, a threat to bring a prosecution against or report another person for an offence, or a threat to give detrimental information about another person;
2. the perpetrator improperly exploits the fact that the person is in a particularly vulnerable situation due to unconsciousness, sleep, grave fear, the influence of alcohol or drugs, illness, bodily injury, mental disturbance or otherwise in view of the circumstances; or
3. the perpetrator induces the person to participate by seriously abusing the person's position of dependence on the perpetrator.

If the offence is less serious, the sentence is imprisonment for at least six months and at most four years.

If an offence referred to in the first paragraph is gross, the person is guilty of gross rape and is sentenced to imprisonment for at least five and at most ten years. When assessing whether the offence is gross, particular consideration

is given to whether the perpetrator used violence or a threat of a particularly serious nature, or whether more than one person assaulted the victim or took part in the assault in some other way, or whether, in view of the method used or the young age of the victim or otherwise, the perpetrator exhibited particular ruthlessness or brutality.

Chapter 6, Section 1a of the Swedish Criminal Code:

A person who commits an act referred to in Section 1 and is grossly negligent regarding the circumstance that the other person is not participating voluntarily is guilty of negligent rape and is sentenced to imprisonment for at most four years.

If, in view of the circumstances, the act is less serious, the person is not held responsible.

Chapter 6, Section 2 of the Swedish Criminal Code:

A person who performs a sexual act other than those referred to in Section 1 with a person who is not participating voluntarily is guilty of sexual assault and is sentenced to imprisonment for at least six months and at most two years. The same applies to a person who induces another person who is not participating voluntarily to undertake or submit to such an act. When assessing whether participation was voluntary or not, Section 1, first paragraph, third and fourth sentences apply.

If the offence is less serious, the sentence is imprisonment for at most one year.

If the offence is gross, the person is guilty of gross sexual assault and is sentenced to imprisonment for at least one year and at most six years. When assessing whether the offence is gross, particular consideration is given to whether the perpetrator used violence or a threat of a particularly serious nature, or whether more than one person assaulted the victim or took part in the assault in some other way, or whether, in view of the method used or the young age of the victim or otherwise, the perpetrator exhibited particular ruthlessness or brutality.

Chapter 6, Section 3 of the Swedish Criminal Code:

A person who commits an act referred to in Section 2 and is grossly negligent regarding the circumstance that the other person is not

participating voluntarily is guilty of negligent sexual assault and is sentenced to imprisonment for at most four years.

If, in view of the circumstances, the act is less serious, the person is not held responsible.

Chapter 6, Section 4 of the Swedish Criminal Code:

A person who performs vaginal, anal or oral intercourse, or another sexual act that in view of the seriousness of the violation is comparable to sexual intercourse, with a child under fifteen years of age is guilty of rape of a child and is sentenced to imprisonment for at least three and at most six years.

The same applies to a person who, by improper means, induces the child to undertake or submit to such an act.

The first paragraph also applies to a person who commits an act referred to there against a child who has attained fifteen but not eighteen years of age and who is the perpetrator's descendant, or is being brought up by or has a comparable relationship with the perpetrator, or for whose care or supervision the perpetrator is responsible by decision of a public authority.

If an offence referred to in the first or second paragraph is gross, the person is guilty of gross rape of a child and is sentenced to imprisonment for at least five and at most ten years. When assessing whether the offence is gross, particular consideration is given to whether the perpetrator used violence or a threat of a criminal act, or whether more than one person assaulted the child or took part in the assault in some other way, or whether, in view of the method used or the child's young age or otherwise, the perpetrator exhibited particular ruthlessness or brutality.

Chapter 6, Section 5 of the Swedish Criminal Code:

If, in view of the circumstances associated with the offence, an offence referred to in Section 4, first or second paragraph is considered less serious, the person is guilty of sexual exploitation of a child and is sentenced to imprisonment for at most four years.

Chapter 6, Section 6 of the Swedish Criminal Code:

A person who performs a sexual act other than those referred to in Sections 4 and 5 with a child under fifteen years of age, or with a child who has attained fifteen but not eighteen years of age and with whom the perpetrator has a relationship referred to in Section 4, second paragraph, is guilty of

sexual assault of a child and is sentenced to imprisonment for at least six months and at most two years. The same applies to a person who, by improper means, induces the child to undertake or submit to such an act.

If the offence is less serious, the sentence is imprisonment for at most one year.

If the offence is gross, the person is guilty of gross sexual assault of a child and is sentenced to imprisonment for at least one year and six months and at most six years. When assessing whether the offence is gross, particular consideration is given to whether the perpetrator is a family member of the child or has otherwise exploited their position or abused some special trust, or whether more than one person assaulted the child or took part in the assault in some other way, or whether, in view of the method used or the child's young age or otherwise, the offence involved ruthless exploitation of the child.

A commission of inquiry has proposed, inter alia, that the provision in Chapter 6, Section 4, of the Swedish Criminal Code on rape of a child should be extended to include offences in which a person exploits the fact that a child under the age of 18 has an impaired ability to protect their sexual integrity due to mental ill health, disability, alcohol or other substance abuse, the perpetrator's authority or otherwise in view of the circumstances (SOU 2023:80). The proposal is referred for consideration to the relevant bodies until 19 March 2024.

b. establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an “aggravating circumstance”? If yes, please indicate the specific legal provision.

See the answer to question 1a above. The criminalisation of sexual offences against children varies depending on the age of the child.

If the child is under fifteen years of age, sexual acts are criminalised irrespective of the perpetrator's relationship to the child.

If the child has attained fifteen but not eighteen years of age, an act of vaginal, anal or oral intercourse, or another sexual act that in view of the seriousness of the violation is comparable to sexual intercourse, or other forms of sexual acts, is criminalised as rape of a child or sexual assault of a child if the child is the perpetrator's descendant, is being brought up by or has a comparable relationship with the perpetrator, or for whose care or supervision the perpetrator is responsible by decision of a public authority. The same applies if the perpetrator, by improper means, induces the child to undertake or submit to such an act. It is also criminalised as rape to perform vaginal, anal or oral intercourse, or some other sexual act that in view of the seriousness of the violation is comparable to sexual intercourse, with a person who is not participating voluntarily. When assessing whether participation is voluntary or not, particular consideration is given to whether voluntariness was expressed by word or deed or in some other way. A person can never be considered to be participating voluntarily if, inter alia, the perpetrator induces the person to participate by seriously abusing the person's position of dependence on the perpetrator. The same applies to a person who induces another person who is not participating voluntarily to undertake or submit to such an act.

c. list specific categories of adults in contact with children automatically qualifying as holding this position? If yes, please list these categories in your response.

See the answer to question 1a above. The provisions listed under question 1a are applicable when the child is the perpetrator's descendant, is being brought up by or has a comparable relationship with the perpetrator, or for whose care or supervision the perpetrator is responsible by decision of a public authority.

d. define the notion of "circle of trust"? If yes, please provide the definition.

See answer to question 1a above. "Circle of trust" is not used as a notion in the Swedish Criminal Code.

Victims' age

2. Does your national legal framework:

a. provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence? Please refer to the specific legal provisions.

See answer to question 1a above

b. indicate that the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence? Please provide details.

See answer to question 1a above.

Scope of offence

3. Does your national legal framework criminalise sexual abuse of children:

a. where the offender abuses a recognised position of influence?

See answer to question 1a above.

b. where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim's spouse or marital partner?

In Sweden, nobody under the age of 18 – a child – may enter into marriage (Chapter 2, Section 1 of the Swedish Marriage Code). The age limit is one of the impediments to marriage and is applied without exception. If a marriage has been entered into despite it being prohibited, any of the spouses has the right to divorce without a prior period of consideration. Such an action of divorce could also be brought before a court by a prosecutor. (Chapter 5, Section 5 of the Swedish Marriage Code).

The general rule according to Swedish private international law is that foreign child marriages are not recognised in Sweden. This applies regardless of the parties' connection to Sweden when the marriage was entered into or their age at the time of recognition. Exceptions can be made when the consequences for the parties would otherwise be unreasonable, but there is no room for exception if either party is still under 18 years of age at the time of recognition.

There are no exceptions in any provisions concerning sexual abuse for when the perpetrator is the victim's spouse or marital partner, i.e. the provisions are applied in the same way irrespective of any such relationship between the parties.

c. where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?

See answer to question 1a above.

4. Does your national legal framework:

a. criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions? Please specify which other acts are covered and whether violation of a child's "sexual integrity" specifically is criminalised.

See answer to question 1a above. In addition to the crimes listed under question 1a, it is criminalised to promote or exploit the performance of or participation in sexual posing by a child under fifteen years of age. The same applies to a person who places the child or exploits the fact that some other person has placed the child in a situation that involves sexual posing. This also applies to a person who commits such act against a child who has attained fifteen but not eighteen years of age, if the posing is liable to damage the child's health or development.

It is also criminalised to induce a child under eighteen years of age to undertake or submit to a sexual act in return for payment. Furthermore, it is criminalised to sexually touch a child under fifteen years of age or to induce the child to undertake or participate in an act with sexual implications. It is also criminalised to expose yourself to another person in a manner that is

liable to cause discomfort, or to otherwise molest a person by word or deed in a way that is liable to violate that person's sexual integrity. The latter is applicable irrespective of the child's age.

Chapter 6, Section 8 of the Swedish Criminal Code:

A person who promotes or exploits the performance of or participation in sexual posing by a child under fifteen years of age is guilty of exploitation of a child for sexual posing and is sentenced to imprisonment for at most two years. The same applies to a person who places the child, or exploits the fact that some other person has placed the child, in a situation that involves sexual posing.

The first paragraph also applies to a person who commits an act referred to there against a child who has attained fifteen but not eighteen years of age, if the posing is liable to damage the child's health or development.

If the offence is gross, the person is guilty of gross exploitation of a child for sexual posing and is sentenced to imprisonment for at least six months and at most six years. When assessing whether the offence is gross, particular consideration is given to whether the offence concerned large-scale activities, brought considerable gain or involved ruthless exploitation of the child.

Chapter 6, Section 9 of the Swedish Criminal Code:

A person who, in cases other than those previously referred to in this Chapter, induces a child under eighteen years of age to undertake or submit to a sexual act in return for payment, is guilty of exploitation of a child through the purchase of a sexual act and is sentenced to imprisonment for at least six months and at most four years.

If the offence is less serious, the sentence is imprisonment for at most one year.

The provisions in the first and second paragraphs also apply if the payment was promised or made by another person.

Chapter 6, Section 10 of the Swedish Criminal Code:

A person who, in cases other than those previously referred to in this Chapter, sexually touches a child under fifteen years of age or induces the child to undertake or participate in an act with sexual implications, is guilty of sexual molestation of a child and is sentenced to imprisonment for at

most two years. The same applies to a person who commits an act under the second paragraph against a child under fifteen years of age.

A person who, in cases other than those previously referred to in this Chapter, exposes themselves to another person in a manner that is liable to cause discomfort, or who otherwise molests a person by word or deed in a way that is liable to violate that person's sexual integrity is guilty of sexual molestation and is sentenced to a fine or imprisonment for at most two years.

If an offence referred to in first paragraph is gross, the person is guilty of gross sexual molestation of a child and is sentenced to imprisonment for at least six months and at most three years. If an offence referred to in second paragraph is gross, the person is guilty of gross sexual molestation and is sentenced to the same penalty.

When assessing whether the offence is gross, particular consideration is given to whether more than one person assaulted the victim or took part in the assault in some other way, or whether, in view of the victims' young age or any other circumstance, the perpetrator exhibited particular ruthlessness.

b. ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity? Please refer to the specific legal provisions.

Heterosexual and homosexual activities are treated equally. For example, the acts that are criminalised as rape are defined as “performing vaginal, anal or oral intercourse, or some other sexual act that in view of the seriousness of the violation is comparable to sexual intercourse, with a person who is not participating voluntarily” (Chapter 6, Section 1 in the Swedish Criminal Code). The provisions regulating sexual abuse are also gender neutral. For specific provisions that concerns children, see question 1a above.

c. make any distinct reference to “homosexual activities” in the description of criminal offences involving sexual abuse and sexual exploitation of children?

No, all the provisions are neutral as concerns gender and sexuality.

Ex officio prosecution

5. Does your national legal framework:

a. contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his/her legal representative? Please refer to the specific legal provisions.

According to the Swedish Code of Judicial Procedure a preliminary investigation shall be initiated as soon as due to a report or for other reason there is cause to believe that an offence subject to public prosecution has been committed (Chapter 23, section 1). All offences, other than those expressly excepted, fall within the domain of public prosecution (Chapter 20, section 2). All sexual offences are subject to public prosecution and none of them require a complaint from the victim.

Unless otherwise prescribed, prosecutors must prosecute offences falling within the domain of public prosecution (chapter 20, section 6). This means that the prosecutors have an obligation to prosecute.

According to chapter 20 section 7 prosecutors may waive prosecution, provided no compelling public or private interest is disregarded:

1. if it may be presumed that the offence would not result in another sanction than a fine,
2. if it may be presumed that the sanction would be a conditional sentence and special reasons justify waiver of prosecution,
3. if the suspect has committed another offence and no further sanction in addition to the sanction for that offence is needed in respect of the present offence, or
4. if psychiatric care or special care in accordance with the Act on Support and Service for Certain Persons with Functional Impairments (1993:387) is rendered.

A prosecution may be waived in cases other than those mentioned in the first paragraph if it is manifest by reason of special circumstances that no sanction is required to prevent the suspect from engaging in further criminal activity and that, in view of the circumstances, the institution of a prosecution is not required for other reasons.

b. contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint/statements? Please refer to the specific legal provision(s).

None of the sexual offences require a complaint from the victim.

Measures in respect of children who sexually offend and children displaying risky and harmful sexual behaviour

6. Does your national legal framework:

a. provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children? Please provide details.

Serious crimes may be investigated also when a child under the age of criminal responsibility is a suspect. According to section 31 of the Young Offenders Act an investigation of the crime must be initiated if the minimum punishment of the crime is imprisonment for one year, unless there are special reasons not to investigate. At the request of the social welfare committee, an investigation may also be initiated in other cases if the investigation may be important in determining the need for the social services' support. An investigation may also be initiated for other reasons, for example if it is needed for public or private interests.

If a child under the age of criminal responsibility is suspected of a very serious crime an evidentiary proceeding in a court may be initiated. Such proceeding shall be initiated if the minimum punishment of the crime is imprisonment for five years or if there are extraordinary reasons (Section 38, Young Offenders Act).

The social services are responsible for investigating the needs and the relevant intervention for children with a risky and harmful sexual behaviour

who are below the age of criminal responsibility. The social services have a general responsibility to follow children who are at risk of developing unfavourably and to ensure that they receive necessary protection and care. That may include out-of-home care if that is justified with regard to the best interests of the child (Chapter 5, Section 1 of the Social Services Act). If needful intervention cannot be given with consent, compulsive care may under certain circumstances be carried out in accordance with the Care of Young Persons (Special Provisions) Act.

The duties of the social welfare committee also include working to ensure that those who subject or have subjected relatives to violence or other abuse change their behaviour. This includes children (Chapter 5, Section 11a of the Social Services Act). The social welfare committee also have a special responsibility to cooperate with other relevant actors, such as health care, if a child is at harm's risk and needs interventions outside the scope of social services (Chapter 5, Section 1a of the Social Services Act).

b. differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children? Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.

In Sweden the minimum age of criminal responsibility is fifteen years of age (Chapter 1, Section 6 of the Swedish Criminal Code). If a person committed an offence before attaining eighteen years of age, their youth is given particular consideration when determining the penalty. This also applies under certain conditions to persons between the ages of eighteen and twenty-one (Chapter 29, Section 7 of the Swedish Criminal Code).

There are no specific sanctions for offences involving sexual abuse of children. However, a person who committed an offence before attaining eighteen years of age will normally be sentenced to a special youth sanction, i.e. youth care, youth community service, youth supervision or institutional youth care (Chapter 32 of the Swedish Criminal Code).

In July last year, the Government decided to appoint a commission of inquiry chair to review the special treatment of young offenders in the criminal justice system. The remit of the commission of inquiry includes, inter alia, considering lowering the minimum age of criminal responsibility.

The inquiry will present its final report by 10 January 2025.

Child victims' rights to protection and parental rights

7. Does your national legal framework:

a. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse? Please provide details.

See answer to question 7b below.

b. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse? Please provide details.

If the social services decide to initiate an investigation for the protection or support of a child according to Chapter 11, Section 2 of the Social Services Act, the person affected by the investigation must be notified immediately, unless there are some special reasons against it. It may, for example, concern suspicions that the child has been subjected to crime by a close relative. In special exceptional cases there may therefore be reasons for the social services to delay informing. When the social service conducts an investigation for the protection or support of a child, they may hear the child without the guardian's consent and without the guardian being present (Chapter 11, Section 10 of the Social Services Act). In general the guardian should be informed about the hearing of the child, but it may depend on the age of the child and the circumstances of the case.

c. allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect? Please provide details.

1. During the investigation of a sexual abuse the suspect normally would be detained- which leads to protection of the child.

2. If for any reason the suspect is not detained, still with reasonable suspicion, the social services are obliged to arrange for the protection of the child. See also the answer to question 7d below.

d. consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal? Please provide details.

The social services have a general obligation to react if they learn that a child is at risk of harm and immediately assess whether the child needs urgent protection. If the assessment is that the child needs protection from the home environment, the child may be placed elsewhere. When placing a child, the social services shall primarily consider whether the child can be received by a relative or another person close to the child.

The measures of the social services are based on the principle of voluntariness, but a child may be placed in compulsory care under the Care of Young Persons (Special Provisions) Act under certain circumstances. The procedure of placing a child is regulated in the Social Services Act and the Care of Young Persons (Special Provisions) Act. The decision to place a child in compulsory care is always tried by a court. Such care should not last longer than necessary but will last as long as it is needed. It must be reviewed at least every sixth month.

e. ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate? Please provide details.

It is possible to share personal information (breach confidentiality) provided to a prosecuting authority or the Police Authority, if the information concerns suspicion of crimes directed at someone under the age of eighteen (Chapter 10, Section 21 of the Public Access to Information and Secrecy Act regarding criminal code 3, 4 and 6).

8. Does your national legal framework clearly distinguish:

- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and

- cases of withdrawal of parental rights once the court has convicted the said parent? Please provide details.

The Swedish legal system does not clearly distinguish those cases, in the sense that an allegation of abuse is to be considered in the custody case separately from the outcome of the criminal case. That is, alleged violence or abuse must always be tried, and a risk assessment must be made, to take the necessary measures to protect the child. Parental rights can therefore be withdrawn even in cases where the parent in question is not convicted. However, according to Swedish law the court has indeed the possibility to make an interim decision in the custody case – regarding custody, residence and contact – pending the outcome of the criminal case or any other risk the court may have identified and assessed regarding the child (Chapter 6, Section 20 of the Swedish Parental Code).

9. Does your national legal framework provide for:

a. automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending? Please provide details.

See answer to question 9b below.

b. automatic withdrawal of parental rights of parents convicted of sexual abuse of own child? Please provide details.

The Swedish legal framework does not provide for an automatic suspension or withdrawal of such parental rights in any of the cases mentioned. However, the best interests of the child are decisive for all decisions regarding custody, residence and contact between a child and its parents. When assessing what is in the best interests of the child, already the risk that the child or someone else in the family will be exposed to abuse – including sexual abuse – is to be taken into special account. (Chapter 6, Section 2a of the Swedish Parental Code).

Guarantees of protection for persons reporting suspected offences

10. How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?

A person who identifies someone as being a criminal or as having a reprehensible way of life, or otherwise provides information liable to expose that person to the contempt of others is guilty of defamation and is sentenced to a fine. If they were obliged to make a statement or if, in view of the circumstances, it was otherwise justifiable to provide information about the matter, and if they show that the information was true or that they had reasonable grounds for it, they are not held responsible (Chapter 5, section 1 The Swedish Criminal Code).

Assistance to third parties

11. What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?

According to the Swedish Health and Medical Services Act, regions and municipalities must within the framework of activities that constitute primary care in particular:

1. Provide the health care services required to meet commonly occurring care needs,
2. ensure that care is easily accessible,
3. provide preventive measures based on the needs of the population as well as individual needs and condition of the patient,
4. provide rehabilitative efforts based on the patient's individual needs and conditions,
5. coordinate different efforts for the patient in cases where it is most appropriate for the coordination to take place within primary care.

According to the Health and Medical Services Act, one of the situations where a child's need for information, advice and support must be considered particularly is if the child's parent or any other adult with whom the child permanently lives, exposes or has exposed the child or someone close to the child to violence or other abuse.

The duties of the social welfare committee include ensuring that not only children who have been exposed to crime receive the support and help they need but also the close relatives of the child (Chapter 5, Section 11 of the Social Services Act).

The duties of the social welfare committee also include working to ensure that those who subject or have subjected relatives to violence or other abuse change their behaviour. This also includes children who are perpetrators of violence. When the social welfare committee fulfils its task, the committee must take particular account of the safety of the person who is or has been subjected to violence or other abuse and to his/her close relatives (Chapter 5, Section 11a of the Social Services Act).

12. When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?

According to the Health and Medical Services Act, on the initiative of the social welfare committee, the healthcare services must, in matters concerning children who are getting hurt or are at risk of harm, cooperate with community bodies, organizations and others who are affected. Disclosure of information is restricted by the Patient Safety Act and the Public Access to Information and Secrecy Act.

As a general rule, secrecy to protect a minor applies even in relation to their custodian. However, such secrecy does not apply in relation to the custodian insofar as, under the Children and Parents Code, the custodian is entitled, and has an obligation, to decide on matters relating to the personal affairs of the minor. Unless it may be assumed that the minor would suffer extensive damage if the information were disclosed to the custodian (The Public Access to Information and Secrecy Act Chapter 12, Section 3).

A risk of 'damage' includes both physical injury and mental distress, for example if it may be assumed that the person who receives the information will use it to subject the other to violence or harassment.

Secrecy also applies to information about a minor's whereabouts in relation to the minor's parents or other guardian, if the minor has been cared for or is cared for in accordance with the special legislation on the care of young people without consent and it is necessary with regard to the purpose of care or care (The Public Access to Information and Secrecy Act Chapter 26, Section 2).

Monitoring of offenders

13. Does your national legal framework provide for:

**a. a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?
Please provide details.**

There is no legal framework, similar to a dedicated sex offenders register act, aiming at systematically monitoring individuals who have been convicted of child sexual abuse. Convicted sex offenders are registered in the general

criminal records. However, an employer is under a legal obligation to request to see an excerpt from the criminal records of a person seeking employment involving education or the care of children, i.e. if the person is to be employed in a position of trust, authority or influence.

b. sharing with other countries data concerning persons convicted of child sexual abuse? Please provide details.

Sweden can, at the request of law enforcement authorities in other countries, share information from the criminal records regarding all types of crime. This can be done either through ECRIS (European Criminal Records Information System) or through police channels, such as Interpol, Europol, liaison officers, etc.

Measures in respect of professionals and legal persons

14. Does your national legal framework:

a. allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child? Please provide details.

Depending on where the person in question is employed, there are different possibilities to take action if the person is suspected of sexually abusing a child.

The concept of immediate removal of a person from the workplace is not a concept that is exercised in Sweden. Thus, there is no legislation regulating such a possibility. However, there is a scope for quickly removing a person from the workplace and the employment under certain circumstances. In such cases the person in question can be dismissed from the workplace if she or he grossly neglects his or her duties towards the employer (see the provision in 18 § of the Employment Protection Act, EPA).

For the suspension of staff working with children in a municipality, the conditions for this are governed by collective agreements. The collective agreement also has a normative effect for employees who are not bound by

collective agreement. If an employee is suspected on probable grounds of more serious errors and negligence at work or offences that can lead to imprisonment, suspension may take place. The current collective agreement, called the Main Agreement, contains general terms and conditions of employment. Section 10 in this agreement regulates the conditions for suspension of an employee who is suspected on probable grounds of serious fault or negligence at work.

Regarding staff employed by a private employer, the rules in EPA are applied (collective agreements can also be relevant in this area). In the previous version of EPA, paragraph 34 stated that the employer was not allowed to suspend an employee. In connection with the EPA reform in 2022, this restriction has been removed. Thus, there is now nothing that states that an employer cannot suspend an employee.

b. ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care” settings are held liable? Please provide details.

Certain authorities and professionals are obliged to report to the social welfare committee if they become aware or suspect that a child is in harm's way. These include for example authorities whose activities affect children and young people, authorities within health and medical care, social services, and the police. It also includes professionally run private establishments whose duties affect children and young people who perform other such duties in the field of health care and social services (Chapter 14, Section 1 of the Social Services Act).

Voluntary organisations and their officials are generally not included in the obligation to report. Instead, the general recommendation to report to the social welfare committee if a child is in harm's way apply (Chapter 14, Section 1c in the Social Services Act). However, e.g. doctors and psychologists who are employed in such organisations, are obliged to report when they exercise their profession within the framework of the organisation. Voluntary organisations are also included in the obligation to report if they have an agreement with the municipality to carry out services under the Social Services Act or run an establishment that requires permit according to the Social Services Act.

Anyone who does not report, even though obliged to do so, may risk being held liable for official misconduct according to Chapter 20, Section 1 of the Swedish Criminal Code.

c. ensure that legal persons failing to protect children in their care from sexual abuse are held liable? Please provide details.

The Swedish legislation contains a general provision on corporate fines for legal persons. According to Chapter 36 Section 7 of the Swedish Criminal Code a corporate fine is imposed on a company for an offence, upon application by a public prosecutor, if a more severe penalty than a fixed fine is provided for the offence and the offence was committed in the exercise of business activities, public activities that can be equated with business activities or other activities conducted by a company if the offence was liable to lead to financial advantage for the company.

The imposition of a corporate fine on the company also requires that the company did not do what could reasonably be required to prevent the offence; or the offence was committed by a person with a leading position in the company based on a power of representation of the company or to take decisions on its behalf; or a person who otherwise had particular responsibility for supervision or control of the activities.

If an offence that can result in an action for a corporate fine was committed through negligence and cannot be assumed to result in any sanction other than a fine, a prosecution for the offence may only be brought by a prosecutor if this is called for in the public interest (Chapter 36, Section 10a of the Swedish Criminal Code).

A permit from the Health and Social Care Inspectorate (IVO) is required for private providers of residential care homes for children. IVO is also the regulatory authority and supervises the establishments. Residential care homes for children are inspected at least once a year by IVO. IVO may issue an injunction to come to terms with irregularities. The injunction may be combined with a fine. If the irregularities are particularly serious, that is, if there is risk for life, health or personal safety of individuals, IVO may revoke the permit immediately.

Special representatives

15. How does your national legal framework ensure that special representatives and guardians ad litem who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:

a. receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?

In a case where a custodian is the suspected of a crime against his or her child, or if the custodian has a close relationship with the person suspected of an offence against their child, a special representative for the child may be appointed. The special representative shall, instead of the custodian, protect the child's rights during the preliminary investigation and the trial.

The special representative is normally a lawyer and must meet certain requirements. According to the Act on Special representatives for children only those who, due to their knowledge and experience as well as personal characteristics, are particularly suitable for the assignment may be appointed.

b. avoid combining the functions of a lawyer and guardian ad litem in one person?

The special representative shall, instead of the custodian, protect the child's rights during the preliminary investigation and the trial and during measures relating to the enforcement of damages and the application on criminal injury compensation.

c. are provided free of charge for the child victim?

The special representative will be paid for by the state. Hence, it is free of charge for the child.

16. [For 22 Parties + Malta]

a. Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child? Please provide details.

See answers to question 15 above.

b. Is this person allowed to be present throughout the criminal proceedings? Please provide details.

The special representative for the child is present during the interview with the child in the preliminary investigation and during the court proceedings.

Support for child victims in investigative and judicial proceedings

17. In investigative and judicial proceedings how does your national legal framework ensure that:

a. protection measures are available to all children irrespective of their age? Please provide details.

The child is provided by the court with a counsel for an injured party to ensure the judicial and investigative proceedings. The social services are responsible of safeguarding the child.

That may mean that the child is placed in care outside the family home. If the child is above 15 years of age and neither he/she nor the guardians consent to the care, it may be carried out as compulsory care under the Care of Young Persons (Special Provisions) Act. The social services may then also decide to restrict rights of visitation and keep the location of the child secret.

b. specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child?

In cases when the perpetrator is a person with custody of a child the court provides the child with a special representative/legal guardian to ensure decisions for the best interest of the child during the investigation and judicial proceedings. Also, the social services are responsible for both safeguarding and make assessments for needs of treatment.

The social services are responsible for ensuring that a child who has been exposed to crime receive the support and help he/she need (Social Services Act Chapter 5, Section 11).

The social services have a special responsibility to cooperate with other relevant actors, such as health care, if a child is at harm's risk (Chapter 5, Section 1a of the Social Services Act). There are special requirements for cooperation when a child is or has been exposed to violence or other abuse or has witnessed violence or other abuse by or against relatives. The social services must then coordinate the efforts so that they do not counteract each other. If interventions are provided to several members of a family, all interventions must be coordinated. When coordinating, the need for security and safety of those who have been exposed to violence and the children who have witnessed violence must be taken into account.

c. a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children's psychological well-being?

The social services are responsible for ensuring that a child who has been exposed to crime receive the support and help he/she need (Social Services Act Chapter 5, Section 11). See also the answer to question 17b above.

18. Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences? Please provide details.

Sweden was not covered by the first monitoring round in 2015. However, the legal framework regarding children as victims has been strengthened.

In order to strengthen the protection of children who witness crimes within the family, a new graded offence, *violation of a child's integrity* and *gross violation of a child's integrity*, was introduced in July 2021. Violation of a child's integrity means that it is punishable to expose a child to witnessing certain criminal acts, such as violence and sexual offences in a domestic context (Children Who Witness Crimes, Govt. Bill 2020/21:170).

At the same time, the right to compensation for criminal damages for children who witness crimes, was strengthened. Furthermore, in order to strengthen the position of children in general, the mandate of the special representative of a child under the Act on Special Representatives for Children was extended to include measures relating to the enforcement of damages and the application on criminal injury compensation, in addition to the task to protect the best interest and right of the child during the pre-trial investigation and the court procedure (Children Who Witness Crimes, Govt. Bill 2020/21:170).

In addition, a government-appointed inquiry has recently submitted a proposal to introduce the possibility of appointing a special representative of a child in cases of non-contact orders, in order to strengthen the protection of children (A more effective non-contact orders legislation – increased protection for vulnerable people, SOU 2024:13).

Investigation

19. In the investigation phase:

a. are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory? Please provide details.

The Barnahus model is implemented (start in 2005 and forward) and available for a large population of children, but not all, in Sweden. There are no mandatory regulations on how to implement the Barnahus model. A national guideline with recommendations is complimented by local agreements.

However, the Inquiry report *A childhood free from violence – A national strategy to prevent and combat violence against children* (SOU 2022:70) was handed over to the Government in January 2023. One proposal out of many in the Inquiry report is to make Barnahus available for all children throughout the country. The proposals are now being prepared within the Government Offices of Sweden.

b. are all staff responsible for interviewing child victims required to undergo suitable qualifying training? Please provide details.

Staff responsible of interviewing child victims should have special competence, in accordance with the Preliminary Investigation Ordinance (1947:948). It is not an absolute requirement, but it is highly recommended, especially when interviewing children under the age of 15 years.

c. does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span? Please provide details.

According to the Prosecution Authority's legal guidance on interviewing children an interview with a child should be held as soon as possible and at the latest within 14 days of the report (RäV 2022:3). When the interview is organised, the staff consider circumstances such as age, attention span etc. Numbers of interviews are not limited, but the recommendations are not to conduct more interviews than absolutely necessary. The regulations are general, but the special training focus on adapting the interviews in order to meet the needs and abilities of children of all ages.

d. where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first? Please provide details.

Yes, this is essential (same person and setting) in the Barnahus model.

e. does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings? Please provide details.

The public defence counsel shall be given the opportunity to pose questions to the child during the interview, since the child will not be present during the court proceedings. All interviews with children are video recorded and later shown in court. A police officer conducts the interview and during the interview only the child and the police officer are present in the interviewing room. The public defence counsel may watch the interview from a room nearby and present questions to the child via the police officer.

Judicial proceedings

20. In the judicial proceedings:

a. is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings? Please provide details.

Interviews with children under the age of 15 during the preliminary investigation are usually recorded by video. Children under the age of 15 are not normally heard before the court. Instead, the recorded interviews from the preliminary investigation are displayed during the main hearing.

Children who are over 15 years old should, as a main rule, be heard before the court.

It is possible to give evidence by video-link if there are reasons to do so. When deciding if the witness or victim should participate by video-link in the proceedings, the court shall take into account if a witness or victim is afraid to be present in the court room.

b. does your national legal framework make an exception in the requirement to be physically present at court hearings for child

**victims of sexual abuse, including when they are giving evidence?
Please provide details.**

See answer to question 20a above.

c. is there any difference in the scope of the application of this requirement based on the child's age? Please provide details.

See answer to question 20a above. A child under the age of 15 is normally not present in the court hearing.

d. are video recordings of interviews of child victims regarded as admissible evidence? Please provide details.

Yes, see answer to question 20a above.

e. what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the criminal proceedings?

The child may be placed in out-of-home care for protection. If the child is above 15 years of age and neither he/she nor the guardians' consent to the care, it may carry out as compulsory care under the Care of Young Persons (Special Provisions) Act. If needed, the social services also can decide to restrict rights of visitation and keep the location of the child secret.

f. does your national legal framework allow taking the child's testimony without the presumed offender being present? Please provide details.

The public defence counsel is usually present during the interview with the child when his or her client is reasonably suspected of the offence. This means that it is not certain that a public defence counsel will be present during the first interview with the child, since there is often no person reasonably suspected of the offence at that time.

The public defence counsel shall be given the opportunity to pose questions to the child during the interview, since the child will not be present during the court proceedings. As mentioned above, all interviews with children are video recorded and later shown in court. A police officer conducts the interview and during the interview only the child and the police officer are present in the interviewing room. The public defence counsel may watch the interview from a room nearby and present questions to the child via the police officer.

If the child is over the age of 15 years and present in the court room the main judge may decide that the suspected offender may not be present in the court room during a testimony, for example if the victim is afraid. The offender may instead listen to the testimony from another room.

g. how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?

See answer to question 20f above.

h. what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?

Secrecy normally applies in court to information about an individual's personal information, in a case of liability for sexual offence for example.

i. does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults? Please provide details.

See answer to question 15 above, about special representative for the child. In addition, the court can, from the point when a preliminary investigation has been initiated, appoint a counsel for an injured party to assist a crime victim. If the investigation concerns a sexual offence such counsel is appointed if it is not obvious that the victim has no need for such assistance. A counsel for an injured party receives payment from the State. If the

accused person is sentenced, he or she may have to repay the costs to the State. The council is free of charge for the injured party.

j. does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters? Please provide details.

A counsel for an injured party has to be a lawyer (i.e. have a law degree). Furthermore, only a lawyer who, due to his or her knowledge and experience or otherwise is particularly suitable for the assignment, may be appointed as a counsel for an injured party.

k. what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?

The social services are responsible for ensuring that a child who has been exposed to crime receive the support and help he/she need (Social Services Act Chapter 5, Section 11).