



Ministry of Culture

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**Reply to the questionnaire concerning the EU
Recommendation on enhancing the protection of minors
and human dignity (Council Recommendation 98/560/EC)**

Internet

1. Yes. With approximately 600 member companies, the Association of the Swedish IT and Telecom Industry (*IT-företagen*) is the largest such association (see www.itforetagen.se).

In addition, the Swedish Internet Operators' Forum (*Svensk Internet Operatörs Forum – SOF*) is a cooperation body for Internet service providers in Sweden. Since 1999, SOF has been an ISOC-SE working group. Additional information can be obtained at <http://sof.isoc-se.a.se/>. The Swedish chapter of ISOC can be found at www.isoc-se.a.se.

2. Yes. However, the industry code of conduct, which is available on the website of the Association of the Swedish IT and Telecom Industry, mainly covers good business practice. As far as the protection of minors is concerned, the Association of the Swedish IT and Telecom Industry, along with various other trade associations, is involved in the ongoing SAFT (Safety, Awareness, Facts and Tools) project funded under the Internet Action Plan. The project seeks to promote safer use of the Internet among children and young people, and Sweden, as one of five participating countries, is represented by the Council on Media Violence (*Våldsskildringsrådet*), a government body. The Association of the Swedish IT and Telecom Industry is responsible for the Swedish part of the project, which principally involves the development of a "Safe Use Guide". The Guide, which is expected to be ready by September, will be distributed via all Internet service providers and published on the SAFT website.

3. Internet service providers are not required to consult with public authorities or consumers when drawing up or amending their codes of conduct. As for the involvement of the Association of the Swedish IT and Telecom Industry and other trade associations in the SAFT project, the industry is cooperating with the Council on Media Violence, the Swedish partner in the SAFT project, and with the SAFT project network, which is composed of representatives of various public authorities and organisations.

4. The Act (1998:112) on Responsibility for Electronic Bulletin Boards applies specifically to this area. The Act defines an electronic bulletin board system (BBS) as a service for the electronic provision of messages in the form of text, pictures, sound or other information. According to the Act, the provider of an electronic bulletin board on the Internet has a certain responsibility for its content, including an obligation to remove or otherwise prevent the further spread of messages whose content is obviously of the kind referred to in the Penal Code's provisions on, for example, child pornography crime and the unlawful depiction of violence. A person who, intentionally or negligently, fails to do so may be fined or jailed for up to six months or, where the infringement is serious, jailed for up to two years.

5. As indicated in the previous answer, the Internet service provider is responsible for monitoring the content of electronic bulletin boards (BBS) to an extent that is reasonable. The law contains no such requirements with regard to general Internet content, such as the content of home pages on the World Wide Web. However, suspected illegal content is often reported by Internet service providers on their own initiative (see answer to question 6).

6. In 1999, Save the Children Sweden established a hotline for reporting child pornography on the Internet, which the general public can use to report suspected illegal content regardless of its location on the Internet. The Save the Children Sweden Hotline is the best established service of its kind in Sweden. Its work is 50% funded under the EU Internet Action Plan. Of the over 17 000 tip-offs received, the vast majority concern child pornography and/or other illegal content. Wherever a tip-off is confirmed, the case is passed on to the National Criminal Investigation Department along with any complementary information. The Save the Children Sweden Hotline also has contact with both Swedish Internet service providers and international content businesses, and a reference group, which meets every three months, has been set up with a view to evaluating and expanding this activity. The Save the Children Sweden Hotline is now also linked to the European INHOPE network. Additional information is available at the website of the Save the Children Sweden Hotline (www.rb.se/hotline).

The websites of the largest Swedish Internet service providers – TeliaSonera AB and Tele 2 AB – contain detailed advice and information on how to report suspected illegal material etc. The companies have their own so-called abuse departments, and the websites also contain links to both the police and the Save the Children Sweden Hotline. Additional information is available at www.telia.se and www.tele2.se.

7. In 2000, the National Criminal Investigation Department's Special Issues Squad (which has responsibility for child pornography crime) estimated that over 90% of the pages on the World Wide Web which cause problems are placed on servers based outside Europe, mainly in the United States, but also in Russia and Asia. The National Criminal Investigation Department's IT Crime Squad (which has responsibility for other IT crime) confirmed the estimate that over 90% of problematic content – which within this unit's

area of responsibility essentially means content of a racist nature – is placed on servers based outside Europe and mainly in the United States. The Save the Children Sweden Hotline shares this view and believes that the increase particularly in child pornographic material witnessed in recent years appears to be generated by countries of the former eastern bloc, even though the material is often distributed via servers based in, for example, the United States. The Save the Children Sweden Hotline also believes that new techniques, mainly so-called file-sharing programs, have contributed to increased distribution which is difficult to trace.

8. The website of Save the Children Sweden Hotline (www.rb.se/hotline) contains detailed information on the hotline's activities, on how its work is carried out and on how the general public can report suspect material. It also contains an invitation to link to the site. According to the information on the website, between the launch of the hotline in 2000 and April 2003, more than 17 500 e-mails were handled via the website. Innumerable telephone calls, faxes and letters were also received.

9. In view of the scope and continuing rapid expansion of the Internet, unfortunately we are not able to assess how large a proportion of accessible illegal content is discovered and subsequently removed. However, according to the Save the Children Sweden Hotline, the exposure of various "rings" tends to coincide with a fall, although possibly random, in traffic. A significant problem is that content which is reported to the police, nationally or internationally, and subsequently removed from one part of the Internet, tends to reappear somewhere else.

10. No, not to our knowledge.

11. No.

12. The voluntary organisation ECPAT Sweden, the Knowledge Foundation (*Stiftelsen för kunskaps- och kompetensutveckling*) and the National Agency for Education (*Skolverket*) have conducted a joint information campaign entitled "InternetAction" in schools across the country with the aim of raising the awareness of children and young people of the risks associated with use of the Internet. Additional information is available at www.ecpatsweden.org.

The National Education Agency (www.skolverket.se) has published reference material entitled "The Internet for better or worse". This publication discusses the problems which may result from Internet use in schools. A copy of the book has been distributed to all primary schools, secondary schools and adult education establishments.

The period 1999-2002 saw heavy national investment in IT in schools (ITiS). The total cost of ITiS reached 1.630 billion Swedish kronor. The aim was to equip pupils and teachers to make use of the new information and communication technologies as an integrated tool and learning aid. As part of ITiS, at least 70 000 teachers, representing over 50% of the Swedish teaching profession, were given the opportunity to improve their IT teaching

skills through ITiS skills development programmes. All local councils have been offered government funding to improve the access of schools to the Internet and to create e-mail addresses for all teachers and pupils.

Since 1 March 2003, the Agency for School Improvement (*Myndigheten för skolutveckling* - www.skolutveckling.se) has had overall national responsibility for further initiatives and the development of the use of IT in schools. The Agency is also charged with collecting, developing and disseminating experiences from, *inter alia*, ITiS. As part of its task to promote the use of IT in schools, the Agency is responsible for the Swedish Schoolnet (*Skoldatanätet*), an Internet Guide for Teachers, and the National Resource Centre for Educational Media (*Multimediabyrån*). The Schoolnet contains a theme site entitled "Check the Source!", an aid to teachers' and pupils' use of IT with a focus on source evaluation and the ethical use of various media. It also provides links and information on numerous organisations and projects dedicated to children and Internet safety. The Agency for School Improvement works with many of these organisations, including ECPAT.

The government Council on Media Violence is a partner in the SAFT project (previously mentioned under questions 2 and 3), an information and training project promoting safer use of the Internet among children and young people. Seven partners from five countries are taking part in the project, which is funded under the Internet Action Plan. Additional information is available at the SAFT project's international website (www.saftonline.org).

13. No, we have had no such indications. Internet use is very high in Sweden. According to Statistics Sweden (*Statistiska Centralbyrån*), 97% of young people aged 16-24 use the Internet. According to the National Post and Telecom Agency (*Post- och Telestyrelsen*), 66% of households have Internet access.

14. There is a growing need for cross-border dialogue and exchanges of experience in the international media environment. It is therefore important to continue current work, including within the EU, on exchanging experience and developing knowledge in this area. Sweden's participation in the SAFT project, which is funded under the Internet Action Plan and in which the Council on Media Violence is a partner, provides an example of international cooperation in this area (see also the answers to questions 2, 3 and 12).

15. Mobile telephone transmissions are not exempt from the provisions of the Fundamental Law on Freedom of Expression or other criminal law provisions. The relevant Swedish legislation on illegal content should therefore, in principle, be applicable to mobile telephone transmissions. However, to our knowledge the question has yet to be tested before the courts.

16. In some circumstances, chat-group services are covered by fundamental law. This is the case where the group master decides what material to make

available to the users. The group master must also be a traditional mass media business or the owner of a periodical publication, or must have successfully applied for voluntary cover by fundamental law. Such cover implies that responsibility can only be invoked for offences relating to freedom of expression within the meaning of the Fundamental Law on Freedom of Expression. Where there is no fundamental law cover, ordinary criminal law applies.

A few owners of web portals have increased their monitoring of, *inter alia*, chat-groups on their own initiative.

17. The autumn 2000 review of the national primary school curriculum stressed the responsibility of schools for giving pupils in-depth knowledge of film and the media. The curriculum emphasises the importance of being able to sift through the information flow and process selected information. The curriculum also covers the role of the media and our relationship with them. A wide concept of “text” has been introduced, according to which a text need not always be read to be experienced with the eye and the ear in various ways.

As part of its investment in *Culture in school*, the Ministry of Education has granted the Swedish Film Institute two million kronor towards a project aimed at developing work with and increasing knowledge about film and media in schools. In cooperation with the National Agency for Education, the Swedish Film Institute has been engaged in development work aimed at improving film and media skills in schools. With a view to further deepening the work on school cinema, film education and media in teaching, some joint projects involving teacher-training establishments have also been implemented.

A training package on safe Internet use is due to be produced within the framework of the aforementioned SAFT project (see answers to questions 2, 3, 12 and 14). It will contain advice and practical exercises on Internet use and will be aimed at teachers and pupils in schools and children and parents in the home.

See also the answer to question 12.

18. The press has its own code of conduct covering, *inter alia*, issues related to the right of reply. Anyone who considers himself offended or otherwise unfairly treated in a newspaper may lodge a complaint with the Press Ombudsman (*Allmänhetens Pressombudsman*), who may seek to bring about a factual correction or a reply. Publications on the Internet too may, in certain circumstances, be reported to the Press Ombudsman. Additional information is available at the Press Ombudsman’s website (www.po.se).

Broadcasting

19. No, there is no industry-wide system of self-regulation of radio and television broadcasting. The Radio and Television Act contains provisions

on special consideration of the interests of children when broadcasting violence and pornography and on advertising aimed at children. The license conditions for terrestrial broadcasting companies list more detailed conditions with regard to considerations related to the special impact of this medium. Compliance with the rules is monitored by the public Swedish Broadcasting Commission (*Granskningsnämnden för radio och TV*) - (www.grn.se).

A number of initiatives have been taken by individual television companies. The channels TV3 and Kanal 5, which are based in the United Kingdom but whose broadcasts are aimed at the general Swedish public, give their own age recommendations before broadcasting feature films. The age recommendations are listed on the respective websites of the channels (www.tv3.se and www.kanal5.se).

The two subscription-based film channels Canal Plus and TV1000 also give their own age recommendations prior to broadcasting films. The films are divided into different categories represented by symbols in the channels' programme listings and on their websites (www.canalplus.se and www.tv1000.se). The symbols are also displayed on-screen prior to broadcast, in combination with a voice-off.

20. See the answer to question 19.

21. The Radio and Television Act prohibits the broadcasting of television programmes which contain detailed depictions of violence of a realistic nature or pornographic pictures in a manner and at a time when there is a significant risk that children may be watching. Following a tightening of the law in 1999, brought about by an amendment to the EC Television Directive, such programmes must also be accompanied by acoustic and on-screen warnings. Sweden opted to go further than the Television Directive by extending this requirement to coded broadcasts, i.e. pay-TV.

Compliance with the warning requirement is monitored by the Broadcasting Commission. The rule appears to be effective. There have only been isolated instances of failure to comply.

22. Digital terrestrial television offers the possibility of using parental control technology to block certain programmes. Subscribers have been informed of this.

Both on its website and in the manual to its digital receiver box, Canal Plus encourages its subscribers to use the parental control function built into the box. The function allows for advance encoding of unwanted content. However, the function is only available to viewers with digital receivers.

23. See the answer to question 17.

Computer and television games (the term "video game" is not used in Sweden)

24. The following can be said about the existing legislation on the distribution of computer and television games to children and young people.

On 1 January 1999, the term "technical recordings", which includes computer and television games, was introduced into the Fundamental Law on Freedom of Expression. As a result, games must have a publisher and every single copy must carry the publisher's name.

The provisions in Chapter 5 of the Fundamental Law on Freedom of Expression on restrictions of the freedom of expression may also, in conjunction with Chapter 16, Section 10(b) of the Penal Code, be applied to computer and television games. A person who, by means of still pictures, depicts sexual violence or coercion or who, by means of moving pictures, depicts serious violence against humans or animals in an intrusive and detailed fashion with the intention of distributing these depictions, or a person who actually distributes such depictions, may be convicted of *unlawful depictions of violence*. This crime is punishable by a fine or up to two years' imprisonment.

It is also a crime to distribute to persons under the age of 15 films, videograms or any other technical recordings with moving pictures (e.g. computer games) which contain detailed and realistic depictions of violence or threats of violence against humans or animals. The crime is described as *unlawful distribution of technical recordings* and is defined in Chapter 16, Section 10(c) of the Penal Code. It is punishable by a fine or up to six months' imprisonment. Gross negligence is enough to invoke criminal responsibility.

According to Chapter 16, Section 12 of the Penal Code, a person who distributes to children or young people a technical recording (such as a computer game) whose content may have a brutalising effect or otherwise seriously jeopardise the moral upbringing of young people may be convicted of *corruption of young people*, a crime punishable by a fine or up to six months' imprisonment. The provision covers distribution deliberately targeted at children and young people, for example near a school or another meeting place for young people.

25. Via the trade association MDTS (Multimedia, Computer and Television Games), the computer and television game industry in Sweden has signed up to the ISFE's PEGI (Pan European Game Information) age-rating system. As of 1 July 2003, all new games in Sweden must have the new marking. Additional information is available at MDTS's website (www.mdts.se).

26. Given that the PEGI system is brand-new (see the answer to question 25), it is too soon to draw any conclusions regarding its effectiveness in Sweden. The existing legislation described in the answer to question 24 has not been evaluated.

27. According to the PEGI website (www.pegi.info), the PEGI system will also cover online games. Within the framework of Swedish legislation, online games would be subject to the same provisions as other Internet content (see the answers to questions 4 and 16). However, as far as we know, the question has yet to be tested before the courts.

Other content delivery systems

28. No.

General

29. In Sweden, the responsibility for implementing the EU Recommendation rests with the public Council on Media Violence. In June 2003, the Council's mission was redefined, making it more active and externally oriented. Its activities aim to reduce the risks to children and young people of harmful media exposure. Its mission with regard to the Recommendation has also been given a more active twist. Through constructive and ongoing contacts, the Council must push on the media industry's self-regulatory work to protect children and young people from harmful media exposure. This redefined mission has also given greater weight to cooperation with other parties, such as local councils, schools, community organisations, societal interest groups, public authorities, researchers and trade associations.

The Council on Media Violence is the Swedish partner in the SAFT project (see also the answers to questions 2, 3, 12, 14 and 17), an information and training project promoting safer use of the Internet among children and young people. The project is funded under the Internet Action Plan. As part of the SAFT project, the Council has built up a network of a variety of public authorities and organisations which meet regularly to exchange experiences.

30. On 30 April 2003, a government review on freedom of the press and freedom of expression was launched. The review has been urged to ensure that technology is not seen as an essential factor in establishing whether the media are covered by fundamental law. It has thus been instructed to consider whether, in view of developments in technology and the media, technology-based regulation by fundamental law of the freedom of expression in the media is a sustainable form of regulation.

31. The public Council on Media Violence (see answer to question 29) takes up issues relating to and disseminates information on the effect of harmful media content on children and young people. The Council has published a number of documents on a variety of issues.

Since 1997, the UNESCO International Clearinghouse on Children, Youth and Media has been based at Nordicom (Nordic Information Centre for Media and Communication Research), University of Göteborg, Sweden. Its work is based on the UN Convention on the Rights of the Child and aims to

increase knowledge about children, young people and media. Additional information is available at Nordicom's website (www.nordicom.gu.se).

32. See the respective websites of Nordicom (www.nordicom.gu.se) and the Council on Media Violence (www.sou.gov.se/valdsskildring).

33. In our reply to this questionnaire, we have tried to share all the information available to us. However, given that it is in the very nature of the self-regulatory approach that the State does not have a full insight into the industry's work, there may be self-regulatory initiatives of which we are not aware.