

Re: Response to open letter on measures to combat violent pornography

I would like to respond to some of the comments and assertions made in an open letter to me on 28th February 2013 as part of the international debate over a policy process initiated by the Icelandic government to stem the spread and societal impact of violent pornography.

The background is the following: Since autumn 2010, the Ministry of the Interior has led an open and on-going discussion on the way sexual crimes are treated. Representatives from the legal system, police, grassroot movements and academia have been taking part in this discussion. During this process, it has been repeatedly pointed out that the spread of violent pornography has risen sharply in Iceland and that the influence of violent pornography has been discerned in sexual crimes. Furthermore, pornography has a direct impact on young people's attitudes towards sex and sexual freedom.

Because of these concerns, the Icelandic Ministry of the Interior, the Ministry of Education, Science, and Culture, and the Ministry of Welfare started a consultation process on pornography in the autumn of 2012, focusing on pornography from legal, health, and social perspectives. Experts from the healthcare sector, the educational system, and the legal system were consulted, together with representatives from NGOs and the academic community. The aim of the consultation was to initiate a discussion on what the government's role should be with respect to pornography, as regards its distribution and its societal impact. As part of this process, an open conference on pornography was held jointly by the three ministries and the Faculty of Law at the University of Iceland in October 2012.

The principal results of the consultation were as follows:

- The spread of pornography has not only increased steadily but is also becoming ever more offensive. The material that is distributed most widely features violence and degrading treatment, particularly towards women, and, in some instances, it constitutes outright torture. Manufacturers of pornography make every effort to find new ways to link degradation, violence, and sex. Their aim is to attract young people and retain them consumers for as long as possible.
- In many instances, pornography is the main source of "sex education" available to children, and they can access it on the Internet in 20-30 seconds. The average age, at which children are first exposed to pornography, is 11-12 years, and many of them come across it without searching for it on the internet.
- Research into the detrimental effects of pornography in Iceland is limited, but indications are that watching violent pornography can have harmful effects on children. In some instances, children – primarily boys – perform sexual acts they watch on younger children. The number of such cases referred to the Children's House in Iceland has risen. Some children, who have seen pornography, show symptoms comparable to those displayed by children who are victims of sexual violence. Furthermore, young people's first sexual experiences – and their sex lives in general – are often influenced by violent pornography.
- Policies in this area must be aimed at protecting children from the damaging effects of pornography, including protecting them from seeing pornography unwillingly or without having attained the age or maturity to choose for themselves. It is also necessary to try to

prevent pornography from being the first – and perhaps the primary – form of “sex education” available to children. Policies must also take into account the potentially harmful effects of pornography on adult consumers and those who work in the porn industry.

The results from the consultation were analysed and presented as recommendations to the three ministries, with the objective of developing a comprehensive government policy to deal with the spread of pornography and its impact, mainly on children. Among other things, it is recommended that an education plan, with emphasis on pre-emptive measures, be developed to address pornography, its spread throughout society, and its effects on sexual health. We have already intervened in the public debate over the issue, among other things by producing a short film on the boundaries between sex and violence, which has been shown to teenagers in all 10th-grade classes and in the vast majority of upper secondary schools. Because the open letter contains recommendations to the Icelandic government on education and training, I consider it important to point this out, as prevention and education are, indeed, important aspects of the current policy process.

The recommendations submitted to the Ministry of the Interior concentrate on the legal framework. According to the Icelandic Penal Code, all distribution and printed publication of pornography is punishable. Nonetheless, relatively few such cases have been referred to the courts in recent years, even though pornography is widely distributed. The Icelandic Penal Code contains no definition of the term “pornography;” therefore, I have tasked the Criminal Law Committee with preparing a legislative bill designed to amend the General Penal Code so as to clarify and narrow the definition of pornography with references to violence and degradation. It is recommended, in particular, that the Norwegian penal code and its definition of pornography be consulted. Furthermore, a committee has been appointed, with representatives from the Ministry of the Interior, the police, and the Director of Public Prosecutions, in close cooperation with the Post and Telecom Administration and telecommunications companies. Its role is to map out possible responses to online distribution of pornography and recommend changes, with emphasis on the importance of keeping offensive content away from children.

This last element in the Icelandic government’s comprehensive approach has attracted some attention internationally and appears to be the reason for the open letter to which I am now responding.

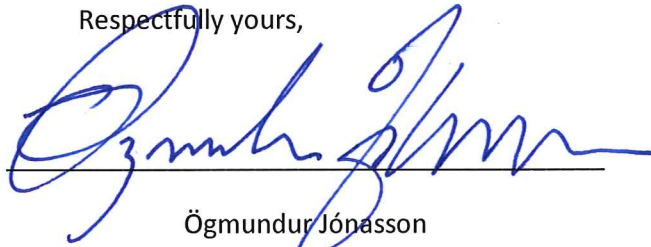
The task force that has been appointed is examining the legal and technical possibilities of enforcing the current law prohibiting distribution of pornography. When the mapping process has been completed, an open debate over the next steps can continue. However, I have declared my willingness to consider systematic measures to combat the porn industry’s unrestricted distribution of sexual violence in Iceland, with the aim of protecting the most vulnerable members of society: children. This discussion will not be silenced by statements that these matters must not be discussed in a democratic society, because authoritarian governments could use this to justify human rights violations and abuses. Such arguments do not bring us any further in addressing the important topics under discussion here.

I encourage people, who are concerned about human rights, to examine all sides of this question and refrain from deifying the technology – the internet – used to distribute pornographic violence. The

Internet does not show “the world as it is” any more than any other medium does. What it can do is provide us with information about the world more swiftly than is possible on a personal level. But technology can also be used to achieve destructive and violent ends in the service of commercial exploitation, which characterises the porn industry. This has nothing to do with freedom of speech or sharing of information. Rejecting the idea that the porn industry should have unlimited access to children and young people to shape and control their ideas about sex, sexuality, and human interactions is not the equivalent of censoring the Internet, as can be inferred from the letter sent to me.

Having said that, I also emphasise strongly that any measures taken to address the distribution of violent pornography on the Internet must be transparent and consistent with the principles prevailing in a democracy governed by the rule of law. Furthermore, any such decisions will only be taken following democratic debate over its merits. In my opinion, a responsible government that wants to protect children’s welfare and reject sexual violence cannot stand idly by when experts warn about the effects of violent pornography. I encourage other countries and international human rights organisations to participate in this discussion. With a coordinated effort, we can make a difference. We can – and should – place restrictions on violence while joining hands in support of a free and open democratic society.

Respectfully yours,

A handwritten signature in blue ink, appearing to read 'Ögmundur Jónasson', written over a horizontal line.

Ögmundur Jónasson
Minister of the Interior