

CHANGES, EXPERIENCES AND CHALLENGES IN FINLAND AFTER THE YEAR 2001

THE CURRENT PREVIEWING LEGISLATION

The new Act on the Classification of Audiovisual Programmes entered into force in Finland on 1 January 2001. In accordance with the provision on the freedom of speech of the Finnish Constitution, the Act terminated the previewing, i.e., advance censorship, of audiovisual programmes meant for adults (over 18 years of age).

With regard to its nature, the new Act is meant to protect children. The main task of the Finnish Board of Film Classification is to protect persons who have not attained the age of 18 from possible harmful effects of audiovisual programmes. This is effected by setting age limits and by notifying of the basis for the age limits.

The other task of the Board of Film Classification is *legality control*. This is effected by the duty to notify of unclassified audiovisual programmes. All audiovisual programmes - films, videos, DVDs - to be publicly exhibited and distributed in Finland shall be either classified in advance or notified to the Finnish Board of Film Classification. Also programmes meant for adults which are not submitted for classification shall be notified and registered. They will thus automatically receive the K 18 marking and be exhibited or distributed only to adults.

The current age categories are: for all ages, 7, 11, 15 and 18 years. The PG option may also be applied: a person at most two years younger than the age determined may attend when accompanied by an adult. Only the 18 category is absolute.

FUNCTIONALITY OF THE NEW ACT?

During the year 2002, i.e., c. 1.5 years after the entry into force of the new Act, the Finnish Board of Film Classification examined the position of the movie, video and game industries and the general public on the Act. The Finnish Board of Film Classification

made a small-scale survey within the business sector and had a study carried out by Statistics Finland on the knowledge of the public of the Classification Act and its provisions as well as on its attitude towards the Act. The results of the surveys were used when the Finnish Board of Film Classification together with the legislators of the Ministry of Education prepared an evaluation of the functionality and effects of the new Act for Parliament.

On the basis of the survey directed at the business sector, most of the operators consider the Act necessary. It is understandable that most of the criticism came from the porn business, the distribution operations of which became legal but which also faced tight obligations. The movie

companies were hoping for an additional age category, the age category 13. Most movies are nowadays placed in category 15 and the companies assume that if the age category 13 existed, the age limits could generally be lowered.

On the basis of the survey among the general public, over two-thirds of the respondents considered the current classification practice good. The study, however, revealed that the new Act and classification practice were poorly known. For example, more than half of the respondents thought that the age categories of movies and videos are only recommendations although they are binding.

A reason for the confusion may have been that video and computer games have only age-category recommendations. Games actually became subject to regulation for the first time with the new Act. The self regulation of the field supervised by the Board is mostly applied to them. The pan-European self-regulatory system PEGI was introduced in Finland in spring.

LEGALITY CONTROL

The wide-ranging duty to notify provides an opportunity to supervise all distribution of audiovisual programmes and to prevent the entry into markets of audiovisual programmes in violation of the Penal Code. First and foremost, this applies to pornography involving children or containing violence but also to racist propaganda and the distribution of cruel, mostly genuine, violence as entertainment. In accordance with the Act, the Finnish Board of Film Classification may order an audiovisual programme to be classified if it assumes that the programme contains illegal material. The electronic registration programme of pornographic videos used by the Board will stop suspicious programmes on the basis of certain word codes. Each notification shall also be attached with the cover of the video, which will help in making the legality assessment.

In 2001 and 2002, the Finnish Board of Film Classification registered a total of some 50,000 new pornographic titles to the Finnish markets. Other films or videos notified directly to 18 Category, mostly horror and action films with a violent content, totalled c. 200. Of the pornographic videos, c. 400 were requested to be viewed and approximately half of them were assessed to be in violation of the Penal Code. Almost all of them contained violent pornography. A warning regarding the distribution of the videos has been sent to the distributors and the Police was informed thereof simultaneously. The final prohibition of distribution may, however, only be issued by a court.

The aim is to prevent the distribution of illegal material both in advance and through retroactive control. The Board issues statements to the Police on programmes confiscated by the Police that are suspected to be illegal and the Police attends to retroactive control within the scope of their resources. In 2002, the Board issued a statement on 112 cassettes containing racist propaganda

and genuine violence and prepared, together with the Police, a control hit to porn shops in the metropolitan area.

UNDER PREPARATION

In the fall of 2003, the Finnish Board of Film Classification shall implement extensive information campaigns. Information will be given on the age categories of films and videos and their grounds as well as also on the pan-European classification system of games, PEGI, introduced in spring. The Board of Film Classification shall implement the campaigns in co-operation with the business sector, the child-welfare organisations and the Boards of Education. Schools shall be the primary target group.

The Board shall also intensify its co-operation with the Police in order to improve retroactive control. During the fall, a national control project will be implemented in co-operation with the Police Department of the Ministry of the Interior. The aim of the project is primarily to collect data on the compliance with the Act of porn shops, movie theatres as well as rental video stores and shops selling computer and video games.

It is likely that a proposal be made to Parliament to the effect that the PG option, applied in movie theatres, be extended from two to three years. Thus there would not be any in-between categories. The movie business is more interested in adding the 13 age category to the Act, wherefore the amendments are likely to be discussed lively in Parliament.

Parliament has itself been active. Its Committee for the Future has suggested that all the distribution channels of audiovisual programmes be treated equally. This would mean that television programmes, or at least films and TV series be made subject to advance classification. At present, the TV operates entirely subject to self regulation. The Government appointed in spring has also included in its programme the drawing up of an action plan against entertainment with a violent content harmful to children. We can expect both small mitigations and tightenings in the regulation of audiovisual programmes in Finland.

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