

Legal questionnaire completed by Magnusson Law Advokatbyrå AB • September 2025

This document contains responses from the law firm listed above to a questionnaire distributed by NCMEC (questions are in **bold text**). Responses to the questionnaire may be limited to officially enacted legislation; it is possible that actual practice or enforcement of the law varies, and relevant court rulings or case law may also differ from legislative text. Responses have been reformatted and may have been slightly edited for clarity. Furthermore, responses may include commentary, paraphrasing, and unofficial translations of source material (e.g., national legislation) originally produced in other languages. Only official source documents in official languages should be relied upon as legally binding. This document serves to inform further research and does not constitute legal advice from NCMEC or the listed law firm.

Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?

Yes

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

There is no general legal definition of the term “child” according to Swedish law. Instead, the term usually has a special definition in relevant acts. For example, the term usually refers to a person under the age of 18 (chapter 3 section 1 of the Swedish Social Services Act (2025:400) and chapter 1 section 2 of the Swedish Aliens Act (2005:716)). This definition of “child” is also consistent with the definition according to the United Nation’s Convention on the Rights of the Child (article 1), which has been incorporated as a Swedish law (2018:1197).

As more relevant to the current context, in relation to the child pornography offense, a “child” is a person whose pubertal development is not complete or who is under the age of 18 (chapter 16 section 10a of the Swedish Criminal Code).

As for the term “minor”, it is defined as a person under the age of 18 (The Swedish Children and Parents Code (1949:381) chapter 9 section 1) but this is primarily for the purposes of their capacity to own or dispose of properties.

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)
- [The Swedish Social Services Act \(2001:453\) - Swedish](#) (Only available in Swedish)
- [The Swedish Aliens Act \(2005:716\) - English](#)
- [The Swedish Children and Parents Code \(1949:381\) – Swedish](#) (Only available in Swedish)

b. child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)



The term “child sexual exploitation” is not itself defined under the Swedish Criminal Code. However, there are various child-related sexual exploitation offenses. We have included examples of such offenses below:

- *Sexual exploitation of a child (chapter 6 section 5)*
This is an offence where the sexual act constitutes “rape of a child” (see item (c) below) but in the view of the circumstances associated with the offence, is considered less serious.
- *Exploitation of a child for sexual posing (chapter 6 section 8)*
This crime is defined as promotion or exploitation of the performance or participation in sexual posing by a child under 15 years of age. The crime can also consist of placing, or exploitation of the fact that some other person has placed the child, in a situation that involves sexual posing. The mentioned crime can be directed at a child who has attained 15 but not 18 years of age if the posing is liable to damage the child’s health or development.
- *Exploitation of a child through the purchase of a sexual act (chapter 6 section 9)*
Such a crime is conducted when a person induces a child under the age of 18 to undertake or submit to a sexual act in return for payment, regardless of whether the payment was promised or made by the person in question or someone else.
- *Sexual molestation of a child (chapter 6 section 10)*
This refers to an act of sexually touching a child under 15 years of age or inducing the child to undertake or participate in an act with sexual implications. The offence can also be committed though someone exposing themselves to a child under the age of 15 in a manner that is liable to cause discomfort or otherwise molests the child by word or deed in a way that is liable to violate the child’s sexual integrity.
- *Contact with a child for sexual purposes (chapter 6 section 10a)*
This offence is committed where a person, with the aim of committing an act against a child under 15 that would constitute the relevant offence (e.g. any of the above offences), proposes or agrees to meet the child.

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)

The term “sexually explicit conduct” does not have a legal definition and is not expressly used in Swedish law. However, we have stated below a number of crimes according to the Swedish Criminal Code that might be relevant to this term.

- *Rape of a child (chapter 6 section 4)*
This crime is defined as the act of performing vaginal, anal or oral intercourse, or another sexual act that in the view of the seriousness of the violation is comparable to sexual intercourse, with a child under the age of 15. The crime can also be committed



by inducing the child to undertake or submit to such an act, by improper means.

Furthermore, rape of a child can consist of the performance of such acts with a child who has attained 15 but not 18 years of age and is either 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. Rape of a child can also be committed towards a child over 15 but under 18 years of age if the perpetrator, by improper means, exploits the child's mental illness, disability, addiction, the perpetrator's authority or otherwise reduced ability to protect its sexual integrity.

- *Sexual assault of a child (chapter 6 section 6)*
This refers to when someone performs a sexual act with a child under 15 years of age. The same applies to a person who, by improper means, induces the child to undertake or submit to such an act.

Sexual assault includes the situation of someone performing a sexual act with a child who has attained 15 but not 18 years of age and is either 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. It can also include the situation that the perpetrator, by improper means, exploits the child's mental illness, disability, addiction, the perpetrator's authority or otherwise reduced ability to protect its sexual integrity.

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)

d. child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)

There is no legal definition of "child sexual abuse" in Swedish law. Nevertheless, the Swedish Criminal Code criminalizes different kinds of child sexual abuse.

- *Rape of a child (chapter 6 section 4)*
This crime is defined as the act of performing vaginal, anal or oral intercourse, or another sexual act that in the view of the seriousness of the violation is comparable to sexual intercourse, with a child under the age of 15. The crime can also be committed by inducing the child to undertake or submit to such an act, by improper means.

Furthermore, rape of a child can consist of the performance of such acts with a child who has attained 15 but not 18 years of age and is either 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. Rape of a child can also be committed towards a child over 15 but under 18 years of age if the perpetrator, by improper means, exploits the child's mental illness, disability, addiction, the perpetrator's authority or otherwise reduced ability to protect its sexual integrity.

- *Sexual assault of a child (chapter 6 section 6)*



This refers to when someone performs a sexual act with a child under 15 years of age. The same applies to a person who, by improper means, induces the child to undertake or submit to such an act.

Sexual assault includes the situation of someone performing a sexual act with a child who has attained 15 but not 18 years of age and is either 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. It can also include the situation that the perpetrator, by improper means, exploits the child's mental illness, disability, addiction, the perpetrator's authority or otherwise reduced ability to protect its sexual integrity.

- *Sexual molestation of a child (chapter 6 section 10)*
This refers to an act of sexually touching a child under 15 years of age or inducing the child to undertake or participate in an act with sexual implications. The crime can also be committed though someone exposing themselves to a child under the age of 15 in a manner that is liable to cause discomfort or otherwise molests the child by word or deed in a way that is liable to violate the child's sexual integrity.

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

Child sexual abuse material does not have a legal definition in Sweden. However, child pornography is an offence which is defined as the act of (chapter 16 section 10a the Swedish Criminal Code):

1. Depicting a child in a pornographic image;
2. Disseminating, transferring, granting use of, exhibiting or otherwise making such an image of a child available to another person;
3. Acquiring or offering such an image of a child;
4. Mediating contacts between a buyer and seller of such images of children or taking some other similar measure intended to facilitate dealing in such images; or
5. Possessing such an image of a child or viewing such an image that they have obtained access to.

In this context, a "child" refers to a person whose pubertal development is not complete or who is under 18 years of age. If the child's pubertal development is complete, responsibility for an act under points 2–5, is only assigned if it can be seen from the image and its attendant circumstances that the person depicted is under 18 years of age.

The phrase "pornographic image" is not defined. [It is generally understood that the phrase "pornographic image" for these purposes should be interpreted broadly and is capable of capturing photo, painting, still image, video and other types of medium.]

Exploitation of a child for sexual posing (chapter 6 section 8) could be relevant to the context



here as well. Please see item 1(b) above.

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

The terms do not have explicit definitions in Swedish law. Handling of these kinds of child pornography does however constitute the child pornography offence and does therefore fall under chapter 16 section 10a of the Swedish Criminal Code. According to this section, the child pornography offence is defined as the act of:

1. Depicting a child in a pornographic image;
2. Disseminating, transferring, granting use of, exhibiting or otherwise making such an image of a child available to another person;
3. Acquiring or offering such an image of a child;
4. Mediating contacts between a buyer and seller of such images of children or taking some other similar measure intended to facilitate dealing in such images; or
5. Possessing such an image of a child or viewing such an image that they have obtained access to.

In this context, a “child” refers to a person whose pubertal development is not complete or who is under 18 years of age. If the child’s pubertal development is complete, responsibility for an act under points 2–5, is only assigned if it can be seen from the image and its attendant circumstances that the person depicted is under 18 years of age.

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)

- g. **enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

There are no definitions in Swedish law of the terms in question. However, there are multiple offences in the Swedish Criminal Code that relates to enticement or grooming.

- *Exploitation of a child for sexual posing (chapter 6 section 8)*
This crime is defined as promotion or exploitation of the performance or participation in sexual posing by a child under 15 years of age. The crime can also consist of placing, or exploitation of the fact that some other person has placed the child, in a situation that involves sexual posing. The mentioned crime can be directed at a child who has attained 15 but not 18 years of age if the posing is liable to damage the child’s health or development.
- *Exploitation of a child through the purchase of a sexual act (chapter 6 section 9)*



Such a crime is conducted when a person induces a child under the age of 18 to undertake or submit to a sexual act in return for payment, regardless of whether the payment was promised or made by the person in question or someone else.

- *Sexual molestation of a child (chapter 6 section 10)*
Refers to an act of sexually touching a child under 15 years of age or inducing the child to undertake or participate in an act with sexual implications.
- *Contact with a child for sexual purposes (chapter 6 section 10a)*
Refers to when a person, with the aim of committing an act of rape of a child, sexual exploitation of a child, sexual assault of a child, sexual molestation of a child, exploitation of a child for sexual posing against a child under 15 years of age, proposes or agrees to a meeting with the child.

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)

h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?

The legal age of sexual consent in Sweden is 15. According to for example chapter 6 sections 4, 6, and 10 9 (as noted above) under the Swedish Criminal Code, there are multiple child-related sexual offences where the relevant act with a child under the age of 15, regardless of consent, constitutes an offence. However, for some sexual crimes against a child under the age of 15 (e.g. sexual exploitation of a child, sexual assault of a child, exploitation of a child for sexual posing, sexual molestation of a child. See above), it is possible for the perpetrator to avoid responsibility if it is obvious that the act did not involve an assault on the child in view of the slight difference in age and development (i.e. physical development and maturity) between the person who committed the act and the child, and the other circumstances (chapter 6 section 14 of the Swedish Criminal Code).

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)

i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

Sextortion is not legally defined in the Swedish Criminal Code. Instead, sextortion could constitute multiple different types of crimes, such as, but not limited to, extortion, rape as well as attempts, preparation, and conspiracy to commit above mentioned sexual crimes.

- *Rape of a child (Chapter 6 Section 4)*
The offence encompasses anyone who by improper means induces a child to engage in or tolerate vaginal, anal, or oral intercourse, or any other sexual act which, in view of the severity of the violation, is comparable to intercourse.



- *Attempts, preparation, and conspiracy to commit sexual crimes (Chapter 6 Section 15)*
Attempt, procure the commission of, or conspire to commit any of the sexual offences (including those outlined above such as rape of a child, sexual exploitation of a child, sexual assault of a child etc) constitute an offence in itself. The same applies to preparation for procuring as well as preparation and conspiracy to and failure to disclose or prevent the relevant sexual offence.

Anyone who, through unlawful coercion, compels someone to act or refrain from acting in a way that benefits the perpetrator and harms the coerced person or someone in their place, is sentenced, unless the crime is considered robbery or aggravated robbery, for extortion to imprisonment for up to three years.

- *Extortion (Chapter 9 Section 4)*
Extortion involves forcing someone, through unlawful coercion such as threats or violence, to act or refrain from acting in a way that benefits the perpetrator financially and harms the victim economically. Extortion committed against a child is generally considered more serious. The sexual aspect of the potential act is, however, less relevant for this provision. A perpetrator who engages in sextortion, as defined in (i), could, however, be sentenced for both extortion and, for example, child pornography offenses or other sexual offenses.

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

Online Platforms are subject to the relevant requirements under both Swedish local law and EU-level legislation. The main EU-level legislation in this context is Regulation (EU) 2022/2065 for digital services, also known as the Digital Services Act (“DSA”) which regulates the majority of the larger Online Platforms in the EU. As an EU “Regulation”, DSA is directly applicable in Sweden without the need for national transposition. We understand that the EU-level related requirements are being provided separately by another firm. As indicated, we have therefore not responded to some of the questions below that related to those EU-level requirements.

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

According to Swedish law, there is an obligation on the part of the providers of electronic bulletin boards to take active steps to detect, review and screen for child pornography or other imagery on their site/platform. “Electronic bulletin board” is defined broadly and would likely capture what is generally understood as an Online Platform. For consistency and simplicity, we use the term “Online Platform” below.

However, this obligation is subsidiary to relevant EU-level requirements regarding online platforms, i.e. the EU-level requirements prevail where there are differences.



References:

- [Act on liability for electronic bulletin boards \(1998: 112\)](#). (Only available in Swedish)

Unofficial English translation:

Section 4

The provider of an electronic bulletin board shall, in order to fulfill their obligation under Section 5, exercise such supervision over the service as can reasonably be required considering the scope and focus of the operation.

Section 4a

The obligation to supervise the service according to Section 4 does not apply to the provider of an electronic bulletin board that is an intermediary service according to the European Parliament and Council Regulation (EU) 2022/2065 of 19 October 2022 on a single market for digital services.

For the provider of such a service, the obligation according to the first paragraph of Section 5 applies when the provider becomes aware that the message is on the service.

For the person tasked by the provider to manage the service, the obligation according to the first paragraph of Section 5 applies when the person becomes aware that the message is on the service.

Section 5

If a user submits a message to an electronic bulletin board, the service provider must remove the message from the service or otherwise prevent further dissemination of the message if

1. the content of the message is clearly such as referred to in the provisions on:
 - a) unlawful threats in Chapter 4, Section 5 of the Criminal Code,
 - b) unlawful invasion of privacy in Chapter 4, Section 6c of the Criminal Code,
 - c) incitement in Chapter 16, Section 5 of the Criminal Code,
 - d) agitation against a population group in Chapter 16, Section 8 of the Criminal Code,
 - e) child pornography offenses in Chapter 16, Section 10a of the Criminal Code,
 - f) unlawful depiction of violence in Chapter 16, Section 10c of the Criminal Code,or
 - g) public incitement to terrorism or particularly serious crime in Section 7 of the Terrorist Offences Act (2022:666), or
 2. it is clear that the user has infringed copyright or a right protected by the provisions in Chapter 5 of the Copyright Act (1960:729) by submitting the message.
- b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child**

This matter is within EU competence, primarily under the DSA.

- c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization**

This matter is within EU competence, primarily under the DSA.

d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about

There is an obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery if the content is child pornography. If a user uploads a message (in whatever form such as imagery or video) to an Online Platform, the Online Platform must remove the message from their platform or otherwise prevent further dissemination of the message if its content is child pornography.

This obligation is subsidiary to the relevant EU-level requirements. Note that Online Platforms that are regulated under the DSA are obligated to remove child pornography when the platform becomes aware that the relevant content is on the platform.

References:

- [Act on liability for electronic bulletin boards \(1998: 112\)](#). (Only available in Swedish)

Unofficial English translation:

Section 4

The provider of an electronic bulletin board shall, in order to fulfill their obligation under Section 5, exercise such supervision over the service as can reasonably be required considering the scope and focus of the operation.

Section 4 a

The obligation to supervise the service according to Section 4 does not apply to the provider of an electronic bulletin board that is an intermediary service according to the European Parliament and Council Regulation (EU) 2022/2065 of 19 October 2022 on a single market for digital services.

For the provider of such a service, the obligation according to the first paragraph of Section 5 applies when the provider becomes aware that the message is on the service.

For the person tasked by the provider to manage the service, the obligation according to the first paragraph of Section 5 applies when the person becomes aware that the message is on the service.

Section 5

If a user submits a message to an electronic bulletin board, the service provider must remove the message from the service or otherwise prevent further dissemination of the message if [...]

3. the content of the message is clearly such as referred to in the provisions on:

[...]

- h) unlawful threats in Chapter 4, Section 5 of the Criminal Code,
- i) unlawful invasion of privacy in Chapter 4, Section 6c of the Criminal Code,
- j) incitement in Chapter 16, Section 5 of the Criminal Code,
- k) agitation against a population group in Chapter 16, Section 8 of the Criminal Code,
- l) child pornography offenses in Chapter 16, Section 10a of the Criminal Code,



- m) unlawful depiction of violence in Chapter 16, Section 10c of the Criminal Code, or
 - n) public incitement to terrorism or particularly serious crime in Section 7 of the Terrorist Offenses Act (2022:666), or
4. it is clear that the user has infringed copyright or a right protected by the provisions in Chapter 5 of the Copyright Act (1960:729) by submitting the message.

In order to fulfill their obligation under the first paragraph, the service provider has the right to access messages that appear in the service.

The obligation under the first paragraph and the right under the second paragraph also apply to those who, on behalf of the provider, supervise the service.

e. review content by human moderators to screen or moderate for child pornography or CSAM

This matter is within EU competence, primarily under the DSA.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

Regarding the removal of child pornography, see item 2(d) above. As regards of CSAM, enticement, grooming, and/or sextortion, these are matters within EU competence, primarily under the DSA.

g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:

- i. “Hashing technology” (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
- ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.

This matter is within EU competence, primarily under the DSA.

h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

This matter is within EU competence, primarily under the DSA.

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

This matter is within EU competence, primarily under the DSA.

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

This is subject to the EU-level requirements, primarily under the EU General Data Protection Regulation 2016/679 which (as an EU “Regulation”) applies directly in Sweden without the need for national transposition. However, as permitted under the EU GDPR, Sweden has imposed its own age limit where relevant consent must be obtained (which must be complied with by Online Platforms operating in Sweden), as follows:

- when offering information society services (such as Online Platforms) directly to a child, the processing of personal data is permitted based on the child's consent if the child is at least 13 years old. If the child is under 13 years old, such processing is only permitted if consent is given or approved by the person who has parental responsibility for the child.

Therefore, Online Platforms are legally required to implement methods to obtain parental consent before a child under the age of 13 uses their services. This consent must be managed in a way that ensures it is given or approved by the parent or a legal guardian.

References:

- [Act with supplementary provisions to the EU General Data Protection Regulation \(2018:218\)](#). (Only available in Swedish)

Unofficial English translation:

Chapter 2 Section 4

When offering information society services directly to a child residing in Sweden, the processing of personal data is permitted based on the child's consent if the child is at least 13 years old. If the child is under 13 years old, such processing is only permitted if consent is given or approved by the person who has parental responsibility for the child.

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

- a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?**

This matter is within EU competence, primarily under the DSA.

- b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?**

There is an obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers if the content is child pornography. See question 2(d) above.

References

- [Act on liability for electronic bulletin boards \(1998: 112\)](#). (Only available in Swedish)



Unofficial English translation:

Section 4

The provider of an electronic bulletin board shall, in order to fulfill their obligation under Section 5, exercise such supervision over the service as can reasonably be required considering the scope and focus of the operation.

Section 4a

The obligation to supervise the service according to Section 4 does not apply to the provider of an electronic bulletin board that is an intermediary service according to the European Parliament and Council Regulation (EU) 2022/2065 of 19 October 2022 on a single market for digital services.

For the provider of such a service, the obligation according to the first paragraph of Section 5 applies when the provider becomes aware that the message is on the service.

For the person tasked by the provider to manage the service, the obligation according to the first paragraph of Section 5 applies when the person becomes aware that the message is on the service.

Section 5

If a user submits a message to an electronic bulletin board, the service provider must remove the message from the service or otherwise prevent further dissemination of the message if [...]

5. the content of the message is clearly such as referred to in the provisions on:
 - o) unlawful threats in Chapter 4, Section 5 of the Criminal Code,
 - p) unlawful invasion of privacy in Chapter 4, Section 6c of the Criminal Code,
 - q) incitement in Chapter 16, Section 5 of the Criminal Code,
 - r) agitation against a population group in Chapter 16, Section 8 of the Criminal Code,
 - s) child pornography offenses in Chapter 16, Section 10a of the Criminal Code,
 - t) unlawful depiction of violence in Chapter 16, Section 10c of the Criminal Code, or
 - u) public incitement to terrorism or particularly serious crime in Section 7 of the Terrorist Offenses Act (2022:666), or
6. it is clear that the user has infringed copyright or a right protected by the provisions in Chapter 5 of the Copyright Act (1960:729) by submitting the message.

In order to fulfill their obligation under the first paragraph, the service provider has the right to access messages that appear in the service.

The obligation under the first paragraph and the right under the second paragraph also apply to those who, on behalf of the provider, supervise the service.

c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?

This matter is within EU competence, primarily under the DSA.



d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?

Protective court orders that prohibit the offender from posting the pornography in the future do not exist in Sweden. Instead, the court shall order the forfeiture of child pornographic property and/or property which has been used as an instrument in the crime (such as, but not limited to, hard drives, cameras etc.). The court may decide on alternative measures instead of forfeiture, such as the erasure of digitally stored information.

References:

- [The Swedish Criminal Code \(1962:700\) - English](#) (No translation fully up to date available)
- [The Swedish Criminal Code \(1962:700\) - Swedish](#)
- [Act on the Forfeiture of Child Pornography \(1994:1478\)](#) (Only available in Swedish)

Unofficial English translation:

The Swedish Criminal Code:

Chapter 36 Section 9

Property that has been used as an instrument in a crime may be forfeited (instrument forfeiture) if it is necessary to prevent crime or if there are other special reasons. The same applies to property that was intended to be used as an instrument in a crime, if the crime has been completed or if the act constituted a punishable attempt, preparation, or conspiracy.

Chapter 36 Section 10

Property

1. that has been produced through a crime,
 2. the use of which constitutes a crime,
 3. that someone has handled in a manner that constitutes a crime, or
 4. that has otherwise been the subject of a crime
- shall be forfeited (forfeiture of crime-related property).

Chapter 36 Section 12

Forfeiture may occur of

1. an object intended to be used as a weapon in crimes against life or health, if it has been found under circumstances that gave reason to fear that it would be used in such a manner,
2. an object intended to be used as an instrument in crimes involving damage to property, if it has been found under circumstances that gave obvious reason to fear that it would be used in such a manner, and
3. other objects, if considering the nature of the object and the circumstances, there is special reason to fear that it may be used in connection with a crime.

Chapter 36 Section 19

Instead of deciding on forfeiture, the court may decide on a measure that can prevent the property from being misused.

If the court decides on such a measure, it shall also specify the time within which the



measure must be implemented. The court may decide that the property shall remain seized for a certain period.

Act on the Forfeiture of Child Pornography:

A depiction of a child in a pornographic image shall be declared forfeited.

Forfeiture may be waived if the forfeiture is unreasonable.

The first paragraph does not apply if a depiction can be forfeited under the provisions of the Penal Code or the Act (2000:1253) on Penalties for Smuggling.

e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?

The offender in such a situation is liable for financial compensation. It is therefore possible to seek financial damages. However, this depends on whether the child can be considered to be the injured party or not, which determines the child's ability to seek financial compensation or any sort of monetary recovery from an offender. In Sweden, crimes such as distribution of child pornography are generally regarded as offences against the public, i.e. not the child in question. There are circumstances where the child who has been victimized by the crime may possibly be considered an injured party, but the law is not clear and there is uncertainty.

References:

- [Tort Liability Act \(1972:207\)](#) (Only available in Swedish)
- [The Swedish Code of Judicial Procedure \(1942:740\)](#) (No translation up to date available)

Unofficial English translation:

Tort Liability Act:

Chapter 2 Section 3

A person who seriously violates another through a crime involving an attack on their person, freedom, peace, or honor shall compensate for the damage caused by the violation.

If the person subjected to the crime in their service is considered to have a special preparedness for the attack, it should be particularly considered whether the attack is directed at the victim's private sphere or is physical when assessing if the violation is serious.

The Swedish Code of Judicial Procedure:

Chapter 20 Section 8 Paragraph 4

The injured party is the person against whom the crime was committed or who has been offended or suffered damage as a result.

f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?



There are state-funded crime victim compensation or recovery services in Sweden. Such compensation is paid by the state, and is normally reserved to cases of serious violations of the victim. Furthermore, crime victim compensation is provided to the extent that the damage is not covered by other compensation to which the injured party is entitled. When determining the compensation, any damages already paid or expected to be paid are deducted.

However, as stated above, the child's ability to seek financial compensation depends on whether or not the child is considered the injured party. This also applies in the case of the ability to seek compensation from these state-funded compensation services.

This is based on the following legislation:

- [Criminal Injury Compensation Act \(2014:322\)](#) (Only available in Swedish)

Unofficial English translation:

Section 1

To those who have suffered damage as a result of a crime, compensation (crime victim compensation) is paid by the state according to this law.

Section 5

Crime victim compensation is paid for the damage caused when someone seriously violates another person through a crime that involves an attack on their person, freedom, or peace, or through gross defamation according to Chapter 5, Section 2 of the Criminal Code (violation).

Crime victim compensation for violation is determined according to Chapter 5, Section 6, first and second paragraphs of the Tort Liability Act (1972:207).

To the extent that a court has substantively examined a claim for damages for violation, the crime victim compensation in this part may not be determined to a lower amount than what follows from the court's decision, unless otherwise provided by this law.

Section 10

Crime victim compensation is paid to the extent that the damage is not covered by other compensation to which the injured party is entitled due to the damage.

When determining crime victim compensation, damages are deducted only to the extent that the damages have been paid or are expected to be paid. European crime victim compensation according to Section 35 or other compensation from foreign state funds is deducted only to the extent that the foreign compensation has been paid.

Compensation that corresponds to savings on the part of the injured party shall not be deducted from the crime victim compensation.

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

No, there is no such notification requirement under Swedish law.

6. “Safety by Design” is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate “Safety by Design” into their systems?

This matter is within EU competence, primarily under the DSA.

- i. If so, must these steps be taken before the launch of an Online Platform?
- ii. If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?
- iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform’s incorporation of “Safety by Design”?

This matter is within EU competence, primarily under the DSA.