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Mitglied des Europäischen Parlaments

## **Protection of Minors for Mobile phone services**

### **GSM Europe Child Safety and New Technologies Seminar**

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#### **1. New Technologies require new Structures**

The new information and communication technologies are of crucial importance for business and society in the 21st century. But, in order to best use the opportunities they afford, it is necessary to find solutions for arising problems as requested by policy, industry and NGOs.

I heartily welcome that GSM Europe strengthens the protection of minors and especially children within mobile phone services. This is of high political and economic interest. The acceptance by consumers for mobile phone services in Europe depends to a high degree on whether the new services guarantee stronger protection of minors than we can currently observe for the internet.

The cross-border character of these services and the proceeding convergence of the platforms demand an extraordinary level of cooperation and flexibility by all sides. From the industry - by systematic cooperation of the content providers and providers of telecommunications services - from policy-makers - by new structures of supervision bodies, which take into account the competences at European level and future technologies- and last but not least from NGOs - by efficient cooperation at European level.

#### **2. European legal Framework**

At EU level, cross-border protection of minors has been developed step by step since 1989. Important legislations in this field are:

- The **TVWF directive** guarantees since 1989 common minimum standards for the protection of minors on TV, by now implemented in 27 Member States.
- Since 2000 the **e-commerce directive** sets special rules for the protection of minors for telecommunication services that are transferred by electronic networks. The Member States of the EU are called upon to develop codes of conduct. Furthermore the Member States have the possibility of derogation from the Country of Origin Principle in cases of



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serious infringement of the provision for protection of minors. Such decisions need to be communicated to the EU Commission, who guides over its compliance with EU Law. Up to now, only the threat of making derogation from the Country of Origin Principle had lead to reach the objective on the protection of minors.

- Since December 2007 the **directive for audiovisual media services** is in force, and has to be implemented in national law until to December 2009. As an update of the old TVWF directive, it covers traditional TV broadcasting and new on-demand audiovisual media services, independent of their technology of transmission. For the first time with this directive, common standards for the protection of minors apply to audiovisual media services at EU level for traditional TV and mobile TV. For the first time co- and selfregulation is recommended to the Member States as legal instrument for the implementation of EU Law in the case of the protection of minors.

"Selfregulation" is defined as a type of voluntary initiative, which enables the economic operators, social partners, non-governmental organizations or associations to adopt common guidelines amongst themselves and for themselves, for example for the protection of minors. Coregulation means that selfregulation does not substitute the obligations of the national legislator, but amends legislation. It is the task of the national legislator to define codes for selfregulation but only in the cases where the objectives on the protection of minors are not met to the demanded level it.

If and to which extend the Member States use the recommendation to self-and coregulation, will for sure depend on the models that are proposed and developed by the selfregulatory bodies.

Furthermore, the directive for audiovisual media services enables a derogation of the Country of Origin Principle in cases of serious infringements of the protection of minors.

### **3. European Initiatives for the protection and against abuse of minors and for strengthening media literacy**

- Already in 2000 the Member States have started cooperation measures in the field of fighting against child pornography and sexual abuse of children in the internet. There are special bodies to notify child pornography as well by internet users, to exchange information and cooperation of the national bodies dealing with the persecution of child pornography and cooperation with the industry.
- In 2003 the decision of the Council followed in which, the Member States decided to harmonize the national legislation on sexual abuse of children and child pornography.
- Concerning financial means, since 1999 the EU-programme "Safer internet" provides the financial means to implement measures. While the safer internet programme 2005-2008 had a budget of 45 Million Euro, for the new programme 2009-2013, that has been proposed by the EU Commission in 2008, the budget will be increased to 55 Million Euro.



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Thanks to this programme the EU has the financial means to implement measures on the protection of minors at EU level. The increase in the budget shows clearly the importance that is given to this at EU level.

- In 2006 the European Parliament and the Council have decided on a recommendation on the **protection of minors and media literacy** and have requested further measures. They include:
  - Codes of conduct in order to prevent discrimination at national and European level.
  - A certification for service provider and filtering systems for the notification of illegal and suspicious content in the internet.
  - Labeling for the identification of content transmitted via the internet.
  - The right to reply for online media.

Concrete measures in the field of media literacy are:

- Ongoing vocational training for teachers on the protection of minors on the internet.
  - Training on the internet, also for very young children.
  - Information campaigns directed to citizens.
- The communication of the EU Commission "A European approach to media literacy in the digital environment" of 20.12.2007 responds to a long standing demand of the European Parliament.
    - It analyses the current state of media literacy in the Member States and requests further studies on this issue.
    - It defines "media literacy" in general and in respect of audiovisual commercial communication, audiovisual works and the online world.
    - It supports co- and selfregulation by the Member States.

#### 4. Initiatives by GSM Europe

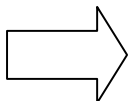
The initiatives by GSM Europe pick up the political issues in an excellent way and develop the necessary instruments for its application.

- At the "Safer Internet Day 2007" leading mobile providers have signed on to the Commission initiative the "**European Framework for Safer Mobile use by Younger Teenagers and Children**". Up to February 2008, this framework has been transposed in 21 Member States to national codes of conduct.

The European framework requests the following measures by the signatory companies:

- Access and control mechanisms
- Support of media literacy for parents, children and youth.
- Classification of commercial content
- Notification of illegal content and implementation of processes to enable the removal of any child sexual abuse content posted on their own services.

With the "European Framework for Safer Mobile use by Younger Teenagers and Children", 96% of consumers are protected, as their providers have signed the





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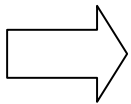
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European Framework. Codes of conducts have been developed and signed in 21 Member States and 24 States in Europe.

This is a great result. Nonetheless, we need to bear in mind that the internet is impossible to control 100%. Illegal content or adult content mushrooms. Especially when this content comes from outside of the EU, it can be banned only by worldwide alliance.

○ **The Mobile Alliance against Child Sexual Abuse Content**

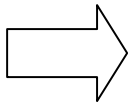
This initiative of GSM World to ban effectively child pornography and the sexual abuse of children on the internet and mobile phones at least within the services of providers within GSM World is already a step in the right direction.



These initiatives correspond to the objectives of the European Framework, but they aim at a worldwide implementation. At this moment there are 11 signatory companies and organisation, after this initiative started in February 2008.

○ **The Pan-European Industry Education Partnership**

The objective is the provision of information on risks and chances of the internet by the industry (provider of access to the internet, providers of telecommunication services and search engines) in cooperation with the European Schoolnet for teachers for their information and for their training.



This is an important amendment to existing initiatives such as [www.klicksafe.de](http://www.klicksafe.de), [www.saferinternet.org](http://www.saferinternet.org) or [www.inhope.org](http://www.inhope.org)

**5. Conclusion**

The initiatives of GSM Europe pick up the political demands by the EU on the protection of minors for mobiles phone services, including mobile TV. Measures, such as filtering systems, material on media literacy, measures to prevent access to illegal content and notification of illegal content put the demands of the EU on the protection of minors in an online world into practice.

The success of co- and selfregulation will depend on the efficiency of all these initiatives and especially on an agreement on codes of conducts by the providers in close cooperation with national supervision bodies. Information and cooperation on best practices could be extremely helpful for the evaluation of these wonderful programmes.