



EU proposes self-regulation to protect minors on the Internet

As a follow-up to the Green Paper on the Protection of Minors and Human Dignity in Audiovisual and Information Services, the European Commission released on 8th November 1997 a Communication with a proposal for a Recommendation in this field. The proposal promotes national self-regulation backed by common codes of practice.

The Commission's approach is based on an extensive consultation process on the Green Paper of 16th October 1996. The consultation showed that the protection of minors and human dignity in audiovisual and information services was regarded as a vital element in building consumer trust. At present, the level of protection depends on the media in question. While there is legislation at the national and European level for television, it has proved difficult to apply existing general laws to on-line services. The main problem is to identify the offending providers and users.

Responses to the consultation clearly emphasised the need for a consistent system for labelling content. A systematic approach would facilitate parental control, which would otherwise be an impossible task considering the vast amount of information on networks (PL&B Oct '97 p.28).

European framework for self-regulation

The Commission's proposed Recommendation, issued in November 1997, applies to all audiovisual and information services; broadcasting, the Internet and other on-line services. The proposal, which supports the development of national self-regulation by promoting common codes of practice, does not include a statement on privacy as such. The Communication, which sums up the results of the consultation, states that any general interests must be seen in the context of Articles 8 and 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which provide for privacy and freedom of expression.

It is recommended that the Member States establish a national self-regulatory framework for operators of on-line services. When offences occur, Member States are encouraged to prosecute offenders under national legislation.

Guidelines for national implementation

The proposal includes minimum guidelines for the implementation at a national level. In order to ensure broad consistency between the Member States, four key components have been identified:

- consultation of the parties concerned (users, consumers, businesses and public authorities) to achieve best possible co-operation
- codes of conduct to provide basic rules for the self-regulatory framework
- national bodies facilitating co-operation at EU-level in order to enable centralised complaint management and shared experiences
- national evaluation of self-regulation frameworks to monitor progress.

Providers should inform users of risks

It is suggested that codes of conduct should encourage on-line providers to inform users of the risks of unsuitable content, and of ways to protect themselves. Any legal content that may seem harmful for minors should include a warning page or a system to check the age of the user. Alternatively, labelling could be used to mark harmful content. Operators should also provide an easy way to complain. Codes would be voluntary, but violations could be challenged by appeals procedures provided for in the codes.

Future depends on Member States

The proposal for a Recommendation was submitted in November 1997 to the European Parliament, the Council, and the Economic and Social Committee. Implementation will be co-ordinated with measures to control illegal and harmful content on the Internet, another topic studied by the EU. A proposed Action Plan on promoting safe use of the Internet will, if adopted, provide financial assistance for industry to develop new technologies and policies.

Whatever form the Recommendation takes, it is up to the Member States to make the voluntary scheme work. International co-operation to train police officers and judges would be beneficial.

Communication and proposed Recommendation
<http://www.europa.eu.int> (look under "What was new November 1997")