



**EUROPEAN COMMISSION**  
Information Society and Media Directorate-General

## **SUMMARY OF THE RESULTS OF THE PUBLIC CONSULTATION**

### **"Child safety and mobile phone services"**

## 1. BACKGROUND AND STRUCTURE OF THE CONSULTATION

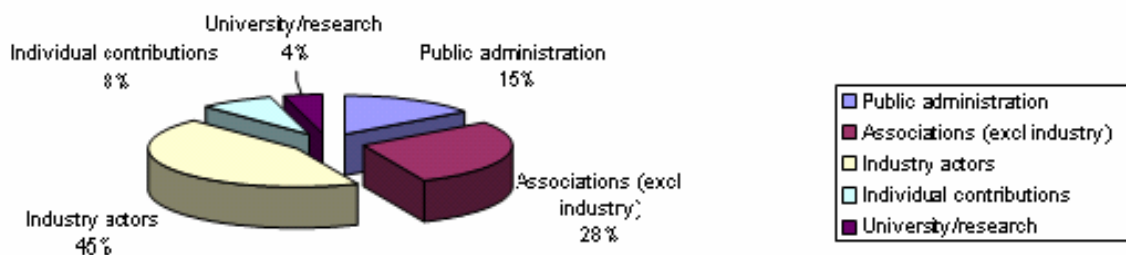
The public consultation ran from 25 July 2006 until 16 October 2006. It was announced by a press release (IP/06/1059). The consultation was published on EUROPA at: [http://europa.eu.int/information\\_society/activities/sip/public\\_consultation/index\\_en.htm](http://europa.eu.int/information_society/activities/sip/public_consultation/index_en.htm) Information was sent to subscribers to the mailing list of the safer internet web site on Europa.

The consultation was based on a consultation document and a questionnaire structured around 6 main questions on risks, regulatory framework, technical and European solutions.

## 2. THE REPLIES TO THE ONLINE CONSULTATION

The Commission received **74 contributions** from **20 EU countries** (all EU countries except Estonia, Latvia, Luxembourg, Portugal and Slovakia) and Norway. The countries that sent the most proposals were Germany (10), UK (9), and France (7).

Main stakeholder groups are represented. Within the contributions from **Industry actors**, there were contributions from the Mobile network/virtual network operators, software companies, content providers, one manufacturer, media institutions and associations representing the industry. Within the contributions from **Associations** (NGOs), there were contributions from children's rights and welfare organisations, consumer organisations as well as environmental associations. Within the category **Public administrations** different types of administrations – consumer, IT, media, police and regulators – are represented. There were also some individual contributions, replies from researchers and university.



3 respondents requested that their answer should not be made public, 2 concerning health issues.

### 3. SUMMARY OF THE REPLIES

Most respondents welcome the initiative of the Commission to launch this debate on issues raised by child safety and mobile phones.

**There is a wide consensus that, along with all the benefits that mobile phones bring to young people, some risks exist.** Main risks identified confirm the evaluation made in the consultation report: harassment and bullying, grooming and sexual discussions, mis-contracting with minors, access to chargeable content, fraud and spam, high expenses, exposure and access to illegal/harmful/adult content, pornography and violence and risks concerning children's privacy, in particular due to the inappropriate use of camera phones and location services.

All respondents agree that the **responsibility for children's safe use of mobile phones should be shared between parents and carers, the industry (MNOs and service providers) and the public authorities.** Most MNOs consider that their main responsibility is to protect children from access to commercial inappropriate content, by providing parents with information and parental control tools and implementing classification of content. They stress that some of the risks go beyond their responsibilities: risks linked to contact (bullying and grooming), and access to content available on the Internet. Some contributions warn against only relying on parents, since the most vulnerable children may not get parental supervision. Many answers underline the need for public authorities to act as far as illegal content is concerned, and to contribute to awareness-raising.

All stakeholders agree that **awareness-raising is essential** to empower children and parents in safe use of mobile phones, and many NGOs stress that it is very important that information is provided at points of sale.

**Self-regulation is seen as potentially the most appropriate way to ensure child protection** due to the rapidly changing technical environment, but self-regulation still needs to be launched or effectively implemented in some countries. Some respondents call for more regulation in some other countries.

**A number of proposals have been made concerning actions to be carried out at European level.** Through their European association GSME, MNOs propose the "development of an EU-wide common Framework for national self-regulation".

Some answers call for a **minimum standard of regulation/self-regulation agreed at EU level**, including opt-in for access to adult content and moderation of chat rooms accessed by children.

Some respondents suggest exploring **solutions at European scale**: common thematic content classification, development of common standards for mobile based Internet filtering tools, alternatives to blocking Internet, child safety in handset manufacturing standards. There is general support for the creation of a platform for exchanging best practices at European level, which should be supported by the EC, and for continuous actions in the Safer Internet programme: hotlines awareness campaigns dedicated to mobiles, European survey/research.

## 4. REPLIES TO INDIVIDUAL QUESTIONS

### ➤ Risks

*1) Can you provide the Commission's services with figures and examples on risks raised by the use of mobile phones by children and young people?*

#### **General considerations on risks**

There is a wide **consensus** among all respondents that, along with benefits that mobile phones bring to young people, some **potential risks do exist**. Some of the contributions insist that these risks are already real and quote some examples and surveys (see more detail in list of risks below).

The impressions that there is a **high level of young people owning a mobile phone** and that the **age of mobile phone users is decreasing** are confirmed by the information provided by many respondents. For example Save the Children Italy's survey shows that 31% of 5-13 year olds had mobile phones. In the group 14-18 the rate is close to 100%. According to the survey made by Nobody's children Foundation in Poland, 92.1% of 12-17 year olds owned a mobile phone.

MNOs suggest that the **current level of use of new services**, including multimedia content (chat services etc) is **not very high** among young people due to the high costs of these compared to using fixed Internet, in particular referring to the findings of the pan-European Mediapro research. The situation may vary between countries. A survey made in Spain for Protegeles shows that 68% of those interviewed have received photographs on their phone.

**The private nature** of mobile phones and the problems this poses for parental supervision is underlined by most child safety organisations, whereas MNOs stress the similarity with accessing the Internet on a PC, where parental supervision in practice is not very high and where it exists, it is focused on the younger children.

#### **Types of risks**

The different types of risks that the contributions highlight are ranked below from the child safety and consumer organisations' perspective.

Most child safety organisations from a wide range of countries have mentioned **harassment and bullying** as an existing risk. In Save the Children Finland survey, 30% of 7-15 year olds had experienced bullying. In a survey carried out in Flanders (Belgium), 10% youngsters had experienced cyberbullying. In a UK survey by NCH and Tesco mobile, 14% of children had been bullied through their mobile. An answer quotes a survey from the Anti bullying alliance which shows that bullying using phone picture and video clips had more impact on the victim and is more traumatic than traditional forms of bullying. MNOs and their organisations stress that they do not have responsibility concerning most contact issues, like grooming and bullying.

At the same level, most child safety organisations mention the risks of **grooming and sexual discussions** through mobile chats, Internet chats and gaming, and provide examples of such cases. For them, mobile phones "have become an additional medium through which children can be abused and made to feel unsafe". One child safety association mentions that "the private and personal nature of the device has meant that it has featured in most, if not all, of the grooming cases in the UK as the technology used in the 'last phase' of the grooming process". The same association states "there have been cases where the predator has sent the child credits for their phone (or indeed a handset itself) in order to maintain personal and secret communication." This risk can be linked to "access to unmoderated chat rooms".

Most contributions from consumer organisations and some of the child safety organisations stress risks relating to **mis-contracting with minors, access to chargeable content, fraud and spam**. Many of these contributions mention that with mobile phones becoming credit cards, children become contracting partners, who can buy ring tones, logos and interactive games and take part in TV games, but also buy products on the Internet. They stress that children are particularly vulnerable to fraud and unfair commercial practices. Consumer organisation also stress the risk of **high expenditure** through some premium rate services which do not have transparent pricing schemes, or are difficult to stop (although some of this risk is mitigated in some countries by self-regulatory measures). One contribution mentions that some children do not tell their parents if they have their mobile stolen, therefore the subscription is not frozen immediately.

**Exposure and access to illegal/harmful/adult content** also ranks high among the risks identified. This general item covers various types of content. **Commercial content**: Some of the MNOs argue that with the tools already in place the risk to accessing harmful content when using portal services of the MNO is actually very limited. It is, however, stated by child safety organisations that there have been cases of children ordering premium rate services with sexual content or receiving ads for it, and that age verification systems do not always exist. MNOs stress that access to adult content on mobile phones has not been proposed to all national markets. **Illegal content** could be accessed through the Internet. One contribution mentions that children themselves can be producers of harmful or even illegal content. Types of harmful content can be **pornography** (a Greek survey shows that children download video and pornography and share with others to increase popularity), and **violence** (access to violent games and violent pictures was mentioned several times). Many contributions, especially from MNOs, stress that the perception of what is harmful is culturally specific and varies from one country to the other.

Many child safety organisations highlight risks towards children's **privacy**, in particular due to the **inappropriate use of camera phones and location services**. The NCH-Tesco survey in the UK mentioned that 10% of respondents say they had an unpleasant image taken of them and 17% feared that the image was posted online and forwarded to others. It was also mentioned by one child safety association that location services, which are marketed to enhance a child's safety, could create an additional threat to safety, as location data may fall into hands of potential predators who might use it to track children.

A few contributions mention risks linked to behaviour: **addiction/dependency** in general and due to possibilities that mobiles give (games and social networking sites), **abnormal relationship attitudes** (mobile phones used as substitute for face-to-face conversations, lack of distinction virtual/real).

Although this issue was not in the scope of the present consultation, a number of respondents mentioned **health risks**.

### **Responsibilities**

Many contributions mention responsibilities together with the description of risks. There is a general consensus that the **responsibility for children's safe use of mobile phones should be shared** between parents and carers, the industry (MNOs and service providers) and the public authorities.

**Most MNOs stress that they have social responsibility**, in particular in the area of access to commercial inappropriate content. However they stress that **some of the risks go beyond their responsibilities**: risks linked to contact (bullying and grooming), and access to content available on the Internet (as they do not have contractual relationship with the content providers).

**Parents' responsibility** is underlined in most contributions, especially from MNOs, which are ready to develop parental control tools. Most NGOs stress the need to inform parents sufficiently so that they are made aware of mobile functionalities, potential risks and existing tools. One contribution from a research environment **questions placing all of the responsibility on parents** since "evidence fails to establish that parents are able effectively to reduce these risks, except by entirely restricting use of the technologies altogether". Several contributions also point to the **most vulnerable children** who in many cases do not get any parental supervision at all. A survey run in Greece reports that 87% of children claim that their parents do not know what they are doing with their mobile phones.

Many answers stress the need for **public authorities** to act as far as illegal content is concerned, and contribute to awareness-raising.

*2) Do you see specific risks associated with the use of pre-paid cards, which ones?*

The contributions to this consultation show that the **level of use of pre-paid cards varies from one country to the other**. For instance, it is widely used by UK children but not by Finnish children. National practises on registration also vary.

There is a **wide consensus, from child safety and consumer organisations and MNOs**, on the fact that pre-paid cards **are useful to control costs**.

However, most NGOs point to the **anonymity** of the system, the **lack of a monitoring tool**; as there is no itemised bill this reduces the possibility for parents to supervise who their children communicate with, and which services they access.

➤ Regulatory framework

3) Please identify which of the above risks are not covered by the current national regulatory, co-and self-regulatory frameworks.  
4) Do you think the current balance between regulation/co-regulation and self-regulation is the right one?

Answers to these two questions are presented together. It should be noted that the results provide an indication of the situation, but they should be treated with care due to the limited number of answers per country and no specific contribution was received concerning Estonia, Latvia, Luxembourg, Portugal and Slovakia.

Most MNOs and content providers argue that **co- and self-regulation are the most appropriate ways to ensure child protection**, due to the highly changing technical environment and that regulation should concentrate on the general objectives. They generally perceive the balance between regulation and self-regulation as right in countries where they are working. Most of the MNOs who have answered these questions declare that they have signed codes of conduct in the countries where such a code exists.

In countries where specific regulation exists and where co- and self-regulation agreements have been reached (Denmark, Italy, Belgium, France, UK, Germany, Finland, Ireland, Malta, Netherlands, Poland, Sweden), the general feedback is that it is effective and well balanced, even if some NGOs point to a need for reinforcement or better monitoring of self-regulation in Belgium, Netherlands, Finland, Poland, Italy and the UK (for location services).

NGOs, one MNO and one regulatory body call for self-regulation in Greece, Hungary , Czech Republic, and more regulation in Lithuania, Slovenia and Poland.

➤ Technical solutions

5) What measures do you recommend in the different areas described below, and why? By whom should they be implemented?  
5a) Classification of commercial content

There is a **wide consensus among NGOs, MNOs and content providers that classification of commercial content is needed.**

**Granularity:** there are various approaches: binary system (+/- 18) which only requires a classification of adult content, other age groups (12/16/18) in France, age and thematic classification (PEGI).

Several NGOs and ICRA claim that the binary system (+/- 18) is not sufficient and should be expanded.

**Responsibility:** most contributions suggest that it is up to the content providers to implement classification. It is, in fact, this implementation which is seen as difficult to achieve.

**European/national:** Individual MNOs consider that the national level is the best for content classification since such classification can reflect national societal standards. However some industry organisations and content providers suggest a **thematic classification scheme and content labelling** at European level, which could be implemented at national level.

Some answers stress the cost of classifying and the need for a consistent approach across media.

*5b) Opt-in /opt out. Should the Opt-in (where the user has to explicitly request access to adult content rather by accessing it by default) approach be applied in all EU countries?*

**All NGOs** from various member states (France, UK, Belgium, Finland, Netherlands, Italy and Ireland) **recommend opt-in** (by default) **for adult content** since it means less exposure to unwanted material. The idea is also supported by co-regulatory bodies in France and Germany.

According to most **MNOs**, **opt-in is implemented in some countries (UK and Germany)**, **but it should not be generalised across EU** since it is culturally specific and linked to national commercial policies.

*5c) Age verification: should Mobile network operators implement face to face identity check to determine the age of the user? Should this process also be applied when a customer buys a pre-paid card?*

**Most NGOs consider age verification as necessary**, both for pre-paid and post-paid cards. One child safety association stresses the danger of having too much exposure of personal data, which might help groomers in identifying children.

Age verification is required to be face to face by law in Germany, but most answers consider this should not be applied in other countries. Other ways to check age are usually through credit cards.

Whereas some answers call for systems to be "as strong as possible" in protecting children, many MNOs and some NGOs stress the difficulty in implementation and the costs incurred and therefore call for proportionality.

Research urges to "address the consequences of parents failing to implement regulation effectively and of children seeking to evade regulation (of any kind)."

*5d) Filtering and blocking systems. Should filtering systems be installed by default when the subscription allows internet access?*

The answers to this question are related to two different things: parental control tools allowing blocking of types of services which could contain harmful content, and Internet filtering tools blocking illegal pages.

**Parental control tools** which allow blocking of access to some content (chat rooms, over 16, Internet) are generally recommended by NGOs, though some of them doubt if they are actually used by parents. Two ways to implement them efficiently are suggested:

- some suggest they are installed by default as the only way to consistently protect children (including most vulnerable groups) from harmful content.
- others suggest to improve information to parents on availability and functionality of the tools at the time that they buy the phone.

Contributions provide information on the availability of parental control tools in France, Germany, Belgium, the UK, and Norway.

**Blocking illegal content** (mainly child sexual abuse images (child pornography) mentioned): some countries (Norway and UK) have implemented blocking of illegal web sites (by ISPs including Mobile operators). Some answers point to the difficulties in implementing these tools for regulatory and technical reasons.

Several answers mention this as an area to be investigated, and where best practice exchange is useful since some countries have experience in this area.

*5e) Chat rooms. Should chat rooms accessible by children be moderated (in an automatic way or by a person)?*

There is a **wide consensus on the principle of moderating chat rooms**. All NGOs recommend moderation of chat rooms. Most MNOs agree that this is necessary and moderate the chats run by themselves. One of them claims that this is up to the service providers.

Some answers, while agreeing to moderate chats accessible by children, point out the **cost** of such services, in particular with human moderation.

**Internet chats** available through mobiles are difficult to control by MNOs.

Some other approaches are mentioned:

- safer chat room (Belgium) **only accessible by children**
- some NGOs say that access to chat rooms on mobiles by children should be **blocked**.
- Some organisations say that it is possible to "**trust mark**" certain chat rooms.

*5f) Raising awareness among parents and children*

All stakeholders (NGOs, MNOs, content providers, regulators) agree that **awareness-raising is essential** to empower children and parents in safe use of mobile phones. While MNOs have focused much of their information towards parents, NGOs and research also suggest targeting it directly at children.

Most consider that the **responsibility for children's safe use of mobile phones should be shared** between MNOs, content providers, public authorities, NGOs and schools etc.

NGOs stress the importance of **information being provided at points of sale and that information should be included** in mobile packages.

Some proposals are made in the contributions:

- inform the parents on the full potential of mobile devices, the contracts, risks and how to mitigate them.
- involve children in designing tools
- Media literacy: to be added in school curriculum.

*5g) Dedicated mobile phone packs for children, for which age group?*

There is no consensus on whether this is an adequate solution.

Most respondents share the opinion that teenagers would not like a different phone than adults. Rather than designing a specific phone, specific subscriptions may be a solution. Some MNOs and industry associations highlight that simple phones with limited features exist already.

**Dedicated packs would be accepted by the younger age groups** (below 8, 10 or 12) and this is requested by parents. One MNO reports on a specific product designed in Spain together with a child safety association, which limits access to some phone numbers and all multimedia. Some other MNOs state that they would be open to adopting such a solution.

However in other countries MNOs have refrained from targeting products at young children, in accordance with **precautionary principle concerning potential health issues**.

*Other solutions*

Other solutions are mentioned in the answers:

- Helplines (call service where it is possible to report unpleasant situations, nuisance calls and receive advice and support, including barring numbers and changing number).
- Online complaint mechanism.
- Possibility to set a ceiling amount to mobile phone subscription
- Possibility to register when you buy a pre-pay card (to indicate that it is for a minor).
- Each MNO designates a person responsible for questions regarding protection of minors
- Foster "positive content creation" for children.

### ➤ European solutions

*6) Among the measures listed above which ones would be useful to elaborate at European level? For which ones would it be useful to discuss/exchange best practices at European level?*

Many respondents also stress that if general rules are elaborated at European level, **solutions need to be implemented at national level** so that they respect cultural differences.

Through their European association GSME, MNOs propose the "**development of an EU-wide common Framework for national self-regulation**, transposed based on existing national societal standards for the classification of content."

Some answers call for **minimum standard of regulation/self-regulation agreed at EU level**, including:

- opt-in for access to adult content
- moderation of chat rooms accessed by children

In several areas, it seems to be useful to **explore solutions at European scale**:

- thematic classification scheme at European level (cf PEGI) could improve efficiency and transparency
- assist development of common standards for mobile based Internet filtering tools (a lot of development is still needed), alternatives to blocking Internet
- creation of a quality standard
- child safety in handset manufacturing standards

There is general support for the creation of a platform for **exchanging best practices at European level**, which should be supported by the EC.

Several contributions stress the importance of the current **actions supported through the Safer Internet programme** run by the European Commission and called for continuous action or reinforcement in the following areas: hotlines, awareness campaigns dedicated to mobiles, European survey/research.

Some NGOs suggest **surveying and possibly reinforcing legislation** at European level in the following areas:

- provide legal provisions to freeze subscriptions when expenses reach a certain level or at request of a customer
- to reinforce protection of children as customers, especially when using mobile phones as credit cards.
- a survey of legal frameworks for location based services, interpretation of data protection rules (best practices), transposition of ePrivacy directive into national law, as well as making sure these services are not marketed in EU as child protection tools.
- develop common database of illegal sites, managed by national law enforcement authorities