Illegal and harmful content on the Internet: child protection and human dignity

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The Committee on Civil Liberties adopted the draft legislative resolution on the communication on "illegal and harmful content on the Internet" by 26 votes to 1. The rapporteur, Mr Pradier (ARE, F) decided in his report to concentrate on the most worrying phenomena, such as incitement to violence and hatred (extremism), paedophilia and perverse pornography. Although respect for the freedom of expression was fundamental in this new area, protection from physical harm and, in particular, the protection of children was of prime importance. While rejecting an exclusively repressive approach to computer networks (for the rest, the special nature of the Internet prevents practical censorship), the text adopted endeavours to provide a range of suitable means and measures to combat forms of illegality and the use of harmful content concerning minors with moral implications. For its part, the Commission was called on to introduce a European quality label for Internet service providers along the same lines as the present system of labelling for environmentally-friendly products. In addition, it was asked, following consultation with Parliament, to propose a common European framework to encourage self-regulation by access and Internet service providers. While emphasizing the need to regulate the responsibility of service providers at Community and international level (in this respect Member States are also called on to define a minimum number of common rules in their criminal law and to strengthen administrative collaboration), the draft resolution insists on the need for preventive "vertical" cooperation between political decision-makers, industry, access and service providers and user associations to gain ground before any repressive regulation is introduced. The self-regulation and awareness mechanisms triggered by such an approach would, for example, prevent the traffic in human beings for the purposes of sexual exploitation from penetrating the network in the form of information on adoption or offers of employment (home help services in particular). As far as the use of the network for the purposes of distributing child pornography and sexually exploiting children was concerned, the text adopted classifies these messages as crimes and, in the same preventive spirit, calls on the national authorities to promote the ability of children to make a critical analysis of audio-visual images through the educational system, without overlooking parental control in this respect (for example the use of filtering software). As far as illegal content is concerned, the draft resolution recommends communitization of the third pillar of the Maastricht Treaty, given that this area currently falls between two areas: the free movement of services (first pillar, already within the Community system) and civil liberties and justice (third pillar, subject to the intergovernmental method). Once this condition is in place, the European Union will be able to intervene, in accordance with the principles of subsidiarity and proportionality, under the dynamic impetus and democratic control of Parliament. In addition, it should be able to count on stronger police cooperation, the implementation of a "cyberpolice" under the aegis of Europol and the creation of a central register of missing children as part of the future European Information System (EIS). Parliament has called for the Council to take a stand on this series of initiatives and to inform it, by October 1997 of the progress made, in particular in relation to filtering and rating systems, given the rapid rate of technological change.