Audiovisual and information services: protection of minors and human dignity. Green Paper

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OBJECTIVE: the Green Paper sets out to examine the challenges that society faces in guaranteeing the protection of minors and of human dignity in the audiovisual and information services. It seeks chiefly to raise questions and to set certain general guidelines in order to strengthen debate on this subject. Contributions from the sectors concerned in response to the Green Paper should be addressed to the Commission no later than 28 February 1997. SUBSTANCE: the Commission deals with the subject in three main chapters: - the first deals with the development of new audiovisual services, - the second analyses the existing legal frameworks for the protection of minors and human dignity, - the third analyses the situation at Union level. - Development of new audiovisual and information services relevant to the protection of minors: the Commission considers that solutions have to be designed to take account of the type of content of the proposed services. These solutions must be adapted to the evolution of the services. Thus new television services, such as pay-per-view, provide greater individual choice and are evolving away from the mass media model viewed by everyone (publishing model where the spectator selects his or her programme from a vast choice). On-line services take this evolution further towards the individual communication model. The development of all these systems requires a flexible framework in regulatory terms as each new service has its own risk. The difficulty often resides more in the characteristics of new services than in their content. - Analysis of existing legal arrangements: Europe has a common approach - the principle of freedom of expression recognized in all the Member States (Article 10 of the European Convention on Human Rights) and the test of proportionality (test of conformity of any restrictive measures with the fundamental principles laid down in the Convention). Beyond this common basis the actual regimes in the Member States vary greatly and reflect differences in cultural and moral standards. In general terms, the new services can create specific new problems with regard to the enforcement of legal provisions (in particular as regards liability when several operators are involved in the communications chain). Solutions must therefore be found to deal with these conflicts of liability. This chapter examines the problems related to the protection of minors against harmful, but not necessarily illegal (e.g. pornography) content. Some states already have strict legislation. However, whether or not the legislation of the states is strict, the implementation of protection measures requires means which ensure that minors do not access such services. In this field recent technological developments can provide new solutions through greater parent control, both in the television (anti-violence or v-chip) and on-line (PICS) environments. These new possibilities offer the advantage that prior censorship is not needed. They also help to increase the effectiveness of self-regulation. - Analysis of the situation at Union level: the freedom to provide services is one of the four basic freedoms guaranteed by the Treaty. However, restrictions are possible for reasons of public interest (such as the protection of minors). In the fight against illegal content cooperation between the Member States is identified as having a fundamental role to play given the international character of the new services. By cooperating and coordinating their initiatives the Member States will be able to counter more effectively illegal use and content. There are various options for improving cooperation between national administrations and with the Commission: systematic exchange of information, joint analysis of national legislative provisions, establishment of a common framework for self-regulation, recommendations for cooperation in the field of justice and home affairs, common orientations for international cooperation. There are also opportunities to encourage cooperation between the relevant industries (codes of conduct, common standards for rating systems, promotion of PICS). Possible user awareness and information measures are also put forward for debate. - Lastly, the document concludes with nine questions, to which all the authorities, industries and associations active in this sector can respond, for further debate by the Commission. Actions will be taken in the light of the responses received.