Basic information

2012/2068(INI) INI - Own-initiative procedure	Procedure completed
Protecting children in the digital world **Subject** 3.30.06 Information and communication technologies, digital technologies 3.30.16 Ethical information policy 3.30.25 International information networks and society, internet 4.10.03 Child protection, children's rights	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CULT Culture and Education	COSTA Silvia (S&D)	04/10/2011
	Shadow rapporteur ZANICCHI Iva (PPE) SCHAAKE Marietje (ALDE) BENARAB-ATTOU Malika (Verts/ALE) VERGIAT Marie-Christine (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	HEDH Anna (S&D)	11/06/2012

European Commission

Commission DG	Commissioner
Communications Networks, Content and Technology	KROES Neelie

Key events

Date	Event	Reference	Summary
13/09/2011	Non-legislative basic document published	COM(2011)0556	Summary
20/04/2012	Committee referral announced in Parliament		
09/10/2012	Vote in committee		
24/10/2012	Committee report tabled for plenary	A7-0353/2012	Summary
19/11/2012	Debate in Parliament		
20/11/2012	Decision by Parliament	T7-0428/2012	Summary
20/11/2012	Results of vote in Parliament		
20/11/2012	End of procedure in Parliament		

Technical information

Procedure reference	2012/2068(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CULT/7/09239

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE486.198	02/04/2012	
Amendments tabled in committee		PE489.363	10/05/2012	
Committee opinion	LIBE	PE491.241	25/07/2012	
Committee report tabled for plenary, single reading		A7-0353/2012	24/10/2012	Summary
Text adopted by Parliament, single reading		T7-0428/2012	20/11/2012	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2011)0556	13/09/2011	Summary
Commission response to text adopted in plenary	SP(2013)110	02/04/2013	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2011)0556	31/01/2012	

Protecting children in the digital world

2012/2068(INI) - 13/09/2011 - Non-legislative basic document

PURPOSE: to analyse the implementation and effectiveness of the measures in Council Recommendations 98/560/EC and 2006/952/EC on Protection of Minors.

CONTENT: the objective of the 1998 and the 2006 Recommendations on Protection of Minors was to make Member States and industry conscious of the new challenges for the protection of minors in electronic media, particularly those linked to the uptake and growing importance of online services. This report analyses the implementation and effectiveness of the measures specified in the 1998 and 2006 Recommendations in Member States. It also ask the question whether current policies are still suitable and adequate to ensure a high level of protection for minors throughout Europe.

The report discusses Member States' reports and states that as a positive general result, the survey of Member States on the various dimensions of the 1998 and 2006 Recommendations shows that all Member States are conscious of the challenges for the protection of minors online and are increasingly making efforts to respond to them. A policy mix, with a significant component of self-regulatory measures, seems best suited to address in as flexible and responsive a way as possible the convergence between platforms (TV, PC, smartphones, consoles, etc.) and audiovisual content.

However, the detailed assessment of the policy responses that Member States have developed presents a landscape made of very diverse – and in a number of cases, even diverging - actions across Europe. This is in particular true in certain areas:

Tackling illegal and harmful content: while there is convergence in the Member States that promoting self-regulatory measures (codes of conduct) is useful, there is persistent concern that the protection levels achieved in this field still differ significantly.

Going forward, existing measures against illegal or harmful contents should be constantly monitored in order to ensure their effectiveness. For instance, reporting points for this type of content, provided by the content provider and to be used by children and parents are being developed and supported by functioning back office infrastructures, but all these initiatives lack common features and economies of scale that would increase their efficiency.

Making social networks safer places: whilst social networking sites offer huge opportunities for minors, they also bear a considerable risk potential, which can be summarised by the categories "illegal content", "age-inappropriate content", "inappropriate contact" and "inappropriate conduct". One promising way to counter these risks is guidelines, addressing providers of social networking sites and/or users.

Only 10 Member States referred to such guidelines, and even fewer reported that there are evaluation systems in place to assess their effectiveness. Therefore, "soft law" rules currently suffer from rather patchy implementation.

Given the massive expansion of social networking sites, operators' control systems fall short of covering all the potential risks in an efficient and consistent manner.

Active stakeholder engagement is encouraged, in particular through further awareness- raising as regards the risks and ways to mitigate them, wider use of guidelines, with implementation monitoring.

In addition, reporting points with a well functioning back office infrastructure are increasingly being deployed on social networks in order to assist children in dealing with grooming, cyber-bullying and similar issues, but the solutions are being developed on a case-by case basis.

Moreover, the use of "privacy by default" settings for children joining in social networking sites is not widespread.

Streamlining content rating schemes: 16 Member States and Norway responded that they have diverging age ratings and classifications for different types of media. Ten Member States and Norway consider this to be a problem. Eight Member States and Norway point out that there are measures or initiatives being considered to introduce greater consistency in this field.

Altogether 15 Member States and Norway consider cross-media and/or pan-European classification systems for media content helpful and feasible. This is contradicted by nine Member States which point to the cultural differences. This is an area of most extreme fragmentation – the conceptions of what is necessary and useful diverge significantly between and within Member States.

While most Member States see scope for improving their age rating and classification systems, there is clearly no consensus on the helpfulness and feasibility of cross-media and/or pan-European classification systems for media content. Still, in view of the increasingly borderless nature

e of online content, ways to better align such systems should be explored further.

Internet-enabled devices with parental control tools are increasingly available but the articulation with the use of appropriate content relies upon case-by case solutions that vary greatly between and within Member States.

Against this background, it seems worth reflecting upon innovative rating and content classifications systems that could be used more widely across the ICT sector (manufacturers, host and content providers, etc.), while leaving the necessary flexibility for local interpretations of “appropriateness” and reflecting the established approaches to the liability of the various Internet actors.

Danger of market fragmentation: the report goes on to point out that quite often, the regulatory or self-regulatory measures also lack ambition and consistency with similar measures put in place in other Member States, or they are simply not effectively implemented in practice. A patchwork of measures across Europe can only lead to internal market fragmentation and to confusion for parents and teachers who try to identify the “do's” and “don't” to protect and empower children who go online.

This report and the detailed responses gathered in the survey of Member States demonstrate that further action at European level may build on the best practices of the Member States and reach economies of scale for the ICT sector that will help children to safely reap the benefits of the constantly evolving digital world.

Protecting children in the digital world

2012/2068(INI) - 24/10/2012 - Committee report tabled for plenary, single reading

The Committee on Culture and Education adopted the own-initiative report by Silvia COSTA (S&D, IT) on protecting children in the digital world.

Members note the fact that almost 15 % of internet users who are minors aged between 10 and 17 receive some form of sexual solicitation, and 34 % of them encounter sexual material that they have not searched for. They consider, in this context, the measures taken by Member States to prevent illegal online content are not always effective and inevitably involve differing approaches to the prevention of content that is harmful to children.

According to Members, the protection of minors in the digital world must be addressed at regulatory level by deploying more effective measures, including through self-regulation by engaging the industry to assume its shared responsibility, and at educational and training level by training children, parents and teachers in order to prevent minors from accessing illegal content. This is why they propose a strategy that seeks to strike the right balance between free access to the internet and combating illegal content.

A framework of rights and governance: Members point out that a new stage of protecting the rights of the child in the EU framework started with the entry into force of the Treaty of Lisbon, together with the now legally binding Charter of Fundamental Rights of the European Union, whose Article 24 defines the protection of children as a fundamental right. They reiterate the need for the EU to fully respect the standards of the relevant international instruments and urge the Member States to transpose and implement, in a smooth and timely manner, all legal instruments in the area of the protection of minors in the digital world.

Members welcome the Commission’s European strategy for a better internet for children and call on the Commission to enhance existing internal mechanisms to ensure a consistent and coordinated approach to child safety online, underlining that **only a comprehensive combination of legal, technical and educational measures**, including prevention, can adequately **address the dangers that children face online**, and enhance the protection of children in the online environment.

In this context, several measures are recommended:

- the continuation of the Safer Internet Programme, with adequate funding to carry out its activities;
- research and education programmes aimed at reducing the risk of children becoming victims of the internet;
- close collaboration with civil society associations and organisations working inter alia for the protection of minors, data protection and education.

Media and new media: access and education: pointing out that the internet provides children and young people with immensely valuable tools, which can be used to express or assert their views, access information and learning and claim their rights, as well as being an excellent tool of communication, Members also highlight the inherent risks for the most vulnerable users: child pornography, the exchange of material on violence, cybercrime, intimidation, bullying, grooming, children being able to access or acquire legally restricted or age-inappropriate goods and services, exposure to age-inappropriate, aggressive or misleading advertising, scams, etc.

They, therefore, support Member States’ efforts to promote **systematic education and training** for children (from an early age), parents, educators, schoolteachers and social workers, aimed at enabling them to understand the digital world and identify the associated dangers. To this end, they encourage ongoing digital training for educators who work with students in schools on a permanent basis.

Members also highlight the **role of parents and of the family** and urge the Commission to support awareness-raising initiatives aimed at parents and educators in order to ensure that they can best support minors in the use of digital tools and services.

They highlight, in particular, the **role of the private sector and industry as regards their responsibility** in relation to these issues as well as child-safe labelling for web pages, and promotion of ‘netiquette’ for children. In this context, they urge the Commission to include in its main priorities the **protection of children from aggressive or misleading TV and online advertising**.

Right to protection: Members outline their vision of protecting children from the dangers of the internet. The report focuses on the following measures:

1) Combating illegal content: in this regard, Members call for:

- the collection, in the framework of its reporting obligation on the transposition of Directive 2011/92/EU, of exact and clear data on the crime of online grooming ;

- further improvement could be achieved in connection with further harmonisation of the criminal law and criminal procedures of the Member States, including eventual proposals for **material EU criminal legislation** that fully respect the principles of subsidiarity and proportionality;
- the strengthened cooperation with third countries as regards the prompt deletion of web pages containing or disseminating illegal content;
- the introduction and strengthening of **hotline systems** for reporting crimes and illegal content and conduct, respecting the rights of suspects and the improved information for children and families regarding national hotlines and other contact points such as “safety buttons”;
- strengthened international cooperation between law enforcement agencies and the development of synergies with other related services, including police and juvenile justice systems;
- the dissemination of reliable instruments, such as warning pages or acoustic and optical signals to limit direct access of minors to content that is harmful to them;
- a **stronger commitment from digital content and service suppliers** to implement codes of conduct compliant with the regulations that are in force, to identify, prevent and remove illegal content based on the decisions of the legal authorities;
- the proper implementation by Member States of the existing procedural rules for deleting websites hosting exploitative, threatening, abusive, discriminatory or otherwise malicious content.

Members also regret the failure to comply with the pact signed on 9 February 2009 between the Commission and 17 social networking sites, including Facebook and Myspace, which promoted the protection and security of minors online.

2) Combating harmful content: Members consider it urgent for the Commission to examine the effectiveness of the various systems for voluntary classification of content unsuitable for minors in the Member States and call on it, as well as the Member States and the internet industry, to **reinforce cooperation in the development of strategies and standards to train minors in the responsible use of the internet**.

The following measures are recommended:

- the integration of the protection of minors into the respective by-laws associations of audiovisual and digital service suppliers
- the harmonisation by the Member States of the classification of digital content for minors (e.g. games by age-group), in cooperation with the relevant operators and associations, and with third countries;
- the establishment of the ‘**European Framework for Safer Mobile Use**’ by exploiting the options that facilitate parental control.

3) Protection of privacy:

Although Members welcome the new proposal for a Regulation on personal data protection and its special provisions on children’s consent and the right to be forgotten, which bans the preservation online of information on the personal data of minors, which may pose a risk to their personal and professional life, they call for further clarification. They consider that owners and administrators of web pages should indicate in a clear and visible way their data protection policy and should provide for **a system of mandatory parental consent for the processing of data of children under the age of 13**. Members favour ensuring that users have more information on how their personal data (and that of associated parties) are handled and consider that this information should be made available in a language and form adapted to the user profiles.

They call for t**he promotion in every digital sector of technological options which, if selected, can limit the websurfing of minors within traceable limits** and with conditional access, thereby providing an effective tool for parental control.

4) Right of reply in digital media: Members call for the development and harmonisation of systems relating to the right of reply in digital media.

Right to digital citizenship: given the impact of digital technology as an important learning tool for citizenship, Members call on the Member States to consider digital platforms as training tools for democratic participation for every child. Measures would have to be taken to take into account the most vulnerable. They recall that information and citizenship are closely linked on the internet and that what threatens the civic engagement of young people today is the lack of interest they show in information. Lastly, it should be noted that in accordance with Rule 52(3) of Parliament’s Rules of Procedure, a minority opinion was tabled in the context of this report by several members of the ALDE group.

The Members in question reject the report’s focus on government campaigns and the extension of enforcement to ISPs and other self-regulating mechanisms which, in their view, diminishes the role of parents in their children’s education. They consider that the measures included in the report furthermore demonstrate an unwarranted bias towards the perceived dangers of the Internet, limiting the opportunities for education and innovation.

The minority opinion recommends rather that youth’s resilience and independence should be strengthened and that efforts should be directed at educating children and youth and developing their e-skills.

Protecting children in the digital world

2012/2068(INI) - 20/11/2012 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on protecting children in the digital world.

Parliament notes the fact that almost 15 % of internet users who are minors aged between 10 and 17 receive some form of sexual solicitation, and 34 % of them encounter sexual material that they have not searched for. Minors must be protected from the dangers of the digital world in accordance with their age and developmental progress.

It considers, in this context, the measures taken by Member States to prevent illegal online content are not always effective and inevitably involve differing approaches to the prevention of content that is harmful to children.

According to Parliament, the protection of minors in the digital world must be addressed at regulatory level by deploying more effective measures, including through self-regulation by engaging the industry to assume its shared responsibility, and at educational and training level by training children,

parents and teachers in order to prevent minors from accessing illegal content. This is why they propose a strategy that seeks to strike the right balance between free access to the internet and combating illegal content.

A framework of rights and governance: Parliament points out that a new stage of protecting the rights of the child in the EU framework started with the entry into force of the Treaty of Lisbon, together with the now legally binding Charter of Fundamental Rights of the European Union, whose Article 24 defines the protection of children as a fundamental right. It reiterates the need for the EU to fully respect the standards of the relevant international instruments and urge the Member States to transpose and implement, in a smooth and timely manner, all legal instruments in the area of the protection of minors in the digital world.

Parliament welcomes the Commission's European strategy for a better internet for children and calls on the Commission to enhance existing internal mechanisms to ensure a consistent and coordinated approach to child safety online, underlining that **only a comprehensive combination of legal, technical and educational measures**, including prevention, can adequately **address the dangers that children face online**, and enhance the protection of children in the online environment.

In this context, several measures are recommended:

- the continuation of the Safer Internet Programme, with adequate funding to carry out its activities;
- research and education programmes aimed at reducing the risk of children becoming victims of the internet;
- close collaboration with civil society associations and organisations working inter alia for the protection of minors, data protection and education.

Media and new media: access and education: pointing out that the internet provides children and young people with immensely valuable tools, which can be used to express or assert their views, access information and learning and claim their rights, as well as being an excellent tool of communication, Parliament also highlights the inherent risks for the most vulnerable users: child pornography, the exchange of material on violence, cybercrime, intimidation, bullying, grooming, children being able to access or acquire legally restricted or age-inappropriate goods and services, exposure to age-inappropriate, aggressive or misleading advertising, scams, etc.

It underlines that the new information and communication options offered by the digital world, such as computers, TV on different platforms, mobile phones, video games, tablets, apps, and the level of diffusion of different media that converge in a single digital system, entail not only a host of possibilities and opportunities for children and adolescents, but also risks in terms of easy access to content that is illegal, unsuitable or harmful to the development of minors, as well as the possibility that data may be collected with the aim of targeting children as consumers, with harmful, unmeasured effects.

Parliament supports Member States' efforts to promote **systematic education and training** for children (from an early age), parents, educators, schoolteachers and social workers, aimed at enabling them to understand the digital world and identify the associated dangers. To this end, it encourages ongoing digital training for educators who work with students in schools on a permanent basis.

It also highlights the role of **parents and of the family** and urges the Commission to support awareness-raising initiatives aimed at parents and educators.

It also points to the role of the private sector and industry as regards their responsibility in relation to these issues as well as child-safe labelling for web pages, and promotion of 'netiquette' for children. In this context, it urges the Commission to include in its main priorities **the protection of children from aggressive or misleading TV and online advertising**. Special attention must be given to online marketing of harmful substances, such as alcohol, given that social networks facilitate the online marketing of this product.

Right to protection: Parliament outlines its vision of protecting children from the dangers of the internet. It focuses on the following measures:

1) Combating illegal content: in this regard, Parliament calls for:

- the collection, in the framework of its reporting obligation on the transposition of Directive 2011/92/EU, of exact and clear data on the crime of online grooming ;
- further improvement could be achieved in connection with further harmonisation of the criminal law and criminal procedures of the Member States, including eventual proposals for material **EU criminal legislation** that fully respect the principles of subsidiarity and proportionality;
- the strengthened cooperation with third countries as regards the prompt deletion of web pages containing or disseminating illegal content, as well as the combat of cybercrime;
- the introduction and strengthening of **hotline systems** for reporting crimes and illegal content and conduct, respecting the rights of suspects and the improved information for children and families regarding national hotlines and other contact points such as "safety buttons";
- strengthened international cooperation between law enforcement agencies and the development of synergies with other related services, including police and juvenile justice systems;
- the dissemination of reliable instruments, such as warning pages or acoustic and optical signals to limit direct access of minors to content that is harmful to them;
- **a stronger commitment from digital content and service suppliers** to implement codes of conduct compliant with the regulations that are in force, to identify, prevent and remove illegal content based on the decisions of the legal authorities;
- the launch of **a campaign addressed at parents** to assist them in understanding the digital material that is being managed by their children;
- the proper implementation by Member States of the existing procedural rules for deleting websites hosting exploitative, threatening, abusive, discriminatory or otherwise malicious content;
- the consideration of possible legislative measures if industry self-regulation fails to deliver.

Parliament also regrets the failure to comply with the pact signed on 9 February 2009 between the Commission and 17 social networking sites, including Facebook and Myspace, which promoted the protection and security of minors online.

2) Combating harmful content: Parliament considers it urgent for the Commission to examine the effectiveness of the various systems for voluntary classification of content unsuitable for minors in the Member States and calls on it, as well as the Member States and the internet industry, to reinforce cooperation in the **development of strategies and standards to train minors in the responsible use of the internet**.

The following measures are recommended:

- the integration of the protection of minors into the respective by-laws associations of audiovisual and digital service suppliers
- the harmonisation by the Member States of the classification of digital content for minors (e.g. games by age-group), in cooperation with the relevant operators and associations, and with third countries;
- **the establishment of the 'European Framework for Safer Mobile Use'** by exploiting the options that facilitate parental control.

3) Protection of privacy: although Parliament welcomes the new proposal for a Regulation on personal data protection and its special provisions on children's consent and the right to be forgotten, which bans the preservation online of information on the personal data of minors, which may pose a risk to their personal and professional life, it calls for further clarification. It considers that owners and administrators of web pages should indicate in a clear and visible way their data protection policy and should **provide for a system of mandatory parental consent for the processing of data of children under the age of 13**. It favours ensuring that users have more information on how their personal data (and that of associated parties) are handled and consider that this information should be made available in a language and form adapted to the user profiles.

It calls for the promotion in every digital sector of **technological options which, if selected, can limit the websurfing of minors within traceable limits** and with conditional access, thereby providing an effective tool for parental control.

4) Right of reply in digital media: Parliament calls for the development and harmonisation of systems relating to the right of reply in digital media.

Right to digital citizenship: given the impact of digital technology as an important learning tool for citizenship, Parliament calls on the Member States to consider digital platforms as training tools for democratic participation for every child. Measures would have to be taken to take into account the most vulnerable. Lastly, it recalls that information and citizenship are closely linked on the internet and that what threatens the civic engagement of young people today is the lack of interest they show in information.