A RESPONSE BY CHILDNET INTERNATIONAL TO THE

CODE OF PRACTICE
FOR THE SELF-REGULATION
OF NEW FORMS OF CONTENT AND EXPERIENCES
ON MOBILES

SEPTEMBER 2003

Childnet
International

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1) EXECUTIVE SUMMARY

Childnet International's mission is "to help make the Internet a great and safe place for Children". As such the charity has been engaged with the potential of mobile technology for some years and is actively involved in initiatives that particularly focus on this technology. In its work, Childnet seeks to promote both the positives and the opportunities that this technology offers children, while also seeking to respond to the negative side of this technology in respect of child protection.

Childnet very much welcomes the drafting of this Code of Practice and the attention that the Mobile Operators are giving to the issue of child protection on their services. We also welcome the Mobile Operators (MOs) cooperation with and contribution to the Home Office Task Force on Child Protection on the Internet. Childnet is also represented on the Task Force, both in the main group and various working groups including the Mobiles sub group.

This report outlines Childnet's response to the Code of Practice and in summary Childnet is making 9 key summary points which are then expanded on in this document:

1) Childnet believes that the mobile Internet is not the same as the fixed Internet with regard to child safety, and that as a result further steps need to be taken on the part of Mobile Operators. Although the mobile Internet poses the same dangers to children as the fixed Internet, ie the dangers of **Content**, **Contact** and **Commercialism**, Childnet believes, however, that accessing the Internet via mobile greatly increases these dangers. This is because of the difficulties of supervising children's access to the Internet over such a private and personal device, and because the device by its very nature is always on, thus children are always reachable and therefore always potentially vulnerable. Childnet is also concerned at the prospect of any location-based services on mobiles, as it would greatly impact on child safety if the person they were talking to was able to establish where the child was.

2) Childnet is concerned that there may be gaps in the Code of Practice. This is in part due to the terminology used in the Code. Childnet is unsure about the terms:
- 'New' in the title 'Code of Practice for the Self-Regulation of New Forms of Content and Experiences on Mobiles'.
- 'Experiences' – this intimates it includes interactive services, but this is not explicitly stated. Childnet argues that the Code should be explicitly clear about what is covered in the Code, and that the Code should cover all services.
- 'Commercial content' – Childnet does not find this term clear in its meaning, nor useful as we do not feel that how content is paid for by the user is the issue here.

3) Childnet believes the emphasis of the Code is heavily on **Content**, and this needs shifting to more explicitly cover interactive services where children can be in touch with people they do not know, in other words, **Contact**.

4) Childnet believes that Interactive services on mobiles where children can be in touch with people they do not know should not be made available to children (ie those under 18). If interactive services are to be made available to children then they should fulfil certain stringent criteria, including effective moderation, that the service is intended for and restricted to under 18s, and the recommendations in the Home Office Good Practice models and guidance for the internet industry. The outside body responsible for the classification framework (outlined in the Code, Annex part A) should classify chat and other interactive services which put users in touch with people they do not know that do not meet these stringent criteria as 18, ie unsuitable for those under 18.

5) Childnet is keen for assurances that there will be some specific standards set for the parental control tools provided by the different MOs. For this to be effective Childnet expects that
- the tools are designed so that they are simple to use and that ideally a tool is produced generically by all operators pooling their knowledge so that the tool is standard and compatible across operators.
- the different MOs use similar language and terminology for their different tools.
- The user interface is similar across the different MOs service.
- The default mechanism on every phone sold must be that 18 content and services are blocked when you turn the phone on for the first time.

Childnet would want to make the area of competitive advantage as narrow as possible here. Rather there should be the highest possible standards across the board.

6) Childnet believes that the IWF is the only body effectively equipped to deal with the service in Annex Part B.

7) Childnet believes that there is a real need for an awareness campaign to go hand in hand with the types of controls available to the users and how to activate and operate such technologies. The awareness-raising needs to be much broader than that too. It should highlight how to get the best out of the new technology and exploit the positive opportunities it offers, and it should highlight what the dangers are to parents and to children in using the 'mobile Internet' and new mobile services, and make clear both to children and to parents what they can do to keep safe. These messages need to be tailored to their audience, both children and parents, and delivered through a number of different channels, both online and offline, including on the mobile phone itself, for example, as interactive games or modules attractive to different audiences.

8) The Code of Practice needs to be clear on who 'owns' the Code of Practice, and who people can contact if they have any questions about the Code itself or its administration. The Code also needs to be clear on what the sanctions will be on a member who breaches the Code of Practice.

9) The MOs should commit to spread the awareness for the need for such a self-regulatory approach on the part of the mobile industry to sections of their companies working in other countries.

2) BACKGROUND TO CHILDNET INTERNATIONAL:

Childnet International is a not-for-profit organisation working around the world with partners in many different sectors helping to make the Internet a great and safe place for children. Childnet's aim is to promote and protect children and their rights on this new medium. Childnet's work always seeks to promote the positive and exciting opportunities that the Internet and new technologies offer to children but at the same time responding to the negative side of this technology in respect of child protection[1].

Childnet has been actively looking at and engaging with the potential of mobile technology for some years, and we have undertaken or are undertaking initiatives that particularly focus on this new technology. Some examples are listed below:

- Childnet Challenge: we are currently exploring the positive potential of new mobile technology in a pilot project designed to use the technology to help young people bridge divisions between different sections of the same community. The pilot is running in Northern Ireland and Hungary and is funded by the Vodafone Group Foundation.

- Experts meeting in Japan, March 2003: Childnet International, together with the Internet Association Japan, held an Experts' Meeting in Tokyo in March 2003 on 'Children, Mobile Phones and the Internet: the Mobile Internet and Children'. This meeting brought together academics, representatives of the mobile industry, child welfare experts, regulators, policy foundations and law enforcement from all over the world. These experts examined the current and future use of mobile technology by children and what positive opportunities this will bring to children and what potential negatives may need to be guarded against, as well as what responses there need to be from the relevant actors, including of course children and parents. This Experts' seminar was the first of its kind in the world and thus is at the leading edge of the discussion on the potential impact and the opportunities that the new technology offers children[2].

- Home Office Task Force: Childnet is represented on the UK Home Office Task Force on Internet Safety, and is on the newly formed sub-group looking at mobile services.

- Kidsmart: Childnet's Kidsmart programme, which is funded by the Department for Education and Skills, and has distributed awareness leaflets on Internet safety for parents and for children (and has reached in excess of 1,000 schools), includes information about mobile safety[3].

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[1] Details of Childnet's work can be seen at www.childnet-int.org.
[2] For further details about this meeting see http://www.childnet-int.org/projects/japan.html, and http://www.iajapan.org/hotline/2003mobile-en.html, and the full proceedings of the Experts' meeting are available at http://www.childnet-int.org/downloads/tokyo%20conference%20proceedings.pdf.
[3] See www.kidsmart.org.uk.

3) INTERNET-ENABLED MOBILE PHONES AND CHILDREN:

The discussion about the services available on mobile phone technology in relation to child safety is ongoing. However, the experience we have had of the fixed Internet together with a knowledge of what is occurring in elsewhere in the world with regard to new mobile technologies affirm that Internet services being offered over a mobile platform essentially raise the same dangers for children as they face over the fixed Internet.

Childnet has suggested these main dangers for children of the Internet can be categorised as the three Cs of 'Content, Contact and Commercialism'. **Content** refers to inappropriate content, such as pornographic material, or race or hate sites or other inaccurate information. **Commercialism** refers to the child being subject to direct marketing via the Internet, in the form of spam or in advertising that is disguised as editorial for example. There are also serious issues about privacy and the use of market information collected by or for commercial companies. And **Contact** refers to children being contacted in interactive areas of the Internet by those that seek to harm them or lure them. There have been cases worldwide of children being contacted in interactive areas of the Internet, such as chatrooms, by adults and then manipulated over a period of time – usually over increasingly private and personal communication media, such as instant messenger, e-mail and mobile phone - to agree to an offline meeting where they have been sexually abused. This process of manipulation is often referred to as 'grooming'.

Childnet believes that though the dangers faced by children accessing the Internet over a mobile platform are the same dangers as on the fixed Internet, the Internet accessed via mobile phones is more dangerous than the fixed Internet because of the intrinsic nature of the mobile phone and its use. This increased risk is because
- Of the inherent difficulties of supervising access to the Internet via such a private and personal device. Parental supervision of children's accessing the Internet via their mobile is clearly not feasible given the mobility of the device, and its personal and private nature.
- the device by its very nature is always on, thus children are always reachable and therefore potentially always vulnerable. The 'always-on' nature of the mobile phone will not only make children always contactable and thus potentially more vulnerable, but it will also enable an impulsive behaviour which may put children at risk, particularly in the context of interactive services.

Childnet is also concerned at the prospect of any location-based services on mobiles, as clearly it would greatly impact on child safety if the person they were talking to was able to establish where the child was.

Thus Childnet believes that the mobile Internet is not the same as the fixed Internet with regard to child safety, and that as a result further steps need to be taken on the part of the Mobile Operators. Childnet is especially concerned about the potential impact of offering interactive services to children where they are in touch with people they do not know via such a personal and private device.

4) GENERAL RESPONSE TO THE CODE OF PRACTICE:

With the arrival of new mobile services, particularly given the popularity of the latest mobile technology with children, Childnet is committed to ensuring that full consideration of the potential impact of these technologies and services on children is given, and that there are effective policy responses in place. Childnet is committed to promoting the positive opportunities offered by these new technologies and responding to any negatives.

For this reason Childnet very much welcomes the drafting of this Code of Practice and the attention that the Mobile Operators are giving to the issue of child protection on their services. We also welcome the Mobile Operators (MOs) cooperation with and contribution to the Home Office Task Force on Child Protection on the Internet.

Childnet has chosen to respond to this draft Code of Practice both to commend in areas where responsible actions are proposed to be taken, but also to highlight areas where Childnet believes these Codes lack clarity or have omissions. We will outline our response in 3 sections, firstly looking at the **Scope** of the Code of Practice and the definitions used in the Code, secondly looking at the proposed **Response** in the Code, and thirdly looking at the working of the **Code in practice**.

4.1. Scope:

"*The Code of Practice explains how mobile operators (MOs) intend to address these concerns [about under 18s exposure to inappropriate content and experiences] to provide our customers with confidence in new mobile services as the range of content and experiences accessible increases*"[4].

Despite the above statement, even used in conjunction with the glossary definitions, it is not clear that the Code of Practice is comprehensive. Clearly the Code should cover **all** services, covering both content and interactive services, whether they are existing or about to come available, however they are delivered. This is not explicitly stated in the Code, and Childnet is concerned that subsequently there may be gaps in the Code of Practice.

Definitions
It is not made clear what the '**New** forms of content and experiences on mobiles' are. Whilst we support the steps taken towards self-regulation, we must urge the MOs to be clear on what it is they undertake to self-regulate. We would seek clarity on what 'New forms' refers to in the context of the 'Self-regulation of New Forms of Content and Experiences on Mobiles'. If the 'New' refers to the advances in technologies, then the concern is both looking back at the existing services that may not be conceived of as 'New' and therefore not covered – SMS, WAP, even some mobile chat – and also looking forward, as 'New' is a term that does not date well and will not necessarily refer to the same thing in a year or more's time. Childnet would argue that all services other that one to one voice or one to one SMS, should be covered by the Code.

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[4] Code of Practice, Part Two, Explanation and Consultation, A. Forward, p5.

Childnet also seeks clarity on the term '**Experiences**'. In the glossary this is defined as "transaction such as message, bet or other interaction". Thus the term covers interaction, and presumably includes anything that is interactive, and this will include interactive services where users are in contact with people they don't know. This then includes Chat, and potentially other interactive services such as instant messenger, message boards and online games. If this is the case that the Code covers these, then the Code should make this explicitly clear. Equally, if the Code does not cover these services, this should be made clear, and there should be a clear explanation of why these services are not included in the Code. Childnet would argue that all of the above services should be within the terms of the Code.

Interactive services:
Childnet has consistently argued that the main dangers to children on the Internet, however it is accessed, are the three Cs of Content, Contact and Commercialism. Of these, our primary concern has always been Contact. It is Contact which potentially causes actual physical harm to the child and subsequently is the issue of most concern to parents[5].

If the Code really means to address "concerns to provide our customers with confidence in new mobile services as the range of content and experiences accessible increases"(p5) then clearly Contact, the issue of most concern to parents needs to be specifically included and addressed. However, the emphasis of the Code of Practice is heavily on Content. We believe the balance needs shifting to more explicitly cover interactive services where children can be in touch with people they do not know.

It is especially important for the Code of Practice to specifically include chat and other interactive services where users are in contact with people they do not know, as Childnet believes the Internet accessed via mobile phones to be more dangerous than the fixed Internet in respect to these services. This is because of the inherent difficulties of supervising access to the Internet via such a private and personal device and because the device by its very nature is always on, thus children are always reachable and therefore potentially always vulnerable.

Commercial content
The Code indicates that certain measures will apply to commercial content. Childnet does not find this term very clear, and feel the wrong impression is given by the use of this expression. It is not clear, despite the attempt of the Glossary, that the term 'commercial content' distinguishes between content that the MOs are responsible for and other content. Childnet does not believe that how content is paid for as commercial arrangement by the user is the real issue here, as is implied by the term 'Commercial content', and we would suggest 'Proprietary content' to be a more accurate term.

Camera phones
In the Code of Practice it is stated that messages sent one to one are not covered by this Code in relation to barring and blocking (p9). What the Code will cover will include people's access to images on websites, such as online photobooks and communities or groups. These will be dealt with in the Code of Practice by the

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[5] See Childnet International's Netaware study for the European Commission, see www.netaware.org.

classification framework in Annex Part A, or conceivably the body to combat illegal content in Annex Part B.

Camera phones will be used to feed into these online photo areas. Although it may not be a matter for the Code of Practice, Childnet believes it is essential that MOs offering camera phone services give advice to their users about the appropriate use of these phones. There are already examples of local authorities banning such phones from certain public areas. Clearly issues of Privacy arise here, and advice to users should include seeking the permission of people the user wants to photograph, and advice on who to send the image to. Once an image is on the Internet the sender loses control of it and it is there forever.

4.2. Response:

Illegal content
Childnet commends the attention given to the issue of illegal content by the MOs in the Code. There are already well-established arrangements here developed by the fixed Internet industry in the UK, in other words the Internet Watch Foundation. Having all the Mobile Operators as subscribing members of the IWF should bring enormous benefits of having a consistent approach to the problem of child abuse images by the MOs.

There is a funding issue relating to this, even with the MOs existing relationship with the IWF. If camera phones were to lead to an increase in child abuse images production and distribution for example, it could be that the IWF would have to renegotiate with the Mobile Operators the terms of membership.

Childnet believes that the IWF is the only body effectively equipped to deal with the service in Annex Part B.

Harmful content
In the Code it is described how an external organisation will create an independent classification framework for 'new commercial content'. Childnet would recommend that all services, including chat services, need to be included in this evaluative process in order to decide whether the service is a risk to children.

The Code of Practice should indicate that the outside body responsible for the classification framework will be required to define chat and other interactive services which put children in contact with people they do not know as unsuitable for those under 18 unless it meets certain stringent criteria. These criteria might include effective moderation, that the service is intended for and restricted to under 18s, and the recommendations in the Home Office Good Practice models and guidance for the internet industry[6]. Chat and other such services which put children in contact with people they do not know should only be available for under 18s if they meet certain conditions, and this instruction should be given to the body in Annex Part A.

Childnet recognises that there are some issues about under 18 being the only age category for classifying material for children, and are aware of the advantage of flexibility offered by more gradation, such as offering a 15 and a 12 level for

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[6] http://www.homeoffice.gov.uk/docs/ho_model.pdf

example. Childnet's view however is that as a first step it would be more effective to keep this system simple, and just use the single grade as is suggested in the Code.

Mechanisms
Childnet recognises that in the Code it is stated that each MO will design their own parental control packages/services. This has inevitably led to a lack of clarity when talking about these services in the Codes, and Childnet would be keen for assurances that there will be some standards set for these services provided by different MOs. There is concern about lack of specifics and standards, and Childnet again strongly recommends that all settings and tools must be simple and have consistent default settings.

There must be simplicity of use for the users of any parental control tools designed for their use. Although it is intimated in the Code that these services will be designed and provided by the MOs separately (ie independently of each other), Childnet cannot stress enough that there would be great advantage for communality across platforms here for the users. Childnet strongly recommends that the language and the general approach should be the same for any safety controls/advice, making it easier for the user. There are clear advantages in a common approach. The Code of Practice is devolving a lot to individual MOs in respect of filtering. It would be enormously helpful to consumers if a standard terminology is used for customers and the user interface is as similar as possible whatever the underlying technology is. Childnet would want to make the area of competitive advantage as narrow as possible. Rather there should be the highest standards possible shared across the board, which are easy to understand and use similar terminology.

Childnet believes that the default mechanism on every such phone sold must be that over 18 content and services are blocked when you turn the phone on the first time.

Awareness
In as much as the Code of Practice covers the area of Information and Advice to customers, Childnet commends the MOs in recognising the importance of awareness. Awareness forms a fundamental part of any safety strategy. There is a real need for an awareness campaign to go hand in hand with the types of controls available to the users and how to activate and operate such technologies. And the awareness-raising needs to be much broader than that too, and should highlight what the dangers are to parents and to children about using the 'mobile Internet' and new mobile services, and make clear both to children and to parents what they can do to keep safe.

For any awareness campaign it is crucial to get the audiences right in order to be effective; the campaign must be sure to deal with different audiences – parents and teens. It is also important to have a whole series of channels for this campaign, both online and offline. Some examples of possible channels include safety messages:
- displayed on the device itself,
- information in leaflets distributed at the point of sale,
- a leaflet included with the payment method, for example with the monthly billing

- included on the pre-pay card for Pay-as-you-go phones, or even a safety message in the voice message dealing with putting credit on the phone for pre-pay users.
- An interactive safety game to help young people to understand the issues in a relevant way.

It would be helpful if the MOs did an awareness campaign jointly, but it will also be necessary for them to do individual campaigns to ensure their users know how to use their services safely. Childnet has particular experience and expertise in the area of awareness-raising through the Kidsmart programme[7] and the Net-detectives programme[8]. Childnet is very willing to assist the MOs either individually or jointly with regards awareness raising campaigns.

4.3. The Code in Practice

Ownership/administration
Although it is clear which MOs have contributed and are bound by the Code of Practice – O2, Orange, T-Mobile, Virgin Mobile, Vodafone, and 3 – and although in the Code (p11) it is suggested that complaints will be handled through "each operator's well-established complaints procedures", it is not clear who 'owns' the day to day running of the Code. For example, if someone wanted further information about any aspect of the Code, or indeed wanted to report a breach of the Code, it is not readily apparent who they should report to.

Sanctions
The Code of Practice does not make clear what the sanctions will be on a member who breaches the Code of Practice. This is both a customary and necessary part of any Code of Practice document in order to make it effective and to give it credibility.

Internationalisation
Many of the operators who will sign up for this Code of Practice also operate in other markets outside the UK. Childnet sees this issue as one which is not merely facing the UK and UK consumers. The need for an international dimension to such a Code becomes all the more apparent when one considers the international nature of the Internet. Childnet would hope that the MOs will undertake to spread their awareness of the need for such self-regulatory step on the part of the mobile industry to the sections of their companies operating in other countries.

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[7] See www.kidsmart.org.uk, a double award-winning website, including an ISPA Award.
[8] See www.net-detectives.org, also a double-award winning website.

5) CONTACT DETAILS

For further information on Childnet's work and to discuss our response in greater details please contact the following:

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