A RESPONSE BY CHILDNET INTERNATIONAL TO THE

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY (ACMA) CONSULTATION
ON THE
DRAFT SAFETY MEASURES NOTICE FOR MOBILE CHAT SERVICES

24th NOVEMBER 2005

For the text of the Draft Safety Measures Notice see
http://www.acma.gov.au/ACMAINTER.65690:STANDARD:1775967202:pc=PC_2547

INTRODUCTION

Background to Childnet

Childnet International is a children's charity that is working to help make the Internet a great and safe place for children. Childnet have been active in the area of raising awareness to children, parents and teachers about the potential risks online both via computers and mobile phones, and informing on how to keep safe online[1]. We have also worked to develop policy to ensure child protection in this area.

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[1] For examples of Childnet International's awareness work, visit www.childnet-int.org and www.kidsmart.org.uk

Childnet are members of the UK Home Office Task Force on child protection on the Internet and have been since this body's inception in 2001. As part of our contribution to the work of the Task Force we helped draw up the models of good practice for the Internet industry in relation to chatrooms, instant messenger and web-based services, as well as the guidance for the moderation of interactive services and the good practice guidelines for search engines[2].

Particularly in relation to mobile phones and policy, we worked with and gave input to the Mobile Operators Code of Practice on Content[3] and on Location Based Services[4] as the UK Mobile Operators were drafting these.

Childnet also organised and co-hosted together with the Internet Association Japan the conference in Tokyo in March 2003 on 'Children, Mobile Phone and the Internet: the Mobile Internet and Children'. This event first drew the world's attention to the potential impact of the 'mobile internet' on children[5]. In addition, Childnet produced and published the 'Children and Mobile Phones: an Agenda for Action'[6] which is designed for those developing and delivering new interactive mobile services and introduces the issues in relation to children's safety that they need to be aware of and consider.

Childnet set up the website www.chatdanger.com in October 2000 following the first case in the UK where a man was sentenced for the sexual abuse of a child where the initial contact between the man and the child was made in an internet chatroom. The parents of the 12 year-old victim contacted us because they wanted to help tell others about the potential dangers in chatrooms and to help prevent this happening to others. We designed the chatdanger website, with the family's help, and told the story of what happened in this case, and the website informed parents and children about the potential dangers in chatrooms and advised on how to keep safe while chatting.

As technology has developed, and as children's use of it has changed, we have expanded the chatdanger website to include information and advice on other interactive technologies where children are able to communicate with people they don't know, such as Instant messenger, e-mail, online games, and there is a section on mobile phones.

Mobile chat services:

Childnet have recognised and responded to the risks to children outlined in the Safety Measures Notice relating to mobile interactive services. Childnet do see that interactive services provided over a mobile platform are riskier than those accessed through the 'fixed internet'. This is because, and the reasons are given in the Safety Measures Notice, of the personal and private nature of the mobile device and the fact that it is always on.

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[2] See http://police.homeoffice.gov.uk/operational-policing/crime-disorder/child-protection-taskforce.
[3] See http://www.imcb.org.uk/assets/documents/10000109Codeofpractice.pdf.
[4] See http://www.imcb.org.uk/assets/documents/SummaryofLBSCodeofPractice.pdf.
[5] See http://www.childnet-int.org/downloads/tokyo-conference.pdf .
[6] See http://www.childnet-int.org/downloads/CMPAAA_A4.pdf.

The private nature of the device means that parental supervision is impossible. In fact the private and personal nature of the mobile 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[7], making the child feel comfortable enough to come to a meeting and arranging the meeting itself. The privacy afforded by this medium and the guaranteed contact through it at almost any time make the mobile phone the 'ideal' technology for this. There have even been cases where the predator has sent the child credits for their phone (or indeed a handset itself) in order to maintain this personal and secret communication. It has already happened in a grooming case that the initial contact between an adult and a child victim was made on an interactive mobile service[8].

The ubiquitous popularity of mobile phones with children and young people has meant that incredible numbers of children own a mobile. The very personal and private nature of this communications device, together with the experience we have already of how children have been made vulnerable, even been hurt, via contacts made in interactive services on the Internet, means that it is vital for service providers to do all they can to help keep children safe in these new environments. It is because of this 'riskier' nature of mobile interactive services that Childnet welcome the Safety Measures Notice and the Telecommunications Service Provider Determination 2005.

Childnet welcome the draft Safety Measures Notice and have some comments on it that we hope will contribute to the Notice in its development.

CHILDNET'S COMMENTS ON THE SAFETY MEASURES NOTICE

We have some general comments and also some more specific comments that refer to particular parts of this Draft.

General Comments:
Childnet support the approach being taken here, stemming from the recognition that mobile chat services are different by the very nature of the mobile device, and thus a particular response is required. Many of the measures are underpinned by the process of age-verification and this is a crucial resource in helping to keep children safe on the mobile internet.

Childnet agree that mobile chat services are potentially 'riskier' than other chat services for the reasons given in 3.1.1. and that additional safety measures need to be taken in this area in relation to children and their safety. Childnet's view is that all mobile chat that is accessible to under 18s should be moderated, and this is a view that has been shared by the UK Mobile Operators and they have committed to this in their Code of Practice[9].

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[7] In some cases the offender moved the communication from chat to mobile phones very quickly.
[8] See for an Australian example
http://www.zdnet.com.au/news/security/0,2000061744,39164393,00.htm.
[9] See http://www.imcb.org.uk/assets/documents/10000109Codeofpractice.pdf.

Recognising that no interactive environment can be 100% safe, and even that moderation does not necessarily equate to safety, Childnet view pre-moderation (where messages are reviewed before they are posted) as the safest form of moderation. Post-moderation, where the moderator or monitor reviews the message after it has been posted is less safe than pre-moderation, where the posts are reviewed before they go 'live'. Childnet would recommend pre-moderation for under-18 chat available on mobile phones.

The Safety Measures Notice outlines that parents are informed of the types of services that are available on mobiles. Childnet agree that it is crucial that parents and teachers are made aware of the services available on mobile phones and also the safety issues relating to mobiles, including mobile chat services.

However, it is also crucial that they are also made aware both of the safety messages they need to ensure their children know, but also the different safety measures that are available on different services and the tools that they have at their disposal. Childnet strongly recommend that whatever the safety measures that are adopted by mobile chat service providers, it is made clear to any user or potential user what these safety measures are. Childnet regularly receive contact from parents and children looking for safer interactive environments, looking for moderated chat for example, but are unable to identify such services and do not know where to find them. Clear labelling is important to users in order to frame their expectations of the service, and to enable them to choose the type of environment they wish to use.

It is important that this information about safety measures is made available to parents and they are made aware of it. As an illustration of the need to make such information clear, research in the UK found that 23% of parents were unsure whether there was a filter installed on their computer, see www.children-go-online.net.

Other information that should be given to the user or potential user – they should be assured before starting to use the service that their mobile number will be anonymous to the other users at all times, as well as being told that it is against the terms of service to share such information with other users.

A safety measure that is not explicitly mentioned in the Safety Measures Notice is reporting mechanisms. Reporting functions are important within such interactive services, where a user is able to report another user for the content they have posted or for their behaviour. It should be very easy for a use to see how to make a report, and there should be an expectation given to how long a response might take. Childnet would recommend that these be considered for inclusion in the Notice.

Specific comments:

3.1. General Risks.
3.1.1 Adults with a sexual interest in children have used chatrooms, and even mobile chatrooms, to contact children which they then 'groom'. They do this by posing as children and teenagers, but it is worth stating that this is not always the case. Research has been done in the USA into "Internet-Initiated sex crimes against minors" that has found that in the cases examined "most offenders did not deceive their victims about the fact that they were adults who were interested in sexual relationships"[10], and there have been cases where children have gone to meetings where they were aware they were to meet an adult. The process of grooming is a process of manipulation, and it can involve deception about age or not.

3.2 Specific Risks
3.2.1 Childnet would share the experience here of the potential impact of the combination of a camera and a phone on the same device, which means that the user can be much more spontaneous about sending images. There have been cases where children have been persuaded to send pictures of themselves, sometimes indecent images, which has then led them to be blackmailed and pressured into other activities. One of the implications of sharing images online is the impossibility of then controlling of what happens to that image and how it used, and this loss of control is indefinite.

3.2.3 Childnet would mention in relation to profiles, that user profiles or member directories can also be used to advertise pornographic content, and may contain material that is potentially harmful for children or links to such material.

4.1 Measures to address general risks:
4.1.1 In relation to education and awareness targeted at children, Childnet would raise the issue of helping children to use their phones responsibly, so that they do not put themselves or their friends at risk by, for example, sending pictures of themselves that are themselves inappropriate. Sharing embarrassing photos of yourself can be risky, and sharing them of others can also be risky and may in fact victimise your friends. Thus the messages for children should relate to safety but also to responsible use (ie looking after your friends).

Children should be informed not only of the dangers, but also on how they can stay in control while using such services and what they should do if they do receive communications that they feel uncomfortable with or are indeed illegal. It should be clear to children what they can do and where they can report to. It is important that children are empowered in this way by this information.

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[10] See 'Internet-initiated sex crimes against Minors: implications for prevention based on findings from a national study', by Janis Wolak, Davis Finkelhor and Kimberley Mitchell, Journal of Adolescent Health 2004 vol 35, no.5.

The mobile services should make it clear to the user what safety measures are in place on a particular service, and how they work. If there is moderation, it should explain what moderation is and how it operates.

It is vital that parents, as outlined in 4.1.1, are informed of the type of services that are available on mobiles, and they should also be helped with information on what they need to ensure their children do or don't do, and be aware of what safety resources and tools there are available to them. Parents also need to be made aware of what they can do and where they can go to report something their child has told them about.

Childnet's experience and research in this area attests to the importance of making the information to children and young people relevant to them, and also engaging. For parents and children providing both online and offline messages is also important, as well as providing information via the mobile device itself.

4.2 Measures to address specific risks
4.2.1 Childnet agree with the safety measures outlined here, and feel that the age-restriction should be in place for services allowing personal or contact information or images to be exchanged to other chat users. Childnet would also recommend that electronic filtering be used as a complementary measure to human moderation or human monitoring.

As outlined in the Safety Measures Notice, electronic filtering should be used in a complementary way with other Measures (such as human moderation or human monitoring) rather than in use in isolation in chat services that are aimed at or likely to attract children. Childnet agree with the conclusions drawn in the UK Home Office document on Moderation[11], that although it is a useful tool "technical moderation has not yet proved the same level of protection as human moderation".

4.2.2 Vetting of information in user profiles: this system requires either a system where all profiles are checked for content before they are made available and are then monitored again as it is likely the user will have the possibility of updating their profile at any time. Or it will require clear and prominent reporting mechanism whereby users are able to report profiles that are considered to break the content conditions. The former would be the more effective system, though it would be better if both ran together.

Limiting potential profile information: Childnet would also add another potential safety measure in the use of the pre-defined options system for entry into fields. This relates to the images/photos that are used in many profiles and member directories. Images that are not photos and cartoons can provide a safer alternative to portrait photos.
Efforts should be made to ensure that users do use nicknames rather than their real names in the chat service as well as in their profiles. Users should

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[11] See http://police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/moderationguidance.pdf?view=Binary , p4.

also be aware that offensive usernames are unacceptable, and inappropriate and suggestive usernames may attract the wrong sort of attention.

4.2.3 The compulsory request and response system outlined is similar to the system used by many Instant Messenger products. This would best accompanied by a safety message describing the implications of the selection, so the user will be making an informed decision here, and the denial option and the function to block another user must be an easily accessible and prominent tool. Safety messages need to have 'timeliness' and this would be the moment where the user would be potentially putting themselves at risk.

4.2.4 A service that offers private chat cannot call itself a moderated service if the private chat or one-to-one chat is unmoderated. As Childnet believe that all chat for under-18s should be moderated, Childnet strongly supports the safety measure to make any service with a private chat feature restricted to those who are 18+.

5. The description of Safety measures.

Human moderation:
Childnet take the view that the most effective moderation is likely to be pre-moderation, where the moderator is able to review the message before it is posted.

The UK Home Office Task Force on child protection on the Internet has been working on and has just released some good practice guidance on providing moderated services that are aimed at or likely to attract children[12]. These are not specific to, but do include mobile interactive services. Childnet were in the group that drew up these guidelines. There is more detail given on the recruitment, vetting and training of moderators that is relevant for the purposes of this Notice. We would add to the areas that training of moderators covers as specified in the Safety Measures Notice to include additionally escalation procedures for reports received, the relevant law in this area, paedophile behaviour and how grooming works, child development and behaviour, and the boundaries of the moderators behaviour. These would be equally relevant to human monitors as well as moderators.

Human monitoring:
Pre-moderation is more effective than human monitoring (or post-moderation), as once a message is posted the information in the message has been shared. You cannot ensure that a phone number that was posted and later removed by a moderator has not been seen and noted down by the person that asked for it. However, post-moderation is more effective if **all** messages are reviewed, and in addition if there is a prominent system whereby user's can contact or report to the moderator to bring something (for example the

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[12] See http://police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/moderationguidance.pdf

content of a profile) or the behaviour of a particular user to the attention of the monitor.

Permanently barring a user from a service can be challenging if the user is only recognised by their username, as the user potentially can leave the service and return unnoticed with a new username. For an effective system of permanently barring users, it is essential to recognise the user by their phone number. This may mean that moderators and monitors have access to personal information of the chat users, and this raises the issues surrounding the importance of police checks and other recruiting safeguards, and ensuring the moderators and monitors know their duties, responsibilities and codes of behaviour in this regard.

Electronic Filtering:
Childnet agree that the filter will need to be updated regularly to ensure it will continue to be effective, and to ensure against users circumventing it by increasing familiarity with the way that it works.

Childnet would add e-mail addresses and urls to the text that filters should recognise and block.

Childnet would also recommend, as outlined above, that electronic filtering be used as a complementary measure to human moderation or human monitoring rather than in use in isolation in chat services that are aimed at or likely to attract children. Childnet agree with the conclusions drawn in the UK Home Office document on Moderation[13], that "technical moderation has not yet proved the same level of protection as human moderation".

Limiting Potential Profile Information:
Childnet would add, as mentioned earlier, photos and images to the template information/pre-defined choices, so opportunities to enter free images rather than select one from a wide range of options are limited.

Age restriction to users 18 years and over:
Age verification of users is a vital safety measure in relation to mobile chat services, and other safety issues in relation to the 'mobile internet'. This should be used in relation to mobile chat services for keeping chat environments which permit one-to-one interaction or private chat in a 18+ area. Childnet also feel that all chat that is accessible to under-18s should be moderated, preferably pre-moderated.

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[13] See http://police.homeoffice.gov.uk/news-and-publications/publication/operational-policing/moderationguidance.pdf?view=Binary , p4.

Contact:
Will Gardner, Childnet's Research and Policy Manager, will@childnet-int.org
Tel : 00 44 207 6396967

Childnet International
Studio 14
Brockley Cross Business Centre
96 Endwell Road
London SE4 2PD
UK