A RESPONSE BY CHILDNET INTERNATIONAL TO THE

European Commission public consultation on
The protection of minors using mobile phones

16th October 2006

Background to Childnet International and mobile phones:

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.

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]. We are currently part of the group that is drawing up such good practice for social networking sites.

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.

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

We published in 2004 the influential 'Children & Mobile Phones: An Agenda for Action' (see www.childnet-int.org/downloads/CMPAAA_A4.pdf) This document 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.

We have also have recognised the need to give parents better information in this area, and have produced a Checklist for parents buying a phone (and for those that have already bought a phone) for their children which ensures that they will have all the available information and protections in place on their child's phone, (see www.childnet-int.org/downloads/mobilesQ.pdf) . We are working with others in the UK and internationally to ensure that these important messages reaches the parents that need them.

We have also worked to use the mobile technology itself to help get the messages of safety across to users, and we have developed what we believe to be the world's first on handset interactive mobile safety quiz, called 'Friend or Foe', (see www.chatdanger.com/mobiles/mobileQuiz.aspx).

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].

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.

Mobiles and Risks

Childnet have recognised and responded to the risks to children raises by the use of mobile phones by children and young people. We classified the risks facing children and young people using the Internet in a research project called Netaware for the European Commission in 1999 as three Cs, Commercialism, Content and Contact. These three Cs are just as relevant to the mobile environment but the personal and private nature of the mobile

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[5] See http://www.childnet-int.org/downloads/tokyo-conference.pdf .

device and the fact that it is always on, (in addition to the potential of location-based services) serve to make these risks 'riskier'. This is again compounded by the fact that very often parents and those responsible for children are not aware of the capability of mobiles, or that the same risks that apply to the Internet are just as relevant to their children on mobiles.

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[6], 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[7].

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.

In the UK the Mobile Operators have produced a Code of Practice which does provide some useful tools and a commitment to provide information and advice to parents, and it is vital that awareness of this support is raised amongst parents. Childnet have welcomed this Code, and see that the measures taken in this Code are relevant beyond the UK.

QUESTIONNAIRE on child safety and mobile phone services

Risks
1) Can you provide the Commission's services with figures and examples on risks raised by the use of mobile phones by children and young people?

Childnet do work directly with parents, teachers and children in schools, and we also receive e-mails to the chatdanger website as well as phone calls to our office, and some of these have served to give us some examples of these risks.

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[6] In some cases the offender moved the communication from chat to mobile phones very quickly.
[7] See for an Australian example
http://www.zdnet.com.au/news/security/0,2000061744,39164393,00.htm.

The issues which we have come across include:

- bullying via mobile phone (as well as via the Internet),
- inappropriate use of a camera-phone by a child.
- the mis-selling of a contract phone to a minor,
- a potential case of grooming via an interactive game on mobile,
- and also children running up enormous monthly phone bills (even in excess of £2000). Childnet's own focus group research with children has informed us that children often feel 'ripped off by ring-tone' scams.
- And we are also finding that many parents are not aware of the different services that are now available on most mobile phones. Some parents are surprised to find out that their children are able to chat in chatrooms or on multi-player games on their mobiles. Parents often legitimise purchasing a phone for their child on the basis of safety, being able to know where their child is for example, but parents may be unaware of the potential risks that mobiles can present.
- We are also very aware that parents are not aware of the protections that are provided by their mobile operator, and we hear about this from parents in our parent's seminars. This finding is supported by the OFCOM Adult Media Literacy Report (see http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss /medialit_audit/medialit_audit.pdf p62).

We are also aware that in other parts of the world, specifically South Korea, there are instances of addiction to technology, and the mobile phone plays a part in this, as children are able to access social networking sites and play multi-user games on their phones.

It is interesting to note the voice of young people in other research, and in the National Consumer Council's Shopping Generation report young people reported mobile phone companies lowest in terms of service providers (see http://www.ncc.org.uk/protectingconsumers/shopping_generation.pdf#search= %22shopping%20generation%22 , p30), that is 'worse than door to door salesmen'. Also in the report it cited another study gathering views of children on what they regarded as overpriced, and mobile phones were at the top of the list.

2) Do you see specific risks associated with the use of pre-paid cards, which ones?

Childnet believe that there are specific issues thrown up by pre-paid mobile phones. This partly stems from the anonymity of the pre-paid phone user. This anonymity can throw up challenges for relevant authorities, such as law enforcement for example, seeking to trace the source of messages, such as grooming or bullying/malicious calls.

Pre-paid phones also provides difficulties in terms of parental supervision. This is in terms of cost, as parents may be unaware of how much their child is spending on their mobile phone and what they are spending this on (without

an itemised bill, then parents may not spot premium rate services use for example). However it is also in terms of parental supervision more generally – Childnet are aware of some cases of grooming where the adult aggressor sent the child credit for a phone or and indeed in one case sent a phone itself (once the parents had confiscated the child's original phone) in order to continue communication with the child without the parents' knowledge.

Regulatory framework
3) **Please identify which of the above risks are not covered by the current national regulatory, co-and self-regulatory frameworks.**

Childnet would suggest that there be cross operator cooperation in the area of viruses, hacking and identity theft, as far as this is relevant in the mobile environment.

Childnet would also request that there be a much clearer line on what parents can do in relation to prevent their children running up large phone bills. Some operators can provide a bar on accessing premium rate **calls**, but Childnet would recommend that there be the option of this bar being able to be placed on **all** Premium rate services accessible from the mobile phone, ie to **both premium rate calls and texts** of both an adult or an unrestricted nature.

Childnet is concerned by the lack of parental awareness in relation to their child's mobile phone, but also a lack of awareness about the protections that are being offered by their mobile provider. There is a risk that if the protections such as a filter for internet content is not activated by default, that the parent will not activate this for their child because they are unaware of this service and are unaware of the need for this service given their lack of awareness about the capabilities of their child's phone. Childnet would recommend, in order to counter this risk, having the filter activated as default. This would be consistent with the age-verification system in the UK, where all mobile phone users are assumed to be under 18 until they have successfully verified their age. The process of age-verification, where a user proves they are 18 or over, should act to deactivate the internet filter as well as allowing access to restricted commercial content.

4) **Do you think the current balance between regulation/co-regulation and self-regulation is the right one?**

Childnet are strong supporters of the self- and co-regulatory approaches, and we welcomed the UK mobile operators Code of Practice on new content in 2004. We would like to see this model promoted to other countries where this is not yet in existence or in development.

Childnet are aware that in the system operating in the UK there is no-one independently monitoring compliance to the Codes that the mobile phone operators have signed up to. This could serve to ensure that the operators are fulfilling their commitments and bring consumer confidence.

Technical solutions

5) What measures do you recommend in the different areas described below, and why? By whom should they be implemented?

5a) Classification of commercial content.

The system operating in the UK is a good model here, and we agree that as a starting option it may be better to use a simple age classification system, and the UK use unrestricted and restricted (ie suitable for over 18s only).

'Commercial content' as a concept is not readily accessible or understandable to phone users, and the fact that it is 'commercial' does not distinguish from a lot of other accessible content. What 'commercial content' actually refers to is content that the mobile operator has some control over. It is important that the end user is made aware of this concept of 'commercial' as opposed to internet content, as under the current system the end-user does have a role to play in the functioning of this system. In the UK the classification is done by the content-provider themselves. Unless the mobile operator is monitoring this self-classification, then the only way that misclassification will come to their attention is by a report from the end-user. This will not necessarily take place unless the end-user is aware of this role that they have, and an understanding of the system in place, and who they should report to. There also needs to be a rigorous system in place for informing the content provider of their responsibility and the consequences of failing to carry out this duty.

5b) Opt-in /opt out. Should the Opt-in (where the user has to explicitly request access to adult content rather by accessing it by default) approach be applied in all EU countries?

Yes,Childnet believe it should be opt-in. This will ensure that the accidental access to potentially harmful material will be minimised. Research has shown us in the UK, see www.children-go-online.net/, that the majority of pornography viewed online by children is done so accidentally, and thus we should ensure that systems are in place to minimise this happening.

5c) Age verification: should Mobile network operators implement face to face identity check to determine the age of the user? Should this process also be applied when a customer buys a pre-paid card?

Childnet can see the advantages in terms of gaining accurate information about the user via face-to-face identity checks, and there are great advantages in registering mobile phone users for purposes age-verification – to protect users from age-inappropriate content, and to enable relevant authorities to trace and respond to misuse of the phone for example in instances of bullying or grooming. However, Childnet does recognise that this does pose challenges to mobile phone providers, and also that many phones

are passed between users, so even this system will not be foolproof, as the identity of the phone users may change.

Childnet believes that the same processes should be carried out whether for a post-pay or a pre-pay phone user. Childnet would also recommend that all the protections are in place by default, such as the filter set on and the user as not age verified (ie assumed to be under 18)

5d) Filtering and blocking systems. Should filtering systems be installed by default when the subscription allows internet access?

Yes. The knowledge of parents about mobile phones is not guaranteed to be of a sufficient level to assume that they are in a position to activate a filter on their child's phone or even be aware of the need to do so. This system should be installed by default in tandem with the default profile of the user as under 18 (so age-verification has not taken place until the user actively does so).

We believe that there should be prominent, relevant and accessible information provided to parents at the point of purchase of a phone, and we would recommend that each retailer does ask a purchaser of a phone whether this phone is for a child in order to provide them with the additional relevant information and assistance they will need and ensure that the relevant protections are in place for a child user.

5e) Chat rooms. Should chat rooms accessible by children be moderated (in an automatic way or by a person)?

The chatrooms should be moderated, and Childnet strongly believe that they should be moderated by a human. The Home Office Good Practice Guidance on the subject of moderation outlines that technical moderation has not proved itself to be the equal of human moderation. As chatting on mobile is more likely to be away from parental supervision this is all the more important that the moderation used is of the most effective variety. Childnet can see one effective form of moderation would be to have technical moderation operating alongside human moderation in a complementary role.

5f) Raising awareness among parents and children

Childnet believe that much more work must to be done in this crucial area of raising awareness among parents and children. In fact, many parents may see their child's mobile phone as a safety tool, insofar as they are always able to reach them and be reached by them, and they may not be aware of or think about the mobile's potential risks.

Some mobile operators have produced some information for parents which is a welcome step in the right direction, but it is imperative that this work is effective. Childnet have recognised the need for this and have produced a checklist for parents, see http://www.childnet-int.org/downloads/mobilesQ.pdf. We have also included a section on mobile phones on our resource for parents 'KnowITall for parents', see http://www.childnet-

int.org/kia/parents/mobiles.html. The fact that parents are not up to date in relation to mobiles and how their children are using them has been made clear in e-mails to us and the parents seminars we run, but also in the OFCOM media literacy audit, (see http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss/medial it_audit/medialit_audit.pdf p62).

In the UK there has been little direct work done by the mobile operators to reach children, and partly the Stewart report is responsible for this (which prevents marketing to children). However, there are ways to do this, and Childnet have pioneered an on handset interactive quiz for mobile users, see Childnet current feature on the home page www.childnet-int.org.

As part of this raising awareness, it is important that it is made clear where the legal and social boundaries lie in using this technology, so the user is empowered to know how to use their mobile responsibly as well as safely.

5g) Dedicated mobile phone packs for children, for which age group?

Childnet do recognise that there may be some advantages in packages for children, which for example only allow calls to and from a select parental approved list of numbers, and no internet access, but we would not approve of such a service being marketed to parents on the basis of fear – ie do you know where you child is? Etc.
Any such initiative will obviously need to respect the ongoing discussions around health and mobiles.

European solutions
6) Among the measures listed above which ones would be useful to elaborate at European level? For which ones would it be useful to discuss/exchange best practices at European level?

A measure which is significant which has not been mentioned in the questionnaire is a nuisance call bureau provided by the mobile operators. This is one of the provisions of the UK Code of Practice. There are large numbers of cases of bullying via mobile phone occurring in the UK and in other countries, and it is important that children and parents have somewhere they can take their problems, and receive advice and support (such as barring particular numbers or even changing the child's mobile phone number).

Another additional Code which would also be relevant to elaborate is the location-based services Code agreed by the UK Mobile Operators.

All of the measures – filters for internet content or white lists, age verification and the classification of content – are significant, but it is also vital that end users are empowered with the knowledge about the new services available on new mobile phones, and also what tools and services are available to help them keep children safe, and also advice on safe and responsible use of the phone itself. Parents and those responsible for children need to know the key

questions to ask, and this is what Childnet is seeking to address through its Checklist, see www.childnet-int.org/downloads/mobilesQ.pdf.

Childnet would recommend that the features of the UK Mobile Operators Code of Practice on new content are shared internationally. Many of the companies signed up to this Code are indeed global players and are in a position to assist in this area, and some are doing this work already. It is vitally important, as a delegate to Childnet's conference in Tokyo in March 2003 said, 'We must not make children the canary in the coalmine in relation to new mobile technology'. In other words, we must not wait until bad things happen to children before we put in place the necessary child protection systems.

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