

Protecting children against harmful content

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on Human Rights in the Information Society by Andrea Millwood Hargrave**

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Contents

Aim and scope of this report	5
The evidence	5
Executive summary	5
Definitions	6
Differences in devices	7
Internet	7
Summary	7
Research evidence	8
Electronic games	11
Summary	11
Research evidence	12
Non-legal measures of protection	13
Summary	13
Research evidence	13
Concluding remarks	14
Appendix. Standard-setting instrument for the protection of children from harmful content	14
Draft recommendation to promote a coherent pan-European level of protection of children from harmful content when using new technologies and services and the Internet	14

Aim and scope of this report

Following the outcomes of the Kyiv Action Plan (cf items, 17, 19 and 23), the MC-S-IS has undertaken to prepare a standard setting instrument which will promote a coherent pan-European approach to the protection of minors from harmful content delivered by the new communications technologies. The instrument should also remain true to the key principles of the Council; that is, freedom of expression and the free flow of information.

The first part of the report presents the evidence for the need for such an instrument. The evidence base will consider:

- » the definitions to be applied
- » the evidence for potential and actual harm to children from the new communications technologies
- » a brief description of some current non-legal measures being adopted to protect children from potential harm.

It is important to note that there are many gaps in the empirical research base, especially for the new communications technologies. Much of the “evi-

dence” is anecdotal and this should be borne in mind when making policy decisions.

The report does not cover the important area of media or communications literacy. This is being considered by the Council of Europe in other areas (see, for example, Recommendation Rec (2006) 12 on empowering children in the new information and communications environment). The author stresses its importance and the role it will play in the protection of minors from potential harm.

The author also points to the growing body of research evidence on the effectiveness of different forms of parental mediation. This should be seen, however, in this case as a subset of media or communications literacy and illustrates the importance of developing such literacy among adults as well.

The report does not cover issues of public health such as the potential for physical harm caused by media content triggering epilepsy, or the possible effects of using mobile telephone handsets. Nor does the review consider areas of consumer detriment

such as financial risk, although these are clearly areas of concern.

It should be noted that the evidence for the positive benefits of the new communications technologies is not considered here, as this is outside the remit of this report. However, the author is a strong advocate of such benefits and the recommendations suggested here are offered in a spirit of minimising risk, and making the technologies safer to use, rather than seeking to make them restricted areas of participation. The author also recognises this is a clear aspiration of the Council of Europe and its member states and refers the reader to the Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society (2005).

The second part of the report then outlines a draft standard-setting instrument, presented as a draft recommendation. This is to be discussed with the Group of Specialists on Human Rights in the Information Society (MC-S-IS).

The evidence

Executive summary

Traditionally it has been a simple matter to regulate content and material that is delivered to users, including children. However the new communication technologies have put a strain on these methods, most significantly by:

- » increasing the choice, affordability an accessibility of content, enabled by digital distribution technologies
- » increasing the amount of control the user has over the time and place in which they enjoy their choice of content, including children.

The Kyiv Action Plan recognises the importance of the new communications technologies and services to the future of Europe’s citizens but that, to benefit fully from these new opportu-

nities, users need to be empowered to use them safely. The potential risks to children of harm remain in – and may be exacerbated by – the new communications technologies and this section of the report deals with the evidence for this.

The evidence shows that:

- » There may be risk of harm to children through the accessing of inappropriate content on internet-delivered systems, or through inappropriate contact.
- » There is limited evidence for harm caused through the playing of electronic games – however extrapolation from the rather fuller body of research on television suggests that policy makers and others should be aware of what these risks might be.

- » The industry and civil society groups should be encouraged to participate in the regulation of their technologies and services, while ensuring that they respect fundamental rights.

This report then, aims to provide the evidence for exploring what member states can do in terms of promoting and encouraging an environment that protects children from harm, or risk of harm. It does not consider cultural specificities but develops an instrument that can be used across Europe, within all states so that geographical boundaries need not be an obstacle to the protection of children.

The standard-setting instrument seeks to reflect each of these evidential strands while developing a framework that does not put all the burden on

any one sector (such as the industry) but recognises the benefits of a strong, informed and empowered citizenry able to participate fully in the new communications environment.

Definitions

Harm

Harm: material damage, actual or potential ill effect¹

This report deals with harmful material and that is distinguished from content that is generally illegal such as obscenity, child abuse images, incitement to

1. Soanes C. and Stevenson A. (2004), *The Concise Oxford English Dictionary*. Oxford University Press, Reference Online. Oxford University Press.

racial hatred, etc. However even illegality is not always easy to be arrived at and different member states have different criteria for that which is illegal and that which is harmful. A recent review of the research available looking at aspects of harm notes that much of the data are based on supposition and interpretation. However the above definition of harm includes both potential and actual ill effects, and so harm can be discussed in terms of possible influences on behaviour and attitudes.

It should be noted that the author, with her colleague, Sonia Livingstone, has argued that some offensive material may be considered harmful if the nature of that material and the offence

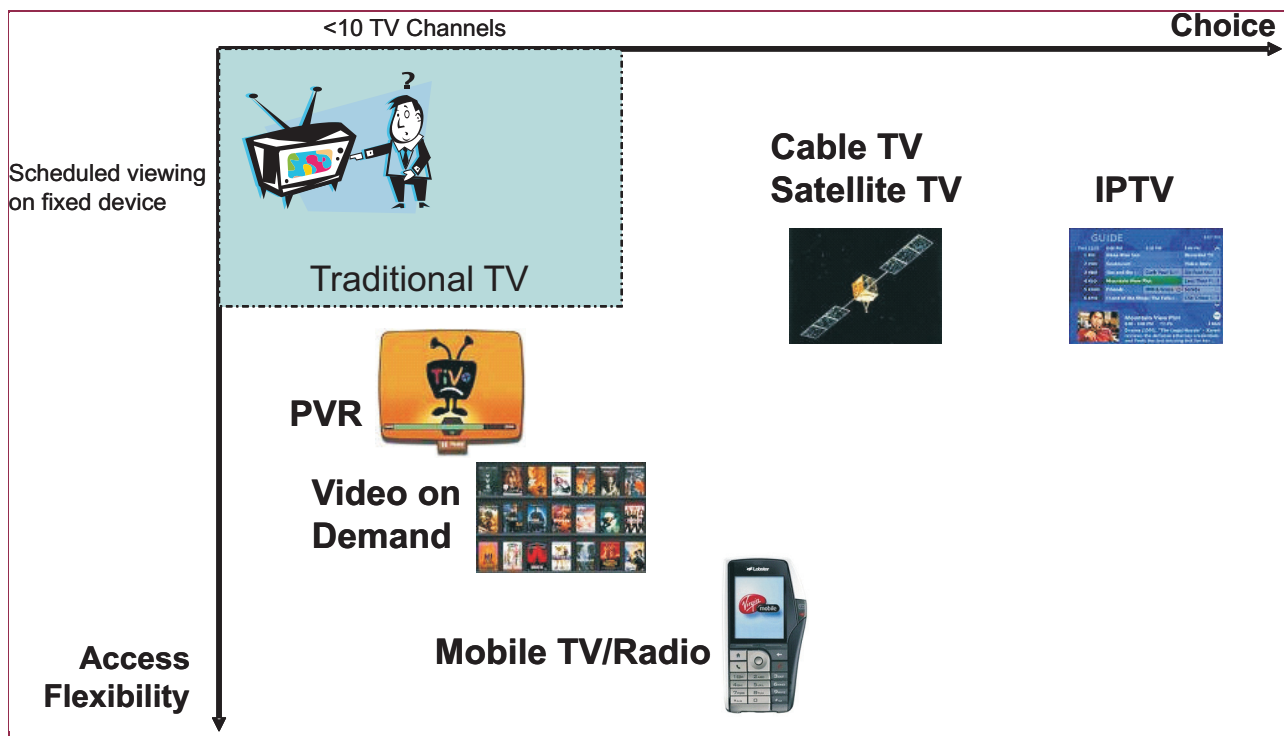
it creates is protracted – such as in the promotion of stereotypes or in misinformation.²

The newly adopted (to be implemented at the time of writing) Audio-visual Services Media Directive developed by the European Union talks of protecting “the physical, mental and moral development of minors as well as human dignity”. This suggests that harm can be thought of across all these variables.³

2. Millwood Hargrave A. and Livingstone S. (2006), *Harm and Offence in Media Content: A review of the Evidence*, Intellect.

3. Amended Television without Frontiers Directive – consolidated text P17 (2007), http://ec.europa.eu/information_society/newsroom/cf/itemdetail.cfm?item_id=2343.

Figure 1. Expansion of choice and flexibility provided by new digital platforms*



* Taken from Millwood Hargrave Ltd. Issues facing broadcast regulation <http://www.bsa.govt.nz/publications/IssuesBroadcastContent-2.pdf>, 2007.

New communication technologies

It is assumed that this term embraces all new technologies and delivery mechanisms that allow media content to be received by children and young people. It should be noted that there is often limited research available about the newest of these technologies (such as user generated content sites) and often hypotheses are made that read across from traditional (or less “re-

cent” media such as the fixed internet) to these platforms.

It might be supposed that this rapid pace of development – which provides such a challenge to regulators and policy makers – poses a significant challenge to those who may be more directly in charge of supporting children and young people as they explore the new communication technologies.

There are three areas of rapid change in terms of content received. The first is that the internet offers possibilities of content reception not yet considered. The second is the move from passive, linear reception of content to interactivity (such as in user generated content on sites such as YouTube or material transmitted on social networking sites such as Bebo, both very popular with young people). The third

is the shift from fixed (and arguably more easily regulated) media delivery to mobility (through mobile telephony and wifi networks for example).

Differences in devices⁴

It is worth considering why these technological shifts are important. The way content is used varies considerably with the type of device and the context in which it is used. Consequently there are differences between them and it would be wrong to make assumptions that all lessons from the one (the personal computer and the Internet) can be carried over into the other (the mobile telephone and mobile content services).

Some of the main differences are:

» **Mobile phones and other portable devices are usually personal** devices whereas home PCs are often shared.

» **Access by different demographics.** Research in New Zealand showed that nearly three-quarters (73%) of those aged 12 to 19 have a mobile phone.⁵ In the UNited Kingdom 65% of those aged 8-15 have a phone, with the percentage increasing to 82% of 12- to 15-year-olds.⁶

» **Lack of supervision.** The intensely private nature of mobile phones means they are less likely to be supervised, whereas the personal

computer can be placed in a less private location in the home and the history of sites visited more easily checked, for example. Further, in some countries, young people tend to have pay-as-you-go accounts (70% of young people in the United Kingdom) rather than the itemised telephone bills that come with contracts. This also makes parental supervision less easy.

» **Point of control.** The Internet service provider, often through industry bodies, offers some control over the type of content that can be accessed through the application of content filtering systems. For the mobile operator offering access to the Web outside its own portal, there are still relatively few access control systems that can be put in place. Age verification is possible but is not widely implemented as yet, although operators such as Orange and Vodafone are reportedly creating global models for dealing with child protection issues.

» **File sharing.** While there is concern about the ability to share data across mobile phones (publicised by the infamous “happy slapping” or assault cases that are sent from one mobile phone to another), mobile platforms are currently unable to compete in terms of either price or performance with broadband PC-enabled Internet access. However the arrival of devices such as the Playstation Portable and the steady improvements in wireless networking technology will soon facilitate better mobile Internet access.

» **Inappropriate contact.** Risk of grooming by paedophiles through chat rooms is already an issue with the fixed Internet. With the use of mobile phones, the risk may be higher since there is less ability for parental supervision.

Research evidence

The author, with her colleague, has recently updated a review of the research evidence for harm caused by the internet and games, in particular. This work is relevant to this report because it offers evidence such as it is, of the sorts of harms that may be caused to children and young people by the contents and access possibilities available via the new, and constantly evolving, communications technologies. Some of these studies, particularly those that refer to Europe or that are particularly pertinent to the objectives of this report are summarised here.

It is important to note however, that much of the research is quite limited as the field is relatively new or – as with electronic games – the technology is developing so rapidly that research (especially academic research) cannot keep pace with the changes.

Thus many of the concerns expressed come from concerns expressed about “traditional” media such as television that are extrapolated across to the new media. This may be found not to be justified but the research base is not sufficiently developed as yet to be able to make this judgment.

Internet

Summary

» The Mediapro survey (2006) surveyed 7 393 young people aged 12 to 18 in nine European countries and Quebec, and found heavy levels of use of the Internet for a variety of tasks⁷ (see Table 1, below).

7. Mediapro (2006) *The appropriation of new media by youth*, <http://www.mediapro.org/publications/finalreport.pdf>.

» At the time of the fieldwork (September 2005-March 2006), the use of search engines was almost ubiquitous, while instant messaging and email were used by over two-thirds of the sample. However creating content and the use of social networking sites was less common and these are the principal areas that have given rise to concern in recent years.

» A distinction should be made here in terms of the possible harms that may occur through use of the content forms found on the Internet. There is

- inappropriate content (such as pornography; but not illegal content) and
- inappropriate contact (e.g. bullying or grooming).

Table 1. Young people’s use of the Internet

	Activities on the Internet (% sometimes/often/very often)				
	Search engines	E-mail	Instant messenger	Chat rooms	Downloading
Belgium	95	74	81	28	58
Denmark	92	66	87	26	50
Estonia	90	69	88	33	73
France	94	97	69	32	49
Greece	81	46	39	41	65
Italy	86	59	49	33	59
Poland	91	62	75	34	67
Portugal	95	69	77	38	60
United Kingdom	98	81	78	20	60
Average	91	66	71	32	60

▶▶ As already suggested above, there are differences between content delivered via the Internet, be it fixed or mobile/wireless, and television. Many feel that the increasingly accessible nature of the Internet, especially among the young, along with its affordability, anonymity and convenience can increase the possibility of harm.

▶▶ It is true that the sorts of potentially negative contents or media forms available through the internet are not different (such as bullying), these particular characteristics of the internet make them, potentially, more ubiquitous and certainly less easily to “control”.

Research evidence

Inappropriate content

The Eurobarometer focus group study (2007), part of a set of studies commissioned by the European Union, interviewed children aged 9 to 10 and 12 to 14 in 29 countries.⁸ This found that children were more concerned about financial detriment and other computer-related harms such as viruses than about harmful content or contact. Nevertheless when asked, accidental viewing of violent or pornographic websites were described as disturbing by a proportion of the children. Not all said this was “distressing” but some expressed curiosity.

However, in the United Kingdom, Ofcom’s Media Literacy Audit on children (2006) found that 16% of 8- to 15-

year-olds have come across “nasty, worrying or frightening” content online.⁹

The incidence of such accidental contact is being found in many countries in Europe. For example, a survey of 300 Spanish young people (aged 12 to 25) and their parents (2006) found that 37% had seen pornographic websites, mostly accidentally.¹⁰

The ICTS National survey in the Netherlands, which interviewed 1 561 teenagers (aged 13 to 18) and 1 080 parents (2005-06) found that 46% have seen sexual images online, 39% violent images, and that girls are more bothered than boys.¹¹

In Poland, an online survey of 2 559 12- to 17-year-olds (2006) reported the highest figures found (71%). This suggests that recent access to such media can create particular difficulties socially if there are not clearly defined ways of (self-)regulating such access.¹²

▶▶ 71% of Internet users found pornographic websites, mostly by accident.

▶▶ 51% had encountered violent content, again mostly by accident.

▶▶ 29% encountered xenophobic or racist content.

Data from other countries such as the United States or Australia also suggests that there are relatively high levels of exposure to sexually explicit material, although not all the studies examine whether or not the sites were visited accidentally and what the resulting reaction was.

Inappropriate contact

ECPAT International pulled together a significant amount of research for the United Nations (2005) to show the threat to children from cyberspace.¹³ The review suggests that cyberspace can provide a multiplicity of opportunities for children to be harmed, or run the risk of harm – again, the type of harm may not be “new” but the particular characteristics of the internet such as ease of access, etc. make such harm more possible. The ECPAT work showed that the risks may be heightened by the inability of both children and parents to recognise how their online behaviour affects subsequent possibilities of harm – e.g. grooming, bullying and self-harm.

In the United Kingdom surveys conducted in 2006 in schools by (the relatively newly created government-sponsored taskforce) CEOP suggests that 25% of children and young people have met offline someone that they first contacted online. The most recent report by CEOP¹⁴ says:

8. http://ec.europa.eu/information_society/activities/sip/docs/eurobarometer/qualitative_study_2007/summary_report_en.pdf.

9. Ofcom. (2006). *Media Literacy Audit: Report on media literacy amongst children*. London: Ofcom.

10. Grupo para el Estudio de Tendencias Sociales (2006), Coordinador: José Félix Tezanos. Dpto. Sociología III. Universidad Nacional de Educación a Distancia.

11. Marion Duimel and Jos de Haan (2006), *Nieuwe Links in het gezin: de digitale leefwereld van tieners en de rol van hun ouders* (New links in the family: the digital world of teenagers and the role of their parents) Den Haag: SCP.

12. See <http://www.childcentre.info/projects/internet/saferinternet/poland/dbaFile14112.pdf>.

13. Muir, D. (2005) *Violence against Children in Cyberspace: A contribution to the United Nations Study on Violence against Children*. Bangkok, Thailand: ECPAT International.

14. CEOP (2007). *Strategic overview 2006-7: Making every child matter ... everywhere*. London: Child Exploitation and Online Protection Centre.

"it is consistently apparent from the reports that children and young people have often placed themselves at risk online by engaging in risky, cybersexual behaviour that may have incited, catalysed or otherwise facilitated the resulting abuse scenario" (CEOP, 2007 p. 12).

In Norway the SAFT (Safety Awareness Facts and Tools) survey of 888 9-16 year olds (2006) found that:¹⁵

» 34% of online chatters (22% of all 9- to 16-year-olds) have been invited to a face to face meeting with someone they met online.

» 22% of online chatters (15% of all 9- to 16-year-olds) have met offline someone they first met online; a slightly lower figure than in the United Kingdom but higher than it had been in the previous Norwegian survey conducted in 2003.

In some of the European countries where Internet access has burgeoned, such as the Czech Republic, there are even higher levels of meeting offline with online strangers. A survey of 12- to 17-year-olds and parents in the Czech Republic (2006) showed that:¹⁶

» 84% of those who make friends online (49% of all teens) gave out their email address while 73% sent their picture, 60% phone number and 23% their home/postal address

» 66% say they are invited to contact unknown others and 2 in 3 accept these invitations to meet. Almost 70% attend alone (only 22% tell their parents; yet 63% of parents said their child does not go to such meetings).

In Bulgaria, the "Child in the Net" survey (800 12- to 17-year-olds interviewed offline and 590 online, 2006), found:¹⁷

» 38% of Internet users met in person somebody they got to know online.

» 12% often experienced insistent, persistent and unwelcome attempts to

communicate with them (often about sex), and 20% have experienced this at least once.

» 4 in 10 are unaware of the risks of meeting online contacts offline.

What these studies show is that, although there may be awareness of the potential dangers of associating with strangers "met" online, many young people still do so.

Social networking sites

The phenomenal rise in social networking sites has been much documented and Facebook, Bebo and MySpace are all well-known for places where young people "congregate". There is some research on the potential risks and potential harm of these sites now available. ENISA (European Network and Information Security Agency) has published a review of this area and outlines a series of threats (commercial, corporate and social/individual) that are created by social networking sites.¹⁸ These include identity theft as well as cyberstalking and cyberbullying. Among their recommendations is the suggestion that awareness of these threats should be improved as should the transparency of data handling practices so that users can understand better the way in which content is stored and may be used. However the research evidence suggests that young people often do have an awareness of the potential risks and they do not always take the (technical) protective measures available to them.

The major concern, documented most in the United States, is the fact that young people give away significant amounts of personal information online (see for example, Lenhart and Madden as part of the Pew Internet and American Life Project (2007)¹⁹). This is despite the fact that one can set one's online profile so that only "invited" visitors might see it. In the Anchor Watch Your Space survey in Ireland, 82.5% of the sample of 10- to

20-year-olds use social networking sites, while 71% of the respondents have not set their profiles to private. However it should be noted that this is a particularly high percentage.

A recent survey from Get Safe Online in the United Kingdom found that

"Over 10.8 million people across the UK are registered to a social networking site. Of these, one in four have posted confidential or personal information such as their phone number, address or email, on their online profile, making them vulnerable to identity fraud. The research also found that 13% of social networkers have posted information or photos of other people online without their consent. This trend is strongest amongst younger users, with 27% of 18-24 year-olds admitting that they have posted information, photos of other people without their consent online."²⁰

User-generated content

While there is interest in the potentially harmful consequences of user-generated content which might lead to contact (such as via YouTube), there is still little research in this area and much of the debate is anecdotal. It is clear however that some of the risks are similar to those of social networking, but the use of anonymity may create a greater problem.

For example, the research has shown that when people receive hostile, bullying or hateful messages, they do not always know how to respond to such messages. While this may only be offensive or monetarily upsetting, there is a suggestion that prolonged bullying of this kind can lead to emotional and mental harm. Further, cyberbullying can offer anonymity to the bully, but can publicise the identity of the victim; it also can use visual images as well as hurtful text and words; it can be quickly spread among a peer group and can be passed on and manipulated.

Again these concerns are largely just that and are not based on direct evidence, although there is some research on the prevalence of cyberbullying, discussed here.

15. See The SAFT Survey 2006. Summary of findings at: <http://www.saftonline.org/PressReleases/2881/>.

16. Gemius (2006). *Children safety on the Internet. Final report for Czech Republic.* http://www.saferinternet.cz/data/articles/down_124.pdf.

17. Mancheva, G. (2006), "Child in the Net" national campaign. The National Centre for Studies of Public Opinion. 12 September 2006. Full report unpublished but summary is available at: http://www.bnr.bg/RadioBulgaria/Emission_English/Theme_Lifestyle/Material/chilidnthenet.htm.

18. See http://www.enisa.europa.eu/doc/pdf/deliverables/enisa_pp_social_networks.pdf.

19. Lenhart, A. and M. Madden (2007), "Social Networking Websites and Teens: An Overview", Pew Internet and American Life Project, http://www.pewinternet.org/PPF/r/198/report_display.asp.

20. See http://www.getsafeonline.org/nqcontent.cfm?a_id=1469.

In Belgium Deboelpaep (2006) found that nearly two-thirds of his sample (64%) described cyberbullying as a significant problem,²¹ while in the United Kingdom the MSN Cyberbullying Report (2006) found that 11% of 12- to 15-year-olds had been bullied online.²² Importantly, 1 in 20 admits to bullying someone else online.

In Ireland, the Anchor Watch Your Space survey showed that 52% of the 375 respondents aged 10 to 20 had encountered bullying on a social networking site, although they themselves had not necessarily been bullied.²³ The research evidence is not clear – it is not apparent that social networking sites increase the likelihood of bullying, but that – as mentioned before – it just facilitates and adds to the sorts of techniques available.

In the United Kingdom Smith et al. (2006) conducted a study among 92 students aged 11 to 16, looking at cyberbullying.²⁴ They found:

▶▶ Just over one in five students (22%) had experienced cyberbullying, with girls more likely to be bullied in this way than boys.

▶▶ Nearly half of the sample (46%) say they know of cyberbullying taking place through the use of picture/video clips, 37% mention phones calls and 29% mention text messaging.

▶▶ Both the use of picture/video clips and phone calls are felt by respondents to have more impact on the victim than traditional forms of bullying.

There is some evidence to suggest that responses to “hateful” content tends to be more tolerant, on the grounds of

freedom of expression, although individuals may find it offensive. Little as yet is known of how the targeted groups (mainly minority ethnic groups) respond.

Other potentially harmful sites

There is relatively little research about the potential harm caused by sites that deal with anorexia or suicide, for example, and these are often in conflict. Mishara and Weisstub (2007) review the legal and ethical difficulties of controlling sites that may be considered pro-suicide.²⁵ They note that one of the key difficulties is the lack of absolute research evidence, although media reports proliferate:

“These case reports do not meet the requirements for scientific proof that internet sites cause suicide, but they suggest that a relationship may exist.” (Mishara and Weisstub, 2007, p.59)

There does seem to be some evidence that sites where methods of self-harm are not discussed may be more easily identified as beneficial. In Germany, an online survey by Winkel et al. (2005) finds that the social support offered by Internet forums is high, as long as methods of suicide are not discussed.²⁶

Internet content delivered by mobile

The increasing technological possibilities of receiving Internet content by telephone increases concerns of privacy (the mobile is a very private and personal instrument for young people) and mobility (it is more difficult to track what is being viewed/used). Due to financial constraints, young people use the mobile telephone for Internet access relatively little but this is likely to change and policy-makers should be aware of this.

In its report following its consultation on child safety and mobile phone services the European Union reports these

25. Mishara, B.L. and D.N. Weisstub (2007), “Ethical, Legal, and Practical Issues in the Control and Regulation of Suicide Promotion and Assistance over the Internet”, *Suicide and Life-Threatening Behavior*, 37 (1), pp. 58-65.

26. Winkel, S., G. Groen and F. Petermann (2005), “Social Support in Suicide Forums”, *Praxis Der Kinderpsychologie Und Kinderpsychiatrie*, 54 (9), pp. 714-727.

concerns, mentioned by child safety organisations, and cites examples:

“One child safety association mentions that ‘the private and personal nature of the 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’. The same association states ‘there have been cases where the predator has sent the child credits for their phone (or indeed a handset itself) in order to maintain personal and secret communication.’” (EU 2007, p. 5)

However, a comprehensive review of the research literature in this area shows it to be patchy, and the author stresses that more research is required when examining whether or not the potential for harm, for example, from bullying via the mobile telephone is greater than other forms of bullying:

“there is actually little systematic research to ... check if different types of cyberbullying are actually experienced as being more pernicious than physical bullying or direct verbal bullying” (Haddon, 2007, p. 15).²⁷

Much research still needs to be done. The European Union has launched a consultation on online technologies for children which includes a number of suggestions for future research (*Auditing online content aimed at children*, European Union, 2007, p. 9).²⁸

▶▶ The importance of the broader context for the consequences of online communication and need for longitudinal studies.

▶▶ To improve the understanding of risk in the relationship between online/offline worlds.

▶▶ The impact of online incidents: how the use of online communication complement abuse through traditional methods; more data on types, methods and rates; and tracking of online child abuse incidents.

▶▶ Identifying which types of websites attract both children and sexual predators.

27. Haddon, L. (2007) *Concerns about children and mobile phone communications: A review of academic research*, DWRC.

28. See http://ec.europa.eu/information_society/activities/sip/docs/public_consultation_prog/pc_2007_info_en.pdf.

21. Deboelpaep, E.R. (2006), European Parliamentary Technology Assessment, *Cyberbullying among Youngsters in Flanders*, <http://www.viivta.be/files/executive%20overview%20cyberbullying.pdf>.

22. MSN (2006) MSN Cyberbullying report: MSN. See <http://www.msn.co.uk/cyberbullying>.

23. *The Anchor Watch Your Space Survey: Survey of Irish Teenagers' Use of Social Networking Websites* (2007), Anchor Youth Centre, <http://www.watchyourspace.ie/article.aspx?id=7816>.

24. Smith, P., Mahdavi, J., Carvalho, M. and Tippett, N. (2006), *An investigation into cyberbullying, its forms, awareness and impact, and the relationship between age and gender in cyberbullying: A Report to the Anti-Bullying Alliance*, http://www.anti-bullyingalliance.org.uk/downloads/pdf/cyberbullyingreportfinal230106_000.pdf.

▶ The (emerging) link between depression and grooming, in both abuser and abused.

▶ Risks evolving into actual harm to children; the precise nature of harmful consequences.

▶ Measuring the level of trust in trans-generational communication.

Electronic games

Summary

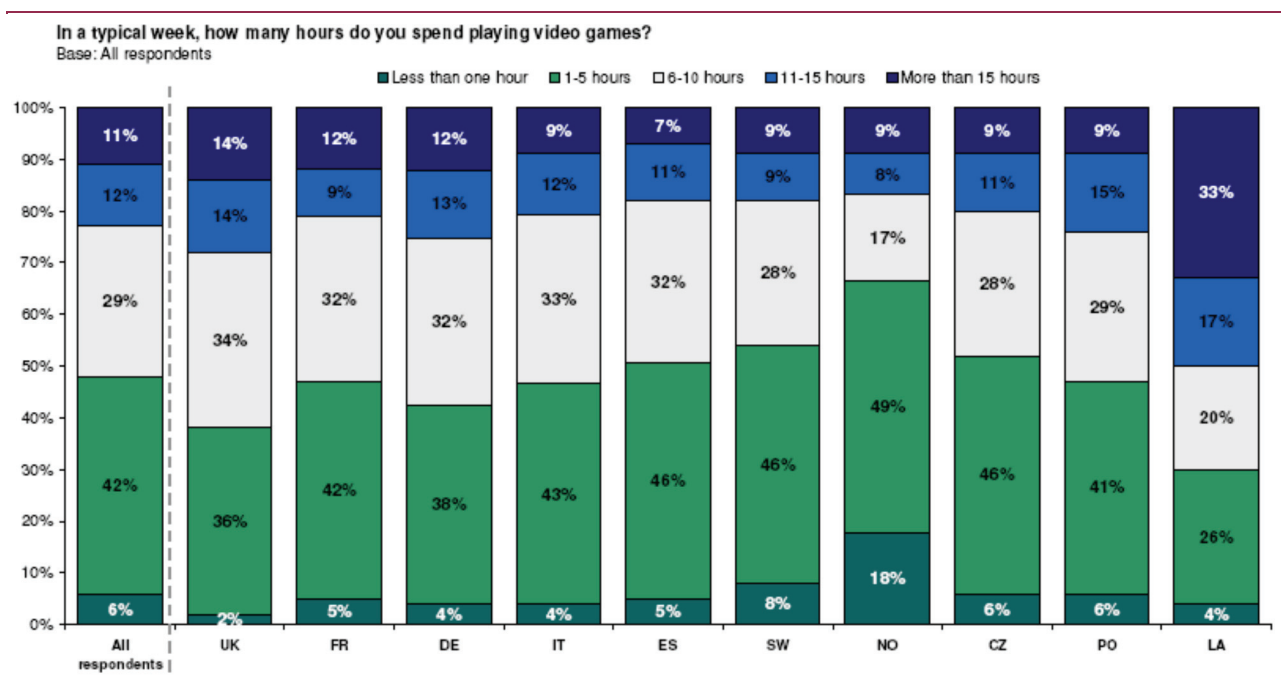
▶ A study conducted in Europe in 2007 by the market research firm, Nielsen, showed PCs are the most used platform for playing electronic games (72%), followed by the PS2 (50%). In certain countries game use is very high – and the Latvians lead the British in

terms of heavy game use (50% of Latvian respondents said they played for 11+ hours compared with 28% of United Kingdom respondents).

▶ The research data on the demographics of gamers in Europe also show that gamers span a wide age demographic with a bias towards males:

27% of those aged 16 to 24 in this survey were classified as heavy users (playing 10+ hours a week) in comparison with 20% of those aged 25 to 64. 26% of males said they played 10+ hours per week (“heavy users”) compared with 13% of females.

Figure 2. European gamers: breakdown by country. Source: Nielsen, <http://www.isfe-eu.org/>



▶ While usage is high the research on use and the effects of use is patchy with some concentration on addiction or heavy use, and relatively little on the content consumed or its potential effect.

▶ The (technological) developments in online gaming are significant – and the consequent realism which creates greater concern about the effects on users for policy makers. The recent IRIS report offers a good glossary of online games, dividing these into three types of game:²⁹

29. Gottlich, P. (2007), *Online Games from the Standpoint of Media and Copyright Law*, IRIS.

– Browser games: this type of game does not need software to be downloaded on to a computer.

– MMORPG or Massively Multiplayer Online Role-Playing Game: These use avatars and players interact directly with one another, but they are largely pre-determined by the manufacturer.

– Cyber community: These also use avatars but the outcomes can be affected by the players themselves. (IRIS, P2).

▶ There is an increasing body of research (mainly United States-based) that does suggest there may be harmful effects, especially for games with

violent content and especially on the boys or men who (mainly) play them. As with research into the effects of television, the research is challenged because of the difficulties of extrapolating from a “test” setting to aggressive situations in real life.

▶ Some researchers (again mainly in the United States) argue that the increasing realism in game playing and the “immersive” nature of it make them potentially more harmful than the more passive television viewing.

▶ Other research (in the United Kingdom) suggests that game players (especially those playing video rather

than online games) are more likely to be disengaged insofar as they are interested in acquiring skills and progressing on to further levels, rather than being a “part of” the game.

Research evidence

Reality-defining effects

Of particular interest to this report, prepared for the Council of Europe, is work on what are termed “reality defining effects” or those variables and messages that affect how one sees the world or society. Stereotypical representations are key here.

Much of the research evidence comes from the United States (but indeed, much research on any stereotyping in the media is increasingly conducted in the United States). Inequalities based on gender and ethnicity are widely noted in electronic games. For example, an analysis of the elements of 60 best-selling games shows that, in contrast with male characters, female characters were not only vastly under-represented but also were more often partially nude, featuring an unrealistic body image, and wearing sexually revealing clothing (2005).³⁰

In 2003 an academic looked at the increase in the number of video games featuring United States soldiers killing Arabs and Muslims, for example, while others featured Palestinians expelling Israeli soldiers, in the post-September 11th 2001 time period.³¹ He questions the beneficial effects of such games, suggesting that they may allow the player to be in the “other side’s shoes”. However, he does not totally applaud these games and does question whether player-designed or player-customised games may have negative effects analogous to other forms of user-generated content, discussed above.

30. Downs, E., and Smith, S. (2005), *Keeping Abreast of Hypersexuality: A Video Game Character Content Analysis*. Paper presented at the 55th International Communication Association, New York.

31. Gee, J.P. (2003), *What Video Games Have to Teach Us About Learning and Literacy*. New York: Palgrave Macmillan.

Some of the debate and support for the arguments for reality defining effects comes with a discussion about addition or heavy use of games. There is relatively little work that links the two but a significant review conducted for the Australian Office of Film and Literature Classification concluded that “addictive involvement in computer games is quite rare” (Durkin, 1995). The review talks (as does other research) for game playing to be sociable rather than solitary, and he argues that there is little evidence that certain types of individual are more inclined to play particular types of games – the gender differences he notes and discusses are based on amount of time spent playing (boys/men are far more involved in game playing than girls/women).

Violence

The area of general policy concern, as with television, tends not to be about reality-defining effects (although the author argues that these may be more problematic and potentially harmful than depictions of violence) but about the effect of playing violent electronic games on subsequent behaviour, especially the growth in the market of such games for children. Many of the recent “media panics” have linked violent games with cases of youth violence. Other games such as *Grand Theft Auto: San Andreas*, have been found to contain hidden sex scenes in addition to violence.³² Most research on electronic games, however, concerns violence rather than sexual violence, and the frequency and nature of the depictions of sexual violence in games is unknown.

As in these debates about the effects of viewing televisual violence, there is some evidence of short-term effects but their longer-term effects are not known, nor are the effects on a general population (these studies are often conducted with college-age students, in the United States).

32. “Chasing the dream”, published in *The Economist* (4/08/05). Retrieved on 18/08/05 from http://www.economist.com/science/displaystory.cfm?story_id=4246109.

In a review of the Scandinavian literature on violent video games, Egenfeldt-Nielsen and Heide Smith (2004) conclude that younger gamers may be more susceptible to violent material but argue that they find little empirical evidence for this.³³

On the other hand there have been a number of recent studies in the United States on short-term effects.³⁴ The authors themselves are very influential in this area and they conclude that playing violent electronic games can have a (negative) effect on social development:

“We have proposed that exposure to violent video games is likely to result in rehearsal and learning of aggressive scripts, aggressive beliefs, and aggressive expectation schemata...These changes in turn lead to increases in aggressive personality and behaviors and decreases in prosocial behavior... It appears that no matter how many risk and protective factors the child already has, playing violent video game still adds additional risk for future increased aggressive behavior.” (Anderson et al 2007, p.140-141)

The only similar study found was in Portugal where Arriaga et al. (2006) noted that undergraduates who played violent computer games reported significantly higher hostility, especially if they already had an aggressive personality.³⁵

The study undertaken in the United Kingdom (2007) previously referred to looked at the reactions and comments of gamers themselves, playing video (rather than online interactive) games.³⁶ It found that these gamers felt they always understood they were in a game and it was the skill of playing (and not being shot) that held much of the allure.

33. Egenfeldt-Nielsen S. and Heide Smith, J. (2004), *Playing with Fire: How do computer games influence the player?*, Nordicom: Gothenburg University.

34. Anderson, C.A., Gentile, D.A., Buckley, K.E. (2007), *Violent Video Game Effects on Children and Adolescents: Theory, Research, and Public Policy*, Oxford University Press.

35. Arriaga, P., F. Esteves, P. Carneiro and M.B. Monteiro (2006), “Violent Computer Games and Their Effects on State Hostility and Physiological Arousal”, *Aggressive Behavior*, 32 (4), pp. 358-371.

36. Cragg, A.,C. Taylor and B. Toombs (2007), *ibid*.

Non-legal measures of protection

Summary

» In many territories, models are being developed that allow for greater co- and self-regulation with and by the private sector (industry). These initiatives suggest that the implementation of measures, such as those to protect children from potential harm, can be implemented efficiently and speedily, while being accepted by the stakeholders in this process.

» There are already models of labelling that exist, and these have varying degrees of success. However they offer parents, carers and children themselves the opportunity to protect themselves or children from inappropriate material.

Research evidence

Non-statutory regulatory models

While the new communications environment makes it difficult to balance traditional forms of regulation with rapid technological change, other forms of regulation are being considered – and encouraged indeed, as in the just adopted EU Audiovisual Media Services Directive (2007).

One model is co-regulation: described as *a generic term for co-operative forms of regulation that are designed to achieve public objectives and that contain elements of self-regulation as well as of traditional command and control regulation*.³⁷

The benefits of co-regulation are

» the expertise and flexibility offered by a more specialised industry-based organisation and

» a detached regulatory organisation which nevertheless has a clear system of legal backstops and accountability.³⁸

In Australia co-regulation has been widely adopted across industries and

the regulator (ACMA) argues that this is expected in a country used to regulation of content:

“While censorship arises as a contentious topic from time to time, Australians are broadly accustomed to, and many expect, some degree of government intervention in decisions about what can be shown, when, and to whom.”³⁹

The other model, self-regulation, is the process whereby industry actively participates in and is responsible for its own regulation, while remaining subject to the general rule of law. The basic elements of self-regulation include

» a code of practice or guidelines adopted by the industry

» processes by which application of the code or principles may be assessed

» a complaints resolution process, including sanctions.

While there are examples of self-regulation, this is not permissible under EU law so many member states (such as the United Kingdom) are opting for “light-touch co-regulation” where government or a regulatory authority has backstop powers but where the code and ownership of the code sits with the self-/co-regulated body.

Within this discussion there needs to be a brief comment made about the role of research. The above presentation of evidence suggests that (academic) research is still limited or, at best, patchy for the new media. Most media content delivery systems require some form of research, on usage levels at the least, to support their services (particular true of commercial services). The research suggests it is not at all clear if users respond to broadcasting and electronic content in the same way, regardless of the delivery system. Indeed the research suggests this is not so, there are different expectations brought to different modes of delivery. While this goes against current policy thinking, until the evidence is clearer, the author suggests that cross-indus-

try or cross- organisation research among audiences and user groups should be encouraged.

Labelling initiatives

As has been suggested elsewhere in this report on the evidence for the requirement to provide users with adequate information about content they may receive – and for offering parents and carers the means to protect children from potentially harmful content, there is an increasing importance placed on the means to provide such content information effectively and efficiently. The report has already referred to the possibilities of using metadata as a labelling device which would work alongside other information tools.

It is accepted that the provision of content information is only one part of a broader agenda to deliver the Council of Europe’s objectives and values in the use of communications technologies, and these work alongside areas such as the media literacy agenda in its widest sense.

There are certain areas that providers of content information concentrate on, and they follow broadly the areas where research evidence has been presented in this report. They include areas such as

» Violence

» Depictions of sexual activity

» Upsetting or disturbing themes (which could include drugs, horror, imitable techniques).

» Sexual violence.

There are cultural differences too, so that in the United Kingdom “strong language” would be included in such information.

Much of the work on cross-geographical labeling comes from the video and computer games industries. In Europe the PEGI system uses a system of descriptors and age classifications to inform parents and purchasers of interactive games of their suitability for children and young people.⁴⁰ The system is meeting with mixed success

37. C. Palzer, *Co-Regulation of the Media in Europe: European Provisions for the Establishment of Co-regulation Frameworks*, IRIS plus 2002-6.

38. See, for example, *Co- and Self-regulation in the UK*, Co- and Self-Regulatory Forum, 2006, http://www.broadbanduk.org/reports/Directives/060526%20Co_and_SelfRegulation_intheUK_FINAL.pdf.

39. http://www.oii.ox.ac.uk/microsites/cybersafety/extensions/pdfs/papers/andree_wright.pdf.

although it has significant support from the industry. Similarly, in the United States, the Entertainment Software Rating Board (ESRB) is a third-party rating system that assigns labels and ratings to games.

However, these systems work within a discreet market and there is little in terms of labelling that has taken purchase for the Internet. The most active best known of these is the Internet Content Rating Association (ICRA)

which has developed the so-called "ICRA questionnaire". This is a self-assessment tool which uses a descriptive vocabulary against which content providers can check which elements (described in the questionnaire) are present or absent from their websites.⁴¹

The ICRA system then allows the generation of a file which contains these labels. Users, such as parents, can use filtering software which recognises

these labels and which will permit (or not) disallow access to those web sites, based on the information contained in the label.

It is certainly the author's experience that there have been many cross-cultural differences to iron out in terminology and in the relative importance of content areas, but this system has been running since 2000 and is relatively well-tried.

40. <http://www.pegi.info/en/index/>.

41. <http://www.icra.org/vocabulary/>.

Concluding remarks

There remain some questions to be asked of the Group of Specialists, MC-S-IS:

» What are the public policy objectives for the digital world? Are they still valid as a concept?

» How effectively can all the major players in the new communications environment be encouraged to consider the protection of children as key, while ensuring fundamental rights to freedom of expression and the free flow of information?

» Should a distinction be made between forms of content and the way it is accessed?

Member states need to consider how cross-cultural differences can be minimised to ensure the success of such a system where geographical boundaries may have little effect.

Appendix. Standard-setting instrument for the protection of children from harmful content

Draft recommendation to promote a coherent pan-European level of protection of children from harmful content when using new technologies and services and the Internet

Reaffirming the commitment of member states to the fundamental right to freedom of expression and to receive and impart information and ideas without interference by public authorities and regardless of frontiers, as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights, ETS No. 5);

Noting that the development of communication technologies and services should contribute to everyone's enjoyment of the rights guaranteed by Article 10;

Recalling the Declaration of the Committee of Ministers on freedom of

communication on the internet (2003) which stresses that such freedom should not prejudice the fundamental rights of children, among others, to be able to use the communication technologies safely and with due regard to their right to childhood and privacy;

Conscious of the evidence for the risk of harm to children from content and unconsidered behaviour in the new communications environment which may not be illegal but which are capable of adversely affecting the physical, emotional and psychological well-being of children;

Noting too, that children and young people need to learn about risk and that part of the developmental process involves curiosity and potentially risky behaviour, but that this can be managed by appropriate preparation and learning;

Noting the important role of public sector, private sector and civil society

actors in promoting the enjoyment of fundamental rights, such as freedom of expression and respect for human dignity in the information society, as highlighted in the 2005 Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society;

Noting too, the outcome documents of the World Summit on the Information Society (Geneva, 2003; Tunis, 2005) which refer to the important roles and importance of stakeholders in building the information society while fully respecting human rights and fundamental freedoms;

Recognising that member states should have regard to the desirability of pursuing a multi-stakeholder approach to the development of practices and materials to enable a coherent pan-European level of protection of children from harmful content;

Convinced that an essential part of the response to content and behaviour carrying a risk of harm lies in raising awareness about self-regulation and protection in the new communications environment;

Accepting that there are self-regulatory initiatives for the removal of illegal content and the protection of users against harmful content taken by the new communications and information industries, sometimes in cooperation with the state, as well as of the existence of technical standards and devices enabling users to select and filter content;

Recalling Recommendation Rec (2007) 11 of the Committee of Ministers to member states on promoting freedom of expression and information in the new information and communications environment and Recommendation Rec (2001) 8 which encourage the neutral labelling of content to enable users to make their own value judgements over such content;

Recommends that member states, under the umbrella of the Council of Europe, develop a coherent pan-European “trustmark” for users which marks out sites and content as adhering to the values of the member states within the Council of Europe;

Recommends that member states develop a uniform set of criteria for labelling content information through the use of metadata;

Recommends that such labelling is accompanied by a coherent consumer strategy for signposting and labelling content sold in retail outlets or delivered through retail platforms, associated with appropriate point-of-sale and in-packaging information so that parents and carers can take adequate steps to ensure that the children in their care are not subject to inappropriate content;

Recommends that member states encourage the widespread use of such labelling among industry members, while ensuring these do not create unnecessary burdens in terms of cost or other resource;

Member states should seek to empower children in the new communications environment, while respecting fundamental rights, in particular the right to freedom of expression and to receive and impart information and opinions without interference and regardless of frontiers, as follows:

▶▶ In partnership with the private sector, civil society groups and non-governmental organisations, member states should work within the Council of Europe to develop an accepted and recognised “trustmark” that can be used to indicate those sites and content that adhere to the values and standards of the effective protection of human rights, including the rights of all (including children) to use the communications technologies safely.

▶▶ In partnership with government, civil society groups and non-governmental organisations, the private sector should be encouraged to use appropriate and uniform pan-European labelling of information metadata, so that a consistent set of information accompanies content during its distribution on all platforms. As well as allowing signposting and labelling processes to be made available for the user, such metadata can benefit the industry by:

- allowing content rights (IPR) to be identified;
- offering help with navigation, editing and display of the content;
- providing support access services – e.g. subtitling.

▶▶ In partnership, governments, civil society groups or non-governmental organisations and the private sector should develop a coherent signposting and labelling strategy that is recognised by children and parents alike to inform about risky materials while not “advertising” them to children and young people.

▶▶ Since evidence shows that it is important to assess and evaluate the effectiveness of these policies and initiatives, and such data on best and effective practice should be shared among member states.

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