

Estonian Code of Conduct for Safer Mobile Use by Younger Teenagers and Children

1. Introduction

- 1.1. This Code of Conduct, hereinafter The Code, is accepted by Estonian providers of mobile telephone services, hereinafter mobile providers, who are signatories to the *European Framework for Safer Mobile Use by Younger Teenagers and Children* (Link - European Framework for Safer Mobile Use by Younger Teenagers and Children, February 2007 http://www.gsmeurope.org/documents/safer_children.pdf). The Code is a public document which can be signed by any Estonian mobile provider.
- 1.2. The Code emphasizes the nationally-based sector initiatives that are in place in this area, and urges all the parties concerned to promote the sustained development of safer mobile use by younger teenagers and children in Estonia.
- 1.3. The Code implements the European Framework in Estonia in accordance with clause 17 of the same Framework. Amendments and additions to the Code can be made by agreement between the companies that are signatories to it.
- 1.4. The Code incorporates general behaviour regulations developed in conformity with the Estonian regulatory enactments, which the mobile providers undertake to observe for the protection of children in the field of mobile communications. The Code does not prohibit the mobile providers from introducing additional safety measures for achieving the goals mentioned in the Code separately, unless these measures contradict the Code.
- 1.5. With respect to responsible adaptation and development of the Code signatories note that:
 - Mobile providers control commercial content they produce themselves.
 - Mobile providers exert indirect and retrospective control over commercial content in certain other situations, provided there is a contractual relationship with professional third parties.
 - Mobile providers are not in a position to control content which is freely accessible on the internet, since there is no relationship between the mobile provider and the content provider. However, as responsible companies, mobile providers recognise the need to work with customers, parents and other stakeholders, including child protection organizations, in order to promote the safety of younger teenagers and children using mobile services.
 - Mobile providers offer content which may use pre-pay, post-pay or hybrid approaches to billing. This framework is intended to provide for safer mobile use by younger teenagers and children across different billing approaches as appropriate.

2. Access Control Mechanisms

- 2.1. Mobile providers should not offer any own-brand commercial content which would be classified as only suitable for adult customers in equivalent media, without providing appropriate means to control access to such content under parental control.

- 2.2. Appropriate means to control access to content should also be applied where content is supplied by contracted providers of third party commercial content which would be classified as only suitable for adult customers in equivalent media.
- 2.3. In order to provide comprehensive access control mobile providers shall comply with the national regulation which applies to voice telephony, short message services (text, picture and multimedia messages) and WAP communication in the subscriber connection.
- 2.4. Additionally, individual mobile providers should offer capabilities which can be used by parents to customize access to content by children using mobiles. These may include specific services, phones, barring or filtering, and/or billing control.

3. Raising Awareness and Education

- 3.1. Mobile providers should provide advice and effective access to information regarding the use of mobile phone services and measures which can be taken by parents to ensure safer use by their children.
- 3.2. Mobile providers should encourage customers who are parents to talk to their children about how to deal with issues arising from the use of mobile services.
- 3.3. Mobile providers should ensure customers have ready access to mechanisms for reporting safety concerns.
- 3.4. Mobile providers should support awareness-raising campaigns designed to improve the knowledge of their customers e.g. in co-operation with government bodies, municipalities, enterprises and NGOs.
- 3.5. For these measures to work effectively policy makers should play a role in improving childrens' awareness through updated educational material and approaches. This should include parent and child-friendly information on safer use of mobile and the internet.

4. Classification of Commercial Content

- 4.1. Mobile providers and content providers support classification frameworks for commercial content based on Estonian societal standards and consistent with approaches in equivalent media. Classification of content, whether accessible through telecommunications or not, should be consistent with Estonian societal standards regarding decency, appropriateness and legislation. Classification frameworks should consist of at least two categories: content which is suitable only for adult customers and other content.
- 4.2. Mobile providers should ensure that their own-brand commercial content is appropriately classified based on existing Estonian classification standards.

5. Illegal Content

- 5.1. Mobile providers will continue to work with law enforcement authorities in executing their legislative obligations regarding illegal content.

- 5.2. Mobile providers will continue giving their support to the authorities in their fight against child pornography.
- 5.3. Mobile providers shall support the initiatives of state institutions in introducing appropriate procedures that would provide legal mechanisms for restricting the distribution of illegal content.
- 5.4. For these measures to work effectively there should be legal clarity on the nature of content which is illegal and law enforcement authorities (or delegated organizations) should be able to confirm where individual items of content are illegal. This will require the allocation of proportionate law enforcement priority and resources. National governments' support for this is vital.

6. Other provisions

- 6.1. Mobile providers apply the Code as of signing. The Code does not provide for liability of the mobile providers for controlling the content of the services used by the clients and/or users or the information sent and received by the clients and/or users.
- 6.2. The signatories to the Code should regularly review the Code in the light of social and technological developments, and with respect to advances in the area of mobile services. This should take place in cooperation with the European and national stakeholders.
- 6.3. Mobile providers take responsibility for the implementation and administration of this Code.

Tallinn, 30 June 2010

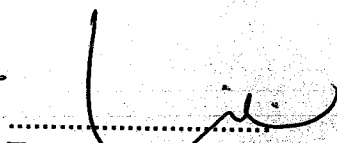
On behalf of AS EMT

On behalf of Tele2 Eesti AS

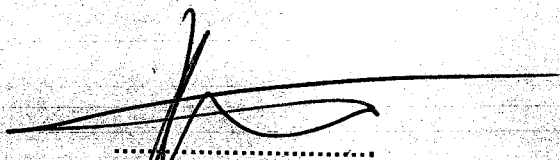
On behalf of Elisa Eesti AS



Piret Mürk-Dubout
Member of Board



Toomas Tiivel
CEO



Andrus Hiiepuu
Member of Board

Eesti tegevuspõhimõtted laste ja noorte turvalisema mobiilikasutuse osas

1. Sissejuhatus

- 1.1. Käesolevad tegevuspõhimõtted on vastu võetud Eesti mobiilsideoperaatorite poolt (edaspidi „mobiilsideoperaatorid“), kes on allkirjastanud Euroopa raamistiku mobiiltelefonide turvalisemaks kasutamiseks laste ja teismeliste poolt (vt „European Framework for Safer Mobile Use by Younger Teenagers and Children“, **veebruar 2007** http://www.gsmeurope.org/documents/safer_children.pdf). „Tegevuspõhimõtted“ on avalik dokument, millele võivad alla kirjutada kõik Eesti mobiilsideoperaatorid.
- 1.2. Tegevuspõhimõtted keskenduvad Eesti mobiilsidesektoris korraldatavatele algatustele ning nendega kutsutakse kõiki huvigruppe kaasa aitama **laste ja teismeliste turvalisema mobiilikasutuse** jätkuvalle kasvule.
- 1.3. Tegevuspõhimõtted on Euroopa raamistiku rakenduseks Eestis vastavalt selle 17. punktile. Tegevuspõhimõtteid saab muuta ja täiendada sellele alla kirjutanud ettevõtete vahelise kokkuleppe alusel.
- 1.4. Kooskõlas Eesti kehtivate regulatsioonide ning mobiilsidesektoris teenuste pakkumisel väljakujunenud tavade ning praktikaga välja arendatud Tegevuspõhimõtted kätkevad endas üldiseid tegevusjuhiseid, mida mobiilsideoperaatorid kohustuvad järgima laste kaitseks mobiilside kasutamisel. Tegevuspõhimõtted ei takista mobiilioperaatoritel tegevuspõhimõtete eesmärkide saavutamiseks iseseisvalt täiendavate turvameetmete rakendamist, kui need Tegevuspõhimõtetega vastuollu ei lähe.
- 1.5. **Seoses käesolevate Tegevuspõhimõtete vastuvõtmise ja edasiarendamisega on sellele allakirjutanud alljärgnevatel seisukohtadel.**
 - Mobiilsideoperaatorid kontrollivad enda poolt toodetavat sisu.
 - Kaubandusliku mobiilsisu üle on neil kaudne ja tagasiulatuv kontroll juhul, kui nad on teenuse vahendajaks professionaalsete kolmandate isikutega sõlmitud lepinguliste alusel.
 - Mobiilsideoperaatoritel puudub kontroll internetis vabalt saadava sisu üle, kui nad ei ole mobiilsisu pakkuja lepingulistes suhetes. Vastutustundlike ettevõtetenä peavad mobiilsideoperaatorid äärmiselt oluliseks teha lastele ja teismeliste mobiilsideteenuste turvalisemaks muutmisel koostööd klientide, lastevanemate ja teiste huvigruppidega, s.h lastekaitseorganisatsioonidega.
 - Mobiilsideoperaatorid pakuvad sisuteenuseid ettemaksu, arve või kombineeritud arveldamisemeetodite alusel. Raamistiku eesmärgiks on soodustada laste ja teismeliste turvalisemat mobiiltelefoni kasutust vastavalt võimalusele ja vajadusele erinevate arveldusmeetodite kaudu.

- 4.2. Mobiilsideoperaatorid peavad tagama, et nende kaubamärgi all pakutav kaubanduslik sisu oleks klassifitseeritud vastavalt Eestis kehtivatele klassifitseerimisnõuetele.

5. Ebaseaduslik sisu

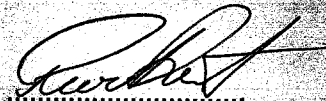
- 5.1. Mobiilsideoperaatorid teevad koostööd korrakaitseorganitega ebaseadusliku sisu tõkestamiseosas.
- 5.2. Mobiilsideoperaatorid toetavad jätkuvalt riigi- ja kohaliku omavalitsuse asutusi, mis tegelevad lastekaitsega sh võitluses lapspornograafia vastu.
- 5.3. Mobiilsideoperaatorid toetavad riigi- ja kohalike omavalitsuse asutuste algatusi seoses selliste protseduuride väljatöötamise ja kasutuselevõtuga, mis pakuvad seaduslikke meetmeid ebaseadusliku sisu leviku tõkestamiseks.
- 5.4. Käesolevate meetmete tõhusaks toimimiseks on vaja ühelt poolt juriidilist selgust selles osas, milline on ebaseaduslik sisu, ning teiselt poolt seda, et korrakaitseorganid (või volitatud asutused) oleks suutelised tõendama konkreetsete sisuelementide ebaseaduslikkust. See eeldab korrakaitse prioriteedi määratlemist ja vajalike vahendite eraldamist.

6. Muud sätted

- 6.1. Mobiilsideoperaatorid jõustavad Tegevuspõhimõtted nende allkirjastamise momendist alates. Käesolevad põhimõtted ei kehtesta mobiilsideoperaatoritele kohustust kontrollida klientide ja/või kasutajate poolt kasutatavate teenuste sisu või nende poolt saadetavat või vastuvõetavat sisu.
- 6.2. Käesolevate Tegevuspõhimõtetele allakirjutanud peavad neid regulaarselt üle vaatama ühiskondlike ja tehniliste muutuste valguses ning vastavalt mobiilside arengule. Seda tuleb teha koostöös Euroopa Liidu ja siseriiklike huvigruppidega.
- 6.3. Mobiilsideoperaatorid võtavad endale kohustuse käesolevad Tegevuspõhimõtted ellu rakendada ja nende järgimist korraldada.

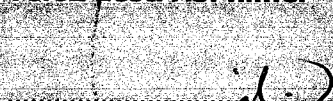
Tallinnas, 30. juunil 2010

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