



Protection of Minors in Mobile Communications Voluntary Commitment by Mobile Communications Providers

October 2007

This voluntary commitment is made by the following companies: Debitel AG, E-Plus Mobilfunk GmbH & Co. KG, Mobilcom Communicationstechnik GmbH, Talkline GmbH & Co. KG, T-Mobile Deutschland GmbH, O2 Germany GmbH, Vodafone D2 GmbH.

The mobile communications providers welcome the commitment of the Federal State of Rhineland Palatinate which, in overall charge for all German States, is working towards a high standard of protection of minors in the media in Germany. For this reason, the mobile communications providers were happy to accept an invitation by the State to a round table on "Protection of minors and prevention on the Internet and in mobile communications." This voluntary commitment represents the conclusions of the mobile communications providers from the discussions held in the past year and an present a further offer for trustful cooperation with all the Federal States.

Introduction

Mobile communications can no longer be dispensed within Germany and today almost all teenagers and many children already own a mobile phone. With modern mobile phones and prices for voice and data services continuing to fall, entirely new opportunities are opening up for children and young people in mobile information and communication. The mobile phone has already allowed parents and children to constantly keep in contact and so it has contributed enormously to families' sense of security. In the future, mobile phones will allow mobile access to the Internet and on-line applications such as mobile learning. So the mobile phone will continue to be of major importance in society and in the professional world in the future. Besides the numerous opportunities and options that mobile communications offers to children and young people, there are however risks such as that of children and young people being confronted with inappropriate content.

To avoid possible risks and to exploit the opportunities of the medium it is particularly important for children and young people to learn to deal competently with mobile phones and media. This makes demands especially of parents, educators and training institutions. Of course, mobile communications providers and media service providers also have a major part to play. Media service providers must take preventative measures against content that is unsuitable for children and young people. Moreover, mobile communications providers can play an important part in supporting parents in their supervision of media consumption by their children and provide support for children's and young people's media skills.

Here the same applies in principle to mobile communications as to home PCs and Internet use since mobile communications allows alternative access to media and content which are already available via other access routes. Moreover, given the background of the convergence of networks, end devices and media, a uniform approach to sustainable protection of minors in the media makes sense. Here parents should be able to rely on comparable protection mechanisms entirely irrespective of whether this relates to media use on a PC, laptop, smartphone or mobile phone. As a result, special standards for mobile communications would not match the experience horizon of users and in particular parents.

Protection of minors in mobile communications – as in other areas – is based on a triad consisting of laws, self-regulation and -supervision and competitive offers by mobile communications providers. The Jugendschutzgesetz (Youth Protection Act) and the Jugendmedienschutz-Staatsvertrag (State Treaty for the Protection of Minors in the Media) between States make heavy demands on media service providers and create comprehensive, fundamental protection. Self-regulation such as the Verhaltenskodex zum Jugendschutz (Code of Conduct for the Protection of Minors) and this voluntary commitment create further specific bases for mobile communications and they improve protection for the entire sector. Besides these fundamental youth protection mechanisms for the whole sector, companies are also creating further services for the protection of minors in competition with each other. Enough space must continue to be left for this competition for customers in the future.

The mobile communications providers are convinced that the safe use of mobile communications also represents a major precondition for children and young people for the use of mobile services by this group. Protection of minors in the media is therefore a major component in the future development of mobile communications. For effective protection of minors it is necessary for the software and hardware industries, media and mobile communications providers and also State bodies to pull together.

Protection of minors in mobile communications today

In the joint “Verhaltenskodex der Mobilfunkanbieter in Deutschland zum Jugendschutz im Mobilfunk” (Code of Conduct for Mobile Communications Providers in Germany for the Protection of Minors in Mobile Communications), they have committed themselves expressly to the protection of children and young people from mobile information and communication services that hinder development and endanger young people. This code of conduct, which the mobile communications providers signed in summer 2005, describes common standards by which mobile communications providers shall ensure that such content is not normally presented to children or young people. It also regulates the mobile use of chatrooms and downloading of films and games with regard to youth protection and the appointment of youth protection officers. This code of conduct should be regularly updated in line with technical developments in mobile communications.

Besides the obvious absolute taboo on legally prohibited content such as propaganda for organisations in breach of the constitution, incitement to hatred or incitement to criminal offences or child or violent pornography, the suppliers have specified in the code that they will oblige the content suppliers contractually associated with them to observe the legislation. Pornographic or other mobile services from mobile communications providers or their partners that might severely endanger the development and personalities of children and young people should only be offered to adults in closed user groups under an age verification system. For this purpose a reliable age-verification of majority has to be made when the mobile communications contract is signed and the user has to unambiguously identify himself before accessing the service. With content from mobile communications providers or their partners that might impair the personal development of children and young people, the mobile communications providers will give the parents the opportunity to have the mobile phone

that they have supplied to their children blocked as regards content that would impair development.

Advertising for such content should be kept strictly separated from services for children and young people. In general the mobile communications providers commit themselves not to exploit the inexperience of children and young people or their strong trust in adults and teachers when it comes to advertising.

With regard to mobile chatrooms of mobile communications providers or their partners for whose content the participants are in principle responsible, the mobile communications providers shall strive to create a voluntary supervision system for the protection of minors. In their contracts with mobile communications providers, chatroom providers are required to react immediately on instructions concerning problematical contributions and to delete illegal contributions.

This measure is a good example of how German mobile communications providers are prepared and able to jointly produce efficient solutions to matters of consumer protection and to organise themselves so as to do this.

In order to demonstrate their sense of responsibility towards protection of minors even more clearly and to subject themselves to a supervisory body on the observance of the code of conduct, mobile communications providers Vodafone, T-Mobile, the Phonehouse, E-Plus and O₂ voluntarily joined the Freiwilligen Selbstkontrolle Multimedia-Diensteanbieter (FSM, Association for the Voluntary Self-Monitoring of Multimedia Service Providers) in July 2005. Further development of the content of the code of conduct will now be under the FSM umbrella for those suppliers that have joined the FSM. It is intended to include the commitments contained in this paper in the code of conduct.

Further measures for improving youth protection

On the basis of the Europe-wide unique standards in the protection of minors in the media under legislation, self-regulation and self-supervision in the industry, the mobile communications companies wish in particular to support the parents of minors in educating their children. In this way, besides new commitments to further technical measures, effective improvements on the protection of minors in the media can be achieved in mobile communications.

The mobile communications companies welcome the initiative by the State of Rhineland Palatinate, acting in overall charge for all States, of inviting companies, public offices and social organisations to a round table and to jointly develop opportunities for improvement in protection of minors in the media.

After comprehensive consultation in the round table, the companies therefore wish to implement the following measures on their own initiative:

1. Youth protection hotline

The signatory mobile communications providers will set up a youth protection telephone hotline. The hotline will be contactable free of charge anywhere in Germany on the standard number 0800 XXXXXX. The hotline number will be prestored on SIM cards as

part of the mobile communications services of the signatory mobile communications providers.

The hotline provides parents, young people and children with information on services relevant to protection of minors in the media provided by the relevant mobile communications company and supports them if they have questions on protection of minors in the media and the mobile end devices. In particular, options will be provided for blocking access to services harmful to young people or to content that would hinder their development. Information will be given on services relevant to the protection of minors in the media as well as special young people's price plans and options for the protection of minors.

2. Online advice for parents and teachers

On the Internet there are already many different offers providing information for parents and teachers on protection of minors in the media. This large amount of information on many areas e.g. on behaviour in chats and on passing on personal information, also applies to the area of mobile communications. However, going beyond that, it is logical and necessary to provide information about the functions of mobile phones and the problems resulting therefrom, e.g. about the sending of videos via the various interfaces of the terminal device.

The mobile communications providers will produce a central website together with FSM focusing on parents or guardians. In this way central and concise general information on protection of minors in the media will be provided that goes beyond corporate information. There will be a link from this website to the protection of minors sites of the participating companies. The aim is to address the major topics of protection of minors in the media for the mobile communications sector and to make the information on price plans and options for the protection of minors provided by the relevant companies online easier to find.

3. Information for parents on signature of a contract

It is first and foremost the parents that sign mobile communications subscriptions for their children. The mobile communications providers do not only want to provide information on the functions of the mobile telephone purchased with the mobile communications subscription e.g. mobile Internet or the data storage and transmission procedure. Rather parents should be informed in the same way about the options that they can use to protect their children from possibly unsuitable content. Information relevant to the protection of minors in the media is provided prominently and transparently in the form of a print medium e.g. in the welcome brochures that are issued to every private customer. The information includes in particular information about the youth protection hotline, information on options and special price plans, the notice about the company's own protection of minors website and the website operated in conjunction with the FSM on the subjects of protection of minors in the media and mobile communications.

In the context of self-supervision, the FSM will also take on the task of working towards equivalent and comparable information from the mobile communications providers that are participating in it.

4. Online Information on youth protection services

The mobile communications providers will set up – in so far as they do not already exist – or expand their own company websites for protection of minors in the media within the framework of their individual Internet presences. In particular there will be reference on these sites to the youth protection hotline, the protection of minors options and price plans offered by each company and the Internet site operated jointly with the FSM. These information services will be easy to find with a click via the entry portal of the Internet presence of each mobile communications supplier. The search engines incorporated into each of the Internet presences will also make searching easier again by enabling the services to be found by inputting something like the following search terms: “youth,” “children,” “youth protection,” “youth price plans rates,” “youth protection options” and “protection of minors in the media.”

5. Internet block

Modern mobile phones offer a variety of communication and information options but, above all, as well access to content that is not provided by the mobile communications providers. The increasing use of the mobile Internet by children and young people can therefore also lead to access for children and young people to unsuitable content. For their own content and that of their content partners, the mobile communications providers provide comprehensive protection mechanisms. Parents of children who would like to protect their children from such content, depending on their age, can choose from a wide range of child protection software services on Internet access via a PC or a laptop. The complex supplier structure in the mobile communications sector (terminal device manufacturers, software, media and mobile communications providers) and the diversity of mobile phone models, functions and operating systems have led to the result that to date, no corresponding child protection software has achieved wide use in the mobile communications sector.

The mobile communications providers therefore provide parents with the opportunity to set up a general Internet block. This includes both the sending and receipt of MMS and access to free Internet content. This does not affect telephone conversations or sending and receiving SMS. The companies are constantly working on further improvements to protection of minors in the media. They will assess further technical options and will advise and support parents where necessary beyond the already-existing services on the use of future technical opportunities. This also involves technologies with the help of which access to specific services, the Internet or mobile phone functions can be configured, restricted or completely prevented on the user side.

Evaluation

The measures mentioned in this voluntary commitment are to be implemented and constantly evaluated and checked by the mobile communications providers within a maximum of one year after signature by the mobile communications providers. Within the framework of the self-supervision system, the FSM will support and monitor its member companies in the implementation of these voluntary commitments. The mobile communications providers will check the status of protection of minors in the media in mobile communications each year together with social groups and public authorities and – if necessary – make further improvements. For its member companies

the FSM will produce an implementation report which will also include the complaints received from users.

Protection of minors in the media in competition

The signatory mobile communications providers regard their services in the area of protection of minors in the media as a major parameter of differentiation in competition.

The individual companies are therefore at liberty to expand their services regarding protection of minors in the media at any time with additional measures that go beyond the measures contained in this voluntary commitment.

Conclusions

On the basis of the legislation, the code of conduct from 2005 and the competitive services of the mobile communications providers, the Europe-wide, unique protection of minors level in mobile communications is being further improved with this voluntary commitment.

The mobile communications providers stress that, besides its effective implementation, it is crucial for the success of this voluntary commitment that there is good cooperation with the Federal States.

The mobile communications providers are convinced that with this triad of legislation, self-regulation and self-control and the competitive measures of the mobile communications providers, protection of minors in the media can effectively be improved.