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**Lithuanian National Code of Practice
for Safe Use of Mobile Communications by Minors**

**2008-02-01
Vilnius**

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**Lithuanian National Code of Practice
for Safe Use of Mobile Communications by Minors**

1. introduction

1.1. This Code of Practice was prepared and signed by the persons listed in Annex No. 1, henceforth – the Operators, and its scope of application is the services provided by the Operators in the territory of the Republic of Lithuania (henceforth – Code of Practice).

1.2. The Operators, having regard to the fact that mobile communication media (devices) provide an opportunity to use an ever-increasing spectrum of functions and services, including photography, video filming, sending of images and multi-media messages, watching of television programs, Internet website browsing and performing financial transactions; and having regard to the fact that these new products and services are used by an ever-increasing circle of consumers, including minors under 18 years of age; they see an essential need to ensure that consumers who are minors could use these services while being protected from possibly harmful new services and their content; and seeking to provide parents and (or) guardians with the means to protect minors and to show them how to use information society services responsibly, they have signed this Code of Practice.

1.3. This Code of Practice is applicable to mobile communication services provided by an Operator independently, or provided by a content service provider that has signed a contract of commercial cooperation with the Operator. Notwithstanding, the Operators commit themselves to applying this Code of Practice to all services to the extent that this will be technologically and legally feasible.

1.4. Implementation of the provisions of this Code of Practice does not mean that the Operators will control the content of the services that the consumer uses, and they will not control information sent and received by the consumer; nor will they limit the technology for the exchange of this information or use solely on the basis of this Code of Practice.

1.5. This Code of Practice foresees only general rules for behaviour and it will not prevent the Operators from separately and independently applying other additional safety measures that they consider essential when installing technological elements or implementing individual signed contracts for collaboration.

1.6. The Operators declare that this Code of Practice is not a Code of Practice (Ethics) within the meaning of Section 16 of the Information Society Services Law of the Republic of Lithuania, and the concepts used in it are defined individually.

1.7. This Code of Practice is a public document, which is available to be subscribed to (endorsed) by other providers of mobile communication services.

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2. Concepts

2.1. **Age checking methods:** these are methods that enable verification that the user is 18 years of age or over, and they may include, but are not limited to such methods:

- 1) at the time of purchase of the new mobile communication device, the purchaser's identity and age are verified on the basis of documentation submitted;
- 2) when a contract is being made remotely, the consumer's identification can be verified using reliable third party sources (e.g. banks, insurance companies, certification centres, etc.);

2.2. **Information society service:** these are services received at the request of the consumer, usually for a fee, electronically over a mobile telephone communication network and individual information society services provided over a distance.

2.3. **Minor:** an individual aged 18 years or less.

2.4. **Access control methods:** these are methods and devices that assure security from unauthorised access to forbidden content (passwords, PIN codes), and other special technical access control devices (smart card, etc.)

2.5. **Commercial information society services** – Information society services provided to consumers of commercial information society services. These services may include pictures, video clips, games to be played on a mobile telephone, music, gambling and other services.

2.6. **Commercial information society services provider:** an information society services provider acting under a contract with the Operators and providing services over a mobile telephone communication device.

2.7. **Consumer:** every private individual or legal entity, including representatives or branches in Lithuania of foreign private individuals or legal entities, that uses information society services.

2.8. **Public content services:** information society services that do not come within the criteria of paragraph 2.9 of this Code of Practice.

2.9. **Harmful content services:** information society services that contain the following types of information:

- 1) information associated with depictions of physical or psychological violence or vandalism: when there are detailed depictions of killing, harming or torture of people or animals, wilful destruction or damaging of property, or when violence, coercion or brutality is depicted approvingly;
- 2) when a dead or seriously injured person's body is shown, except in cases when such showing is necessary for identity to be established;
- 3) erotic nature: material of a sexually provocative nature, including images of sexual intercourse, imitations thereof, or some other form of sexual gratification, sexual organs, sexual paraphernalia;
- 4) meant to cause fear or horror;
- 5) exhorting people to gamble;
- 6) information in which there is an approving depiction of dependency on narcotics, toxins, psychotropic materials, tobacco or alcohol, and people are exhorted to use, manufacture, distribute or acquire these substances;
- 7) incitement to self-harm or suicide;
- 8) information in which there is an approving depiction of criminal activity, or criminals are idealised;
- 9) information that encourages people to imitate criminal activity;
- 10) information that advocates discrimination on the grounds of national origin, race, sex, class origin, invalidity, sexual orientation, religious or other affiliation;
- 11) information that makes frequent use of lewd expressions, words or gestures;
- 12) information that advises how to make, acquire or use explosives, narcotic or psychotropic substances and other things that are dangerous to life or health;
- 13) information that encourages bad habits of eating, hygiene or physical inactivity;
- 14) information which, in relation to criminal activity and or other breaches of the law, makes known the details of persons hiding from law-enforcement institutions or the courts as suspects in criminal cases, or as the accused or the convicted, or of under-age victims of criminal activity or other breaches of law, which could reveal the individual's identity;
- 15) information which makes known the details of under-age persons who have harmed themselves or tried to do so, or have committed suicide or tried to do so, which could reveal the individual's identity;
- 16) information which reveals details about an under-age person in such a way as to lessen his dignity and (or) damage his interests;

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17) information which abuses under-age persons' trust and inexperience, presenting under-age persons' opinions and assessments in the context of negative social phenomena;

18) information which presents under-age persons' photographs and films about them in the context of negative social phenomena, if this could reveal the under-age persons' identity.

3. **Commercial information society services**

3.1. The providers of commercial information society services, or the Operators, independently providing information society services, will be obliged to

independently classify the services they provide into Harmful content and Public content services, as defined in this Code of Practice.

3.2. The Operators will independently or together with providers of commercial information society services install appropriate age verification and access control measures aimed at limiting the possibilities of under-age users to use services of Harmful content.

3.3. This Code of Ethics does not forbid Operators to independently develop other forms of classifying information when the Operators consider it to be necessary for the user's convenience, having regard to the specifics of the services being provided.

4. Internet content

4.1. The Operators do not control the content of the Internet and cannot classify (and do not classify) the content of Internet websites according to the rules of this Code of Ethics, except in cases when the commercial information society services are being provided by an Operator or another contractually engaged commercial information society services provider.

4.2. The Operators can offer the parents or guardians of minors Internet filters or other means, including access control devices, which would make it possible for parents or guardians to independently limit the access of minors to services, the content of which is classified as Harmful according to this Code of Practice.

4.3. The Operators can install a service which enables parents or guardians to inform Operators about Internet websites that provide services, the content of which is classified as Harmful.

5. Additional measures

5.1. The Operators work with law enforcement agencies and provide them with information that assists in preventing criminal activity related to unlawful and harmful content.

5.2. In cases where the Operators are providing web-hosting services, they are not obliged to control the content of the information being displayed on Internet through this service. However, if they find out that information in contravention of the penal code is being published and (or) services of harmful content are being provided using web hosting services provided by the Operator, they should immediately take steps to stop the provision on Internet of publicly accessible information that is in contravention of the penal code and of harmful content.

5.3. The Operators will support the initiatives of law enforcement or other Government-authorised institutions by which it would be attempted to legally regulate the procedures for publishing information on Internet that is in contravention of the penal code and of harmful content.

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6. Informing the consumers.

6.1. The Operators will provide, directly or through intermediaries, to the users, including under age persons or their parents or guardians, advice on how to safely use information society services and mobile telephone communication devices, likewise the essential technical back up and training to educate users about the basics of safe use of these services.

7. Conformity with national law

7.1. This Code of Practice conforms to the national laws of the Republic of Lithuania, and in such instances where the concepts or forms of expression are not directly mentioned in the Code of Ethics, they may be interpreted in accordance with their definitions in the relevant acts of law of the Republic of Lithuania.

8. Implementation and change

8.1. The Operators commit themselves to applying the provisions of the Code of Ethics by 2008-02-01.

8.2. The provisions that relate to the commitments of Commercial information society services providers under the Code of Ethics can be applied by 2009-01-01, with service provision contracts being appropriately amended.

8.3. Changes to the Code of Ethics, when such are essential, will be made before the Operators sign a new Code of Ethics.

9. Publicity and subscription (endorsement)

9.1. An up-to-date version of this Code of Ethics and its Annex will be published on the Operators' websites and later on the websites of any new operators that subscribe to (endorse) this Code of Ethics. The Operators and newly subscribed operators commit themselves to updating the published information at reasonable intervals.

9.2. Other information society services providers may subscribe to this Code of Practice, without changing any of its provisions, by informing in writing the individuals specified in Annex 1 of this document.

9.3. The originators of this Code of Ethics (the Operators) and individuals who subscribe later (Subscribing operators) will be listed in Annex 1 of this Code of Ethics.

on behalf of UAB „Bitė
Lietuva“
General Manager
Kenneth Campbell
2008-02-01

on behalf of UAB
„Omnitel“
President
Antanas Zabulis
2008-02-01

on behalf of UAB „Tele2“

General Manager
Petras Masiulis
2008-02-01

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Annex 1

Row No.	Operator	Contact Address	Date of Subscription
1)	UAB „Omnitel“	Vytenio 18, Vilnius	2008-02-01
2)	UAB „Tele2“	Sporto 7A, Vilnius	2008-02-01
3)	UAB „Bitė Lietuva“	Žemaitės 15, Vilnius	2008-02-01