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**Plenary Session 1 – Protecting minors in the online world:
focus on evidence of harm
Introductory document¹**

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1. Introduction

“There can be no keener revelation of a society’s soul than the way in which it treats its children.” —
Nelson Mandela

What is the place of children in the online world? How can we fairly balance their vulnerability with their rights to be actively part of the society?

Protecting vulnerable audiences from harm while safeguarding freedom of expression has always been one of the core principles of audiovisual regulation, especially regarding children. The

¹ **Disclaimer:** this document has been produced for an internal meeting by EPRA, an informal network of 53 regulatory authorities in the field of audiovisual media services. It is not a fully comprehensive overview of the issues, nor does it represent the views or the official position of EPRA or of any member within the EPRA network.

protection of minors is also generally the public's greatest concern across all types of content in Europe, and even more since the digitisation of the media and the spread of the Internet².

Indeed, digitisation has led to a step increase in the volume and type of content produced as well as to a radical change in the means of delivery of such content to the public – thus enabling easier access to children and young audiences. As a result, the modes of media consumption of children are changing. Ofcom's recent Annual Report on Children and Parents Media Use and Attitudes revealed that, in the UK, half of 5-15s watch OTT television services like Netflix, Amazon Prime Video and Now TV and that YouTube is becoming the viewing platform of choice, with rising popularity particularly among 8-11s³.

From this change in the audiovisual landscape have emerged new types of harms, such as cyberbullying or contact-related risks, as well as a wide range of new ways in which children can be exposed to potentially harmful content, and broadcasting regulators are not well acquainted yet with their impact on children, nor do they, in most cases, have formal powers to act. Therefore, with the growth of global players such as video-sharing platforms, the shift in media consumption and the current trend towards extending the scope of audiovisual regulation to the online environment in Europe, it is particularly timely to reflect upon the approach and the role of the regulators regarding the protection of the minors.

The protection of minors has been a recurring subject in EPRA meetings from the start, reflecting the importance of the topic as a key regulatory concern across all jurisdictions. Early discussions focused on the linear environment with the presentation of systems put in place in Europe to regulate the access of minors to potentially harmful content, such as the 'signalétique' introduced by the French CSA or the 'Kijkwijzer' system of the Dutch NICAM. Issues of transnational cooperation between regulators were another focal point following discussions on 'baby channels' and the jurisdiction over unencrypted pornographic content broadcast on satellite channels. Following the adoption of the Audiovisual Media Services Directive in 2007, the focus shifted to the protection of minors across new media platforms and the specific challenges experienced by NRAs to implement and monitor the provisions applicable to non-linear media service providers (working groups in 2010 in Barcelona and 2011 in Brussels; plenary session in Krakow in 2013⁴). In parallel, the promotion of media literacy has crystallised as a particular area of interest for media regulators and has been featuring as a standing item on EPRA's Work Programme since 2017. For a growing number of broadcasting regulators, media literacy is considered as a necessary complement to or indeed part of regulatory functions, not least because it may increase the effectiveness, acceptance and understanding of regulation by citizens.

² Recent tracker research by Ofcom UK shows that in 2018 only 54% of parents of online 5-15s agree that 'the benefits of the internet for my child outweigh any risks', a steady decline compared to two-thirds of the parents in 2011. Ofcom research consistently finds that the safety of children is a key concern for people across all types of content, including online: https://www.ofcom.org.uk/data/assets/pdf_file/0024/134907/Children-and-Parents-Media-Use-and-Attitudes-2018.pdf

³ Children and parents: media use and attitudes report 2018; Ofcom February 2019: <https://www.ofcom.org.uk/research-and-data/media-literacy-research/childrens/children-and-parents-media-use-and-attitudes-report-2018>

⁴ EPRA Comparative document – Krakow – Session 1: The protection of minors in a connected environment: <https://www.epra.org/attachments/krakow-session-1-the-protection-of-minors-in-a-connected-environment-comparative-document-final-version>

Despite the lack of a common definition and although many NRAs do not have any explicit legal competence in the field, there is a common understanding that media literacy empowers citizens to make informed decisions about the media content they access, create and consume. Media literacy thus constitutes a route open to broadcasting regulators to try to deal with online harms as they understand them.

Most recently, as potential new powers come into view, EPRA members have supported the inclusion of a yearly plenary session on the protection of minors in an online environment within the [Work Programme for 2019](#):

- the spring session in Sarajevo will look at recent and on-going evidence and research with a view to assessing the levels of online harm and to understanding how regulators are likely to go about developing remedies that are proportional to the level of harm.
- the autumn session in Athens will focus on access control tools for on-demand services and video sharing platforms and particularly on the interplay between protection of minors and data protection.

2. Background

2.1 A shift in the scope and the regulatory approach for harmful content

→ AVMSD 2010: extension of scope to on-demand audiovisual media services with graduated approach between linear and non-linear services

The material scope of the 2010 AVMS Directive was extended to include non-linear audiovisual media services. On the basis of the Directive, most European countries have adopted a graduated regulatory approach which relies on more stringent measures applicable to linear services and makes a distinction between content which might seriously impair the development of minors on the one hand (*prohibited on linear services and not accessible to children on on-demand services*) and content which is likely to impair the development of the young public on the other hand (*only linear services are required to prevent children from accessing such content through technical tools or time of broadcast schedule*). (Articles 12 and 27 AVMSD 2010).

The lighter regulation applicable to on-demand services was meant to reflect the higher degree of control and choice exercised by users and the lighter impact these services may have on society.

The transposition of such a graduated approach in the respective national legislations has not always proven an easy task, notably the articulation with pre-existing national concepts and classifications with regard to the protection of minors. The articulation between ‘illegal content’ and ‘content which might seriously impair the development of minors’ has been particularly complex to make in

some jurisdictions as highlighted in the comparative background document prepared for the EPRA meeting in Krakow⁵.

One key finding of the paper was that the great variety of national concepts in terms of definitions and classifications of content made any attempt to reach a comparative perspective really challenging. Another noteworthy conclusion was that, in 2013, only few NRAs had conducted research on the protection of minors on on-demand media services. The most extensive research conducted at the time was Ofcom's report to DCMS on Sexually Explicit Material and Video On Demand Services⁶. A detailed mapping report on the protection of minors prepared for the REFIT exercise ahead of the revision of the AVMS Directive broadly confirmed these findings and pointed at the great variety of definitions, noting that: "*it is likely that content which is considered as "might seriously impair" minors in one country could be considered as "likely to impair" minors in another country, and vice-versa*"⁷.

However, the diversity of national definitions and classification systems does not necessarily imply that the approaches towards protection of minors for online content are irreconcilable. ERGA's recent work on comparing the tools and mechanisms used to inform and restrict access suggest that a diversity of tools might mask quite similar approaches⁸.

→ Revised AVMSD 2018: extension of scope to VSPs and simplification of the notion of harmful content

The new AVMS Directive, applicable since December 2018 and to be transposed before September 2020, introduced two major changes to the provisions relating to the protection of minors:

- The Directive aligns the standards of protection for TV broadcasting and on-demand services (Art. 6a)
- The Directive extends the obligation to protect minors also to video-sharing platforms, which need to put in place appropriate measures (Art. 28b)

The shift to horizontal, rather than graduated approach aligning the regimes applicable to linear and on-demand services and the inclusion of video-sharing platforms within the scope was meant to reflect the changed patterns of media consumption and to allow Member States to develop a higher degree of protection for content which may impair the physical, mental or moral development of minors. Recital 21 refers to the popularity of video-sharing platforms and social media services among younger people.

The notion of harmful content is simplified and the reference to content which might seriously impair the development of minors is dropped from the text. However, at the same time, the Directive introduces a new approach to protections correlating with the level of harm.

⁵ Minutes of the 37th EPRA meeting in Krakow: <https://www.epra.org/attachments/krakow-minutes> (EPRA members' only)

⁶ Sexually Explicit Material and Video On Demand Services; A Report to DCMS by Ofcom, August 2011
https://www.ofcom.org.uk/data/assets/pdf_file/0020/117713/explicit-material-vod.pdf

⁷ REFIT Report, Analysis of the implementation of the provisions contained in the AVMSD concerning the protection of minors, European Audiovisual Observatory, Strasbourg 2015
ec.europa.eu/newsroom/dae/document.cfm?action=display&doc_id=14353

⁸ Protection of Minors in the Audiovisual Media Services: Trends & Practices (ERGA report) <http://erga-online.eu/wp-content/uploads/2016/10/ERGA-PoM-Report-2017-wordpress.pdf>

According to Article 6a of the new AVMS Directive, measures taken must be proportionate to the potential harm of the programme and States must ensure that media service providers “use a system describing the potentially harmful nature of the content of an audiovisual media service”. The **most harmful** content, such as gratuitous violence and pornography, shall be subject to the strictest measures. Moreover, Article 28b states that video-sharing platform providers shall take appropriate measures to protect minors from programmes which may impair their physical, mental or moral development in accordance with Article 6a(1), “in light of the nature of the content in question, the harm it may cause, the characteristics of the category of persons to be protected as well as the rights and legitimate interests at stake”.

Recital 20 also clarifies that the most harmful content, which may impair the physical, mental or moral development of minors, but is not necessarily a criminal offence, should be subject to the strictest measures such as encryption and effective parental controls, without prejudice to the adoption of stricter measures by Member States.

The Directive therefore explicitly gives regulators the task of assessing harm when deciding on the appropriate levels of protective measures to be applied by both AVMS and VSPs, and of taking a proportionate approach based on such an assessment. On that basis, more than ever regulators will be required to understand how harmful content affects children.

2.2 A general shift towards a participatory and evidence-based approach

→ Towards an evidence-based approach

Recent discussions within EPRA have highlighted the importance for regulators of adopting an evidence-based approach. The ad hoc working group dedicated to research needs and practices of regulatory authorities in Europe in Berne in 2015⁹ revealed a widespread perception among regulatory authorities of the growing dependency of NRAs on a robust knowledge-base to fulfil their missions in the increasingly complex media environment. Possibly not surprisingly, the outcome of the questionnaire on research confirmed the variety in concepts of mission, responsibilities and organisation of the participating regulatory authorities, as well as the great difference in size and resources. And while most regulators were advocating for evidence-based regulation the extent to which policies and decisions are actually based on research outcomes seemed to vary considerably. Although many regulators recognise the advantages of internal research and have well-staffed research departments in place, the majority of the NRAs is not organised in this way. Far-reaching differences in budgets and other resources for research, along with discrepancies in the level of the implementation of research findings, also highlight the dichotomy between the regulators whose mandate is limited almost exclusively to the application of legal provisions and the authorities taking part in informing, guiding or developing policies. Yet, research is deemed very important for

⁹ Final output document (EPRA/2015/05c) by Tanja Kerševan Smokvina, AKOS (SI), based on the outcome of the discussion in the Working group "Research & regulators: Towards an evidence-based approach" which met on 14 May 2015 in Berne for the 41st EPRA meeting and the analysis of the responses to a questionnaire circulated to EPRA members <https://www.epra.org/attachments/berne-wg3-research-regulators-final-output-document>

the majority of regulators, and many of them have highlighted in their response the virtuous circle of research and regulation. Small-scaled initiatives may also go a long way.

With the enlargement of the scope of the AVMS Directive to video sharing platforms, adopting an evidence-based approach is more necessary than ever for broadcasting regulators. The sheer scale of online material and the complexity of the online world make a compelling case for research evidence. Indeed, harmful content on online platforms may take many forms (TV programmes but also online videos, images, written text...) and can be produced by anyone, even sometimes by children themselves.

However, an obstacle to an evidence-based approach is that unlike other types of economic regulation, a solid evidence base is not always considered essential for child protection policy. Owing to public pressure, there might be a tendency to base actions on the “precautionary principle”, which has been widely applied in the environmental field, where it means not waiting for full scientific certainty before taking action to prevent harm.

→ Towards a participatory approach

In parallel, we could witness over recent years a shift in the protection of minors’ policies and doctrine. The goal now is not only to prevent access to harmful content but also to enable minors, and their parents, to identify such content and to enable them to protect themselves/their children, by using appropriate tools. Online interactivity has changed the perception of harm regarding children, making it more difficult to get a clear picture of the potential harmful contents. Risk does not necessarily mean harm and policies should not stop opportunities generated by the online world. On that basis, and where evidence of harm is weak, information remedies and citizen empowerment may seem to offer a legitimate and proportionate solution.

As Prof. Brian O’Neill stated in 2018, *“in European policy making, the shift in focus from a safer to a better Internet reflects a move from a protectionist stance towards a more participatory, rights based approach”*¹⁰. As outlined below, there is a call to focus on children’s online experience, the risks and the opportunities online, and to include children in the research and the policy making in order to switch from a systemic approach to an evidence-based approach.

In the revised Audiovisual Media Services Directive, the importance of media literacy is acknowledged alongside age verification measures thus implying that both aspects complement each other for an effective protection of minors.

At the Council of Europe level, the Council of Ministers adopted a Recommendation to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment in July 2018¹¹. Its Preamble recognises that the digital environment is complex and subject to rapid

¹⁰ O’NEILL, B 2018, Research for CULT Committee – Child safety online: definition of the problems, European Parliament, Policy Department for Structural and Cohesion Policies, Brussels:

[http://www.europarl.europa.eu/RegData/etudes/IDAN/2018/602016/IPOL_IDA\(2018\)602016_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2018/602016/IPOL_IDA(2018)602016_EN.pdf)

¹¹ Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment (Adopted by the Committee of Ministers on 4 July 2018 at the 1321st meeting of the Ministers’ Deputies) <https://rm.coe.int/guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-th/16808d881a>

evolution, and is reshaping children's lives in many ways, resulting in opportunities for and risks to their well-being and enjoyment of human rights. In this recommendation, the Committee of Ministers encourages an evidence-based method. Indeed, Article 87 states that policies and initiatives shall be *"informed by rigorous and up-to-date evidence about children's experiences in the digital environment, in order to map existing opportunities and risks for children, identify emerging trends and guide the targeting of policy and resources to ensure children's well-being in the digital environment"*¹².

The need for an evidence-based policy making approach is also presented as one of the main challenges in the 2012 OECD Recommendation on the Protection of Children Online¹³.

As a result, most of the studies (such as the EU Kids Online research) and policies arising advocate for an evidence-based approach regarding children's online safety.

The White Paper on Online Harms recently issued by the UK government, and which provides for the establishment of an independent regulator for online safety, states that:

*"The regulator will take a risk-based approach, prioritising action to tackle activity or content where there is the greatest evidence or threat of harm, or where children or other vulnerable users are at risk. To support this, the regulator will work closely with UK Research and Innovation (UKRI) and other partners to improve the evidence base. The regulator will set out expectations for companies to do what is reasonably practicable to counter harmful activity or content, depending on the nature of the harm, the risk of the harm occurring on their services, and the resources and technology available to them"*¹⁴.

2.3 Obstacles and challenges to an evidence-based approach for the regulator

→ Lack of research and knowledge on children online experience

An evidence-based policy requires robust research and good knowledge on children online experience. The next question is where and how can regulators gain knowledge on children online experience and the evidence of harm?

Although all parties can agree that involving children more actively in making policies is essential to reach more suitable rules and measures, minors do not usually have an opportunity to be part of these processes, partly because of the obvious limitation of participation for children in harmful content research. In the Better Internet for Kids Policy Map¹⁵, only a third of the countries consulted stated that children have an opportunity to be actively involved in policy design.

¹² Point 87 of the Guidelines (see above footnote 11)

¹³ OECD Council Recommendation on 12 February 2012 "The Protection of Children Online": https://www.oecd.org/sti/ieconomy/childrenonline_with_cover.pdf

¹⁴ [Online Harms White Paper](#), April 2019, opened to public consultation until 1 June

¹⁵ O'Neill, B., Dinh, T. (2018). The Better Internet for Kids Policy Map: Implementing the European Strategy for a Better Internet for Children in European Member States. EU countries (except France, Slovenia and Sweden) and Norway. <https://www.betterinternetforkids.eu/web/portal/policy/bikmap>

Moreover, as Andrea Millwood Hargrave and Sonia Livingstone point out¹⁶, it is the repetition and accumulation of short-term effects on children that can lead to a more fundamental alteration to the individual. An in-depth understanding of the harmful effects of online contents on children thus requires long-term research and monitoring tools.

The [2014 EU Kids Online, findings, methods and recommendations](#) emphasises that more research is required to fill the knowledge gap, notably regarding young children and their skills to face online harmful contents. As Brian O’Neill underlines, comparative European studies seem to be limited and to suffer from “*insufficient research on younger age groups, uses of diverse technologies and youth perspectives on online risks and benefits*”¹⁷.

In addition, because of fears for children’s online safety and the current societal and political pressure to act, there is a risk of overlooking the evidence of benefits that the interaction with online media brought to children. Research has pointed out however that “*Children benefit through their online access to unprecedented opportunities for education, information, socialisation as well as entertainment and having fun. The Internet is a platform that affords children the possibility of overcoming other inequalities in their lives and enables them to exercise their rights as citizens*”¹⁸.

→ Multiple legal frameworks and a great variety of players

The legal framework related to the protection of minors and their rights in the online space is currently spread across a range of policies (audiovisual regulation, data protection regulation, telecommunications, cybercrime, public education...), and this implies, most of the time, different oversight regulatory bodies, actors and stakeholders. In this fragmented landscape, a right-based and evidence-based approach will require from the regulators to establish interaction with the other actors in order, first, to reach an effective knowledge of the children online experience and, then, to implement an effective regulation.

These will include institutional bodies, such as government and ministries or educational structures, other regulatory authorities such as telecom and data protection bodies, research organisations, civil society and consumer associations and last, but not least, industry players such as audiovisual media service providers and video sharing platforms.

As highlighted in the [UK White Paper](#), protection of minors is a shared responsibility between governments and stakeholders. The [UK Council for Internet Safety](#) is an example of an initiative that has been launched to this end, bringing together Government, industry, law enforcement, academia, charities and parenting groups. Another is the EU Better Internet for Children Strategy gathering the

¹⁶ Millwood Hargrave, Andrea and Livingstone, Sonia (2009) Harm and offence in media content: a review of the evidence. 2nd Revised edition, Intellect, Bristol, UK. ISBN 9781841502380

http://eprints.lse.ac.uk/49000/1/Livingstone_Harm_offence_media_2009.pdf

¹⁷ O’Neill, B 2018, Research for CULT Committee – Child safety online: definition of the problem, European Parliament, Policy Department for Structural and Cohesion Policies, Brussels:

[http://www.europarl.europa.eu/RegData/etudes/IDAN/2018/602016/IPOL_IDA\(2018\)602016_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2018/602016/IPOL_IDA(2018)602016_EN.pdf)

¹⁸ O’Neill, B 2018, Research for CULT Committee, op. cit. p. 11.

European Commission and Member States with mobile phone operators, handset manufacturers and providers of social networking services.

Multi-stakeholder approaches offer opportunities as well as challenges, and are in fact often seen as essential in any attempt to devise approaches to online protection. But they are difficult to coordinate, and the multiplicity of actors and views also mean that meaningful outputs are rare and there is frequently disagreement over the evidence base or even the need for one.

→ Wide diversity in concepts and regulatory approaches across Europe

As cross-border content multiplies, it raises the question of common definitions and methods in order to reach satisfactory levels of compliance and enforcement. In the age of global video-sharing platforms, trans-national cooperation between NRAs appears necessary in order to address issues of jurisdiction and to reach a certain level of harmonization of standards for an effective content classification and minors' protection.

The need for some level of harmonisation in the definitions and classification systems, at the national, European and international level has been emphasised in several fora. As it was highlighted during the ERGA workshop on the protection of minors of 2017¹⁹, there is "*certainly potential for a certain degree of harmonisation in EU countries regarding the protection of minors*", such as a common labelling system, regardless the different national sensitivities which should not be an obstacle. The need for further cooperation and harmonisation between South-eastern countries has also recently been underlined in the Council of Europe and European Union programme JUFREX publication on media regulatory authorities and protection of minors²⁰.

Experience of broadcasting regulation suggests that harmonisation does not come naturally in areas of audience protection, and the role of regional and even global research projects into online harms may have a crucial role to play.

3. Objectives of the session

At national level, fears for children's online safety and, more generally, the alarm around "information disorder" such as disinformation have given rise to increased concern from the audience and pressure from governments to introduce robust regulatory responses. Ongoing initiatives include the Irish public consultation on the Regulation of Harmful Content on Online Platforms²¹, the UK White Paper or even the French draft legislation on hate speech²².

¹⁹ ERGA 2018 workshop, Protecting Children in Audiovisual Media Services – Current and future measures (activity report) <http://erga-online.eu/wp-content/uploads/2018/02/Protecting-Children-in-Audiovisual-Media-Services-Current-and-Future-Measures.pdf>

²⁰ Council of Europe Publication – JUFREX – April 2019 – Media regulatory authorities and protection of minors: <https://rm.coe.int/jufrex-media-regulatory-authorities-and-protection-of-minors/168093e0d8>

²¹ Questions 12 and following of the Irish Public Consultation on the Regulation of Harmful Content on Online Platforms and the Implementation of the Revised Audiovisual Media Services Directive, Department of Communications, Climate Action and Environment: <https://dcca.gov.ie/en-ie/communications/consultations/Documents/86/consultations/Consultation%20Questions.pdf>

²² "[Proposition de loi visant à lutter contre la haine sur Internet](#)", March 2019

At European level, the new provisions of the AVMS Directive have attempted to simplify the notion of harmful content, increase the protection of minors on on-demand audiovisual media services and have been extended to cover video-sharing platforms through a co-regulatory approach.

Against this backdrop, there is likely to be very high expectations of regulators to deliver appropriate and proportionate regulatory and co-regulatory responses. The plenary session in Sarajevo will aim to foster reflections and discussions among broadcasting regulators based on a three-tier approach:

- **Definition: what are the online risks and harms to children?**
Potential harms have changed, the sources of the risks are multiplying and take new forms. However, risk does not necessarily mean harm.
- **Evidence: how can the levels of harms be measured?**
How are assessments and determinations about harm made? Who is best placed to collect evidence? What are the limitations of evidence?
- **Remedies: how to overcome the limitations of evidence to identify appropriate and proportional remedies?**
How to set priorities in a risk-based approach? How to ensure a consistent approach given the plurality of players and regulators potentially involved? How can we use/apply the knowledge of media regulators on protection of minors in a broadcasting environment in a co-regulatory online context?

4. Structure and choreography of the session

After an introduction by EPRA Board sponsor and Vice-chairperson *Maria Donde*, the session will commence with a keynote address by an academic and researcher expert in online child safety, *Professor Brian O'Neill*.

Professor Brian O'Neill is Director of Research, Enterprise and Innovation Services at Dublin Institute of Technology with responsibility for research and innovation in the Technological University for Dublin Alliance. His areas of expertise include media policy and digital technologies; media and information literacy, e-safety and information society policy for children.

The keynote will be followed by a panel discussion with representatives of NRAs, who will share their practical experience and views first through a short presentation of their respective key findings and then through interactive exchanges with the audience.

9:30-9:40 Introduction by Maria Donde

9:40-10:00 Keynote speech by Brian O'Neill

After defining the problem and placing it in its overall context, *Brian O'Neill* will give a research overview of the current evidence for risks and harms affecting children in the online world and associated issues for consideration by regulatory authorities.

The presentation will set out the research framework and typology of online risks and harms as developed by the EU Kids Online research network and adopted by the Global Kids online initiative. The framework has enabled the development of an evidence base on children's use of online media and the identification of areas of risk and potential harm.

The final part of the presentation will address the importance of evidence in a rights-based context, emphasise the joint responsibilities of all relevant actors and put forward some recommendations for a combined national and European approach to digital governance.

10:00-10:30 Short Presentations by panellists

10:30-11:20 Interaction with keynote and panellists and with the audience

The regulatory panel will be composed of:

- *Roger Loppacher*, President of the Catalan Regulator CAC (ES): since 2015, the CAC has conducted monitoring reports on specific harmful audiovisual content disseminated online and has elaborated reports on issues such as child pornography, anorexia or online betting. Stakeholders' networks assist the regulator with the identification of harm and special risk groups among children and to evaluate the level of harm of types of content. The reports have given rise to awareness-raising campaigns and recommendations.
- *Richard Wronka*, Director, Strategy & Policy, Ofcom (GB): over the years Ofcom has undertaken a wide range of qualitative and quantitative studies dealing with Children's uses and attitudes with digital media. Ofcom's recent report "[Addressing harmful content online](#)" identifies different kinds of harmful content and effects and points out the specific difficulties encountered by the NRAs in regulating harmful content.
- *Luboš Kukliš*, Director of the Slovakian regulator CBR and Chair of ERGA (SK): the Slovak regulator has demonstrated a long-lasting interest for protection of minors issues ever since the publication of a Comparative Study on the Protection of Minors in Electronic Media in the Central European countries in 2016²³. ERGA's latest output in the area of the protection of minors is the summary of a workshop entitled "Protecting Children in Audiovisual Media Services - The effectiveness of age verification and media literacy" which was held in Brussels on 3 October 2018.

11:20-11:30 wrapping up and conclusions

²³ Kukliš, L.; Ležanská, V.; Tarabčák, I.; Vrabel, J.: Comparative Study on the Protection of Minors in Electronic Media in the CERF Countries, Council for Broadcasting and Retransmission, Bratislava, 2016, http://www.rvr.sk/cms/data/modules/download/1462454785_Comparative_Study_on_the_Protection.pdf

5. Questions for debate/discussion

Questions for the debate may include the following:

- **Questions about research**

REGULATORS AND RESEARCH: *do regulatory authorities conduct/commission research on protection of minors online/media consumption of children? Do authorities have sufficient resources to conduct or commission research on protection of minors online? Do they cooperate with external organisations for research purposes in this field?*

ENGAGEMENT AND EXTERNAL INPUT: *what should be the continued dialogue between researchers and regulators? Who should be responsible for instigating it? How can other actors influence and input into the regulatory process (including the public)?*

- **Questions about strategy, policy and processes**

EVIDENCE-BASED APPROACH: *do regulatory authorities take an evidence-based approach when dealing with the protection of minors or do they tend to be driven rather by a precautionary approach, and consideration of what is politically/socially expected – or a combination on these? How do regulators prioritise which concerns to address?*

SCOPE: *the evidence seems to suggest that there is a wide range of possible harms/concerns over online content, only some of which would naturally fall within the scope of media regulators: how should regulatory authorities refine the scope of their activities (if not strictly by legal obligations)? How should we coordinate with other actors?*

PROCESSES TO ASSESS HARM: *how are assessments and determinations about harm made by regulators? It is based on internal experts, or do authorities rely on external expertise or a combination of both? What kind of work processes and cooperation might be set up for that purpose? What is the best way to consider a balance of evidence (i.e. for benefits of online use, risks to human rights etc.)?*

ROLE OF REGULATORS: *how can we use/apply the knowledge of media regulators on protection of minors in a broadcasting environment in a co-regulatory online context?*

Annex 1: A brief overview of relevant reports and research

Research on evidence of harm

- Millwood Hargrave, Andrea and Livingstone, Sonia (2009) Harm and offence in media content: a review of the evidence. 2nd Revised edition, Intellect, Bristol, UK. ISBN 9781841502380:
http://eprints.lse.ac.uk/49000/1/Livingstone_Harm_offence_media_2009.pdf
- Livingstone, S., Tambini, D. and Belakova, N. (2018) *Research for CULT Committee Recommendations for EU policy developments on protection of minors in the digital age*. Brussels: European Parliament, Policy Department for Structural and Cohesion Policies:
[http://www.europarl.europa.eu/RegData/etudes/IDAN/2018/617454/IPOL_IDA\(2018\)617454_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2018/617454/IPOL_IDA(2018)617454_EN.pdf)
- Livingstone, S. and Kirwil, L. and Ponte, C. and Staksrud, E. (2013) *In their own words: what bothers children online?* with the EU Kids Online Network. EU Kids Online, London School of Economics & Political Science, London, UK:
<http://eprints.lse.ac.uk/48357/>
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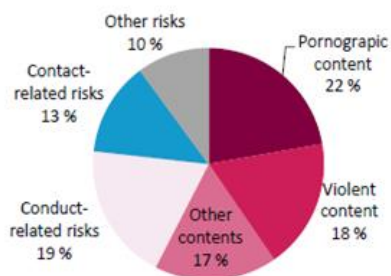
Annex 2: An overview of categories of online harms

Table 1: A classification of online risks for children

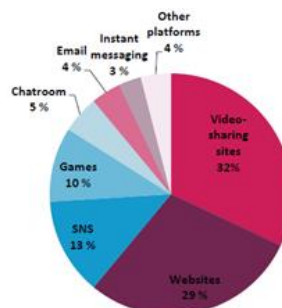
| | Content Child as receiver (of mass productions) | Contact Child as participant (adult-initiated activity) | Conduct Child as actor (perpetrator / victim) |
|-------------------|---|---|---|
| Aggressive | Violent / gory content | Harassment, stalking | Bullying, hostile peer activity |
| Sexual | Pornographic content | 'Grooming', sexual abuse or exploitation | Sexual harassment, 'sexting' |
| Values | Racist / hateful content | Ideological persuasion | Potentially harmful user-generated content |
| Commercial | Embedded marketing | Personal data misuse | Gambling, copyright infringement |

Source: EU Kids Online (2009)

Risks identified by children



Sources of risks identified by children



Source: EU Kids Online (2013)

Table 1: Online harms in scope

| Harms with a clear definition | Harms with a less clear definition | Underage exposure to legal content |
|---|--|---|
| <ul style="list-style-type: none"> • Child sexual exploitation and abuse. • Terrorist content and activity. • Organised immigration crime. • Modern slavery. • Extreme pornography. • Revenge pornography. • Harassment and cyberstalking. • Hate crime. • Encouraging or assisting suicide. • Incitement of violence. • Sale of illegal goods/ services, such as drugs and weapons (on the open internet). • Content illegally uploaded from prisons. • Sexting of indecent images by under 18s (creating, possessing, copying or distributing indecent or sexual images of children and young people under the age of 18). | <ul style="list-style-type: none"> • Cyberbullying and trolling. • Extremist content and activity. • Coercive behaviour. • Intimidation. • Disinformation. • Violent content. • Advocacy of self-harm. • Promotion of Female Genital Mutilation (FGM). | <ul style="list-style-type: none"> • Children accessing pornography. • Children accessing inappropriate material (including under 13s using social media and under 18s using dating apps; excessive screen time). |

Source: *Online Harms White Paper, UK (2019), presented to Parliament by the Secretary of State for Digital, Culture, Media & Sport and the Secretary of State for the Home Department by Command of Her Majesty.*