

Opinion of the European Economic and Social Committee on the 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — European Strategy for a Better Internet for Children'

COM(2012) 196 final

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On 2 May 2012, the Commission decided to consult the European Economic and Social Committee, under Article 114 of the Treaty on the Functioning of the European Union, on the

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Strategy for a Better Internet for Children

COM(2012) 196 final.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 6 September 2012.

At its 483rd plenary session, held on 18 and 19 September 2012 (meeting of 18 September), the European Economic and Social Committee adopted the following opinion by 134 votes to one with seven abstentions.

1. Conclusions and recommendations

1.1 The Committee takes note of this Communication, which seeks to put into practice one of the EU's commitments under *An EU Agenda for the Rights of the Child* (Action 9), i.e. to strengthen risk prevention and the empowerment and participation of children online, in a positive approach to the Internet as "a place of opportunities for children to access knowledge, to communicate, to develop their skills and to improve their job perspectives and employability" ⁽¹⁾.

1.2 **An important aspect concerns the possibility of developing new high-level skills** relating to safety, content quality and new applications. This is important because the European market is not big enough to encourage adequate investment.

1.3 The Communication **sets out a comprehensive strategy** that will involve everyone in the development of this **"new eco-system"**, which will be crucial in the coming decades; it thus warrants due consideration.

1.4 However, the EESC also points out a number of critical aspects and shortcomings which it invites the Commission to address by amending some choices and including new proposals in the strategy.

First of all, the EESC raises a fundamental concern about the general tenor of the Communication, which **seems to give more importance to business growth** than to creating a

better Internet for children and ensuring the highest level of protection for them.

1.5 The EESC is convinced of the need to **first define a coherent framework of protection and guarantees for minors**, as guidelines for all those involved. In this respect, the Communication is not sufficiently concrete and detailed.

1.6 Another area of concern is the **effectiveness of self-regulation**. The EESC is firmly convinced that on **the most important issues**, such as data protection, privacy and combating child pornography, **precise and stringent rules** have to be adopted, with adequate sanctions including the immediate closure of the websites and the withdrawal of authorisations.

1.7 Special attention must go to **online advertising** ⁽²⁾. The Commission itself recognises the vulnerability of children but makes only generic commitments. The Committee finds the strategy vague and insufficient and calls for more precise and binding obligations for all operators in the sector.

1.8 The Committee also points out that there is no reference to **food advertising**, which is a cause for serious concern due to problems like obesity and eating disorders. The Committee urges the Commission to be consistent with its own statements, and therefore "to make sure that standards for advertising on websites for children allow a level of protection comparable to that of advertising in the audiovisual services".

⁽¹⁾ EESC opinion on *Protecting children using the Internet*, OJ C 224, 30.8.2008, p. 61-66; EESC opinion on *The impact of social networking sites on citizens/consumers*, OJ C 128, 18.5.2010, p. 69-73.

⁽²⁾ EESC opinion on *A framework for advertising aimed at young people and children*, See page 6 of this Official Journal.

1.9 The Committee is not against creating public-private partnerships to develop new high quality content provided that the freedom and independence of NGOs is safeguarded and that such partnerships are not used to promote companies.

1.10 With regard to **involving children in the development of new content**, the Committee is in favour of all measures that enhance the creativity of young people but has serious reservations insofar as the measures to be supported are prevalently commercial, putting protection second.

1.11 The Committee shares **concerns about cybercrimes** such as child pornography and grooming and welcomes the Commission's intention to strengthen hotlines and continue successful EU programmes such as the Safer Internet Programme.

1.12 **Preventive action should also be stepped up against aspects constituting fraudulent online practices**, with regard to downloads such as ringtones and applications for mobile phones and tablets, EU legislation must be more stringent and national authorities must be reminded of their responsibility to regulate.

1.13 With regard to **data protection**, the Committee has already expressed its concerns and recommendations on this sensitive issue ⁽³⁾ and calls for more stringent constraints not only on EU businesses but also on all other operators in the EU market.

1.14 Furthermore, the EESC points out that the Communication does not include any references or measures **regarding the physical and psychological health risks for children, especially dependencies**. The Committee advocates incorporating these important aspects in the strategy or drawing up a new document.

1.15 Lastly, the EESC calls on the Commission to engage in ongoing, broad-based and in-depth monitoring of the issue of children and the Internet, because amassing such information is a vital prerequisite to selecting any course of action ⁽⁴⁾.

2. Gist of the Communication

2.1 According to the Council Conclusions on the Protection of Children in the Digital World of 28 November 2011, to deliver a Better Internet for Children a **combination of policies** is required at national, European or sectoral level to be included in a comprehensive strategy, which sets baseline requirements and avoids fragmentation.

2.2 The Commission is convinced that regulation remains an option, but, where appropriate, it should be avoided, in favour of more adaptable self-regulatory tools, and of education and empowerment.

2.3 The Commission's analysis first studies what it refers to as "Current gaps and problems", identifying them as market fragmentation and the market's inability to deliver protection and quality in the EU; difficulty in managing risks in order to build trust; and the realisation that the lack of skills among children amounts to a very real "digital skills deficit".

2.4 The Communication proposes a set of guidelines for the Commission, Member States, and the whole industry value chain, based a comprehensive strategy articulated around **four main pillars that mutually reinforce each other**:

- **stimulating quality content online for young people;**
- **stepping up awareness and empowerment;**
- **creating a safe environment for children online;**
- **fighting against child sexual abuse and child sexual exploitation.**

2.5 The final outcome of the substantial and compelling overall commitment that the Commission is advocating for Europe, the Member States and the industry's service and content providers is a "new eco-system", which could involve the implementation of ten actions:

- the production of creative and educational online content;
- the promotion of positive online experiences;
- digital and media literacy and online safety lessons in schools;
- awareness activities and youth participation;
- simple and robust reporting tools for reporting harmful content;
- age-appropriate privacy settings;
- wider availability and use of parental controls;
- the use of content classification (PEGI system);
- online advertising and control of overspending (telephone ringtones, etc.), online gambling;
- fighting against child sexual abuse and child sexual exploitation (online material, international cooperation, etc.).

⁽³⁾ EESC opinion on the *General Data Protection Regulation*, OJ C 229, 31.7.2012, p. 90.

⁽⁴⁾ Eurostat statistics date back to 2009; however, more recent findings are available at national level in various countries. EU Kids Online is an important project; it was set up in 2006 under the Safer Internet Programme and is on its third report (for 2011-2014), covering 33 countries.

3. General comments

a) Positive aspects

3.1 The Committee takes note of this Communication with great interest. The proposed strategy has its substantive justification in Article 3(3) of the Lisbon Treaty, which explicitly mentions the Union's obligation to promote the protection of the rights of the child, which are also enshrined in the Charter of Fundamental Rights of the European Union (Article 24).

3.2 It is also one of the commitments set out in *An EU Agenda for the Rights of the Child* ⁽⁵⁾, which foresees, under Action 9, support for Member States and other stakeholders in strengthening prevention, empowerment and participation of children to make the most of online technologies and counter cyber-bullying behaviour, exposure to harmful content, and other online risks.

3.3 The EESC welcomes the general approach, which views the Internet positively, as a place of opportunities for children to access knowledge, to communicate, to develop their skills and to improve their job prospects and employability ⁽⁶⁾.

3.4 Thus the Internet is viewed as a great opportunity, the use of which, however, presupposes skill, awareness, and the necessary information to avoid difficulties and risks. "Surfing" is a metaphor that is pregnant and rich with meaning because the Internet is seen as a natural, rather than pathological, environment, i.e. as a "sea" where movement has to be mastered so that its opportunities and resources can be fully exploited, with rules on conduct and attention to the dangers.

3.5 **The EESC endorses the Commission's decision to opt for the coordination of national policies** on a growing issue in a changing society.

3.6 **Yet another important aspect concerns the possibility of developing new high-level skills** relating to safety, content quality and new applications.

3.7 This is an important decision since in Europe it is still difficult for the market to commit the financial resources required to provide quality content and the European market is still not big enough to generate adequate investment.

3.8 **At the same time answers must be found to the widespread skills deficit among European children**, who despite being "digital natives", admit to having little knowledge of the IT skills that will qualify them for the job market.

3.9 Finally, the Communication warrants due consideration because it **sets out a strategy** where everyone is involved in the development of this "**new eco-system**", which will be crucial in the coming decades.

b) Critical points and shortcomings

3.10 However, the EESC also raises fundamental concerns about the general tenor of the Communication and draws attention to shortcomings in certain areas.

In its opening statements, the Communication already seems to make **business growth a predominant objective** or, at best, gives it the same importance as creating a better Internet for children and ensuring the highest level of protection for them.

3.11 Moreover, the Commission is quite candid about this in point 1.1, where it states: "Paying attention to the demands of children opens up a wide range of business opportunities". This is also the case in point 1.2 on current gaps and problems, which puts concerns about "fragmentation" and "failure of the market" first. Only afterwards does it mention "managing risks in order to build trust in services and content" and children's "lack of skills".

3.12 The Committee agrees with the Commission when it states that a coherent framework has been lacking in recent years and that measures with specific objectives have been taken, such as media channels or technological platforms. There is therefore no doubt that Europe needs to make a decisive breakthrough in terms of promoting the development of a sizeable and internationally competitive digital single market.

The EESC has supported the Commission's action on this particular point in many of its opinions.

3.13 However, it was and remains even more necessary to define a **coherent framework of protection and guarantees for minors** as guidelines for all those involved, ranging from Member States to the monitoring authorities and institutions and companies, schools and families. In this respect, the Communication is a missed opportunity.

3.14 Another area of concern is the **effectiveness of self-regulation**. The choice between laws, regulations, controls or self-regulation for preventing and combating Internet content that is potentially harmful to a child's psychological development, not to mention antisocial or criminal content, must reflect the children's age, the context and the effectiveness of each type of measure, each of which may be useful and effective ⁽⁷⁾.

3.15 The Internet has global reach and it is easy to move websites to countries that are not subject to EU legislation. Self-regulation may be the most effective and quickest way to take action pending an international agreement; it could be

⁽⁵⁾ COM(2011) 60 final, 15.2.2011.

⁽⁶⁾ Key priority of the EU's e-skills strategy – *e-Skills for the 21st century* – COM(2007) 496.

⁽⁷⁾ EESC opinion on *The proactive law approach: a further step towards better regulation at EU level*, OJ C 175, 28.7.2009, p. 26.

a temporary option pending regulation. However, there is no doubt that self-regulation often proves to be no more than a red herring. It is often breached by the very companies that have subscribed to it so it is advisable to back it up with regular monitoring and sanctions, which could come within the remit of the national regulatory authorities.

3.16 The EESC is firmly convinced that on **the most important issues**, such as data protection, privacy and combating child pornography, **precise and stringent rules** have to be adopted, with adequate sanctions including the immediate closure of websites and the withdrawal of authorisations.

3.17 Special attention must go to **online advertising**. The Commission itself recognises (point 2.3.4) that children "do not have a developed ability to engage critically with advertising messages", giving online purchases, gambling and ringtones as examples and pointing out that "all this may incur high charges". However, it then makes only generic commitments to step up the enforcement of existing EU rules, evaluate the relative effectiveness of self-regulatory codes, expand the Consumer Agenda, etc.

The Committee finds the strategy vague and insufficient and calls for more precise and binding obligations for all operators in the sector.

3.18 The Committee also points out that there is no reference to food advertising, which is a cause for serious concern due to problems like obesity and eating disorders.

4. Specific comments

a) *Quality content, skills and schools*

4.1 The Committee endorses the assertion that schools lack the relevant online teaching resources and is *not against* the creation of public-private partnerships involving parents, teachers and NGOs working to protect children and promote their rights provided that the freedom and independence of these NGOs is safeguarded and that such partnerships are not used to promote companies.

4.1.1 It is important to disseminate as widely as possible the numerous ongoing experiments in many countries, such as the creation of interactive text books using the "wiki method" ⁽⁸⁾, the development of virtual school communities to share experience, and the online availability of online distance self-training modules.

4.1.2 With regard to involving children in the development of new content, the Committee is in favour of all measures that enhance the creativity of young people and is well aware that some of them have been the source of major innovations in

recent years, such as Google, Facebook, and Apple applications. However, the Committee is concerned by the Commission's tendency towards a prevalently commercial approach, which is more or less apparent at various points in the strategy, almost putting protection in second place.

4.1.3 It would be appropriate to involve high-level expert groups (developmental psychologists, educationalists etc.) in the development of quality teaching and interactive content for children so that they can recommend the most suitable materials for different age groups and the developmental processes that can be triggered; prepare short publications for teachers and parents; participate in setting age ratings for websites and videogames; and contribute to developing dedicated portals and stimulating, quality content.

4.1.4 Efforts to develop this content could be facilitated through EU support or national tax relief measures. It would also be advisable to set up a European programme for quality content and applications, which could be used mainly to promote start-up schemes for young people, who are celebrated innovation leaders when it comes to the Internet.

4.1.5 The EESC would take this opportunity to call on the Commission to improve its direct communication to children through the *Europa* portal, especially as regards the risks of the Internet, with special child-tailored content.

b) *Adult digital literacy*

4.2 In a situation that can be described as transitional, where generations of "digital natives" co-exist with generations which have only made a partial transition from a passive (TV, press, cinema) to an active use of the media, but are responsible for protecting children from possible harm, the best course of action is to continually improve adult digital literacy, especially for those involved in educating children at school, at home or through voluntary associations. We need to avoid the risk of our children becoming "digital orphans", without mentors to guide and help them to be masters of their own decisions.

4.2.1 The Commission could be more precise on this point and in the section where it refers to the Internet as a tool for developing creativity and learning. These two aspects must be combined in order to foster positive parental attitudes ⁽⁹⁾.

c) *Illicit and fraudulent content*

4.3 Risk prevention and the promotion of the Internet as an instrument for the development of children are inseparable aspects of the same process, which allows for objective

⁽⁸⁾ This is a reference to the drafting methods used by Wikipedia, a free online encyclopaedia and a product of cooperation between thousands of expert volunteers.

⁽⁹⁾ EESC opinion on *Enhancing digital literacy, e-skills and e-inclusion*, OJ C 318, 29.10.2011, pp. 9-18.

prevention. It is important to find a balance between the natural inquisitiveness of children and the barriers placed by prohibitions, which can delay or interfere with growing up and becoming independent.

4.3.1 In order to prevent cybercrimes such as child pornography, grooming, and to combat cyber-bullying, adults must be able to assess signs of uneasiness. For this reason, experts have to be involved – developmental psychologists, child neuropsychiatrists, paediatricians, expert counsellors and GPs – in the production of courses and materials for parents and teachers.

4.3.2 In addition, a technical solution could be sought as regards including an intuitive graphic symbol in all browsers – to be disseminated with sufficient publicity – which would function as an "emergency call" to send suspicious links to the relevant enforcement authorities in real time.

4.3.3 Preventive action should also be stepped up against aspects constituting fraudulent online practices, which primarily target children. More specifically, with regard to downloads such as ringtones and applications for mobile phones and tablets, EU legislation must be tightened up and national authorities must be reminded of their responsibility to regulate.

The Committee endorses the Commission's undertaking (point 2.3.4) "to make sure that standards for advertising on websites for children allow a level of protection comparable to that of advertising in the audiovisual services".

4.3.4 Special attention should be given to the cost of prevention and security software (filters, antivirus software, parental controls, etc.). We need to prevent the development of a "risk divide", whereby the most disadvantaged children, families and schools would be more exposed to online risk due to the high cost of software.

4.4 Nevertheless, prevention through education at home and in schools remains indispensable and central, upstream of enforcement measures. Training for teachers must be reinforced and Internet awareness incorporated in their studies. Furthermore, it might prove useful to define and disseminate a new type of "etiquette" on the use mobile phones and social networks, with common rules for children, teachers and families.

d) *Protection of personal data*

4.5 In recent years, the EESC has expressed its concerns regarding data protection in a number of opinions. The EESC calls for more stringent constraints not only on EU businesses but also on all other operators in the EU market. In particular, with regard to social networks, action has to be taken against apparent "simplifications" adopted by Google and Facebook, which in fact seem to take a "free-handed" approach to the commercial use of personal data obtained from user profiles. In this case, extra caution is needed where children are concerned ⁽¹⁰⁾.

e) *Health and dependency*

4.6 The Communication does not however include any references or measures regarding the physical and psychological health risks for children who spend much of their time online or playing with IT media: musculoskeletal and postural disorders; visual impairment; obesity; psychological dependency ⁽¹¹⁾, tendencies towards isolation and escapism.

It would be a good idea to incorporate actions on this important aspect or to draw up an ad hoc document and undertake ongoing monitoring. The current European statistics are outdated, while the phenomenon continues to rapidly evolve.

Brussels, 18 September 2012.

The President
of the European Economic and Social Committee
Staffan NILSSON

⁽¹⁰⁾ EESC opinion on the *General Data Protection Regulation*, OJ C 229, 31.7.2012, pp. 90-96; EESC opinion on *The responsible use of social networks*, not yet published in the OJ.

⁽¹¹⁾ Studies on "Internet addiction" date back to 1995, when Dr Kimberly Young set up the first "Center for Internet Addiction" in the USA (www.netaddiction.com). In recent years, major research has been carried out in Germany, Italy and the Czech Republic.