ERGA Workshop Protecting Children in Audiovisual Media Services - Current and Future Measures (Activity Report)

ERGA
European Regulators Group for Audiovisual Media Services

Introduction

This report is a structured summary of the workshop entitled *Protecting Children in Audiovisual Media Services - Current and Future Measures* held in Brussels on 4th October 2017.

Organised by ERGA and hosted by the European Commission, the workshop was a follow-up to the report published by ERGA in April 2017 under the name *Protection of Minors in the Audiovisual Media Services: Trends & Practices.*

By gathering ERGA members and experts representative of a wide range of activities (industry experts, parental organisations and members of the academia) active in the field of protection of minors in the media environment, the workshop has created space for exchanging detailed insights among the participants on the functionality of systems to protect minors in the audiovisual media.

Following the themes examined in the ERGA report, the Workshop was divided into four thematic sections:

1. Current measures – overview, categorisation and level of protection
   The Workshop began with a summary of the main trends and other insights from the ERGA Report on Protection of Minors in the Audiovisual Media Services: Trends & Practices. This was followed by a debate about the overall state of the protection of minors in audiovisual media in the EU and how accurately it was captured by the ERGA report.

2. AVMS providers and Video sharing platforms – the front-line
   This theme focused on the approaches to the protection of minors adopted by audiovisual media service providers and video-sharing platforms, i.e. services covered by the current proposal for the revision of the AVMS Directive.

3. Intermediaries – gatekeepers and distribution platform operators – are there any gaps?
   In the online distribution of audiovisual media services, the intermediaries play a crucial gatekeeper role. This theme covered parties active in the online environment, as well as the more traditional distributors such as satellite and cable operators.

4. Creating a protective web – weaving the elements together
   The main purpose of this theme was to find some common ground among attendees on how to enhance the protection of minors in the area of audiovisual services. What, for example, is the potential role for current industry-based initiatives (ICT Coalition, EC Alliance, etc.) and what role is there for various stakeholders active in this field. This section of the workshop also put the theme of protection of minors in audiovisual media into a broader context and questions were debated, such as the potential of current industry-based initiatives (ICT Coalition, EC Alliance, etc.), media literacy, new regulation on data protection, and the future regulatory challenges.

This structure, however, is not used in this report as its aim is to bring deeper insights from the presentations and debates that occurred at the event by following and connecting the ideas which were raised in the various sessions. By this approach, it will ideally capture most of the benefit of gathering industry experts from all sectors involved in the protection of minors in the audiovisual media environment.

The report is thus divided into three sections following the topics addressed by the attendees:

1. Classification of content
2. Delivering the classification
3. Other perspectives

1 Classification of content

Firstly, we would like to focus on the different systems of classifying content on various platforms. At the workshop, there were speakers from **Netflix** (one of the biggest VOD providers in the world), **NICAM** (the co-regulatory body for audiovisual content) and **USK** (a self-regulatory body for classifying games) presenting their approach to the classification of content.

According to Joshua Korn, one of the goals of Netflix is to enable members to display only content appropriate for their children, if desired. This is achieved in a number of ways. First of all, each subscriber can set up a profile in which they can decide what content is allowed to be seen. Furthermore, it is possible to create a "Kids" profile which is a place dedicated specifically to children. Only content appropriate for children will be displayed while using the "Kids" profile. There is also a PIN control in place through which the subscriber may decide what kind of content can be watched after entering the PIN number.

Netflix classification framework was developed by **Netflix** consumer researchers, PhD-level child development specialists, and film experts. In their opinion, the elements that go into global classification frameworks are relatively harmonised and labelling is also fairly similar between different countries. When deciding on the classification of an audiovisual work, various harmful elements are taken into consideration (e.g. violence, sex, nudity, profanity, etc.), the frequency and impact of these elements, as well as other thematic elements and sub-elements of the work.

What differs between various classification frameworks is the weighting given to elements in each country. Therefore the rating for an individual audiovisual work will be different in different countries. For various countries, some elements are deemed more harmful/unsuitable than others.

Self-classification is also becoming increasingly necessary for online services given the increase in the amount of content online. Every single title is watched by company employees and tags are applied that relate to the elements mentioned above. This can then be turned into a rating.

NICAM stands for the Netherlands Institute for the Classification of Audio-visual Media and is responsible for the coordination of the Kijkwijzer scheme. They aim to give information to parents and children on all kinds of media (cinema, television, DVD, VOD). The principles of Kijkwijzer are:

1. creators rate their own content,
2. there is a uniform system for all media,
3. it is used across all media, so people are familiar with it,
4. dynamic scientific criteria are used which also includes reviewing the criteria to ensure they are up-to-date,
5. informing parents to protect their children,
6. co-regulation (government delegates responsibilities, the Dutch media authority

conducts meta-supervision (they review the system every year), there is also a system for consumer complaints – everyone can file a complaint).

According to Tiffany van Stormbroek from NICAM, the Kijkwijzer system is easy, user friendly and reliable. Parents with young children use the system the most. Besides the Netherlands, Kijkwijzer has been adopted in Turkey, Iceland and Slovenia.

Ms. Stormbroek presented the 4 systems available for different media:

1. Kijkwijzer – for broadcast, video, cinema and VOD
2. You Rate It – for user generated content
3. PEGI – for videogames
4. IARC – for apps

The "You Rate It" system, presented by Martijn Huigsloot, was started under the framework of the CEO Coalition. BBFC and NICAM jointly created the system for rating user-generated content, thus enabling parents and children to make well-informed viewing decisions on video sharing platforms. It is a simple rating tool based on the same principles as for classifying "professional" content. Ratings can be given by the uploader of the video, by the user, or both. Similar to the system used by Netflix, national sensitivities are also taken into account.

There are 6 different categories of content. The classification shown for the video (in the form of nationally recognizable rating) is based on the geolocation of the viewer; therefore a viewer in one country can see a different rating for the same content than a viewer in another country. Ratings can be used by websites, apps, parental controls and search engines.

A certain kind of self-rating system is also used by YouTube from **Google**. Sabine Frank from Google basically confirmed what had been stated in the ERGA report on the protection of minors. The classification of content is based predominantly on human input (from both uploaders and users). The initial classification is carried out by the content uploader, while a corrective classification is performed by other users via reporting/flagging tools. To fight harmful content, there are Community Guidelines explaining what content is not allowed to be uploaded on the platform with which every user is obliged to comply. These include prohibitions against hate speech, threatening language, depictions of shocking violence, incitement to violence (including terrorist recruitment and propaganda), child exploitation, and more.

More than 400 hours of video are uploaded to YouTube every minute and more than 200,000 videos are flagged every day. This is performed by YouTube community members who identify violations of the guidelines and flag content they find inappropriate. Google employs a large review team working non-stop to determine whether flagged videos violate the policies and will remove it globally if it is the case. In addition, methods to submit requests for the removal of content that

violates local laws are in place as a tool to fight inappropriate content. After the video is reviewed, the decision is applied to restrict access to the video. The video can be removed locally or globally and the uploader can also be punished with a penalty (after 3 strikes) by removing his or her whole channel.

There is also an age-restriction feature which limits users under 18 years of age from accessing mature content such as sexually explicit language or excessive profanity. This feature can be used by creators to limit access to their videos with mature content and Google itself can age-restrict videos that have been flagged. Another tool Google uses to prevent videos with mature content, or those that have been age-restricted, from showing up in video search is YouTube's Restricted Mode – which can be turned on with just one click. Content which is categorized as 18+ is only visible to users using their own password-protected account. In addition, parents can choose to install restricted mode (which can be locked via password protection) to protect their children.

Google recently launched an app built for a younger audience - YouTube Kids, which includes popular children's videos and diverse new content, in a highly visual and easy-to-use way (using voice navigation). This app also incorporates parental controls and is gradually being deployed in different linguistic versions worldwide.

The IARC (International age rating coalition) system is used by **USK**. According to Marie-Blanche Stössinger, the system was created in 2013 because of changes in distribution, with physical channels becoming less relevant than their digital counterparts. Nowadays, app market places are a window for consumers of new digital content. The IARC consists of rating boards and store fronts.

When a new app or game is created, the developer has to answer questions about the app or game (this includes interactive elements like sharing location or in-app purchases). Based on the answers, the IARC calculates and assigns global ratings which are specific for each country and take into account the differences between each country and their sensitivities. The store-front then takes in and maps regional ratings to display to users and regional IARC authorities monitor ratings to ensure accuracy. If there is a need to correct the rating, it is carried out promptly.

The IARC is an automated system with the possibility for expansion and works with age ratings that consumers in different countries know. Over 90 % of digital ratings are correct, a fact which the representative from USK attributes to the developers giving honest answers about their apps/games. The IARC rates apps for social networks, VOD, VSPs, etc. Essentially, the system can be used for any content that is distributed digitally.

It is clear from the above that various rating systems work very similarly. In each system, there are people (producers, employees or even public) that look at the content and answer a predetermined

set of questions. Based on their answers, the rating is calculated automatically. One very important aspect to point out is that all systems mentioned take into account national differences and carefully consider the types of content individual countries are sensitive to. The systems also use existing rating/labelling systems in different countries, so the displayed rating depends on the country from which it is accessed.

Stephan Dreyer from the **Hans-Bredow-Institute** gave a presentation about Miracle project. He believes that this project can help in overcoming the fragmentation of existing systems for the protection of minors. Using age labels is a useful practice, and even more so when combined with content descriptors and/or parental advisories. He claims that there are very few incentives to share metadata with information about labels and descriptors with other stakeholders.

There are new players on the market, new routes of delivering content and new services are created very quickly. These different entities, however, are reluctant to share their classifications, although rating bodies are generally more open than companies. Opening up the data vaults will improve the user experience. As the diagram below shows, if everybody shared the classification, there would be no need to have different systems as parental software could easily read the metadata and either block or play the video. It can be processed by every media and platform.

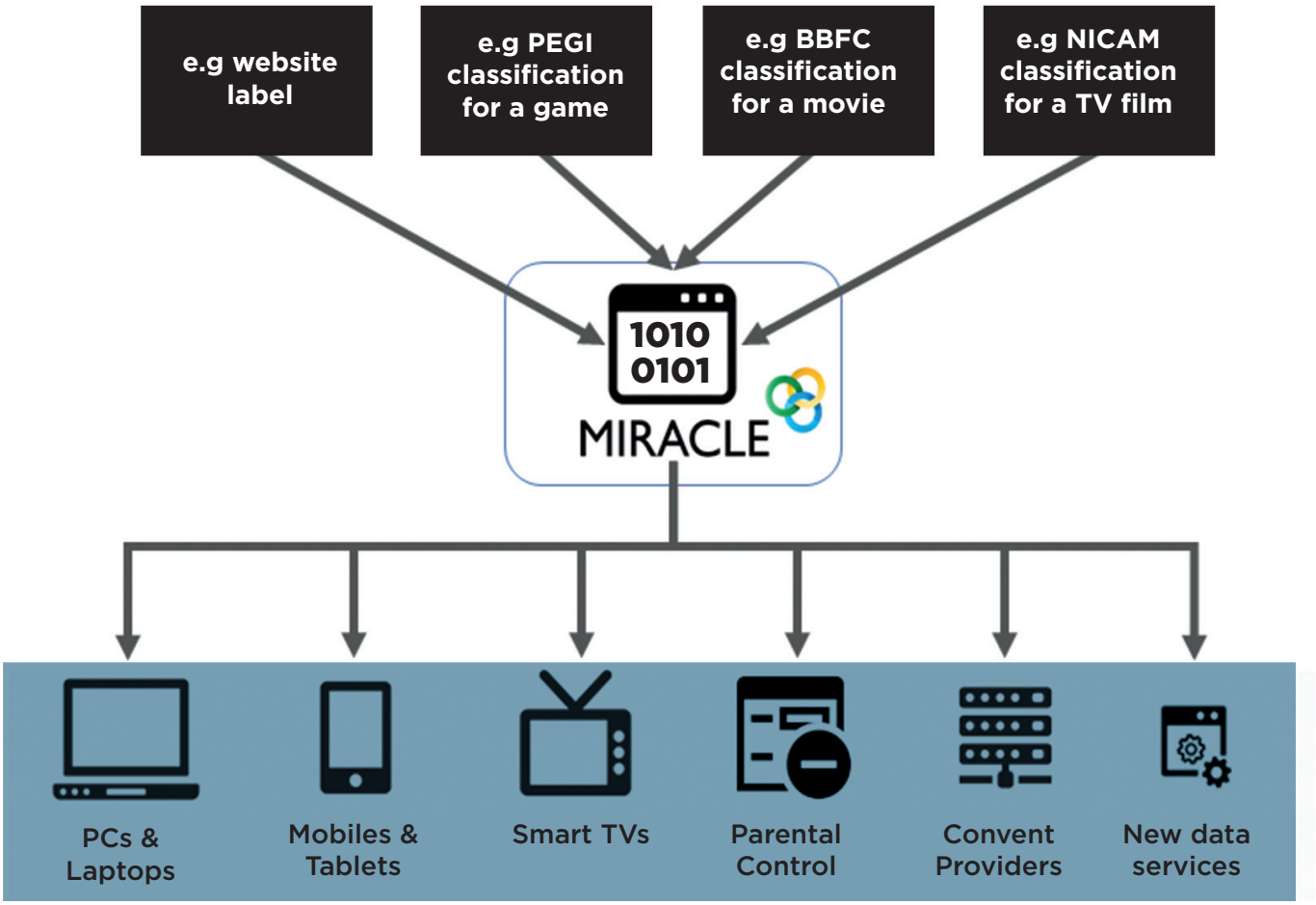

Diagram by Stephan Dreyer

The system is cross-cultural, cross-media and can be applied to all platforms. It is not a rating tool as the ratings have to be entered. It is designed to help companies rate and label content. Interoperable electronic age-classification data is able to significantly boost AVMS policies with regard to the effectiveness of technical measures as well as to improvements of end-user knowledge. Interoperable machine-readable age labels would reduce costs for device manufacturers, content providers and software developers. What is mostly needed is an adequate and culture-sensitive approach to age labels for the Digital Single Market.

Mr Dreyer has stated that the EU should clarify that labelling audio-visual content with electronic age labels is deemed as a technical measure in the AVMS Directive. Also, the EU and member states should create incentives to encourage more openness of companies, rating bodies and regulators towards international approaches for (interoperable) electronic labelling. Member states should be invited to experiment with electronic age labelling approaches within their national scope to foster innovation and identify best practices.

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As various participants pointed out, there is certainly potential for a certain degree of harmonisation in EU countries regarding the protection of minors. One possibility is using the same labelling in all countries, which can help parents when their children watch content from other member states. Although there are some differences in sensitivities in different countries, these are not so serious as to be a hindrance in finding common classification criteria upon which all member states can agree as harmful or unsuitable for certain groups of children.

The other approach, represented here by “You Rate It” and “Miracle”, is to bridge this fragmentation by making different systems interoperable. The systems would thus not need to change. The crucial requirement for this, however, is the willingness (or obligation) of companies to share content rating data.

2 Delivering the classification

In this part we focus on implementing the classification of content by audiovisual distributors. Audiovisual distributors do not classify the content they retransmit; they simply deliver it to the end user as is, i.e. with labelling used by broadcasters. Audiovisual distributors usually use technical measures to ensure that children cannot view content that is harmful or unsuitable for them. Speakers from **Telefonica** and **Sky** gave presentations about the measures they use.

Telefonica is present in every part of the value chain. Movistar+ is its audiovisual service platform that provides linear (its own and third party channels) and non-linear (VOD) audiovisual services aiming at the general public and covering different genres. Its goal is to constantly guarantee the privacy and security of its customers and to promote transparency with regard to the rights of the customers, when they use their products and services. Protection of minors is a key element of their positioning.

In Mr Alberto Moreno's opinion, parents have to have effective technical protection measures. Consequently, Movistar+ makes available a quick guide offering guidance about its use. Additionally, permanent age signal while broadcasting or viewing is displayed for all contents (linear and nonlinear), even though it is mandatory only for content not recommended for children under 12 years of age. Movistar+ also provides specific children programmes as the best solution to protect them.

Subscribers of Telefonica can block linear channels (protected by PIN number) or content in VOD (based on four different age ratings). Besides a parental PIN, there is also a purchase PIN which is required to buy content (films, series, etc.). Adult content is stored separately and is secured with a double PIN. This is a default protection which cannot be changed. Furthermore, they provide parents with content age-rating information, not only in the EPG but also in the programme description approved by the Spanish regulator and used by all established providers of audiovisual services.

However, parents are often unfamiliar with using these measures or unaware that they have them. For this reason, Telefonica has claimed that the protection of minors should be a joint effort undertaken by public authorities, media providers, parents and educators, over a balanced legal framework. Authorities can lay down general rules but the use of media is ultimately a responsibility of parents. Echoing the point mentioned at the end of the previous section, Mr Moreno stressed that a higher level of harmonisation at a European level and the creation of a European rating standard for labelling content is required to avoid legal differences between member states and to facilitate the free movement of contents without their being subject to provider's discretion, as in Spain. European regulators should take into account technological options and target audience

with a different regulatory approach. Finally, all media providers and their platforms should deliver content in a safe way and ensure high standards of child protection. They should be held to the same rules while operating in each country, including fiscal charges, in order to achieve a level playing field.

Sky also plays different roles: it is a broadcaster, provider of VOD and catch-up services, and audiovisual distributor. They take into account various standards and regulations, tools and information (metadata, programming information, media literacy) to set up a digital watershed based around default protection and information.

Max Beverton from Sky reported that they had built a parental control system based on the broad categories of content which might be a handy guide for parents (PG, 13, 18). Initially, the system had been based on an opt-in approach, i.e. parents had had to turn it on. However, parental control take-up was not high because parents did not want to use it. Sky conducted research and found that parents wanted to have a control system but did not want to turn it on. Based on these findings, they decided to adopt a different approach and set the age of 13 as default and make it easy for parents to opt out of the protection if they did not want it. This default protection worked, with 60 % of their customers leaving parental controls on, in contrast with the mere 6 % who had previously turned it on voluntarily. Parents can also limit browsing time and manage websites (block or allow). Mr Beverton stressed the importance of clear and adaptable regulatory frameworks which would encourage the industry to take the next steps. He also confirmed that more harmonised regulation would have a positive effect.

In this regard, Helen Keefe from the **BBC** said that they offer a combination of different tools. One of them is a text descriptor which states the unsuitable content and can help parents to make an informed judgment. In their opinion, British audience find this system the most useful. They also launched the BBC Kids app which allows parents to pick specific content for their children.

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As evidenced by Mr Moreno from Telefonica and Mr Beverton from Sky, it is clear that, in part at least, the industry experts also see the need for harmonisation in the area of audiovisual distribution. Most audiovisual distributors use several tools for the protection of minors, mostly a PIN number, labelling or content descriptors.

However, a question also arose regarding the default nature of most parental controls. Some participants found them unnecessary as children can access harmful content online and cannot be shielded from them forever. Representatives of audiovisual distributors argued that it is always about attempting to balance protection and freedom. Many parents want parental controls and it is usually very easy to opt out if they are not wanted. It is always better to have more options from which users can choose according to their wants and needs.

3 Other perspectives

Besides various industry experts, there were also parental organisations and members of academia present who talked about the protection of minors from their point of view. There were members of **COFACE Families Europe** and **EPA** (European Parents' Association), as well as speakers from **Ghent University** and **Dublin Institute of Technology.**

Martin Schmalzried from **COFACE** stated their objectives as being to limit children's exposure to advertising and commercial content with special focus on unhealthy foods. They cooperate with the European Health Alliance. This area is not covered by the AVMSD as strictly as they would like. They need to make sure that online services enforce their existing Terms of Service and Community Standards. In their view, the logic of 20 % maximum advertising should be extended to other platforms as well. On social media for instance, there is no limit to what is appropriate in this regard.

They are highly sceptical of self- and co-regulation. They prefer the term "parental mediation tools" (as opposed to "parental controls") because it is not supposed to be about control but about debate and coming to some mutual understanding. Mr Schmalzried also stated that parental consent in GDPR (General Data Protection Regulation) is not about access but about authorisation for personal data processing. One of the objectives of GDPR was to limit the exposure of children to possible misuse of their data (e.g. for commercial purposes). They are in favour of a right to a "basic online account" – no data processing, no handling of personal data, and no targeted advertising or content filtering.

There are many new technologies today that are hard to regulate and can pose a problem for regulators, e.g. what can be considered as advertising on VSPs (unboxing videos, viral ads, etc.); new forms of media – virtual reality and augmented reality; and how to regulate decentralised services where nobody can censor uploaded content. These are all problems that regulators have to deal with now or in the near future. They also believe that the community has a role in regulating content (e.g. on Wikipedia or Reddit).

EPA is the umbrella organisation of national parents' associations in 31 European countries. They have existed since 1985 and, since 2014, have dealt with all issues affecting the life of children and their parents. Their work is based on the UNCRC (UN Convention on the Rights of the Child). According to Eszter Salamon, president of EPA, parents are responsible for guiding their children and the state should have a supplementary role. They want transparent rules on content deemed unsuitable for minors. In addition, minors have to be able to fully delete content and data related to them.

One of their objectives is to raise awareness of digital literacy. According to surveys of European parents, restrictive regulation is not something they would like to see but rather more support to change parenting practices and build trust between parents and children. Parents (and teachers) should be provided with information and training to understand the digital age, the environment their children live in and to help them provide the children with a warm, open and supportive climate to ensure digital comfort and safety for all. There is no safe highway for children but we have to navigate it together. It will not prevent all harm but, if something happens, it should be the parent who knows it first. Ratings are a useful information tool for parents but, as they are, some information is unclear. In their opinion, 12+ classification is the most problematic.

EPA is also concerned about the GDPR, mainly when it comes to parental consent. For children these days, it is easy to fake their consent, which undermines education by parents. Companies sometimes choose easy ways for consent only to be "off the hook" with regard to this obligation. Other ID forms like credit card may exclude certain user groups (e.g. people with no bank account). The aim of EPA is to advocate not introducing regulations set down in Article 8 of the GDPR (parental consent).

Rachel O'Connell from **The TrustBridge** talked about an age-checking service developed by TrustElevate. This service provides reliable consent directly from consumers, who are verified against authoritative data sources, enabling businesses to comply with GDPR, AVMSD, and related legislation.

It is used when an adult with parental responsibilities has to provide consent for a child's (minors under 13) data to be processed. This is all done via the VERIPASS app, a secure, tokenised verification of parental consent. Similarly, there is an app for children over 13 called AREA through which they can prove age-related eligibility to access age-rated content and services.
According to Ms O'Connell, these applications can help in checking the age-related eligibility of those accessing online content (e.g. streaming media, adult content); using online services (e.g. dating services, gaming or gambling websites); and enabling access to online age-gated material and services (e.g. education for minors and health for seniors).

Maja Capello from the **European Audiovisual Observatory** said that the Observatory carried out a study on media literacy. They found out how much the stakeholders actually do even though they are not obliged to. Parents play a lesser role with regulators taking more responsibility. The main skills are critical thinking and transparency, to help make an informed decision.

Eva Lievens from **Ghent University** said that, in complex environments, legislation is not the most appropriate instrument to achieve certain public interest goals. Attention has therefore turned to co-operative resolutions. In her opinion, self-regulation has many benefits – it is flexible, actors have much more expertise in the matter, and compliance is achieved through peer pressure. There

are several self-regulatory initiatives about children's safety online – Safer Social Networking Principles for the EU, CEO Coalition for a Better Internet for Kids and ICT Coalition.

Despite this, commitments made by the industry are only implemented to a limited extent. There is a lack of in-depth and independent monitoring and evaluation, few documents are made public, meetings are often behind closed doors, and visibility of output and tangible results remains limited.

Since February 2017, there has been a new initiative called Alliance to better protect minors online. Their focus is on user empowerment, enhanced collaboration and raising awareness. It will be assessed through an independent and transparent review after 18 months from its launch.

Co-regulation as a combination of non-state and state regulation is probably better suited for the protection of minors as it combines benefits of both types of regulation. On the one hand, it is flexible, can be quickly amended, and there is expertise and involvement of the sector. On the other hand, it has more legal certainty, democratic legitimacy and more effective enforcement.

In Ms Lieven's opinion, self- and co-regulation will gain importance in exercising children's rights in a digital environment. Co-regulation is particularly appropriate to achieving certain goals of public interest, such as protection of minors. More constructive cooperation between (co-)regulators and service providers is necessary.

Brian O'Neill from **Dublin Institute of Technology** said that it is a complex environment and there is no single solution. He presented EU Kids Online, a 33-country multinational research network. It is an academic knowledge-exchange network working on a global scale. Their major contribution to date has been to carry out a survey of children and parents regarding their use of the internet.

Mr O'Neill presented the findings of their survey about overall subjective harm which children and parents themselves completed. Children often responded that they felt isolated. Guidance was neither sought nor accessed by children through the course of encounters with troublesome situations. Children usually receive internet safety advice from parents, teachers and their peers. Parents themselves mainly expect schools and mass media to give information on online safety. There is definitely a take-up in the usage of parental controls with about a third of parents using blocking or filtering tools. Nearly half of parents also check which websites their children visit and check their social media profiles. More than a third of parents check friends and contacts added by their children on social media.

They also support media literacy. Their objectives are to provide leadership and facilitate a coordinated approach to the promotion of media literacy in Ireland; to encourage a wide range of stakeholders to participate in the promotion of media literacy, in line with their specific business and

strategic priorities; and to foster media literacy research and the development of a comprehensive knowledge base.

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It is clear from the above that many parents do not know how to use parental controls and there is definitely a lack of communication between children and their parents. There is scepticism when it comes to regulation because it is not deemed an effective tool for the protection of minors. It is also a common belief that all platforms should be treated and regulated equally. Members of academia believe that co-regulation is a better way to regulate this area as it involves both national authorities and stakeholders.

Parental organisations and academia strongly support media literacy and believe it to be the best way to enhance the safe usage of audiovisual content, regardless of the platform children receive it on. It has to be said that many industry players (as evidenced by Google, Telefonica or Sky) support various media literacy initiatives and are active in this area. For example, Sky supports the internetmatters.org initiative; Google operates several projects focused on digital literacy, such as the *Internet Legends* program in the UK, the *#NichtEgal* anti-bullying campaign in Germany, and *Web Rangers* in the Czech Republic and Slovakia. Google also joined the Alliance to Better Protect Minors Online focusing on reducing risks around harmful content, conduct, and contact, by raising awareness of risks and empowering users. Media literacy can therefore be seen as one of the best ways to protect minors. It empowers parents and does not impose so many obligations on the stakeholders.

Conclusion

During the course of the workshop, there were several interesting points raised. Some issues could lead to further exploration or other possible follow-up actions. Madeleine de Cock Buning, chairperson of ERGA, summed up some main findings and observations made during the event at the end of the workshop:

- Protection of minors should be seen as a joint effort of public authorities, all players in the value chain, classification bodies, and above all parents and educators. They are in the best position to express their needs and expectations and teach us about shifts in audience behaviour.
- It is important to allow for sufficient openness and flexibility in the system design, for instance through co-regulatory systems. Authorities can lay down general "rules of the game" but should keep the system open and flexible enough to respond quickly to new developments. This was indeed confirmed by those who are currently subject to regulation. They have already experienced sufficient room to create their own systems to protect minors.
- Due to the huge number of audiovisual material and data, anything other than an automated system will fail. Machines can, however, never replace people entirely. In that respect providing and clarifying the context of audiovisual content remains crucial; not only for the users but also for the classification systems.
- Most importantly, the workshop demonstrated that there is a lot of support for a more harmonised approach.