



National Implementation Report

The **Latvian** Mobile Operators' Code of Practice for the Responsible and Secure Use of Mobile Services

April 2010



Contents

Executive summary	2
Introduction	3
Implementation of national code of conduct	5
Access control mechanisms	5
Raising awareness and education	6
Classification of commercial content.....	8
Fighting illegal content on mobile community products or the Internet	10
Other	11
Stakeholder cooperation on child protection.....	13
Conclusion.....	15
Annex I	16
Annex II	19

Executive summary

The European Framework for Safer Mobile Use by Younger Teenagers and Children (the “Framework”) is a self-regulatory initiative of the European mobile industry. It contains recommendations designed to ensure that younger teenagers and children can safely access content on their mobile phones. As of April 2010, there are 83 signatory companies implementing the Framework through the roll-out of national voluntary agreements (Codes of Conduct). A further eight mobile operators have only signed up to a national code of conduct but as such are still participating in the initiative. Codes of conduct are currently in place in 25 EU Member States and under development in the remaining two. This means that around 96 per cent of all mobile subscribers in the European Union benefit from the Framework.

This report has been prepared by mobile operators as part of a third review of the implementation of the Framework in the European Union, with a particular focus on how they have implemented the provisions of their national code of conduct. In the case of Latvia, the report tracks compliance in relation to The Latvian Code of Conduct for Safe Use of Mobile Communications by Minors.

Latvian mobile operators “Latvijas Mobilais Telefons” SIA “Tele2” and SIA “Bite Latvija” fully comply with The Latvian Code of Conduct for Safe Use of Mobile Communications by Minors. Mobile operators provide different access control mechanisms, offer various awareness raising and educating information, and classify own-brand and third-party brand content according to the Code of Conduct. Mobile operators cooperate with law enforcement authorities in fighting illegal content. “Latvijas Mobilais Telefons” SIA has supported the amendment of the national numbering plan, reserving two short code intervals 88XX and 99XX for adult content.

Non- governmental organisations — Latvian child protection stakeholders — support activities of Latvian mobile operators and stress the positive role of the Code of Conduct in development of safer mobile communications for minors. Child protection stakeholders encourage mobile operators to continue awareness raising and educating activities and to develop technical means and services that allow restricting access to premium rate services.

Introduction

This report has been prepared by mobile operators as part of a third review of the implementation of the European Framework for Safer Mobile Use by Younger Teenagers and Children (the “Framework”) in the European Union.

The Framework is a self-regulatory initiative of European mobile operators, which puts forward recommendations to ensure that younger teenagers and children can safely access content on their mobile phones. It was issued in February 2007 following the consultation of child protection stakeholders in the European Commission’s High Level Group on Child Protection. A reproduction of the Framework is available in Annex I of the report.

Fifteen signatories at group level (55 national mobile operators) initially signed up to the Framework on Safer Internet Day, 6 February 2007. As of April 2010, there are 83 signatory companies implementing the Framework through the roll-out of national voluntary agreements (Codes of Conduct). A further eight mobile operators have only signed up to a national code of conduct but as such are still participating in the initiative¹.

The recommendations of the Framework cover the following areas:

- **Classification of commercial content** — mobile operators’ own and third party commercial content should be classified in line with existing national standards of decency and appropriateness so as to identify content unsuitable for viewing by younger teenagers and children.
- **Access control mechanisms** — appropriate means for parents for controlling access to this content should be provided.
- **Education and awareness-raising** — mobile operators should work to raise awareness and provide advice to parents on safer use of mobile services, and ensure customers have ready access to mechanisms for reporting safety concerns.
- **Fighting illegal content on mobile community products or the Internet** — mobile operators should work with law enforcement agencies, national authorities and INHOPE or equivalent bodies to combat illegal content on the Internet.

The Framework recommendations are not prescriptive. Mobile operators have implemented them in different ways to reflect the diversity of their services and marketing models, as well as to cater for national societal norms and values. National codes of conduct are currently in place in 25 EU Member States and under development in the remaining two². This means that around 96% of all mobile subscribers in the European Union benefit from the Framework.

¹ An overview of signatories per EU Member State is available at http://www.gsmeurope.org/documents/List_of_signatories_Dec_09.pdf

² Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and UK. The codes can be downloaded at http://www.gsmeurope.org/safer_mobile/national.shtml.

This report sets out how mobile operators have implemented their national code of conduct in Latvia, namely, The Latvian Code of Conduct for Safe Use of Mobile Communications by Minors. A reproduction of the code is available in Annex II of the report. The Latvian code was developed in 2008 under the guidance of “Latvijas Mobilais Telefons” SIA. The signatories of this code are: “Latvijas Mobilais Telefons” SIA “Tele2” and SIA “Bite Latvija”.

The report’s contents are based on information gathered from the signatories, as well as a child protection stakeholder, on the basis of a questionnaire in the period February-March 2010. The first part of the questionnaire addressed compliance with the recommendations of the national code of conduct. The second part of the questionnaire posed questions to a third party, in this case the Latvian Children’s Fund and Latvian Internet Association, concerning mobile operators’ role in protecting children in their country of operation. The main findings are presented below.

Implementation of national code of conduct

This part of the report contains information on how individual mobile operators have implemented the provisions of The Latvian Code of Conduct for Safe Use of Mobile Communications by Minors. It is subdivided into five sections, which correspond to the four high level areas of Framework and other recommendations of the national code of conduct that go beyond the scope of the Framework.

Access control mechanisms

The recommendations of the **Framework** relating to access controls are as follows:

- 1. Mobile providers should not offer any own-brand commercial content which would be classified as only suitable for adult customers in equivalent media, without providing appropriate means to control access to such content under parental control.*
- 2. Appropriate means to control access to content should also be applied where content is supplied by contracted providers of third party commercial content which would be classified as only suitable for adult customers in equivalent media.*
- 3. Additionally, individual mobile providers should offer capabilities which can be used by parents to customize access to content by children using mobiles. These may include specific services, phones, barring or filtering, and/or billing control.*

The relevant provisions of the **national code of conduct** on access controls are as follows:

3.2. The Mobile communication service providers do not provide the Information Society services that contain Illegal information and do not provide the Information society services that contain harmful content without security means as far as it is technologically possible.

4.1. The Mobile Communication service providers independently or together with Information society service providers implement appropriate Age ascertaining and Access control methods, for example, providing Information society services in Internet, to ask the question about Users age and to ensure Access to the Information society services that contain Harmful information after confirmation that the User is an adult.

Mobile operators have implemented these provisions as set out below.

Bite

All Bite Latvija own-brand or third party provided content is legal. Bite Latvija does not provide any information containing harmful content. Bite Latvija performs an age verification procedure at the point of sale (for post-paid services). Bite Latvija also offers special handsets with safety features specially designed for kids, and ran a PR campaign in early 2009 to highlight the topic of child safety and to advise parents on the protection options.

Bite Latvija provides a free of charge option to block access to WAP services:

	customers are able to block WAP access by making a free call to the Customer Service Centre.
LMT	<p>All LMT own-brand or third party provided content is legal. If illegal content is found, the service is stopped. LMT does not provide own-brand adult content or content that could be classified as harmful.</p> <p>There is access control and age verification mechanisms for third party provided services. On WAP or the Internet the question about users' age is asked and only adult users are allowed to access the specific service. In any case, the user receives warning that the following service contains adult content.</p> <p>Use of access control and age ascertaining mechanisms is one of binding requirements of the agreement between LMT and content provider. LMT periodically controls content providers through monitoring activities. According to agreement between LMT and content provider, the latter is only allowed to advertise adult content in a place, time and way that would protect children as much as possible.</p> <p>Parents have a possibility to restrict the access to all premium rate services, for example, for their children's mobile phones.</p>
Tele 2	Tele2 provides only copyrighted content. Tele2 does not provide harmful or illegal content. According to the agreement between Tele2 and content providers, they have to provide their services according to the "Latvian Code of Practice for Safe Use of Mobile Communications by Minors".

Raising awareness and education

The recommendations of the **Framework** relating to awareness-raising and educational activities are as follows:

4. *Mobile providers should provide advice and effective access to information regarding the use of mobile phone services and measures which can be taken by parents to ensure safer use by their children.*
5. *Mobile providers should encourage customers who are parents to talk to their children about how to deal with issues arising from the use of mobile services.*
6. *Mobile providers should ensure customers have ready access to mechanisms for reporting safety concerns.*
7. *Mobile providers should support awareness-raising campaigns designed to improve the knowledge of their customers, through organisations such as the INSAFE³ network.*

³ INSAFE is a network of national nodes that coordinate Internet safety awareness in Europe.

8. For these measures to work effectively, policy makers should play a role in improving children's awareness through updated educational material and approaches. This should include parent and child-friendly information on safer use of mobiles and the internet.

The relevant provisions of the **national code of conduct** on raising awareness and education are as follows:

4.2. The Mobile communication service providers inform Users that there are Internet filters which restrict access of Harmful information, or other possible means, including access control devices, which would make it possible for parents or guardians to independently limit the access of Minors to Harmful information.

4.3. The Mobile communication service providers educate Users about Information society services, about content of these services and about possible means of protection of Minors from Information society services that contain Harmful information.

4.4. The Code of Conduct ensures the possibility for Users to inform the Mobile communication service providers about Internet websites that provide services the information of which is considered as harmful.

Mobile operators have implemented these provisions as set out below.

Bite	<p>Bite Latvija ensures free calls from its network with a short number to the Children's Helpline.</p> <p>In early 2009, Bite Latvija organised a press conference on safe usage of mobile phones for kids with a family psychologist, with the aim to educate society on safe usage of mobile phones. Bite Latvija intensified the discussion in the media about children's safety, advising parents to choose child-friendly handsets that have several technical features ensuring safer use of a phone (like Samsung Tobi). When a phone is purchased from Bite, the shop manager is instructed to inform parents about safety issues related to children.</p> <p>When a phone is purchased, Bite Latvija customers are informed that if they face any safety issue, they can receive information from the operator or call a free NGO helpline working with safe Internet issues.</p> <p>Bite Latvija customers can call a free Customer Service Centre number and report illegal content. If illegal content is found, the service is blocked.</p>
LMT	<p>LMT informs users about Internet filters which restrict access to adult content. LMT has information on the corporate website about free software available for PCs and other possibilities for parents to protect their children.</p> <p>LMT provides all available information and educates users when the user contacts LMT in a related context or in case of a complaint.</p>

	<p>LMT always welcomes queries from users in any form - free phone calls, e-mails, letters or direct communication in a client centre. If illegal content is found, the service is stopped.</p> <p>LMT supports the “Skalbes” Crisis Centre with free connection and mobile handsets. The crisis telephone line is available 24 hours a day, seven days a week, offering psychological consultations and information about aid available in Latvia.</p>
Tele 2	<p>Tele2 will implement information about information society services, the content of these services and about possible means of protection of Minors from Harmful content in a special section on the corporate Web and WAP pages in the first quarter of 2010.</p>

Classification of commercial content

The recommendations of the **Framework** relating to commercial content classification are as follows:

9. *Mobile providers and content providers support classification frameworks for commercial content based on national societal standards and consistent with approaches in equivalent media. Classification of content, whether accessible through telecommunications or not, should be consistent with national societal standards regarding decency, appropriateness and legislation. Classification frameworks should consist of at least two categories: content which is suitable only for adult customers and other content.*
10. *Mobile providers should ensure that their own-brand commercial content is appropriately classified based on existing national classification standards in the markets where they operate.*
11. *Through their contractual relationships with professional third party content providers, mobile providers should ensure, after consultation, that these providers classify their commercial content under the same national classification approach.*
12. *For these measures to work effectively, policy makers, trade associations and other interested parties should support mobile provider initiatives to ensure commercial content providers classify their content against national societal standards.*

The relevant provisions of the **national code of conduct** on the classification of commercial content are as follows:

- 3.1. *The Information society service providers and the Mobile communication service providers, who offer information society services, classify the services they provide as defined in the clauses 2.5 and 2.6 of this Code of Conduct.*

2.5 Illegal information – information prohibited to provide or to make available in other way and that contains incitement of a war of aggression or military conflict, incitement to forcibly overthrow the government of the Republic of Latvia and forcibly change the political system, incitement to abrogate Independence of the Republic of Latvia as a State, incitement to disintegration of the territorial integrity of the Republic of Latvia, invitation

to terrorism, instigation of national, ethnic and racial hatred, information that contains such pornographic or erotic material as relate or portray the sexual abuse of children, bestiality, necrophilia or violence of a pornographic nature and other or any other information that is considered as illegal according to the law of Latvia.

2.6. Harmful information – information that is suitable only to adults and which poses a threat to the physical, psychological or moral development of a child, including:

1) Information of pornographic and erotic nature, including material of a sexual behaviour with the depiction of details or depiction of nakedness with accent to details, especially in a sexually context;

2) unjustifiable information that contains depiction of violence, cruel actions, pain and horror, especially depiction of violence that contains torture, sexual violence, violence with depiction of details (injuries, suicides etc.), violence by using weapons as well as information that promotes and glorifies violence or cruelty, justifies criminal behaviour, creates an impression of impunity;

3) unjustifiable information about using substances (narcotics, alcohol, tobacco etc.) that causes addiction, for example, instructions or promoting to use these substances etc.

4) information that promotes to gamble;

5) information that encourages Minors to self – harm or suicide;

6) information that contains aggressive language, rude or lewd expressions, words;

7) unjustifiable information about using weapons or fighting technique;

8) information that abuses Minors` trust and inexperience;

9) information that provokes to disrespect the authority of parents, guardians and teachers.

4.5. This Code of Conduct does not forbid the Mobile communication service providers to independently develop other forms of classifying information when the Mobile communication service providers consider it to be necessary for the Users` convenience.

Mobile operators have implemented these provisions as set out below.

Bite	Bite Latvija follows general rules of the classification of information according to the Code of Conduct. The classification of information is stipulated in the agreements with content providers.
LMT	Content provided by a third-party is classified according to the Code of Conduct -

	Illegal information and Information harmful for children. This classification is used in agreements between LMT and third party service providers. Consequently content providers have corresponding obligations according to law and the Code of Conduct, for example, obligation to use access control mechanisms.
Tele 2	<p>Tele2 does not provide Harmful or Illegal content. Content provided is classified according to the Tele2 Xtradata protocol.</p> <p>For each content item, content providers must provide certain codes (according to the Tele2 Xtradata protocol) that identify content, e.g. as Game - Arcade or Adult content - Videos. The same applies to content provided by Tele2. Data is gathered for statistical and commercial purposes.</p>

Fighting illegal content on mobile community products or the Internet

The recommendations of the **Framework** related to combating illegal content on mobile community products or on the Internet are as follows:

13. *Mobile providers will continue to work with law enforcement authorities in executing their legislative obligations regarding illegal content.*
14. *Mobile providers will support national authorities in dealing with illegal child images and, through the INHOPE⁴ hotline network or equivalent approaches, will facilitate the notification of this content where hosted on mobile community products or on the internet.*
15. *Mobile providers will adopt, or support the creation of, appropriate legally authorized national take-down procedures for such illegal content, including a commitment to liaise with national law enforcement.*
16. *For these measures to work effectively there should be legal clarity on the nature of content which is illegal and law enforcement authorities (or delegated organizations) should be able to confirm where individual items of content are illegal. This will require the allocation of proportionate law enforcement priority and resources. National governments' support for this is vital.*

The relevant provisions of the **national code of conduct** on fighting illegal content are as follows:

3.2. The Mobile communication service providers are responsible for the content of the Information society services as long as they themselves provide the Information society services.

5.1. The Mobile communication service providers, as far as it is legally and practically possible, work with law enforcement authorities in preventing activities related to Illegal information.

5.2. In cases where the Mobile communication service providers are providing web – hosting services, they are not obliged to control the content of the information being displayed on Internet through this service. However, if they find out that Information society services of Illegal content are being provided using web hosting services provided by the Mobile

⁴ INHOPE is the International Association of Internet Hotlines.

communication service providers, they take steps to stop the provision on Internet of publicly accessible Illegal information.

5.3. The Mobile communication service providers support the initiatives of law enforcement or other government – authorized institutions by which it would be attempted to legally regulate the procedures regarding Illegal information.

Mobile operators have implemented these provisions as set out below.

Bite	Bite Latvija cooperates with the state law authorities and proactively provides all the necessary information needed from the operator for investigation processes. A service provider, who is proven to provide Illegal content, is blocked and refused from using Bite Latvija web-hosting services. Such cases are reported to the state authorities.
LMT	LMT cooperates with law enforcement authorities. If illegal content is found, the service is stopped. LMT does not provide web-hosting services. LMT has supported an initiative to amend the national numbering plan and to reserve two short code intervals 88XX and 99XX for adult content. The Latvian National numbering plan states that content services with adult content can only be provided using short codes.
Tele 2	Tele2 cooperates with law enforcement authorities, for example, when there is a customer complaint, which it can pass on to law enforcement authorities. Tele2 does not provide web-hosting services.

Other

This section addresses compliance with the recommendations of the national code of conduct that go beyond the scope of the Framework. These provisions are as follows:

3.3. The Mobile communication service providers are not responsible for the content of Information society services that are provided by Information society service providers who are not contractually engaged. However, the Mobile communication service providers oblige the contracted Information society service providers to comply with law and this Code of Conduct in their agreements.

3.4. The Mobile communication service providers do not control the content of the Internet and do not classify the content of Internet websites according to the rules of this Code of Conduct, except in cases when the content of the Internet website is being provided by the Mobile communication service providers or contractually engaged Information society service provider. In this case the Mobile communication service providers act according to the rules of the Code of Conduct

Mobile operators have implemented these provisions as set out below.

Bite	All third parties that cooperate with Bite Latvija are asked to be in line with the mobile content policy of Latvia. Bite Latvija periodically checks content of the content providers.
LMT	According to agreements, third party providers must comply with legal requirements and the Code of Conduct. The important terms and conditions of the Code of Conduct are incorporated in the agreement. LMT does not provide content of Internet websites. LMT, through monitoring activities, periodically controls third party provided services, which are charged using our platforms.
Tele 2	Tele2 obliges the contracted third party providers to comply with the law and the Code of Conduct. Such terms and conditions are included in agreement with content providers. Tele2 does check Internet pages and their content where services of our partners are provided, but not to full extent.

Stakeholder cooperation on child protection

This part of the report presents the views of relevant stakeholders, namely Latvian Children's Fund and Latvian Internet Association, concerning mobile operators' role in protecting children in their country of operation.

The following questions were posed to the stakeholder:

1. How do you think the national code of conduct signed by mobile operators has helped in the pursuit of safer mobile use by children?
2. Are you aware of any educational/awareness-raising initiatives on this issue by the mobile operators in your country?
3. What do you think are the key child protection priorities for the ICT sector for your country?

Latvia Children's Fund⁵

1. Signing of such code is of great importance especially at the moment, when various mobile entertainment (e.g., ringtone downloads, games, Internet) has become more and more popular and accessible, and are available to adults, as well as to children. It is especially significant for parents to be aware of new threat to safety of their children. If the activities of a child on the Internet may be followed quite easily, it is more complicated to control activities of the child in the field of mobile communications. For that reason The Latvian Code of Conduct for Safe Use of Mobile Communications by Minors signed by mobile communication operators is an urgent issue. Based on that code the types of potential threat have been detected and unified and coordinated trends of activities have been defined, aimed at promoting security of the children, when they are using mobile communications.

2. Generally speaking, the mobile communications operators of Latvia are conscientious in solving issues that are related to security of children in mobile communications environment. The operators do their best to inform the parents on possibilities to set a limit for specific numbers, place on their websites information regarding potential respective security measures, support children hotlines, publish the above code on their websites etc.

3. Currently the use of mobile phones has become a natural necessity not only in everyday life of adults, but also for children and youngsters. Youngest users of mobile phones and features thereof mostly are aware and are informed about potential risks. However, judging by experience, when facing the real problem, the parents are asked for help only in the final stage. Thus especially high attention has to be devoted to informing and educating of parents about various children security related issues in the field of mobile communications - about both risks and opportunities. Simultaneously it is important also to develop various

⁵ Latvia Children's Fund is a nongovernmental non-profit organization that takes care of children's and youth's support, health strengthening and promotion of their development and education. The Fund provides support in need for them who need it the most. Children are our future, therefore by common efforts our task is to give them the necessary assistance and to give joy for the little hearts.

technology solutions for restricting the use of several charged services and educating of children.

Latvian Internet Association⁶

1. The Latvian Code of Conduct for Safe Use of Mobile Communications by Minors signed by mobile communication operators should be valued positively, as the unified principles for the fight against the access by children to unsuitable information in the field of mobile communications have been developed, what has encouraged the Latvian Internet Association Net-Safe Latvia project to lift issues regarding the use of mobile communications amongst children and youngsters, by taking informing measures, drawing up educational materials and placing them on the project website www.drossinternets.lv, as well as commencing cooperation with mobile operators aimed at educating children, youngsters and their parents about the safe use of mobile communications.

2. Chapter "Mobile phones" (<http://www.drossinternets.lv/page/208>) has been elaborated on the website of Net-Safe Latvia project, that informs about the possibilities for the use of mobile phone, gives practical advices, as well as how to teach a child to use his or her mobile phone responsibly, considering his or her own and family safety, as well as renders information on various security settings which may be used to protect ourselves from undesired information or financial losses.

3. Constant education of children about non-disclosure of any personal information and forwarding it to third parties (personal data, photo, video etc.) on the Internet or mobile communications medium is of high relevance for the protection of children in the field of information and communication technology in Latvia. It is also important to draw attention to currently most urgent problem amongst young people that is sending of text messages of a sexual and violent nature, as well distribution of personal information (photo, video) over the Internet, frequently via a mobile phone.

⁶ Latvian Internet Association is a public organization that unites Latvian enterprises working in a diverse Internet Suppliers' sphere and is interested in development of Latvian Internet environment. LIA objective is to develop, secure and popularise widely accessible Internet environment in Latvia. Latvian Internet Association coordinates project Net-Safe Latvia. The project is aimed at informing and educating children, adolescents, teachers and parents on the safety of Internet content, i.e. the potential threats on the Internet (incitement to hate, racism, child pornography and pedophilia, emotional harassment on the Internet, identity theft and data abuse).

Conclusion

Adoption of The Latvian Code of Conduct for Safe Use of Mobile Communications by Minors had a positive effect. Mobile operators pay more and more attention to the child protection issues. Latvian mobile operators “Latvijas Mobilais Telefons” SIA, SIA “Tele2” and SIA “Bite Latvija” fully comply with The Latvian Code of Conduct for Safe Use of Mobile Communications by Minors. Non-governmental organisations — Latvian child protection stakeholders — support the activities of Latvian mobile operators and stress the role of the Code of Conduct in development of safer mobile communications for minors.

Access control mechanisms are one of the simplest and effective means to protect children from harmful information. All own-brand content provided by Latvian mobile operators is legal. Third-party provided services must be placed behind access controls according to agreements with mobile operators. Latvian operators offer several safety features for parents – restriction of access to premium rate services, WAP services, and handsets specially designed for children.

Awareness raising and education activities are essential as an informed user can protect themselves and their children. In the corporate web sites of all Latvian mobile operators there is or soon will be education and awareness raising information on child safety in mobile communication. The information addresses parents and children. Information on child safety is provided at the moment of conclusion of the service agreement and also is available through call centre. Mobile operators support child safety help-lines.

Classification of the information is necessary to implement restrictions or access control mechanisms. All Latvian mobile operators classify own-brand or third-party content according to The Latvian Code of Conduct of Safe Use of Mobile Communications by Minors, which through agreements with mobile operators is binding for content providers. Mobile operators through monitoring activities periodically control the third-party provided services.

Latvian mobile operators support law enforcement authorities in day-to-day activities fighting illegal content. For example, if illegal content is found the service is stopped. Mobile operators support law enforcement authorities in the process of investigation with necessary information. Mobile operators also support important legislative initiatives, for example, the initiative to amend the national numbering plan and to reserve two short code intervals 88XX and 99XX for adult content.

In 2010 mobile operators plan to expand different education activities dedicated to children and to their parents. Operators also plan awareness raising activities aimed at protection of private information (including photo and video) and its placement on the internet. At the same time operators consider implementation of new technical means and services that allow restricting access to premium rate services.

Annex I

European Framework for Safer Mobile Use by Younger Teenagers and Children

February 2007

European mobile providers and content providers have developed national and corporate initiatives to ensure safer use of mobiles including by younger teenagers and children. These already cover most EU Member States.

Signatory European mobile providers, with support from signatory content providers, now propose an EU-wide common framework to reflect these developments and to encourage all relevant stakeholders to support safer mobile use. This framework will be subject to national implementation by signatory providers.

We recognize:

- mobile services offer an additional way to consume content (still and video images, music, chat, etc.) already offered in other ways - typically by the same providers.
- the importance of parental oversight: accordingly, mobile providers should endeavour to empower parents with information and tools to facilitate their oversight.
- any initiatives to classify content should be based on national societal standards regarding decency, appropriateness and legislation.
- a framework-based approach to industry self-regulation will be effective in adapting to the fast moving environment of mobile technology and services – it will be future proof.

European Mobile Providers – A Responsible Approach

It should be noted that:

Mobile providers only control commercial content they produce themselves or which they commission from professional third parties.

They exert indirect and retrospective control over commercial content in certain other situations, provided there is a contractual relationship with professional third parties.

They are not in a position to control content which is freely accessible on the internet, since there is no relationship between the mobile provider and the content provider.

However, as responsible companies, mobile providers recognise the need to work with customers, parents and other stakeholders, including child protection organizations, in order to promote the safety of younger teenagers and children using mobile services.

Mobile providers offer content which may use pre-pay, post-pay or hybrid approaches to billing. This framework is intended to provide for safer mobile use by younger teenagers and children across different billing approaches.

Recommendations on Safer Mobile Use

Access Control Mechanisms

- 1 Mobile providers should not offer any own-brand commercial content which would be classified as only suitable for adult customers in equivalent media, without providing appropriate means to control access to such content under parental control.
- 2 Appropriate means to control access to content should also be applied where content is supplied by contracted providers of third party commercial content which would be classified as only suitable for adult customers in equivalent media.
- 3 Additionally, individual mobile providers should offer capabilities which can be used by parents to customize access to content by children using mobiles. These may include specific services, phones, barring or filtering, and/or billing control.

Raising Awareness & Education

- 4 Mobile providers should provide advice and effective access to information regarding the use of mobile phone services and measures which can be taken by parents to ensure safer use by their children.
- 5 Mobile providers should encourage customers who are parents to talk to their children about how to deal with issues arising from the use of mobile services.
- 6 Mobile providers should ensure customers have ready access to mechanisms for reporting safety concerns.
- 1 Mobile providers should support awareness-raising campaigns designed to improve the knowledge of their customers, through organisations such as the INSAFE network.
- 7 For these measures to work effectively policy makers should play a role in improving childrens' awareness through updated educational material and approaches. This should include parent and child-friendly information on safer use of mobile and the internet.

Classification of Commercial Content

- 8 Mobile providers and content providers support classification frameworks for commercial content based on national societal standards and consistent with approaches in equivalent media. Classification of content, whether accessible through telecommunications or not, should be consistent with national societal standards regarding decency, appropriateness and legislation. Classification frameworks should consist of at least two categories: content which is suitable only for adult customers and other content.
- 9 Mobile providers should ensure that their own-brand commercial content is appropriately classified based on existing national classification standards in the markets where they operate.

- 10 Through their contractual relationships with professional third party content providers, mobile providers should ensure, after consultation, that these providers classify their commercial content under the same national classification approach.
- 11 For these measures to work effectively policy makers, trade associations and other interested parties should support mobile provider initiatives to ensure commercial content providers classify their content against national societal standards.

Illegal Content on mobile community products or on the Internet

- 12 Mobile providers will continue to work with law enforcement authorities in executing their legislative obligations regarding illegal content.
- 13 Mobile providers will support national authorities in dealing with illegal child images and, through the INHOPE hotline network or equivalent approaches, will facilitate the notification of this content where hosted on mobile community products or on the internet.
- 14 Mobile providers will adopt, or support the creation of, appropriate legally authorized national take-down procedures for such illegal content, including a commitment to liaise with national law enforcement.
- 15 For these measures to work effectively there should be legal clarity on the nature of content which is illegal and law enforcement authorities (or delegated organizations) should be able to confirm where individual items of content are illegal. This will require the allocation of proportionate law enforcement priority and resources. National governments' support for this is vital.

Implementation, Stakeholder Consultation & Review

- 16 Signatory mobile providers and signatory content providers will work towards implementation of this common European framework through self-regulation at national level in EU Member States. The target for agreement of national self-regulatory codes, consistent with this framework, is **February 2008**
- 17 Mobile providers will regularly review child safety standards on the basis of the development of society, technology and mobile services in cooperation with European and national stakeholders such as the European Commission, INHOPE and INSAFE.

Annex II

Latvian Code of Conduct for Safe Use of Mobile Communications By Minors

Riga, June 30, 2008

1. Preamble

- 1.1. At the same time the mobile phone technology is growing, the spectrum of mobile communication services increases. The Users have an opportunity to use different value added services and data transmission services (to send pictures, to watch television programs, to browse internet websites etc.). Having regard to the fact that these services are used by ever increasing range of Users, including Minors, it is necessary to protect Users, especially Minors, from receiving services that contain Illegal or Harmful information. For this reason the Mobile communication service providers of Latvia (hereafter – Mobile communication service providers) sign this Latvian Code of Conduct for Safe Use of Mobile Communications by Minors (hereafter – Code of Conduct).
- 1.2. The Code of Conduct describes only general rules for behavior made up according to law of Latvia and that the Mobile communication service providers comply with. The rules of the Code of Conduct are applicable to Information society services provided by Mobile communication service providers or Information society service providers who have signed the cooperation agreements with Mobile communication service providers.
- 1.3. Mobile communication service providers implement the Code of Conduct as far as it is technologically and legally feasible. Mobile communication service providers do not control content of used services and they do not control the information that is sent or received by the User.
- 1.4. The Code of Conduct does not prevent the Mobile communication service providers from separately applying safety measures to secure the goals of the Code of Conduct as far as these measures do not conflict with the Code of Conduct.
- 1.5. The rules of Code of Conduct must be interpreted in conformity with law of Latvia.
- 1.6. Mobile communication service providers declare that the Code of Practice is not a Code of Practice (Ethics) within the meaning of section 7 of the Information Society Services Law of the Republic of Latvia.
- 1.7. The Code of Conduct is a public document which is available to be subscribed to every Mobile communication service provider.

2. Terms used in the Code of Conduct

- 2.1. Minor – a person under 18 years of age.
- 2.2. Information society services – distance services which are usually paid services provided using electronic means and upon the individual request of a User, for example, getting pictures, video clips, films, music, games to be played etc.
- 2.3. Information society service providers – merchants who provide Information society services.
- 2.4. User – a person who utilizes mobile communication services and uses Information society services.
- 2.5. Illegal information – information prohibited to provide or to make available in other way and that contains incitement of a war of aggression or military conflict, incitement to forcibly overthrow the government of the Republic of Latvia and forcibly change the political system, incitement to abrogate Independence of the Republic of Latvia as a State, incitement to disintegration of the territorial integrity of the Republic of Latvia, invitation to terrorism, instigation of national, ethnic and racial hatred, information that contains such pornographic or erotic material as relate or portray the sexual abuse of children, bestiality, necrophilia or violence of a pornographic nature and other or any other information that is considered as illegal according to the law of Latvia.
- 2.6. Harmful information – information that is suitable only to adults and which poses a threat to the physical, psychological or moral development of a child, including:
 - 1) Information of pornographic and erotic nature, including material of a sexual behavior with the depiction of details or depiction of nakedness with accent to details, especially in a sexually context;
 - 2) unjustifiable information that contains depiction of violence, cruel actions, pain and horror, especially depiction of violence that contains torture, sexual violence, violence with depiction of details (injuries, suicides etc.), violence by using weapons as well as information that promotes and glorifies violence or cruelty, justifies criminal behaviour, creates an impression of impunity;
 - 3) unjustifiable information about using substances (narcotics, alcohol, tobacco etc.) that causes addiction, for example, instructions or promoting to use these substances etc.
 - 4) information that promotes to gamble;
 - 5) information that encourages Minors to self – harm or suicide;
 - 6) information that contains aggressive language, rude or lewd expressions, words;
 - 7) unjustifiable information about using weapons or fighting technique;
 - 8) information that abuses Minors` trust and inexperience;
 - 9) information that provokes to disrespect the authority of parents, guardians and teachers.
- 2.7. Access control methods – methods that assure security from unauthorized access to the Harmful information.

2.8. Age ascertaining methods – methods that help to ascertain the Users` age.

3. Responsibility of the Mobile communication service providers and Information society service providers

3.1. The Information society service providers and the Mobile communication service providers, who offer information society services, classify the services they provide as defined in the clauses 2.5 and 2.6 of this Code of Conduct.

3.2. The Mobile communication service providers are responsible for the content of the Information society services as long as they themselves provide the Information society services. The Mobile communication service providers do not provide the Information society services that contain Illegal information and do not provide the Information society services that contain harmful content without security means as far as it is technologically possible.

3.3. The Mobile communication service providers are not responsible for the content of Information society services that are provided by Information society service providers who are not contractually engaged. However, the Mobile communication service providers oblige the contracted Information society service providers to comply with law and this Code of Conduct in their agreements.

3.4. The Mobile communication service providers do not control the content of the Internet and do not classify the content of Internet websites according to the rules of this Code of Conduct, except in cases when the content of the Internet website is being provided by the Mobile communication service providers or contractually engaged Information society service provider. In this case the Mobile communication service providers act according to the rules of the Code of Conduct.

4. Measures for protection of Minors from receiving of Harmful Information

4.1. The Mobile Communication service providers independently or together with Information society service providers implement appropriate Age ascertaining and Access control methods, for example, providing Information society services in Internet, to ask the question about Users age and to ensure Access to the Information society services that contain Harmful information after confirmation that the User is an adult.

4.2. The Mobile communication service providers inform Users that there are Internet filters which restrict access of Harmful information, or other possible means, including access control devices, which would make it possible for parents or guardians to independently limit the access of Minors to Harmful information.

4.3. The Mobile communication service providers educate Users about Information society services, about content of these services and about possible means of protection of Minors from Information society services that contain Harmful information.

4.4. The Code of Conduct ensures the possibility for Users to inform the Mobile communication service providers about Internet websites that provide services the information of which is considered as harmful.

4.5. This Code of Conduct does not forbid the Mobile communication service providers to independently develop other forms of classifying information when the Mobile communication service providers consider it to be necessary for the Users' convenience.

5. Measures of restriction of providing Illegal information

5.1. The Mobile communication service providers, as far as it is legally and practically possible, work with law enforcement authorities in preventing activities related to Illegal information.

5.2. In cases where the Mobile communication service providers are providing web – hosting services, they are not obliged to control the content of the information being displayed on Internet through this service. However, if they find out that Information society services of Illegal content are being provided using web hosting services provided by the Mobile communication service providers, they take steps to stop the provision on Internet of publicly accessible Illegal information.

5.3. The Mobile communication service providers support the initiatives of law enforcement or other government – authorized institutions by which it would be attempted to legally regulate the procedures regarding Illegal information.

6. Other provisions

6.1. The Mobile communication service providers commit themselves to apply the provisions of the Code of Conduct by July 1, 2008.

6.2. The Mobile communication service providers are obliged to apply the provisions of the Code of Conduct to the contracted Information society service providers until January 1, 2009.

6.3. Any amendments in the Code of Conduct must be made in written form and they come into force after they are signed by Mobile communication service providers to whom the Code of Conduct is binding.

6.4. The amendments in the Code of Conduct and its' annexes must be published on the Mobile communication service providers' websites.

6.5. The Mobile communication service providers' that have signed the Code of Conduct are listed in the annexes of the Code of Conduct.

„Latvijas Mobilais Telefons” SIA

SIA „Bite Latvija”

SIA „Tele2”