

MINISTRY OF TRANSPORT AND COMMUNICATIONS

11 July 2003

1016/09/2003

European Commission  
Education and Culture DG

Ref. Your correspondence DG EAC C1/mb D(2003) 11339

Subject A response to the Commission's enquiry concerning measures for the protection of minors and human dignity in audiovisual and information services

With reference to the enquiry made in the correspondence specified above, the Ministry of Transport of Communications respectfully replies as follows:

**Internet**

1. Is there an Internet service providers' association operating in your country? Please provide detailed information on such an association or associations.

*ISPA Finland (the Finnish Internet Service Providers' Association) has been active, but its operations are currently on hold.*

*Internet Society Finland, contact person Tommi Karttaavi, [www.siy.fi](http://www.siy.fi)*

*Teleforum ry, an association of producers and providers of teleservices. The Ethical Board for Premium-Rate Telephone Services MAPEL [www.mapel.fi](http://www.mapel.fi) operates in conjunction with the former.*

*Finnish Federation for Communications and Teleinformatics. Address: Korkeavuorenkatu 30 A, FIN-00130 Helsinki, [www.ficom.fi](http://www.ficom.fi)*

*The Finnish Information Society Development Centre [www.tieke.fi](http://www.tieke.fi)*

*The Finnish Interactive Media Association Verme, one of whose objectives is to promote the Internet as an advertising medium, [www.verme.net](http://www.verme.net)*

2. Have Internet service providers in your country prepared codes of good conduct for their operations? If possible, attach a copy of such codes of conduct or provide an Internet address where they can be viewed.

<http://tuki.elisa.net/Sekalaista/Netiketti/Netiquette/netiquette.html>

K:\Texts\TV Directive\Reply to the Commission on the protection of minors and human dignity.doc

Postal address	Street address	Telephone	Fax
P.O. Box 31 00023 Valtioneuvosto <a href="mailto:kirjaamo@mintc.fi">kirjaamo@mintc.fi</a> <a href="mailto:info@mintc.fi">info@mintc.fi</a>	Eteläesplanadi 16-18, Helsinki	+358 9 160 02	+358 9 160 28596 +358 9 160 28590 (communications)

3. To which extent have authorities and consumers been involved in the preparation of the codes of good conduct for Internet service providers? Is it obligatory that authorities and consumers are consulted in connection with the revision of codes of good conduct?

*The Ministry of Transport and Communications has invited representatives of Internet service providers and Internet users to biannual meetings to develop self-regulation of the Internet. The participants have noted the importance of free communication, and they hope that the cooperation between them will continue informally. In cooperation, the participants have independently drawn up codes of good conduct.*

4. Are there any valid legal requirements in your country that **specifically** apply to Internet service providers and their obligation to stop harmful or illegal content from being available on the Internet? If such requirements exist, what are they?

*The Freedom of Speech Act does not obligate Internet service providers to remove any illegal or harmful content on the Internet. It does, however, provide (Art. 18) courts of law with a new coercive measure, i.e., the taking down of an Internet message. This procedure can be applied when it is apparent that the content of an Internet message is such that its distribution to the general public is subject to punishment.*

*The Constitutional Committee deleted a provision from a legislative proposal that would have granted the administrator of a server the right to spontaneously take down a message in two specific cases. However, such a right to spontaneous action is provided in the Act on the Provision of Information Society Services (458/2002), Art. 15, paragraph 1, section 2, but it is limited to two cases when elements of an offence, as expressed in the criminal code, are present.*

5. Are there any special requirements for Internet service providers to report illegal content or content that violates human dignity to the police or the justice authority?

*Such a specific reporting obligation that only applies to Internet service providers does not exist.*

6. Is there a hot-line reporting mechanism in place for reporting harmful or illegal content in your country? If yes, please provide detailed information about the hot-line or hot-lines (with their Internet and e-mail addresses) and information about their funding.

*On 1 September 2002, following a pilot of approximately one year's duration, Save the Children opened a hot-line that receives reports on child pornography and other Internet materials harmful to children. Its Internet address is [www.pela.fi/nettivilhje](http://www.pela.fi/nettivilhje), and e-mail address [suvi.kuikka@pela.fi](mailto:suvi.kuikka@pela.fi) or [vilhje@pela.fi](mailto:vilhje@pela.fi)*

*It is funded as follows: approximately 50 per cent of project costs are covered by the EU, and the rest is provided by Finnish sources: Finland's Slot Machine Association RAY, the Ministry of Transport and Communications, Internet service providers and private donors.*

7. Approximately, how large a proportion of problematic Internet content reported originates outside your country or the EU?

*The number of reports on Finnish sites has increased, but the bulk of reports still continues to concern Internet sites outside both Finland and the EU. The share of Finnish sites is about 4–6 per cent, and that of EU sites about 9–10 per cent. The rest of the reports concern sites outside the EU.*

8. What measures or initiatives have either the authorities or the operators adopted to increase the public awareness of hot-lines? Can these measures or initiatives be considered effective?

*In cooperation with each other, operators have published a netiquette to be updated every one or two years. This netiquette also provides information on how to act in case of illegal materials or materials that may be harmful to children. Some service providers also financially support the hot-line opened by Save the Children. Some service providers have placed Save the Children labels on their sites in order to inform their users about the reporting opportunity. However, linking has been slow, and not all Internet service providers have been interested in "Stop Child Pornography" labels, etc., as the phenomenon itself is such a negative one.*

9. If hot-lines are in place, estimate their effectiveness in reducing harmful and illegal content and in limiting the accessibility of such content. You can quote both the general opinion on their effectiveness and the views of the different parties involved.

*During the first nine months of operation, the hot-line has received a great deal of publicity and many sites have been linked to it. The statistical recording of reports started on 1 October 2002 and, so far, there have been approximately 1,700 reports, of which reports concerning child pornography accounted for 390, while the number for reports concerning extreme violence was 20. The reports also include materials connected to chat sites, where children/young people have reported harassment on the Internet.*

10. Have either the authorities or the industry started to develop filtering tools or rating systems for Internet sites in other ways than through participation in current work funded through the Community Action Plan of Promoting Safer Use of the Internet? If yes, how has the work progressed and what problems have been encountered?

*There is no rating or filtering system in place in Finland yet.*

11. Does legislation or the relevant codes of conduct obligate Internet service providers to provide users with information on existing filtering and rating systems and programs used for checking the users' age?

*Cf. previous answer.*

12. What measures have been adopted on the national, local, and regional level to disseminate information on issues related to the promotion of safer use of the Internet? Have such measures been a part of a wider plan on media education? Have such measures been funded from public or private sources (e.g., the industry itself or voluntary organisations) or from both public and private sources?

*Save the Children and the Finnish Information Society Development Centre have started modelling a children's computer driving licence for schools, to be used in teaching 6–12 year-olds.*

13. Have there been signs that the development of the Internet would have slowed down in your country due to public fears concerning harmful or illegal materials available on the Internet?

*We have not noticed signs of such a slow-down.*

14. Is the current international, especially European cooperation, on this issue considered sufficient? If not, what measures could be adopted to improve the situation?

*Europe-wide cooperation within the Council of Europe and the EU works well as a result of a variety of programmes such as the Safer Internet Action Plan. In addition, the international*

*organisation Inhope, for example, functions as a cooperative body of reporting servers, and provides training and information concerning harmful materials and self-regulation methods. The international Save the Children organisation has hot-lines to combat child pornography in all Nordic countries and in Italy, and cooperation between these countries has increased. For example, a joint document titled "Save the Children Position Paper on Child Pornography and Internet-Related Sexual Exploitation of Children" has been published. The document can be found at:*

[http://ww.redbarnet.dk/Files/Filer/sexuelt\\_misbrug/SaveTheChildren\\_positionpaper\\_ChildPornography.pdf](http://ww.redbarnet.dk/Files/Filer/sexuelt_misbrug/SaveTheChildren_positionpaper_ChildPornography.pdf)

15. Have you already adopted or are you planning to adopt self-regulation or regulation measures as mentioned above in respect of similar services, such as mobile services, especially the UMTS?

*The convergence of communication has been taken into consideration throughout Finnish legislation on communications.*

16. Describe the initiatives that have been taken in order to monitor on-line discussion groups, especially measures taken in order to reduce misconduct that may be harmful to minors.

*A number of civic organisations have carried out campaigns focusing on the rights and duties of Internet users, and promoting a critical approach to the media. For example, it has been emphasised that minors should not give their contact information over the Internet or agree to meet strangers alone.*

17. Describe measures that have been taken in order to improve media literacy (e.g., teaching children to responsibly use the new media)?

*Cf. the answer to question 23.*

18. Has specific regulation or self-regulation measures concerning the right to reply in online media been adopted? Have there been concrete problems to do with these issues in the last two years, especially as regards transnational activities?

### **Broadcasting**

19. Have broadcasters in your countries created a self-regulation system relating to the protection of minors? Provide detailed information on such a system, especially its membership.

*Companies engaging in national television broadcasting (Yleisradio Oy, MTV Oy and Oy Ruutunelonen Ab) have concluded an agreement on the broadcasting of programmes that are harmful to minors. The agreement has been made between the parties and does not stop new operators from, for example, making similar agreements. It does not provide specific provisions concerning the signing of the agreement or joining it.*

*As for editorial materials, the self-regulatory body for television and radio broadcasting is the Council for Mass Media, whose function is to promote the freedom of speech and publication and interpret good journalistic practice. It bases its decisions on the guidelines for good journalistic practice. It consists of members from the mass media and the public. The members elect a chairperson who must not be employed by the mass media or hold a related position of trust. The Council's Basic Agreement has been signed, for example, by the aforementioned television companies and the Association of Finnish Broadcasters SRL. The agreement can be signed by any organisation operating in the field of mass media.*

20. Does this system of self-regulation include the protection of minors and codes of conduct applicable to harmful content? (Note that this question does not only apply to advertising directed

specifically at minors. The question refers to audiovisual content that may be harmful to minors in both advertising and public broadcasting).

*According to the agreement signed by the television companies, the companies rate their programmes themselves. Programmes that are not recommended for children under 16 are indicated in programme information and before the showing of such programmes. These programmes are not broadcast before 9 p.m. The television companies also give attention to preview trailers for such programmes, and their suitability for a young audience. Advertisers adhere to international ethical guidelines for advertising that also address advertising directed at children.*

*The Basic Agreement of the Council for Mass Media or the guidelines for good journalistic practice do not include specific instructions on the protection of minors.*

21. Does your legislation or codes of good conduct require the presence of a visual on-screen warning symbol throughout programmes that may be harmful? Does your legislation or codes of good conduct require that a warning sound be played prior to the showing of such programmes? If such methods are used, can they be considered effective?

*According to Article 19 of the Act on Television and Radio Operations (744/1998), programmes that may be harmful to children must be preceded by an announcement regarding their harmful effect. An announcement is not required if the broadcast is identified by the presence of a visual warning symbol throughout its duration.*

*According to the agreement signed by the television companies, programmes unsuitable for children must be preceded by an announcement to this effect. In addition, such programmes are marked with a special symbol in the programme information delivered to newspapers and magazines. The rating symbol is also displayed on teletext pages.*

*These methods can be considered reasonably effective in Finland. The Telecommunications Administration Centre, which supervises compliance with the Act on Television and Radio Operations, has only made a few decisions concerning Article 19 in the last two years.*

22. Do any broadcasters in your country use technical blocking devices to ensure that minors do not watch programmes harmful to them? If yes, what measures or initiatives have been taken to ensure that parents and carers know of these devices and how to use them? Are such devices considered effective in your country?

*As far as we know, technical blocking devices are not used.*

23. Describe measures that have been taken to improve media literacy (e.g., teaching children to become responsible television viewers)?

*According to new syllabi for comprehensive schools and secondary schools that are currently being prepared, schools are responsible for the teaching of media literacy. As of autumn 2004, students will also be able to achieve a Media Diploma in conjunction with the matriculation examinations. The purpose of this course is to promote a critical approach to media content and provide students with an ability for media expression. The Media Diploma at the upper secondary school level is the first diploma of its kind in Europe.*

*In practice, many civic organisations provide media education; for example, the Mannerheim League for Child Welfare aims to promote a media environment that is safe for children. The Centre for Film and Television Education and regional cinema centres are active in promoting film and television education. Municipal media workshops also support the critical media*

*literacy of youth. There are also plans for children's cultural centres to be founded across Finland that will also emphasise media education in their activities.*

### **Video game software**

24. Does your country have legislation in place that applies specifically to the sale of video games? (This question refers to the physical sale of video game software, not the distribution of software through the Internet or their downloading on a computer.)

*The Act on the Classification of Audiovisual Programmes (775/2000) came into force as of the beginning of 2001. The act covers films, video cassettes, video and computer games and audiovisual on-demand services. According to the Act, films and videos directed at children are subject to pre-release inspection. Video and computer games are not inspected prior to release, but all games that are sold, rented or otherwise distributed in Finland must be reported to the Finnish Board of Film Classification and they must carry a recommended age limit.*

*If the Finnish Board of Film Classification suspects that a video or computer game it has been notified of contains material that has a detrimental effect on the development of children, it can order the game to be inspected.*

25. Is there a self-regulation system in place regarding the age rating of video games (e.g., the self-rating system published by the European organisation of the industry ISFE (Interactive Software Federation of Europe)? If yes, describe the system in detail.

*As of spring 2003, Finland has applied the European PEGI system of the ISFE, which complies with Finnish legislation except for certain age limits, in marking age limits on video and computer games. An exception has been made to the PEGI system to suit Finnish legislation so that video and computer games distributed in Finland carry an age limit of 11 instead of 12 and 15 instead of 16.*

26. Can existing procedures to protect minors from harmful video games be considered effective?

*In 2003, the Ministry of Education carried out an assessment of the effects of legislation on the classification of audiovisual programmes and the realisation of its objectives. According to the assessment, the importers and distributors of video and computer games have taken a positive view of their obligation to ensure that video and computer games carry an age limit. The system has worked well and the Finnish Board of Film Classification has only requested to inspect a few games. Apparently, the European PEGI system improves the effectiveness of measures to protect minors.*

27. As online games and especially games played on LAN networks are very similar in nature, do they also fall within the scope of the self-regulation and/or regulation system?

*The Finnish legislation on audiovisual programmes does not apply to video and computer games distributed through the Internet. In principle, the PEGI system also covers online games.*

### **Other means of content distribution**

28. Have there been any significant changes in the rating systems of films, video cassettes or DVDs since the year 2000?

*The Act on the Classification of Audiovisual Programmes (775/2000) came into force as of the beginning of 2001. According to the Act, all films, videos and DVDs that are publicly exhibited or supplied and are directed at children under 18 are subject to prior inspection. The Finnish Board of Film Classification, which is the supervision authority, must be notified of unclassified audiovisual programmes. Any decision of the Finnish Board of Film Classification can be appealed to the Appeal Board of Film Classification.*

### **General**

29. How have consumer, voluntary and civic organisations been involved in the implementation of the Recommendation?

*The organisations have improved public awareness of the Recommendation and they have adopted the objectives of the Recommendation in their own plans of action.*

30. Is the inconsistency of rating systems for the audiovisual media (films, television, video cassettes, video games, the Internet) considered problematic in your country; for example, because consumers may find them confusing? Have any measures or initiatives to improve the consistency of classification and rating of the audiovisual media being considered? Has there been cooperation with other Member States or foreign organisations regarding this issue?

*The government platform states that "a plan of action to limit violent entertainment directed at minors will be prepared". In connection with this project, the inconsistencies of rating systems, and any problems arising from it, will also be addressed.*

*As for video and computer games, Finland has taken part in European cooperation in the preparation of the PEGI system.*

31. Has the work carried out in your country to protect minors included activities of scientific boards or specific research into violence and other harmful content and their effect on minors? Have broadcasters or Internet content producers made voluntary agreements regarding this issue?

32. If you have information about any research or scientific report concerning this subject from the last two years, please send us a copy or provide us with the publication information of such work.

Deputy Director of Unit, Communications Counsellor

Antti Kohtala

Special Adviser

Asta Virtaniemi