Action Plan on Promoting Safer Use of the Internet

Preparatory Actions – Self-labelling and Filtering

PREP-ACT 2 Contract 25530

INCORE

(**IN**ternet **CO**ntent **R**ating for **E**urope)

Final Report

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PREFACE

This report is available in different formats.

- The full formal report to the European Commission, including all supporting documents as appendices, is presented on paper. It is on restricted circulation, but can be made available on request from the Internet Watch Foundation, at the discretion of IWF and the Commission.
- An html presentation of the Executive Summary available from the INCORE and Internet Action Plan Web sites.
- A public Net-based version downloadable in sections from the INCORE and Internet Action Plan Web sites.

Release of the latter versions was approved by the Commission in June 2000

The **structure of the report** is apparent from the Contents section (see next page). We have distinguished between "conclusions" which record our response to the questions posed in the terms of reference, and "recommendations" which give further observations on how self-labelling and filtering might best be implemented. Both are summarised in the opening Executive Summary.

A **Glossary of Terms** is included at Appendix J at the end of the report. Terms included in the glossary are italicised in the text where they first appear in each section.

Credits

We are grateful to the many people who contributed to the production of this report, in particular: -

David Goldstein who did much of the groundwork during a year's fixed term appointment to IWF.
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Finally all the participants and correspondents who have given their views and answered our questions without whom we would simply be expressing our own opinions.

David Kerr
26th June 2000

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1 EXECUTIVE SUMMARY

1.1 Purpose

The purpose of this project is to assess the feasibility of a *self-labelling* and *filtering* system for Internet content from a European perspective.

Such a scheme would need to meet requirements for freedom of expression and competition, be relevant to the different cultural and linguistic backgrounds of member states, be supported by the main stakeholders in the Internet and assure quality standards against potential mis-labelling.

This report presents our conclusions and makes a number of recommendations.

1.2 Key Findings

1.2.1 Consumer perspectives

There is a challenging contrast between what consumers want and what is currently available.

Most consumers are attracted by the principles and potential benefits of *self-rating* and filtering. Such systems can allow each user to apply their own cultural values, even though there are considerable differences between their values at language group, national and individual levels.

Existing systems do not however fulfil the promise of such systems. The main problem is limited access to content because insufficient sites are labelled. European consumers naturally look for sites in their own languages and very few non-English language sites are labelled. What is more surprising is that the same problem affects English consumers. The numbers of English language sites that are rated still fall short of the "*critical mass*" required to persuade consumers to use the existing systems.

A secondary issue for European consumers is that the range of topics that they would wish to be able to browser is more extensive than the existing systems. This implies more complex *label*s and hence additional software features to help consumers use them.

1.2.2 Content provider perspectives

The consumer findings present two major issues for content labelling. More content needs to be labelled: much more for languages other than English. Labels will be more complex and therefore more difficult to produce.

The reactions of content providers are varied and not readily interpreted and projected.

Those who have labelled with existing schemes – mainly American – are satisfied with the process and would be prepared to put more effort into it if the system is used by more consumers.

A lot more have not labelled and we cannot be sure what their position is.

We do know, from more direct contacts, that some major European content providers have reservations about the implications of labelling in terms of cost and potential barriers to access for those who do not label. Others are very supportive.

Some of the concerns can be addressed by adding new features described below.

1.2.3 Other stakeholders

The views of a wide range of stakeholders (Internet Service Providers, child welfare, media regulators, free speech advocates, etc.) have been canvassed on a more qualitative basis through a Steering Group, meetings of experts and a major conference, which we co-hosted.

The particular position of libertarians has been powerfully expressed and has stressed the dangers of potential misuse of well-intentioned systems for censorship purposes by governments or powerful commercial interests.

1.3 Conclusions

Our main conclusions are summarised below.

1.3.1 Feasibility – consumer perspectives

Self-labelling and filtering systems have the technical and theoretical potential to meet the needs of European consumers.

European consumers wish for information on a number of issues not covered in existing self-labelling schemes. An improved scheme will therefore need to incorporate descriptors in the label, and hence the means to browser, on a number of additional types of content compared to the systems currently in use. Some issues could be covered by use of *third-party rating* to supplement information from self-labelling.

Systems will also need to help consumers to handle the additional complexity of ratings through down-loadable settings for their *browser*s from trusted third parties. This implies a choice of such "*profiles*" from a variety of sources in each national and linguistic group.

Existing self-labelling and filtering schemes at their current stage of development do not provide a practical tool for European use.

The establishment of a viable system(s) is dependent on more content being labelled and /or on a workable combination of self-labelling and third party rating.

We cannot quantify the growth required in terms of numbers of sites but the growth must be significant and should be concentrated on sites suitable for access by children, particularly those that have high traffic volumes of visitors.

It is particularly urgent to establish labelling for sites in European languages other than English.

1.3.2 Feasibility - content provider perspectives

Because of the variety of responses from large European providers, our first conclusion is that more work is required with such providers.

The concerns of some providers reinforce our conclusions about the need for a self-labelling system to be extended to include additional descriptors to show the context of the content (eg violence **in a news item**) and/or the facility to download green lists of acceptable sites through the users' browsers.

Given a positive campaign promoting self-labelling and filtering with adequate marketing to consumers and content providers, commercial pressures will help to persuade providers to label their content.

We therefore conclude that it is possible to persuade many of the relevant sites to label their content, given sufficient marketing of a system and evidence that it will be used by consumers. Moreover the more sophisticated systems that consumers are demanding would be supported provided that they do not substantially increase the effort in labelling.

1.3.3 General conclusions on feasibility

Existing self-labelling and filtering systems are technically capable of meeting the needs of European consumers, but do not have sufficient labelled sites to provide a practical tool.

Such systems have the potential to meet European needs for child protection, but this would be conditional on:

- suitable development of the descriptors in content labelling;

- extensive marketing of a suitable system both to content providers and consumers producing parallel large increases in labelling and filtering;
- further development of browser facilities to download *profiles* of browsing rules and green lists of acceptable sites from trusted third parties;
- the growth of markets for profiles and green lists.

1.3.4 Respect for the principle of freedom of expression

We believe that self-labelling and filtering as envisaged in this report is demonstrably in accordance with the principle of freedom of expression. **Furthermore, we argue that a system implemented according to the principles we have identified advances the cause of free expression by reducing the pressures on democratic governments to pursue censorship.**

1.3.5 Free competition and service provision

Some content providers have expressed concerns that self-labelling and filtering schemes present some cost or changes to their competitive position. However, if one accepts a need for parental controls, these factors bear equally on competitors in the same markets and do not pose competitive difficulties in terms of the relevant EC Treaty articles.

1.3.6 Appropriateness to European cultural and linguistic specificities

Self-labelling and filtering is an ideal approach for dealing with European cultural and linguistic requirements, but considerable development is required in the labelling of European sites in languages other than English, which needs to be supported by home language label generation facilities.

1.3.7 Support of main constituencies and prospects of adoption

Consumers and content providers are broadly supportive of self-labelling and filtering systems, if they are developed in the ways described in this report.

The available evidence indicates good prospects of large-scale adoption of suitable systems, given the right structure and marketing.

1.3.8 Dealing with content that is not appropriately rated

Existing systems have not experienced serious difficulties with mis-rating. Nevertheless, in order to maintain the credibility of the system, developers should provide adequate means to check the quality of labelling and deal effectively with complaints about mis-labelled content.

1.4 Recommendations

In order to help meet the conditions required to sustain our conclusions we make the following recommendations.

1.4.1 Principles of labelling systems

Prospective developers or adapters of self-labelling systems should design them on the basis that they:

- are cost-free to individual consumers;
- keep the end user in control of the value judgements about what is acceptable for their child or children;
- can be enhanced to allow filtering of the categories of content that are priorities for consumers (bearing in mind restrictions on complexity from a content provider perspective);
- consider the introduction of context categories; and
- are associated with facilities to download *green/white lists* of sites acceptable to the consumer, chosen by the consumer.

1.4.2 The content descriptors required

Developers of a system should take note of the results of consumer views on filtering requirements and the following priorities for categories of content to be described in labels and recognised in *filters*:

- the essential categories of content to label are: sex (differentiating between advice on sexual matters and erotic content), violence, personal details and financial information;
- additional labels should be available indicating contexts of content for news, education, medicine, research and science, art, government sites and sport;
- the system should allow the user to add green lists of acceptable sites;
- means of identifying content that could be described as intolerant. Although our experts anticipated difficulties in constructing appropriate questions to generate a label setting and in ensuring that they are answered accurately, we feel that this should be attempted before accepting the clumsier alternative of relying on *black* or *red lists* (the preferred term for "unacceptable sites" used in this report) or on sites remaining unlabelled to browser access to such sites;
- there is substantial demand in some cultures for identifying content including potentially dangerous subjects, bad language, nudity and interactivity between the site and the user.

1.4.3 The delivery of self-labelling schemes

The European Commission should pursue the Action Plan by supporting the development of at least one first party labelling system suitable for European consumers, with the following requirements:

- the system developed must particularly promote the labelling of sites in each of the main European languages and must have a strong emphasis on marketing the system first to content providers, then to consumers;
- the system should support the development of profiles from trusted third parties that allow consumers to download and easily install filtering settings that suit their requirements and make use of the labelling information from all the appropriate systems;
- the system should allow users to supplement information provided from self-labelling by information received from third parties
- to be effective the system developed must also be suitable for the requirements of non-European consumers and content providers; and
- the use and acceptability of the system developed should be closely monitored with a view to reviewing its success and to implementing enhancements in a second phase.

1.4.4 Encouraging labelling

The key to the feasibility of self-labelling schemes is encouraging larger numbers of content providers with sites most relevant to children to label them. To this end we recommend that:

- particular emphasis is given to marketing the system to European content providers on a scale that takes account of the magnitude of the task of achieving labelling of a significant proportion of rapidly expanding Internet content; and
- there should be an additional Expert Meeting in 2000, which would explore our recommendations and alternative suggestions with a group of large-scale European publishers on the Net.

1.4.5 A range of first and third party systems?

There is a need for the promotion of labelling and filtering (and the development of profiles) on a national or language group basis. Such marketing may well be most effectively managed and delivered through organisations based in the relevant country or language block, and recognised as being “home-grown”.

The enhanced self-labelling system will be configurable according to a user's personal wishes and adaptable to cultural and linguistic requirements. The wide diversity of choice which this offers will be extended yet further by the availability of downloadable lists and the ability to add and delete addresses on a case-by-case basis.

User choice will be promoted by widening the existing choice between competing third - party rating systems and self-labelling and by allowing users to draw on the content information available in different systems, which are inter-operable.

We therefore support the development of a common international open-source vocabulary of content descriptors**.**

Developing and maintaining such a vocabulary would need some form of international standards body to ensure interoperability. Although such a body would essentially be international, the European Union is in a strong position to advocate and promote it.

Such a system of systems can contribute to meeting a proven need for additional information and enhanced parental control, while maintaining flexibility and meeting the concerns of content providers and all those wishing to maintain the Internet as a vibrant meeting-place for ideas and innovation.

2 INTRODUCTION

2.1 Origins

2.1.1 Source

This project was originally specified as a "Feasibility Study for a European system of content self-rating", with a technical specification in a call for proposals for Preparatory Actions to the Action Plan on Promoting Safer Use of the Internet.

2.1.2 Terms of Reference

The technical specification set out the brief in more detail as:

"This study will analyse existing work on content self-rating in the European Union, and compare it to work being undertaken elsewhere in the world.

"The purpose is to assess the possibility of a system being put in place which permits content providers for Internet and other on-line services, if they so choose, to attach a *label* to their content, while allowing end-users to determine the use to which the label is put in terms of their own personal criteria, and which:

- respects the principle of freedom of expression;
- does not create obstacles to free competition or the freedom to provide services;
- is appropriate for European cultural and linguistic specificities and is also suitable for global requirements;
- has the support of the main constituencies involved and offers good prospects of large scale adoption; and
- deals with the issue of content that is not appropriately rated."

2.1.3 Outline of the project

The planned conduct of the project is described in full in the services offered by the tenderer in Appendix A. The essential elements were:

2.1.4 Preparatory work

Including studying the relevant literature outside the project, which has continued throughout the project. Our findings therefore reflect the results of relevant studies, surveys and commentary during the year of the project, in particular the labelling elements of the Bertelsmann Foundation project on self-regulation of the Internet.

2.1.5 Steering Group

The Steering Group set up for the project from a wide range of experts in different aspects of Internet regulation has commented on and guided the work on the project throughout. We are grateful to the individual members of the Steering Group, who have given their time, experience and knowledge to assist the conduct of this project. Membership is listed at Appendix B. It should be noted that the conclusions and recommendations presented in this report are not necessarily endorsed by individuals in the Steering Group nor by the organisations that they come from, unless explicitly stated. However the Steering Group as a whole broadly supported the conclusions and recommendations in this report when they appeared in draft form.

2.1.6 Expert Meetings

Two meetings of a wider range of experts were arranged at key stages in the project. The first, in Brussels in May, focussed on the needs of consumers and helped prepare the consultation paper (see below). The second was run in Munich in September as part of a joint event with the Internet Content Summit in co-operation with the Bertelsmann Foundation. This brought together a wide international audience with a broad range of views including the content industries and free speech lobbies worldwide.

2.1.7 Consultation paper

A draft consultation paper was produced for the first Expert Meeting (see above) as a result of which it was extensively adapted to focus on the interests of consumers of Internet content and simplified to be accessible to them. It was then translated into the eleven official languages of the European Union and presented on the INCORE Web site with a questionnaire seeking feedback on the issues it raised. The questionnaire elicited over 600 responses, the analysis of which is presented in this report.

2.1.8 Consumers Tests

The testing of views of consumers on existing self-labelling systems was adapted and delayed following difficulties in identifying a suitable independent sub-contractor. The tests were then conducted as a set of small studies run by separate agencies in four member states – France, Germany, Spain and the UK – although still with some difficulty because of the small number of users of existing self-labelling systems in Europe. The results are however illuminating and are summarised in this report.

2.1.9 Content Providers Tests

Similarly tests with content providers using existing systems were delayed and are necessarily largely based on non-European users of existing systems because of their limited “customer base” in Europe.

2.1.10 Reporting

Previous interim reports (to the European Commission) have summarised the progress on completed stages of the project. This final report draws together the results of earlier work and the findings of the outstanding parts of the work. It then presents a set of conclusions and recommendations based on the findings of the study, which were considered and adopted by the final meeting of the Steering Group in December 1999.

3 FINDINGS

3.1 Findings - External Sources

3.1.1 Background

As part of the background to the project, INCORE reviewed literature from around the world on *self-labelling* and *filtering* published up to the end of the work on the project (December 1999).

Most of the literature examined looked at peoples' concerns when it comes to Internet content, and what categories of content Internet users would like to see in any self-labelling and filtering system.

INCORE reviewed a number of studies into the concerns of people about what content they consider unsuitable for children on the Internet. These surveys have included:

- The Bertelsmann Foundation published an *Internet User Survey* of Internet users in Germany, the USA and Australia (http://www.stiftung.bertelsmann.de/internetcontent/english/content/c3200.htm);
- The Which? Online Internet Survey 1999 *Are you being served: the Growth of an e-Nation*;
- Internet Watch Foundation's consultation in the UK of what categories Internet users in the UK required in a labelling and filtering system (http://www.iwf.org.uk/rating/rating.*html*); and
- The Freedom Forum's *State of the First Amendment: A survey of public attitudes* survey in the USA (http://www.freedomforum.org/first/sofa/1999/welcome.asp).

These surveys found there are widespread concerns about various types of content and how to deal with content that could be described as unsuitable for children.
The findings are examined in more depth in Appendix C with the key conclusions summarised below.

3.1.2 Bertelsmann Foundation Internet User Survey

The Bertelsmann Foundation commissioned a survey of over 1000 people in each of the USA, Australia and Germany in June 1999. The survey was conducted to ascertain the views of the people in each of these countries with regard to the possible risks associated with the Internet, along with practical ways of selecting and controlling Internet content.

The survey found that:

- a large number of people have a range of concerns about the risks of using the Internet;
- parents wanted to be able to take responsibility for the protection of children into their own hands, and not rely on law enforcement;

- the main risks associated with Internet use were, data protection and privacy rated the highest followed by pornography, and then risks in banking businesses;
- child protection played a major role in the public discussions taking place in the USA and Australia, but less so in Germany (the only EU Member State covered) but this may be due to lower Internet penetration and a consequent lack of personal experience. However …
- almost two-thirds of German parents thought there was unsuitable content available on the Internet to children. More (82%) when the question was asked of those with Internet access. Longer-term users seemed to be less concerned about unsuitable content online than either short term or non-users;
- chat rooms were also considered a problem by parents with Internet access in the USA but less so in Germany, where two in five parents were not aware of chat rooms and another one in five were either undecided or did not know enough to comment;
- a minority of users reported encountering inappropriate content themselves, with the greatest perceived problem seen as pornographic content followed by depictions of violence and political propaganda;
- a majority of people in each country wanted to be able to block racist content. Four in five Germans are in favour of the blocking of such messages in all circumstances;
- there is support for being able to block out pornographic content by three in five Germans but less support for being able to block nudity with only 13 per cent of Germans wishing to be able to do so (considerably less than Australians and Americans);
- there was also support for being able to block depictions of violence from three in five Germans;
- more than half of the Germans (58 per cent) were concerned about radical right or left wing opinions and messages; and
- when it comes to obscene language, around two in five people in each country wished to block access to content with obscene language.

Most of these views reflected differences from country to country on what is seen as problematic. Germans are more concerned about racist, violent or extremist opinions than either Australians or Americans whilst Americans are concerned about nudity, Australians less so, and Germans not very concerned at all.

People recognised that the context can have an impact on whether they would want to block access to it for either themselves or their children. For example, the majority of people would like to be able to differentiate between violence that is shown in a news or sports programme, or in the context of entertainment.

When parents are asked about what categories of content they would wish to block access to, those without Internet access were slightly more concerned about blocking access to content than those with access in each country. This would indicate that familiarity with the Internet leads to a slight lessening of concern about what is available online.

Germans and Americans were also asked if they had any concerns regarding access to shopping online and whether they would like to prevent access to this. Over 90 per cent

of Germans and Americans in total would like to be able to block access at least under certain circumstances, with 73 per cent of Germans, and 56 per cent of Americans wanting to prevent in all circumstances.

Over three-quarters of people in each country were supportive of the idea to be able to 'black out' certain Internet content if it was possible with 79 per cent of Germans supporting such an idea.

3.1.3 Which? Online Internet Survey 1999

Which? Online is an Internet Service Provider arm of the Consumers Association in the UK. It conducts an annual Internet survey in the United Kingdom to map year on year changes in Internet use and attitudes.

The 1999 survey asked what threats people considered are posed by the Internet. Pornography, as with the 1998 survey, continued to be perceived as the largest threat. Over half of the population (57 per cent) considered 'morality', which includes pornography, to be the largest threat, followed by fraud (51 per cent).

Internet users were more likely to be concerned about fraud than non-users with 69 per cent of users concerned about fraud and 46 per cent of non-users. When it came to morality (pornography), it seems less experienced users are more concerned about this threat than longer term or non-users.

3.1.4 Internet Watch Foundation consultation

The Internet Watch Foundation (IWF) consulted groups of Internet users (including parliamentarians, industry and voluntary organisations and the public) through an e-mail, postal mail and Web based questionnaire in the UK in 1998. Respondents were asked what would be required in a labelling and filtering system that would help protect children from content that could be considered unsuitable for them, with the questions based on a model developed by a working group of experts.

The IWF survey found very high support for categories of content in the RSACi system (nudity, sex, violence and language) plus categories for content that was intolerant of other people's views, potentially dangerous subjects and sites requiring the disclosure of personal details or a financial commitment.

Following the consultation, IWF made a number of recommendations about any *label*ling system that is developed for use by Internet users in the UK. These recommendations included:

- *nudity* and *sex* should be separate categories, but that they should differentiate content that could be described as sexual advice and information;
- content that contains references to groups of people defined by characteristics such as race, ethnicity, nationality, creed, colour, disability, gender, sexual orientation or

appearance that is included under *language* in some *label*ling systems should be rated in a separate category;
- subjects and behaviour that could be described as *potentially dangerous* to the Internet user, particularly children, such as taking drugs, dangerous sports, bomb making and advocating suicide, should be included within the *label*ling system;
- a *violence* category should include violence against people and violence against property or objects (such as vandalism and hooliganism), but with violence against property treated as less serious;
- sports violence should be included within the *violence* category, but to be rated at a lower level if the violence is an unintentional consequence of physical competition;
- parents and others should be able to exclude children, or others, from visiting sites where they could be required to give out *personal information* or sites that request *financial information*;
- the inclusion of a category that will allow parents and others to exclude children from spending money online;
- the development of *context categories* to allow Internet users to access content that may be violent or sexual if it occurs as an integral part of a news or documentary site, art or literature, or as a medical issue. *Context categories* receiving support by more than four in five respondents included art and literature, scientific and medical information, and news and current affairs, the other category, for sport, received support from over two thirds of respondents; and
- the development of *profiles* to allow organisations to develop a profile based upon existing *label*ling systems such as those developed by film classification boards that parents and others are already familiar with.

3.1.5 Freedom Forum First Amendment Survey

The results of this published survey were particularly retained (from amongst a number of similar reports) as the free speech orientation of the commissioning body may make the results more credible to organisations with concerns about the potential abuse of *label*ling systems for censorship purposes. The Freedom Forum, a US based international foundation that supports a free press and free speech for all people, has conducted two surveys examining the concerns of Americans relating to freedom of speech and the First Amendment in the USA.

The 1999 survey found that Americans are concerned about a number of issues that relate to freedom of speech, both on the Internet and in traditional media.

The survey found that:

- almost two thirds of respondents (64 per cent) thought that Internet speech should enjoy the same protection as printed speech, and that this number had increased from 56 per cent in the 1997 survey;
- both surveys have shown that large numbers of Americans support restrictions on speech about sex;
- further, the survey found that the more accessible the medium, the less permissible sexually explicit content should be, with the Internet seen as the most accessible; and

- one quarter (24 per cent) of respondents thought that sexually explicit content should be allowed on the Internet, while over half (58 per cent) thought the government should have a role in developing a *label*ling system for Internet content.
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3.1.6 External Sources in Brief

The research INCORE reviewed demonstrates there is a strong desire for some means of controlling access to certain types of content by Internet users.

While there is a degree of consensus about the main categories of content to be controlled, the research reviewed also demonstrates there are variations in what different peoples and cultures, even in first world countries, view as problematic. In the USA, Americans are more concerned with sex and nudity when compared to Europeans, and Germans are more concerned with content that is racist and extremist.

This supports the broad findings of the work INCORE has done in consulting with Internet users about the categories of content they wish to be able to browser out or block Internet content – see below. This underpinning of our own work is important as the INCORE results are more reliant on consultation with self-selecting respondents, than the more statistically sound structured surveys reflected above.

3.2 Expert Meetings

3.2.1 First Expert Meeting

The first Expert Meeting took place in Brussels in May 1999 and concentrated on the needs of consumers. The participants were allocated to mixed working groups (in terms of professional background and interest) which considered a draft Consultation Paper on the first day and the categories of content that might require filtering on the second.

The results are summarised in Appendix D.

In brief the experts present made a strong case for the Consultation Paper to be focussed on a single audience – grass roots consumers of Internet content – and for it to be written in an appropriate style and presented in appropriate formats for that audience. Consequently the text was re-written by a journalist with editing experience.

The meeting produced a high degree of consensus on the categories of content to be considered and added some useful suggestions for additional categories (eg *interactive* sites) and facilities to assist consumers to set up filtering (*menu-driven profiles*). The adapted list of categories was then included in the Web questionnaire attached to the Consultation Paper (see below for the results).

3.2.2 Second Expert Meeting

The second Expert Meeting was arranged in co-operation with the Bertelsmann Foundation as a back-to-back event with the Internet Content Summit held in Munich from 9th to 11th September 1999.

This joint event allowed our meeting to be divided into two inter-related parts. The first followed the pattern of the first Expert Meeting but concentrated on the issues for network operators and content providers. The second considered *label*ling and filtering of content in the wider context of a Panel drawing on work by the Bertelsmann Foundation project as well as the INCORE work before a strongly international and diverse audience.

Discussion in the Expert Meeting Working Groups produced a wide range of views on all the topics raised. The notes of the feedback from the Groups are presented in full at Appendix E.

There was a degree of consensus on the main issues, including:

3.2.3 Content to be Covered

Within the Experts Meetings there were two main issues about content discussed on which it was difficult to reach a consensus. These were the inclusion of a category for intolerance and whether illegal content should be differentiated by a self-*label*ling system.

Intolerant content is content that contains discriminatory references to groups of people defined by characteristics such as race, ethnicity, nationality, creed, colour, disability, gender, sexual orientation or appearance. It is included under "language" as "hate-speech" in some *label*ling systems.

The concerns raised at the Experts Meeting were:

- it is unlikely that someone will rate their site to say they are discriminating against any person or group; and
- it is a difficult category to define.

In order to determine what the issues were with intolerant content, it was suggested that a further survey should be undertaken to determine what people consider constitutes intolerant content. The results could then be used in determining how to define intolerant content in more detail.

Throughout both meetings there was a discussion on how to deal with content that could be considered to be illegal. By the end of the second meeting there was a consensus that any self-*label*ling system could not ask content providers if their content was illegal for a number of reasons. The first was that content providers could not be expected to judge for themselves what was legal or illegal. The second was that laws differ from country to

country and any *label* signifying legality in one place may be wrong in another. It was also felt that content providers would be unlikely to rate their sites as illegal.

In discussions on the quality of labels it was suggested that to try to use labels to distinguish between legal and illegal content would invite the use of a label for censorship purposes, which is against the purpose of self-labelling systems to allow consumer choice about content without diminishing freedom of speech and expression.

3.2.4 Complexity of Labelling for Content Providers

A self-labelling and filtering system needs to balance between a system that is complex enough to allow a wide range of users to browser out content they consider to be unsuitable, and simple enough to allow parents and carers to set up the system successfully on their *browsers*. The system will also need to be simple enough to allow content providers to rate their sites quickly and easily. The more complex the system, the more incentive is required for content providers to label, such as by labelling their site will be seen by more children if they are trying to attract a child audience.

3.2.5 Operation of a system

It was generally felt that the filtering of unsuitable content should take place at the user level, with parents being able to set up their browsers to determine what content they consider suitable for their children. Another option, for ISPs to be responsible for the filtering "upstream", was thought to be not suitable as the skills of the ISP lies in providing access to online services and other services, not with determining what content is suitable or unsuitable for children. However if an ISP wants to provide a family friendly service as some do, they should be able to do so, but it should be emphasised that any value judgements must be made by the consumer. (Professor Jack Balkin makes this point more strongly because he sees a danger of any upstream filtering introducing possibilities of third parties imposing value judgements on the user – a back door to censorship.)

3.2.6 Use of profiles

In discussions at both expert meetings the idea of "*profiles"* was advanced and developed. This emerged from the increasing complexity of the system and the potential to deal with it at least from consumers' perspectives. A "*profile*" was described as a downloadable piece of software produced by third parties that can install filtering settings in users' browsers. They are subjective, in that they introduce value judgements about what is suitable for particular groups of children. Consumer choice is however maintained by the consumer freely choosing which profiles, if any, to install by choosing trusted third parties as suppliers. It is therefore essential that a "market" for profiles is established and that there is a range of profiles available for each national, linguistic or cultural group. (More sophisticated profiles that can make use of (eg) PICS Rules to draw on information from different labelling systems were considered later, following the wider discussion in the Internet Content Summit.

3.2.7 Problems of Mis-labelling

The mislabelling of web sites and other aspects of the Internet covered by a self-labelling system was a source of concern at the meetings. The measures taken by existing systems such as RSACi were considered, ie

- all new labels are registered on the system operators server and a proportion are spot-checked for accuracy;
- sites labelled with the system carry a logo button linked to the system operators site and a Web crawler periodically checks sites carrying the system's labels to ensure that the labels are still consistent with those registered (ie unregistered post-labelling changes are traced);
- complaints about mis-rated sites are checked by the system operator and action taken to require sites with faulty labels to rectify or remove them. Ultimately this is enforced through action under the copyright of the logo and/or ownership of the system.

The group also considered further measures, such as calling on hotline bodies for illegal content to also accept and pass on complaints about mis-labelling.

There was a different set of concerns from ISPs about the potential liability of the system operators for mis-*rating* and any alleged harm that it causes.

Subsequent discussion established that system operators will need to take adequate measures to ensure reasonable accuracy of labels, advise users of the risks of mis-labelling and to secure their legal position in the terms under which a system is made available.

3.2.8 Combining Different Rating Sources

The meetings discussed the development of lists of acceptable sites that we refer to as '*green lists'*, or are commonly known as '*white lists'*. In this context we envisaged lists as being downloadable into the browser at the individual consumer's discretion and used as an alternative indication of acceptability of sites. For example access to an unlabelled site could be allowed without hindrance if the site address was included in a green list installed and approved by the user.

The use of green lists in association with self-labelling systems would assist with two problems. First they would add to the numbers of acceptable sites to individual consumers and increase the range of sites accessible without blocking. This could make a system more useful to consumers, especially during the build up of labelled sites. (This emerged as a major issue following the results of consumer tests.)

Secondly it provides a means of accessing some important types of sites which are considered difficult to label by their providers, eg constantly changing news sites where some topics, such as war reports, include content which might be blocked on other types of sites. Again this is a useful "safety valve" for admitting acceptable content, which

might otherwise be inaccessible. The principle of consumer choice on which lists to allow, as applied to *profiles*, is still an important safeguard.

There were however concerns about green lists, such as with transparency. Questions were asked as to 'who compiles the list', can the compilers of the list be trusted' and 'how do parents know if they can be trusted'. For some lists it will be simple to know as the green list will be compiled by a group with which the user is familiar such as an educational body, children's interest or religious group. For others, users will need to decide on the criteria outlined by the list provider to determine if the list may be suitable for their children.

To allow for as wide a range of third party lists as possible, there needs to be support for third parties who develop green lists, and the number of organisations offering this kind of service should not be limited. Ie consumer choice is best served by having a range of green lists to choose from, rather than by trying to regulate them.

In brief, the creation of a market of green lists will assist in reaching a "*critical mass*" of rated sites, and will allow parents and consumers to have a wider choice of options available to them for blocking access to unsuitable content.

With the development of a labelling and filtering system, there was support for providing the definitions used in the system on an "open source" basis. This would allow consumers to know what label categories mean, encourage content providers to label and help identify mis-labelling. (This idea was developed further as a means of encouraging different but inter-operable systems in the later discussion at the Internet Content Summit – see below.

3.2.9 Awareness and longer term development

The need to increase the range of sites accessible through the system was recognised as a key requirement for a feasible system. Achieving a *critical mass* of labelled sites by parallel increases in labelling and filtering became a prime concern (reinforced by test results as they came through).

3.3 Internet Content Summit Panel Discussion

3.3.1 Background

The Internet Content Summit took place in the Residenz in Munich from 9th to 11th September 1999 and attracted an audience of over 350 people from all parts of the world and a wide range of interests in self-regulation of the Internet. It addressed the four themes of the Bertelsmann Foundation Project, including self-labelling and filtering. Details of the Project and the Summit are available at http://www.stiftung.bertelsmann.de/internetcontent.

Discussion at the Panel Meeting on Labelling (one of four parallel workshops on the themes of the Project) was wide ranging and picked up and developed many of the issues of the preceding Expert Meeting in a wider context.

A summary of the proceedings is attached at Appendix F.

3.3.2 Libertarian concerns

There were strong disagreements between advocates of free speech and child protection. The former were not dismissive of the principle of consumer choice of content for children, but were very concerned about the potential for systems to be abused by governments or powerful commercial interests to impose censorship or to make labelling compulsory.

3.3.3 The Bertelsmann Memorandum and INCORE

There was however considerable convergence between the approaches to labelling and filtering developed for the Bertelsmann Foundation Project by Professor Jack Balkin and his team at Yale University and the emerging ideas of the INCORE Experts. In particular on:

- the value of green or white lists as an adjunct to self-labelling. (We were persuaded to use the terms "*green and red lists*" by an intervention from the floor at this meeting);
- the need for filtering to be under the direct control of consumers and its effects to be transparent to them (ie they know when access is blocked and why);
- the need for consumer choice between a range of systems along with a common vocabulary of content description to allow them to be used in combination; and
- the importance of education and awareness of consumers on the dangers for children and ways to deal with them in an increasingly complex environment of converging media.

3.4 Web Questionnaire Results

3.4.1 Background

As part of our Consultation Paper we produced a Web questionnaire for responses by e-mail. Like the paper, this was translated into all 11 official European community languages and placed on the INCORE Web site. (http://www.incore.org)

The resulting 681 responses are analysed in detail at Appendix G.

We stress throughout that this was a consultation and not a structured statistical survey. There was a strong element of self-selection in those who looked at the questions and in those who chose to respond.

A number of the responses (about 13% of the total) were clearly opposed to labelling and filtering in principle. In comparison with structured sample surveys, such as the Bertelsmann survey in Germany (see above), we can confirm that this group is perhaps over-represented in our responses. Most of the substantially negative responses followed particular coverage in German language publications and were associated with separate e-mails (ie without questionnaire response) on a "no censorship" theme. We acknowledge such opposition and seek to address the legitimate concerns raised separately. Our concentration in this section is what the questionnaire adds to our understanding of what types of content people who wish to use parental controls want to browser. The remainder of our analysis is therefore based on a reduced sample of the more positive responses.

3.4.2 Differences between groups

Our analysis concentrates on the broad thrust of the results as a whole, but we first note the significant differences between language groups. This gives a clear indication that people with different national and linguistic cultures have different concerns about content to be filtered. This is of fundamental importance in the design and marketing of labelling and filtering systems in Europe and was a particular issue to be addressed in the INCORE brief.

Our analysis indicates that the concerns of parents were very similar to those of other respondents to our survey. There were 207 respondents who categorised themselves as parents, but their concerns follow the general pattern of responses.

3.4.3 Ranking content categories

Categories of content found to be most important to be able to *filter* were **sex, violence, personal details** and **financial information**:

- while there was strong support for a sex category, there was even stronger support (74 per cent) for differentiating between advice on sexual matters and erotic content;
- a violence category was found to be important by 70 per cent of respondents;
- two thirds of respondents supported categories for personal details and financial information (67 per cent each).

Most people thought it a good idea to allow for **context variables**. Support for context categories ranged from news (69 per cent), education (68 per cent), medicine (67 per cent), research and science (65 per cent), and art (63 per cent), to 58 per cent who thought they should exist for government sites and 54 per cent for sport.

In another way of bypassing the normal descriptive categories respondents were asked if they thought the labelling system should include an option to allow parents or guardians to add access to lists of reputable sites, called ***green or white lists***, downloaded from third parties. Slightly over half of the respondents (52 per cent) agreed with this approach.

Just over half of the respondents (54 per cent) thought there should be a category for content that could be described as **intolerant** whereby the content discriminates against a person or group of people in some way. The same number again thought such a category should be rated separately to categories such as violence or language.

A number of categories received less support than those listed above. It should however be borne in mind that the filtering system allows those who are concerned about a category to browser such content provided it is included in the labelling, while those who are not concerned about a particular category can see such content. The ranking of support to categories indicates to system designers how many people's choice would be restricted if they consider, for example, that the system must be kept simple from a content provider's perspective. It is also possible that the descriptions of some of these categories were less well understood. For example some of the factors in the potentially harmful subjects category have been picked out as particular concerns in some of the other INCORE tests and in media coverage over recent months.

The less well supported categories were:

- **potentially dangerous subjects** (41 per cent). Potentially dangerous subjects include subjects and behaviour that may be considered potentially harmful to the viewer, particularly children. These include topics such as taking drugs (from cigarette smoking to taking recreational and/or illegal drugs), dangerous sports and hobbies, bomb making or suicide;
- **language** (37 per cent). Concerns about bad language were the most widely divergent between language groups. For Dutch and English language respondents it was amongst the top-rated concerns, whereas for the German speakers it was amongst the lowest. The high ranking for some groups suggests that it is a "must" for an international system, which already appears in existing systems. On the other hand it is the most easily distinguishable factor by alternative automated means (ie recognition of specified character strings) at least for text based content.
- **nudity** (32 per cent); and
- a category to indicate if there was any **interactivity** between the site and user (31 per cent).

3.5 Consumer Test Results

3.5.1 Introduction

INCORE commissioned a number of organisations to conduct tests of consumer views of existing self-labelling and filtering schemes. These tests were conducted with small sample groups of 10 or more consumers drawn from parents, teachers and children in France, Germany, Spain and the United Kingdom.

The conduct and results of these tests are presented in more detail in Appendix H.

The main conclusions in each group were remarkably similar, and are summarised below.

3.5.2 General dissatisfaction with existing systems

Overall Internet users found the systems easy to set up and use within their *browsers*, although some of the translations from English lacked clarity and definitions were not precise enough.

However, each group found the systems unusable in their present forms due to lack of labelled sites, particularly in languages other than English. This clear and common conclusion is worth emphasising by reference to each of the test programmes:

"The testers found both RSACi and SafeSurf unsatisfactory as they blocked access to too many web sites as so few of these sites have been rated. This is especially so in all non-English speaking countries as the majority of sites rated using RSACi and SafeSurf are predominantly in the English language, and located in North America."

"Users were unanimous in saying they would not recommend using one of these systems and would not continue to do so themselves. … The lack of rated sites made it very frustrating for the testers."

"The filtering systems blocked access to too many sites to make them worthwhile using, for example blocking access to Disney and comic sites that are popular with children."

"The main issue on which all of the testers were united was that, if the system was set to browser out unrated sites, very few sites were allowed through and a parent/teacher was necessary to constantly type in the password."

3.5.3 Content categories

There were different comments about the categories of content that can be filtered between the different countries and a number of suggestions for new categories (see Appendix H). This again confirms the cultural diversity between EU member states and the effect of this on filtering requirements. (Also see the web questionnaire results.) With the tests in Germany being split between former East and West Germany, differences were also apparent from more recent history, although this appears (to us) to come more from differences in access to technology and the media than from basic cultural differences.

3.5.4 Support in principle

All of the parents and teachers who participated in the testing thought that some control over children using the Internet was necessary and no-one was against controlling children's access to unsuitable content online, especially in educational establishments. Despite the problems, some (from the UK tests) said they would continue to use the labelling system.

In general the testers supported the **idea** of a filtering system with parents becoming more concerned about the content available online, especially with the prospect of the Internet being available through their television sets. There was support for the future development of these systems but, as they are now, these systems are unworkable as they block too many sites.

To make a system more attractive to use, the main reason given by those testing the system was **more rated sites**. There was also some interest in allowing the filtering of newsgroups, context categories and green/white lists.

Overall there was broad support for a labelling and filtering system, but the current systems do not allow access to a wide enough range of sites to make them worthwhile to use.

3.6 Content Provider Test Results

3.6.1 Introduction

The information gained from content providers throughout the INCORE work has been varied. There are a few consistent themes for different groups of providers. INCORE has a variety of sources of information about content providers in several aspects of the work covered in this report. This section concentrates on the results of testing of content providers' views by questionnaire. This was conducted in two stages, which are reported in more detail in Appendix I.

3.6.2 European responses

The number of responses to the first issue of the questionnaire focussed on European content providers was disappointing. The likely reasons for a low response are themselves relevant to framing our recommendations:

- as for the consumer tests, most of the European contacts were not current users of either of the main systems. They will have not carried out a labelling before and, as we made experience of labelling a requirement, it would be a particularly onerous task to try labelling before being able to answer the questionnaire;
- the larger "publisher" organisations have a complex range of opinions about labelling in its widest sense, which could not be expressed in a single response to a simple questionnaire. A number of sophisticated views have been expressed and there are also still a number of misunderstandings and misapprehensions about the kind of 'self-labelling' that we are exploring. In both cases the way forward needs to be by face-to-face discussion, rather than by questionnaire. We believe that further "Expert Meeting" style sessions with major European content providing organisations would be appropriate when our results and recommendations are available.

3.6.3 Global responses

A second distribution of the questionnaire to 400 recent users of the RSACi system produced a better response. This produced 68 responses, or a response rate of 17%. They do however reflect a largely non-European position and might be expected to be positive about the system, as they have been selected on the basis that they recently decided to use it.

With this group coming from a different geographical base and having been selected on a different basis, one might expect quite different results. In fact the responses are broadly similar. (We must however still be cautious about generalising – in both cases it could be argued that these are the responses you might expect from people who have chosen to rate and who are prepared to respond to such a questionnaire. The European sample is very small.)

3.6.4 Combined responses

The broad summary from the aggregated responses is:

- the systems were fairly easy to use (although there could be increasing difficulties for non-English speaking providers without documentation and support in other European languages);
- there were more incentives than disincentives to rate (with the main disincentive being doubts about how many consumers are using the system);
- on balance a more sophisticated system was desirable and most respondents would use it, and …
- most of these providers were prepared to put more effort into labelling for a better system. (90% as much time, 57% more time than the present system)

Thus in general for those content providers who are prepared to label their content, the system is attractive and could be made slightly more complicated without loss of support.

The key incentive to rate is for more Internet users to be using the system.

With the results from consumer tests, this work has confirmed the expected “chicken and egg” position. More people would use the system if more sites were rated, and more sites would be rated if more people used the system. Creating a “bull market” with both numbers growing is the key to a successful system.

4 CONCLUSIONS

4.1 Introduction

4.1.1 Fundamental questions

In drawing together the conclusions of this project we return to the terms of reference:

"The purpose is to assess the possibility of a system being put in place which permits content providers for Internet and other on-line services, if they so choose, to attach a *label* to their content, while allowing end-users to determine the use to which the label is put in terms of their own personal criteria, and which:

- respects the principle of freedom of expression;
- does not create obstacles to free competition or the freedom to provide services;
- is appropriate for European cultural and linguistic specificities and is also suitable for global requirements;
- has the support of the main constituencies involved and offers good prospects of large scale adoption; and
- deals with the issue of content that is not appropriately rated."

In a first step, the current situation is examined and the systems available are assessed with regard to the fulfilment of the criteria mentioned above. We then consider the extension of conclusions to potential future systems, which are dependent on future conditions in which a system will operate. We therefore consider the effects of different conditions, which may enhance the feasibility and effectiveness of such systems in future.

Where the potential value of future systems appears to be enhanced by particular conditions that can be brought about by future actions, we make recommendations about those actions in the subsequent section.

4.2 The Key Question

4.2.1 Does it work technically?

Self-labelling and filtering systems are in operation now and clearly function under existing Internet technologies and protocols.

Our tests of current systems with content providers who have used them to label their content show good levels of satisfaction with the means of creating and installing labels. Content providers almost invariably manage to create the labels and install them. The main caveat here is that our sample has necessarily concentrated on English speakers who have used English language based label-generating systems for English language content.

Anyone unable to communicate in English would have difficulty in using the existing systems without label-generating instructions and questions in their mother tongue.

Similarly with consumers testing existing systems, there is little difficulty in finding and setting up the *filters* for existing systems in their browsers. Once set up, the browsers work very effectively in recognising the labels and filtering labelled content according to the individual user's settings.

The real practical difficulty, which undermines wider use of the systems, lies with too much content being unlabelled and hence blocked by the *filter*. (The assumption here is that users of the system set it to block unrated sites – without which the systems are an inadequate defence.) We return to this major hurdle below.

4.2.2 Theoretical problems

Our approach to assessing the operation of existing systems in this project has essentially been empirical: we have asked consumers about their experience with existing systems and the additional features they consider necessary or desirable to make such a tool more user friendly and effective. We are indebted to Professor Jack Balkin and his team and the Bertelsmann Foundation for their analysis of the weaknesses of current systems, particularly RSACi, from a theoretical perspective, as presented at the Munich Summit.

The criticisms of existing systems are essentially that they restrict the value judgements that the consumer can make by omissions or over-simplifications in the design of a particular system. Due to the aggregation of content into groups, subtle differences with respect to the acceptability of content are blurred. For example the user of RSACi cannot distinguish between heterosexual and homosexual activity, because the system does not allow the label to indicate any difference. There is no explicit category of racial "hate-speech"; it requires the consumer to equate it to the category "strong language" in the sense of sexual obscenities.

As Balkin goes on to demonstrate, such problems can be overcome in system design, eg by using an extended vocabulary of descriptors without compounding different values into the categories and levels architecture of the RSACi system.

Depending on the range of topics to be covered and the sophistication of the degree of distinction to be made, the price of the solution is in terms of the scale and complexity of the "vocabulary" of content descriptors. This could make setting up the filtering a more complex task but, as Balkin illustrates, consumers can draw on the technology and third party experts to help them out. The additional load on content providers in labelling their sites cannot however be avoided. Thus the answer to the theoretical issues posed is limited by the practical limitations of the labelling process. A balance has to be found between ease of use and complexity of the systems which meets the requirements of the users. We address this limitation in considering the implications of the additional categories of content that consumers have identified in our Web survey.

4.2.3 Empirical results

Our surveys and tests have produced some more practical evidence of feasibility of a self-labelling and filtering system that would meet the needs of European consumers and content providers, which we draw on below.

4.3 Consumer Perspectives

4.3.1 Potential of self-labelling and filtering

Our work with consumers and their representatives has clearly indicated that:

- they want to be able to browser some types of content;
- there are differences between national and linguistic groups, which require a system that can apply different subjective standards for different individuals;
- that in aggregate they want to be able to browser on a wider range of factors than applied by present standards;
- most consumers would require some assistance to handle more complex filtering capabilities (*green lists*, downloadable settings, etc.).

Self-labelling and filtering systems can fulfil the requirements set out by consumers. Hence, taken with our technical and theoretical considerations, this leads to our first conclusions from the consumers' perspective that:

Self-labelling and filtering systems have the technical and theoretical potential to meet the needs of European consumers.

They will however need to incorporate descriptors in the label, and hence the means to browser, on a number of additional types of content. (The categories of content proposed are specified in our recommendations below.)

The additional filtering capabilities will make setting up the browsers too complex a task for many users, particularly for the parents of child users. Hence our second conclusion introduces a third, that:

Systems will also need to help consumers to handle the additional complexity of *ratings* through down-loadable settings for their browsers from trusted third parties. This implies a choice of such "*profiles*" from a variety of sources in each national and linguistic group.

4.3.2 The reality for existing systems

The practical delivery of a suitable system or systems according to these conclusions is however subject to some crucial requirements for the volume of rated content. In contrast to the "wish lists" above, it is clear that existing systems have **not** attained the necessary *critical mass* of labelled content to be viable.

With the possible exception of use for very young English speaking children, there are no groups of European consumers that will use existing systems. Our conclusion on **existing** systems therefore contrasts with those for potential future systems above in that:

Existing self-labelling and filtering schemes at their current stage of development do not provide a practical tool for European use.

Overcoming this problem requires the labelling of significantly more relevant content on English language sites. Labelled sites in other European languages are almost non-existent and would therefore require a proportionally massive growth in labelling. Urgent action will be required to ensure that labelling of sites in other languages starts soon for any filtering system to be effective

The establishment of a viable system(s) is therefore dependent on more content being made accessible. This will require both increasing the number of relevant sites that are labelled and alternative means of access. Alternative means of access to sites, eg by downloadable third party green lists, supplementing those that are self-labelled, will be essential to get rating systems to a viable "*critical mass*" of accessible content.

The labelling of sites suitable for access by children, particularly those that have high traffic volumes of visitors should be given priority.

It is particularly urgent to establish labelling for sites in European languages other than English which requires the development of descriptors and label-generating instructions and questions in other European languages.

4.4 Content Provider Perspectives

Our conclusions about the potential for self-labelling and filtering systems depend on persuading sufficient content providers to label their content according to a relevant system. Here it is more difficult to draw firm conclusions from the evidence we have gathered.

4.4.1 The major providers

The most critical group is the major providers of content that is suitable for, or directed at children. Our contact with such providers in this project has been limited and those that we have been in touch with have a wide variety of views on rating in general, and self-labelling and filtering in particular. The main concerns of content providers are the potential costs involved and the potential limitations to access to the relevant market, the children.

Because of this variety, **our first conclusion is that more work is required with such providers.** This is reflected in our recommendation for a further Experts Meeting of major European content providers.

There are however a number of measures that have emerged from our discussions that will relieve some of the concerns expressed. The concerns of some providers reinforce our conclusions about alternative means of access to content alongside a self-labelling system including **possible incorporation of context variables into any new system and the facility to download green lists of acceptable sites through the users' browsers.**

Over and above these measures we are convinced that, **given a positive campaign promoting self-labelling and filtering with adequate marketing to consumers and content providers, commercial pressures will persuade sufficient providers to label their content to make a system viable.**

4.4.2 Other providers

Our evidence from providers generally is limited to those who have used an existing system and responded to a survey. While it is dangerous to generalise from such a selected sample, we find the responses encouraging.

We have consistently taken the view that filtering as a protective measure for children is only effective if parents set up the software so that unlabelled sites are blocked.

If this is done, content providers aiming at the children's market have an interest in labelling their site because their content might be blocked if they do not label. Persuading owners of potentially harmful content to rate is not critical – they will be blocked by being unlabelled as effectively as if they were labelled as contentious content.

Content providers who do not wish to rate and who are not aiming at the children's market are not affected by parental blocking of unlabelled content. Nevertheless, there may well be unlabelled content which is useful for a child to see, or which the parent would not consider it necessary to block. This highlights the need for the software to indicate specifically that access has been blocked (the transparency principle) and for a responsible adult to be able to override the blocking, temporarily or permanently, on a case-by-case basis as well as by use of downloadable lists. In any system, users must be empowered to set the system according to their preferences.

Our emphasis is therefore on persuading owners of content suitable for children to label it.

In this context our self-selected sample is more relevant than it may at first appear. It consists of content owners who want to act responsibly (by their answers to a specific question) and want to make their content accessible to a general audience, including children. They have generally found the existing systems workable and satisfactory and they are generally prepared to put more time and effort into labelling for an extended system.

We also note that there may be advantages from the perspective of smaller independent content providers to being able to attach an authoritative label to their content. This label

could be some sort of quality sign, which is widely recognised. In an environment that is increasingly dominated by large players and "walled gardens" in terms of access and content, the smaller provider is able to use a label to provide remote consumers access to their content without endorsement by third party organisations.

We therefore conclude that **it is possible to persuade many of the relevant sites to label their content, given sufficient marketing of a system and evidence that it will be used by consumers. Moreover the more sophisticated systems that consumers are demanding would be supported provided that they do not substantially increase the effort in labelling.**

4.5 General Conclusions

Our general conclusions, taking into account the consumer and content provider perspectives above are that:

Existing self-labelling and filtering systems are technically capable of meeting the needs of European consumers, but do not have sufficient labelled sites to provide a practical tool and need more adaptation to the cultural and linguistic diversity in Europe.

Such systems have the potential to meet European needs for child protection, but this would be conditional on:

- suitable development of the descriptors in content labelling;
- extensive marketing of a suitable system both to content providers and consumers producing parallel large increases in labelling and filtering;
- further development of browser facilities to download *profiles* of filtering rules and *green lists* of acceptable sites from trusted third parties;
- the growth of markets for profiles and green lists.

4.6 Respect for the Principle of Freedom of Expression

4.6.1 Basic approach of the system

The existing self-labelling and filtering schemes are founded on freedom of choice for consumers and content providers. They are provided by independent bodies. Labelling is a voluntary activity by content providers. Filtering is controlled by the consumers, who have a free choice to turn the systems on, to select their filtering criteria and to decide whether the default setting is to accept or allow unrated sites.

In their intended application, they therefore offer no threat or barrier to freedom of expression other than to enable consumers to choose not to view content that does not satisfy their criteria for access.

These principles have been acknowledged and accepted throughout our project and we strongly advocate that any system developed following this report follows the same principles.

4.6.2 Concerns about freedom of expression

We acknowledge that there is a range of objections to rating systems of all kinds from a number of quarters. In particular we have noted in our findings objections to rating and filtering are apparent through responses to our Web survey and the Munich Summit discussions. We are also aware in general terms of a wide and continuing debate about free speech concerns. (There are also practical and free competition concerns from content providers – these are addressed separately.)

Some of these objections arise from an unswerving antipathy to any form of restriction of access to content. This is unanswerable in proposing a system designed to protect children from content that is considered unsuitable by the adults responsible for them. We acknowledge that protection is conditional on the imposition of some restrictions but we stress that our proposals are limited to freedom of choice by adults to decide to browser, and to choose what to browser.

Other objections have been expressed in terms of the potential for a system designed for free individual choice to be misused as a tool for censorship by governments, or powerful commercial concerns. This is a genuine and serious concern, which we share.

4.6.3 Some responses

We make a number of recommendations, which seek to minimise the risks perceived. These are set out in the recommendations section and cover:

- exhorting the European Union member states and other governments to firmly commit to self-regulatory means and to recognise the limitations of attempting to subvert rating systems for censorship purposes;
- the control of illegal content should be addressed by other means, particularly the use of hotlines and improved law enforcement;
- the designers of filtering systems should be discouraged from using definitions of content which distinguish boundaries between legal and illegal content, which would make them susceptible to application as a censorship tool;
- actions to encourage the development of new systems should ensure that they adopt the key principles of freedom of expression and consumer choice.

We do not pretend that some repressive governments (or other organisations) will not seek to restrict freedom of expression. We do however argue that there are other, easier ways for them to do so, particularly if the measures we have suggested above are adopted to make the subversion of self-labelling and filtering unattractive.

Other less repressive governments have genuinely sought to impose legislative restrictions as a means of protecting children from potentially harmful content. We believe that self-labelling and filtering offers an alternative means of protecting children which does not threaten freedom of expression. In this sense properly established self-labelling schemes have common cause with the free speech lobbies.

4.6.4 In conclusion

We believe that self-labelling and filtering is demonstrably in accordance with the principle of freedom of expression. Furthermore, we argue that a system implemented according to the principles we have identified advances the cause of free expression by reducing the pressures on democratic governments to pursue censorship.

4.7 Free Competition and Service Provision

4.7.1 Concerns expressed about free competition

From a commercial perspective some content providers have expressed concerns that there would be costs to labelling, particularly for large, complex sites. For example news sites might have to label rapidly changing news items, some of which have contentious content. Other sites might include large volumes of content produced by third party authors, which the provider is not directly responsible for and is not in a position to label.

From a free speech perspective, it is argued that there are individuals who disapprove of rating and filtering in principle. If they exercise their choice not to label their content, they would then be debarred from presenting their products or services to a significant sector of the market – assuming successful system(s) used by consumers.

4.7.2 Some responses

The principles upon which the systems envisaged are founded provide for free and voluntary labelling without hindrance to any content provider to label their content, based on open standards. Equally it does not require any consumer to use filtering or prescribe how they use it.

The features of the systems that allow filtering without dependence on a particular set of national or cultural assumptions also ensure that there are not hidden barriers to access through the imposition of a particular set of values.

The systems operate at their simplest level in a way that only involves the content provider labelling and the consumer filtering. They do not therefore readily allow individual access or service providers to use them to provide an exclusive facility, which is not available to their competitors.

4.7.3 The EC Treaty position

Voluntary labelling enhances competition by providing content providers with an additional marketing argument for a particular audience: that of families. The need to encourage content providers to label will ensure that the additional costs to content providers of using the labelling system are kept to a minimum.

It will then be a simple commercial decision for content providers who wish to aim for the family market whether or not to use it. If content providers are operating on a non-commercial basis, it is also an equation as to how far the additional effort is justified by the increase in the potential audience. As already stated, content providers who are not aiming at this market and who do not wish to label are not affected.

To this extent the systems present no threat to free competition and service provision.

4.7.4 Further measures

From the commercial perspective, measures that we are advocating in this report, such as the provisions for context variables in the label and for downloading of green lists of sites, are particularly important safeguards. It is the largest players, who might bear the highest costs of labelling complex and changing sites, that can readily get their names and sites recognised for green-listing either individually, and/or on proprietary lists and/or as parts of "walled-gardens".

From the free speech perspective, we accept that in some cases there has to be a trade off between free choice of consumers and absolute freedom of content providers. Just as a filtering system gives the consumer a choice to access content, or not, according to its descriptive label, it should also give the choice to say "If you, content provider, are not prepared to tell me what your site contains, I am not prepared to let my children access it without looking first."

We believe that this is a reasonable position and that anyone who is not prepared to take any steps to gain the consumers' confidence has to accept that some consumers will not access their unlabelled content.

4.7.5 Conclusion on free competition and service provision

We conclude that self-labelling and filtering schemes present some cost or changes to the competitive position. However, if one accepts a need for parental controls, these factors bear equally on competitors in the same markets and do not pose competitive difficulties in terms of the relevant EC Treaty articles.

4.8 Appropriateness to European Cultural and Linguistic Specificities

4.8.1 Introduction

The basis of operation of PICS based labelling and filtering schemes is to separate the objective description of content from the subjective judgement of what is acceptable to the particular consumer. This sort of system is therefore ideal for the operation of different value judgements to the same content.

4.8.2 Cultural requirements

Our surveys have demonstrated that there are cultural differences in the content filtering requirements between different national and language groups within the EU. It is a fundamental requirement that a system for Europe should be able to deal with these differences. Labelling and filtering systems are an ideal vehicle for doing so.

Existing systems do not however fully meet this requirement, as they do not sufficiently distinguish the types of content that some groups wish to discriminate. A system of categories has to be developed which meets the requirements of European users.

We therefore conclude that **self-labelling systems are appropriate for European cultural specificities, but existing systems need some development to be appropriate to European requirements.**

4.8.3 Linguistic requirements

There are also very important practical requirements arising from language differences.

Consumers need to be able to set up filtering in their browsers with directions and *menus* in their own language. This is generally already the case as browsers are translated into home languages. However some of our testers did question the accuracy of the translations in browsers in this area, particularly where there are cultural differences that are not covered by simple transliteration.

More fundamentally consumers generally look for sites in their own language. To be effective the requirement for a *critical mass* of appropriate labelled sites applies to each language block. Thus a system may be fully effective for one language group, but totally inadequate for another. We believe that this point is so fundamental to the development of self-labelling and filtering in Europe that our recommendations advocate separate development and marketing of systems for different languages.

The final point on language requirements applies to content providers seeking to label their sites. The rating sites for existing systems are in English. In a period when the Internet has been dominated by the English language, the relevant providers have generally been able to cope with this, albeit with some difficulties for people with English as a second language. For a future with all languages fully represented on the

Internet in their own right, the future development of labelling in Europe depends on being able to generate appropriate labels in each of the European languages

Translations of the labelling system from English into the other European languages would also be of benefit to large numbers of users outside Europe who use these languages as their first or second language.

We therefore conclude that **self-labelling and filtering is an ideal approach for dealing with European linguistic specificities but that considerable development is required in the labelling of European sites in languages other than English which needs to be supported by home language label generation facilities.**

4.9 Support of Main Constituencies and Prospects of Adoption

4.9.1 Constituencies represented

The consultation and tests conducted in this project have considerably enhanced our knowledge of the views of the main constituencies. Consumers have been consulted about the existing systems and potential future systems. Content providers have had opportunities to represent their views through questionnaires and open meetings. Constituencies represented in the project steering group and at expert meetings again included both consumers and content providers and added children's interests, Internet service providers, self-regulation in Internet and other related media and free speech interests.

4.9.2 Support of constituencies

We have concentrated on consumers and content providers as the key players in labelling and filtering. **In general these constituencies are supportive of self-labelling and filtering systems if they are developed in the ways described in this report.**

The main conditions on and exceptions to this general support are:

- consumers rejection of a system which does not allow access to sufficient content;
- the reluctance of some content providers to rate for reasons of cost and access to their services;
- the general rejection of any form of rating by some free speech advocates and the concerns about abuse of well-intentioned systems by others;
- a reluctance to place total reliance on voluntary systems, if they ultimately fail to provide effective protection for children, from the child welfare sector.

4.9.3 Good prospects of large scale adoption

We have cited some evidence that a good proportion of consumers and content providers are willing to browser and label if there are well-developed systems available. We have argued that the chances of success can be increased by:

- including context variables and/or green-listing facilities with the system operation in the browser;
- technical and third party assistance to consumers through *profiles*;
- encouraging separate delivery of self-labelling systems in different countries or language grouping that are inter-operable;
- large scale and effective marketing of a system to both content providers and consumers.

The key incentive for content providers to label is recognition that more people are filtering. The major factor holding consumers back from using a system is the number of rated sites. Thus, if a system starts from a strong base of labelled sites, a self-reinforcing "virtuous circle" of parallel and accelerating increases in labelling and in filtering is in prospect. This is a situation where success breeds success.

Thus we can say that **the available evidence indicates good prospects of large-scale adoption of suitable systems given the right structure and marketing.**

4.10 Content That Is Not Appropriately Rated

4.10.1 The problem

There is more to developing a labelling scheme than simply designing and issuing a questionnaire to generate labels.

To be a secure defence against potentially harmful content for children, there are natural concerns that labels checked by the browser are reasonably accurate. Here the voluntary, self-rating approach has a weakness in that it is content providers who label their own content and, if they are inclined to mis-label, their labels may go unchecked by any independent third party.

4.10.2 Some solutions

Mis-labelling has not in fact been a serious problem for existing systems. Most content providers are motivated to use the system to their advantage with an accurate label – either to encourage child visitors to appropriate sites or to discourage them from inappropriate ones. Maliciously attracting children into sites containing content that is inappropriate for them is, reassuringly, a rare offence.

There are a number of checks that can be applied. For example RSACi already has a three level quality checking process:

- all new labels are registered on the system operators server and a proportion are spot-checked for accuracy;
- sites labelled with the system carry a logo button linked to the system operators site and a Web crawler periodically checks sites carrying the system's labels to ensure

that the labels are still consistent with those registered (ie unregistered post-labelling changes are traced);
- complaints about mis-rated sites are checked by the system operator and action taken to require sites with faulty labels to rectify or remove them. Ultimately this is enforced through action under the copyright of the logo and/or ownership of the system.

These approaches illustrate that d**evelopers of systems must provide adequate means to check the quality of labelling and deal effectively with complaints about mis-labelled content.**

The responsible body – even if its intentions are non-profit – should retain proprietary rights over the system, if only to be able to withdraw the franchise to use it from mis-raters.

This could be reinforced if deliberate mis-rating became more widespread by further measures, such as calling on hotline bodies for illegal content to also accept and pass on complaints about mis-labelling or, ultimately, providing a freely available *red list* of wrongly rated sites.

4.10.3 Organisation of a self-labelling system

The need to maintain the quality and credibility of labels suggests a continuing active international standards body behind any system to co-ordinate the process of developing the system and to monitor its inter-operability, quality and security. This body or other bodies operating with it should register new labels and deal with complaints.

This in turn implies a "business model" by which organisations offering labelling systems are able to sustain their existence and meet the considerable costs of maintaining the system they have instigated. Charging for use of the labelling would bring in regular income, but would tend to hamper the wider adoption of labelling. If the labelling system is to be free at the point of use, then funding must be found from a diversity of other sources, such as individual donations, industry support and public funds so as not to compromise the independence and credibility of the system.

5 RECOMMENDATIONS

In this section we pose a number of supplementary recommendations which we believe will help satisfy the conditions for feasibility of *self-labelling* systems identified in the above analysis and conclusions.

5.1 Principles of Labelling Systems

Prospective developers or adapters of self-labelling systems should seriously consider designing them on the basis that they:

- are cost-free to individual consumers;
- keep the end user in control of the value judgements about what is acceptable for their child or children;
- can be enhanced to allow filtering of the categories of content that are priorities for consumers (bearing in mind restrictions on complexity from a content provider perspective);
- consider the introduction of context categories; and
- are associated with facilities to download *green/white lists* of sites acceptable to the consumer, chosen by the consumer, as well as *profiles*

5.2 The Content Descriptors Required

5.2.1 Balancing consumer and content provider needs

There is a degree of conflict between consumer demands for more sophisticated choices, which demand more complex labels, and content providers' concerns with the time and cost of producing the labels. Our results from content providers imply a degree of flexibility (amongst those currently prepared to label) in adding some more information to the label. However this is limited to not too much more effort than the present systems require. Although it is difficult to be precise, as a guide the second Expert Meeting came up with the "Ten Minute Rule", ie no label should take more than ten minutes for an experienced user to produce. How much information can be extracted in ten minutes is very much dependent on the art of structuring and phrasing the questions to be answered. We noted for example that the number of questions to be answered to produce a RSACi "rating" (ie label) had been reduced from 20 to 4 by re-design of the questionnaire.

5.2.2 Content categories

Given the above considerations, system designers should take account of the results of our Web questionnaire, which is reported in Appendix G, with the detailed source data available from IWF.

In brief this suggests that:

- the essential categories of content to label are sex, violence, personal details and financial information. It should be noted that while there was very strong support for a *sex* category, there was even stronger support (74 per cent) for differentiating between advice on sexual matters and erotic content;

- there is a strong interest in context variables covering news (69 per cent), education (68 per cent), medicine (67 per cent), research and science (65 per cent), art (63 per cent), government sites (58 per cent) and sport (54 per cent). Or in the facility to add green or white lists (52 per cent);

- There was strong support (54 per cent) for a category for content that could be described as intolerant, although some of our experts were concerned about the difficulty of constructing appropriate questions and the lack of incentive to answer them accurately. While accepting the difficulties, we feel that there should be a genuine effort to try to design appropriate questions before falling back on the suggested alternative of using *red lists* to exclude such sites;

- There was still significant but lower support for the remaining categories of potentially dangerous subjects (41 per cent), (bad) language (37 per cent), nudity (32 per cent) and interactivity between the site and user (31 per cent);

5.3 The Delivery of Self-Labelling Systems

5.3.1 European Commission

Content providers and consumers cannot be encouraged to label and *filter* according to first party systems in a vacuum. It is essential to have at least one system available that meets the main requirements of European consumers identified in our work.

The European Commission should pursue the Action Plan by supporting the development of at least one first party labelling system suitable for European consumers, with the following requirements:

- the system developed must particularly promote the labelling of sites in each of the main European languages and must have a strong emphasis on marketing the system first to content providers, then to consumers;
- the system should support the development of profiles from trusted third parties that allow consumers to download and easily install filtering settings that suit their requirements and make use of the labelling information from all the appropriate systems;
- to be effective the system developed must also be suitable for the requirements of non-European consumers and content providers; and

- the use and acceptability of the system developed should be closely monitored with a view to reviewing its success and to implementing enhancements in a second phase.

5.3.2 Encouraging labelling

The key to the feasibility of self-labelling schemes is encouraging larger numbers of content providers with sites most relevant to children to label them. To this end we recommend that:

- particular emphasis is given to marketing the system to European content providers on a scale that takes account of the magnitude of the task of achieving labelling of a significant proportion of rapidly expanding Internet content; in particular, providers of content for children should be addressed; and
- there should be an additional Expert Meeting in 2000, which would explore our recommendations and alternative suggestions with a group of large-scale European publishers on the Net.

5.4 A range of First and Third Party Systems?

5.4.1 The critical mass problem re-visited

The *critical mass* problem has not yet been overcome by existing systems, particularly for use by consumers looking for sites in languages other than English. If it is ever to be overcome, it will only happen when enough consumers are persuaded that they can see enough content with parental controls "on". Equally content providers are best persuaded to label when they believe that this improves access to a significant part of their "market" (ie the consumers they hope will visit their site).

To gain sufficient users of first party systems there must be alternative means of accessing unrated sites for a considerable time to come, perhaps permanently. We therefore advocate the continued development of first party systems alongside *third party systems.*

In particular we would strongly encourage the use of green lists of acceptable sites. These may come from existing third party system providers, but we also advocate the development of such lists by a wide range of commercial and community bodies. In order to impose their own cultural standards, consumers must have a free choice of the lists to use from an expanding market. They must also be able to add or remove addresses individually from the lists that they store as acceptable sites.

5.4.2 A range of inter-operable systems?

On the theme of consumers being able to select a range of means of selecting content suitable for their purposes, **we support the development of a common international open-source vocabulary of content descriptors.**

The real purpose of parental control systems is to protect children. From the perspective of the child and responsible adult, it is not important which system is used or how it works. The important thing is that it does work.

Browser technology and PICSrules allow individual consumers to interrogate a number of different labels. Indeed they can theoretically use an almost limitless number of ways of determining whether a particular site or page is "safe" from their perspective. Thus it is in the consumers interest to have a number of different labels available, provided that they are inter-operable.

The *critical mass* problem appears to argue for a single global system, a natural monopoly. But there are obvious dangers if a proprietary system were allowed to dominate the market. Similarly there are dangers of "cultural imperialism" if a self-regulatory system, however benign, should gain a monopoly position.

We therefore seek to encourage the development of a range of systems, while recognising the problems of achieving critical mass with a lot of systems that cannot readily be used in combination. A common vocabulary of descriptors gives that encouragement for independent labelling systems, while the consumer has the benefit of being able to use them all.

Our findings have also underlined the need for the promotion of labelling and filtering (and the development of profiles) on a national or language group basis. Such marketing may well be most effectively managed and delivered through organisations based in the relevant country or language block, and recognised as being "home-grown".

The parallel development of third party systems or green-listing arrangements could be increasingly useful to users if the listed sites were rated by the third party according to a consistent system of categorisation, or vocabulary. For example a proprietary agency could offer access to sites labelled according to a consistent standard that combines first party labels on the content owners' sites and third party labels held on a proxy server.

For all these reasons we endorse the proposal of Prof. Jack Balkin for the development of an open source vocabulary of defined descriptions of content. This is an elegant means of resolving the dilemma between having many systems to provide diversity and competition and having few systems in order to achieve *critical mass*.

5.4.3 An international "Labels Board"

Developing and maintaining such a vocabulary would need an acceptable "Labels Board". This would also fulfil the need we have identified for "an international standards body to co-ordinate the process of developing the systems and to monitor their interoperability, quality and security".

Although such a body would essentially be international, we believe that the European Union is in a strong position to advocate and promote it

5.4.4 Summary

User choice will be promoted by widening the existing choice between competing *third - party rating* systems and self-labelling. The enhanced self-labelling system will be configurable according to a user's personal wishes and adaptable to cultural and linguistic requirements. The wide diversity of choice which this offers will be extended yet further by the availability of downloadable lists and the ability to add and delete addresses on a case-by-case basis.

Such a system can contribute to meeting a proven need for additional information and enhanced parental control, while maintaining flexibility and meeting the concerns of content providers and all those wishing to maintain the Internet as a vibrant meeting-place for ideas and innovation.