

PROTECTION OF MINORS IN THE EUROPEAN DIGITAL AUDIOVISUAL CONTEXT: A NECESSARY DIALOGUE BETWEEN PARENTS, ACADEMY, REGULATORS AND INDUSTRY

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ABSTRACT

This paper represents the initial phase of a larger project being developed by the “Media, communication policy and democracy in the European Union” research group, which is currently working on the study “Communication policies, SVOD platforms and values education for minors in the single digital market (2020-2022)”. We wish to pursue in this study that, beyond technological considerations, it is necessary to expand the scope of child protection by establishing mutual collaboration between regulators, distributors and video on demand services, as well as consumers and parents’ organisations, in an effort to further enhance cooperation and mutual understanding (European Regulators Group for Audiovisual Media Services, 2017b, p. 75). It is for this reason that we believe that the academic sphere can also be invited into this wide-ranging discussion on child protection to contribute reflections on a key aspect: audiovisual and media education, an essential pillar of protection in addition to filters, external limits, and electronic labelling. We thus uphold a vision that not only considers the “digital stuff” but also highlights the need for “ethos stuff” (Goggin, 2008, p.89). In this respect, we have considered it essential a literature review on the concept of media literacy. Secondly, our qualitative methodology involves an analysis of the instructions issued by the European Union and their implementation in Spain. In this stage, we have conducted desk research based on a narrative analysis of the documents and programs of different institutions in order to chart the evolution of the question in recent years, at a time when the digital environment has changed more quickly than ever before. This same type of analysis is also conducted on the initiatives of European and Spanish companies to determine whether they are implementing child protection strategies.

KEYWORDS

digital literacy; minors; protection; Europe; regulators

PROTEÇÃO DOS MENORES NO CONTEXTO DIGITAL EUROPEU: UM DIÁLOGO NECESSÁRIO ENTRE PAIS, ACADEMIA, REGULADORES E INDÚSTRIA

RESUMO

Este artigo representa a fase inicial de um projeto mais vasto conduzido pelo grupo de investigação “Media, política de comunicação e democracia na União Europeia” que está atualmente a desenvolver o estudo “Políticas de comunicação, plataformas SVOD e educação de valores para menores no mercado único digital (2020-2022)”. Neste estudo, pretendemos explorar a ideia de que, além das considerações tecnológicas, é necessário alargar o âmbito da proteção infantil, estabelecendo colaboração mútua entre entidades reguladoras, distribuidores e serviços de vídeo *on demand*, bem como organizações de consumidores e de pais, num esforço para melhorar ainda mais a cooperação e o entendimento mútuo (Grupo Europeu de Reguladores dos Serviços de Comunicação Audiovisuais, 2017b, p. 75). Tendo por base este objetivo, consideramos que a esfera académica também pode ser convidada para este abrangente debate sobre proteção infantil, a fim de contribuir para um aspeto fundamental: a educação audiovisual e mediática como um pilar essencial de proteção, além de filtros, limites externos e rotulagem eletrónica. Assim, defendemos uma visão que considera não apenas os aspetos digitais (*digital stuff*), mas também destaca a necessidade de aspetos éticos (*ethos stuff*) (Goggin, 2008, p.89). A esse respeito, é essencial uma revisão da literatura sobre o conceito de literacia mediática. A metodologia qualitativa envolve uma análise das indicações da União Europeia e a sua implementação em Espanha. Nesta fase, realizámos pesquisas de dados secundários com base numa análise narrativa dos documentos e programas de diferentes instituições, a fim de mapear a evolução da questão nos últimos anos, num momento em que o ambiente digital mudou muito rapidamente. Este tipo de análise também é conduzido nas iniciativas de empresas europeias e espanholas, no sentido de determinar se estão a implementar estratégias de proteção à criança.

PALAVRAS-CHAVE

literacia digital; menores; proteção; Europa; reguladores

INTRODUCTION

In the introduction to its report *Protection of minors in the audiovisual media services: trends & practices*, the European Regulators Group for Audiovisual Media Services (ERGA, 2017b) makes special reference to the need for collaboration between media companies and regulators to provide tools and mechanisms that will enable parents to protect their children in the digital era in accordance with their preferences (p. 4).

Moreover, a few months ago, at the “Provuldig Conference”, we presented references to how, in the academic sphere, research by Lievens, Livingstone, McLaughlin, O’Neill and Verdoodt (2018), Potter and Steemers (2017), and others, provided evidence of the need to regulate the current audiovisual environment in order to protect children. Although these studies once again demonstrated the complexity of the issue in a globalised world, there seems to be a consensus among academics on basic common issues to ensure the protection of minors. We even drew some interesting conclusions in our study on the proposal put forward by Livingstone and Third (2017) in relation to

using the technological debate to demand dignity and protection for children in contexts of disadvantage. In this way, we also tied in with the debate between digital competence and informational digital competence, a debate that inevitably leads us to media literacy (Area & Guarro, 2012; Valverde, de Pro-Bueno & González, 2018).

A notable feature of the report produced by ERGA (2017a, p. 68) is the proposal of a technical experience and pilot project called “Miracle”, aimed at developing a standardised electronic model for age-based classification in the audiovisual context that would be applicable across borders and to different digital devices. It is important to bear in mind that a few years ago the consumption of audiovisual content by minors could be controlled by means of age-based classification and labelling on different products consumed outside the electronic context. However, the new routes of online access to audiovisual content require a new way of thinking about the information that such classifications provide. With this in mind, the “Miracle” project was launched to provide a unique age-based classification and labelling system based on existing models. In this way, the experience highlighted how cross-referencing the data on these classifications could be useful to the industry, educational institutions, and users. The participating consortia were the British Board of Film Classification (BBFC), the Netherlands Institute for Classification of Audiovisual Media (NICAM), the authority that manages the Pan-European video game self-regulation system (PEGI), the German Association for Voluntary Self-Regulation of Digital Media Service Providers (FSM), and the National Safer Internet Centre in the Czech Republic. All these organisations participated in “Miracle” in an effort to develop an ecosystem of age-based electronic and online labelling (infrastructures, services, and apps) that could be applied to the same content, regardless of the jurisdiction, and to the different EU members, even when they have different legislation related to child protection.

Another aspect that we believe is of relevance to our study is the recognition of the indiscriminate use of different devices by children to consume content, as shown in the following figure.

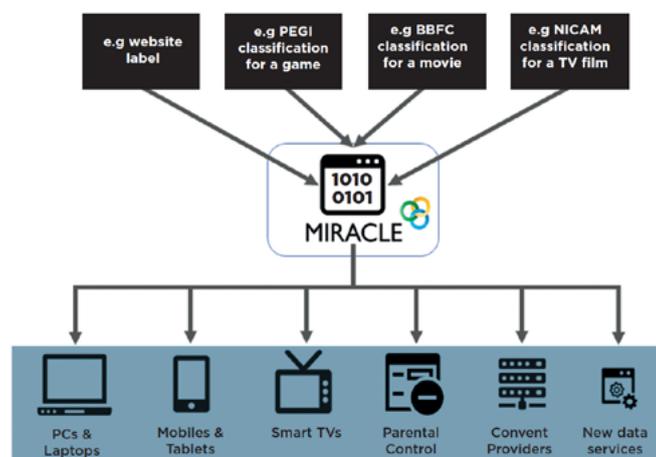


Figure 1: Interoperability (project “Miracle”)

Source: ERGA, 2017a, p. 7

In Spain, for example, the devices that minors use most to access the internet are mobile phones (76%), followed by smart TVs (72%), video consoles (29%), computers (28%), and tablets (26%), according to the report *Actividades, mediación, oportunidades y riesgos online de los menores en la era de la convergencia mediática* (Garmendia et al., 2019, p. 17). According to the figure shown above, the single classification system proposed by “Miracle” is also intended to be operable for all devices and to coexist with other filters like parental control, while also potentially serving content providers and being applied to new data services.

However, despite the interesting contributions offered by “Miracle”, we have to point out that, like other EU initiatives, it is not a mandatory project and therefore it is up to the member countries to voluntarily choose whether to adopt it.

But beyond this technological consideration, the ERGA (2017b, p. 75) report concludes that it is necessary to expand the scope of child protection by establishing mutual collaboration between regulators, distributors and video on demand (VOD) services, as well as consumers and parents’ organisations, in an effort to further enhance cooperation and mutual understanding. It even points to the possibility of establishing a document for a broader public in the form of a best practices guide.

HYPOTHESIS AND OBJECTIVES

This is precisely the line of research we wish to pursue in this study, moving beyond a merely technological model. It is for this reason that we believe that the academic sphere can also be invited into this wide-ranging discussion on child protection to contribute reflections on a key aspect: audiovisual and media education, an essential pillar of protection in addition to filters, external limits, and electronic labelling. We thus uphold a vision that not only considers the “digital stuff” but also highlights the need for “ethos stuff” (Goggin, 2008, p. 89).

Based on these considerations, for this research we posited the following hypotheses:

1. technological tools (parental control, age labelling, and filtering systems) are not enough to protect minors in the digital environment;
2. the mechanisms to prevent harm and risks to minors need to be based on a new way of viewing media literacy as a task shared between regulators, parents, educators, and content producers.

To test these hypotheses, we proposed a series of objectives. The first of these involves a review of the definition of media literacy in an effort to understand how new ways of consuming require us to reassess what media literacy is and who is responsible for teaching it. It is also essential to examine the orders and instructions issued by the European Union over the years in order to analyse the evolution of the discourse, from the first approaches based on the use of technological tools to the latest programs promoting the creation of quality content and the active role of minors in the development of the kind of critical awareness they need to make safe use of online spaces as creators and consumers.

Finally, we are interested in determining how these programs have been implemented in Spain and also in studying the role of the industry in this country in promoting initiatives that recognise the sector's responsibility for the protection of children and youth.

METHODOLOGY

For this research, we have adopted a qualitative methodology with a critical dimension. In this respect, we have considered it essential in our research to adopt a methodology that includes, first of all, a literature review on the concept of media literacy. We believe that any analysis of the protection of minors in the digital environment must begin with a theoretical framework that can help identify the different approaches to and perspectives on media education. This will then make it possible to determine the issues posed by the different approaches and also to confirm the intellectual stance on which to base the study. The justification for this heuristic phase of our methodology lies in the fact that it involves characterising the problem as an academic discussion and identifying theories that can serve to describe it and contribute to a redefinition of media literacy.

Secondly, our qualitative methodology involves an analysis of the instructions issued by the European Union and their implementation in Spain. In this stage, we have conducted desk research based on a review of different types of documents (reports, directives, strategy documents, summaries, commercial agreements between mobile operators, code of conduct and ethic of telecommunications companies, work papers, etc.) of European institutions and industry organisations (Council of Europe, European Parliament, European Commission, European Audiovisual Observatory, European Regulators Group for Audiovisual Media Services, GSMA, ICT Coalition), in order to chart the evolution of the question from 1996 to the present, when the digital environment has changed more quickly than ever before. This same type of analysis is also conducted on the initiatives of Spanish companies (National Commission on Markets and Competition [CNMC], Mediaset, Telefónica, Vodafone, Filmin) to determine whether they are implementing child protection strategies. The review, in both levels, have involved next steps: identification of the topic of research (minors, online, protection), identification of document sources (official/nonofficial; government/non-government; public/private or commercial); comparison between institutional recommendations and practical applications by industry organisations and final conclusions.

TOWARDS A NEW KIND OF MEDIA LITERACY

It is clearly a demonstrable fact that new technologies, the use of mobile devices, and the possibilities of the internet have changed not only the way we produce and consume content, but even the way we participate in cultural activities and relate to one another. It was some years ago that the European Union began taking special note of the risks, but also the opportunities, that the internet offers minors. A key point revolves around knowing what tools can be used to offer media education to children so that they

can feel protected in the digital environment. One major issue that may emerge relates to skills development, as there appears to be an assumption that the more children know about digital, structural (use) and strategic (applicable) competencies, the less vulnerable they will be to the risks of online interaction, such as cyberbullying, grooming (sexual harassment) or invasion of privacy. However, authors like Sonck and de Haan (2014) have found that the acquisition of such skills does not always guarantee protection from risks. In fact, the studies conducted on this question (Livingstone & Helsper, 2010; Sonck, Kuiper & de Haan, 2012) have produced “inconclusive results with regard to the effectiveness of digital skills in keeping young people safe on the internet. It has been found that more skills coincide with more risks and have no significant effect in preventing unwanted experiences” (Sonck & de Haan, 2014, p. 97). These researchers also point to an interesting consideration for our paper when they propose a more in-depth exploration of these digital skills, connecting them with media literacy (Sonck & de Haan, 2014, p. 90).

Over the years, the view of media literacy has taken an individualised ethical position in relation to the consumption and selection of audiovisual content (O’Neill, 2010, p. 323). However, in a context of increasing possibilities for choosing content on multiple devices in real time and on demand, the question of media education becomes a complex matter for several reasons.

The first of these is the need to clarify what we mean by media literacy, as falling under this term are other concepts like informational, audiovisual and digital literacy. This is why Koltay (2011, p. 212) defines media education as “an umbrella concept” that can be tackled from different perspectives. At the same time, Cordes (2009, p. 3) puts forward the view of a multimodal form of literacy as “the synthesis of multiple modes of communication (...) The multimodal object can require a range of tools, skills, and sensibilities and often reflects collaborative as well as individual effort”. Along the same lines, Tyner (2003, p. 373) speaks of different forms of multiliteracy as a way of addressing the needs of media, digital, visual, or computer literacy. In our study, we want to stress that we will be using the term media literacy with a definition that extends to the audiovisual and digital contexts. According to the researchers Thoman and Jolls (2004, pp. 23-24), the characteristics of this kind of media education are as follows:

1. media literacy is focused on process more than content. In this sense, what matters is not so much the technological aspect as the capacity to identify problems, learn concepts, and generate connections and ideas based on a media message (whether in print or electronic);
2. media literacy broadens the concept of text, as texts are not only written but also verbal or audiovisual, multimedia and digital;
3. media literacy is characterised by the principle of questioning and criticism of the important aspects emerging from the media ecosystem.

Media literacy therefore has the objective of promoting a critical perspective and expanding the intellectual capacities to create citizens rather than mere consumers, capable of exercising their civic responsibility in democratic societies.

The second reason for the complexity of media literacy lies in the question of who should be responsible for teaching it. In this respect, we again agree with Sonck and de Haan (2014) when they speak of an educational process shared by the family, school, government, and industry. They also speak of mutual collaboration among minors themselves in the development of their responsible use of the internet. We would thus argue that media literacy needs to be taken on as a task shared by parents, educational institutions, regulatory bodies and content providers. It is a task aimed at developing a critical attitude in children so that they are able to discern which content may be harmful.

This integrative view of media literacy was also put forward recently in the report titled *Looking forward: technological and social change in the lives of European children and young people* (Blum-Ross et al., 2018). This report took the innovative approach of gathering opinions through interviews conducted with the industry and through focus groups that included parents, young people, and educators from five EU member states: Belgium, Bulgaria, Germany, Ireland and Italy. Industry representatives included Altice Portugal, Facebook, Google, Telia, Vodafone, and Orange.

One of the most interesting considerations of this report, for example, is the idea that parents can act as “media mentors”, “not only helping children find resources but also modelling good behaviours themselves” (Blum-Ross et al., 2018, p. 19). We agree that the task of parents should be not only to set guidelines but also to encourage their children’s empowerment through an education in values, which should be understood as another aspect of parental care. Sonck and de Haan (2014, p. 98), for example, describe different strategies like active mediation, the application of technical restrictions, the establishment of standards for restrictions and monitoring of internet use. One point that we believe is important in this respect is related to the need to raise awareness among parents about the introduction of online consumption as a reality in the education of their children.

Obviously, this parental work extends to the school. In the aforementioned report, for example, the researchers argue that all stakeholders in education need to work together, from parents to teachers and school authorities. The researchers are thus clearly aware that “child protection” is a “huge issue which can only be tackled when responsibility is shared and when the whole school community is actively involved” (Blum-Ross et al., 2018, p. 25).

EUROPE’S ROLE

The European Union has also responded actively to the need to protect minors, especially in the new digital environment. As early as 1996, the European Commission published the *Green paper: protection of minors and human dignity in audiovisual and information services* (European Commission, 1996a), which recognised the importance of this issue, above all because the new media platforms could contribute more visibly and relatively quickly than traditional media to make this type of content more accessible to

minors. While the *Green paper* was a starting point, it would be the *Communication on illegal and harmful content on the internet* (European Commission, 1996b) that would propose the first specific control measures for the protection of minors, not through an awareness of censorship but through the creation of a critical approach to the use of on-line content. To do this, the Commission adopted a rather naive starting point focused only on technological standards, covering parental control software, content filtering systems and an age-based labelling system.

Although it was not a monolithic proposal, and deferred in all cases to the principle of subsidiarity, the Commission laid the foundations for a range of programs for the protection of children in the digital environment, with an awareness, as the European Audiovisual Observatory (EAO, 2012) states in its reports *Protection of minors and audiovisual content on-demand (2012-6)*, of the need to evaluate and rethink the regulatory and legal framework protecting minors in the audiovisual environment in keeping with the dynamism and changing nature of the media landscape: a landscape for which the model defined in the EU Audiovisual Directive (Directive [EU] 2018/1808) was no longer relevant. Acknowledging that the model for the protection of minors in the audiovisual environment was transitioning to the online world, the new circumstances brought about by the internet have made it impossible to apply the traditional protection standards.

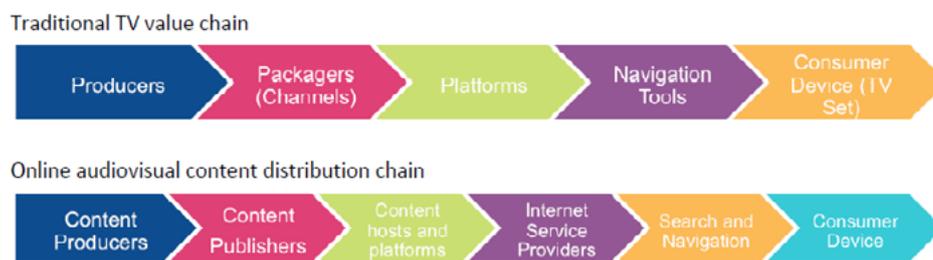


Figure 2: Comparative audiovisual chain in traditional and online ecosystem

Source: ERGA, 2015, p.47

These parameters have been applied to the development of the different stages of the “Action plan for a safer internet”, created in 1999 to promote an environment favourable to the development of the internet-related industry, by encouraging safe use of the web and combating illegal and harmful content. The basic pillars of action (safety through a European network of hotlines for reporting illegal content, the development of content classification and filtering systems, initiatives to raise awareness and educate through media literacy programs, and the development of self-regulation initiatives) have been maintained in the successive stages of the plan’s implementation, although in all of these areas there has been an increased awareness of the importance of issues related to the protection of minors, their dignity and their privacy with the increasing role

played by technology in their everyday lives (according to Commission data, one out of every three internet users in the EU is a child¹).

Thus, the second stage of the program (“Safer internet plus”, 2005-2008) highlighted the need to expand the strategies for action in view of the changes taking place in the world of communications.

In 2009, the third stage was launched, in the context of a consolidated online environment used more and more actively by children even though they are also especially vulnerable.

The intense activity of European institutions in this area since the implementation of the first project (EAO, 2015) has resulted in a range of initiatives: the “dotSAFE” program; the “Safer internet forum” (since 2004) with representatives from the industry, legal authorities, legislative institutions and civil organisations (parent-teacher associations, consumer groups, child protection groups, etc.); Insafe and INHOPE (global network of hotlines for reporting illegal content online and with a commitment to eliminating online child sexual abuse); “EU kids online” (mapping experiences of children online to assess risks and safety on websites); “Mediappro” (media literacy project); the creation of the “SIP-Bench” program (parental control strategies); the celebration of Safer Internet Day; the creation of the “Internet governance forum”; the establishment of points of contact where children can get answers to their questions about how to navigate the internet safely and to combat cyberbullying and online sexual abuse thanks to the work of Safer Internet Centres (SICs); the Poscon (Positive Online Content and Services for Children in Europe) Network; European NGO Alliance for Child Safety Online; Net Children Go Mobile; SPIRTO (Self-Produced Images Risk Taking Online), etc.

The final stage began in 2014 and is still under way today, focusing on four main areas of action:

1. encourage the production of creative and educational online content for children and promote positive online experiences for small children;
2. increase awareness and empowerment, including teaching digital literacy and online safety at all schools in the EU;
3. create a safe environment for children through age-appropriate privacy configurations, wider use of parental controls, and age-based and content-based classification;
4. combat online child sexual abuse material and sexual exploitation of children.

The starting point for this stage was the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Strategy for a Better Internet for Children, published by the European Commission (2012), which examines the biggest challenges for the online sector in matters of child protection. It was completed with the release of the *Council conclusions on the European strategy for a better internet for children* (Council of the European Union, 2012), which introduced a new line of action dedicated to the promotion of quality content for minors, designed to complete the lines of action of the first three stages.

¹ Retrieved from <https://ec.europa.eu/digital-single-market/en/content/creating-better-internet-kids-o>

This work reflects a recognition of the important role that quality online content for children in the online environment plays in counteracting illegal and harmful content: the term “quality on-line content for children” should be understood as the content that benefits children in some way – for example by increasing their knowledge, skills and competences with special emphasis on creativity – in addition to being attractive and usable to them, reliable and safe, and if relevant, content that makes advertising or commercial communication clearly recognisable as such (Council of the European Union, 2012, p. 4).

The Council also recognised that the availability of this type of content could encourage better use of the web, especially if children were also involved in the creation of content. The recognition of this active attitude of minors represents a notable difference from earlier stages, as the EU had always highlighted the important role that parents, educators and civil society should play in making the online environment safe, while leaving the creation, production and distribution of online content in the hands of the industry. With the new campaign (POCC: “Positive Online Content Campaign”) the aim is to raise awareness about the importance of these kinds of materials, encouraging the involvement of children and young people, who need to develop an awareness that it is possible to participate in a safe online environment without the risk of harm.

The campaign is enhanced by decisive support for the digital literacy skills that the children need to develop from an early age to enable them to critically assess the content they find online, while protecting them from future online risks such as grooming, cyberbullying, sextortion, or revenge porn, or simply if they find inappropriate content while browsing the web. The rationale of the program is that by exposing small children to high-quality online content in their first online experiences, they will be able to learn to recognise the basic components of appropriate and positive content and services.

These new challenges are encapsulated today in the “Better internet for kids” (BIK) program, which has been established as a hub for practices, research, cooperation networks and a wide range of media literacy initiatives, such as “Global media and information literacy week”, the university network on Media and Information Literacy and Intercultural Dialogue (MILID), the International Centre for the Exchange of Information on MIL, the Global Alliance for Partnerships on Media and Information Literacy (GAPMIL), and the MIL CLICKS movement.

Spain has addressed the BIK in the context of wider policy initiatives. The most relevant general political framework is the *Digital agenda for Spain*, published in 2013, which serves as an umbrella program for government actions related to the information society and the digital agenda². The *Spanish national cyber security strategy*, launched in 2014, is also important as it covers areas like promoting a culture of cyber security for all citizens and raising levels of online protection (EAO, 2016).

The “Safe internet for kids” project was launched in February 2017, with the support of the Safer Internet Centre – Spain and the collaboration of the European Insafe network for young people, with the aim of reducing the amount of illegal content circulating on

² See <https://www.plantl.gob.es/digital-agenda/Paginas/digital-agenda-spain.aspx>

the web and harmful online behaviours. One of its pillars is to encourage the positive use of the internet by children and adolescents and it includes resources for parents and consumers to promote the consumption of positive content. Although there are no specific agreements for the participation of minors and young people in the development of BIK program policies, in Spain we have the “La Infancia Opina” platform, a forum for all non-governmental organisations and other stakeholders involved in promoting child welfare, where the concerns of minors related to different issues are collected and classified.

SELF-REGULATION INITIATIVES

Although we have identified a change of policy with the inclusion of the creation of creative and quality content by children themselves, the EU has traditionally shown a preference for self-regulation that has been expressed in various initiatives since 2007.

The *European framework for safer mobile use by younger teenagers and children* (European Commission, 2007) was the outcome of the work of the High Level Group on Child Protection set up by Commissioner Viviane Reding in November 2006. The members of the group were GSMA Europe, mobile operators, content providers, child protection organisations, and the European Commission. The mobile operators and content providers signed the Agreement on Safer Internet Day, 6 February 2007, in Brussels (European Commission, 2007). Since that time, GSMA Europe and the mobile operators that signed the framework agreement have worked to implement it, especially by encouraging the participation of more mobile operators and ensuring the development of national codes of conduct for self-regulation that will facilitate its implementation.

In January 2012, several members of GSMA Europe joined the ICT Coalition for safer use of connected devices and online services by children and young people (CEO Coalition to make the internet a better place for kids). The objective of this industry coalition was to help younger internet users all over Europe to get the best use out of the online world and to deal with potential challenges and risks. The companies that joined the Coalition were: Apple, BSkyB, BT, Dailymotion, Deutsche Telekom, Facebook, France Telecom–Orange, Google, Hyves, KPN, Liberty Global, LG Electronics, Mediaset, Microsoft, Netlog, Nintendo, Nokia, Opera Software, Research in Motion, RTL Group, Samsung, Skyrock, Stardoll, Sulake, Telefonica, TeliaSonera, Telecom Italia, Telenor Group, Tuenti, Vivendi, and Vodafone.

The initiative changed its name in 2016 to the “Alliance to better protect minors online”. The member companies were ASKfm, BT Group, Deutsche Telekom, Disney, Facebook, Google, KPN, the Lego Group, Liberty Global, Microsoft, Orange, Rovio, Samsung Electronics, Sky, Spotify, Sulake, Super RTL, TIM (Telecom Italia), Telefónica, Telenor, Telia Company, Twitter, Vivendi, and Vodafone. Also participating were the associations: BBFC, Child Helpline International, Coface, Enacso, EUN Partnership, FFTelecoms, FOSI, FSM, GSMA, ICT Coalition, NICAM, Toy Industries of Europe, and Unicef.

The Alliance emerged out of the recognition of the constantly changing risks associated with online services. In view of these risks, it proposes to identify potential areas where the safety and rights of minors could be compromised. At the same time, the Alliance recognises the need for a global approach that combines the efforts of parents and families, educators, civil society, national and international organisations, and public authorities, and the need to raise awareness through media literacy initiatives.

STRATEGY OF DIGITAL MEDIA SERVICE PROVIDERS IN SPAIN

The major Spanish telecommunications companies, together with international online content providers with a presence in the country, have defined a clear strategy for protecting children and/or contributing to a better internet. This strategy is based on the following pillars: self-regulation and blocking harmful content; partnerships with key players; multimedia products and specific awareness campaigns; and promoting and supporting educational initiatives.

With respect to self-regulation and blocking harmful content, these companies have focused mainly on the application of the system of age-based classification for audiovisual products signed by operators in 2015 under the auspices of the National Commission on Markets and Competition (CNMC, 2015), which establishes the criteria applicable to all media service providers, both linear and non-linear, thus affecting VOD platforms. In fact, to date the system has been implemented by platforms like Wuaki.TV, Vodafone One TV, MiteleKids (Mediaset), LOVEStv (a platform run by Atresmedia, Mediaset and RTVE under the HbbTV standard), Movistar Plus and Netflix.

The new classification system establishes seven categories of potentially harmful content for children: violence, fear or anxiety, sex, drugs and toxic substances, discrimination, imitable behaviour, and language. Factors like the intensity and frequency of such content, how realistic it is, or its verbal or visual presence will determine the minimum age recommended for viewing.

In addition, the *Resolución por la que aprueban los criterios orientadores para la calificación de contenidos audiovisuales* (CNMC, 2015), established the following age categories to provide the public with suitable information on potentially harmful content: especially recommended for children; suitable for all ages; not recommended for children under seven; not recommended for children under 12; not recommended for children under 16; not recommended for children under 18; and X content. It is a very similar model to the “Amazon maturity ratings”, used by many European countries.

Meanwhile, other online platforms like Netflix and Google Play apply the content classification for fiction of the Institute of Cinematography and Audiovisual Arts (ICAA).

A special case noted in the ERGA (2017b) report is that of the Filmin platform, which, with the help of “Yeep! Kid’s media”, has developed a system of special categories (Christmas, friends, space, stories, etc.) to classify content targeting children in its FilminKIDS environment. Yeep! offers television channels and media platforms an

audiovisual content classification service (audiovisual content guide for children aged two to 13) developed by international experts in education, as well as the production of audiovisual content for children and communication. Content is classified based on its contribution to the well-being and development of children.

In the interests of ensuring a safe browsing environment for children, companies with a code of ethics assess whether content meets their guidelines before it goes to air. In many cases, references to children in these codes are minimal. For example, the *Código ético Mediaset España* (Mediaset, 2016) includes only two child-related measures, both of which appear to be intended for linear television programs. These are: “nobody shall behave in a manner that induces, promotes, favours, permits or tolerates acts or attitudes that could be classified as prostitution or grooming of minors” (Mediaset, 2016, p. 10); and “the broadcasting of expressions or images that could be harmful to the sensitivity of the viewer shall be avoided whenever possible, especially at times of day when children could feasibly be watching television” (Mediaset, 2016, p. 14).

In the case of Telefónica, with its Movistar Plus brand, its code of ethics makes no specific reference to child protection, although such protection is present in its responsible communication standards and its responsible business principles. In these principles, the company asserts that “we dedicate special effort to promoting the responsible use of technology, (...). We are especially committed to the protection of children and young people online” (Telefónica, n.d., p. 16).

This is a commitment they have upheld for more than ten years. Already in 2007, Telefónica, together with Orange, Vodafone, and Yoigo, signed a code of conduct for mobile operators, designed to encourage responsible use by minors of the electronic content services provided on mobile phone networks. The commitments assumed and still in effect include:

1. proactive collaboration with educational institutions, child protection associations or agencies and official authorities in the distribution of information and the organisation of campaigns designed to encourage responsible use of mobile phones in schools;
2. collaboration with police forces in relation to content prohibited under criminal law, as well as providing assistance to authorities and entities dedicated to combating such illegal content;
3. offering information on how to use mobile services responsibly, detailing the measures that can be adopted by parents and educators to ensure such responsible use (GSMA, 2007, pp. 3-4).

To ensure this kind of safe browsing environment, telecommunications companies make parental control available to parents and legal guardians, with channel blocking and purchase PIN functions. Some companies even provide informational resources on what to do to avoid illegal content, stressing parental supervision, as parental control on its own is not fully effective. In any case, the companies acknowledge that they follow the standards for blocking such content established by the Internet Watch Foundation, a not-for-profit organisation that searches for paedophile content on the web in order to report it to the police.

Despite the concerns about this kind of content, parents are not taking suitable measures. According to data from the CNMC Household Survey in November 2018,

although 68% of Spanish families state that they are aware of the software that allows them to block unsuitable content, only 11,4% of parents have activated the parental control function (Mediaset, 2018).

Another of the measures adopted by online audiovisual content and service providers or platforms that have advertising is the segmentation of their advertising to prevent the promotion of products or services that are unsuitable for children.

With respect to the second pillar we identified above in the strategies of major companies, partnerships with key players, many such agreements have focused on the production of specific content for children and youth, as well as participation in educational activities and awareness campaigns. This means that our discussion of these partnerships will also provide examples of the other pillars mentioned at the beginning of this section.

The major telecommunications companies belong to the “Alliance to better protect minors online”, the ICT Coalition, the CEO Coalition for a better internet for kids, or the European ENABLE program, whose purpose is to combat bullying in schools (Vodafone is one of its founding partners).

But Spanish and international phone operators also have strategic partnerships with social organisations such as the Insafe/INHOPE network, Safernet, Unicef, Fundación Ideas para la Infancia, or Pantallas Amigas. The organisation Pantallas Amigas has collaborated with Movistar (with whom it has launched the game SmartPRIVIAL), Vodafone, and Orange, as well as global Internet companies like Facebook and Google.

The most active operator is Telefónica, which engages in joint actions with stakeholder groups involved in child protection, such as Rcpí (Peruvian Network against Child Pornography), Conna (National Council for Children and Adolescents in El Salvador), Red de Aliados por la Niñez, Zentrum für Kinderschutz im Internet, and Capital Humano Social.

To offer an environment that encourages safe and responsible use of digital services by young people, initiatives have been launched like “Dialogando” (an online project to promote digital education sponsored by Telefónica with services available in 15 countries, conceived as an evolution of the Familia Digital website); “Movistar junior” (an app for children up to 12, with pre-school, child and youth levels), and “Digital parenting”, by the Vodafone Foundation (Vodafone, 2018).

The most powerful online media literacy project in Spain currently is “(In)formate”, announced in April 2019, which aims “to foster the ability and the desire of adolescents to access information offered by traditional media and online content, analyse it, contextualise it and evaluate it, thereby developing their critical thinking skills”³. According to its website, the project will be launched in September and has the objective of ensuring that young people “are able to distinguish useful and accurate information from false, unverified or irrelevant information (...), and that they have an interest in producing accurate and useful content diligently so that they can become active users”⁴.

³ See <https://informate.campusfad.org/proyecto/>

⁴ See <https://informate.campusfad.org/proyecto/>

This is an initiative of Google and the organisation Fundación de Ayuda contra la Drogadicción (FAD), with the support of the Spanish government and a large number of media organisations: Atresmedia, Mediaset, Movistar, Prisa, Unidad Editorial, Grupo Vocento, Efe, Europa Press, Forta, Grupo Godó, Grupo Joly, Grupo Zeta, Henneo, Ilunion, La Razón, Onda Cero, Prensa Ibérica, Promecal, and RTVE. It also has support from Twitter and from the fact-checking projects Maldita.es and Newtral (which has also launched a media literacy project of its own).

The target audience for “(In)fórmate” is young people aged from 14 to 16 who are in third or fourth year of secondary school. According to the project’s website, teachers can connect “(In)fórmate” content with key competencies in the Spanish educational curriculum: linguistic communication, digital competencies, learning how to learn, social and civic competencies, and cultural awareness and expression.

The project also provides direct contact with the media and with information professionals. To this end, it offers experiential videos that present an inside view of how a media organisation works, and how information is selected, analysed, verified, prepared and published.

Moreover, to assess skills acquisition and the use of critical thinking, it proposes an informational content creation contest, either in written or audiovisual form, with the support of media professionals as mentors.

To facilitate the teaching-learning process, “(In)fórmate” provides teachers with a guide containing audiovisual resources and activities to do in the classroom.

In short, the vast majority of online audiovisual service and/or content providers have taken steps aimed at protecting children. Based on Unicef’s *Guidelines for industry on child online protection* (Unicef, 2015), the measures adopted by the industry mainly involve the integration of considerations related to the rights of the child into company policy, promotion and/or collaboration with other organisations to create a safer online environment for children, and the implementation of digital activities or projects to educate children and youth, as well as their parents and teachers, in responsible use of the internet and ICTs.

CONCLUSIONS

A few months ago, through a forum group organised with representatives from the media industry (Movistar, RTVE, A3Media), our research group at Universidad de Sevilla was able to confirm that feedback between the corporate and academic sectors served to articulate opportunities for collaboration, while also calling the attention of regulatory bodies like the European Audiovisual Observatory.

We thus believe it essential to explore the challenge that the new audiovisual habits of children in the online context represent for the different agents involved. In this regard, content providers cannot sidestep their responsibility for ensuring the protection of vulnerable groups, including children, who are digital natives in this reality. On the

other hand, regulators need to establish limits that do not constitute a substitute for parental control or an excessive burden on content providers. Moreover, parents also need to take responsibility for the type of content their children consume, taking into account the discriminatory capacities of minors. And on this question, the academic research conducted should include studies of media literacy, given that protecting children also involves educating them in media consumption.

As we have just suggested, this is no easy task, as we are dealing with a problem that requires dialogue between educators, regulatory bodies, content providers, and parents. In this sense, we believe both the regulation of the sector and media literacy to be important, as both are identified as necessary for the protection of minors in the digital context. Furthermore, although it is beyond the scope of this paper, we also want to highlight the role of children themselves in the acquisition of skills that will enable them to create content as part of their audiovisual education in the digital environment, as an important subject for future research.

Finally, we offer a series of conclusions that confirm our initial hypotheses and point to possibilities for future research:

1. parents play an essential role in the protection of minors in the digital environment, but this role cannot be limited to technological controls. The family needs to understand that values education is a necessary part of parental care and of media literacy;
2. the task of education in media literacy needs to be shared by parents and educational institutions, but also by European regulatory bodies and content providers. It is not the exclusive responsibility of schools, but an obligation to be assumed by society as a whole;
3. the ultimate objective of this mutual collaboration between the industry, regulators, parents, and educators is to help children to develop skills and competencies that will enable them to think critically and to create quality content as part of their digital education.

In this study we were interested in conducting a theoretical debate and analysis of research and experiments carried out by academics, regulators and companies as part of the current European circumstances. Therefore, we did not consider it necessary to mention the conclusions reached by the Forum Group as their research was based on a local case. For this reason, in the next phase of our research we propose to include these conclusions as part of a more regional analysis that extends the study to the active role of minors themselves in the digital environment. In this way and following studies such as *The class: living and learning in the digital age* (Livingstone & Sefton-Green, 2016), our intention is to do a field analysis that includes Spanish children. Based on the ideas drawn from the Forum Group, we plan to carry out a similar experiment in institutes in Andalusia with the aim of promoting the best skills and critical thinking among minors that enable them to create content as part of their own digital education.

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