

КОНСТИТУЦІЙНЕ ТА АДМІНІСТРАТИВНЕ ПРАВО

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REGULATORY SUPPORT OF CHILDREN'S SAFETY ON THE INTERNET: EXPERIENCE OF THE EUROPEAN UNION

The author examines children's safety on the Internet, measures of its providing and the EU experience in this field. Also attention is paid to activity of the non-government organizations that take part in the providing children's safety on the Web. Regulatory support of information safety of the children is determined as one of the priority direction of the EU policy.

Key words: children, minors, information safety, Internet, European Union, regulatory support.

Formulation of the problem and its relevance.

European vector of Ukraine's development is one of the catalysts of the complex democratic changes that are taking place in our country now. Adaptation of the national legislation, in particular in the information sphere, to the EU law is the integral part of such process. The approximation of Ukrainian law to the EU *acquis communautaire* is the main component of Ukraine's European integration.

Views on the information security as a security in the information sphere (i.e. the sphere of circulation of information) that prevail in the society and state disorient a person and citizen, public and state institutions. Content of the definitions «information security», «providing information security» in the broad sense of these concepts isn't well-substantiated; organizational and legal basis of domestic and foreign policy in this area remains undefined; there are underestimation and, in many cases, ignoring prospective and real information challenges, threats and dangers on the state-management level [1, p. 322].

Problem of regulation of the juveniles' social behavior has an important place among the key issues of the modern information society. This is because juveniles are particularly vulnerable to the social processes and pace of everyday life so that they are easier exposed to deformation under the influence of negative social phenomena.

Analysis of the researches and publications.

Problems, existing in this field, require creation of the reliable scientific foundation for their solution and should be solved by representatives of the different branches of science, including jurisprudence. So in Ukrainian legal science mentioned issues are studied by I. Aristova, V. Baskakov, K. Belyakov, S. Grischak, V. Gur-

kovsky, R. Kalyuzhnyi, V. Lipkan, J. Maksymenko, A. Novytskiy, O. Oliynyk, L. Fedorenko and other.

Purpose of the article. Analysis of the legal acts of the European Union related to the information security of children on the Internet and practice of the EU non-governmental projects in this area.

The main material. In the modern world children are surrounded by the digital technologies from their birth, it opens up them many educational, creative and communicative opportunities and creates danger for them at the same time. Although the Internet isn't created specifically for children, but in 2008 already 75% of EU citizens aged 6 to 17 became users of the web, and this indicator is growing.

Safety of minors on the Internet has become the subject of political and legal debate since the mid-1990s, just at that time it was recognized as one of the most important means of social communication. The European Union was one of the first that began researches aimed at providing people Internet security and supporting the multilateral initiatives with the participation of business, government, educational establishments and representatives of civil society to create a safer online environment. Protection and promotion of the rights of the child is one of the goals of the European Union, so emphasis is placed not only on safe, but also on better Internet and it determines a new stage of development of strategy to protect children online.

Although there are a number of regulations to ensure the rights of the child that have been developed at the European level, EU policy has only recently produced a conscious approach to juveniles as a specific target audience on the Internet, which requires the creation of the «new ecosystem». For this purpose the European Commission provides combination of instruments based on legislative

regulation, financial support and self-regulation that are dynamic and respond to the challenges of time. It should be emphasized that in this case self-regulation comes to the fore and it will promote creating flexible framework for achieving the objectives in this area, legislative support is considered only as a secondary factor.

The key acts of the EU in the field of information security of children on the Internet are The UN Convention on the Rights of the Child (20.11.1989) [2], An EU agenda for the rights of the child (15.02.2011) [3], Digital Agenda for Europe (19.05.2010) [4], European Strategy for a Better Internet for Children (02.05.2012) [5]. A lot of non-governmental projects have been developed on this basis and now they are successfully operating.

European Network «Insafe», which includes 31 national information and educational centers in the EU Member States and also in Norway, Russia and Serbia, is aimed at empowering children and youth to use the Internet and other mobile technologies safely and effectively. The network calls on to transmit the responsibility for protection and meet the information needs of citizens, especially children and young people, to the government, educational institutions, parents, media and business. Within the network there are «hot lines» that allow citizens notify about illegal content, as well as «help lines» that give answers to the kids' questions connected with their online experience or harmful information, with which they face on the Internet. Also the Insafe in cooperation with the EU became a founder of Safer Internet Day in 2004 and it takes place every year in February.

Thematic Network «EU Kids Online», founded in the framework of the European Commission's Safer Internet Program in 2006, is aimed at coordination and promotion of researches on child safety on the Internet and conditions that create online risks. This project is implemented in several steps through the five-year programs (I stage - 2006-2009, II stage - 2009-2011 and III stage - 2011-2014) and covers 33 member countries.

In addition, we need to pay attention to the CEO Coalition founded in 2011 that comprised of leading global companies such as Apple, Facebook, Google, Microsoft, Nokia and other. The founding Coalition members have agreed a Statement of Purpose agreeing to take action in five areas: simple and robust reporting tools; age-appropriate privacy settings; wider use of content classification; wider availability and use of parental control; effective takedown of child abuse material [6].

Turning to the content of the legal regulation of children's safety on the Internet we may highlight a number of gaps in ensuring the information society in the EU, which is marked in The Strategy for a Better Internet for Children:

1) market fragmentation - security of minors on the web is differently regulated by the national law of the Member States. It is also confirmed in practice, especially as to the parental control, content rating, and reporting harmful and illegal content;

2) failure of the market to deliver protection measures and quality content across Europe – tools of children protection, which allow them to manage their online activity at the devices or services safely and responsibly, often are provided only at extra cost. Also not all of the proposed protective equipments are compatible with the new devices. There isn't enough quality content: only 32% of 9-12-year-old Internet users think that such content is sufficient for their age;

3) managing risk in order to build trust in services and content – there are common risks for the majority of EU Member States: communication online with someone they had never met face to face; being exposed to user-generated content promoting anorexia, self-harm, drug-taking or suicide; being exposed to sexual images online and misuse of personal data; going to meetings offline with people they first met online; cyber-bullied;

4) lack of skills – development of the safe behavior on the Internet should be supported by other knowledge and skills that indirectly related to online activity.

The Strategy for a Better Internet for Children provides activities which directly impact on improving safety of kids on the Web. Children, their parents and teachers should be aware of the risks waiting to minors on the Internet, as well as, have knowledge about tools and strategies for protection against such hazards. Nowadays online security as a specific discipline is included in the school curriculum in more than 24 educational system across Europe [7, p. 4]. Critical thinking and literacy of kids requires the development, we should focus on the categories such as «self-defense» and «self-discipline» in the media environment.

One of the priorities of protection children online is creation of the simple and accessible mechanism for reporting harmful content and behavior. This service should be visible, easy to find, accessible and recognizable at any stage of online experience, where a child may need it.

Reports handling should be done in line with the legislation in force on data protection.

One of the conditions for the information society development is creation of the safe online environment for children and young people. Implementation of the preventive measures is necessary to avoid child's contact with harmful or inappropriate content or behavior. Application of the age-appropriate privacy settings by default, obligatory warning about the consequences of its change, clarification of the content of personal data that are placed in online profiles will reduce the risk of a child becoming a victim of so-called «grooming».

Grooming – it's a process of manipulating a minor via the Internet or mobile technologies for sexual exploitation of child. Studies show that over 14% of underage Internet users suffer from unwanted sexual harassment online [8]. Some of the EU Member States try to solve this problem at the national level. For example, there is Child Exploitation & Online Protection Centre in the UK that is a part of the National Crime Agency. In 2010, CEOP together with the Facebook introduced the «panic button», through which users can report about suspicious contacts and messages [9].

Another issue, which is in the range of attention of the European Commission, is insufficient using of the parental control: only 28% of parents in Europe block or filter harmful to their children's websites [5, p. 11]. Parental controls should be an additional means of protection of kids on the Internet.

We should also pay attention to the development of generally applicable, transparent and consistent approach to age rating and content classification EU-wide for a variety of content and services and to explore innovative solution.

In addition, we should also focus on online advertising and overspending. Children cannot evaluate advertisement critically and this leads to overspending. Kids often buy virtual goods and services paying money for them through their mobile phones, and therefore with no prior parental permission necessary. So it is important to implement age-appropriate informing about the cost of goods and services, and to avoid of advertising aimed directly at children.

In conclusion, it should be noted that ensuring information safety of minors is one of the priorities of the EU policy. Key objectives of the Information Society in the EU are development of the secure online environment, building public trust, formation of awareness, computer literacy and also

getting more people involved to the Internet. These provisions are effectively implemented into national law of the Member States in the framework of the global strategy «Europe 2020» for providing «smart, sustainable and inclusive growth» [10].

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О. А. Веденьєва

Нормативне забезпечення інформаційної безпеки неповнолітніх в мережі Інтернет: досвід Європейського Союзу.

Автор досліджує безпеку неповнолітніх в мережі Інтернеті, заходи її забезпечення та досвід ЄС у цій галузі. Також увага приділяється діяльності неурядових організацій, які беруть участь у забезпеченні безпеки неповнолітніх в Інтернеті. Нормативно-правове забезпечення інформаційної безпеки неповнолітніх визначається як один із ключових напрямків політики ЄС.

Ключові слова: діти, неповнолітні, інформаційна безпека, Інтернет, Європейський Союз, нормативне забезпечення.

А. А. Веденьєва

Нормативное обеспечение информационной безопасности несовершеннолетних в сети Интернет: опыт Европейского Союза.

Автор исследует безопасность несовершеннолетних в сети Интернет, меры ее обеспечения, а также опыт ЕС в указанной области. Также внимание уделяется деятельности неправительственных организаций, участвующих в обеспечении безопасности несовершеннолетних в Интернете. Нормативно-правовое обеспечение информационной безопасности несовершеннолетних определяется как одно из ключевых направлений политики ЕС.

Ключевые слова: дети, несовершеннолетние, информационная безопасность, Интернет, Европейский Союз, нормативное обеспечение.