

# EUROPEAN PARLIAMENT



*session documents*

ENGLISH EDITION

20 March 1997

A4-0098/97

## REPORT

on the Commission communication on illegal and harmful content on the Internet (COM(96)0487 - C4-0592/96)

Committee on Civil Liberties and Internal Affairs

Rapporteur: Mr Pierre PRADIER

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PE 219.568/fin.

- \* Consultation procedure  
simple majority
- \*\*I Cooperation procedure (first reading)  
simple majority
- \*\*II Cooperation procedure (second reading)  
simple majority to approve the common position  
majority of Parliament's component Members to reject or amend the common position
- \*\*\* Assent procedure  
majority of Parliament's component Members to give assent  
but simple majority under Articles 8a, 105, 106, 130d and 228 EC

- \*\*\*I Codecision procedure (first reading)  
simple majority
- \*\*\*II Codecision procedure (second reading)  
simple majority to approve the common position  
majority of Parliament's component Members to adopt a declaration of intended  
rejection of the common position, and amend the common position or confirm its rejection
- \*\*\*III Codecision procedure (third reading)  
simple majority to approve the joint text  
majority of Parliament's component Members to reject the Council text

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By letter of 23 October 1996 the Commission forwarded to the European Parliament its communication on illegal and harmful content on the Internet (COM(96)0487 - C4-0592/96).

At the sitting of 15 November 1996 the President of Parliament announced that he had forwarded this communication to the Committee on Civil Liberties and Internal Affairs as the committee responsible and to the Committee on Culture, Youth, Education and the Media for its opinion. At the sitting of 9 December 1996 the President of Parliament announced that he had forwarded the communication to the Committee on Women's Rights for its opinion.

The Committee on Civil Liberties and Internal Affairs had appointed Mr Pierre Pradier rapporteur at its meeting of 27 June 1996.

At its meeting of 24 January 1995 it had decided to include in its report, pursuant to Rule 45(2) of the Rules of Procedure, the following motion for a resolution:

- B4-0224/94 by Mr van der Waal on computer pornography, which was forwarded to it on 16 December 1994 as the committee responsible and to the Committee on Culture, Youth, Education and the Media for its opinion.

At its meeting of 28 January 1997 it decided to include in its report, pursuant to Rule 45(2) of the Rules of Procedure, the following motion for a resolution:

- B4-1233/96 by Mr Robles Piquer, on a solution to the legal vacuum concerning crime involving child pornography on the Internet, which was forwarded to it on 15 January 1996 as the committee responsible.

It considered the draft report at its meetings of 26 September, 31 October and 17 December 1996 and 28 January and 19 March 1997.

At the last meeting it adopted the motion for a resolution by 26 votes to 1, with 1 abstention.

The following were present for the vote: d'Ancona, chairman; Wiebenga, vice-chairman; Pradier, rapporteur; Andersson, (for Marinho), Berger (for Crawley), Berthu (for Jean-Pierre), Blockland (for De Villiers, pursuant to Rule 138(2)), Cederschiöld, Colombo Svevo, De Esteban Martin, Deprez, Ford, Hernandez Mollar (for Nassauer), Lindeperg, David Martin (for Elliott), Mohamed Ali, Oostlander (for Lucas Pires), Pailler (for Vinci), Palacio Vallelersundi, (for Reding), Pirker, Posselt, Roth, Gerhard Schmid, Schulz, Stewart-Clark, Terrón I Cusí, Van Lancker (for Bontempi) and Zimmermann.

The opinions of the Committee on Culture, Youth, Education and the Media and the Committee on Women's Rights are attached.

The report was tabled on 20 March 1997.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

A  
MOTION FOR A RESOLUTION

Resolution on the Commission communication on illegal and harmful content on the Internet (COM(96)0487 - C4-0592/96)

The European Parliament,

- having regard to the Commission Communication on illegal and harmful content on the Internet (COM(96)0487 - C4-0592/96),
- having regard to the motions for resolutions tabled pursuant to Rule 45 of the Rules of Procedure by:
  - a. Mr Van der Waal, on computer pornography (B4-0224/94),
  - b. Mr Robles Piquer, on a solution to the legal vacuum concerning crime involving child pornography on the Internet (B4-1233/96),
- having regard to the UN Convention on the Rights of the Child of 20 November 1989,
- having regard to the European Convention on the protection of human rights and fundamental freedoms,
- having regard to Council of Europe recommendation No R(89)9 on computer-related crime,
- having regard to Council of Europe recommendation No R(95)13 on problems of criminal procedure in relation to information technology,
- having regard to the joint action of 15 July 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, concerning action against racism and xenophobia<sup>(1)</sup>,
- having regard to the opinion of the Advisory Committee on Racism and Xenophobia of 26 January 1996 on the dissemination of racial hatred by computer or telematic means<sup>(2)</sup>,
- having regard to the decisions of the Telecommunications Council of 25 April 1996<sup>(3)</sup>,
- having regard to the decisions of the Justice and Home Affairs Council of 27 September 1996<sup>(4)</sup>,
- having regard to the decisions of the Culture Council of 27 September 1996<sup>(5)</sup>,
- having regard to the decisions of the Telecommunications Council of 27 September 1996<sup>(6)</sup>,

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(<sup>1</sup>) OJ L 185, 24.7.1996, p. 5

(<sup>2</sup>) 4637/96, RAXEN 4

(<sup>3</sup>) Minutes of the Telecommunications Council, 25.4.1996

(<sup>4</sup>) Minutes of the Justice and Home Affairs Council, 27.9.1996

(<sup>5</sup>) Minutes of the Culture Council, 27.9.1996

(<sup>6</sup>) Minutes of the Telecommunications Council, 27.9.1996

- having regard to the decisions of the Industry Council of 8 October 1996<sup>(1)</sup>,
- having regard to the Commission Green Paper on the protection of minors and human dignity in audiovisual and information services<sup>(2)</sup>,
- having regard to its resolution of 8 July 1992 on the European Charter of Rights of the Child<sup>(3)</sup>,
- having regard to its resolution of 22 January 1993 on Europol<sup>(4)</sup>,
- having regard to its resolution of 15 December 1993 on freedom of expression, freedom of the press and freedom of information<sup>(5)</sup>,  
having regard to its resolution of 17 December 1993 on pornography<sup>(6)</sup>,
- having regard to its resolution of 19 May 1995 on the Europol Convention<sup>(7)</sup>,
- having regard to its resolution of 18 January 1996 on trafficking in human beings<sup>(8)</sup>,
- having regard to its resolution of 14 March 1996 on Europol<sup>(9)</sup>,
- having regard to its resolution of 9 May 1996 on the Commission communication on racism, xenophobia and anti-Semitism<sup>(10)</sup>,
- having regard to its resolution of 9 May 1996 on the proposal for a Council decision designating 1997 European Year Against Racism<sup>(11)</sup>,
- having regard to its resolution of 19 September 1996 on 'Europe and the global information society - recommendations to the European Council' and on the Commission communication 'Europe's way to the information society: an action plan'<sup>(12)</sup>,

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(1) Minutes of the Industry Council, 8.10.1996

(2) COM(96)0483

(3) OJ C 241, 21.9.1992, p. 67

(4) OJ C 42, 15.2.1993, p. 250

(5) OJ C 20, 24.1.1994, p. 112

(6) OJ C 20, 24.1.1994, p. 546

(7) OJ C 151, 19.6.1995, p. 376

(8) OJ C 32, 5.2.1996, p. 88

(9) OJ C 96, 1.4.1996, p. 288

(10) OJ C 152, 27.5.1996, p. 57

(11) OJ C 152, 27.5.1996, p. 62

(12) OJC 320, 28.10.1996, p. 164.

- having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinions of the Committee on Culture, Youth, Education and the Media and the Committee on Women's Rights (A4-0098/97),
- A. whereas no person should be made to suffer for his opinions, and the free communication of ideas and opinions is a fundamental right in all democratic societies,
- B. whereas free expression is a fundamental right and the freedom of each individual begins where that of others also begins,
- C. whereas respect for the integrity of the person, and, in particular, the protection of children are of crucial importance,
- D. whereas child pornography is a grievous offence against children because it is a visual or written record of actual child abuse,
- E. whereas every individual has the right to privacy of correspondence, and this right also applies to electronic mail (e-mail),
- F. having regard to the unprecedented development of new information technologies by means of computer networks and their applications in all areas of contemporary society,
- G. whereas the growth of networked information systems will accelerate the transformation of the existing society, creating a new space for communication and relationships,
- H. whereas an increasingly large part of economic, social, cultural, political and religious relationships will be conducted by means of the new information networks,
- I. having regard to the fact that there has always been illegal and harmful content in the media, but that the specific nature of computer networks is that they are unmoderated media that know no frontiers and can thus make state and government attempts to control them difficult, if not impossible,
- J. whereas, while the prevention of and possible punitive measures against the dissemination of messages with unacceptable content (racism, incitement to hatred or violence, terrorism, deviant pornography, holocaust denial, exploitation of children for sexual activity) remain matters for the Member States in the context of the exercise of their policing powers, the EU cannot stand aside from these problems, bound up as they are with civil liberties,
- K. having regard to the need for common legislation explicitly prohibiting the use of the Internet for the dissemination of such messages,
- L. whereas the EU is a frontier-free area in which persons, goods, services and capital enjoy freedom of movement, and this justifies the notion of Union powers in this field, especially in the legal framework of the internal market and the competition rules set out in Articles 59 and 60 of the EC Treaty,
- M. whereas Title VI of the Treaty on European Union, which concerns cooperation in the fields of justice and home affairs and statistics, authorizes only intergovernmental cooperation and fails to provide for the democratic control and impetus which it is up to Parliament to provide in this area,

- N. whereas Articles F and K of the TEU refer explicitly to the European Convention on the protection of human rights and fundamental freedoms, whose third article stipulates that *no-one shall be subjected to torture or inhuman or degrading treatment*,
- O. whereas telematic networks can easily bring into the home material denying human dignity and can encourage certain forms of criminal behaviour, and whereas therefore it is above all essential for the individual and the family to exercise responsibility and a critical capacity when using telematic apparatus,
- P. whereas a purely repressive approach to computer networks, of which today's Internet represents merely the beginning, would substantially undermine their positive contribution to the development of our societies, but whereas at the same time there is a need for forms of self-regulation,
- Q. whereas regulation requires that each level of responsibility be defined, with a clear distinction drawn between the access or service provider and the user,
- R. whereas the Commission Communication on illegal and harmful content on the Internet is of a provisional nature and whereas the problem must therefore be discussed further and in greater depth,
1. Declares solemnly that freedom of expression is and remains absolutely essential in our democratic societies;
  2. Stresses that everyone has the right freely to communicate or receive information using any medium, subject to the limitations specified in Article 8 and Article 10(2) of the European Convention on Human Rights;
  3. Emphasises that worrying phenomena observed on the Internet, which have to be addressed, should not prevail over the actual and potential cultural revolution made possible by the Internet;
  4. Gives every encouragement to the development of network telematic systems, and welcomes their impact, especially in the cultural, economic and social spheres, recognizing that they represent a means for the substantial progress of the free movement of information;
  5. Points out that the services of the Internet, with their possibilities for interactive communication, quick and cheap e-mail multi-media, can benefit large sections of the population, including women and notes that in several authoritarian and repressive states, Internet services, because of the possibility of anonymity, interactivity and speed, have played an important role in communication from persecuted persons and other victims to the rest of the world;
  6. Recognizes that the free movement of information on the Internet is a fundamental manifestation of freedom of expression;
  7. Calls on the Commission to draw up a European quality rating system for providers of Internet services and to support international coordination of such ratings. This must provide a guarantee that service providers are not working together with persons who disseminate illegal and harmful information. The rating system may be compared with the labeling system in existence for environmentally friendly products. Internet service providers would thus be encouraged to scrutinize and maintain the quality of the information content of their systems,
  8. Underlines the fundamental distinction which has to be made between illegal content, which appertains to the field of law, and harmful content, which concerns minors and appertains essentially to the domain

of morals, whether it is conveyed by the Internet or by other modes of communication;

9. Urges national governments to introduce suitable forms of instruction in their education systems to enable children to develop capacities of critical analysis vis-à-vis visual messages on the electronic media in parallel with the written word; underlines parents' role in this respect;
10. Considers it to be of fundamental importance, in order to ensure that the use of the networks strengthens the democratic institutions, to develop channels for citizen participation in public life through the telematic networks: therefore confirms the request made in its resolution of 20 June 1996<sup>(1)</sup> to give citizens and residents of the Union the possibility of addressing the Ombudsman telematically;
11. Condemns the use of the Internet to disseminate messages of a criminal character and in particular the use of the networks to disseminate child pornography and the sexual exploitation of children;
12. Notes that the problem of harmful content on the Internet resembles the problem that also arises with conventional means of communication, so that the introduction of filtering software (PICS) will not solve the problem until questions of classification and coding have been sufficiently clarified;
13. Considers that those countries which have not yet signed the international conventions concerning the protection of people, and especially children, should do so;
14. Is aware of the high degree of attention already given by many providers and numerous users of the Internet to certain aspects liable to misuse of a political and moral character, and welcomes the consequent debates and initiatives by the industry in developing mechanisms of self-control and awareness of the protection of freedom of speech;
15. Urges that the advertisement on the Internet of medical products for sale by correspondence be restricted to products not requiring a prescription and/or medical supervision;
16. Points out that trade in human beings for sexual exploitation via many media and means of communication as well as via the Internet is often disguised as information on adoption, job offers (e.g. domestic services) etc; this problem requires extra attention in the general policies of the EU under way with respect to the fight against the traffic in women;
17. Underlines that the Internet can be used as a tool for the distribution of harmful sex-related material when and if the persons depicted are sexually exploited and their personal integrity and dignity degraded; finds the misuse of children for these purposes particularly harmful and despicable; is convinced that national legislation is insufficient to reduce the harmful effects of this truly global industry;
18. Considers that Union intervention in an area that simultaneously affects both the free movement of services (under the first pillar of the Treaty) and civil liberties and justice (under the third pillar of the TEU) must in all cases take account of the principles of subsidiarity and proportionality;
19. Urges national governments to give greater resources and competence to the national police authorities in order to enable an introduction of measures

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<sup>(1)</sup> OJ C 198, 08.07.1996, p.215.

reporting on child pornography on the Internet, and consequently open for adequate measures through Europol and Interpol;

20. Stresses that, in a field affecting two of the pillars, a Community approach should be preferred to a purely intergovernmental approach, in view of the democratic guarantees required for monitoring and surveillance, and calls on the IGC to move towards the communitarization of the third pillar;
21. Urges competent national authorities to cooperate in order to reach an international agreement defining issues which are clearly illegal and, therefore, to be prosecuted wherever the provider is based; suggests that easily accessible 'national' catalogues on illegal content or transactions via the Internet be established;
22. Underlines that access and service providers' liability should be regulated at the international level;
23. Proposes that this 'horizontal' cooperation at the political level be matched by systematic 'vertical' cooperation between the political decision-makers, industry, access and service providers and users' associations so as to reduce the need for repressive regulation, by means of preventive cooperation; requests the Commission to act as coordinator of such cooperation;

On the subject of illegal content,

24. Recalls that the main problem concerning illegal content concerns not so much Web pages themselves as newsgroups and electronic mail, insofar as criminal activities using these means are as difficult to control as any such activities using normal mail or telephony;
25. Calls on the Council to create a centralized register of missing children on the lines of the US 'Center for missing and exploited children' within the future European Information System (EIS);
26. Recommends that police officials should be trained in the location and repression of forms of crime connected with telematic media; suggests that an integral part of Europol work should be to exercise constant vigilance and act immediately on network users' complaints, especially where children are the victims of ill-treatment or perversion at the hands of criminals;
27. Calls on the Member States to define a minimum number of common rules in their criminal law, and to strengthen administrative cooperation on the basis of joint guidelines, so as to act more effectively against illegal content in old and new media;
28. Calls on the Commission to propose, after consulting the European Parliament, a common framework for self-regulation at EU level, to include:
  - the objectives to be achieved in terms of the protection of minors, consumer protection interests and human dignity;
  - principles governing the representation of the industries concerned at European level and the decision-making procedures;
  - measures to encourage the enterprises and industries involved in telematic networks to develop message protection and filtering software, which should be made available automatically to subscribers;

- appropriate arrangements for ensuring that all instances of child pornography uncovered on computer networks are reported to the police and shared with Europol and Interpol;
29. Urges the Member States and the Commission to promote cooperation among those offering access to the Internet, in order to encourage self-regulation;
  30. Calls on the Commission to submit proposals for a common regulation of liability for Internet content;
  31. Stresses the need for international cooperation between the EU and its main external partners, on the basis of conventions or via the application of new international legal instruments; urges the Commission to discuss with other international agencies (like the UN, OECD, WTO, ITU) how to avoid duplication of effort in achieving this;
  32. Points to the need to find solutions to the fact that it is technically simple to offer information in encoded form to a restricted group of users on the Internet;
- On the subject of harmful content:
33. Insists on the primacy of individual responsibility, especially within the family, but that public action can play a complementary role;
  34. Calls on the Commission to encourage the development of a common international rating system compatible with the PICS protocol, and sufficiently flexible to accommodate cultural differences, which will benefit both users and content publishers;
  35. Calls for a start to be made with measures at European level that will:
    - impose unique sender-recognition codes for all providers of data over the Internet;
    - and
    - commit access and service providers to the following minimum standards:
      - in respect of data made available by themselves, to accept full responsibility, including full criminal-law responsibility;
      - in respect of any criminally unlawful content of third-party services provided by them, to accept responsibility if they are expressly aware of the specific contents and if it is technically possible and reasonable for them to prevent their use;
      - in the case of non-criminal content, access and service providers must establish effective mechanisms of voluntary self-regulation.
  36. Calls on the Council to take action to encourage the use of parental control systems using the newly-developed filtering techniques, self-regulation initiatives and the setting-up of European rating systems which make downstream control by parents possible, as well as the establishment of reporting mechanisms ('hotlines');
  37. Calls on the Council to review progress by October 1997, especially in relation to the effectiveness of filtering and rating systems, given the rapid rate of technology change;
  38. Instructs its President to forward this resolution to the Commission, the Council and the Governments and Parliaments of the Member States.

B  
EXPLANATORY STATEMENT

I. INTRODUCTION

As the twentieth century draws to an end, European society is confronted with a specific challenge: the irresistible rise of the so-called 'information highways'. The term 'highways' is, in fact, not entirely correct: the reality is more that of a huge worldwide labyrinth within which information circulates. The coming of the information society will have major social, economic and cultural repercussions.

At the heart of this gigantic change lies the Internet, a worldwide electronic communication network, invented by US military personnel, recuperated by scientists and adopted by over 50 m people across the entire planet. One may summarize matters briefly as follows: the Internet consists of a shared infrastructure (the 'network of networks'), the joint creation of all those party to it, using a single language (the TCP/IP protocols) and linking up computers worldwide, thus enabling their users to communicate. This is the context of the gradual creation of 'cyberspace', permitting large-scale, unmediated communication. As is well-known, the conventional media (based on a 'one-all' relationship) function in terms of a clear separation between the broadcasting centre and passive recipients who are isolated from one another. With the Internet, a new model of communication has appeared, based on an 'all-all' relationship. Every user can obtain support from others, indeed from many others, in his search for information. The whole forms a kind of living encyclopaedia, with a far greater potential than that of the printed word. In addition to the static memory constituted by the 'network of networks', the Internet also offers a living memory created out of its users' interaction.

Indestructible (it was created in the cold-war period to survive a nuclear attack), decentralized (unlike the Minitel), the property of all (its protocol belongs to the public domain, not to any commercial company) and permitting total freedom of expression, the Internet has resurrected the utopian dream (inherited from the libertarian ideas of the US researchers who conceived it) of a harmonious global human community in which every member develops his knowledge with the help of the others.

Despite this, access to the information which moves through the great networks, especially the Internet, is not an exclusively intellectual matter: it is also a financial question. Information has become a commodity. The free circulation of knowledge will be constrained by the price put on it, and this involves the risk of increasing inequality of access.

Another problem arises from the use made of the Internet by pornographers, paedophiles, holocaust deniers, sects, and other purveyors of highly objectionable messages. However, the particular nature of the Internet is such that censorship is virtually impossible. If a message is blocked from passing through one channel, it can get through by another. It is, furthermore, vital to respect freedom of expression, even if this leads to repugnant extremes.

## II. Illegal and harmful content on the Internet

In the context of the present study, it is essential to distinguish between problems of differing nature. Thus, it is one thing to talk of child pornography, which is illegal and punishable by the criminal law, and another to refer to the fact that children may have access to pornographic material intended for adults which, while being harmful to their development, is not necessarily illegal for adult consumers. In the first case (deviant pornography), one is dealing with illegal content which is outlawed in all areas of society, whatever the age of the potential consumers and whatever the medium used, whereas in the second case what is involved is a form of harmful content, access to which is permitted to adults only and is, therefore, forbidden to minors.

Other types of content are considered to be illegal by the laws of most Member States. These include paedophilia, trafficking in human beings, the dissemination of documents of a racist nature, terrorism and various forms of fraud (e.g. credit card fraud and offences against intellectual property).

All these areas are covered by different legal regimes and instruments at national and international level. All the parties involved in the Internet (the authors, the content providers, the server operators who store the documents and make them available, the network operators, the access providers and the end-users) are bound by the existing general law. What is illegal off-line is also illegal on-line, and it is up to the Member States to ensure respect for the law.

In the case of harmful content, it must be remembered that certain types of material may be seen as offensive by someone else: content expressing political opinions, religious beliefs, opinions on differences, etc. What is considered harmful depends on cultural differences and varying legal traditions.

## III. Examples of illegal content on the Internet

This report is not the place to examine all the different types of illegal content to be found on the Internet. Your rapporteur has, in the light of the sphere of competence of the Committee on Civil Liberties and Internal Affairs, decided to concentrate on the problems raised by incitement to violence and hatred (extremism) and by paedophilia and deviant pornography.

### 1. Extremism

Extremists have found the Internet to be an ideal medium for the dissemination of their harmful ideas, namely: incitement to hatred, discrimination or violence against persons or groups of persons on the grounds of their race, nationality, colour, gender or religion. A particularly grave problem is the proliferation of sites offering apologies for 'National Socialism' and denying the holocaust. The advisory committee on racism and xenophobia has in a note of 26 January 1996, drawn attention to the dissemination of racial hatred via computer and telematic networks, condemning the diffusion of racist ideas by network means and calling on the Member States and the Council to take action against this phenomenon.

The German legal authorities have also ordered a number of access providers to prevent their subscribers from connecting to certain sites considered to be of a 'neo-Nazi' nature. This news, coming one month after an earlier initiative by a German court concerning pornographic sites, has been hotly contested by the defenders of free speech.

The Electronic Frontier Foundation (EFF), a powerful association which has become one of the main voices of Internet users concerned to defend the free circulation of information on the network, has said that, while it does not in

any sense whatever approve of 'hate speech', it believes that harmful speech should be replied to with more convincing arguments, instead of censorship being imposed, and that when one right is sacrificed to protect another, both are lost.

## 2. Paedophilia and deviant pornography

The demand for pornography on the Internet is concerned less with hard-core films than with material of a deviant nature: sado-masochism, bondage, paedophilia and zoophilia. New services like the Internet make such material more visible and more easily accessible, while also being less easy to control than the traditional media. The Internet has thus become a new meeting-place for paedophiles. On the world network, they obtain addresses, plan meetings and view pornographic films whose 'actors' and victims are children. Their activities are giving rise to a rapidly expanding criminal industry. The paedophiles communicate using certain codes; their exchanges are difficult for outsiders to trace, as they make clandestine use of the servers of institutions above all suspicion, such as universities and museums.

One has also to take account of so-called 'virtual pornography', which consists exclusively of synthesized images. In such cases, no human being is actually exploited. However, it is probable that paedophiles who see such images may subsequently attack children.

In the US, the country most affected by these problems, Congress passed the Communications Decency Act (CDA) on 1 February 1996. A number of associations have attacked this law on constitutional grounds, invoking the First Amendment to the US Constitution, which states that any law affecting freedom of expression must employ the least restrictive means. On 12 June 1996, the CDA's opponents obtained a first victory when three federal judges in Philadelphia declared it unconstitutional. The US Supreme Court will now have to rule on the matter.

## IV. Community law and the new information services

### 1. The legal framework of the internal market

The circulation of information via international networks is by its nature a cross-border phenomenon, and is therefore governed by the legal framework of the internal market and its competition rules, notably Articles 59 and 60 of the EC Treaty. The principle in Community law is clear: a provider of services must be enabled to offer services unimpeded in the rest of the Member States. National governments may, however, operate exceptions to this freedom to provide services in specific cases and subject to stringent conditions, by instituting discriminatory restrictions (for reasons of law and order, state security or public health).

## 2. The principles of freedom of expression and respect for privacy

Freedom of expression is, it may be said in order to simplify, the freedom of all to express themselves and communicate. This freedom, fundamental to any democratic society, has two aspects: on the one hand, everyone has the right to communicate and disseminate information and ideas to others, and, on the other, everyone has the right to receive information and ideas.

European Court of Justice case-law has incorporated, on the basis of the general principles which it is the Court's function to uphold, the concept of fundamental human rights and, in particular, the Universal Declaration of Human Rights, the UN agreement on respect for civil and political rights and the European Convention on Human Rights (ECHR). In addition, all the Member States have signed the last-named Convention, which is also referred to in Article F of the TEU.

Nonetheless, the right to freedom of expression is not absolute. Article 10(2) of the ECHR states that national legislatures may enact exceptions to freedom of expression where three cumulative conditions exist. These are: the exception must be provided for by the law (in a clear and precise form); it must correspond to an imperative social need; and it must be proportionate. It must also entail a legitimate goal, such as national security, crime prevention, the protection of morality or the protection of the reputation or rights of others.

On the subject of respect for privacy, Article 8 of the ECHR states:

- '1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.'

## 3. Police and judicial cooperation at EU level

The legal framework created by Title VI of the TEU ('justice and home affairs') is, despite its limitations, a suitable basis for joint measures relating to the Internet. The aim is not to propose measures smacking of censorship, but to take the necessary precautions against dangerous abuses.

Since criminal law can apply only within a given country while the Internet knows no frontiers, it would be desirable for the Member States to define certain common minimum rules in their criminal legislation.

In addition, there is a need for administrative cooperation between Member States on the basis of joint guidelines.

Police cooperation must be strengthened, and the future European Information System (EIS) must be responsible for creating a central register of missing children.

It is also essential to define a common framework for self-regulation at European level.

## V. The Community institutions and the new information services

### 1. The Council

The Telecommunications Council, meeting in Bologna on 24 and 25 April 1996, called on the Commission to set up a working party to examine all the ethical problems raised by the Internet and similar networks. The same Council, at its meeting of 27 September 1996, asked the Commission to look into the possibilities of European or international regulation.

The Industry Council, meeting in Luxembourg on 8 October 1996, welcomed a German proposal to hold, in 1997 and in close cooperation with the Commission, an international conference on the use of information networks and services for illegal purposes (data espionage, piracy, pornography, holocaust denial, etc).

Finally, the Justice and Home Affairs Ministers, meeting in Dublin on 27 September 1996, agreed to enlarge the mandate of the Europol drugs unit to cover action against paedophilia and trafficking in human beings, and to set minimum joint rules for legislation on the sexual abuse of children. It also agreed to establish a multiannual programme for the training of and exchanges between persons involved in action against paedophilia and trafficking in human beings, and decided to create and keep up-to-date a catalogue of competences and information relating to anti-paedophilia action.

## 2. The Commission

The Commission has for some years now been engaged in the analysis of the information society and its consequences. On 16 October 1996 it adopted a green paper on the protection of minors and human dignity in audiovisual and information services<sup>(1)</sup> and a communication on illegal and harmful content on the Internet<sup>(2)</sup>.

The green paper is intended to stimulate public debate so as to identify the main problems posed by the new information services and decide what means of action should be employed in the light of the expectations of governments, interested parties and the public. It advocates the following measures:

- administrative cooperation between Member States on the basis of joint guidelines;
- encouragement of self-regulation;
- development of parental control systems using newly-introduced filtering techniques;
- development of international cooperation beyond the EU.

The Commission's approach has been to include all matters falling strictly within the audiovisual sphere in the directive on 'television without frontiers', with all other new services being covered by the green paper, while the Internet is the subject of a specific communication.

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(1) COM(96)0483

(2) COM(96)0487

The communication on illegal and harmful content on the Internet<sup>(1)</sup> represents a response to the Council's request that the Council should submit concrete proposals concerning the abuse of the Internet for criminal purposes. Rather than proposing measures which might look like censorship, the Commission takes the approach of considering the practical measures that can be taken to deal with the new problems posed by the Internet, given its nature as an unmoderated medium.

### 3. The European Parliament

Parliament has for a good while now taken account in its work of the problems of illegal content in new audiovisual and information services. In this context, it has adopted a number of resolutions on terrorism, racism, xenophobia and anti-Semitism, pornography, trafficking in women and paedophilia. Parliament has also shown considerable interest in the Commission's communications on the information society, which have stimulated wide-ranging debate and the adoption of various resolutions. Parliament welcomes the two Commission communications<sup>(2)</sup>, on which it will certainly give its opinion.

## VI. Action to combat illegal and harmful material on the Internet

### 1. Illegal content

It is up to the Member States to apply the law by detecting illegal activities and punishing the perpetrators. However, in the case of a worldwide network like the Internet one has to ask how it is possible to impose a law having a limited field of application.

The specific characteristics of the Internet are such that it is not possible to apply effective control measures. The Internet interprets censorship as a connection problem: what cannot get through one channel will pass via another. The possible types of measure will now be examined in this context.

#### a) Encouragement of self-regulation

In some Member States, Internet access providers and service providers have begun to set up self-regulation systems. In the UK, for instance, the Internet Service Providers' Association and the London Internet Exchange have recently joined forces with the new Safety Net Foundation with a view to taking self-regulation measures concerning illegal documentation on the Internet. A code of conduct has been drawn up on the initiative of the industry, with the aim of providing a ratings system for newsgroups and a hot-line allowing members of the public to report content which they believe to be illegal. The Safety Net Foundation will try to track down 'troublemakers' and invite them to withdraw the illegal documents from the network. In the case of refusal, the foundation will ask the site operator to take action against the user and report the matter to the UK police. Similar initiatives have been taken in Germany and the Netherlands.

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(1) idem

(2) COM(96)0483 and COM(96)0487

b) Withdrawal of files from servers

Once informed, by the national self-regulation body or a similar organization in another country, of the illegal character of the content stored on his server, the provider will have to take steps to remove the material concerned. However, this approach is not 100% effective, as users can always go to another server.

c) Blockage at the access provider stage

Internet access providers, who function as intermediaries between the world network and the users, are often accused of having a lax attitude towards the illegal material circulating on the Internet. However, where they proceed to introduce controls they are accused of having designs of arbitrary censorship. A number of providers have nonetheless taken the initiative of drawing up a blacklist, consisting of a number of sites and a number of very specific types of message which they will in future refuse to admit on their servers. This approach remains of purely symbolic usefulness, as there is nothing to stop users from bypassing their local server and connecting to another.

Another method would be to monitor the entire content of the information transmitted to subscribers. Filtering software would react, for instance, to certain 'keywords', and could disconnect the user or suppress the undesirable data en route. Solutions of this type, apart from being technologically cumbersome, pose a number of problems, among others semantic. In 1995 the provider America Online tried to intercept messages containing a number of words with sexual connotations, including 'breast': as a result, it blocked a newsgroup offering counselling services to women with breast cancer.

d) The need for Internet users to be traceable

Network users are normally traceable by their name. This is in line with the democratic principle according to which individuals, while being free to express their opinions, must nonetheless be held responsible for their acts. In this context, the principle of 'legal traceability' must be incorporated into the national and European codes of conduct.

Where, however, there are legitimate reasons for a user to wish to remain anonymous (e.g. fear of reprisals for the opinions expressed or anxiety concerning the possible use of his personal details at the receiving end), he should be allowed to use an identifiable pseudonym.

e) Creation of a 'cyberpolice' unit within Europol

Following the decision of the Justice and Home Affairs Council of 27 September 1996, the powers of Europol have been enlarged to cover action against paedophilia and trafficking in children and women. The Council should also consider setting up a 'cyberpolice' unit within Europol, which would collect information on paedophile networks throughout the Union.

f) Creation of a central register of missing children

In the context of the future European Information System (EIS) and on the basis of Article K.3 of the TEU, a central register of missing children should be created, on the lines of the US 'Center for missing and exploited children'. There should be close cooperation between Europol and the EIS to this end.

g) International judicial and police cooperation

Cooperation in the areas of criminal law and policing should be developed with the associate countries and the Union's main external partners, e.g. via conventions or new international legal instruments.

## 2. Harmful content

### a) Parental control software

The challenge here is to preserve the freedom of expression to which Internet users are so attached while making it impossible for minors to stumble on pornographic, racist or neo-Nazi sites.

The best technical solution available at present is to provide parents with specialized software programmes based on filtering systems. By contrast with 'top-down' censorship by official bodies (aimed at preventing the publication of illegal information), filtering enables parents to exercise 'bottom-up control' (by preventing minors from having access to harmful content of whatever kind).

Parental control has been welcomed by the on-line service providers, who see it as a means of easing their own burden of responsibility and passing the buck to the user. In this connection, certain private networks, such as America Online and CompuServe, already have their own parental control systems. This type of filtering, which stresses parental responsibility rather than state intervention, is a pragmatic, rather than a legal, response to the presence of harmful content on the Internet.

There are three main types of filtering software: 'blacklisting', by which access to specific sites is blocked; 'whitelisting', by which only certain specified sites are authorized; and 'neutral labelling', by which sites are tagged with a label or a 'moral rating', and it is then up to the user to decide whether or not to take note of the label or rating.

Unlike the first generation of filtering software based on keywords and blacklists, 'neutral labelling' involves the use of a new filtering standard for the industry. This standard, the 'Platform for Internet Content Solution' (PICS), functions on the basis of 'neutral labelling' and the filtering of all sites having an Internet address. To be included, a site must:

- have a PICS label; and
- conform to the parameters fixed by the parents on the family computer.

PICS offers an effective technique for indexing and filtering content, and is an adaptable and inexpensive response to the need to respect different national, local and personal sensitivities. It would appear to be the most comprehensive and ground-breaking means of dealing with the problems of content on the Internet.

MOTION FOR A RESOLUTION

(B4-0224/94)

pursuant to Rule 45 of the Rules of Procedure  
by Mr van der Waal  
on computer pornography

The European Parliament,

- A. having regard to its report on pornography<sup>(1)</sup>; being convinced of the fundamental importance of respecting the integrity of the individual and in particular of protecting children and women where pornography is concerned,
- B. having regard to its resolution of 11 June 1986 on violations of the freedoms and fundamental rights of women<sup>(2)</sup>,
- C. considering that pornography undermines respect for the dignity and equal worth of every human being,
- D. noting that children and women are often the victims of pornography and are in need of protection,
- E. drawing attention to the novel use of information technology to disseminate obscene and violent pornographic material made available by computer across frontiers by means of the telephone network,
- F. drawing attention to the use of electronic bulletin boards to advertise pornographic and violent images,
- G. drawing attention to the manipulation of visual images by available computer technology,
- H. drawing attention to the future development of computer software especially in the context of virtuality (e.g. computer-generated simulated sexual intercourse), which will require appropriate and detailed counter-measures,
- I. drawing attention to the development of computer-related sex aids and the need for monitoring, regulating and/or banning,
  - 1. Calls for urgent counter-measures to protect, especially, children and young people from pornography transmitted by information technology;
  - 2. Calls for a European Convention on Computer Pornography.
  - 3. Instructs its President to forward this resolution to the Commission and Council.

ANNEX II

(B4-1233/96)

MOTION FOR A RESOLUTION

pursuant to Rule 45 of the Rules of Procedure

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(<sup>1</sup>) OJ C 020, 24.01.1994, P. 546

(<sup>2</sup>) OJ C 176, 14.07.1986, p. 73.

by Mr Robles Piquer

on a solution to the legal vacuum concerning crime involving child pornography on the Internet

The European Parliament,

- A. whereas there is a worrying legal vacuum with regard to crime committed on the Internet, particularly that involving child pornography,
  - B. whereas it appears unreasonable that the penal codes of states governed by the rule of law should by definition ignore problems linked to the Internet,
  - C. whereas legal reforms are necessary to tackle criminal activities of this kind,
  - D. whereas a response should be made to the challenge posed by new information technologies, with the necessary judicial adjustment which this entails,
1. Calls for steps to be taken to seek to resolve the vacuum in Member States' legislation, which currently hinders action against those promoting child pornography through the Internet;
  2. Asks that, in so doing, account be taken of all provisions for the protection of minors in both Community and national law;
  3. Recommends that the Internet itself should seek to acquire its own forms of controlling criminal material such as child pornography.

# EUROPEAN PARLIAMENT

4 March 1997

## OPINION

(Rule 147)

for the Committee on Civil Liberties and Internal Affairs

on the Commission communication on illegal and harmful content on the Internet  
(COM(96)0487 - C4-0592/96)

Committee on Culture, Youth, Education and the Media

Draftsman: Mr Peter Pex

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## PROCEDURE

At its meeting of 8 October 1996, the Committee on Culture, Youth, Education and the Media appointed Mr Peter Pex as draftsman.

At its meetings of 19 November 1996 and 27 February 1997 it considered the draft opinion.

At the last meeting it adopted the following conclusions unanimously:

The following took part in the vote: Pex, chairman and draftsman; Hawlicek and Ahlqvist, vice-chairmen; Añoveros Trias De Bes, Arroni (for Boniperti), Augias, Parzanti (for De Coene), Evans, Ewing (for Leperre-Verrier), Galeote Quecedo (for Escudero), Gröner, Guinebertière, Günther (for Fontaine), Heinisch, Kuhne, Larive (for Bossi), Manisco, Monfils, Mouskouri, Perry, Sanz Fernández, Stenzel (for Pack), Santini (for Ligabue, pursuant to Rule 138(2)) and Tongue.

## INTRODUCTION

The Commission has just adopted, on the same day (16 October 1996):

- a communication on illegal and harmful content on the Internet (COM(96)0487), with a view more especially to presenting practical measures in time for the Telecommunications Council of 28 November 1996, and
- a 'Green Paper on the Protection of Minors and Human Dignity in Audiovisual and Information Services' prepared by DG X (COM(96)0483), i.e. 'a subset of wider issues of illegal and harmful content'.

While both documents underline each other's complementarity, they obviously overlap to some degree, notably as far as combatting harmful content is concerned. As much as Internet content providers compete with each other, Commission DGs also seem to be competing content providers, which might explain the considerable number of documents published by the Commission on the Information Society.

The title of this report ('illegal and harmful content on the Internet') can suggest that the Internet only brings misery. The truth is different.

Technically it is almost impossible to unwillingly get into contact with harmful material. Moreover, everyone involved in the Internet is registered. Therefore responsibilities can be easily identified. International cooperation between governments is, however, imperative since the Internet has no limitations as far as borders are concerned.

As far as illegal and harmful content goes, the Internet does not bring anything new. The situation is similar in the world of paper communication and publication. Measures to combat this on the Internet do not need to be of a specific character. The Internet has one advantage; the user himself, or his parents, can use software to make it impossible to get in contact with harmful content. It is important to underline the importance of self-regulation and the providers' responsibilities. Legal measures can only give support to these actions.

### *Illegal and harmful content on the Internet*

The areas concerned are national security (drugs, terrorism), protection of minors and of human dignity (violence, pornography, racial hatred), economic security, information security, protection of privacy and of reputation (including unlawful advertising), and intellectual property (p. 3). The workings of the internal market are also at stake.

While 'the Internet does not exist in a legal vacuum, since all those involved are subject to the respective laws of the Member States' (p. 10), the main difficulty in combatting illegal and harmful content is due to the shift, described as 'one of the main challenges of Internet regulation', from 'publishing mode' to 'private communication mode': two modes governed traditionally by very different legal regimes (p. 8).

The content of electronic information is difficult to control. The users of the network and the service providers are, however, easy to identify.

It needs to be said that from the large amount of information one can find on the Internet only a small proportion can be characterised as harmful. In this respect, it is crucial to differentiate between illegal content and harmful content, which call for 'very different legal and technological responses' (p. 10).

### *Combating illegal content*

Detection is particularly difficult in private applications whereas enforcement of the laws meets obstacles in a fundamentally international context. 'Additional international cooperation is required to avoid safe havens', the communication stresses (p. 12).

When the content is provided, not by host service providers themselves, but by third parties, providers' liability needs to be clear. In a number of Member States, Internet access providers and host service providers have set up systems of self-regulation. When states have a different view on whether a specific content is legal, access at the level of access providers can be blocked but this might give rise to problems concerning the free movement of services. Besides, criminal users are able to 'hop' from a Web page to a newsgroup or to standard e-mail.

Whether in the Web, in e-mail or a newsgroup, the principle of legal traceability (p. 16) might be made the rule, also for remailing activities. Yet, in certain cases, a user might wish with legitimate reasons to remain anonymous. Moreover, the European Convention on Human Rights affirms the right to the

secrecy of correspondence. Here again, we stay at the frontier between broadcasting and private communication activities... The 'Safety net' proposals of September 1996 in the UK address this concern.

#### *Dealing with harmful content*

Measures limiting the free provision of services can be taken but only if they do not exceed what is necessary to achieve the aim, the communication says. The emphasis is put on a number of technologies which have been developed to enable parents to control Internet content coming into their homes ('downstream control' contrasting with 'upstream censorship' (p. 20)). Three main models are mentioned: 'blacklisting', 'whitelisting' and 'neutral labelling'. 'Neutral labelling' is made possible by the cheap PICS system ('Platform for Internet Content Selection' (p. 21)). Encouragement, the communication says, should also be given to setting up European rating systems and establishing reporting mechanisms ('hotlines').

#### *Immediate set of measures proposed (p. 24)*

- . information exchange on those providing criminal content at Member State level;
- . definition by the Member States of minimum European standards on criminal content;
- . reinforced cooperation between associations of access providers with a view to self-regulation;
- . harmful content: encouraging the use of filtering software and European rating systems; adoption of a code of conduct by European content producers;
- . support of national awareness actions for parents and teachers (Commission's initiative);
- . an international conference, as proposed by Germany at the 8 October 1996 Industry Council, with the participation of all parties concerned;
- . extension of dialogue to a body such as the OECD, the WTO, the UN or a specialised UN body;
- . setting up of a Commission Information Web site, with information and guidance.

## Conclusions

On the basis of the above considerations, the Committee on Culture, Youth, Education and the Media calls on the Committee on Civil Liberties and Internal Affairs, as the committee responsible, to adopt the following conclusions as amendments to its draft report:

Amendment 1 - paragraph 2a (new)

- 2a. emphasises that worrying phenomena observed on the Internet, which have to be addressed, should not prevail over the actual and potential cultural revolution made possible by the Internet;

Amendment 2 - paragraph 4a (new)

- 4a. underlines the fundamental distinction which has to be made between illegal content, which appertains to the field of law, and harmful content, which concerns minors and appertains essentially to the domain of morals, whether it is conveyed by the Internet or by other modes of communication;

Amendment 3 - paragraph 5

5. urges national governments to introduce suitable forms of instruction in their education systems to enable children to develop capacities of critical analysis *vis-à-vis* graphics displays and electronically transmitted data in parallel with the written word; underlines parents' role in this respect;

Amendment 4 - paragraph 6a (new)

- 6a. Notes that the problem of harmful content on the Internet resembles the problem that also arises with conventional means of communication, so that the introduction of filtering software (PICS) will not solve the problem until questions of classification and coding have been sufficiently clarified;

Amendment 5 - paragraph 10a (new) (after the subtitle: *on the subject of illegal content*)

- 10a. Notes that although the global nature of the network makes it difficult to combat illegal content on Web pages, balanced solutions can nevertheless be found if, in conjunction with a joint approach within the European Union as the precursor to the establishment of wider ranging international rules at the levels of the G7, the OECD, the WTO and the United Nations, action is taken to eradicate safe havens for data that offend against general rules of criminal law; calls on the Commission to spearhead cooperation to that end;

Amendment 6 - paragraph 10b (new)

- 10b. Stresses that the responsibility of access and service providers should be regulated at Community and international level;

Amendment 7 - paragraph 10c (new)

10c. proposes that this 'horizontal' cooperation at the political level be matched by systematic 'vertical' cooperation between the political decision-makers, industry, access and service providers and users' associations so as to reduce the need for repressive regulation, by means of preventive cooperation; requests the Commission to act as coordinator of such a cooperation;

Amendment 8 - paragraph 10d (new)

10d. recalls that the main problem concerning illegal content concerns not so much Web pages themselves as newsgroups and electronic mail, insofar as criminal activities using these means are as difficult to control as any such activities using normal mail or telephony;

Amendment 9 - paragraph 16a (new)

16a. Calls for a start to be made with measures at European Union level that will:

- impose unique sender-recognition codes for all providers of data over the Internet; and
- commit access and service providers to the following minimum standards:
  - in respect of data made available by themselves, to accept full responsibility, including full criminal-law responsibility;
  - in respect of any criminally unlawful content of third-party services provided by them, to accept responsibility if they are expressly aware of the specific contents and if it is technically possible and reasonable for them to prevent their use;
  - in the case of non-criminal content, access and service providers must establish effective mechanisms of voluntary self-regulation.

Amendment 10 - paragraph 17

17. Calls on the Council to take action to encourage the use of parental control systems using the newly-developed filtering techniques, self-regulation initiatives and the setting-up of European rating systems which make downstream control by parents possible, as well as the establishment of reporting mechanisms ('hotlines');

OPINION

of the Committee on Women's Rights

Letter from the Chairperson of the committee to Mrs Hedy d'ANCONA, Chairperson  
of the Committee on Civil Liberties and Internal Affairs

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Brussels, 24 January 1997

Subject: Commission communication on illegal and harmful content on the  
Internet  
(COM(96)0487 - C4-0592/96)

Dear Mrs d'Ancona,

At its meeting of 23 January 1997 the Committee on Women's Rights discussed the  
above subject and approved the following text and conclusions.(')

First of all it needs to be understood that the Internet is applied through a  
range of communication services, like e-mail, usenet newsgroups, telnet,  
telephone services, video conferencing and is made easily accessible by the  
techniques of World-Wide Web. The speed at which it has become a truly global  
tool is almost beyond belief and shows little sign of slowing down. Just about  
all important aspects of individual lives and societies are going to be  
influenced by access to the Internet and the WWW, if they are not already. It  
effects everything from economies, trade, international relations to access,  
distribution and creation of knowledge, information, social and cultural life  
at large. The number of users and providers of the content of the information  
is seemingly limitless given the continuing development of technologies and the  
necessary hardware. The innovative character is not so much in the new digital  
communication services. Most of these services exist in other less sophisticated  
forms (like mail, fax, video recorders, cam recorders, mail order and service  
telephone lines). The multimedia character, the speed of the global  
communications and the improved possibilities for interactivity are new.

If the possibilities for use of the Internet are almost without limits then so  
are the possibilities for misuse and abuse. The content of the communications  
between individuals on the net should be protected by national and international  
legislation, like that governing postal services especially as regards the  
privacy of letters. More complications arise with regard to the content of  
communications and information services that are accessible for third parties  
and/or a general public. International legislation is more or less non-existent  
and national legislation in these matters is barely harmonized. Given the  
predominantly political and moral nature of most subject matter under  
discussion, it is not to be expected that a well-balanced and clear legislation  
will be realized in the short term. This is also problematic with other cross-  
border media. E.g. mail order services between a country where certain material  
is not illegal and a country where it is. It is often difficult to weed out  
unwanted elements of content due to problems in "reading between the lines" of  
available information/content as well as the problem of identifying the creators  
of home pages, not to mention the anonymity of users and surfers on the net.

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(') The following were present for the vote: van Dijk, Chairperson;  
Torres Marques, Vice Chairperson; Blak (for Ahlqvist); Cars (for  
Kestelijn-Sierens); Daskalaki; Izquierdo Rojo (for Frutos Gama);  
Lepierre-Verrier; Sornoza Martínez.

The Commission's document gives a valuable and complete picture of the present state of the "industry" and cleverly refrains from predicting too much of the future picture. The Commission also clearly points out the predominantly positive aspects and potential for the use of the Internet.

In parallel the Commission points to types of illegal, or harmful content, which might not actually be defined as illegal and indicates possible technical and practical measures to counter-act this. As it is up to the Committee responsible to discuss those matters, this Committee shall limit itself to pointing out areas of content it considers particularly harmful and often illegal, and where it urges competent authorities to devise measures to limit such harmful and illegal content.

The Committee responsible is asked to include the following conclusions in its resolution:

1. Points out that the services of the internet, with their possibilities for interactive communication, quick and cheap e-mail multi-media, can benefit large sections of the population, including women and notes that in several authoritarian and repressive states, Internet services, because of the possibility of anonymity, interactivity and speed, have played an important role in communication from persecuted persons and other victims to the rest of the world.
2. Is aware of the high degree of attention already given by many providers and numerous users of the internet to certain aspects liable to misuse of a political and moral character, and welcomes the consequent debates and initiatives by the industry in developing mechanisms of self-control and awareness of the protection of freedom of speech.
3. Points out that while the Internet can be used as a cheap and easy "mail-order-house" with positive effects, increasing consumers' free choice, strict international rules should be established to exclude goods which do not fulfil the standards approved in the interest of consumer protection.
4. Points out that trade in human beings for sexual exploitation via many media and means of communication as well as via the Internet is often disguised as information on adoptions, job offers (e.g. domestic services), etc.; this problem requires extra attention in the general policies of the EU under way with respect to the fight against the trafficking of women.
5. Recognises the enormous problems of identification of such illegal content and is well aware of the limits for prosecution should misuse and abuse of the Internet be detected, a problem which it is feared is bound to increase.
6. Underlines that the Internet can be used as a tool for the distribution of harmful sex-related material when and if the persons depicted are sexually exploited and their personal integrity and dignity degraded; finds the misuse of children for these purposes particularly harmful and despicable; is convinced that national legislation is insufficient to reduce the harmful effects of this truly global industry.
7. Urges competent national authorities to cooperate in order to reach an international agreement defining issues which, are clearly illegal and, therefore, to be prosecuted wherever the provider is based; suggests that

easily accessible "national" catalogues on illegal content or transactions via the Internet be established.

8. Stresses that "parental control" over information received, although technically feasible, can also be viewed negatively as a means of limiting access to information, thus excluding children and adolescents from a free choice of knowledge; finds, therefore, that efforts to limit harmful and illegal content must be directed primarily to the providers of such content.

Yours sincerely,

(sgd) Nel van DIJK