European Parliament: Protection of Minors and Human Dignity and the Right of Reply in Relation to the Competitiveness of the European Audiovisual and Information Services Industry

IRIS 2005-9:1/2

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On 7 September 2005, the European Parliament adopted a legislative resolution on the Commission's proposal for a recommendation on the protection of minors and human dignity and the right of reply in relation to the competitiveness of the European audiovisual and information services industry (see IRIS 2004-2: 6 and IRIS 2004-6: 5). Previous European legal instruments such as Council Directive 98/560/EC and Art. 22 of the TWF directive had already addressed these issues, albeit in a less extensive manner. This resolution's innovation lies in its scope: it is intended to cover recent technological developments and includes audiovisual as well as on-line information services such as newspapers, magazines and, particularly, video games made available to the public via fixed or mobile electronic networks.

The Parliament stresses the need to ensure protection of minors and human dignity by means of appropriate national measures targeting harmful content on all audiovisual and on-line information services and taking into account not only the industry's interests but also freedom of speech. To this end, it makes an array of suggestions ranging from European-wide information campaigns aimed at alerting the public to the dangers of internet, with a focus on educational institutions and parents, to the establishment of telephone hotlines in order to report harmful or illegal sites (displaying child pornography, violence or incitment to any form of discrimination). As far as the industry is concerned, the Parliament encourages self-regulation as a complementary measure only, and proposes the drawing up of codes of conduct as well as using filtering and labelling systems to weed out harmful content on the web. Where service providers are concerned, it even recommends considering the inclusion in Member States' legal systems of a joint or cascading liability for internet crimes.

The Parliament also addresses question of the right of reply and indicates it should be adapted to the current state of technological development and applied to all audiovisual and on-line information services. The Parliament no longer refers to indicative guidelines as to how the right of reply can be implemented in national legislation but speaks of `minimum principles'.

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In order to assess the effectiveness of these measures the Parliament recommends the Commission submit a report by the end of 2008 based, in turn, on the reports Member States are to submit two years after the adoption of this recommendation.

European Parliament legislative resolution on the proposal for a recommendation of the European Parliament and of the Council on the protection of minors and human dignity and the right of reply in relation to the competitiveness of the European audiovisual and information services industry

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