European Commission: Communication on the Results of the Consultations on the Green Paper on “The Protection of Minors and Human Dignity in Audio-visual and Information Services”

IRIS 1997-8:1/11

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On 15 July 1997, the European Commission published on Internet a report on the results of the consultations on the Green Paper on `The protection of minors and human dignity in audio-visual and information services' of 16 October 1996 (see IRIS 1996-10: 4).

Having analysed the findings, the Commission suggests that the problems raised in the Green Paper can best be solved by co-ordinating the efforts made by individual states to protect minors and human dignity. It also suggests various ways of stepping up co-operation and the exchange of information and ideas at European and international level. As part of this process of co-ordinating national rules, it proposes the introduction of self-regulating measures, with supervisory machinery to ensure that they are implemented. The aim of these measures is to clarify and harmonise the regulations which protect minors in individual countries. One aspect of this is the Commission's proposal for minimum regulations to standardise the presentation and definition of material harmful to young people. The text refers to the importance of parental control systems (electronic programme guides, v-chip, etc.) in protecting the young with regard to on-line services. It is generally agreed that these systems must in no way shift the programme providers' responsibility onto parents and that they must be introduced voluntarily. Programme providers must also bring in warning systems, and have ways of checking the age of users and labelling content. One of the minimum measures proposed for clarification and harmonisation of national regulations for the protection of human dignity is the introduction of laws on the identification and prosecution of people who break the law by disseminating or using unlawful material. The possibility of linking liability and function is referred to. Thus, content providers who originate unlawful material would be fully liable, while providers who disseminate material from other sources would be liable only to a limited degree. There is still disagreement concerning the liability of operators who merely provide access to services. The results of the survey indicate that prosecution measures must not interfere with the right to use on-line services anonymously, but that the right to privacy is no obstacle to clear identification of service providers. The consultation process has shown that the parties agree on the need to go beyond general ideas concerning material which harms young people and violates human dignity, and arrive at clear definitions.

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European Commission: Protection of minors and human dignity in audio-visual and information services; results of the Green Paper consultations, 15 July 1997

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