

# **Trends Surrounding Development of the Internet Environment for Young People in Japan**

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**November 4, 2011  
Telecommunications Consumer Policy Division  
Telecommunications Bureau  
Ministry of Internal Affairs and Communications  
JAPAN**

# 1 Current State of Internet Use Environment for young people

✓ Approximately 8.11 million young people use filtering services for their mobile phone/ PHS (as of the end of June 2011).

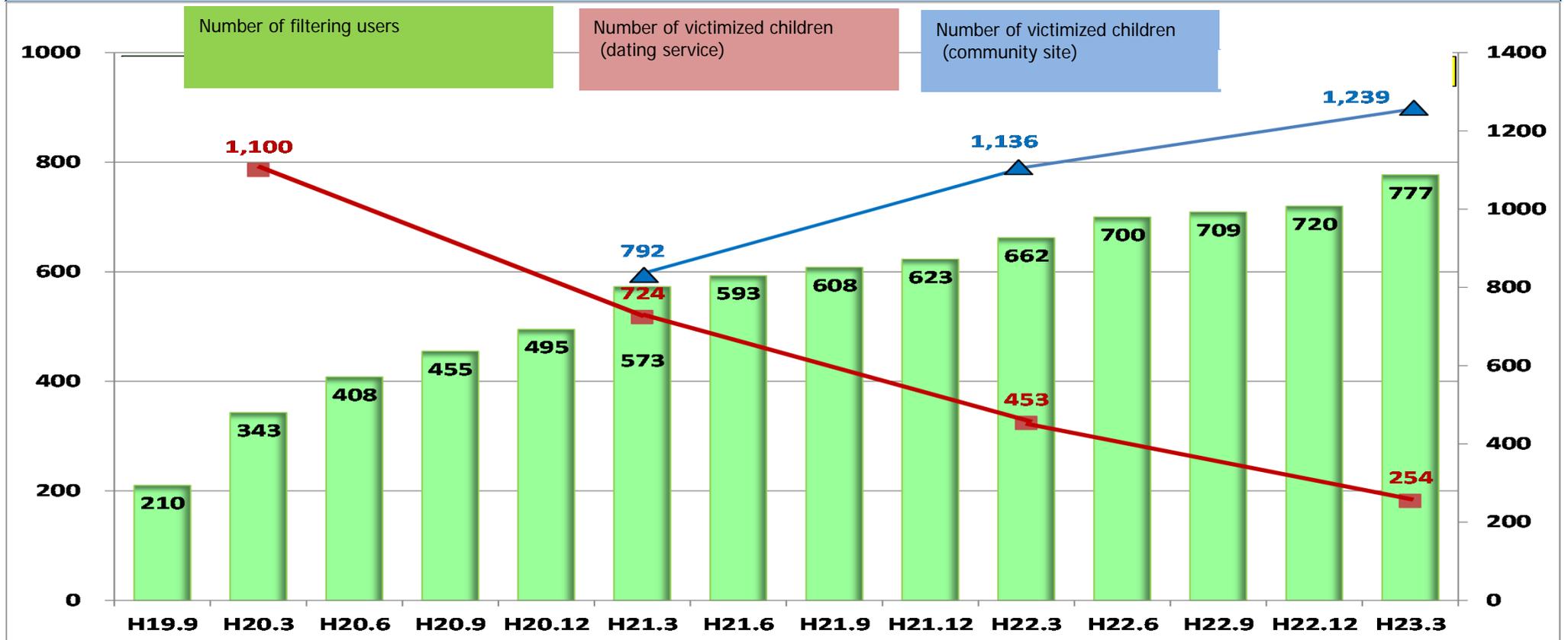
\* Under the "Act for the development of an environment that provide safe and secure use of the Internet by young people" (enforced on April 1, 2009)", mobile phone carriers (mobile phone Internet connection service providers) are required to provide filtering service for young people. (Excluding cases where parents or guardians had notified as not necessary). (Article 17 of this law)

✓ The Internet use environment has changed with the advent of and diffusion of smart phones.

✓ As a result of the diffusion of filtering service for mobile phones, victims of dating service related incidents have decreased.

✓ Meanwhile, incidents pertaining to non-dating service sites (e.g. SNS sites \*, etc.)

\* Social Networking Service. Representative service Representative services include: mixi, GREE, Mobage, etc.



\*Number of filtering users: Prepared by the Ministry of Internal Affairs and Communications based on the press reports issued by Telecommunications Carriers Association (TCA).

\*Number of victimized children by dating-service sites: Based on "Status of arrests regarding crimes deriving from dating service sites, etc. in 2010" by the Police (Feb. 17, 2011)

## 2 Main efforts by concerned parties – Act on Development of Internet Environment for Young People –

### Act on Development of an Environment that Provides Safe and Secure Internet Use for young people

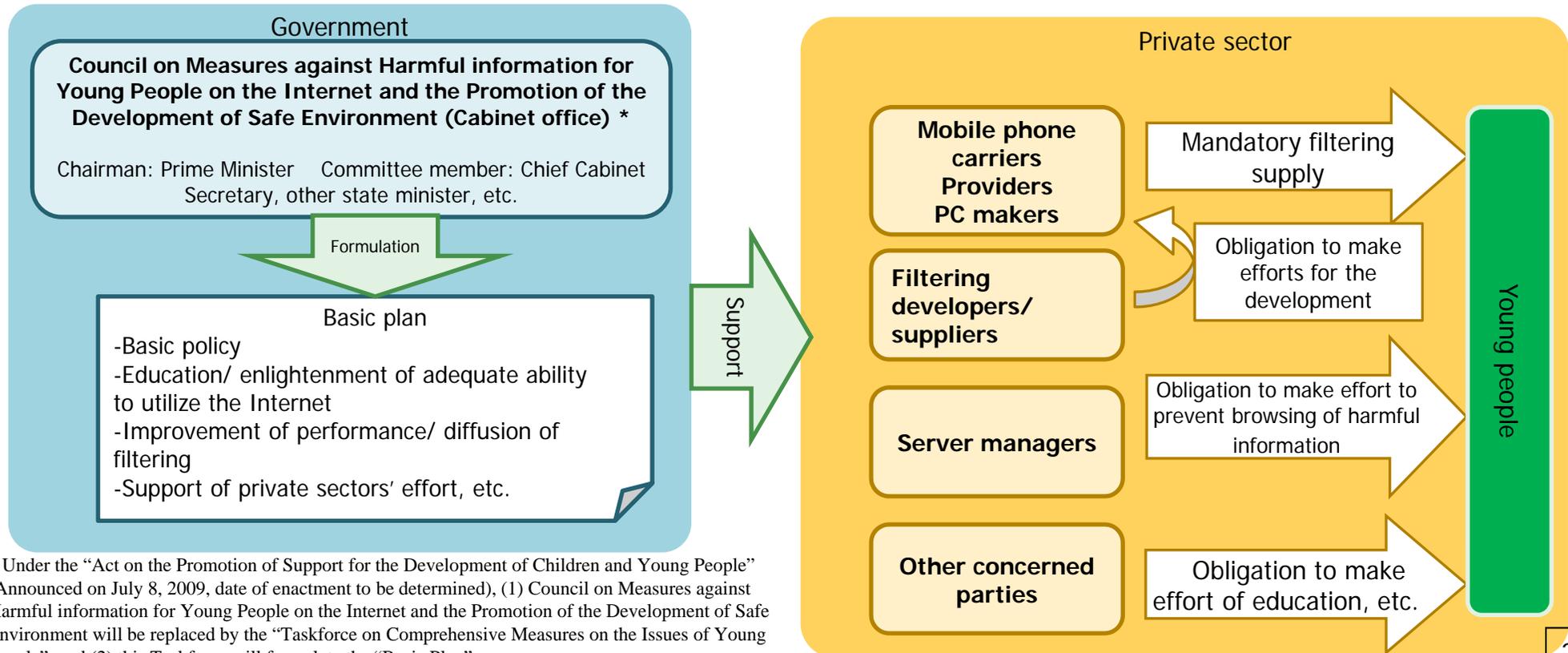
- Act on Development of an Environment that Provides Safe and Secure Internet Use for Young People (“Act on Development of Internet Environment for Young People”) was presented as a proposal of the chairman of the Special Committee on the Issues of Young People in the Upper House.
- Enforced on April 1, 2009 (to be reviewed and examined within three years of enforcement)

#### Fundamental principles

Acquisition of adequate skill of Internet use by young people  
(Ability to make choices of information appropriate for each developmental stage)

Minimization of opportunities of browsing of harmful information by young people

Initiative by the private sector (with Government support)



\* Under the “Act on the Promotion of Support for the Development of Children and Young People” (Announced on July 8, 2009, date of enactment to be determined), (1) Council on Measures against Harmful information for Young People on the Internet and the Promotion of the Development of Safe Environment will be replaced by the “Taskforce on Comprehensive Measures on the Issues of Young People”, and (2) this Taskforce will formulate the “Basic Plan”.

### 3 Main initiatives of the Ministry of Internal Affairs and Communications as regards preparation of the Internet environment for young people

#### ○Dissemination and education activities

Implementing educational courses mainly for parents and guardians and teachers (e-net safety courses) across the nation in corporation with the Ministry of Education, Culture, Sports, Science and Technology and telecommunication-related organizations, etc. (“e-Net Caravan”) (Implementation result in FY2010: 557)

➢Supporting dissemination and educational activities (such as symposium, workshop, etc.) of “Conference for the Creation of Safe Network”. (Implementation result in FY2010: 13)

#### ○Improvement and diffusion of filtering

➢In corporation with mobile telephone carriers and the third party organizations, promoting supply of divers filtering services, such as customized functions of mobile phone filtering.

➢Based on the “Emergency Measures to Diffuse Filtering of Mobile Phones of Young People” (March 8, 2011), promoting diffusion of filtering, by requiring mobile phone carriers to reinforce explanation to parent and guardians, for instance. (Number of users of mobile phone filtering service as of the end of June 2011: approx. 8.11 million)

#### ○Support for the private sector’s voluntary initiatives

➢Providing necessary information and advice, etc. to: Educational activities in various regions across the nation organized by the “Conference for the Creation of Safe Network” established in February 2009 (regional project); the national movement for sharing objectives relating to usage environment preparation (national project), and; scientific research, verification and so forth on the impact of the network on young people.

#### ○Promotion of international cooperation

➢Presenting initiatives being taken in Japan at international conferences, while at the same time, in cooperation with related ministries and agencies, working with international organizations, such as, ITU (International Telecommunication Union) and OECD (Organization for Economic Cooperation and Development) in their rulemaking efforts. (Currently, OECD is in the process of working on recommendations on the protection of children online).

#### ○Others

➢With respect to measures against damages by crimes that affect healthy growth of children (so-called welfare crime), working on clarification of legal positioning of content checking of message function (so-called mini-mail) between the members CGM (Consumer Generated Media) service, and promotion of viable functional limitation, while at the same time, examining measures of “the Conference for the Creation of Safe Network”, and supporting educational activities, e.g., “Urgent Appeal to Protect Children” (Compiled in October 2010) in cooperation with related ministries and agencies.

➢Analyzed conditions surrounding the Internet use by young people after the establishment and enactment of Act on Development of Internet Environment for Young People, and examined initiatives by concerned parties up until now. Then, examined further approaches to the issues, compiled report of the results and made it open to the public. (Released a “Recommendation on the Development of an Environment that Provides Safe and Secure Internet Use for Young People” (October 2011)

➢Organized and published 5 basic principles that a policy on the preparation of the Internet use environment for young people should abide with: (1) balance between improvement of literacy and minimization of browsing opportunities ; (2) approach to the receiver’s side; (3) role of parents and guardians and other concerned parties; (4) private sector’s initiative and the role of the government; (5) non-interference by the government on judgment of harmfulness)

## 4 The outline of Recommendations on the Development of an Environment that Provides Safe and Secure Internet Use for Young People

### ■ Background of review

- In order to prepared for the planned review of the Act on Development of Internet Environment for Young People within three years of its enactment (Article 3 of Supplementary provision), the change in the environment of the Internet use by young people after the law was establishment and enforced (April 2009) was examined, and new initiatives that correspond with the change was considered. In response to the summary of the WG (working group), public comment period was set up from July 23 to August 22. It was published as a recommendation on October 27.

### ■ Main results of review (1/2)

- **Established 5 basic guidelines** that future policies on the preparation of the internet environment for young people must follow

#### ① **Balance between improvement of literacy and minimization of browsing opportunities**

In order to develop an environment in which young people can use the Internet safely and at peace, utilize every opportunity to take measures to improve young people's ability to adequately use the Internet. As a complementary effort, take measures to reduce opportunities for young people to browse harmful information as much as possible.

#### ② **Approach to the receiver's side**

From the viewpoint of securing free expression on the Internet, measures to minimize opportunities for young people to browse harmful information for young people by using the Internet is should be based on an approach to the receiver's side as a rule.

#### ③ **Role of parents and guardians and other concerned parties**

Parents and guardians, who can directly watch over and educate their young people, are the primary persons who can play the role and have the right to prepare the environment where the young people can use the Internet safely and at peace. However, it is difficult for parents and guardians to independently play this role. Therefore, concerned parties must also cooperate to play their roles in assisting parents and guardians.

#### ④ **Private sector's initiative and the role of the government**

In developing an environment that provide safe and secure Internet use for young people, first and foremost, the private sector's voluntary initiatives must be respected, and the government shall provide support for them.

#### ⑤ **Non-interference by the government on judgment of harmfulness**

The private sector must decide which information is harmful to young people, and the government agencies must not interfere with the decision.

## 4 The outline of Recommendations on the Development of an Environment that Provides Safe and Secure Internet Use for Young People

- Main results of review (2/2)
- Instead of legal measures, such as revision of laws, etc., expect, first and foremost, voluntary initiatives by the private sector
- In order to address major problems, seek voluntary response of concerned parties, and then further develop an environment where the Internet can be used safely.

Item	Main content of recommendation
Roles, etc. that concerned parties are expected to play	<ul style="list-style-type: none"> <li>■ In order to cope with situations where parents or guardians, without enough literacy, do not use or cancel filtering thoughtlessly, some of the local governments have established an ordinance on the limitation of parental and guardian's judgment (restriction on the reasons for cancellation of filtering or submittal of reason for cancellation, etc.). There is also an opinion that it must be stipulated by the law. However, first and foremost, judgment of parents and guardians must be respected. The said initiative must be considered as an exceptional measure by taking into account actual conditions of each region, and thus revision of the law is not necessary.</li> <li>■ There is an opinion that a tool must be made available to parents and guardians, by which they can easily view the history of browsed websites and sending and receiving (use history) of emails by the young people under their care. However, because it will constitute a strong limitation of privacy of the young people, it is not appropriate to make the said tool available immediately, or encourage parents and guardians to check the use history.</li> <li>■ When mobile telephone subscription contract is concluded by the name of a parent or guardian, but the mobile phone is actually used by a young person under his or her care, the parent or guardian is required to notify this fact (Section 2 of Article 17 of the Law), and it is necessary to meet this obligation without fail. The government needs to improve awareness level of the stipulation of this obligation. Mobile phone Internet connection service providers are required to catch the opportunity of new subscription, model change and so on to reinforce confirmation of the use by young people.</li> <li>■ At the beginning of the use of the Internet service on a mobile phone, mobile phone Internet connection service providers and subscription contract agencies are required to explain to the parents of guardians that there is a certain risk of browsing harmful information for young people when using this service. At the same time, it is preferable to recommend appropriate method according the age level.</li> </ul>

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Item	Main content of recommendation
<p>Roles, etc. that concerned parties are expected to play</p>	<ul style="list-style-type: none"> <li>■ When they received a notification of nonuse or cancellation of filtering by parent or guardian, the Mobile phone Internet connection service provider or subscription contract agencies is required to explain to the parent or guardian about dramatic increase in the risk of browsing harmful information for young people without the use of filtering, by citing specific examples, and the fact that parent or guardian must take the responsibility of guiding and controlling the use of service by their young people. In addition, it is preferable to explain that healthy community sites that are widely used by young people can be browsed even the filtering is used.</li> <li>■ The government is required to prepare an indicator for the Internet literacy (particularly, regarding how to cope with online risks) in such a way that international comparison is possible, and make it open to the public regularly.</li> <li>■ Filtering related businesses are required to continue the study of filtering so that intentions of users are taken into consideration. In addition, it is expected to continue study of the mechanism of securing certain independence from the government, and that of securing transparency of the standard setting policy. Furthermore, it is necessary to continue examination to make the filtering standard better reflect the viewpoint and sense of parents and guardians.</li> </ul>
<p>Specific server manager</p>	<ul style="list-style-type: none"> <li>■ Despite a formal demand by a superior specific server, when and only when a subordinate specific server would not take any measure to prevent browsing by young people, superior specific server manager is required to prepare a model clause for taking measures to prevent browsing by young people.</li> <li>● Superior specific server managers are expected to take voluntary initiatives, such as preparing questionnaire form, etc. and recommending its use to the subordinate specific server manager, and making official demand and requirement to subordinate specific server managers to prepare contact reception system.</li> </ul> <p>Whereas Article 4 of the Supplementary Provision calls for an examination of a limitation on civil liability of a provider (server manager) when he/she took an action to prevent information that infringes social interests protected by law from being sent, voluntary response by the private sector is functioning effectively at present, and thus, it is not necessary to limit the said responsibility by laws and regulations at this point.</p>

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Item	Main content of recommendations
CGM operator	<ul style="list-style-type: none"> <li>■ In examining measures to address troubles relating to the use of CGM service, it is necessary to have detailed and rational analysis of the case as well as collaboration of concerned parties. The Community Site Verification Working Group of the Safe Network Creation Council provides such a forum of collaboration of concerned parties. It is necessary to continue to utilize such a forum.</li> <li>■ Check of content of mini-mail (message) by CGM operator is a so-called emergency measure for the protection of young people, and it is required to be extremely careful about this. Specifically, it is preferable for CGM operator to engage in educational activity regarding the background and needs for checking the content of a mini-mail. Moreover, if an alternative measure is established that (1) can meet the objective of protection of young people, and (2) there are fewer problems in terms of confidentiality of communication, etc., such a method should be adopted in stead of checking the content of a mini-mail.</li> <li>■ When checking the content of a mini-mail, an individual and clear consent by the user is needed. In obtaining such consent, a CGM operator will be necessary to explain at least (1) if there is leaning/ leakage/ use without permission of the confidentiality of communication, purpose, method, scope and the name of the person performing the task, in an easily recognizable way. Furthermore, consent needs to be obtained for each mini-mail sent.</li> </ul>
The third party organization	<ul style="list-style-type: none"> <li>■ In order to improve effectiveness of certification by third party organizations, it is desirable to: (1) enhance effectiveness of monitoring of operation of certified sites, by utilizing temporary suspension system of certification, and so forth, and; (2) improve effectiveness of certification criteria by flexibly changing the certification criteria.</li> <li>■ In order to conduct neutral evaluation of a site, etc., further improvement of independency is needed. It is desirable to develop a mechanism in which a section with audit function can check activities from an external viewpoint, and provide advice if necessary. Furthermore, in order to guarantee independence even more, it is desirable to make open to the public the state of cooperation with other organizations as much as possible in order to improve transparency.</li> <li>■ For the purpose of raising awareness of parents and guardians, etc., it is expected not only to publicize one's own organization and activities, but also aggressively announcement and engage in PR activities.</li> </ul>

Item	Main content of recommendations
Diverse Equipment with Internet Connection Capability	<ul style="list-style-type: none"> <li>■ Instead of legal measures, such as a revision of the Mandatory Stipulation of Filtering Provision (Article 17, 18 and 19), voluntary initiatives by the private sector are expected.</li> <li>■ With respect to services that have a serious impact on the environment of the Internet use by young people (with highly personal quality and high proportion of use by young people), it is necessary to require carriers to provide services with a condition of using the filter.</li> <li>■ Regarding service to provide the Internet connection to a smart phone: via wireless LAN: <ul style="list-style-type: none"> <li>- Based on Article 18 of the law, the Internet connection service providers must, at least in its official web site, introduce generally available filtering in an easily recognizable way and so on, and when requested by the user, provide the filtering to the user.</li> <li>- Mobile phone carriers and their sales agencies and mobile phone terminal (handset) distributors are required, at the time of sales, to explain to parents and guardians and users about: (1) presence of the functions of wireless LAN connection; (2) availability of filtering when connected to wireless LAN (and the method when available); (3) presence of restriction on the wireless LAN functions (and the method when present).</li> <li>- Mobile phone terminal manufacturers are expected to start examination of taking measures by which users can easily use browsing restriction functions, such as filtering</li> </ul> </li> <li>■ . Regarding application software for smart phones <ul style="list-style-type: none"> <li>- It is necessary to raise awareness of parents and guardians about the fact that, in the case where internet connection is established via application software, the filtering does not work to restrict harmful information for young people, and therefore, the use of another function that restricts browsing of harmful information for young people is necessary.</li> <li>- Mobile phone carriers and the sales agencies are required to explain to parents and guardians, at the time of sale of a mobile phone terminal about availability of browsing restriction function and, if available, the method of using the function.</li> <li>- Mobile phone terminal manufacturer and platform operators, not to mention mobile phone carriers, are required to take measures to make user-friendly browsing restriction functions of harmful information for young people by selecting application software based on a certain criteria.</li> <li>- In the long run, concerned businesses, including mobile phone carriers, mobile phone terminal manufacturers and platform operators are expected to develop functions, for instance, that reflect value system of individual users and make exceptions of browsing restrictions for application software certified by the fair and neutral third party organizations, etc., and thereby taking measures to make user-friendly and effective browsing restriction functions of harmful information for that is equipped with diversity and selectivity.</li> </ul> </li> <li>■ In order to meet the obligation of Section 1, Article 17 of the law, mobile phone Internet connection service providers are required to make available the use of filtering for certain when the service provision is started. On this point, the Ministry of Internal Affairs and Communications is required to clarify the interpretation.</li> <li>■ When filtering is provided on the terminal (handset) of mobile phone, instead of the network, it is considered that the mobile phone internet connection service provider is meeting the obligation under the Section 1, Article 17 of the law (even if it does not provide filtering on the network). On this point, the Ministry of Internal Affairs and Communications is required to clarify the interpretation.</li> </ul>

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Item	Main content of recommendations
Recommendation of Protection of Young People by Design	<ul style="list-style-type: none"><li>■ When providing a new equipment or new service, we recommend the concept of “protection of young people by design”, which is a concept of assuming the use by young people from the design stage, incorporating effective protection of young people, in designing the equipments and service, and organizing carrier’s internal system as well as mutual systems among carriers. Wide acceptance of this concept will have a significant meaning in realizing effective protection of young people.</li></ul>

## 5 Preparation of the Internet literacy indicator of young people

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—Review meeting by intellectuals and scholars on indicator of the Internet literacy of young people—

### 1. Objective

Today, in the midst of expanding use of the Internet by young people on global scale, the need is also increasing to define what the Internet literacy for young people means, and to develop and prepare some kind of indicators and tests to measure Internet literacy in such a way that it can be compared internationally. From this viewpoint, we organize this review meeting by intellectuals and scholars for the objective of developing some indicators concerning the Internet literacy of young people, and tests to evaluate the said indicators.

### 2. Subjects of the review

- (1) Definition and creation of indicator of the Internet literacy of young people
- (2) Development of test to evaluate the said indicator
- (3) Implementation of pretest for young people and analysis and review of the test results
- (4) Others

### 3. Review meeting members and schedule

- (1) Review meeting member  
The review meeting consists of 11 committee members of academic expert (education, statistics, law, etc.), education related corporations and organizations, etc.
- (2) Schedule  
Meeting is held six times during the period from September 22, 2011 (1st meeting)