

Code of Practice for Protection of Children in the area of Mobile Communications in Latvia

Riga, 30 June, 2008

1. Preamble

1.1. The development of mobile phone technology extends the range of services related to the use of mobile phones. Users have an opportunity to use various premium rate services and data transmission services (sending images, watching television programs, browsing Internet websites etc.) The services are used by an ever-increasing number of Users, including Children. Having regard to the fact that use of services enables access to both Illegal content and the Content that is harmful to children, there is an essential need to protect Users and particularly Children from receiving illegal and harmful content as much as possible. Having regard to the aforementioned, this Code of Practice for protection of children in the area of mobile communications in Latvia (henceforth – the Code of Practice) is signed by the operators that provide mobile communication services in the territory of Latvia (henceforth – the Operators).

1.2. The Code of Practice provides general rules of conduct that have been developed according to the law of the Republic of Latvia; the Operators commit themselves to abiding by them for the protection of children in the area of mobile communications. The provisions of this Code of Practice apply to the Information society services provided by the Operators or by the Information society services providers that are contractually engaged with the Operators.

1.3. The Operators commit themselves to applying this Code of Practice to the extent it is technologically and legally feasible. According to the provisions of this Code of Practice the Operators are neither required to control the content of the services used by the Users, nor to control the information sent and received by the Users.

1.4. The provisions of this Code of Practice does not prevent the Operators from separately and independently applying additional safety measures for achieving the objectives set in the Code of Practice provided that these measures are not incompatible with the provisions of the Code of Practice.

1.5. The provisions of the Code of Practice should be interpreted within the framework of the law of the Republic of Latvia.

1.6. The Operators declare that this Code of Practice is not a Code of Ethics within the meaning of Article 7 of the Information Society Services Law of the Republic of Latvia.

1.7. The Code of Practice is a public document which is available to be endorsed by any other provider of mobile communication services.

2. The Terms Used in the Code of Conduct:

2.1. **Child** – a person under 18 years of age.

2.2. **Information society services** – remote services usually provided for a fee at an individual request of a User over the mobile phone network upon buying images, videos, films, music, games etc.).

2.3. **Information society services provider** – an undertaking providing information society services.

2.4. **User** – an individual who uses mobile phone services and Information society services.

2.5. **Illegal content** - content which is prohibited for dissemination or making available through other means and which contains propaganda of war or military conflict; incitement to upset the state authority or change the state system by using violence; incitement to

eliminate the sovereignty of the Latvian state, to erode the territorial integrity or to commit other crimes; incitement to terrorism; content that instigates hatred based on race, ethnoses, nationality; contains sexual contact with animals, necrophilia or violent pornography; description or depiction of child pornography, as well as other content considered illegal under the law of the Republic of Latvia.

2.6. Content that is harmful to children – content which is not prohibited from making available to adult Users, but is hazardous to the physical, mental or moral development of a Child, including:

- 1) content of pornographic or erotic nature, including materials that depict contextually unjustified sexual behaviour emphasising details, or demonstrating nudity particularly in a sexual context with an emphasis on details;
- 2) contextually unjustified content depicting violent and cruel behaviour, pain and terror, particularly depiction of violence related to the use of arms, torture, sexual violence with an emphasis on details (wound, suicide etc.), as well as content that contains incitement to violence, glorifies violent or cruel action, justifies criminal acts, creates an impression of impunity etc.;
- 3) contextually unjustified content relating to the use of addictive substances (alcohol, drugs, tobacco), e.g. instructions for use, incentive to use addictive substances;
- 4) content containing incitement to gambling;
- 5) content containing incitement to self-abuse or suicide;
- 6) content containing aggressive, rude or foul language;
- 7) contextually unjustified content regarding the use of arms or fighting technique;
- 8) content that breaches a child's confidence or inexperience;
- 9) content that undermines the authority of parents, guardians or teachers.

2.7. Access control methods – a set of methods preventing unauthorised access to Adult content (passwords, PIN codes, devices tailored to this specific purpose etc.).

2.8. Age verification methods – methods helping to identify the age of a User.

3. Responsibility of Operators and Information Society Services Providers

3.1. The Information society services providers and the Operators which themselves provide Information society services adhere to the classification of information provided by Article 2.5. and Article 2.6. of the Code of Practice.

3.2. Operators recognize their responsibility for content of Information society services as long as they themselves are the Information society services providers. The Operators do not provide Information society services that contain Illegal content and do not provide without appropriate protective means to the extent that is technically feasible Information society services that contain Content that is harmful to children.

3.3. The Operators do not control the content of the Information society services provided by Information society services providers; however, the Operators oblige contractually engaged Information society services providers to comply with the provisions of respective law and this Code of Practice.

3.4. The Operators do not control the content of the Internet and do not classify the content of Internet websites according to the rules of this Code of Practice, except in cases when an Internet website contains Information society services provided by the Operator itself or by a contractually engaged Information society services provider. In this case, the Operators act in accordance with the provisions of this Code of Practice.

4. Measures for Child protection from Content that is Harmful to Children

4.1. In order to protect Children from receiving harmful content, the Operators independently or along with Information society services providers apply appropriate Age verification methods and Access control methods, such as:

an obligation to ask the question about the User's age when providing Information society services over the Internet that contain Content that is harmful to children and to ensure access to such Information society services only after receiving a confirmation that the User is an Adult;

at a User's request to prohibit an option to make calls to premium rate numbers using the User's connection number and to prohibit an option to use all the premium rate short message services.

4.2. The Operators provide the Users with information on options to install appropriate filtering software that restricts the access to the Content that is harmful to children, as well as on other available means including access control devices that enables parents or guardians to independently restrict access to Information society services that contain the Content that is harmful to children.

4.3. The Operators provide information to Users in order to educate them about Information society services, their content and possibilities to protect Children from the Information society services containing Illegal content or the Content that is harmful to children.

4.4. The Operators provide the Users with an option to inform the Operators of Internet websites that provide Information society services containing Illegal content or the Content that is harmful to children.

4.5. This Code of Practice does not prevent the Operators from developing independent information classification forms in addition to the information classification system provided by this Code of Practice, if necessary for Users' convenience.

5. Measures to Restrict Dissemination of Illegal Content

5.1. The Operators to the extent it is legally and practically feasible will collaborate with law enforcement institutions in preventing dissemination of Illegal content.

5.2. In the case when Operators provide web-hosting services, they are not obliged to control the content of information that is displayed on Internet. However, in the event the Operators find out that Information society services of Illegal content are being provided using web-hosting services provided by the Operator, they should immediately take action to discontinue dissemination of information over the Internet.

5.3. The Operators commit themselves to supporting the initiatives of state institutions to introduce procedures containing legal regulations for restricting dissemination of Illegal content.

6. Other Provisions

6.1. The provisions of the Code of Practice apply to the Operators as from July 1, 2008.

6.2. The Operators are obliged to bind the contractually engaged Information society services providers to the provisions of the Code of Practice by 1 January, 2009.

6.3. Any amendments to the Code of Practice should be set in writing and become effective as of the day they are signed by all the Operators that have bound themselves by this Code of Practice.

6.4. The Operators publish the amendments to the Code of Practice and its Annexes on their Internet home pages.

6.5. The persons who have signed this Code of Practice or subscribed to it later are listed in the Appendix of the Code of Practice.

“Latvijas Mobilais Telefons” Ltd. “Bite Latvija” Ltd.

Single registration

No 50003050931

6 Ropažu Street, Riga

LV-1039

Single registration

No 40003742426

17a Dunties Street, Riga

LV-1005

“Tele 2” Ltd.

Single registration

No 40003272854

41b Mūkusalas street

Riga, LV-1004

Signature

Alfs Janevics

Vice-president in Finance

Member of the Board

Signature

Fred Hrenchuk

General Director

BITE Latvia

Signature

30 June, 2008

15 July, 2008

August 25, 2008

Annex 1
to the Code of Practice
for Protection of Children in Mobile Communications in Latvia

The List of Operators Committed to this Code of Practice:

Title	Registration No	Legal address
“Latvijas Mobilais Telefons” Ltd.	50003050931	6 Ropažu Street, Riga, LV-1039
“Bite Latvija” Ltd.	40003742426	17a Dunties Street, Riga, LV-1005
“Tele 2” Ltd.	40003272854	41b Mūkusalas street, Riga, LV-1004

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