

Regulation of potentially harmful content on minors in SNS

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In democratic societies, freedom of expression is the indispensable right and duty of citizens. Although there are a few exceptions, it is generally considered that governments should not intervene and regulate this right. Both in digital and analog environments, sexual and violent descriptions are usually regulated by self-censorship of participants. However, trying to protect minors from potentially harmful contents by controlling and regulating them is very difficult. The definition of what is “potentially harmful contents on minors” varies depending on the values and on the culture of each social group. Moreover, along with the rapid spread of mobile phones and smartphones, it becomes more difficult for parents and teachers to control children’s access to harmful contents; something that might have been easier regarding the use of personal computers. Access to the Internet provides huge opportunities not only of visiting websites but also of participating in online communication such as Social Networking Service (SNS). An incredible surge of SNS evokes some issues in considering juvenile access to SNS, categorized roughly into three types. One is the very old and new problem in accessing the Internet, which is how to shield minors from harmful contents. Second is how to block inappropriate contact with a pedophile. Third is cyber bullying. SNS is a very new medium and its market and technology are evolving drastically and are constantly changing. Thus the agent of taking the lead in making and enforcing rules or self-regulation is still absent. Additionally, SNS services utilize the function of social graph actively, and third parties can provide contents and applications using open API. In response to these situations, European Commission implemented Safer Social Networking Principle for the EU, and United States released the guideline for SNS users and worked on SNS companies and users to promote voluntary efforts for using SNS properly. In Japan, mobile contents companies built the Content Evaluation and Monitoring Association (EMA) as a voluntary reviewing entity. However those measures don’t include any severe legal penalty. Those remain self-regulation relying on voluntary activities of private sectors. On the other hand, self-regulation itself is regulated by laws, social norms, market conditions and technological architectures. In this paper we discuss the conditions of regulation and self-regulation, and we explore some ideas about what would be the best way to regulate SNS.