

*Children's Charities' Coalition for Internet Safety*



Hamish MacLeod  
Secretary  
Mobile Network Operators' Group

10th May, 2004.

Dear Hamish,

As you know, it is obviously much harder for parents, teachers or other responsible adults to supervise or support their children's use of mobile phones, as compared with fixed line phones. In our view this changes the nature of the duty of care owed by the mobile phone companies to children, and in large part was the justification for the Code of Practice on Content which you developed and which we were happy to endorse.

The Content Code makes it clear that it does not seek to trespass on the territory currently regulated by ICSTIS, the body that supervises premium rate services. We accept the logic of this but, following discussions I have had with ICSTIS, it is also clear to me that ICSTIS's powers are too limited in certain respects.

Many of the providers aligned to the ICSTIS regime supply a range of "adult" services. ICSTIS's policy is to seek to limit access to such services to persons aged 18 or above. Naturally we support that. Many of these adult services will often be explicitly sexual in nature e.g. providing access to text based "adult" chat, or they will provide access to pornographic content. Gambling also features amongst this class of adult services.

However at the moment ICSTIS has very limited means at its disposal to ensure its policies are in fact being observed. It insists that the supplier warns the would-be purchaser about the nature of the content or service they are about to buy or get involved with. Clear information also has to be provided about costs and because many of these services are relatively expensive, it is understood that this too acts as a brake on most children's use of such services over their mobiles. ICSTIS also manages the premium rate environment by placing limits on where adult services can be advertised e.g. in adult magazines (although having recently bought a copy of the Daily Sport, which purports to be a newspaper and which is full of premium rate numbers, one is bound to wonder about the efficacy of this aspect of policy).

Finally ICSTIS insists that every service provider advises all customers about their age limit policy, and they must ask them to confirm by a text message that they comply with it. No other checks are made and it is, of course, extremely easy simply to click to confirm that you are 18 or over and then there are no further restraints.

ICSTIS characterises all of these measures as being a “policy of discouragement”. They have no other means of enforcing their policy although, of course, they have powers to act after the event if a breach is discovered or reported.

The quality of pictures which the newer mobile handsets can now transmit and receive is of such a high order they are bound to act as a greater draw. We are no longer talking about fudged or semi-cartoon like characters. Moreover with the arrival of 3G, with its higher network speeds, we can expect yet another boost in mobile traffic for material of this kind. Incidentally, some of the pictures I have seen which have been purchased using SMS short codes, in my opinion, could not legally be displayed in a public place, indeed I think they are on the edges of illegality anyway or, if they were in a video, they would normally only be available for sale in a licensed sex shop under the R classification.

As we know, all of the UK mobile network operators have now pledged themselves to establish an age verification system for all mobile phone handset users. The idea is that if you provide proof that the normal user of a handset is aged 18 or over then that phone will be enabled to receive adult content and services, but otherwise it will not be.

The point, therefore, is obvious. We think ways should be found to bar short codes or other premium rate numbers which supply adult content or services to all mobile handsets not registered to an adult. To the extent that fixed line telephones are also now capable of utilising adult short codes, perhaps a way should be found to apply similar provisions to them.

You will note that I am copying this letter to ICSTIS and to OFCOM. I will seek to pursue this issue with them separately.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Carr', written over a light grey rectangular background.

John Carr