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Mobile adult content - what are the issues? What is 'responsible delivery'?

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What is 'responsible delivery'?

When Intermedia discussed content regulation for mobile devices over the past few years it didn't seem like a problem that was immediately pressing. However, if anyone doubted the importance of the issue those doubts will have been dispelled by a commercial conference put on a few weeks ago.

The first ever Mobile Adult Content Congress was held in the US at the end of January. The event, featuring the slogan 'responsible delivery of adult content to the mobile phone', is a timely reminder of the level of revenues expected to be generated from 'adult content' to be distributed over new mobile phone platforms.

The conference featured participants like Playboy Enterprises and the Mobile Adult Network, but also had presentations from less expected sources like Vodafone, Virgin Mobile UK and the Free Speech Coalition. There were also serious debates about privacy, legal issues, technology as well as analyses of European

'Harm and Offence in Media Content'

That is the title of a book just published by Andrea Millwood Hargrave and Sonia Livingstone, which reviews the evidence for and against various types of harm and offence which are put at the door of television and telephony in their various guises.

Quite apart from being a comprehensive and well-organised guide to the often bewildering array of research studies on this subject, the book seeks to define what, exactly, harm is, and what exactly offence is, and even more pertinently, explores how far research on harm and offence in the older media, such a traditional TV, can usefully or meaningfully be transferred to the new media (such as, of course, mobile TV – discussed elsewhere in this issue of InterMedia – and mobile telephony generally).

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Perhaps not surprisingly, the book highlights the gaps in current and past research, especially in relation to the newer media, and suggests fields for more work. But it also suggests a new approach to the analysis of 'harm and offence', what it calls a 'risk-based approach' which seeks to identify the range of factors that directly or indirectly may explain particular social phenomena, and then see the place of the media, or specific bits of the media, within that context.

Critics may well suggest that, since it is an almost impossible task to list all the factors that combine to create many broad social phenomena, such as violence or the use of pornography, this approach is tantamount to giving up the ghost. Or else, will we not be reduced, in the search for hard evidence, to instructing Google to reveal to the world who exactly has been watching what on the Internet – something it apparently knows, but says it will never tell (although there is an attempt by US authorities to force it to do so). Since newer media do or will know far more about their users and customers than traditional media ever did, issues of the rights of privacy quickly come into play.

But many busy executives and regulators will be grateful for this expert and non-proselytising – and mercifully short – conspectus of the current state of research on this periodically politically contentious subject, and for the advance warning of where the gaps are that might lead to awkward questions being asked in future.   R.W.

What follows is an extract, by permission of the authors, from the chapter on 'Telephony' or more exactly, the potential for harm and offence in mobile telephony. The book, whose full title is 'Harm and Offence in Media Content - a Review of the Evidence' is newly published by Intellect Books

Although a range of media content (e.g. games, music, 'adult'/pornographic content, advertising, etc) is now being developed for the mobile telephone market, little or no research is yet available regarding the nature of its use or, especially, the possible harm or offence to which this may give rise. Currently the only data available about these sectors of the mobile telephone market are market projections. There is some debate within the areas of music and advertising about consumer detriment, but these are not the subject of this research review into the evidence for content-related harm and offence.

It may be hypothesised that concerns may be raised in these sectors about the psychological effects of content delivered through mobile telephony. These concerns may relate to areas such as accidental access, or indeed inappropriate intentional access, to content that may be harmful, such as certain forms of Internet-delivered material. While there are no data currently available for such access through mobile phones, Livingstone and Bober (2005) found that over half of children and teenagers aged between 9 and 19 have viewed pornography on the Internet, in most cases, unintentionally.

Security and Personal Contact

For many parents the main reason for giving their children mobile telephones is so that they and their children can keep in contact. It becomes emblematic of security (Ling, 2004). It should not be thought that this is the sole reason for purchase of mobile telephones – primary school children aged 10-11 years in the UK suggested that the majority of them (80%) had initiated the phone purchase (Davie, Panting, & Charlton, 2004).

However the private nature of the mobile telephone means that the risk of grooming by paedophiles migrating from chat rooms in the fixed Internet environment to contact through mobile telecommunications may become an issue.

In Japan more people access the Internet through mobile phones than through fixed line Internet. There has been a significant expansion of dating sites, in particular, which often have a young demographic. There is a concern though, that young people underestimate the dangers that may occur through meeting with strangers. A study of junior high school students (aged 13-15 years) in Japan[1] noted that while a quarter of the sample of students were aware that it is 'very dangerous' to meet strangers contacted via the telephone or magazines, this awareness diminished with increasing age, presumably as children felt more able to 'look after themselves' when meeting with strangers.

Location-based capabilities may mean that it is possible to pinpoint the exact location of children and young people (Green, 2001). Whilst this may be welcomed by parents keen to know where their child is at all times, it also presents risks of misuse. There is a danger that the technology can be circumvented for purposes such as tracking a child for inappropriate contact. To this end a self-regulatory Code of Practice has been developed which 'seeks to balance usability with safeguards on a proportionate and reasonable manner', allowing children to exercise rights to privacy and consent while protecting them from potential harm[2].

Bullying and other forms of abuse

The Children's Commissioner for England, Dr Aynsley-Green, stated in November 2005 that most children have been the subject of bullying at some time. Research conducted for the Department for Education and Skills in 2003 showed that 50% of all primary school age children and over 25% of secondary school children said they had been bullied in the previous year (Oliver & Candappa, 2003).

The technical capabilities of 3G phones mean that young people may be sent inappropriate images or videos, or be encouraged to send back images or videos of themselves using integrated cameras. The integration of cameras within mobile phones may also result in photographs of children and young people being taken and circulated or posted on websites without their knowledge or permission. However, as with many facets of the mobile telephony arena, it is important to note that there is little academic research data available about aspects such as bullying and that such research will be relatively

time-sensitive in that camera phones are not yet ubiquitous.

Nonetheless, in certain countries, such as Norway, measures are being taken now by the industry against a severe form of abuse – images of the sexual assault of children. Access to websites known to contain such images are being 'blacklisted' or blocked.[3]

Other studies show harm – or discomfort - that may be caused to children and young people through the inappropriate use of texts or camera phones. Davie et al.'s study of children aged 10-11 showed that 17% said that they had received 'frightening messages' while 7% said they had received threatening messages and 4% rude messages (see also Charlton, Panting, & Hannan, 2002; Davie et al., 2004). While the sample is small, it is clearly indicative of a trend of perceived risk.

Similarly, a market survey commissioned by the children's charity NCH and Tesco Mobile (2005) showed that 14% of young people aged 11-19 had been the subject of text bullying. In addition, the survey asked the sample if *using their mobile phone camera, has anybody ever taken a photograph of you in a way that made you feel uncomfortable, embarrassed or threatened?'*.

Ten per cent had had that experience, and, of that group 17% feared that the photograph had been sent on to others. This phenomenon of sending on humiliating still or video images has recently been the subject of much debate and has been referred to as 'happy slapping', although charities have since denounced the term saying such misuse of the technology is a form of severe bullying and assault.

Victims of such abuse are certainly harmed among their peer groups and in terms of their own self-esteem and the industry and law enforcement agencies are working together to raise awareness of ways of combating mobile phone bullying.

A study in Norway showed that, in comparison to the UK, a smaller proportion of 14-15 year olds (5%) had been photographed by mobile telephone in the shower or cloakroom at school. While boys had been photographed slightly more often than girls (5.5 % compared with 5%), the pictures taken of girls were significantly more likely to be published on the Internet (26. 5 %) compared with those of boys (6.5 %) (Auestad & Roland, 2005).

The NCH/Tesco study also found that 11% of the sample said they had sent a bullying or threatening message to someone else. In another study, nearly two in five respondents aged 11-21 said they would feel *comfortable* texting unkind things about other people (Haste, 2005).

In their paper, Strom and Strom argue that *'electronic bullies hide behind the mask of anonymity... because digital bullies lack face-to-face contact with their victims, the may not know the amount of suffering imposed and consequently not experience feelings of regret, sympathy or compassion'* (Strom & Strom, 2004). Brin proposes a system for 'registered pseudonymity' so that users could, in general, retain anonymity but that identities could be determined 'in an emergency' (Brin, 1998). Strom and Strom go on to describe five other ways in which cyber intimidation works, using case studies to illustrate their point:

1. The transmission of text and videos is particularly damaging to the victim. Auestad and Roland found that 27% of respondents said they had a fear of being photographed by mobile camera phones (Auestad & Roland, 2005).

2. It is less easy to trace cyber bullies.

3. There are issues of jurisdiction and enforcement – it is unclear what powers a school may have, for example, over a student who is texting threatening or inappropriate messages from outside the school to someone inside it.

4. Children are reluctant to divulge they are being subjected to such bullying. Twenty eight per cent of those who had been subject to 'digital bullying' in the NCH study said they not told anyone about it.

5. There is a concern that little can be done about such intimidation – in the UK it is now seen as a form of assault and can be reported to legal authorities, but this is a fairly new process (2005).

When asked in a marketing focused research study what they did when they received text messages from an unknown person, nearly two in five (38%) 14-17 year olds said they read the text and reply, while a further 31% read but do not reply (QA Research, 2005) One in five (21%) say they ignore the text and delete it straight away. While the report suggests texting is an efficient way to target this age group with marketing messages, it does raise issues about inappropriate or unwelcome contact from strangers.

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Summary

- There is growing evidence that mobile telephony can cause harm through the creation of fear and humiliation by bullying, for example. Although it is evident that new communication technologies are being incorporated into practices of bullying, harassment and other forms of malicious peer-to-peer communication, it is not yet clear that these technologies are responsible for an increase in the incidence of such practices, partly because we lack sound historical data against which to make comparisons.

- Research on the ways in which mobile phones are incorporated into everyday social interaction does, however, point to the relative convenience and ease of use which, combined with highly personalised, private and often anonymous conditions under which these technologies are used, does suggest that cyberbullying, cyberharrassment, etc may introduce new kinds of problems for users, as well as exacerbating old ones.

- In some ways, it seems, online and offline communication work differently; but in key ways also, they work together, with, for example, offline bullying or harassment continuing or extending offline, rather than remaining entirely distinct. Given the difficulties faced by parents in understanding how to manage the conditions of access to these forms of content and contact, the implications for regulation may be judged differently, in terms of balancing the responsibility across the industry, regulators, parents and children for controlling access and exposure.

- There is little other substantive academic evidence for the harms or offences caused through the access to the mobile content market, although inferences are being made about such possible effects from other media.

- It is questionable whether mobile technologies are used in the same way as other media and if they should be considered in the same way as other, fixed, technologies. The research evidence suggests that the mobile telephone has many prosocial effects - encouraging young people who may not easily communicate to find new forms of social interaction. Indeed the benefits of mobile technology are many, including economic; as a social tool; as a creative tool; as a form of security for parents/carers and children; as an entertainment source; and as a measure of one's social identity.

- Some of the debate about mobile telephony rests on which regulatory models are the most appropriate and which will be the most effective to protect children. This includes technological developments designed to restrict access to inappropriate content, such as PIN mechanisms, opt-in and opt-out systems and age verification processes. The EU Forum on Child Safety underlined the importance of public awareness raising initiatives and of ensuring that there is informed decision making about mobile content, not a 'moral panic'.

[1] Benesse Educational Research Institute (2002) in Chugakusei to media no sesshoku Monografu chugakusei no sekai, Vol.71. Tokyo: Benesse Corporation. http://www.childresearch.net/RESOURCE/DATA/MONO/EMS/index.html

[2] Code of Practice for the use of passive location services in the UK, 2004 www.dialogue.co.uk/Location_Service_Guide_Line.pdf

[3] http://nndi.newsnow.co.uk/login/archive/NA/StreamHighlight.obj?StoryID=98693484&ObjID=5495&UID=12508