

Protecting Kids from Harmful Information



Shizuo Fujiwara

When did efforts to draft a new law start?

Members of the Diet became aware of the problem of harmful web content around 2000. When larger numbers of children began using Internet-capable mobile phones, the concern of these Diet members grew, spurred by pressure from parents in their constituency. This led to the current legislation. In recent years there have been many criminal incidents that have involved the use of cell-phone sites, in some cases resulting in murder.

What are some of the harmful aspects of the Internet?

According to a March 2007 Cabi-

There seems to be no end to cases of children getting caught up in trouble or criminal acts via websites containing information on unlawful activities or being subjected to slander or bullying on anonymous bulletin boards. To address these concerns, a new law went into effect in April requiring mobile phone carriers to provide a filtering service for users under the age of 18 and Internet service providers with more than 50,000 subscribers to offer a similar service upon request. Website operators are also required to take steps so that sites cannot be viewed by children.

Japan Echo interviewed Professor **Shizuo Fujiwara** of the University of Tsukuba Law School, an Internet expert who helped shape the new legislation and is a member of the Cabinet Office's Information Disclosure and Personal Information Protection Review Board, about recent uses of the Internet and mobile phones and the significance of the law.

net Office survey, about 30 percent of elementary school students, nearly 60 percent of junior high school students, and more than 95 percent of high school students access the Internet via cell phones. These figures are quite high. Each year more than a thousand children under the age of eighteen get in trouble by using dating websites. There is also bullying on bulletin boards for students accessible only via a mobile phone or with a password, suicide sites where people are invited to participate in group suicides, and other problems. An increasing number of people were saying that something had to be done.

How did the legislation proceed?

The bill was initiated by a group of Diet members, and they remained

the driving force behind it. It was a nonpartisan effort, moreover, so there was no political tug-of-war on how strongly it should be worded. Members of each party expressed their views from their personal standpoints, and in the end the law was enacted with support from all parties.

What was the reaction of the companies that would be affected by the law?

At first they were against it, saying that it violated their freedom of expression. But in 2007 the Ministry of Internal Affairs and Communications set up a committee to look into the issue, and a bill began being drafted as a multiparty effort—not just as the initiative of the ruling party. This is when private companies seriously began formu-

lating voluntary regulations. They no doubt felt that without such self-regulation, the enacted law would make things harder for them.

When the bill was being deliberated, the Japan Newspaper Publishers and Editors Association and others claimed that the law would infringe on the freedom of expression guaranteed by the Constitution. How was such opposition overcome?

The law states in its basic principles that freedom of expression is important and that the national government and other public organizations should respect the significant voluntary efforts being made by the private sector. This would adhere to the nature of the Internet, where various individuals are free to express themselves to the wider world.

Regulations can take one of two forms—the government can be directly involved, or the private sector can regulate itself. If left to the government, problems may be resolved more quickly, but this will result in tougher regulations. By centering its basic principles on private initiatives, the law, I believe,

succeeded in clearing any skepticism that freedoms would be circumscribed.

The law's Article 2 states that judgments as to what constitutes harmful content for children should be made by the private sector, rather than the government. The organizations established and certified to do this are the Content Evaluation and Monitoring Association for cell-phone sites, established in April 2008 and comprising leading experts and industry representatives, and the Internet-Rating Observation Institute, established May 2008, for PC sites.

Do you think parents understand the content of this law?

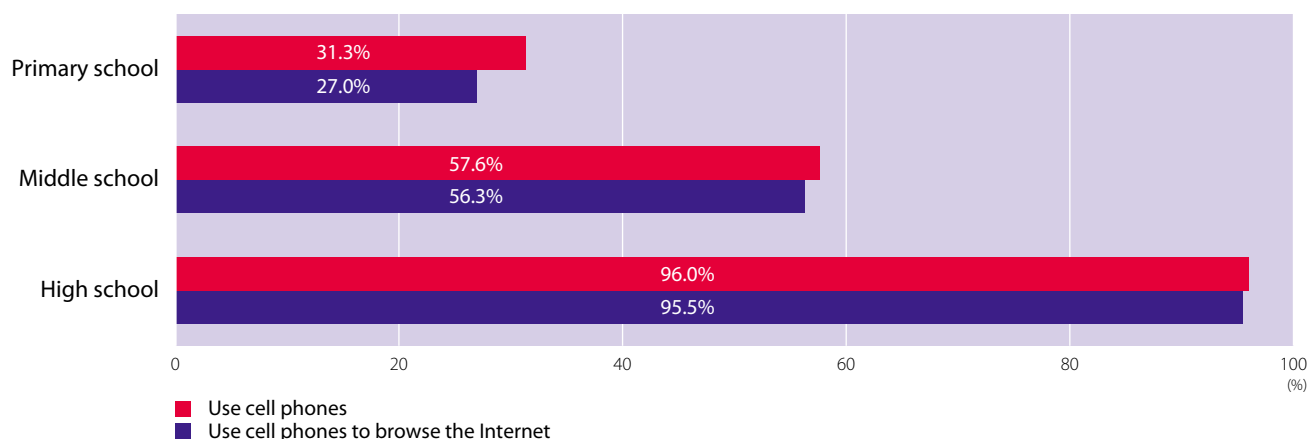
Generally speaking, the share of parents who understand the mechanisms of filtering is still quite small. Their children tend to have a better understanding, since computers have been around since they were born. It may be necessary to expand educational opportunities for such parents. The law calls on the government to develop a basic plan to back up private educational initiatives and outlines what parents and schools should do.

There is no question that the enactment of the law in itself has enhanced schoolteachers' awareness of the harmful aspects of the Internet. I understand that teachers and parents have taken the initiative to organize training and lecture meetings.

There are two approaches to filtering, one being through "whitelists," in which only approved content is accessible to children, and the other through "blacklists" that restrict access to harmful sites only. Which do you think is preferable?

Each has its advantages and drawbacks. However, I don't think that an antiseptic environment is necessarily good for children, whatever their age. It would be better to relax restrictions according to children's stage of development. Thus, while whitelists may be preferable at the grade school level, a gradual change to blacklists as they get older is recommended. It is important that children develop a healthy relationship with the Internet. The law is going to be reviewed in three years, and that will be a good time to address any problems that have appeared in its application. 

Use of Cell Phones by Minors in Japan



Source: Cabinet Office survey, March 2007.