The Governance of Online Safety for Children
— A Taiwan Perspective

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Outline

- Background: The Governance of Online Safety for Children in Taiwan
- The Operation of iWIN
- Challenges of Online Safety for Children
- Conclusion
Background

The Governance of Online Safety for Children in Taiwan
Background
Governance of Online Safety for Children

2003: Article 27 of the Protection of Children and Youths Welfare and Rights Act, stipulating that Internet shall be classified

2004
TICRF established, and Regulations for the Rating of Internet Content was published

2009
Apr. 2009: An illegal video game that simulated rape ("Rapely") was sold on the Internet
May. 2009: The WIN website began operations to receive complaints about inappropriate Internet contents

2010
2012: Regulations for the Rating of Internet Content was abolished.
2014, TICRF was dismissed.

2013
WIN website

WIN website started operation
From Keyword, Blacklist to Rating System

Keyword, Filtering software...

2003: Article 27, Paragraph 1 of the Protection of Children and Youths Welfare and Rights Act, stipulating that Internet shall be classified. The Executive Yuan commissioned GIO to be responsible for the rating of Internet content.

2004:

* Regulations for the Rating of Internet Content was published. (PICS, Platform for Internet Content Selection)

* Taiwan Internet Content Rating Promotion Foundation (TICRF), composed of government, industry and NGOs, was established.

Feb. 2006: the task of Internet content rating was moved to NCC.
NEXT Media Animated News: First to be Fined

**2009:** Apple Daily’s animated news drew strong criticism for its overly descriptive details of crimes without being classified as Restricted and prohibiting minors from access.

The Taipei City Government fined NEXT media NT$1 million and demanded that the media apply classification systems to its web contents.

Apple Daily filed an administrative appeal against Taipei City Government.

**Aug. 2011:** the Supreme Administrative Court ruled that Apple Daily was the one who spread inappropriate content, rather than just a Internet platform provider and thus lost the appeal.
The Establishment of the WIN Website

**Apr. 2009:** an illegal video games that simulated rape ("Rapely") was sold on the Internet.

**The Control Yuan commissioned the Executive Yuan** to coordinate competent agencies to establish an effective mechanism to deal with complaints about online contents.

**2009:** the Executive Yuan requested that the NCC establish a website to deal with complaints about inappropriate contents. The website should be incorporated into the National Information and Communications Security Center.
The Old Systems Go into History...

- **The Removal of Authorization Basis**
  - **2012**: Paragraph 1, of Article 27 of the Protection of Children and Youths Welfare and Rights Act was removed.

- **Due to inefficiency, the US ceased promoting PICS**
  - **2010**: The Family Online Safety Institute (FOSI) in the US announced it would stop maintaining and operating the system.

- **The Institute of Watch Internet Network (iWIN) was established**
  - **2014**: TICRF was dismissed.
The Operation of iWIN
From “WIN” to “iWIN”

- Aug. 2010: the WIN website began operation
- Aug. 2013: iWIN established

- According to Article 46 of the Protection of Children and Youths Welfare and Rights Act, NCC coordinates with each competent authority to **encourage private groups to establish iWIN**.
  – Ministry of Education, Culture, Health and Welfare, the Interior and Economics Affairs
## 7 Functions of iWIN

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<tr>
<th>Item</th>
<th>Brief Introduction</th>
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<tr>
<td>Study/ Research</td>
<td>Build an online database of research into children and youths' online behaviour and monitor the number of complaints received.</td>
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<tr>
<td>Complaint</td>
<td>Receive complaints regarding inappropriate online content from members of the public. Refer complaints to the appropriate organisations.</td>
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<tr>
<td>Filter/ Rating</td>
<td>Promote the use of filtering software and content rating systems to prevent children and youths from accessing harmful online content.</td>
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<td>Education</td>
<td>Provide children and youths with educational materials and information relating to online safety.</td>
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<td>Campaign</td>
<td>Organize creative cultural campaigns and promotions in schools to improve children's online safety awareness.</td>
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<tr>
<td>Self-regulation</td>
<td>Promote a government and industry co-regulation model and encourage industrial responsibility.</td>
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<tr>
<td>Worldwide</td>
<td>Strengthen international cooperation on children and youths' online safety.</td>
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How iWIN deals with complaints

Sources of complaints
- Website: www.win.org.tw
- Email: watch@win.org.tw
- Others: transferred from other authorities

Case closed
Outcome
Law
Self-Regulation

Related Bodies
- Competent Authorities
- IPPs
- ICPs
- Offshore websites

Suspected content
No illegal content

Reply
Number of Cases

The WIN website (2010-2013) → iWIN (2013-)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Cases</th>
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<tbody>
<tr>
<td>2010</td>
<td>2,145</td>
</tr>
<tr>
<td>2011</td>
<td>7,037</td>
</tr>
<tr>
<td>2012</td>
<td>8,914</td>
</tr>
<tr>
<td>2013</td>
<td>9,943</td>
</tr>
<tr>
<td>2014</td>
<td>15,051</td>
</tr>
<tr>
<td>2015</td>
<td>6,965</td>
</tr>
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Complaints
Complaint Types in 2015

Relating to the Protection of Children and Youths Welfare and Rights Act

<table>
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<tr>
<th>Complaint Type</th>
<th>Proportion</th>
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<tr>
<td>Internet Pornography</td>
<td>92.97%</td>
</tr>
<tr>
<td>Internet Gambling</td>
<td>0.63%</td>
</tr>
<tr>
<td>Drugs and Substance Abuse</td>
<td>1.74%</td>
</tr>
<tr>
<td>Bloody Violence and Suicide</td>
<td>2.85%</td>
</tr>
<tr>
<td>Improper Disclosure of Minors' Personal Information</td>
<td>1.34%</td>
</tr>
<tr>
<td>Others</td>
<td>0.47%</td>
</tr>
</tbody>
</table>
Self-Regulation & Sanctions

Those fined for inappropriate Internet content violating the Protection of Children and Youths Welfare and Rights Act in 2015

- Self-Regulation: about 40% took down inappropriate content after been noticed (domestic)
- Sanctions: 5 cases, NT$ 1.02 millions
- Violators were mostly online newsletter media.
- The reason for sanctions were harm to the physical and mental health of children and youths without taking clear and workable protective measures.

The freedom of speech of adults and children online safety should be paid equal attention
Challenges of Online Safety for Children
According to IWIN, the total number of complaints concerning inappropriate Internet contents in 2015 was 5,580; 74.23% of which (4,142) was regarding inappropriate content originating from other lands.

In practice, when addressing harmful contents, we encounter three issues (right):

- Limited ability to investigate content on websites based overseas
- Security weaknesses in emerging instant messaging applications
- Difficult access to overseas Internet platforms
Limited Ability to Investigate Illegal Content on Websites Based Overseas

Those who publish child pornography usually use foreign Internet Protocol Addresses.

They post messages in bulletin boards to promote the site. These practices are not really in our scope of jurisdiction.

Even though site managers may receive notifications to remove inappropriate messages, the user can post similar ones almost immediately.
Data from National Police Agency, Ministry of the Interior showed that more than 18,000 criminal cases were committed throughout LINE in 2014: an increase of 55.90% year on year.

Because of the huge popularity of instant messaging and smart phones, messages are often encrypted to protect privacy, but this allows a blind spot for criminal activity.
Difficult Access to Overseas Internet Platforms

Example 1: according to Google policy, only judicial authorities have the power to issue a warrant to gain data to assist an investigation, meaning even the police have no authority to do so.

Example 2: Similar policy of Facebook states that only judicial authorities are permitted to issue a warrant in six categories: murder, kidnapping for ransom, drugs, interference of computer use, violating Organized Crime Prevention Act, and violating Child and Youth Sexual Prevention Act.
Solutions—Taiwan’s Perspective

Blocking Injunctions? (X), Internet Real-Name System? (X)

Notice & Take Down?
- Who to notice? Should iWIN have public authority?

International Cooperation
- Establish hotline? Regional agreement?

Problems caused by technology should also be solved by technology
- Parental control? Photo DNA? Filtering software?
Conclusion
Conclusion

In 2016, NCC proposed Electronic Communications Act
- Align with the Manila Principles

The 3 principles of Internet policy making: bottom-up, co-regulation and empowerment
- We have been in line with the three principles.

Protecting children and youths’ mental and physical development and maintaining freedom of speech
- The balance between these two fundamental human rights is the obligation for each country in the Asia-Pacific Region.
Thank you for your attention!