

## Joint EGDF-ISFE position paper: Consultation on the Rights of the Child

*December 2020*

**EGDF** (European Games Developer Federation) unites national trade associations representing game developer studios based in 19 European countries: Austria (PGDA), Belgium (FLEGA), Czechia (GDACZ), Denmark (Producentforeningen), Finland (Suomenpelinkehittäjät), France (SNJV), Germany (GAME), Italy (IIDEA), Malta (MVGSA), Netherlands (DGA), Norway (VIRKE Producentforeningen), Poland (PGA), Romania (RGDA), Serbia (SGA), Spain (DEV), Sweden (Spelplan-ASGD), Slovakia (SGDA), Turkey (TOGED) and the United Kingdom (TIGA). Altogether, through its members, EGDF represents more than 2,500 game developer studios, most of them SMEs, employing more than 35,000 people. [www.egdf.eu](http://www.egdf.eu)

**ISFE** (Interactive Software Federation of Europe) represents leading video game companies such as publishers, studios and console manufacturers, of which many also have esports activities, as well as national trade associations across Europe: Austria (Ovus), Belgium (BEA), France (SELL), Germany (game), Italy (IIDA), the Netherlands (NVPI Interactief), the Nordics (ANGI), Poland (Spidor), Portugal (AEPDV), Spain (AEVI), Switzerland (SIEA), and the UK (Ukie). The full list of ISFE members is available at [www.isfe.eu](http://www.isfe.eu)

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Children are important holders of rights, as enshrined in the UN Convention on the Rights of the Child, the EU Charter of Fundamental Rights and the TFEU, and also need to be adequately protected according to their level of maturity and development. EGDF and ISFE believe that the video games sector can support and enhance the European Commission's objectives regarding the rights of the child in several areas which are further explored in this contribution:

- Children's right to education, leisure and culture: right to play, right to create and right to education
- Children's right to actively participate in the community through digital inclusion, accessibility and participation
- Children's digital rights and protection of minors
- Children's rights to protection from all forms of violence and exploitation

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## Introduction

1. EGDF and ISFE welcome the opportunity to submit a position paper in response to the consultation on an EU Strategy on the Rights of the Child whose objective is to strengthen the protection of children’s rights. Children are important holders of rights, as enshrined in the UN Convention on the Rights of the Child, the EU Charter of Fundamental Rights and the TFEU, but children also need to be adequately protected according to their level of maturity and development.
2. Video games are one of the leading cultural mediums of the 21st century.<sup>1</sup> 51% of Europe’s population play games for a variety of purposes, mainly for entertainment but also for educational and health purposes. 19% of Europe’s video game players are between 6 and 14 years old and in Europe, between 73% and 84% of 6-14 year olds have played a video game at least once during the past 12 months.<sup>2</sup>
3. With such an important part of the younger population playing and engaging with video games, Europe’s video games sector takes its commitment to the protection of minors seriously. It does so through PEGI, the Pan-European Game Information System, set up in 2003 with the enthusiastic support of the European Commission to ensure strong minor protection as regards labelling of video games and information about the suitable age rating, and the content of the video games. The system is today used in 38 European countries and is constantly adapting to new environments, such as the online environment. Further, video games companies themselves offer

<sup>1</sup> <http://www.neogames.fi/wp-content/uploads/2019/01/Finnish-Game-industry-policy-recommendations-for-2019–2024.pdf> , p4.

<sup>2</sup> <https://www.isfe.eu/isfe-key-facts/>

easy-to-use parental control tools providing parents with the tools they need to set up a suitable and positive play environment. Trade associations across Europe, partnering with Government ministries, media literacy bodies, family associations etc., inform and educate about the PEGI system, about the importance of setting up the parental control systems, but also encourage parents to play with their children. Today's digital society brings with it important challenges for parents, caregivers and educators to understand their own engagement with omnipresent digital tools. This is necessary to be able to engage with, and educate, this generation of children to develop a responsible and balanced relationship with digital tools and screens, but importantly to convey digital civility and critical thinking.

4. EGDF and ISFE believe that the video games sector can support and enhance the European Commission's objectives regarding the rights of the child in several areas which are further explored in this contribution:
  - Children's right to education, leisure and culture: right to play, right to create and right to education
  - Facilitating children's right to actively participate in the community through digital inclusion, accessibility and participation
  - Impact of the digital age on children: children's digital rights and protection of minors
  - Right to protection from all forms of violence and exploitation

Areas such as migration policy are also of relevance where foreign talents are invited to work in Europe, but the system does not provide the necessary infrastructure to welcome global talents with families (and children in particular) with the right support and the possibility to quickly access inclusive educational establishments.

5. **Covid-19 impact:** As the world faces a global pandemic that is impacting the entire European population, and importantly children in the middle of their intellectual, emotional and physical growth phase, ISFE commissioned Ipsos MORI to survey video gameplay behaviour during the lockdown in Germany, France, Italy, Spain and the UK<sup>3</sup>. The survey revealed conclusions in relation to children, parents and families:
  - 20% of parents indicated that video games have helped more with their child's education and schooling
  - Playtime increased weekly by 1.5 hrs during the European lockdown period, compared to the same period in 2019. However, playtime resumed to usual levels as lockdown eased
  - During the full lockdown period, 29% of players agreed that video games had a positive mental health benefit and, importantly, 20% of parents claimed that they played *more* with their children since COVID-19

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<sup>3</sup> <https://www.isfe.eu/news/report-recognises-multiple-benefits-of-video-games-during-lockdown/>

## 1. Children's right to education, leisure and culture

### ▪ Children's right to participate in artistic and cultural life through digital mediums like video games

6. Important parts of the UN Convention on the Rights of the Child are children's right to play and freedom of expression. Their right to participate in cultural and artistic life through games is further explored below.
7. Recent [research by the UK National Literacy Trust](#) has found, for instance, that playing video games can support young people's literacy, creativity and empathy. A survey of 4,626 young players aged 11-16 revealed that 79% read materials related to video games, including in-game communications (40%), reviews and blogs (31%), books (22%) and fan fiction (19%), while 35% believe playing video games makes them better readers. 63% regularly write content related to video games, such as video game scripts (28%), advice to help fellow players (22%), fan fiction (11%) and blogs or reviews (8%). Furthermore, more than half (56%) of parents said their child had chatted with family and friends as part of playing a video game during lockdown and 60% felt that this communication had been helpful for their child's mental wellbeing during this time.
  - **Right to play games**
8. Because of their artistic, creative and technological features, a number of countries, such as Germany, Spain, France and the Nordic countries, have over the last decade acknowledged video games as an important cultural medium. At global level, UNESCO included video games in its statistical framework for cultural domains back in 2005.
9. Now, in the 2020s, games are one of the leading cultural mediums in the world and a key part of Europe's digital cultural heritage. European games like *Angry Birds* developed by Finland's Rovio and *Minecraft* developed by Sweden's Mojang have been played by hundreds of millions of children and adults globally. As ISFE GameTrack data demonstrates, games are an important cultural medium for children and playing games is a popular leisure time activity for them. 73% of European children aged from 6 to 10 and 84% children aged from 11 to 14 play games<sup>4</sup>. In order to facilitate children's access to age-appropriate content, the games industry has founded the PEGI age-rating system to help parents and caregivers to identify content suitable for their children<sup>5</sup>.
10. Whether playing games is seen as a "good" leisure time activity or not is often based on obsolete cultural norms and expectations. Sometimes playing games is not seen as a productive "hobby" and therefore as something that children should not be encouraged to spend their time on. On the other hand, girls in particular face obsolete gender expectations

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<sup>4</sup> GameTrack data 2019, provided by IPSOS MORI and commissioned by ISFE: <https://www.isfe.eu/wp-content/uploads/2020/08/ISFE-final-1.pdf>

<sup>5</sup> <http://pegi.info>

falsely claiming that playing games would not be a suitable hobby for them because of their gender.

11. We believe that the right to leisure and to full participation in the cultural and artistic life of the 21st century means access to and freedom to play video games.

- **Right to create games**

12. It is important to remember that children are not just playing games. They are also creating them. Consequently, it is important to address children's right to freedom of expression and their right to participate in artistic and cultural life in the context of their right to create games, in addition to seeing the playing of games as a form of self-expression. These rights should not be overlooked and need to co-exist alongside minor protection policies.

13. Supporting video games education and video games development as a hobby is a way to nurture local industry talent. Like in any other field of arts, the route to success often starts early. Summer camps, games development youth clubs or junior games jams exist today where children are creating games<sup>6</sup>. Their numbers are likely to increase in the near future as video games development tools become increasingly more accessible.

14. Consequently, it is important to ensure that children have sustainable ways to make their games available to the public, as part of their freedom of expression. In doing so children may run into obstacles because of requirements in the legislative framework. While Europe's video games sector is in favour of a responsible and balanced consumer and data framework, there are aspects that may potentially be challenging for a child who would like to publish his or her creation, in particular because of the requirement that applies to creators/publishers to register their geographical addresses for possible consumer complaints. Governments should encourage activities for children to get involved in video games development as a hobby. The EU Code week is an important initiative to further this objective. Reflection should also be undertaken into how children can safely share and publish their works to a public audience in the digital sphere.

15. Encouraging children to develop games is one of the most effective ways to help them express themselves freely and also to explore at first-hand what their rights to privacy mean in the digital environment, and what kind of digital consumer, privacy and IP rights and obligations they have. This can help them on their pathway to becoming fully-empowered digital citizens aware of their digital rights and freedoms and capable of critically balancing their different rights against each other.

- **Right to education: learning by playing**

16. Education is fundamental. All children have the right to go to school and learn. Access to education for all children to quality learning to provide them with the necessary skill sets is fundamental. Europe's video games sector is committed to contributing to the further enhancement of the learning process via the interactive nature of video games. Video games, often localised for

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<sup>6</sup> For example, Helsinki model for games industry talent building: [http://www.baltic-games.eu/files/helsinki\\_model\\_of\\_games\\_industry\\_talent\\_building\\_2018-04-20\\_1.pdf](http://www.baltic-games.eu/files/helsinki_model_of_games_industry_talent_building_2018-04-20_1.pdf)

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multiple different languages and well-polished accessible user-interfaces, are the educational tool of the future for making educational information available and accessible to all children.

17. Through their ability to provide gamified learning experiences (available via both commercial and “off the shelf” educational video games), video games are quickly becoming part of learning processes and are appreciated in the classroom for their ability to raise pupils’ motivation, for their inclusive character and because of their ability to reverse the social structure that may exist in a class room. Similar to literature, film and music studies, learning through video games is also increasingly becoming part of school curricula.
18. The UNESCO MGIEP initiative “Games for Learning” supports research into video games as they place the learner at the centre of learning by providing an interactive, immersive, multimodal environment. The European video games sector also engages in collaboration projects with educational networks such as the European Schoolnet, to support teachers in using games in the classroom.<sup>7</sup>
19. In 2020, Poland was the first European country to add a video game (*This War of Mine*) to its official reading list of the national curriculum. Similarly, the Flemish Department of Education and Training recently recognised the value of integrating video games into the classroom, by commissioning the [Game.Learn.Grow](#) toolbox developed by Arteveldehogeschool and [Mediawijs](#), which is the media literacy agency set up by the Flanders Government. The toolbox serves as a practical guide for both elementary and high school teachers with over 30 ready-to-use activities for different age groups, including exploring ancient Greece in *Assassin’s Creed*, rebuilding their school in *Minecraft*, and lesson sheets and tools for teachers to create their own video game-based activities.
20. The UK’s well-renowned Digital Schoolhouse project has used popular video games to capture the imagination of children and to teach complex computing concepts. Since lockdown was enforced, Digital Schoolhouse has delivered 27 live workshops to over 600 households with 15,000 minutes watched across the globe. This brand-new content, streamed via Twitch and published on YouTube, is just one part of the programme’s blended teaching model which is specifically designed for parents and carers who are responsible for home-schooling. Alongside live computing workshops, the team has developed a bank of 50+ curriculum-aligned videos featuring popular video games, for learners 5 through to 16 years that deliver computing, and without the use of technology. The programme’s impact is evident from research<sup>8</sup> that reports 98% of visiting school pupils surveyed reported feeling more confident in computing after having been involved in a Digital Schoolhouse workshop.

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<sup>7</sup> <https://www.isfe.eu/games-in-society/>

<sup>8</sup> [Digital Schoolhouse: Measuring the programme’s impact](#) (2018-2019)

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## 2. Facilitating children's right to actively participate in the community through digital inclusion, accessibility and participation

21. The research literature and case studies show that digital video games-based approaches provide adaptable, motivating and engaging techniques that can be used to empower individuals and communities in ways that lead to social inclusion.<sup>9</sup>
22. In 2018, about 10.6% of people in the EU aged 18-24 were considered early leavers from education and training. The Commission has recognised<sup>10</sup> that there has been little or no progress in this field over the past two years. People with low levels of education are particularly vulnerable as they are more likely to fall into poverty. They run an increased risk of unemployment, lower lifetime earnings, lower participation in learning later in life, and less adaptability to change. They tend to contribute less in terms of tax revenues and rely more often on social assistance as compared to higher qualified people. Keeping virtually everyone in education at least until they complete upper secondary schooling is therefore an objective that has been high on the EU's political agenda for many years.
23. Video games have the ability to bring the school environment closer to pupils' everyday digital reality which often comprises video gameplay. Teachers regularly observe that pupil motivation is significantly greater when video games are integrated into the educational process<sup>11</sup>. This increased motivation is sometimes linked to the greater self-confidence that some pupils develop when using games in the classroom. Their previous knowledge of games gives them the opportunity to guide and help less experienced pupils.
24. Video games can be useful for pupils who encounter difficulties in cognitive, methodological, or social learning (slow learning, lack of organisation in work, resistance to rules and evaluation, etc.). The ways in which mistakes and different learning rhythms are managed in a game takes the drama out of learning. Video games can reconcile the pupil with school learning as they allow repetition, identify errors in a non-traumatising way, make rules easier to accept, and help the pupil to understand his or her own way of learning.
25. Video games competitions (esports) have been used to engage and motivate children and young people who cannot access a place in a mainstream school or are at risk of permanent exclusion from school, and act as a vehicle to facilitate the development of positive personal attributes. Since 2018, the British Esports Association has been organising the AP Championships with the participation of Alternative Provision schools. The case stories consistently highlight improved attitude and communication skills, and better attendance levels.<sup>12</sup>

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<sup>9</sup> <ftp://ftp.jrc.es/pub/EURdoc/JRC78777.pdf> Pages 27-92

<sup>10</sup> [Education and Training Monitor 2019](#), p. 51

<sup>11</sup> [How are digital games used in schools?](#) Games in Schools Project, Final Report, 2009, p. 9.

<sup>12</sup> [AP Championships Report](#), British Esports Association.

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26. Accessibility is of major concern, and ensuring access to education, culture and leisure for disabled children must be part of the priorities. Video games have considerable potential to enable a hugely diverse range of people to play and interact at an equal level.<sup>13</sup> Console manufacturers such as Microsoft with its adaptive controller allow the disabled population to access and enjoy playing. Games Weeks and trade shows are increasingly making sure that their events are also a place where everybody, regardless of their condition, can come and enjoy gameplay, together.
27. Beyond formal education, libraries can play an important role in bridging the digital gap between different socio-economic groups by ensuring that games culture and its benefits are accessible for all socio-economic groups<sup>14</sup>. Poor network infrastructure, the prices of pay-per-download or retail games or of cutting-edge gaming devices like VR glasses or the latest games consoles can make them inaccessible for lower socio-economic groups. A well-working public library network with a sufficient budget for the latest games and gaming devices can provide on-site access to fast internet connections and to the latest games and gaming devices, helping to bridge this gap.
28. Video games are also an important place for social interaction, where children and adolescents can make new connections and also develop teamwork skills.
29. Diversity and gender balance are important topics. The video games sector and its trade associations are interacting with governments to ensure that young girls are encouraged to take STEM courses which will lead to more gender diversity within the sector.

### 3. Impact of the digital age on children: children's digital rights and protection of minors

- In general

30. In this section we would like to elaborate further on some of the topics raised in the consultation section related to digital information and society.
31. The consultation proposes a number of ways in which children can be protected in the digital age and also outlines what their rights are. As explained earlier in this contribution, education and the EU Digital Action Plan are an opportunity for Europe to ensure that children across Europe are equipped with the skill sets needed for the future. ISFE and EGDF's joint contribution on the digitalisation of education explains further how our sector is contributing to this field. Some examples are also included in this position paper.

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<sup>13</sup> <https://www.bbc.com/news/disability-47064773>

<sup>14</sup> <https://neogames.fi/2020-invisible-success-story-game-activities-in-culture-and-leisure-sector-in-helsinki/>



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32. EGDF and ISFE believe that the EU and its Member States are at the forefront of children's rights. The digital environment requires that we ensure that children are protected in their online activity, but that they can also use and express themselves through the digital medium and become responsible digital citizens. Some of the projects initiated by the EU are critical in this field, in particular the Better Internet for Children, the EU Code week, and a number of other EU projects such as the network of European Safer Internet Centers and Internet Hotlines.
33. Specifically regarding the video games sector, the legislative acquis combined with the robust Pan-European PEGI system allows parents, educators, consumers and caregivers to ensure that they have the tools to act in their child's best interests, in combination with parental control tools and education initiatives. The PEGI system operates on top of the existing legislative acquis and allows for necessary "fine-tuned" adaptations in an efficient way with a pan-European effect. This capacity to act in the field of the minor protection at Pan-European level brings important value as it allows for any concerns to be addressed in a dynamic and fast manner.
34. As regards the legislative framework, the European consumer protection acquis such as the Unfair Commercial Practices Directive contains specific provisions regarding children as vulnerable consumers and sets clear guidelines for how in-game messaging and offers must not pressure or mislead the consumer, particularly in video games targeted at children. Regulators across Europe offer guidance on how these rules and the different fundamental rights apply to online and mobile games and how they need to be balanced. The industry has engaged proactively in these discussions to ensure that there is widespread understanding.
- **Right to privacy**
35. Data-driven business models that allow for the ability to collect gameplay data are important for video games companies. They allow them to make games that are free-to-play, and to provide access to digital culture for all players, including children, regardless of their socio-economic background.
36. Video games companies collect data to improve the game experience, e.g. to find bottlenecks within a game, to match players or detect software errors and fraudulent behaviour by players. By collectively analysing players' data, a video games company can identify if there is a large problem being experienced by the majority of players and to learn how it needs to be fixed. Thus, any data collected is limited to that which helps to improve the game.
37. Our industry has always treated personal data in a responsible manner. For example, gameplay data is usually collected and stored in a way that does not allow companies to identify the player directly. The player's account information is generally stored separately, and video games companies apply technical and organisational measures to prevent easy linking between the gameplay dataset and the players' account information.
38. Children have the right to be informed of the data being collected from them. In Europe, under the GDPR, a company is required to provide a privacy policy in an intelligible form, using clear and plain language, adapted to the data subject, in particular for any information addressed
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specifically to a child. In addition, the sector generally encourages parents to accompany their children when experiencing video games. This strengthens child-parent interaction and enables parents to best protect and educate their child.

39. The video games industry will continue to work on improving ways to achieve the best mode of communicating in an accessible and unambiguous way. Since this challenge is not unique to the video games sector, the industry is also looking into practices that may form in other sectors.
40. Concerning AI, the current legislative framework will also apply to any AI applications. In particular, the GDPR framework is of crucial importance as in AI applications, the fundamental concern is how data is being collected, processed, and used, and the principles and rules established with the GDPR will also apply to any such applications.
41. Privacy by Design has been a key design principle for decades. Our members have always endorsed the use of anonymised data as a valid way to protect the identity/anonymity of children online. Any disclosure of the real names of children under 13 to 16 in EU jurisdictions could require the consent of parents or caregivers. In this context, parental control tools may allow parents to set up sub-accounts for their children and to consent to the processing of their data.

#### ■ Protection of minors

42. The video games sector has a strong commitment to securing access to age-appropriate games through minor protection practices and responsible gameplay.
43. Video games are played by children and adolescents across Europe. The European video games sector takes its responsibility to ensure a fun, safe, inclusive and responsible gameplay environment for minors, very seriously. The sector is aware of the challenges related to the protection of minors in the digital environment. It abides by strict European laws on data and consumer protection and supplements this with its self- and co-regulatory standards through the Pan-European Game information System (PEGI) which is a model of successful self- and co-regulation, and is today deployed in more than 35 European countries.<sup>15</sup>
44. The video games sector supports and empowers parents and caregivers in setting a healthy gameplay framework for their children in many ways:
  - the adoption of highly efficient **independent age and content-rating systems** such as PEGI and USK which are recognised by law in some countries and recognised, supported and co-funded in some cases by authorities such as the European Commission (PEGI Online).
  - the use of **parental controls on consoles, PC and mobile**. **On consoles, for example, this** includes the setting of time limits for gameplay, but also controls to limit and manage spending, and importantly, how children share information online. A survey conducted in April

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<sup>15</sup> The PEGI Council is composed of representatives from European countries and the European Commission. PEGI self-regulation operates through a [Code of Conduct](#), a complaints' mechanism and a strict sanctions mechanism. PEGI also founded the International Age Rating Coalition, IARC. It provides a globally streamlined age-classification process for digital games and mobile apps, helping to ensure that today's digital consumers have consistent access to age ratings across games devices.

2018, commissioned by ISFE from Ipsos Mori, shows that the vast majority of parents are in dialogue with their children as regards in-game spending and that 85% of Europe's parents have agreements with their child regarding spending within games, and importantly that 97% monitor the spending of their children within games.<sup>16</sup>

- **The [PEGI Code of Conduct](#)** and ISFE members aim to ensure safe online gameplay environments, and to keep any user-generated content free of content which is illegal, offensive, racist, degrading, corrupting, threatening, obscene or that might permanently impair the development of minors. Members use a variety of tools and safeguards to protect minors from potentially harmful or illegal content, including for voice and video chat. These include, age gating, reporting tools, filtering software, moderation and muting tools. For example, parental control tools allow for communication with others in the game to be restricted and are a safeguard against minors being exposed to inappropriate content introduced by other players.
- **The video games sector invests in national public awareness campaigns** addressing parents in their local languages across Europe.<sup>17</sup> These initiatives aim to inform parents about the tools they have access to in order to set fair rules, such as PEGI and parental control tools, and importantly to inform parents and caregivers about how to start a dialogue and how to take an interest in their children's online activities. The video games sector partners with relevant institutions such as family organisations, media literacy organisations, and public authorities, to ensure that the right audience is reached, and that the information is relevant. All these tools are best utilised by parents and children working together to understand games and gameplay, rules and boundaries.

#### 4. Right to protection from all forms of violence and exploitation

45. Firstly, as regards grooming and sexual abuse, the video games sector welcomes further awareness to accompany already existing measures. While video games are less vulnerable to cyberbullying or online sexual abuse than internet service providers and social media platforms, the industry is taking these issues and the protection of children in its services very seriously. This is also why, for example, two ISFE member companies were part of the former EU Commission's CEO Coalition to Make the Internet a Better Place for Kids, alongside leading technology companies of other sectors. The experience has shown that the video games sector is far advanced in particular on parental control tools as well as in providing simple and robust reporting mechanisms to avoid children being exposed to harmful user-generated content. Video games companies are innovative and experienced in finding effective solutions matching the specifications, possibilities and limitations of individual services.

46. In addition to the PEGI Code of Conduct (see paragraph 44), the video games sector uses a variety of tools and safeguards to protect minors from potentially harmful or illegal content, including for voice and video chat:

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<sup>16</sup> <https://www.isfe.eu/news/research-majority-of-parents-control-childs-in-game-spending/>

<sup>17</sup> <https://www.isfe.eu/responsible-gameplay/responsible-gameplay-in-your-country/>

- **Reporting systems** are in place for all chats and online functionalities to report on any abuses that are against the terms of use and/or codes of conduct which prohibit terrorist and racist content or comments and activities (among other types of harmful and illegal content).
  - **Moderation:** Affiliated video games platforms employ moderators, sometimes in very large teams, that review reports of breaches of codes of conduct and then take down the offensive content, and may act on the offender's account. Sometimes moderation alone is not enough. Any community can become toxic regardless of how strong the moderation tools used are. When certain words are banned, toxic community members just develop new ones. Consequently, in addition to reporting mechanisms, games developer studios are increasingly investing in hiring community managers, whose role is to build self-sustaining, healthy, non-toxic communities that moderate themselves. This approach has been much more successful than a moderation only-based approach.
  - **Filtering software:** many video games companies also use advanced word filtering and URL filtering tools to block damaging content. These are automated but dynamic systems which are constantly under review by human moderators and subjected to categorisation changes. Some platforms have policies obliging developers to pass all chat and/or game text through their filtering system where chat communication and player inputted text are scanned for the safety of users and legal compliance reasons.
  - **Muting tools:** these allow moderators to mute players that are not respecting the terms of use and codes of conduct.
  - Overall, **the role of technology** is important and will be increasingly so, as online game environments are comprised of many, many players and technology can be an important tool to keep video games platforms free of illegal and harmful content. For example, technologies that identify problematic user-to-user chat patterns show very encouraging results in identifying grooming attempts. The communications are flagged and sent to investigators for follow-up, and potential enforcement action, including termination of the user account, if the terms of use have been violated.
47. Further, children's right to privacy should be balanced with the right to protection against unsuitable or predatory behaviour. Thus, in order to ensure that video games developers are able to address any illegal activity that is potentially harmful to children, it is important that, for example, the upcoming European ePrivacy regulation or any similar regulation in other countries does not hinder the use of those tools to monitor in-game communication between players.
48. Esports is an increasingly popular way for children to view or engage in competitive video gameplay. Video games publishers and esports tournament organisers are aware of the importance of building healthy communities. Last year, video game associations globally

adopted **esports principles** to promote esports that are fun, fair, and enjoyed by players around the world in an open and inclusive environment. These core principles were developed in a collaborative effort and form a set of values applicable in all aspects of global esports environments: (i) safety and well-being, (ii) integrity and fair play, (iii) respect and diversity, and (iv) positive and enriching game play. The principles strive to foster a community that is responsible, welcoming, diverse, engaging, and of course, fun.<sup>18</sup>

49. Furthermore, in Europe, and as explained above, PEGI signatories are required to ensure that appropriate reporting mechanisms are in place to allow players to notify illegal or offensive behaviour by other players, and they can take appropriate actions, such as excluding a player from the service or notifying the authorities. The video games industry is constantly working on best practices in the area of making the video games environment a safe and enjoyable space, free of hate speech and harassment by initiatives such as the Fair Play Alliance.<sup>19</sup>
50. As regards the video games sector, the legislative acquis combined with the robust Pan-European PEGI system allows parents, educators, consumers and caregivers to ensure that they have the tools to act in their child's best interest. The PEGI system operates on top of the existing legislative acquis and allows for necessary "fine tuning" in an efficient way with a pan-European effect. This capacity to act in the field of minor protection at Pan-European level brings important value as it allows any concerns to be addressed in a dynamic and fast manner.
51. In Europe, a growing number of countries have strengthened their official support for the PEGI system by integrating PEGI into national law. Therefore, in many countries PEGI has achieved the status of a co-regulatory system. While some European countries explicitly recognise PEGI in law, others have officially approved the consistency of PEGI with the national requirements on labelling or have endorsed the system by official statements, written policy engagements and direct representation in the PEGI Council. Both ISFE and EGDF encourage all stores and distributors to adopt the rating system on the basis of a "retail code".

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<sup>18</sup> Principles available at <https://www.isfe.eu/isfe-esports/>

<sup>19</sup> <https://fairplayalliance.org/>