

Pursuant to Article 19a paragraph 8 of the Law on Information Security (*“Official Gazette of RS”*, nos. 6/16, 94/17 and 77/19) and Article 42, paragraph 1 of the Law on Government (*“Official Gazette of RS”*, nos. 55/05, 71/05 - corrigendum, 101/07, 65/08, 16/11, 68/12 - CC, 72/12, 7/14 - CC, 44/14 and 30/18, and other law ),

The Government hereby adopts the following

## **REGULATION**

### **ON SAFETY AND PROTECTION OF CHILDREN WHEN USING INFORMATION AND COMMUNICATION TECHNOLOGIES**

#### **Scope of the Regulation**

##### **Article 1**

This Regulation regulates measures taken towards child online safety and protection as activities of public interest, through educating and informing children, parents and other legal representatives and teachers about the advantages, risks and manner of safe use of the Internet, as well as actions taken in case of violation or endangering child online safety, which shall be reported through a single place for providing advice and receiving reports related to child online safety and protection.

#### **Objective of the Regulation**

##### **Article 2**

The aim of the Regulation is to:

- 1) raise awareness and knowledge about the advantages and risks of using the Internet and about the manner of safe use of the Internet;
- 2) improve the digital competencies of children, i.e. students, parents and other legal representatives and teachers (hereinafter: children, parents and teachers);
- 3) improve intersectoral cooperation in the field of child online safety and protection.

#### **Preventive measures for child online safety and protection**

##### **Article 3**

The Ministry in charge of information security (hereinafter: the Ministry) shall undertake preventive measures towards child online safety and protection, as activities of public interest, through:

- 1) education and information provided to children, parents and teachers;
- 2) a single place for providing advice and receiving reports related to child online safety and protection.

#### **Educating and informing children, parents and teachers**

##### **Article 4**

The subject of education and information provided to children, parents and teachers shall be:

- 1) advantages of using the Internet;
- 2) risks of using the Internet;
- 3) manner of safe use of the Internet.

The Ministry shall carry out the activities referred to in paragraph 1 of this Article in cooperation with competent bodies and institutions, schools, media, civil and private sector, academic community, prominent individuals in the field of contemporary creative work and creative industry, and other stakeholders.

When the activities referred to in paragraph 1 of this Article are organized in the school, the school shall ensure the presence of children and teachers, and invite parents to attend emphasizing the importance of their participation in educational activities conducted by the Ministry.

The Public Media Service, in cooperation with the Ministry, shall promote and broadcast programme contents in the public interest related to child online safety and protection, all in accordance with the regulations governing the Public Media Service and public information, and this Regulation.

The Ministry shall, in cooperation with other media service providers, work on the promotion and encouragement of broadcasting programme contents in the public interest related to child online safety and protection, all in accordance with the legislation and this Regulation, professional and ethical standards and principles of socially responsible business.

#### **A single place for providing advice and receiving reports related to child online safety and protection**

##### **Article 5**

In order to raise awareness and knowledge about child online safety and protection, the Ministry shall undertake activities that include providing advice and information to children, parents and teachers on the advantages, risks and safe manner of Internet use, and especially on the risk of excessive use of modern technologies and the Internet, the risk of neglect and disregard of children, risky online behaviour and its consequences (coming into contact with unknown persons, sharing content online, violation of privacy and data security, etc.) and other phenomena and dangers occurring online, such as challenge games, peer violence, harassment and recruitment of children, blackmailing, threats, exploitation of children, child pornography, sending or posting photos, messages or videos with explicit sexual content (sexting), paedophilia, human trafficking, etc.

The Ministry shall enable the reception of reports on harmful and inappropriate online content and behaviour, i.e. the reporting of threats to child rights and interests.

Providing advice and information referred to in paragraph 1 of this Article, as well as receiving reports referred to in paragraph 2 of this Article shall be done by telephone and electronically (via the form on the website, social networks, etc.).

The Ministry shall keep records in electronic form on the provided advice, i.e. information, as well as on the submitted reports. The records shall include particulars of the person who addressed the Ministry, in accordance with the law governing information security, the date of receipt of the report or request for advice /information, as well as data on the advice/information provided, or type of actions taken in respect of the report submitted.

#### **Proceedings upon receipt of the report**

## **Article 6**

Depending on the type of violation of child rights and interests, the Ministry shall promptly forward:

- 1) report to the competent public prosecutor's office, if the allegations from the report indicate the existence of a criminal offense prosecuted ex officio, and information on the report submitted to the ministry in charge of internal affairs (organizational unit responsible for combating high-tech crime), with the informing aim;
- 2) report to the competent centre for social work, if the allegations from the report indicate a violation of child rights, health status, wellbeing, i.e. general integrity;
- 3) notification to the competent health centre, if the allegations from the report indicate the risk of excessive use of modern technologies and the Internet and the existence of harmful consequences;
- 4) report to the Inspectorate for Information Security if the allegations from the report indicate a breach of security of the information and communication system of special importance or inappropriate actions of the operator of information and communication system of special importance;
- 5) report to the ministry in charge of education, if the allegations from the report indicate the existence of digital violence by peers or other persons in school, as well as child abuse by misuse of information and communication technologies, which shall refer such report to the school that shall take charge and actions in accordance with the regulations governing actions taken by the institution in response to violence, abuse and neglect;
- 6) notification to the web presentation administrator in case the allegations from the report indicate inappropriate or harmful content.

In their actions taken in response to forwarded reports, the competent authorities and institutions referred to in paragraph 1 of this Article shall apply the provisions of the law governing e-commerce, if the allegations from the report indicate the existence of inadmissible Internet content.

### **Actions taken by centres for social work and health centres**

## **Article 7**

After receiving the report referred to in Article 6, paragraph 1, item 2) of this Regulation, the competent centre for social work shall assess the adequacy of child care (parent, guardian, foster parent), determine risks to child's development and safety due to harmful and inappropriate content of information and communication technology, provide assistance and support to the child and the family and, if necessary, take measures of supervision and control in relation to the persons who take care of the child and initiate appropriate procedures for the protection of child rights in accordance with the law.

Upon receipt of the notification referred to in Article 6, paragraph 1, item 3) of this Regulation, the competent health centre capable of providing professional assistance shall determine, subject to prior consent of the patient, or his/her legal representative or guardian, whether there is a risk of addiction or an already developed addiction to use of modern technologies and the Internet, and shall provide assistance in accordance with the law and professional ethics.

Employees of centres of social work and health centres shall get acquainted with the risks and harmful consequences that may affect children using the Internet and modern technologies, and shall receive training on the manner of providing help to children in the event of harmful consequences.

## **Intersectoral cooperation and reporting**

### **Article 8**

Bodies and institutions responsible for the application and taking actions under this Regulation shall cooperate and exchange knowledge and experience in the field of safety and protection of children when using information and communication technologies, in order to improve preventive measures towards child online safety and protection, as activities of public interest.

The competent state bodies and institutions of health and social protection shall verify the allegations from the reports that have been forwarded to them in order to take charge and actions in accordance with Article 6 of this Regulation and shall inform the Ministry on the measures taken.

The notification referred to in paragraph 2 of this Article shall be made electronically, by submitting quarterly reports to the Ministry within ten days from the day the quarter ends.

### **Annual report**

### **Article 9**

Once a year, no later than the end of March of the current year for the previous year, the Ministry shall compile and publish on its website a report on the work of the single place for providing advice and receiving reports regarding child online safety and protection.

## **Termination of the effect of the earlier Regulation**

### **Article 10**

On the day this Regulation enters into force, the Regulation on Safety and Protection of Children when using Information and Communication Technologies ("*Official Gazette of the RS*", No. 61/16) shall cease to have effect.

### **Final provision**

### **Article 11**

This Regulation shall enter into force eighth day after its publication in the "Official Gazette of the Republic of Serbia".

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In Belgrade, 13 February 2020

GOVERNMENT

PRIME MINISTER

Ana Brnabić