

ITU Regional Engagement Roundtable for Europe

Digital Transformation for Sustainable Development Goals

Organised by the International Telecommunication Union with the support of Ministry of Economy and Sustainable Development of Georgia

საგარეო ურთიერთობების მინისტრის განყოფილება
განვითარების სამსახური



MINISTRY OF ECONOMY AND SUSTAINABLE
DEVELOPMENT OF GEORGIA

Monday, 13th September 2021 | 9:00 – 13:00 CEST | Virtual Meeting

<http://www.itu.int/go/403C>

REGIONAL CONSULTATION: SUBMISSION FORM

Regional consultation on the national and/or regional challenges related to digital development in Europe region

[Ministry of Digital Transformation], [Ukraine]

[Online Safety Challenges in Ukraine]

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Tick the box to the relevant ITU Regional Initiative for Europe and/or BDT Thematic Priority

ITU Regional Initiatives for Europe

- ☐ EUR1: Broadband infrastructure, broadcasting and spectrum management
- ☐ EUR2: A citizen-centric approach to building services for national administrations
- + EUR3: Accessibility, affordability and skills development for all to ensure

BDT Thematic Priorities

- + Capacity development
- ☐ Cybersecurity
- + Digital inclusion
- ☐ Digital innovation ecosystems
- ☐ Digital services and applications
- ☐ Emergency telecommunications



digital inclusion and sustainable development

- ☐ EUR4: Enhancing trust and confidence in the use of information and communication technologies
- ☐ EUR5: ICT-centric innovation ecosystems

☐ Environment

+ Network and digital infrastructure

+ Policy and Regulation

☐ Statistics

☐ Capacity development

What are your *concrete challenges* related to the digital development that might be addressed at the national or/and regional level in 2022 within the framework of the ITU Regional Initiatives for Europe and BDT Thematic Priorities? [max 400 words]

One of the main challenges that might be addressed at the national level is the problem of timely removal and blocking of child sexual abuse content. There is a law on telecommunications (to be replaced on 01.01.2022 by the law on electronic communication without any changes as to the questions concerned), which provides for an obligation of telecommunications providers (including ISPs) to disable access of their users to child pornography. Still, such disabling of access is to be exercised only after the court's decision is made which is time-consuming. Also, there is a law on e-commerce which requires ISPs (the hosting providers) to "disable access or to stop providing access" to illegal content in general. There are two problems with the law on e-commerce. First, it does not provide for a clear obligation to remove illegal content/CSAM as it is provided by the EU E-commerce Directive, which has been used as an example while elaborating the law. Second, being addressed to Internet hosting providers, it requires them to block ("disable access or to stop providing access...") which is incorrect measure: it is the removal which is to be used by Internet hosting providers and the blocking or takedown which is to be used by Internet hosting providers, not vice versa. This leads to the problem, as there are two different laws governing blocking of illegal and CSEA content – the law on e-commerce and the law on telecommunications respectively. Given that the law on telecommunications provides specifically for blocking of child pornography, it is considered as *lex specialis* as to the blocking of CSAM. That is why a more time-consuming procedure requiring a court's decision is more suitable.

Another problematic issue is industry engagement. The market is diverse and competitive with bigger and small business owners, the latter are less interested in corporal responsibility. The discussion is hidden under the freedom of speech considerations. Filtering of the content is challenging due to the economical situation and inexpensive internet. There is lack of advocacy and social responsibility of the ISP, no responsible business culture in the field, priority to provide cheaper internet and economic gains. Economic challenges are relevant to the governmental sector as well: lack of funds allocated to relevant ministries and entities prevents implementation of advanced tools to fight CSAM.

