[DE] New Provisions on Protection of Minors

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In May, new efforts were undertaken to reform the regulatory measure concerning the protection of minors. Well-publicised proposals were made for an Inter-State Agreement on the protection of human dignity and minors in broadcasting and telemedia and for a new Jugendschutzgesetz (Youth Protection Act). Up to now, different provisions regulating the protection of minors have applied in the broadcasting, media services and tele-services sectors. Certain more general laws on the protection of young people (the Act on the dissemination of written material and media content harmful to minors, and the Act on the protection of minors in public) also apply to audiovisual media. In the broadcasting and media services sectors, the Bundesländer are responsible for the protection of minors, although such protection falls under the Federal Government's remit in other areas (such as tele-services, written press, media content and general youth protection). The application of youth protection provisions is therefore monitored by many different authorities at national and regional levels. In addition, some individual sectors have their own self-regulatory bodies, whose relationship with the national supervisory authorities is not always clearly defined. The aim of the reforms is to bring an end to this fragmentation of youth protection law and standardise the protection of minors and supervisory structures in Germany. To this end, the current division of responsibiBrussels lities means that an Act (Youth Protection Act) is needed at national level, while an Inter-State Agreement (on the protection of human dignity and minors in broadcasting and telemedia) is required at Bundesland level. Special regulations should ensure that bodies involved with youth protection at both national and regional levels base their decisions on a standard set of criteria. The Bundesrat (upper house of parliament) will decide on the Federal Act in July; the Act should enter into force at the same time as the Inter-State Agreement.

The Youth Protection Act will replace the aforementioned general youth protection laws. The distinction between media services and tele-services will be dropped in the area of youth protection, although in future a distinction will be drawn between telemedia (all new media) and so-called carrier media (off-line media). The Bundesprüfstelle für jugendgefährdende Schriften (federal investigation office for written material harmful to minors), which is to be renamed the Bundesprüfstelle für jugendgefährdende Medien (federal investigation office for media harmful to minors), will be given greater responsibility and, in future, will be able to take action of its own accord. Furthermore, computer games will, just

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like films and videos, be given a legally-binding age restriction rating. In general, media content that is harmful to minors will be more tightly controlled.

With regard to broadcasting and telemedia content, a distinction will be made between inadmissible content, content that is harmful to minors and that which is potentially harmful to minors. Content that is actually harmful to minors must not be accessible to young people, whereas providers need only restrict access for minors to content which is potentially harmful to them.

Self-regulatory bodies are to be given a more prominent role. However, this only applies to those which have been certified by a State authority in accordance with certain criteria. One of these criteria concerns funding: self-regulatory bodies must show that they are properly financed by the providers concerned. State or judicial bodies may only examine their decisions to ensure that they are justifiable. The Kommission für Jugendmedienschutz (Commission for Youth Protection in the Media), the State body responsible for granting these certificates, will be restructured. As well as monitoring the activities of self-regulatory bodies, it will act as the central youth protection authority at Bundesland level, with responsibility for resolving youth protection issues in accordance with the Inter-State Agreement.

Diskussionsgrundlage für den Entwurf eines Staatsvertrages über den Schutz der Menschenwürde und den Jugendschutz in Rundfunk und Telemedien (JugendmedienschutzStaatsvertrag - JMStV), 21. Mai 2002

Discussion paper for a draft Inter-State Agreement on the protection of human dignity and minors in broadcasting and telemedia, 21 May 2002

http://www.ra-doerre.de/jmstv.pdf

Entwurf eines Jugendschutzgesetzes (JuSchG) vom 8. Mai 2002

Draft Youth Protection Act of 8 May 2002

http://www.bmfsfj.de/top/dokumente/Pressemitteilung/ix_79408.htm?template=single&id=79408&script=1&ixepf=_79408

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