[DE] Analysis of the Youth Media Protection System

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In parallel with the increased use of co-regulation systems in the context of the protection of minors, a legal requirement has been introduced to evaluate the effectiveness of these systems. In preparation for the evaluation by the legislature, the Hans Bredow Institute (HBI) examined, on behalf of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and the *Länder,* whether and to what extent youth media protection works effectively.

According to the results of the study, the new approach to youth media protection established in 2003 (see IRIS 2002-9: 15) has improved the protection of minors. The report states that the *Bundesjugendschutzgesetz* (Federal Youth Protection Act) and the *Jugendmedienschutz-Staatsvertrag* (Inter-State Agreement on the protection of human dignity and minors in broadcasting and telemedia – JMStV) jointly cover the means by which material relevant to the protection of minors is disseminated. It points out, however, that there are some uncertainties about how to apply the laws with respect to some delivery forms, such as Bluetooth, MMS or e-mail. Media convergence makes youth media protection harder to implement and results in an overlapping of responsibilities and in the inefficient duplication of the work done by various institutions. Accordingly, the work of all self-regulatory bodies must be further interlinked in organisational terms.

The report refers to various shortcomings, especially regarding the implementation of the legal rules. Its authors state that, although the new system of so-called “regulated self-regulation” has in principle been accepted in practice after initial teething troubles, the supervisory function is not adequately set out in the law. They go on to say that in the case of the telemedia, and especially offerings on the internet, the establishment of the *Kommission für Jugendmedienschutz* (Commission for Youth Protection in the Media – KJM) has resulted in better monitoring structures. However, the KJM’s procedures are too complex and it can take more than a year for sanctions for violations to be imposed. However, sanctions must be imposed soon after the event in order to ensure the recognition and acceptance of the system of regulated self-regulation. In this connection, the HBI also recommends that there be further clarification of tasks of the Internet monitoring site jugendschutz.net, which was set up in 1997 by the Youth Ministers of the *Länder* for the purpose of examining Internet offerings of relevance to the protection of minors.

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Up until now, the report states, it has in practice been impossible to control access to telemedia detrimental to a young person's development using technology-based youth protection programmes, and the law needs to be amended in this regard. Despite the criticism, which is in some cases justified, the fact that the Youth Protection Act includes computer games (*Unterhaltungssoftware Selbstkontrolle* – USK) in the age-rating system used for cinemas serves to ensure a more effective control of distribution. However, the fact that the USK symbol has to compete with the European PEGI (Pan European Game Information) symbol constitutes a problem with regard to its general recognition.

Owing to the decline in parental supervision and the ever greater complexity of the media world, legal rules that support parental media education are becoming even more important.

Endbericht zur Studie

http://www.hans-bredow-institut.de/webfm_send/104

Final report on the study

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