

The laws

In 2003, the Federal State and the Länder revised the laws concerning youth protection in the media in order to better protect children and young people from harmful or endangering content. The new legal provisions and institutional procedures shall protect young people as good as possible from negative effects of the internet and support their social and personality development according to their age.

Laws relating to youth protection

The most important regulations are established in two laws: At Federal State level, the Protection of Young Persons Act ([JuSchG](#)) regulates the dissemination of physical data media like CDs and defines what is entered into the list of media harmful to minors. At Länder level, the Interstate Treaty on the Protection of Minors in the Media ([JMStV](#)) provides a single legal basis in terms of internet and broadcasting.

Articles 4 to 6 of the JMStV define what kind of content is not or only with restrictions allowed to be disseminated on the internet. There are three content levels: absolutely illegal, endangering or harmful. Additionally, there are restrictions for online advertising aiming at children and young persons.

The JMStV also lays down the tasks of jugendschutz.net and the Commission for the Protection of Minors in the Media (KJM) and includes provisions concerning technical protection measures.

Absolutely illegal and endangering content

Absolute illegal content, e.g. depictions of child sexual abuse, incitement to hatred or glorification of violence must not be made accessible on the internet. In most cases, the dissemination of this content also constitutes a criminal offence.

One competent state media authority

The Commission for the Protection of Minors in the Media ([KJM](#)) is the central authority providing for a consistent control of broadcasting and the internet and is tasked to ensure that content providers comply with youth protection legislation. The KJM determines whether a breach has occurred and decides on supervisory measures.

The KJM can impose various types of sanctions depending on the gravity of a breach, e.g. ban content or impose a fine. The state media authority of the provider's home state is then responsible to implement the appropriate measure.

jugendschutz.net is organizationally linked to the KJM and supports the KJM and the supreme state youth authorities in their tasks: jugendschutz.net monitors internet content, identifies violations of youth protection laws and forwards these cases to the KJM for further action.

Harmful content and advertising

Harmful content leading to excessive strain and fear for example, is also subject to access restrictions. Providers have to restrict access to this content for young users according to their age and make sure that they would normally not see the content.

Content endangering to young people like adult pornography or content listed in the list of media harmful to minors ('index list') is restricted to access by adults only. In order to make sure that children and young people cannot access this content, providers have to implement an appropriate [age verification system](#).

Next to the KJM, the Federal Review Board for Media Harmful to Minors ([BPjM](#)) is also responsible for deciding whether online content is endangering to young people. The BPjM acts on official requests by other administrative institutions and puts URLs on the 'index list'. Additionally, the BPjM has the mandated task to respond to the current and future challenges to a sustainable protection of minors on the internet.

To achieve this they can implement [technical protection measures](#) like access barriers acknowledged by the KJM. They can also stream their content according to restrictions on TV content rating (e.g. content rated 16 shown after 10 p.m.)

There are also specific rules for advertising: advertisers shall not directly exhort minors to buy a product or a service by exploiting their inexperience and credulity.

Read more [KJM criteria](#)