

New Industry Initiative Protection of Minors in the Me- dia – issued by the asut

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The following companies are the first to sign and join the industry initiative:

- Sunrise Communications AG
- UPC Schweiz GmbH
- Salt Mobile SA
- Swisscom Ltd

Preamble

A rapidly changing range of communication technologies, an ever younger user group and practically unlimited, global Internet access have posed major challenges to the protection of minors against harmful media for more than ten years. The digital revolution has found its way into all areas of private and business life.

- I. This revolution is taking place extremely quickly and cannot be stopped. The educational protection of minors in the media is therefore of central importance. Adults in their role as parents, legal guardians and teachers should educate young people about the dangers and opportunities in the digital world and give them the tools they need to deal with digital media responsibly.

The signatories view it as their obligation to regularly adapt the industry initiative for the protection of young people in digital media in line with current circumstances. They take their responsibility seriously and support society with targeted promotional measures in relation to the prudent and responsible use of digital media.

The industry initiative is aimed primarily at telecommunications service providers, but may also be signed by companies that are not members of asut. By signing the industry initiative, they commit themselves to comply with the mandatory and voluntary measures for the protection of minors in the media within their services in the private customer segment.

II. Legal requirements for the protection of minors in the media and debt prevention

In Switzerland, the protection of minors in the media, in relation to value-added services, telecommunications and the Internet, is regulated at the federal level through provisions in criminal and telecommunications law. The following are primarily relevant in connection with the protection of minors in the media: Art. 197 SCC as well as Art. 40 and 41 OTS. Consistent compliance with these regulations is a matter of course for the companies that have signed the initiative.

1. **Implementation in the mobile communications sector**

- a. **Customer identification**

- b. Mobile phone users must be identified by means of an ID. This applies to both subscriptions and pre-paid offers.

Barring set for customers under 16 years of age

If the legal guardians conclude a mobile phone subscription contract in their own name (contract holder) and make it available to their child as the main user, the child's name and age (if reported by the legal guardian) are recorded if the child is under 16 years of age. If the person is under the age of 16, the barring set for protecting minors is activated.

- c. Parents or guardians with a subscription contract, who allow a young person to use their mobile phone without informing the telecommunications service provider, can block access to value-added services with erotic or pornographic content free of charge at any time by calling the relevant freephone hotline free, by sending an e-mail or in the customer centre (barring set for the protection of minors). The block usually takes effect in less than 48 hours.

Information on the barring set

Mobile operators inform all customers when concluding a contract, and at least once a year thereafter, of the possibility of blocking value-added services and adult entertainment free of charge.

Implementation for the Internet (platforms and services of the signatories)

Those signatories who themselves offer their own content that falls under Art. 197 para. 1 SCC in the areas of Internet and TV (content providers) block access for young people using appropriate measures.

Voluntary technical and operational measures

As a rule, the undersigned companies do not offer their own content, but enable customers to access third-party content via the Internet or TV. In the TV area, access to third-party offers can be made possible via the company's own TV platform. In the case of third-party offers, the provider is generally responsible for complying with local statutory provisions. Nevertheless, the signatories voluntarily commit themselves to applying the following technical and operational measures:

III.

Blocking access to child pornography

The Federal Office of Police (fedpol) maintains various lists of addresses of websites with illegal content. The signatories implement these in their systems, block the corresponding addresses and thus prevent access via their networks. The lists are updated on an ongoing basis by fedpol.

a. Conclusion of contract by minors

When young people under the age of 16 wish to conclude a contract for a mobile phone subscription, the consent of a legal representative is always required.

b. Internet hosting provider

The undersigned companies that also act as Internet hosting providers oblige their hosting customers, who offer content or other web hosting services on the hosting infrastructure of the respective telecommunication service provider, to comply with the requirements for the protection of minors in the media. They enforce this obligation with appropriate measures, e.g. contract penalties for a breach of contract. Serious violations can lead to the termination of the business relationship between the Internet hosting provider and the business partner.

c. Blocking option for on-demand services (video-on-demand)

The signatories that maintain their own video-on-demand media libraries (content that can be retrieved individually on demand) are obliged to flag the content they offer with a clearly visible age classification. The on-demand service offers access restrictions by means of a blocking function.

d. Blocking options – TV

The providers of TV services offer suitable possibilities for restricting content or channels using PINs, if the TV channel provides information on the protection of minors in the media.

e. Blocking options – replay TV

f. The blocking options that are effective for linear TV consumption apply in the same way to replay TV.

Measures for prevention and information

a. Young people must acquire information and media skills in order to be able to use digital media sensibly. And this requires support from parents, carers and teachers. These people should act as role models and introduce young people to the world of media and accompany them when using it. With the measures listed below, the signatories undertake to support parents, guardians and teachers with this demanding task.

b. Internet filter

Together, the undersigned companies evaluate the child and youth protection filters available on the market and make this information available to customers once a year. Those undersigned companies that also act as internet service providers offer their customers effective Internet filters (in particular child protection software) or make recommendations regarding the technical possibilities.

Information on value-added services that are subject to a charge

In the case of customers under the age of 16, it is pointed out to the customer and the legal representative at the time of the sale that additional costs may be incurred for value-added services, and that these services can be blocked in the same way as 0906 offers (erotic or pornographic content).

Advice on the protection of minors in the media

The signatories offer information on the protection of minors in the media through their customer service facilities (hotline, sales outlets, websites, etc.). During the sales process, they also make an information sheet (print or digital) available to legal guardians and young people, informing them about measures to protect children and young people from harmful media.

Comprehensive customer information

- c. Each signatory provides its existing customer base with one-off information on the measures taken by the industry for the protection of minors in the media.

Appointment of a Youth Protection Officer

- d. The undersigned companies shall nominate a Youth Protection Officer within their company to monitor and support the implementation of measures and be available to customers in the event of inquiries or requests for information. The contact information of the Youth Protection Officers is published on their respective websites as well as on www.asut.ch.
- e.

Provision of free information

The undersigned companies provide information directly or in cooperation with asut that promotes the media expertise of young people, parents, guardians and teachers. They offer this free of charge online and/or in the form of printed products.

- f.

Dialogue with stakeholders

- v. Digitisation is advancing into more and more areas of our lives, and society has already recognised the risks that this entails. NGOs, political groups, offices at federal and cantonal levels, associations of teachers, parent organisations and the industries concerned have a common interest in minimising them. In order to find the best possible solutions, open and honest dialogue between the various stakeholder groups is essential. The undersigned companies bear testimony to this and actively participate in the discourse.

- a.

Support from specialist organisations and individuals

The undersigned companies maintain regular dialogue with specialist stakeholder groups and associations on the subject of the protection of minors in the media and provide them with adequate support.

- b. Where desired and appropriate, they make their own experts available to these groups or individuals.

Cooperation with public authorities

The signatories shall maintain open dialogue with the competent authorities. This ensures that public authorities and private stakeholders regularly exchange information on current problems and challenges regarding the protection of minors in the media. asut is also in regular contact with the Federal Office for Social Security (BSV) and other public authorities in relation to issues regarding children and adolescents.

- vi.

The signatories are free to take further action beyond the scope of this industry initiative.

Implementation and development

The signatories will implement the specified measures for the protection of minors in the media within a period 6 months after signing the document.

At least once a year, the signatories shall review any further development of the industry initiative and make any necessary adjustments. For signatories who do not wish to sign a modified and/or updated version, the last signed version shall apply.

External evaluation

The industry initiative will be evaluated externally for the first time one year after being signed, and then every two years in a suitable form.

Final provisions

VII.

Contact addresses

See the annex "List of Youth Protection Officers".

VIII.

Duration / Withdrawal

1. This industry initiative replaces the 2008 industry initiative and is concluded for an indefinite period of time. Each signatory may give notice of its withdrawal from the initiative by providing six months' notice to the end of June or end of December of the relevant year. The signed letter of withdrawal must
2. be sent to the office of asut. The industry initiative will continue to exist between the remaining signatories.

Settlement of disputes / Applicable law

3. In the event of disputes between the signatories in connection with this industry initiative, the parties shall attempt to reach an agreement among themselves. Swiss law shall apply exclusively in connection with this industry initiative.

Annex – List of Youth Protection Officers

UPC Schweiz GmbH	Liliane Ackle Richtiplatz 5 8304 Wallisellen jugendmedienschutz@upc.ch
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