

# **asut new industry initiative for the protection of young people in the media**

The following companies are the initial signatories of this industry initiative:

Sunrise Communications Ltd

UPC Switzerland LLC

Salt Mobile Ltd

Swisscom Ltd

May 2016

## Preamble

In 2008, under the patronage of the Swiss Telecommunications Association (asut), Switzerland's leading telecommunications providers – upc cablecom (now UPC), Orange (now Salt), Sunrise and Swisscom – launched an industry initiative to improve the protection of young people from harmful new media and to promote media literacy in society.<sup>1</sup> The initiative was revolutionary in terms of raising awareness, in particular among parents. Not only did people become more aware of the problem, the initiative also helped to reduce access to content unsuitable for young people in numerous areas.

With the range of communication technologies changing rapidly, users becoming younger and younger, and practically unlimited global access to the Internet, protecting young people from harmful media is an enormous challenge. It is already clear that the digital revolution will impact all areas of private and working life in the near future.

The digital revolution is moving fast, and there is no end in sight. Educational measures to protect young people from harmful media are therefore extremely important. Adults, in their role as parents, guardians and teachers, should explain the dangers and opportunities of the digital world to young people and give them the tools they need to handle digital media in a responsible way.<sup>2</sup>

The signatories feel compelled to adapt the industry initiative to protect young people from harmful digital media to the current situation. They take their responsibility seriously and support society by taking targeted measures to promote sensible, responsible use of digital media.

The industry initiative is primarily aimed at telecommunications service providers and may also be signed by companies that are not asut members. By signing the industry initiative, they agree to ensure that their services are compliant with the mandatory and voluntary youth protection measures in the residential customer sector.

## I. Legal basis

In Switzerland, the protection of young people from harmful media in the value-added services, telecommunications and Internet sectors is regulated at federal level through provisions of criminal and telecommunications law. As far as protection of young people from harmful media is concerned, the main relevant provisions are Article 197 of the Criminal Code and Articles 40

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<sup>1</sup> Available at [www.asut.ch](http://www.asut.ch).

<sup>2</sup> The asut, the signatories and associated organisations have already carried out successful educational and prevention work in connection with the protection of young people from harmful media. Tips on how to protect children and young people have been made available online by the signatories.

and 41 of the Decree on Telecommunications Services. The signatory companies take strict adherence to these provisions for granted.

## **1. Implementation of legal provisions in the mobile communications sector**

Through the following technical and operational measures, the signatories will ensure that, thanks to a proper registration process, children and young people cannot access value-added services with erotic or pornographic content:

- When young people under the age of 18 conclude a mobile phone contract themselves, they must produce a valid official document for identification purposes. The consent of a legal representative (usually the parents) is also required. If the young person is under 16 years old, the youth protection blocking set<sup>1</sup> will be automatically activated.
- If a parent or guardian concludes a mobile phone contract in their own name (as the contract holder) and makes it available to their child as the main user, the child's name and age (to be notified by the parent or guardian) must be recorded if they are under 16 years old. If the child is under 16 years old, the youth protection blocking set will be activated. The blocking set cannot be removed until the child turns 16.
- 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 (youth protection blocking set) free of charge at any time by calling a free hotline, sending an e-mail or via the Customer Centre. As a rule, the block takes effect in less than 48 hours.
- For registration purposes, anyone purchasing a pre-paid card must produce a valid passport, identity card or other travel document authorising entry into Switzerland. The purchaser's date of birth is also recorded: if they are under 16 years old, the youth protection blocking set will be activated.
- When the contract is concluded and at least once a year thereafter, the mobile network operators will inform all customers of the possibility of blocking value-added services and adult entertainment free of charge.

## **2. Implementation of legal provisions in the Internet sector**

Signatories that offer content that falls under Article 197(1) of the Criminal Code will take suitable measures to block access to it for young people.

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<sup>1</sup> Blocking of value-added services with erotic or pornographic content.

## II. Voluntary measures

### 1. Measures to improve the protection of young people from harmful media

In addition to the legal provisions, the signatories voluntarily agree to take the following technical and operational measures. These measures, which extend beyond the legal provisions, are designed, together with those provisions, to effectively protect young people from harmful media:

#### a. Blocking access to child pornography

The Cybercrime Coordination Unit Switzerland (CYCO) maintains a list of addresses of websites containing illegal child pornography. The signatories will integrate this list in their systems, block the relevant addresses and prevent their customers accessing international child pornography sites from Switzerland. The list is constantly updated by CYCO.

#### b. Internet filters

Together, the signatory companies will evaluate the child and youth protection filters available on the market and make this information available to their customers. Signatory companies that are also Internet Service Providers will offer their customers effective Internet filters (child protection software) in a suitable form or make recommendations about the available technical possibilities.

#### c. Internet hosting providers

Signatory companies that also operate as Internet hosting providers will require their business partners who offer content or other webhosting services via the hosting infrastructure of the telecommunications service provider concerned to comply with the provisions on the protection of young people from harmful media. They will enforce this obligation through appropriate measures, such as contractually agreed penalties. Serious breaches may lead to the cancellation of the business relationship between the Internet hosting provider and the business partner concerned.

#### d. Blocking video on demand

Signatory companies that offer video on demand will enable their customers to block films with age restrictions using a youth protection function.

## **2. Prevention and information to improve media literacy**

If young people are to use digital media sensibly, they need to become information- and media-literate. This places an obligation on parents, guardians, trusted adults and teachers, who should set a good example, introduce young people to the media world and teach them how to use it. Through the measures listed below, the signatories agree to help parents, guardians and teachers carry out this difficult task.

### **a. Advice on protecting young people from harmful media**

Through their customer service channels (hotlines, sales outlets, websites, etc.), the signatory companies will offer information about protecting young people from harmful media. As part of the sales process, they will also give parents, guardians and young people a printed or digital information sheet containing information about measures to protect children and young people from harmful media.

### **b. Extensive customer information**

As a one-off, each signatory company will inform its existing customers about the measures taken by the industry to protect young people from harmful media.

### **c. Appointment of a youth protection officer**

The signatory companies will appoint, within their company, a youth protection officer who will assist with the implementation of measures and be available to answer queries and provide information to customers. The youth protection officers' contact details will be published on the company websites and at [www.asut.ch](http://www.asut.ch).

### **d. Provision of free information**

The signatory companies will, either directly or in cooperation with the asut, provide information to improve the media literacy of young people, parents, guardians and teachers. This will be provided free of charge, online and/or in print.

### **e. Support for specialist organisations and people**

The signatory companies will hold regular dialogue with specialist stakeholders and associations concerning the protection of young people from harmful media, and offer them suitable support. Where requested and appropriate, they will offer the services of their own experts to these groups or people.

**f. Cooperation with the authorities**

The signatory companies will hold open dialogue with the relevant authorities in order to ensure that authorities and private stakeholders regularly share views on current problems and challenges relating to the protection of young people from harmful media. The asut will also maintain regular communication with the children and youth department of the Bundesamt für Sozialversicherungen (Federal Social Security Office) and with other authorities.

The signatory companies are free to take further measures outside the framework of this industry initiative.

**III. Implementation and further development**

The signatories will implement these measures to protect young people from harmful media within six months of signing the document.

The signatories will, at least once a year, examine the possibility of developing the industry initiative further and make adjustments as necessary. For signatories who do not wish to sign an amended and/or expanded version, the most recent version that they signed will apply.

**IV. External evaluation**

The industry initiative will be evaluated externally in a suitable manner one year after signature and every two years thereafter.

## **V. Concluding provisions**

### **1. Contact addresses**

See the appended list of youth protection officers.

### **2. Term / withdrawal**

This industry initiative replaces the industry initiative launched in 2008 and is agreed for an indefinite period. Any signatory company can withdraw by giving six months' notice, ending on 30 June or 31 December of the relevant year. The signed letter of withdrawal must be sent to all current signatories, for whom the industry initiative will remain valid without amendment.

### **3. Dispute resolution / applicable law**

In case of a dispute between the signatories in connection with this industry initiative, the parties will endeavour to reach an agreement among themselves. Swiss law applies exclusively to matters related to the industry initiative.

**Annex: List of youth protection officers**

UPC Switzerland LLC	Liliane Ackle Richtiplatz 5 8304 Wallisellen protectionofminors@upc.ch
Salt Mobile Ltd	Felix Weber Rue du Caudray 4 1020 Renens 1 jugendmedienschutz@salt.ch
Sunrise Communications Ltd	Cédric Marty Binzmühlestrasse 130 8050 Zürich jugendschutz@sunrise.net
Swisscom Ltd	Michael In Albon Alte Tiefenaustrasse 6 3048 Worblaufen info.jugendmedienschutz@swisscom.com