Protecting Children and Young People.

Age Classifications for Computer and Video Games in Germany.
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Dear readers,

Games are an integral part of our everyday culture. Playing games takes place alone, with family and friends or online together with other players. Girls, boys, juveniles and adults all participate. Games do not only offer plenty of entertainment but provide many opportunities for learning and train important skills. The German Cultural Council recognises computer games as cultural heritage eligible for public promotion.

Computer games, however, also bring inherent risks in their wake. Graphic depictions of violence or temporally excessive media consumption are keywords pointing out the problems. Therefore, as is the case with any other medium, computer games bear risks and dangers regarding their possible effects.

The protection of children and young persons comes primarily within the scope of responsibility of the parents but at the same time remains a task for both the state and society as a whole. Therefore the USK and the age rating symbols which are issued in line with the statutory parameters represent the most important elements within this topic. In this booklet we answer the ten questions most frequently asked by parents and other adults.

Felix Falk
Managing Officer of the German Entertainment Software Self-Regulation Body, USK
1. What does the state do in order to protect children and young persons from the effects and risks of Computer games?

Germany has the strictest statutory rules in the world for the classification and sale of computer games on image media (e.g. DVD’s, Blu-ray, modules) to children and young persons. The legal basis for these rules is the German Children and Young Persons Protection Act (JuSchG), which also governs the age rating of cinema films and films on image media intended for public access. If the intention is to make data media programmed with computer games publicly available to a child or young person, such media must be approved for the relevant age category pursuant to Art. 12 Paragraph 1 JuSchG.

This means that such media may not be sold or supplied or presented on screens without an age rating symbol. Since 2003, there has been a requirement for every computer or console game made publicly accessible to children and young persons to be submitted for classification from the point of view of the statutory protection of children and young persons and be issued an age categorisation.
The German Children and Young Persons Protection Act (JuSchG) is a Federal Act which transfers to the Federal States the task of classifying games intended to be supplied to young persons aged under 18 for a certain age group before such games are released. The age rating of computer games is a task for the Ministries of the Federal States with jurisdiction over young persons’ affairs. The Federal States have agreed that the relevant Ministry of the State of North Rhine-Westphalia will act as the lead ministry for all Federal State Ministries in assuming responsibility for age rating. The State of North Rhine-Westphalia makes staff available for this purpose. These members of staff are directly involved in every classification procedure in their capacity as Representatives of the Supreme Youth Protection Authorities of the Federal States (OLJB).

Age classifications are always issued by one of these Representatives of the OLJB. In legal terms, these decisions represent a sovereign act of administration against which legal redress may be sought.

The classification of games takes place in accordance with a nationally standardised classification procedure involving the OLJB and the Entertainment Software Self-Regulation Body (USK), an organisation which has been voluntarily established by the computer games industry.
2. **What is the USK and what does it do?**

The German Entertainment Software Self-Regulation Body (USK) is a body set up by the associations of the computer games industry. Its Registered Office is in Berlin. It is a non-profit making, limited company owned by the company “Freiwillige Selbstkontrolle Unterhaltungssoftware GmbH.” The shareholders of this company are the branch associations of the games development, manufacture and distribution industry in Germany (the Federal Association of Interactive Entertainment Software, BIU, and the Federal Association of Computer Game Developers, G.A.M.E.).

Although these shareholders bear the economic risk of the limited company, they are not responsible for the procedures leading to age rating symbols.

The USK ensures that games can be tested both technically and in terms of their content for the wide range of game platforms. Tasks carried out by the USK also include the organisation of the Classification Committees, classification deadlines and the necessary continuing training for all those involved in the classification procedure.

The USK is advised by an Advisory Council. The Advisory Council stipulates the principles and classification regulations by which the USK operates and approves games testers and child protection experts appointed to their posts.
Members of the Advisory Council include representatives from the churches, the media education community, the Federal Ministry for the Family, the Supreme Youth Protection Authorities of the Federal States, the Department for Media Harmful to Young Persons (BPjM), youth organisations, the Commission for the Protection of Minors in the Media (KJM) and the computer games industry.

3. How is a game classified and who decides on its age categorisation?

Criteria
Fixed criteria apply to the classification of computer games. These have been jointly developed by the USK and the Representatives of the Supreme Youth Protection Authorities of the Federal States according due consideration to the evaluation practice of the BPjM (see also pages 17 to 37).

Game testers
Game testers are provided with the training they need to fulfil this demanding task during a probationary period at the USK. They completely play through all games submitted and present them to a Classification Committee. Testers do not recommend an age classification.

Child protection experts
Since 2003, a Classification Committee at the USK has comprised four child protection experts and one Permanent Representative of the Supreme Youth Protection Authorities of the Federal States (OLJB). The more than 50 child protection experts need to be approved by the Advisory Council.

Child protection experts are independent of both the USK and the computer games industry. They may not work in the industry. They have gained experience working with media and young persons aged under 18 by working in such areas as youth social services, academic research, church institutions, the Department for Media Harmful to Young Persons (BPjM), voluntary associations providing support to young persons or in other professional fields. Many also have experience of working for other self-regulation bodies, for instance the FSK (Voluntary Self Regulation Body of the Movie Industry) or FSF (Voluntary Television Self Regulation Body).

The benefit of this system is that it creates changing and pluralistic Classification Committees which take decisions by a simple majority vote. This means that games can be evaluated in a differentiated manner from a number of different perspectives and represents a major feature of quality control within the classification process. The youngest of the respective age group are the relevant focus. The child protection experts recommend an age classification to the Permanent Representatives of the OLJB.
Permanent Representative of the Supreme Youth Protection Authorities of the Federal States (OLJB) at the USK

The Permanent Representative of the OLJB may either adopt the recommendation made by a Classification Committee with regard to the age rating of a game or else appeal against such a recommendation.

If an age rating is issued by the Supreme Youth Protection Authorities of the Federal States (OLJB), the results of the classification are displayed on the packaging and data media of computer games in the form of an age rating symbol. Classification results are available in the Classification Database at www.usk.de.

Lidia Grashof
Permanent Representative of the Supreme Youth Protection Authorities of the Federal States at the USK

Uwe Engelhard
Permanent Representative of the Supreme Youth Protection Authorities of the Federal States at the USK

Publisher submits game

USK testers prepare the presentation

Presentation to the Classification Committee

Child protection experts recommend age classification or refusal

State Representative issues age classification or refusal

State Representative appeals against recommendation

Publisher accepts

Publisher appeals

Game undergoes up to two appeal procedures

End of classification procedure
4. Which age categories are there and what are their respective criteria?

Approved without age restriction
in accordance with Art. 14 German Children and Young Persons Protection Act (JuSchG).

Game contents and genres:
Games without age restriction are games which are directly aimed at children and young persons, as well as at an adult buyer group. These include family-friendly games such as Games of skill, and Board and Card games, Sports games, Jump ‘n’ Runs, as well as all games for young persons and adults which do not pose any inherent child protection risks of any kind (e.g. Simulations, Management, Classical Adventures and some Role-playing games which younger children are not even able to play).
Criteria for the age category “Approved without age restriction”

Most computer and video games are released with the age rating “Approved without age restriction”. They do not include depictions of violence and do not confront children with situations which produce sustained anxiety.

The game atmosphere of children’s games often features friendly and colourful graphics. The more gentle structure of the game does not put even young children under too much pressure to act. Game tasks are also appropriate for children.

The age rating symbol does not, however, provide any information as to whether the game is suitable for pre-school children or is educationally valuable. Neither does it indicate whether pre-school children will be able to master the technology and content of the game, whether the game tasks and graphics are always presented in a manner suitable for children or whether text displays and spoken language will be understood.

Tip for parents: Find out about game content before buying any game (e.g. on the Internet or in game magazines) and seek the advice of sales staff.
Approved for children aged 6 and above
in accordance with Art. 14 German Children and Young Persons Protection Act (JuSchG).

Game contents and genres:
These games mostly involve family-friendly games which may be more exciting and competitive (e.g. via faster game speeds and more complex tasks), such as Racers, Simulations, Jump ‘n’ Runs and Role-playing games.
Criteria for the age category
“Approved for children aged 6 and above”

Children aged between 6 and 11 develop a capability for differentiated and distanced perception of media representations and contents. Their ability to tell the difference between the game world and reality improves increasingly with age. They acquire their first differentiated media experiences and are able to withstand doses of excitement and pressure to act alleviated by breaks. Game tasks are faster-paced and require basic hand-eye coordination skills. Many game concepts for this age group are based on sporting competition or skill and revolve around fantasy and fairy-tale worlds with well-known comic or cartoon heroes as game characters. The structure and dynamics of the games enable even younger primary school children to distance themselves from the events.

If fight scenes are included, they tend to be presented in a fairy tale or abstract, symbolic form rather than causing confusion with reality. The fight scenes are not likely to make children feel insecure, nor do they impart socially damaging role models. This category does not include games which subject 6-year old children to unreasonable stress, cause them lasting anxiety, overburden them emotionally or excite them unduly, either acoustically or visually.
Approved for children aged 12 and above
in accordance with Art. 14 German Children and Young Persons Protection Act (JuSchG).

Game contents and genres
These games feature much more of a competitive edge. Game scenarios are set within a historical, futuristic or mythical fairy-tale context, enabling players to distance themselves sufficiently from events. This categorisation includes Arcade games, Strategy games and Role-playing games as well as some Military Simulations.
Criteria for the age category
“Approved for children aged 12 and above”

12 to 15-year olds are considered more capable of adopting a distanced perspective and differentiating between the game world and reality than younger children. They continue to gain multifarious and complex media experiences and are able to cope with longer periods of excitement and greater pressure to act when fulfilling game tasks. Any fight sequences or scenes of conflict which may be included in the game are staged in such a way so as to be clearly recognisable as fiction for children aged as young as 12. Game tasks are structured in a more complex manner and require a capacity for abstract and logical thought. Hand-eye coordination requirements are greater.

Many game concepts made accessible to this age group operate without game figures in human form. They focus on a fascination with technology (historical fight scenes or science fiction scenarios) or on the motivation to take on heroic roles in complex fantasy and mythological worlds. Although dark and threatening conflict situations may be integrated into the storyline, they do not dominate the overall game. If representations of violence are included, they remain recognisably unrealistic for the age group in question at all times. Such representations are not capable of being transferred into everyday life and do not offer any kind of model for the resolution of conflicts.
Approved for children aged 16 and above
in accordance with Art. 14 German Children and Young Persons Protection Act (JuSchG).

Game contents and genres
Games approved for children aged 16 and above may include acts of violence. This means that it is also natural for adults to form part of the buyer group. These games frequently feature armed combat, a framework story and military missions. The genres in this categorisation also include Action Adventures, Military Strategy games and Shooter.
Criteria for the age category
“Approved for children aged 16 and above”

16 to 17-year olds are already in possession of wide-ranging and systematic media experiences. They have knowledge of media production and are able to cope with longer periods of excitement and greater pressure to act when fulfilling game tasks without being adversely affected in terms of the development of their character.

Although games with this age rating may also feature fight-related and violent content, neither the storyline nor the game play possibilities impart any kind of socially damaging messages or role models. Conflicts and fight sequences remain recognisable as a game for this age group. Game success essentially requires strategic and tactical thought as well as an ability to engage in team play in most instances.

Although games issued this age rating sometimes place 16 to 17-year olds in clear situations of tension, non-violent game components and unrealistically staged elements enable young persons to distance themselves from game events, thus ensuring that there are no lasting detrimental effects on their development.
Not approved for young persons aged under 18
in accordance with Art. 14 German Children and Young Persons Protection Act (JuSchG).

Game contents and genres
These games virtually always involve violent game concepts and frequently generate a dark and threatening atmosphere. This makes them suitable for adults only. The genres in this categorisation include First-person Shooters, Action Adventures and Open World games. The background of the respective story has its basis in such elements as war conflicts or brutal fights between rival gangs.
Criteria for the age category
“Not approved for young persons aged under 18”

This category is for games which are not generally approved for those aged under 18 due to the fact that they are considered detrimental to young persons. The aim is to protect the under 18s from the vehemence of the images and the violent concepts and from any possible identification with game characters whose actions may run contrary to ethical and moral norms. The atmospheric intensity and authenticity of game play make it difficult for players to distance themselves from the depicted events. The nature of such games and the way in which they are presented require a degree of social maturity and distance not generally found in 16 to 17-year olds. The categorisation “Not suitable for young persons aged under 18” does, however, indicate the possibility of a negative impact on minors but excludes the likeliness to corrupt young persons in terms of Art. 18 Sec. 1 German Children and Young Persons Protection Act (JuSchG).

The JuSchG furthermore regulates that games on data carriers must not be issued with a USK rating if the indexing criteria of the Department for Media Harmful to Young Persons (BPjM) are fulfilled. It must be examined whether games mentioned contain for instance “a dominance of violence and violent depictions throughout the whole gameplay” or if “the violence depicted only serves an autotelic purpose”. All indexing criteria can be found here: www.bundespruefstelle.de/bpjm/information-in-english.html.
5. What are the implications of the age rating symbol?

For retailers
The state uses the age rating symbol to regulate whether a computer game may be publicly supplied to children and young persons. Retailers are obliged to comply with the restrictions indicated by the rating. A game approved for children aged 12 and above may not be sold to a 10-year old. Any breach of these regulations is an offence pursuant to Art. 28 of the German Children and Young Persons Protection Act (JuSchG) and is punishable by a fine of up to €50,000. Regulations are enforced by the relevant local authorities, which may be contacted directly in the event of any infringement.

For parents
The state does not use the age rating symbols to govern how parents make media content available to their children at home. Parents should, however, only allow their children to play games which have a relevant age classification. This is the only way of ensuring that the game does not expose their child to risk.
The age rating symbols do not provide any indication as to the educational suitability of a game for a particular age group or as to the quality of the game. They merely guarantee that the computer game in question is harmless in child protection terms. Information on the educational suitability of games is available online on sites such as: www.spieleratgeber-nrw.de, www.spielbar.de or www.internet-abc.de.

6. What does it mean if a game does not have an age rating symbol?

Games without an age rating symbol may include content which is harmful to children and young persons according to Art. 18 Sec. 1 JuSchG because such games have either not been classified by the USK or an age categorisation had to be refused. They may also be illegally produced copies, the use of which is a breach of criminal law. It is in any case prohibited to make games without an age rating available to children and young persons.

Although non-rated games may be purchased by adults, they may also be placed on the index list of media deemed unsuitable for children and young persons by the Department for Media Harmful to Young Persons (BPjM).
7. What is the “index of media deemed unsuitable for children” and what are its implications for a computer game?

Games containing representations of violence which both adversely affect and endanger the development of young persons are placed on the index of media deemed unsuitable for children and young persons by the Department for Media Harmful to Young Persons (BPjM). This means that such games are registered on the “List of media endangering young persons” pursuant to Art. 18 of the German Children and Young Persons Protection Act (JuSchG). Computer games may only be “indexed” in this way if they do not have a German age rating symbol. The procedure is conducted by the “Department for Media Harmful to Young Persons”, a state body. “Indexed” games may in particular:

- not be supplied to children and young persons,
- not be publicly advertised and displayed,
- not be distributed via mail order.

Notwithstanding this, they must remain legally available to adults, either in a special shop to which only adults have access or via the Internet in a restricted user group for adults only. The website www.bundespruefstelle.de provides information on reasons for the “indexing” of games and on the work carried out by the Department for Media Harmful to Young Persons.

8. Can computer games be prohibited in Germany?

Computer games may be prohibited in Germany if they include content which is forbidden by the German Criminal Code (StGB), such as excessive violence, racism, warmongering, use of anti-constitutional symbols.

Prohibited computer games may be seized by court order. Such games do not have an age rating and may not be sold in Germany, even to adults.

9. Do state age categorisations for computer games not amount to censorship?

Pursuant to Art. 5 Paragraph 1 of German Basic Law (Freedom of Expression), no censorship takes place in Germany. Notwithstanding this, Art. 5 Paragraph 2 of German Basic Law (GG) states that the right to free expression “is limited (...) by statutory provision for the protection of children and young persons”, i.e. by the provisions made in the German Children and Young Persons Protection Act (JuSchG).

This means that German age rating symbols for computer and console games restrict access for children and young persons only. Due to the fact that adults have legal access to “indexed” and non-rated games, this cannot be considered to constitute censorship.
10. What can parents do to encourage safe and sensible play?

- Only buy your child games which have a German age rating symbol (also, the old symbols in use before 2008 remain valid).
- Only allow your child to play games which are within the relevant age category.
- Make sure that younger children in the family do not see the games your older children are playing.
- Children aged under 3 are not yet capable of playing computer games and should not play on the computer at all. Learning software and games appropriate to their age may be given to children aged 4-5, although children should not be allowed to sit at the computer alone until they are 6 years old.
- Discuss the games with your child. He or she will be happy to explain even complex game correlations and will do so with great enthusiasm.
- Agree fixed playing times with your child, taking into account times spent watching television and using other media.
- For general information on computer games, please visit: www.spielen-verbindet.de.
- If you have any questions about age rating symbols, you may contact the Permanent Representatives of the Supreme Youth Protection Authorities (OLJB) of the Federal States at the USK directly: staendige.vertreter@usk.de.

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