

Self-regulation Code for TV and minors

PREAMBLE

the public and private television companies and the television broadcasters members of the signatory associations (from now on mentioned as “television companies”) consider that:

- a) television users are made up of minors– especially in certain hours.
- b) the need for a minor to a regular and full development is a right recognised by the national and international juridical order: just remember the article of the Constitution that commits the national community, in all its parts, to protect infancy and youth (article 31) or the UN Convention of 1989 – which became law in Italy in 1991 – that makes everybody collaborate to plan the conditions so that minors can live independently in society, in the spirit of peace, dignity, tolerance, freedom, equality, solidarity and cannot be subject to arbitrary or illegal interferences in their privacy and under any circumstance to forms of violence, harm, mental abuse, exploitation;
- c) the educational function, that is mainly the responsibility of the family, must be made easier by television in order to help minors to get to know life progressively and to face its problems;
- d) the minor is a citizen subject to rights; therefore he has the right to be protected by television programmes that can harm his psychic and moral integrity, even if his family is lacking at the educational level;
- e) having recognised the rights of every citizen as well as the rights of freedom of information and enterprise, when the latter are against children rights– the principle mentioned in article 3 of the UN Convention is applied according to which “the major interests of the child must be the object of primary consideration”;

having stated all this beforehand, television companies commit not only to a scrupulous respect of the rules protecting minors, but also to approve a Code of self-regulation that can ensure positive contributions to the development of their personality and that avoids in any case harmful messages in line with the UN Convention commitment to adopting suitable codes of conduct so that the child is protected by information and material that are harmful to his/her well-being (article 17).

The aim of the present Code is to protect the rights and psychic and moral integrity of minors, paying particular attention and referring to the weakest age range (0-14 years of age).

The signatories are committed to make the present Code the only reference text with regard to self-regulation for TV and minors – save any further dispositions contained in other texts, also adopting initiatives to make all previous Codes on the same issue homogeneous and uniform.

GENERAL PRINCIPLES

Television companies, without prejudice to the rules in force protecting minors and in particular to the dispositions contained in article 8, comma 1, and in article 15, comma 10, of law n. 223/90, are committed to:

- a) enhance and increase the quality of television programmes aimed at minors;
- b) help adults, families and minors to use correctly and appropriately television programmes, considering the needs of the child, both with regards to quality and quantity; this is to avoid the danger of addiction to television and imitation of television models, and to allow

- a critical choice of programmes;
- c) collaborate with the education system to educate minors to use television correctly and appropriately, also with the support of experts in the sector;
- d) assign to programmes for minors personnel suitably prepared and highly skilled;
- e) make the public aware of the problems of disability, of social maladjustment, of psychic inconveniences during the growing age so as to help and not injure the needs of minors in these conditions;
- f) create awareness in all professional figures involved in the preparation of tv schedules or programmes on the problems of infancy, as deemed necessary by each television company;
- g) spread the content of the present self-regulation Code to all operators.

FIRST PART: RULES OF BEHAVIOUR

1. THE PARTICIPATION OF MINORS TO TELEVISION PROGRAMMES

1.1. Television companies are committed to ensure that the participation of minors to television programmes always takes place in full respect of their person, without exploiting their age and their ingenuity, without facing thorny topics and without asking allusive questions about their intimacy and that of their family.

1.2. In particular, television companies are committed, both in entertainment and in information programmes:

- a) not to use images of minors who are responsible, witnesses or victims of crimes and in any case to guarantee the complete anonymity, as foreseen by article 225 of law n. 675/96 as well as by the deontology Code relative to the treatment of personal data during the exercise of a journalistic activity;
- b) not to use minors with serious pathologies or disabilities for propaganda or for any other reason that is in contrast with their rights and that does not consider their dignity;
- c) not to interview minors in situations of serious crisis (for example, if they have run away from home, if they have tried to commit suicide, if they have been used by adult criminality, if they are in prostitution, if they have parents in prison or who have repented) and in any case to guarantee their full anonymity;
- d) not to let minors take part in programmes where there is a debate on whether they should be entrusted to one or the other parent, whether it is justified to take them away from their home or to be adopted, whether the behaviour of a parent has been more or less harmful;
- e) not to use minors in grotesque imitations of adults.

2. TELEVISION FOR ALL (7.00 - 22.30)

2.1. The programming from 7.00 to 22.30 – albeit mainly considering the interests of the minor – must consider the needs of viewers of all ages, respecting the rights of the adult user, of the freedom of information and action as well as the fundamental educational role of the family with regards to the minor.

2.2. However, aware of the particular attention to be given to the public of minors during the whole daily programming and taking into consideration that in particular from 19.00 to 22.30 the public

of minors listening, although numerous, is presumably supported by the presence of an adult, television companies are committed to:

a) give exhaustive and preventive information – information about the programming, both on one's channels and on the press, teletext, Internet – relative to programmes dedicated to minors and on the whole programming, signalling in particular programmes suitable for a family with children and those instead suitable for only adults, as well as respect in a more rigorous way the schedule of the programming;

b) adopt signalling systems for programmes that are clearly visible with regards to how suitable or unsuitable they are for minors at the beginning of each block of programmes, paying particular attention to programmes on air in prime time;

c) in the case of national television companies that manage more than one network with generalist programming and does not have specific themes (such as for example, sport or music programmes) they must guarantee every day, in prime time, programmes suitable for a family with children at least on one channel and give sufficient information about it.

Holding good what has been said above, with a prospective of particular attention to the protection of the minor, the television companies are committed to conform to the following specific limitations.

2.3. Information programmes

Television companies are committed to ensuring that in programmes of information there are no images of violence or sex that are not otherwise necessary to the comprehension of the news.

Television companies are committed not to spread in information programmes on air between 7.00 and 22.30:

a) sequences particularly crude or brutal or scenes that in any case can disturb or lead to imitation by the minor spectator;

b) news that can harm psychic or moral integrity of minors.

Whereby, in case of extraordinary informative and social value, the news, images and words of great strength and impressive are really necessary, the television journalist will warn viewers that the news, images and words that will be shown are not suitable for minors.

In case the journalistic information is about episodes where minors are concerned, television companies are committed to fully respect and put into practice the norms indicated in this Code and in the Paper of rights of the journalist for the part relative to “Minors and weak individuals”.

Television companies, with particular reference to programmes of direct information, are committed to put into practice specific and qualified training courses to sensitise not only the journalists but also the technicians who work for television (photographers, editors, etc.) to the issue of “TV and minors”. Television companies are committed to inspire one's editorial line, for programmes of information, on what has been mentioned above.

2.4. Film, fiction and various shows

Television companies, apart from fully respecting the laws in force, are committed to give themselves instruments to evaluate the admissibility on television of films, serials, TV film, fictions and various entertainment shows, in order to protect the moral, physical and psychic well-being of minors.

If we consider that some of these programmes, which are aired before 22.30 are mainly aimed at adults, television companies are committed to announce, well beforehand, that the programme is not suitable for the younger viewers. If the programme has any interruptions, the warning must be repeated after each interruption. In this specific case, therefore, the warning must be broadcast carefully on the nature of the programme as well as using often and with great emphasis the icons that television companies promise to adopt.

2.5. Entertainment shows

Television companies are committed not to broadcast those shows that can harm the development of minors, whether it be for their definition or for their proposed models, and in particular to avoid those shows:

- a) that use family conflicts in an instrumental way as a show creating anxiety in the minors, worried for the affective stability of their relationship with their parents;
- b) in which foul language and scurrility are used freely as well as confessions and religious feelings.

3. Television for minors (16.00 – 19.00)

3.1. Television companies are committed to dedicate in their schedules “protected hours”, between 16.00 and 19.00, suitable for minors in terms of programming and of the promotions, trailers, and commercials aired.

3.2. In particular, national television companies that manage more than one generalist channel and not thematic (such as, for example, sport or music), are committed to look for solutions so that, in the above mentioned hours, on at least one of their channels there is a programme specifically dedicated to minors that takes into consideration the present Code in relation to the issue of programming for minors.

3.3. Programme production

Television companies that produce programmes for minors are committed to make programmes that:

- a) are of good quality and pleasant entertainment;
- b) satisfy the main needs of the minors as the ability to realise real experiences by themselves or to increase their independence, as well as propose positive human and civil values and the respect of the dignity of the individual;
- c) increase the critical abilities of minors so they are able to make the best use of television, both from the point of view of quality and quantity, also considering present and future developments with regards to interactivity;
- d) favour the participation of minors with their problems, with their opinions, giving space to what is being done with them and for their cities.

Television companies are committed to looking after the quality of the translations and the dubbing of programmes, not forgetting the need for a correct linguistic education for minors.

3.4. Information programmes for minors

National television companies that manage more than one generalist channel and not thematic (such as, for example, sport or music), are committed to look for solutions to favour the production of information programmes for minors, possibly under the news heading in collaboration with experts of child themes and of children themselves. Television companies are also committed to communicate on a regular basis to daily, periodical and specialised press, as well as to publications dedicated specifically to minors, the programming of such programmes and to respect the scheduling, safe exceptional cases.

4. Advertising

4.1. Television companies are committed to control the contents of advertising, trailers, promotions of programmes and not to show commercials and self promotions that can damage the harmonious development of the personality of minors or that can be a source of physical or moral danger to the minors themselves dedicating particular attention to the protected time range. Wanting to guarantee particular protection to this part of the public that has a more limited ability to judge and to discern in particular advertising messages and to recognise the particular validity of the norms that protect minors as mentioned in the Self-regulation Code for Advertising, promoted by the Institute of Advertising Self-discipline, television companies are committed to welcome – where it gives greater guarantees of protection – and to respect this discipline, to be considered an integral part of the present Code. In particular, the signatory television companies are committed to respect the following indications:

4.2. I level : general protection

The general protection is applied to all the programming times. The commercials:

- a) must not present minors as main actors in dangerous poses (situations of violence, aggression, self aggression, etc.);
- b) must not represent minors in the act of drinking alcohol, of smoking or taking drugs, nor present negatively withdrawal symptoms and sobriety from alcohol, tobacco, or drugs or, on the contrary, present positively the drinking of alcohol or spirits, tobacco or drugs;

c) must not urge minors - directly or through other people - to purchase, abusing of their natural credulity and inexperience;

d) must not induce in error, in particular minors:

- on the nature, on the performance and on the size of toys;
- on the degree of knowledge and ability necessary to use the toys;
- on the description of the accessories included or not included in the package;
- on the price of the toys, in particular when its functioning depends on the purchase of complementary products.

4.3. II level : reinforced protection

Reinforced protection is applied in the programming times when it is supposed that minors are numerous but supported by the presence of an adult (from 7.00 to 16.00 and from 19.00 to 22.30).

During this reinforced protection time commercials directed at minors that contain situations that can constitute a prejudice for the psychic and moral balance of the minor will not be broadcast (for example situations that induce the minor to believe that not having a certain product publicised means inferiority or that their parents have not performed their duties; situations that violate the behavioural norms socially accepted or that discredit the authorities, the responsibilities and opinions of parents, teachers; situations of ambiguity between good and evil that may cause confusion with regards to reference points and the models to follow; situations that may lead to affective dependence on objects; situations of transgression; situations that propose once again discrimination of sex and race, etc.).

4.4. III level : specific protection

Specific protection is applied in the programming times when it is supposed that the minors watching tv are not supported by the presence of an adult (times between 16.00 and 19.00). Commercials, promotions and any other type of commercial communication directed at minors must be followed and characterised by elements of discontinuity that are well recognisable from the programme, even by children who cannot yet read or by disabled minors.

In these hours it is forbidden to have commercials in favour of:

- a) spirits and alcoholic drinks, the latter within programmes directly aimed at minors and during commercial breaks immediately before and after;
- b) telephone services that cost extra as a form of entertainment as defined in the laws in force;
- c) condoms and contraceptives (with the exclusion of social campaigns).

SECOND PART: NORMS OF CIRCULATION AND ACCOMPLISHMENT

5. CIRCULATION OF THE CODE

5.1. Television companies are committed to circulate widely the present Code of self-discipline through television by dedicating spaces of high audience share. In particular, in the first six months of implementation of the present Code, signatory television companies are committed to broadcast weekly, on each of their channels, a brief commercial that illustrates the Code, the rights of minors and of families and the references to send any eventual reports.

5.2. The signatory television companies of the present Code are furthermore committed to annually realise and broadcast, through the use of commercials on their channels, an awareness campaign for a mindful use of television with particular reference to joint family fruition. Holding good the above mentioned yearly event, the afore-mentioned campaigns will be realised by each broadcaster compatibly with its financial availability and its editorial belief.

5.3. The Committee that applies the Code can promote, furthermore, awareness campaigns on the issue of TV and minors.

6. ACCOMPLISHMENT AND CONTROL

6.1. The applying Committee

Implementation of the present Code has been entrusted to an "Applying Committee of Self-regulation of TV and minors". This Committee is made up of fifteen effective members, appointed with a Decree from the Minister of Communications together with the Authority for the guarantee of Communications, and with the representation in equal parts respectively, of the signatory television companies of the present Code - on indication of the same and of the associations of this category - of institutions - amongst which a representative of the Authority, a representative of the national Co-ordination of Corecom and the Chairman of the Commission for the adjustment of the radio and

television system – and of the users – these latter on indication of the National Council of Users at the Authority for the guarantee of communications. The President is appointed with the same Decree amongst the representatives of the Institutions as a well-known expert on the matter. With the same criteria and in the same way the fifteen substitute members are appointed. The fifteen members who appointed remain in office for three years and fall from office if they do not take part in three consecutive meetings of the Committee or to at least half of the meetings in a solar year.

6.2. Competences and powers of the Committee

The Committee, in its official capacity or following reporting by interested parties, verifies, following the Rules indicated here below, the violations of the present Code. If it certifies the violation of the Code, it adopts a motivated resolution and determines the ways in which it can notify it after considering the gravity of the offence, the previous behaviour of the television broadcaster, the limits of the broadcast of the programme and the size of the company. The Committee can furthermore:

- a) the television company, if the conditions exist, to modify or suspend the programme or programmes indicating the timing and the ways of accomplishing this;
- b) order the television company to adapt its behaviour to the provisions of the Code indicating the timing and the ways of accomplishing this.

The deliberations are adopted by the Committee when there are at least two thirds of the members and the majority vote of those who have the right to vote (8). the decisions of the Committee are indisputable.

6.3. Relationships with the Authority for the Guarantee of Communications

All the deliberations adopted by the Committee are sent to the Authority for the guarantee of cCommunications. If the Committee ascertains the existence of a violation of the rules of the present Code, it adopts the actions mentioned above and forwards a report to the Authority containing the indication of the measures or law, that have been violated, the description of the offence and of the behaviour – also following the offence itself – held by the television company, the preliminary enquiries carried out and any other useful element. This report is sent with the specific aim of allowing the Authority to exercise the powers it has been entrusted with by article 15, comma 10, of law n. 223/90 and of article 1, comma 6, letter b), n. 6, with reference to the sanctions foreseen by this latter rule at point 14 and commas 31 and 32 of article 1 of the same law 249/97. **(NOTE)**

The Committee, furthermore, advises the Authority on the matters that the latter deems necessary in the exercise of its functions.

(NOTE) Present legislation in force on the protection of minors allows the Authority for the Guarantee of Communications, *in case of programmes that can harm the psychic or moral development of minors or that contain gratuitous scenes of violence or pornography, to directly ask for sanctions* (l. 223/90 - art. 15, comma 10 and art. 31, comma 3) *of the payment of a sum that goes from 5.000 to 20.000 Euro as well as, in case of non compliance to orders and notices by the Authority in relation to the protection of minors, also considering the Self-regulation Codes, (law 249/97 - art.1, comma 6, let. b), n. 6 and 14 and commas 31 and 32), to ask for sanctions of the payment of a sum that goes from 10.000 to 250.000 Euro with, in case of serious and repeated violation, the suspension or revocation of the licence or of the authorisation.*

6.4. Functioning rules of the Committee

The Committee, within thirty days from its constitution, adopts with a general agreement the Rules for its functioning which must comprise:

- a) the minimum requirements and the admission terms for the Code violation reports from any citizen or individual who is interested;
- b) the conditions for filing reports that don't have the minimum requirements or that are clearly unfounded;
- c) the internal organisation of the Committee that can foresee the appointment of relators or the setting of working groups in which all different components are represented;
- d) the conditions for ordinary enquiries and the terms for the decision of the Committee and the notification to the interested party;
- e) the conditions for an emergency enquiry, in case of more serious events, and the terms for the

decision of the Committee;

f) the conditions to ensure the cross-examination to the interested television company and, if deemed opportune, to the reporter in the different stages of the inquiry and of the debate;

g) the conditions of collaborating with the Authority for the guarantee of communications in agreement with the same Authority;

h) the ways in which to communicate the deliberations to the interested parties;

i) the ways in which to publish periodically the rulings of the Committee and the compliance by the television companies.

The Committee proceeds to update or integrate the Rules as well as to formulate proposals to modify and integrate the Code .

Furthermore, other subjects can join the Code, even at a later stage.

6.5. Association

The signatory television companies of the present Code are committed, within thirty days following the approval of the present Code, to set up an Association whose aim is to guarantee the operational and financial functioning of the implementation Committee, compatibly with the availability of each actor, looking also for forms of financing and support by institutional associations.