



Consultation Document on the Code for the Protection of Minors in Broadcasting

The protection of minors in broadcasting is considered as one of the most important themes across Europe. Broadcasters are expected not to broadcast programmes which may seriously impair the physical, mental and moral development of minors.

Under the Broadcasting Act, the Legal Notice dealing with the protection of minors was enacted in September 2000. Following the transposition of the Audio-Visual Media Services Directive (AVMS) in 2010, some minor amendments were introduced, but essentially the legislative framework focused entirely on advertising.

The need has long been felt for new provisions to be introduced to address a wide spectrum of programming and ensure that minors are protected from any harmful content which they may access from time to time.

With new technology constantly impacting the broadcasting industry, the proposed changes to the existing legal notice ensure that the Broadcasting Act will address a spectrum of themes relating to minors, including personal, social and psychological development as well as provisions to promote a healthy lifestyle. One amendment being put forward for consideration is the lowering of the age limit from 18 to 16 to define a minor under the Broadcasting Act.

The Broadcasting Authority is publishing a consultation document on the proposed legislative changes to the Legal Notice on the protection of minors. Given that the amended version encompasses various changes, the new title of this subsidiary legislation will be: "Code for the Protection, Welfare and Development of Minors on the Broadcasting Media".



Broadcasting stations, independent production houses, and any interested parties are to submit feedback on this document by not later than Wednesday 15th October 2014. Submissions can be sent via e-mail to: info.ba@ba.org.mt. Alternatively feedback can be sent to:

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**CODE FOR THE PROTECTION,
WELFARE AND DEVELOPMENT OF MINORS
ON THE BROADCASTING MEDIA**

The proposed legislation is divided into these sections:

1. Meaning and Explanation
2. Rating
3. Protection
4. Advertising and Competitions
5. Personal Development
6. Social Development: Building a Healthy Society Through Positive Values
7. Social Development: Violence
8. Social Development: Diversity and Stereotypes.

PART 1 – DEFINITIONS AND INTERPRETATION

1.1 The title of this Code is 'Code for the Protection, Welfare and Development of Minors on the Broadcasting Media'.
1.2 Terms and expressions used in this Code have the same meaning as in the Broadcasting Act.
1.3 Terms <ol style="list-style-type: none"> i. Minors are persons who are under sixteen years of age. ii. The term Parent refers to parents, whether natural or not, or guardians or tutors as the case may be, who are responsible for the physical custody, care and control of the child.



PART 2 – RATING

2.1 Rating

- i. U in a green circle for universal programmes.
- ii. PG in a yellow circle for programmes which require an accompanying parent.
- iii. 12A in a blue circle for programmes suitable for children aged 12 and over. If any children who are less than 12 years old attend, they must view the programme with a parent.
- iv. 15 in a brown circle. The programme is suitable for adolescents aged 15 and over.
- v. 18 in a red circle. These programmes are suitable for adults (as they might show violent scenes, bad words, swearing, explicit sexual scenes or scenes of great despair).
- vi. No pornographic material may be shown (see Criminal Code).

2.2 The rating should appear during the whole transmission of that programme.

- i. The rating must also appear on the EPG.
- ii. As for radio programmes, the broadcaster must display a notice of programme rating before the start of the programme and after each interval.

2.3 Suitable time for adult targeted programmes

Programmes designed for adults may only be aired only after 9 p.m. Nine o'clock in the evening shall be the fixed time until when broadcasters feel obliged and responsible to ensure that no material which is inappropriate for children is shown.

2.4 Partial rating

- i. Stations must give prior notice when any particular slot in a programme, which can usually be viewed by the whole family, is not suitable for children.
- ii. The rating symbol must remain visible throughout the time when material suitable for a more mature audience is being broadcast.

2.5 Children might attend in the audience as long as:

- (i) the programme rating is suitable for them.
- (ii) they are accompanied by a parent for a PG rated programme.
- (iii) the programme does not deal with adult themes, including topics relating to physical, psychological or emotional distress.

**PART 3 – PROTECTION**

3.1 Stations must have officers in charge of programme rating.
3.2 Programme Promotion The content of programme promotions should not include gratuitous violence and any other material suitable for a mature audience. These programme promotions may be broadcast during the day as long as a specific episode is rated.
3.3 Without prejudice to article 16K(g), all content broadcast by the station should not include any material which is likely to impair the physical, mental, or moral development of minors.
3.4 Permission The station shall ensure that it would have obtained the necessary permission from parents or guardians in the event of shooting any footage for news, vox pops, interviews or for use in any other programme in which children will feature.
3.5 Any situation where minors are viewed or heard warrants all due caution with respect to safety. Children should not be shown in situations compromising their health and safety and, in particular, minors should not be viewed: <ul style="list-style-type: none"> i. climbing high, crawling up dangerous places or going inside dangerous areas, or playing in an irresponsible manner in water or beside it; ii. using any medicine, disinfectant, antiseptic and poisonous substances or which can be reached or be used by minors without the close supervision of an adult person; iii. using matches, or any gas, petrol, kerosene, or any appliance which operates mechanically or electrically without supervision; iv. playing with weapon shaped toys or toys resembling arms.
3.6 Children who are not eligible to make use of social media owing to any criteria, including their age, should not be shown doing so or be encouraged to do so. Presenters are bound to inform listeners or viewers about any conditions to use social media.
3.7 The illegal use of drugs, drug abuse, smoking, solvents and the misuse of alcohol:



- i. may not appear in programmes which are mainly addressed to children or in other programmes which can be viewed by children unless there is a strong editorial motivation;
- ii. should generally be avoided and not be promoted, encouraged or shown in order to add to a programme's attractiveness if this is aired before 9 p.m. and unless there is a strong editorial motivation.

3.8 Particular caution and discretion are necessary when the context requires minors to be viewed either naked or scantily dressed.

3.9 Sexual material

No material which primarily exists for sexual arousal or stimulation may be broadcast in programmes aimed at children or before 9 p.m.

3.10 Reporting of sexual and other offences

When legal restrictions apply to prevent the identification of any persons, broadcasters should pay particular attention to withhold any information which could identify minors who are or may be victims, witnesses, defendants or authors in case of a sexual offence in the civil, family or criminal courts by:

- i) reporting limited information which can be linked to other pieces of information from elsewhere such as, for example, newspaper reports;
- ii) inadvertently describing the offence as being incest or in any other indirect manner.

3.11 Participation of minors in political programmes

- i. Children should not be featured in close-ups or interviewed so as to be recognised, whenever a film is being shot for an activity involving party politics.
- ii. Minors should neither appear nor participate in programmes involving party politics.
- iii. Minors cannot appear in advertisements involving party politics.

3.12 No offensive language may be aired between 6 a.m. and 9 p.m. unless there is editorial motivation for it and it is justified in the context.

No offensive language may be aired in programmes produced for children.

3.13 Paranormal Items

- i. Any broadcasting about exorcism, occult practices and paranormal issues may not



be aired between 6 a.m. and 9 p.m.

- ii. Paranormal practices intended for viewers' and radio listeners' entertainment will also be broadcast after 9 p.m. (This rule does not apply to programmes involving drama, films or comedies).

PART 4 – ADVERTISING AND COMPETITIONS

4.1 The airing of children's programmes may be interrupted for advertising only if the programme is at least thirty minutes long and it may be interrupted, in such case, not more than once every thirty minutes.

4.2 No audiovisual commercial communication and advertising as are referred to below shall be aired less than thirty minutes before the programme, during the programme itself and until thirty minutes after a children's programme:

- i. alcoholic beverages;
- ii. medicines;
- iii. vitamins or products used by persons on diet;
- iv. slimming products, care and establishments;
- v. programme promotions rated for adults only;
- vi. lotteries or games similar to gambling;
- vii. soft-drinks, cordials, fruit juice, whether natural or concentrated, water with added vitamins, mineral water with different flavours, energy and sports drinks and drinks with a caffeine content;
- viii. food and drink containing a high content of trans fats, salt or sugar, sweet syrups, white rice, products made from white flour, GMOs, dyes, chemicals or artificial preservatives.

Teleshopping should not be broadcast before and after children's programmes.

4.3 Advertising and/or teleshopping for sweets and light foods should not suggest that such products can substitute a balanced meal.

4.4 Advertising and/or teleshopping should not take advantage of the minor's immaturity or natural credulity. Since children differ in their ability to distinguish between reality and fantasy according to their age and individual capabilities, advertising addressed to minors should not exaggerate or mislead about any features, including the size, qualities or capabilities of a product or service.



4.5 Advertising and/or teleshopping must not take advantage of children's sense of loyalty or suggest that, were minors not to buy or encourage other persons to buy any product or service, they would be failing in any of their duties or would be disloyal.
4.6 Advertising and/or teleshopping should not lead any child to believe that unless they have or use an advertised product they would in some way be inferior to other minors or subject to contempt or ridicule.
4.7 Advertising shall not encourage minors to buy or lease products or services or request adults to buy any product or service for them.
4.8 Advertising should not invite minors to buy products or services through distance communication including mail, phone, computer, e-mail or internet.
4.9 It is prohibited to show any sponsorship logo during children's programmes.
4.10 If minors are shown in programmes of a commercial nature, they should not be seen to present products or services which they are not expected to buy themselves.
4.11 Minors should not make significant comments about any characteristics or products and services of which they are not expected to be directly aware.
4.12 Minors may not themselves attest to any products and services. However, they can make spontaneous comments about anything in which they might obviously be naturally interested.
4.13 Product placement is not allowed during children's programmes.
4.14 Any reference to children's competitions is acceptable as long as any required skill is appropriate for the age of likely participants and the value of prizes and the chance of winning are not exaggerated. No proof of purchase shall be requested from those minors who wish to participate in such competitions.
4.15 The broadcaster is duty bound to inform the minor about all relative conditions when free prizes are offered.

**PART 5 – PERSONAL DEVELOPMENT**

5.1 When adults address children, they should act with respect for their dignity and should not use any patronising language or attitude.
5.2 Children's programmes must promote a sound physical style while addressing the themes of nutritious food, sport, exercise and hobbies. No recipe having the ingredients mentioned in paragraphs 4.2 (vii) and (viii) may be prepared during the programme.
5.3 Children's programmes must promote a psychological healthy lifestyle.
5.4 Children must be shown on the media as well-behaved and having good manners. In programmes, including advertisements, a positive and respectful attitude is expected to be shown towards presenters, other children and viewers (unless differently required by the drama script or should the context indicate otherwise).
5.5 Programme content ought to stimulate children's imagination and extend their understanding of life around them.
5.6 Children's programmes have to be interactive. This interaction should take place both with the attending audience as well as with viewers. Communication should be adequate and children must not be used merely to fill the studio or as passive recipients of information.
5.7 Children's programmes should be creative and should allow space for children's creativity.
5.8 Children's programmes should be accessible. Producers should do anything within their power to add pictures or words on the screen when explaining anything as well as to try showing at least parts of the programme using sign language.
5.9 Repetitions should only be made if they are still relevant.
5.10 Children should not imitate adults in fashion modelling, singing or dancing. i. Children should be appropriately dressed and their gestures should be suitable for



- children, not an imitation of adults' gestures.
- ii. On no occasion should these gestures be provocative.
 - iii. Songs selected for dancing or to be sung by children must not be suitable for adults only, nor should they have any explicit or implicit sexual connotation.
 - iv. Fashion modelling should not be competitive.
 - v. Beauty competitions cannot be held during children's programmes.

5.11 It would be plausible to include the following in every schedule, slot or programme:

- i. Teaching on media education. Such teaching should be offered to children and adolescents about how to access, process, evaluate, question and analyse any television material which is provided.
- ii. News, current events and cultural and artistic programmes addressed to them.

PART 6 – SOCIAL DEVELOPMENT: BUILDING A HEALTHY SOCIETY THROUGH POSITIVE VALUES

6.1 As from a very young age children absorb information about surrounding social norms, no aired content may go against the values of society.

6.2 Adults should be generally viewed in a positive manner. When a negative attitude of adults is broadcast, this should only be done to demonstrate that this attitude is not tolerated.

6.3 Children should not participate, both directly or indirectly, in programmes based on luck and gambling and/or programmes linking winnings with luck.

6.4 A wrong social attitude (such as vandalism, aggression, criminal behaviour or threats) must be shown in all its offensiveness and can never be acceptable.

6.5 A programme, including advertising but excluding drama, should not encourage any anti-social behaviour, or show minors behaving in an anti-social manner. Revenge, bullying and certain facial expressions and body movements should all be regarded to be anti-social.

6.6 In conflict situations, it should be seen that a conflict is resolved in the best possible way.



PART 7 – SOCIAL DEVELOPMENT: VIOLENCE

<p>7.1 Displayed and uncalled for violence – whether physical, emotional or psychological – must not appear in children’s programmes.</p> <p>A violent attitude can be shown only when the subject is well defined and developed, shown well in its context and where dangerous and negative consequences emerge clearly and realistically.</p>
<p>7.2 Criminal behaviour should be presented as always carrying an intrinsic or overt message that such behaviour is not acceptable.</p> <p>Hero and baddie characters should be clearly distinguishable and distinct from each other and a criminal lifestyle must not be presented as a positive style.</p>
<p>7.3 Scenes showing cruelty to animals or animals which are treated badly should not be displayed unless such scenes form an essential part of the story or are intended to create greater awareness among the audience about caring more for animals.</p>

PART 8 – SOCIAL DEVELOPMENT: DIVERSITY AND STEREOTYPES

<p>8.1 The language and approach used about gender, stereotypes and prejudice</p> <ol style="list-style-type: none"> i. The language used must be inclusive and neutral in that it does not imply any one gender or the other. ii. Presenters must not use stereotype language and material. iii. Presenters must not speak in such manner or show his or her prejudice, and guests on the programme should be corrected immediately if they speak with prejudice. iv. Persons and groups should not be presented as stereotypes. These must be portrayed holistically, behaving, thinking and acting differently in diverse life situations.
<p>8.2 Diversity</p> <ol style="list-style-type: none"> i. Producers shall invite a different and varied audience and guests, amongst whom girls and boys, both Maltese and other nationals, and from other ethnic groups, with differing values, traditions and abilities.



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ii. Particular sensitivity and balance need to be demonstrated when presenters are speaking about nationality, ethnic origin, colour, age, religion, culture, sexual orientation, socio-economic situations and various skills.

8.3 Family structures

- i. Producers of children's programmes must be sensitive to the fact that there is more than one household model.
- ii. Households consisting of single parents, adopted children, children raised by families other than their own and other household groups, shall be represented.

8.4 An opportunity should be sought to give a positive description of individual persons or group representatives with a different lifestyle and entertaining different opinions, independent thinkers and those who want to lead an unconventional life so long as their behaviour is not criminally inclined.