



Comparative Study on the Protection of Minors in Electronic Media in the CERF Countries

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About CERF

The Central European Regulatory Forum - CERF was founded on the 15th of December 2009 with an aim to enhance cooperation among the regulatory authorities supervising the electronic media in Central Europe.

Its current members are the regulatory authorities of the Czech Republic (Council for Radio and Television Broadcasting), Croatia (Agency for Electronic Media), Hungary (Media Council of the National Media and Infocommunications Authority), Poland (National Broadcasting Council), Romania (National Audiovisual Council), Serbia (Republic Broadcasting Agency), Slovakia (Council for Broadcasting and Retransmission of the Slovak Republic) and Slovenia (Agency for Communication Networks and Services).

The Memorandum of Understanding establishing the Central European Regulatory Forum serves as a useful tool to address the challenges posed by the advent of digitalization with special regard to the prolific number of transfrontier broadcasts. Regular exchange of ideas and best practices is an important element of the cooperation, yet the pivotal goal of the regulatory forum is the handling of complaints against transfrontier broadcasts.

Introduction

Since the founding of CERF perhaps the most recurring theme at its annual meetings has been that of protection of minors from harmful media content. And rightly so, as the protection of minors, however elusive a goal it may be, is one of the main tasks of media regulators. To fulfil this task, the regulators in almost all EU states are equipped with so called labelling systems that lay down more or less detailed rules concerning protection of minors, by which media are bound to differentiate among the content they provide. There is, however, no EU-wide system of protection of minors that would unify the rules, as provisions that harmonize legislation in this area in the AVMS Directive are only rudimentary. It is therefore up to every member state whether to adopt more detailed rules on protection of minors or not. The natural upside of the lack of harmonization is that if a member state opts to create more detailed regulation on protection of minors, it is free to create a system that will tightly fit the needs and circumstances of its own media and social environment.

With the growing interconnectedness of national audiovisual markets, there is an ever growing offer of audiovisual media available in every country that do not originate there. This is of course greatly helped by the AVMS Directive's country of origin principle that makes cross-border transmission much easier by ensuring that a media provider is obliged to follow only the regulation of the member state in which it is established. This situation creates media diversity that is in itself unquestionably positive in many ways. From the point of view of protection of minors, however, there is one obvious downside. Under these circumstances, different media on offer side by side use different systems of protection of minors, depending on the regulation of the member state of their origin. These different systems may send different and potentially conflicting signals, which may diminish the effectiveness of each individual labelling system.

Usually there are two main ways in which labelling systems attempt to achieve their goal. The first is to supply parents with information about the nature of media content to let them decide whether it is appropriate for their children. The second, more direct one, is to make content that might be harmful to children available only at certain times of day (in linear media) or through technical protection (in both linear and non-linear), to make it less likely for children to view it. As every member state uses different systems of protection of minors, there is different information about the nature of similar (or same) media content communicated to parents and there are of course different rules on availability of harmful content. Differences in availability of harmful content might not be necessarily detrimental to the task of protecting minors. It may not be of real consequence whether, for example, the most harmful content is allowed to be broadcast past 9, 10 or 11 p.m., or what type of technical means is used for access to such content on the on-demand service, as long as there is some regulation in place. Differences in information communicated to parents, on the other hand, may be another matter. The empowerment of the parents by the information communicated through the labelling system can only be successful if they

have clear understanding of that information. Differences in information communicated by various labelling systems might therefore render this endeavour quite inefficient as it might obviously confuse the viewer. The extent to which this risk is present in a particular audiovisual market depends on several factors; the size of the market, its internal structure and linguistic proximity to other markets being perhaps the most important. At least for the central and eastern European area it can be said, that the bigger the audiovisual market is, the greater the chance the audiovisual media with most viewers will be under the jurisdiction of the domestic regulator and thus the lesser the aforementioned risk. However, the structure of the audiovisual market may change and the media providers may move their headquarters, and thus, likely, the place of establishment, to a different country. It might be therefore beneficial to all involved, if the potential detrimental effect of the differences in labelling systems was minimized, for example, by unification of the information they communicate.

Although the idea to make this study was conceived independently, as a matter of fact, its actual writing was parallel to the work of the ERGA subgroup on protection of minors, the outcome of which is the Report on the protection of minors in a converged environment. This very informative paper deals i.a. with the issues of differences in the systems of protection of minors in the EU countries and at one point conveys what seems to be a wide consensus among regulators about the need to “develop a set of universal content categories at European level“. If this is true for the EU as a whole, it would be only logical if such a need were even stronger on a regional level.

The CERF was founded with the assumption that the nature of regulatory issues arising from the nature of domestic markets is so similar among its members, that the efficient exchange of information between regulators in the region will be helpful to their regulatory tasks. But also, and perhaps more immediately, that ever greater interconnectedness between the markets through cross-border provision of media content creates the need for a common system of dealing with complaints that regulators receive against the media content that is regulated by a different CERF member; this goal being achieved by the provisions of the CERF’s founding memorandum. The question is, whether this interconnectedness creates also the need for the approximation of the labelling systems to make the fulfilment of the task of protecting minors more efficient. And if it does, what kind of approximation would be plausible.

To even consider the possibility of such an approximation, it is necessary to understand the current state of labelling systems in the CERF countries. This survey is an attempt to take the first step toward this end. Its main aim is to provide the reader with all the important information about the legislative side, i.e. formal rules, of each labelling system. The survey thus comprises comparisons of various standard elements that are incorporated in almost all labelling systems aimed at protection of minors, albeit always in at least slightly different form.

The study starts with an overview of the basic elements of all regulations: the types of legislation used to introduce the systems for protection of minors into each jurisdiction, what categories of minors the systems recognize and whether they employ criteria for categorization of the programmes. It then continues with comparison of the legal obligations that the systems impose on the media service providers. The largest part of the study focuses on six most common areas of potentially harmful content (violence, sexual content, harmful substances, fear, discrimination and harmful language) and the way each system handles them.

These comparisons will hopefully enable the reader to assess the degree to which the systems are mutually similar/dissimilar. There are of course elements that are special for a particular labelling system and are not to be found in others. These are also pointed out in the survey as they might be of interest in themselves, in addition to their role in understanding every labelling system as a whole.

We would like to view this study as a work in progress. Our media environments are constantly changing and so is our regulatory framework. It might therefore be useful to have an up-to-date comparison of our labelling systems always at hand. This is why we anticipate updating this study whenever need arises to provide CERF members with the most accurate information possible. And first changes are already in sight. Even now, when the study is barely finished, there are processes underway in Croatia that will significantly change its labelling system presumably by June 2016, which may render the study outdated, to some extent, in the course of a few months. However, if we want to understand our regulations better, if only to communicate about protection of minors more efficiently and thus enhance our chances of actually protecting them, we have to start somewhere. We hope this study will be a solid start.

1 Overview

The first part of this paper is a brief overview of the individual labelling systems of the countries that are parties to the CERF. It lists the categories which every system uses and indicates whether there are any criteria upon which the programmes are classified into these categories. The criteria themselves can be found in the annex to this paper.

► CROATIA

General regulations regarding the protection of minors are set down in The Electronic Media Act, specifically in Article 26. Furthermore, The Electronic Media Council adopted the Ordinance on the Protection of Minors in Electronic Media.

Categories:

1. Category 12
2. Category 15
3. Category 18

Criteria – N/A

► CZECH REPUBLIC

No special regulation regarding the protection of minors

Categories/age groups - No

Criteria – No

► HUNGARY

Protection of Children and Minors is included in the Act on Media Services and Mass Media, specifically in Articles 9 through 11, which was adopted by the Hungarian Parliament. The National Media and Infocommunications Authority also issued “Classification Guidelines” which contain recommendations concerning the fundamental aspects of judicial principles relating to the detailed guidelines governing the ratings, the signs to be used prior to and in the course of broadcasting the various programs and the method of communicating the rating. The Classification Guidelines contain the criteria upon which a certain programme is rated.

Categories:

1. no age restrictions
2. programmes not recommended for audience under the age of six
3. programmes not recommended for audience under the age of twelve
4. programmes not recommended for audience under the age of sixteen
5. programmes not recommended for audience under the age of eighteen
6. programmes which may seriously impair the physical, mental or moral development of minors, particularly because they involve pornography or scenes of extreme and/or unjustified violence.

Criteria – Yes

POLAND

General regulations regarding the protection of minors are set down in The Broadcasting Act, specifically in Articles 18 and 47e. Furthermore, the National Broadcasting Council adopted two regulations. The first regulation concerns detailed rules of protecting minors in on-demand audiovisual media services and the second one concerns the classification of programmes or other broadcasts that might have an adverse impact upon the healthy physical, mental or moral development of minors; and programmes or other broadcasts intended for a given age group of minors, use of graphic symbols and forms of announcements.

Linear media services – categories:

- 1) no age restrictions
- 2) viewers aged 7 and older
- 3) viewers aged 12 and older
- 4) viewers aged 16 and older.

Non-linear media services – categories:

- 1) no age restrictions
- 2) viewers aged 12 and older
- 3) viewers aged 16 and older
- 4) viewers aged 18 and older.

Criteria – Yes

ROMANIA

General regulations regarding the protection of minors are set down in The Audiovisual Law, specifically in Article 39. Furthermore, the National Audiovisual Council adopted two decisions. The first one is Decision on the Code of Regulation for the Audiovisual Content and the second one is Decision Concerning the Provision of On-demand Audiovisual Media Services, which i.a. deal with the protection of minors in more detail.

Categories:

1. programmes accessible to all categories of audience
2. programmes that may be viewed by minors aged under 12 only with the parents' permission or together with the family
3. programmes prohibited to minors under 12
4. programmes prohibited to minors under 15
5. programmes prohibited to minors under 18, other than pornographic audiovisual productions, that are prohibited to the public under 18 in the USA and in the European Union states are prohibited to public under 18: horror or erotic movies, extremely violent movies, programmes sponsored by the producers of alcoholic drinks
6. programmes prohibited to minors, pornographic films or programmes whose main aim is to present in detail sexual intercourse or the means to satisfy sexual needs, or programmes presenting real-life sexual activity, irrespective of the shooting manner.

Criteria – Yes, but only general. Not for individual age categories.

► SERBIA

General regulations regarding the protection of minors are set down in The Law on Electronic Media, specifically in Articles 60, 63 and 71. Furthermore, the Regulatory Authority of Electronic Media adopted Ordinance on the Protection of the Rights of Minors in the Area of Media Services.

Categories:

1. children's programme
2. programmes unsuitable for minors under the age of 12 years
3. programmes unsuitable for minors under the age of 16 years
4. programmes unsuitable for persons under the age of 18 years.

Criteria – Yes

► SLOVAKIA

General regulations regarding the protection of minors are set down in The Act on Broadcasting and Retransmission, specifically in Article 20. Furthermore, the Ministry of Culture of the Slovak republic adopted a Decree Laying Down Details of a Unified Labelling System for Audiovisual Works, Audio Recordings of Artistic Performances, Multimedia Works, Programmes and Other Components of a Programme Service, and on the Means of its Application.

Categories:

1. suitable for minors of all age groups
2. unsuitable for minors under the age of 7
3. unsuitable for minors under the age of 12
4. unsuitable for minors under the age of 15
5. unsuitable and restricted for minors under the age of 18

Besides these, there are also categories of suitability which are used for programmes produced exclusively for upbringing and educational purposes. These categories are:

1. suitable for minors under the age of 7
2. suitable for minors over the age of 7
3. suitable for minors over the age of 12
4. suitable for minors over the age of 15

There is also a special category of programmes which are programmes suitable for minors under the age of 12. Within this category fall programmes produced and designed exclusively for minors under the age of 12.

Criteria – Yes

SLOVENIA

General regulations regarding the protection of minors are set down in The Audiovisual Media Services Act, specifically in Articles 14 and 15. Furthermore, the Post and Electronic Communications Agency of the Republic of Slovenia adopted the General Legal Act on the Protection of Children and Minors in Television Programs and Audiovisual Media Services on Demand.

Categories:

1. appropriate for all children with parental guidance (PG)
2. inappropriate for children under 12
3. inappropriate for children under 15
4. inappropriate for children and minors under 18.

Criteria – Yes

2 Obligations regarding the protection of minors

In the EU law, the foundation for the regulation of linear and non-linear audiovisual media services regarding the protection of minors is set down in the AVMS Directive.

The basic provision for non-linear audiovisual media services is stipulated in article 12 of the AVMS Directive which states: *“Member States shall take appropriate measures to ensure that on-demand audiovisual media services provided by media service providers under their jurisdiction which might seriously impair the physical, mental or moral development of minors are only made available in such a way as to ensure that minors will not normally hear or see such on-demand audiovisual media services”*.

As for the linear services, article 27(1) of the Directive provides that *“Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.”* Article 27(2) of the AVMS Directive provides that linear content that is likely to impair development is only made available *“where it is ensured, by selecting time of broadcasts or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.”*

All CERF members have transposed the above mentioned obligations into their respective Broadcasting Acts. Except for the Czech Republic¹, however, all CERF members went on to legislate more detailed rules on protection of minors, including some type of labelling system. Only in Hungary was this done by the inclusion of the rules directly into the Broadcasting act (with more elaborate rules added in the form of the regulator’s commentary - “The Classification Guidelines”); all other member states have opted for special ordinances. The regulatory authorities of Croatia, Romania, Serbia, Poland and Slovenia all have legislative power to adopt such ordinances by themselves. For lack of such a competence, the Slovak RA does not create rules for protection of minors, but merely applies the regulation adopted by Ministry of Culture.

The material scope of these regulations varies slightly among the CERF members. In Croatia, Hungary, Serbia and Slovakia the regulation includes obligations for all audiovisual media services (linear and non-linear) and radio. In Slovenia the ordinance applies to audiovisual media services (both linear and non-linear). Both Poland and Romania adopted two separate regulations, one for linear media services (in case of Poland including radio) and one for non-linear media services.

¹ The Czech Republic has currently no detailed regulation in this regard, although there is a legislative process currently ongoing to adopt such a regulation.

All the CERF members' labelling systems divide the minors into several age groups. The categories of age groups themselves and the criteria they are based on will be discussed in detail further in this paper. At this point we will focus on types of legal obligations connected to the age groups division. Through the comparison of these obligations we will try to find aspects that are common for all (or most) of the member states and pinpoint those that seem to be unique to particular country.

All labelling systems are based on state, i.e. top-down, regulation. The responsibility of adequate evaluation of the criteria for particular programs lies with the broadcaster, with the state regulatory authority overseeing the compliance with the rules. In Slovenia, however, there is now an ongoing process of testing a new cooperative system of evaluation of programmes that will introduce some additional co-regulatory features alongside the system examined in this study.



2.1 Linear media services

In the case of linear media services, there are three groups of obligations that are common for most of the CERF member states. These are obligations concerning:

- watershed
- transition from one programme to another
- information about the unsuitability of programmes

2.1.1 Watershed

A watershed can be defined as the time before which programmes with legally specified content may not be broadcast. The CERF members that adopted some kind of labelling system, i.e. except for the Czech Republic, have specific watershed(s) for certain categories of minors, and some countries, including the Czech republic, also have watersheds in connection to certain types of content.

WATERSHED

CROATIA	U18 – 11.00 pm - 7.00 am U15 – 8.00 pm - 7.00 am
CZECH REPUBLIC	Must avoid any programme units and announcements which might endanger the physical, mental or moral development of minors – from 6.00 am to 10.00 pm Exception – technical measures for accessing the content
HUNGARY	U16 - 9.00 pm - 5.00 am U18 – 10.00 pm - 5.00 am Exception – technical measures for accessing the content
POLAND	Programmes or other broadcasts containing scenes or contents that might have an adverse impact upon healthy physical, mental and moral development of minors – 11.00 pm - 6.00 am U16 - after 8.00 pm
ROMANIA	U12 - after 8.00 pm U15 – 10.00 pm - 6.00 am U18 – 12.00 pm - 6.00 am
SERBIA	U12 – at the time when it is reasonable to expect that they will follow the program with parent participation U16 – 10.00 pm - 6.00 am U18 – 11.00 pm - 6.00 am Exception – technical measures for accessing the content
SLOVAKIA	U18 – 10 p.m. - 6 a.m. U15 or O15 – 8 p.m. - 6 a.m.
SLOVENIA	U12 – 9.00 pm - 5.00 am U15 – 10.00 pm - 5.00 am U18 – 12.00 pm - 5.00 am Exception – technical measures for accessing the content

Table 1 Watersheds in CERF member states

	8.00 PM	9.00 PM	10.00 PM	11.00 PM	12.00 PM
CROATIA	15			18	
HUNGARY		16	18		
POLAND	16			18	
ROMANIA	12		15		18
SERBIA			16	18	
SLOVAKIA	15		18		
SLOVENIA		12	15		18
CZECH REP.	-	-	✓	-	-

Table 2 Beginnings of watershed

In the Czech Republic, there is only one watershed lasting from 10.00 pm until 6.00 am. Outside of this timeframe the programmes should avoid any programme units and announcements which might impair the physical, mental or moral development of minors. However, this obligation does not apply where broadcasting is made available to the end user under a written contract concluded with a person over 18 years of age and accompanied by the provision of a technical measure which allows that person to restrict minors' access to broadcasting.

Most of the other countries have watersheds for the programmes unsuitable for minors under the age of 15/16 and under the age of 18. Slovenia and Romania also have a watershed for programmes unsuitable for minors under the age of 12.

The timeframes differ from country to country. In Hungary and Slovenia it lasts until 5.00 am, in Poland, Romania, Serbia and Slovakia until 6.00 am and in Croatia until 7.00 am.

The beginnings of the timeframe are more different still. Some similarities can be found in Slovenia and Romania which have the same beginnings for programmes unsuitable for minors under the age of 15 and 18 but have different beginnings for programmes unsuitable for minors under the age of 12: 9.00 pm in Slovenia and 8.00 pm in Romania.

Slovakia and Hungary have the same beginnings for programmes unsuitable for minors under the age of 18, which is 10.00 pm, but different for programmes unsuitable for minors under the age of 15 in Slovakia and 16 in Hungary. In Slovakia the timeframe begins at 8.00 pm and in Hungary at 9.00 pm.

Croatia and Poland have the same timeframes, the only difference being in the age categories of minors. In Croatia there is a category of minors under the age of 15, whereas in Poland it is under the age of 16. However, the beginnings of the timeframes are the same.

Several countries have exceptions from the watershed if access to the programmes unsuitable for minors is restricted by technical means, e.g. through PIN or other similar

conditional access system. This kind of exception can be found in Hungary, Serbia and Slovenia.

Romania also has an exception but not in relation to the technical protection but regarding the content itself. As was already mentioned, Romania has a watershed for programmes unsuitable for minors under the age of 12, 15 and 18. However, audiovisual programmes classified as unsuitable for minors under the age of 12 or 15 may be rebroadcast between 6.00 am and 8.00 pm if they are edited with a view to complying with the broadcasting conditions for programmes accessible to all audiences and PG (parental guidance) broadcasting conditions, classified as such.

Croatia, Hungary, Poland, Serbia and Slovakia also have watersheds for programme announcements (trailers), which are the same as for the programmes they refer to. In Slovakia there are two exceptions to this rule: if the content of the announcement which refers to a programme in 18+ category does not fall within the 18+ category, it is allowed to be broadcast between 8 p.m. and 6 a.m., and similarly, if the trailer for 15+ programme does not itself fulfil the criteria for category 15+, it can be broadcast at any time.

Some countries have also watersheds for programmes with certain content deemed harmful to the minors.

In Croatia, programmes that deal with gambling, fortune-telling, provision of advice by referring to cards, divination and other similar services that are not scientifically substantiated, cannot be broadcast before 11.00 pm.

In Hungary, sports programmes, commercial communications and public service advertisements may not be aired at such times when it is foreseeable that these would not be allowed to be aired if they were provided with a proper rating based on their content.

In Romania, there are several watersheds for specific content. First of all, it is forbidden to broadcast between 6.00 am and 8.00 pm studio audiovisual programmes or live programmes where people smoke, drink alcoholic beverages or behave in an obscene way. Cinematographic works containing drug consumption scenes may be broadcast only after 10.00 pm. Programmes other than fiction containing details or reenactment of murder/suicide or self/mutilation, or criminal techniques, or demonstrations or important details on occult practices shall not be broadcast between 6.00 am and 10.00 pm. Furthermore, between 6.00 am and 11.00 pm shall not be broadcast works featuring:

- physical, psychic or language violence repeatedly,
- sex scenes or obscene language or behaviour,
- persons in a degrading position,
- wrestling unregulated by national or international sports federations.

2.1.2 Transition from one programme to another

SPECIAL OBLIGATION REGARDING THE TRANSITION FROM ONE PROGRAMME TO ANOTHER	
CROATIA	X
CZECH REPUBLIC	X
HUNGARY	✓
POLAND	X
ROMANIA	X
SERBIA	✓
SLOVAKIA	✓
SLOVENIA	✓

Table 3 Transition from one programme to another

In Hungary, Serbia, Slovakia and Slovenia there is a special obligation for broadcasters regarding the transition from one programme to another. The aim of this obligation is to prevent minors, especially small children, from viewing or listening to content deemed unsuitable for them by avoiding close proximity of suitable and unsuitable programmes in the schedule.

In Hungary, programmes classified as unsuitable for minors under the age of six cannot be broadcast between programmes intended for minors under the age of six. Similarly, programmes classified as unsuitable for minors under the age of twelve cannot be broadcast between programmes intended for minors under the age of twelve. Announcements for programmes unsuitable for minors under the age of twelve cannot be aired during the interval of or immediately prior or subsequent to a programme intended for minors under the age of twelve.

In Slovakia programmes or other components of a television programme service (e.g. announcement) classified as unsuitable for minors under the age of 15, suitable for minors over the age of 15, or unsuitable and restricted for minors under the age of 18 shall not be broadcast before, during and after broadcasting of a programme classified as unsuitable for minors under the age of 7, suitable for minors under the age of 7, suitable for minors over the age of 7 and suitable for minors under the age of 12.

In Serbia and Slovenia, the rules are not so specific. It is however stated that the transition from programme content intended for younger age groups to programme content unsuitable for them should not be sudden but gradual. In Slovenia this obligation extends also to programme announcements.

2.1.3

Information about the unsuitability of programmes

	GRAPHIC SYMBOL - TV	WARNING BEFORE PROGRAMME - TV	WARNING BEFORE PROGRAMME - RADIO
CROATIA	✓	✓	✓
CZECH REPUBLIC	✓	✓	✓
HUNGARY	✓	✓	✓
POLAND	✓	X	✓
ROMANIA	✓	✓	X
SERBIA	✓	✓	✓
SLOVAKIA	✓	X	✓
SLOVENIA	✓	✓	X

Table 4 Ways of informing about the unsuitability of programmes

In all CERF member states the broadcasters have an obligation to inform the public about the suitability of the programmes.

In Croatia, there is an obligation to label programmes of a television programme service which are unsuitable for minors under the age of 12, 15 and 18 with a graphic symbol in one of the top corners of the screen for the whole duration of the programmes. Furthermore, programmes unsuitable for minors under the age of 12 have to be preceded by an audible warning about the unsuitability of such programmes. An announcement for programme unsuitable for minors has to be labelled with the identical graphic symbol as the programme itself. The graphic design of the symbols is up to the broadcaster but they have to be clearly visible on the screen and cannot be smaller than the usual logo denoting the channel.

Prior to the broadcasting in encoded form of programmes of a television programme service likely to impair the physical, mental or moral development of minors or compromise their integrity, self-concept, self-esteem or identity a written warning must be broadcast stating their unsuitability for minors under the age of 12, 15 or 18.

The broadcasting of radio programmes likely to impair the physical, mental or moral development of minors or jeopardize their integrity, self-perception, self-esteem or identity broadcast in encoded form has to be preceded by an audio warning stating that the programme is not suitable for persons under 18 years of age. The same goes for the announcement for such programme.

In Czech Republic, broadcasters have to ensure that the radio and television broadcasting of programmes which might endanger the physical, mental or moral development of minors is immediately preceded by a verbal warning of the unsuitability of the programme for minors. Such a programme also has to be labelled, in the case of television broadcasting, with a pictorial symbol warning of the unsuitability of the programme for minors for the whole duration of the programme.

Hungarian broadcasters also have to label their broadcast programmes which are unsuitable for minors with a graphic symbol during the whole duration of these programmes. The graphic symbol has to be placed in one of the corners of the screen so that it is visible during the entire course of the programme. The rating of the programme also has to be communicated before the programme begins. The visual representation of the graphic symbols is specified in the ordinance.

There are several exceptions from these rules in the case of both radio and television. In radio, the rating does not have to be communicated if the programme unsuitable for minors under the age of 6 and 12 is broadcast from 9.00 pm to 5.00 am. The same goes for a programme unsuitable for minors under the age of 16 and 18 if it is broadcast from 11.00 pm to 5.00 am.

In television, the graphic symbol does not have to be displayed for the whole duration of programmes unsuitable for minors under the age of 6 and 12 if they are broadcast from 9.00 pm to 5.00 am; of programmes unsuitable for minors under the age of 16 if they are broadcast from 10.00 pm to 5.00 am; of programmes unsuitable for minors under the age of 18 if they are broadcast from 11.00 pm to 5.00 am. In these cases, the graphic symbol has to be broadcast only at the beginning of the programme and when it is continued following a commercial break.

The rating of the programme, either in case of radio or television, also does not have to be communicated if the programme service contains the programme in an encoded form and its decryption may be executed only by using a code which is accessible only to subscribers over the age of 18, or which uses another effective technical solution to prevent viewers or listeners under the age of 18 from accessing the programme.

In Poland, programmes unsuitable for minors have to be marked by a graphic symbol for their whole duration and the symbol must be displayed only in the upper left corner of the screen. The same goes for programme announcements. The graphic symbols, including their design and size, are specified in the ordinance. Programmes unsuitable for minors and announcements for these programmes broadcast on a radio have to be preceded by a verbal warning stating their unsuitability.

Slovakia has very similar obligations to Poland as regards information about the unsuitability of programmes. Programmes or other components of a television programme service classified as suitable or unsuitable for minors have to be marked by a graphic symbol during their entire broadcast in one of the top corners of the television screen. An announcement for such programme also has to be marked with the identical graphic symbol as the actual programme. The graphic symbols, including their design and size, are also set down in the ordinance.

Programmes or other components of a radio programme service classified as suitable for minors under the age of 12, over the age of 12 and 15 and unsuitable for minors under the age of 15 and 18 have to be preceded by an audio announcement stating their suitability or unsuitability.

In Romania, television broadcasters have to indicate programmes unsuitable for minors with a graphic symbol for their whole duration, although it is not specified where the symbol has to be located on the screen. Announcements for such programmes also have to be marked with the corresponding graphic symbol. The visual representation of the graphic symbols is specified in the ordinance. Before broadcasting a programme unsuitable for minors, broadcasters have to inform the public about the type of the programme, its classification and the main reason for its restriction (according to the classification criteria, e.g. violence, language, nudity, etc.).

In Serbia, the rating of the television programmes unsuitable for minors under the age of 12, 16 and 18 has to be communicated before the broadcast through textual and verbal information about their unsuitability and they have to be marked by a graphic symbol on top of the screen for the whole duration of the broadcast. This graphic symbol has to occupy 1/32 of the screen. An announcement for such programme has to be labelled with the identical graphic symbol as the actual programme. In the case of pornography, broadcast as part of a channel with conditional access, such a programme has to be marked by a graphic symbol which reads 18+. The visual representation of all the graphic symbols is set down in the ordinance.

In case of radio programme services, there has to be verbal information of unsuitability prior to the commencement of the broadcast of an unsuitable programme and after each interruption of its broadcasting. An announcement for such a programme has to be preceded by the same verbal information.

Similarly to Serbia, in Slovenia, television broadcasters have to label programmes unsuitable for minors (including explicit sexual content) with a graphic symbol throughout their duration and such programmes also have to be preceded by an adequate acoustic and visual warning. There is, however, no exact visual representation of the graphic symbols set down in the Slovenian general legal act on the protection of minors.

Explicit sexual programming content may be broadcast on television programme services if it is available only for adults by a way of conditional access. Such content has to be labelled with a graphic symbol and also has to be preceded by an adequate acoustic and visual warning. It has to be noted that in the Slovenian general legal act on the protection of minors explicit sexual content differs from pornography. Both contain explicitly shown genitals or consensual sexual acts between humans with explicit display of genitals but for the content to be classified as pornography, it has to also contain explicit elements of grave violence, humiliation, insult or rough fetishes.

It is clear from the aforesaid that in every member state, besides the Czech Republic, television broadcasters have to label programmes with certain graphic symbols, which inform the audience about the unsuitability of programmes for certain age groups. In Croatia, Poland, Romania, Serbia and Slovakia this obligation applies also for announcements for such programmes. These announcements have to be labelled with the same graphic symbols as the actual programmes. In Croatia, Czech Republic, Hungary, Romania, Serbia and Slovenia there also has to be a text or audio warning about the unsuitability of a programme just prior to its broadcast.

In Croatia, Czech Republic, Hungary, Poland, Serbia and Slovakia there is also an obligation for radio broadcasters to include a warning about the unsuitability of programmes prior to their broadcast. In Croatia and Poland this obligation applies also for announcements for such programmes.

Besides the obligation to label the programmes during the actual broadcast, in Croatia, Hungary, Poland, Romania, Serbia and Slovakia the broadcasters also have to provide the information about the suitability or unsuitability of their programmes or other components of their channels through teletext, electronic programme guides, mass media etc.

Another obligation related to informing about the unsuitability of certain content is in the case of news or current affairs programmes which include scenes deemed harmful for minors. In this case, such scenes have to be preceded by a written or verbal warning about the disturbing content. The exact wording varies but such an obligation can be found in Croatia, Romania, Serbia, Slovakia and Slovenia.

2.1.4 Other obligations

Besides the above mentioned obligations which can be found in most of the CERF member states, some countries also have certain specific obligations unique to them.

In Croatia, programmes that deal with gambling, fortune-telling, provision of advice by referring to cards, divination and other similar services that are not scientifically substantiated may not make statements asserting that future events can be predicted, except as a matter of one's opinion, neither that contact is made with deceased persons nor statements relating to the question of health, means of medical treatment, medical treatment and/or healing. Media service providers have to, in a clear and continuous manner, communicate information that the advice and/or prophecies of future events are intended for entertainment and instruct the persons providing the advice to communicate it in such manner.

Romania has several special obligations for broadcasters. First of all, any reality show with a script based on facts or on real situations shall be marked accordingly at the beginning and at the end, as well as after each advertising break with the statement "This program is a fiction". The statement has to be easy to read for a minimum of 10 seconds, written in

a minimum of 30 dots size in standard definition format and 60 dots size in high definition format.

In audiovisual programmes it is forbidden to illustrate information with pornographic images. It is also prohibited to broadcast audiovisual programmes that encourage drug consumption and in news and current affairs programmes it is prohibited to show drug consumption details. Furthermore, sequences presenting people being executed, killed or volunteering to die, irrespective of their motivation, shall be broadcast only in well-justified cases. In dramatic situations, broadcasters shall not show images taken at the place where the tragedy occurred or images that show the suffering of the family members or of the persons close to the victim and to the family.

In case of live broadcasts, other than news and sports transmissions, broadcasters have to use any means, including time delay, in order to prevent transmission of scenes, expressions or behaviours that infringe the provisions of the code regarding minors' protection and human dignity.

In Serbia, similarly as in Romania, if during a live reality programme occurs an escalation of violence or indecency, the broadcaster has to immediately cease its broadcasting or otherwise avoid displaying such behaviour (e.g. by muting).

2.2 Non-linear media services

	GRAPHIC SYMBOL – IN CATALOGUE	GRAPHIC SYMBOL – DURING THE PROGRAMME	TECHNICAL PROTECTION FROM ACCESS	SEPARATE CATALOGUE FOR CERTAIN PROGRAMMES
CROATIA	✓	X	X	X
CZECH REP.	X	X	✓	X
HUNGARY	X	X	✓	X
POLAND	✓	✓	X	X
ROMANIA	✓	X	✓	X
SERBIA	✓	✓ (only pornography)	✓	✓
SLOVAKIA	✓	X	X	X
SLOVENIA	X	✓	✓	✓

Table 5 Obligations set down for non-linear media services regarding protection of minors

The Czech Republic transposed the obligations for AVMS on protection of minors virtually verbatim to their rendering in AVMSD and did not set down any other special obligations for AVMS providers.

In other member states the obligations set down for non-linear media services are fairly similar to those for linear media services with few exceptions due to technical differences between the two.

In Croatia, the categories of minors are the same as those for linear media services and should be applied in an appropriate manner. Programmes not suitable for minors have to be identified in a catalogue of programmes by means of visual symbols. There is also a special obligation which is not related to the actual content. When the particular catalogue of programmes is first accessed, the media service provider shall insist on having the PIN changed.

In Hungary, only two categories are applied to non-linear media services. The first one is programmes unsuitable for minors under the age of 18 and the second is programmes which may seriously impair the physical, mental or moral development of minors, particularly because they involve pornography or scenes of extreme and/or unjustified violence. The media service provider or the media service distributor of an on-demand media service shall use an effective technical solution to prevent minors from accessing the above mentioned programmes.

Poland has adopted a special regulation concerning detailed rules on protection of minors in non-linear media services. The only special obligation for a non-linear media service provider is to label the programmes and other audiovisuals by means of a visible graphic symbol indicating the designation of a programme or other audiovisual for a given age group of the viewers, or to enable the general public, by means of appropriate technical

measures, to see such a symbol in the catalogue and throughout the duration of the programmes. This does not apply to programmes and other audiovisuals with no age restrictions.

Romania also adopted a special decision concerning the provision of on-demand audiovisual media services. Programmes which might impair the physical, mental or moral development of minors can be made available through non-linear media services only on condition that access restriction measures are provided for by means of a parental control system, so that minors cannot normally see or hear such programmes.

There is also a similar obligation to that set down in Croatia regarding labelling of the programmes unsuitable for minors. In programme guides, information regarding the type of the programme, the programme classification and the main reason for programme restriction has to be provided. The programmes also have to be labelled with a graphic symbol during their whole duration. Programmes unsuitable for minors under the age of 18 can only be made available through a conditional access.

In Serbia, there are several obligations for the non-linear media service providers. The first is related to pornography, which can be provided through the conditional access and within the special programme catalogue separated from other content. It also has to be labelled during its whole duration by a graphic symbol stating that it is available only to persons over the age of 18. Uniquely, there is also a watershed for programmes unsuitable for minors under the age of 18, which lasts from 11.00 pm to 6.00 am, unless there is a conditional access to the non-linear media service in place. Like in Croatia and Romania, the programmes not suitable for minors have to be labelled with a graphic symbol in the programme catalogue.

The obligation to label the programmes unsuitable for minors in a programme catalogue with the corresponding graphic symbol is also set down in Slovakia. It is the only obligation set down for Slovak providers of non-linear media services.

In Slovenia, programmes that may impair the physical, mental or moral development of children and minors have to be preceded by an adequate acoustic and visual warning, and have to be labelled with a graphic symbol throughout their duration. As for programmes unsuitable for minors under the age of 18, access to them must be restricted using technical protection and they also have to be in a special section of the programme catalogue, so that they are separated from other content of the non-linear media service. The same applies to explicit sexual content and also to programmes which might seriously impair the physical, mental or moral development of children and minors (pornographic programming content and programming content depicting violence without justification) but the access to them also has to be enabled only to adults by assigning users a PIN code or applying an equivalent protection system. The latter content also has to be labelled in a way that clearly informs users that this content might gravely harm the development of minors.

To sum up, in Croatia, Poland, Romania, Serbia and Slovakia, programmes unsuitable for minors provided via non-linear media services have to be labelled with a graphic symbol indicating their unsuitability in a programme guide of the provider of such a non-linear media service. In Poland, Serbia and Slovenia such programmes (in case of Serbia only pornography) have to be labelled with a graphic symbol during their whole duration and in Slovenia there also has to be an adequate acoustic and visual warning. In Hungary, Czech Republic, Romania, Serbia and Slovenia access to certain programmes unsuitable for minors must be restricted using technical protection and in Serbia and Slovenia certain programmes unsuitable for minors have to be placed in a special programme catalogue so that they are separated from other content.

3 Content criteria comparison

This part of the study focuses on six areas that seem to be the most common source of potentially harmful content for the minors in the media. These areas are:

1. Violence
2. Language, obscenity, gestures
3. Sexual content
4. Alcohol, smoking and drugs
5. Fear
6. Discrimination

The comparison of the way different labelling systems address the content that falls within each of these areas allows the reader to see more clearly similarities and differences among compared labelling systems. It is important to stress that, as every system differs in language and overall approach to content regulation, some degree of abstraction and generalization within these areas could not be avoided. It is clear, however, that without it any meaningful comparison would be impossible.

3.1 Violence

Most of the compared labelling systems deal with scenes of violence in different age categories depending on various criteria for classifying: the number and nature of violent scenes, their gratuitous or indispensable character in connections with the genre; the use and role of violence for solving problems; the manner in which images depict violent scenes, the shooting plan, the realism of the presentation; the heroes typology, the aim of their actions, the degree of resorting to violence; the presence and the role of minors in those scenes. Some of them mention also scenes of domestic violence, sexual abuse or sexual violence.

According to Art. 27(1) of the AVMS Directive, concerning the linear services, “television broadcasts by broadcasters under (the Member States’) jurisdiction (must) not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.” Countries, which are in focus of our comparison, refer to this prohibition in a very similar manner: Croatia (gratuitous violence), Czech Republic (gross violence as an end itself), Hungary (extreme and/or unjustified violence), Poland (gratuitous violence), Romania (unjustifiable violence), Serbia (brutal violence with little justification regarding the programme and its artistic nature), Slovenia (gratuitous display of violence; depicting violence without justification), Slovakia (coarse or unjustified violence).

It is also common for all member states, that it is not necessary, mainly due to the nature of its production, to classify news with the recommendation of appropriate age category. It is accepted, however, that some news content may be unsuitable for minors, and if so, that such content, in this case scenes containing violence, must be preceded by a warning, either verbal or written, or even both.

The content of scenes of violence according to age categories

This part of the study deals with the similarities and differences in regulating systems regarding scenes of violence in programmes according to individual age categories.

Children’s programme

Scenes containing violence are explicitly prohibited in children’s programme in Hungary (Cat. I), Serbia (Art. 20) and Slovenia (Art. 4). However, the programme may contain violence when it is used to indicate the unacceptability of such behaviour, but in a suitable way for their age (Serbia) and when it is negatively framed (Slovenia). In Hungary, it is allowed only in exceptional cases and if the violence presented is fictional and duly justified. It is important to note that Hungary does not recognize the children’s programme as a specific category, as it is included in the category of the universal programmes, so the same restriction applies to the universal programme as well.

Universal programme (suitable for all age groups)

Except for the Hungarian labelling system, rules of which are mentioned above, the violence in this category is described only in the Slovenian labelling system, where it is allowed to include moderate and infrequent scenes of violence or suffering, infrequent and short scenes of discrimination justified by the context, which may include occasional elements of violence, only if these are shown in an educational or historical context and are clearly negatively framed (Art. 6).

Minors under the age of 6/7

The lowest age category protects children from viewing violence in various contexts.

In Slovakia it concerns aggressively attacking living beings, forced violence against the helpless, especially against children or animals (Art. 1 (4)). Poland considers the presentation of the negative attitude towards other people and the environment (destruction, abuse, violence, humiliation, ignorance of the suffering, justification for the evil) even if depicted in cartoons, in an unrealistic manner or when they are humorous in nature, as unsuitable for minors under the age of 7 (Art. 2). Hungary includes violent elements not depicted realistically, which cannot be intense nor drastic (burlesque-like is acceptable) and only fictional violence is accepted (Cat. II).

Minors under the age of 12

This is the first category where all the CERF members' labelling systems (which have their rules for classifying programmes to age categories) discuss some kind of violence in programmes. Hungary, Serbia and Slovenia have similar permission of showing occasional moderate violence and its consequences. In addition to that Serbia and Slovenia also allow showing difficult or severe violence with consequences that can be displayed briefly and without details. The same goes for both of them in presenting extremely short and rare scenes containing severe violence, with the provision that it must be justified by its educational purpose (in Serbia; Art. 14 (1)), or explicit display of details or emphasizing injuries or blood cannot be used (Slovenia; Art. 7). Slovakia, on the other hand, refers to depiction of real violence or its after-effects on living beings, violent acts and its after-effects, depictions of outcomes of natural disasters or traffic accidents, depiction of violent acts and their after-effects (Art. 1 (3)).

Hungary (Cat. III) and Poland (Art. 2 (3)) approach the violence from a different angle. Both of their systems refer to justification of violence, but Polish sees it as a justification according to the principle "the end justifies the means", while in Hungarian the violence applied by the hero should be morally justifiable and the hero should not be the initiator.

In Poland, programmes in this category may contain accumulation of negative facts and events such as violence, show scenes of violence that a child is not able to understand as

it perceives individual scenes of aggression rather than the overall message, arouse strong excitement related to images of violence, scenes in which the violence is left without any consequences and is reduced to the convention of a play, and depict a manner of effective use of violence for instrumental purposes.

Only Hungary refers to the violent events that should not have strong relation to the own reality of children and everyday life situations.

Also uniquely, Serbia and Slovenia refer to sexual violence in this category as well. We will discuss this matter further below.

Minors under the age of 15/16

The regulations of Serbia (Art. 15 (1)), Slovakia (Art. 1 (2)) and Slovenia (Art. 8) put serious violence with its consequences under this category (in the case of Slovenia, the violence can be shown only occasionally).

In this category, Serbia allows serious violence and its consequences shown in detail, but the programme content may not be particularly focused on such scenes. Slovak regulation also mentions detailed and naturalistic depiction of violent acts. The Hungarian labelling system, on the other hand, emphasizes that programmes cannot present violence in a raw, natural way, assessment of which depends on life experience, not media experience.

The Polish regulation (Art. 2 (4)) specifies as reasons for classifying a programme in this category also when the vision of the world is reduced to violence presented in a primitive and brutal manner; and provides a simplified vision of maturity excessively exposing use of violence, particularly demonstrated in social roles. In addition, when the programme evokes strong feelings and emotions related to violence and particularly when it presents images of aggression and cruelty, and when it might incite morally repulsive behaviour by presenting attractive characters that use brutality and violence.

Hungary (Cat. IV) refers to violence without scenes of brutal massacres executed with various tools. The programme should not present physical torture or mutilation, and the injuries should not be presented in a shocking, particularly detailed manner. It cannot present violent actions committed in a cold-hearted, bestial manner, sadistic scenes and violence cannot be glorified. It should cover up the real weight of aggressive behaviour (for example via humour).

Slovakia uniquely incorporates also animal abuse to this age group.

Again, Serbian and Slovenian systems use sexual violence in this category as well. For further information, see the theme sexual violence below.

Minors under the age of 18

In the highest category common for each country, programmes may contain detailed presentation of severe violence with its terrifying consequences, suffering, depiction of crude, brutal and especially cruel acts of violence, or naturalistic depiction of violence. Slovak labelling system mentions depiction of cruel violent death (killing) without expressing remorse. Hungarian (Cat. V) adds the glorification of violence. Together with Slovenian regulation (Art. 9) they refer also to extreme scenes showing blood, graphic or explicit scenes of grave and terrifying consequences of violence. Romanian system (Art. 21e) mentions violence only in this age category and specifically includes extremely violent films.

Slovak regulation incorporates the depiction of violence on living beings, in particular depiction of cruel maltreatment, of persons being abused or of exhibitions of individuals and groups with pathological behavioural standards. Uniquely, it mentions also depiction of bullying (Article 1 (1)). The only criterion close to that seems to be the reference to threatening, horrifying contents and an extreme amount of threat (cruel tortures, shocking images) in Hungarian system (Cat. V).

Poland, Serbia, Slovakia and Slovenia, as mentioned before, include also sexual abuse or sexual violence in this category.

Prohibited content in broadcasting regarding violence

Absolutely prohibited content concerning violence, beyond the prohibition of gratuitous violence in the AVMS Directive, is defined in Hungary and Serbia only. Serbia's provision (Art. 16, 1) follows from what is prohibited by law and it is: content that emphasizes and supports violence, behaviour that is legally defined as a criminal offense, and content that does not respect the dignity and other human rights, especially if it shows degrading treatment, violence and torture, except when it is justified regarding the programme and its nature.

Hungarian system, apart from the scenes of extreme and/or unjustified violence banned by the AVMS Directive, bans also presentation of the criminal lifestyle as a way of making a living within the frames of a light toned entertainment programme (such as a talk show); gratuitous, sensational violence which is attractive to the audience; the depiction of acts of violence in a sadistic manner; the enjoyment or pleasure generated by the violent act or the suffering of the victim that is dramaturgically highlighted; the depiction of violence that may lead to or reinforce a desensitised, cynical and uncaring attitude towards the fate and suffering of others (extreme brutality of violence which leads to delectation) (Cat. VI).

The labelling systems of CERF members also contain provisions that deal with violence in particular contexts. While the individual wordings differ widely among the member states, it is at least possible to compare them in a broader perspective. What follows is an overview of regulations of violence in some specific situations.

Depiction of Minors in News Programmes

Croatia, Romania and Serbia deal with the minor in the role of a victim or perpetrator. Their respective labelling systems stress that the age of the minors, their maturity and capacity must be taken into consideration.

When informing about any form of violence concerning minors, the Croatian labelling system sets down that the identity of the minor must always be protected using a misty, quantized or masked image and a modulated tone so that the minor cannot be recognized.

Images in which minors are involved in scenes of violence shall be broadcast only when they serve a justified public interest. The broadcaster must also act in the minor's superior interest with parental consent and cannot use any clue that may lead to the identification of the minor (Art. 3 (1)).

The Romanian system lays down special conditions according to the age of minors shown in news programmes, who are either accused of committing offences, or are victims of an offence or are physically, psychologically or sexually abused (their consent as well as that of their parents/legal representatives is necessary) (Art. 6). Images in which minors are involved in scenes of violence shall be broadcast only when they serve a justified public interest, it is acted in the minor's superior interest and without any clue leading to possible identification (Art. 7 (2)).

In Serbia, a minor who has not reached the age of 14 cannot participate in a programme that involves reconstruction of a crime, violence or dramatic tragedy (Art. 26).

Sexual Violence

Another category of scenes involving violence is those containing sexual abuse or sexual violence. Poland, Serbia, Slovakia and Slovenia deal with it in various age categories.

In Serbia (Art. 14 (2); 15 (2); 16 (2)) sexual violence should not be shown in programmes for minors under the age of 12, but from the course of action it may be indicated that it took place. Programme in the category for minors under the age of 16 may include sexual violence when shown discreetly, without much emphasizing the details of such behaviour and suffering of the victim, while such display can be broadcast in programmes unsuitable for minors under the age of 18.

Similarly, the Slovenian labelling system (Art. 7a; 8a; 9a) relates to scenes of sexual violence in the category of minors under the age of 12, but the scenes can be only implied or justified by the context, while programmes unsuitable for minors under the age of 15 may include occasional non-explicit scenes of sexual violence. Programmes unsuitable for minors under the age of 18 may contain scenes of sexual violence without further restriction defined in legislation.

The Polish system (Art. 1 (3)) deals with displaying images of realistic sex, particularly accompanied by violence and coercion, while Slovakia (Art. 1f) mentions scenes involving exhibitions of sexual violence. Both countries put such content in their strictest category – unsuitable for minors under the age of 18.

To sum up, Serbia and Slovenia deal with the scenes of sexual violence in a like manner, i.e. in three age groups – U12, U15 and U18, while on the contrary Poland and Slovakia only categorize them in their highest range of age group – U18.

Domestic Violence

Domestic violence is mentioned only in the Romanian act, as well as the presentation of women in degrading position; both of them must be taken into consideration when classifying a programme (Art. 19 (2)). It is not stipulated further to what category such content belongs to.

Violence in educational institutions is also referred to only in Romania. The relevant provision allows for broadcasting information about such a situation in news only when it is accompanied by the point of view of the school's management and with the required approval of minors and parents (Art. 7 (1)).

Violence in Reality Programmes

Romania restricts broadcasting of programmes other than fiction containing details or re-enactment of murder/suicide or self/mutilation between 10.00 pm – 6.00 am and broadcasting of physical, psychic or verbal violence repeatedly as well as wrestling unregulated by a sports federation only between 11.00 pm – 6.00 am (Art. 17, 18).

Serbia also has special rules applicable to reality programmes, which are classified more strictly and cannot display serious violence at all (Art. 17). As sports programmes are not categorized, there are some rules regarding potential violence. If during a sporting event a physical conflict occurs among the participants or spectators of the event, a provider can broadcast such situation, but only to the necessary extent. Further, the broadcasting of extreme martial arts, which may contain heavy violence, is categorized as unsuitable for minors under the age of 16 (Art. 18).

Summary

Only three countries – Hungary, Serbia and Slovenia - deal with the incitement of violence in children's programmes. Even though it is prohibited, it can be displayed when it serves an educational aim, is negatively framed and duly justified.

In the category of minors under the age of 6/7 (depending on the country's categorization) the labelling systems usually do not allow showing violence and if they do, only in a fictional and very basic manner, no drastic and intense scenes of violence may be shown. Hungary and Poland recognize also the humorous rendering of the scenes, but they differ in its use – while Hungary accepts burlesque-like depiction of violence, in Poland on the other hand even a humorous way of depiction is not acceptable.

The first category that mentions the incidents of violence in all member states (excluding the Czech Republic and Romania) is the age group unsuitable for minors under the age of 12.

Hungary, Serbia and Slovenia are stricter in comparison to Slovakia, as their systems allow an occasional showing of moderate violence with its consequences but without details, while in Slovakia there is reference only to a depiction of real violence and its after-effects. Hungary and Poland differentiate also the justification of violence and the role of the hero with regard to the violence. Moreover, Hungarian system pays attention also to the relation of the content to the own reality of children and everyday life situation, which should not be strong.

The next age group – minors under the age of 15/16 – incorporates serious violence with its consequences in Serbia, Slovakia and Slovenia. Similarly, as in the previous category, the Serbian and Slovenian systems are more rigorous and do not allow the particular focus on the scenes with violent elements in detail. The Hungarian system does not permit presentation of violence in a raw, natural way. The Slovak system is more open in its wording, as it only mentions a detailed and naturalistic depiction of violent acts, while Polish refers to violence presented in a primitive and brutal manner.

Programmes marked as unsuitable for minors under the age of 18 in all member states may mainly include: detailed presentation of severe violence with its terrifying consequences, suffering, depiction of crude, brutal and especially cruel acts of violence, and naturalistic depiction of violence.

When it comes to absolutely prohibited content regarding violence, other than the ban of gratuitous violence stemming from the AVMS Directive, only Serbia and Hungary have more elaborate regulation. Serbia does not allow content that is prohibited by law, such as emphasizing and supporting violence and depiction of torture, unless it is justified by the nature of the programme to be broadcast. The Hungarian system does not permit the

presentation of gratuitous, sensational violence as attractive, the depiction of violent acts in sadistic manners, and enjoyment or pleasure generated by these acts.

To conclude, all the compared labelling systems distinguish between fictional and real violence, violence with or without details, and justified or purposeless. They all also consider the frequency of displaying the violence, the actual presentation of violence and some also the role of hero and justification of their violent acts.

Certain countries add unique categories such as domestic violence, violence in educational institutions (Romania) and violence in reality shows (Serbia). Some of them also deal with the sexual violence in different categories (Poland, Serbia, Slovakia and Slovenia). On the other hand, there are no rules for classifying the programme according to the occurrence of scenes of violence in Croatia.



3.2 Language, obscenity, gestures

This chapter focuses on the use of language, especially inappropriate, or coarse language, language with sexual references, as well as gestures with the purpose to offend or humiliate someone. This criterion in classifying a programme to a particular age group can be found in five of the compared member states – Hungary, Poland, Serbia, Slovakia and Slovenia. The other three countries are mentioned separately.

The Czech Republic does not have a classification of suitability for minors at all, so, naturally, there are no references to this type of content in their regulation.

Croatia discusses inappropriate language only in connection with programmes that are likely to impair the physical, mental or moral development of minors (Art. 2 (1)).

Romania mentions this type of content when referring to time restriction of programmes – between 6.00 am and 8.00 pm it is forbidden to broadcast audiovisual programmes or live programmes where people behave in an obscene way (Art. 15 (1)). Between 6.00 am and 11.00 pm a programme cannot contain, apart from other restrictions, obscene language or behaviour (Art. 18). Moreover, it is set down that the broadcasters should classify audiovisual productions also according to the criterion of the quality and typology of language in the programme (Art. 19k). The division into particular age groups is not defined in the Romanian regulation.

Uniquely, Serbia has special rules when the unsuitable content is broadcast in a reality programme. When it contains rude behaviour not used as an act of aggression or to offend someone, it should be classified as unsuitable for minors under the age of 16. But when it includes rude expressions taken as an act of aggression or the purpose of insulting, the classification is stricter – unsuitable for minors under the age of 18. There is also prohibited content, specifically conduct that constitutes hate speech or which offends human dignity or another human right (Art. 17).

The following categories show the occurrence of inappropriate language according to particular age groups.

Children's programme

This type of content is dealt with in the category of children's programme in Hungary (Cat. I), Serbia (Art. 20) and Slovenia (Art. 4 (3)). Regulations of these countries specifically stipulate that a programme in this category may not contain obscene expressions and profanity (Hungary), inappropriate language (Slovenia) and rude behaviour (Serbia). Serbia, however, allows such content, but only if it has an educational objective or serves to indicate the unacceptability of such behaviour. Similarly, Slovenia permits it only in exceptional cases and when justified by the context.

Universal programme (suitable for all age groups)

In Hungary, the universal programme is under the same section as the children's programme, so it follows that it cannot contain obscene expressions and profanity (Cat. I). Slovenia, whose system is the only one that deals with the language in this category, permits moderate inappropriate language.

Minors under the age of 6/7

In Hungary, programmes in this category may not contain the use of gestures, words expressing surprise or horror, obscene expressions and swearing (Cat. II). Wording of this category in Poland refers to heroes who behave in a manner that is not suitable for children to follow – specifically, in the context of language, they yell or use vulgar expressions (Art. 2 (2)).

Minors under the age of 12

In this category, all of the countries have rules concerning the use of expressive and vulgar words. In Hungary (Cat. III), in programmes of this category no proliferation of offensive expressions or swearing related to the genital organs or sexuality can be present and only moderate vulgarity, mainly humorously framed, is allowed. The regulation in Poland (Art. 2 (3)) focuses on the viewpoint of a child, as the programmes in this category should not contain scenes that the child is not able to understand and thus would perceive individual scenes of vulgarity rather than the overall message. Serbia (Art. 14 (9)) and Slovenia (Art. 7e) allow only moderate inappropriate language or rude behaviour, but without repetition, while strong swear words can be used only occasionally. The Serbian system also stipulates that very rude behaviour cannot be used in the form of an act of aggression or to offend someone. Slovakia (Art. 1 (3k)) employs wider wording for this type of content – verbal aggressiveness or expressive language that can be considered as suitable for minors over the age of 12.

Minors under the age of 15/16

This category, too, is recognized in the regulation of a majority of CERF members.

In Hungary (Cat. IV), similarly as in previous category, programmes should still avoid using obscene words related to genital organs and sexual intercourse in an extreme manner (strong vulgarity which may be supplemented with aggressive content).

Serbian regulation (Art. 15 (9)) allows very rude behaviour to be repeated, but the most severe forms of indecent behaviour can be shown only briefly, although never as an act of aggression or to offend someone.

In a similar way, the Polish system (Art. 2 (4)) stipulates that programmes fall within this category if they might incite to morally repulsive behaviour by presenting attractive

characters that represent a model of negative behaviour - the use of vulgar language and gestures is accepted.

Slovakia (Art. 1 (2 f, g)) has a similar rule as in the previous age group, but with more variability of language - verbal aggressiveness or expressive language, vulgar expressions, vulgar gestures, obscene expressions or obscene gestures that can be considered as suitable for the minors over the age of 15.

In Slovenia, a programme should be classified into this category when containing inappropriate language with frequent strong swear words or vulgar expressions.

Minors under the age of 18

As this is the strictest category, it is understandable that the rest of the restrictions can be found here. Member states label a programme as unsuitable for minors under the age of 18 when there is a cumulative use of obscene words related to the sexual organs or sexual act particularly aggressively manifested (Hungary; Cat. V), vulgar expressions, vulgar gestures, obscene expressions or obscene gestures (Slovakia; Art. 1 (1b)). Serbia includes the grossest indecency even if used as an act of aggression or to offend someone (Art. 16 (9)). Slovenia mentions strongly inappropriate language, which includes frequent, aggressive or repeated use of the strongest swear words or vulgar expressions, which provoke feelings of discomfort, inferiority, offense, etc. in an average adult (Art. 9 (1e)). Poland does not have any further restriction in this category regarding inappropriate language. To put it simply, in this category a programme is allowed to include the strongest, obscene and the most vulgar language.

Prohibited content in broadcasting regarding the use of language

Regarding the language, only in Hungary there is an absolute ban in place for programmes that i.a. contain obscene, indecent phrases, and high rate of sound effects referring to sexual pleasure (sighs and moans) in sex scenes (Cat. VI).

3.3 Sexual content

The AVMS Directive (article 27 (1)) stipulates that television broadcasts must not include “any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.”

All member countries have adopted this provision into their legislation. Although the broadcasting of pornography (programmes with pornographic content) seems to be prohibited by the Directive, some countries (Serbia, Hungary, Croatia, Slovenia) have an exception allowing such broadcast where it is ensured by a technical measure that minors in the area of transmission will not normally hear or see such broadcast (e.g. PIN code system). This is not the case in Slovakia, Poland, Romania and the Czech Republic.

Regarding the presentation of sexual content and nudity in television programmes, all member countries consider such content as one that children should be guarded against.

Some countries deal with nudity and sexual content separately in their labelling systems, others deal with both things at the same time. Only those member states that do not have systems of protection of minors detailed enough to contain classification criteria for different age groups (Croatia and the Czech Republic), do not (at least explicitly) deal with this type of content at all.

Nudity

The presence of nudity as a criterion for classifying the programme is taken into account in Hungary, Romania, Serbia, Slovakia and Slovenia. When classifying audiovisual productions, Romanians assess the number and nature of nude scenes (Art. 19).

When classifying programs, these countries consider especially the purpose and context of the depiction of nudity. If the purpose is to sexually stimulate the viewer, or if it is nudity in a sexual context, such content is considered harmful and must be labelled as inappropriate for a specific age group of minors (depending on other criteria usually as U18).

However, if the purpose of nudity is educational, featured in a documentary or medical, such content is either not considered harmful at all and can be transmitted without restrictions or, as observed in Hungary and Slovakia, such purpose may result in a lighter classification. The Slovenian system recognizes nudity „justified by the context“, meaning that certain elements of the programme by themselves could be harmful to the development of children or minors, but in the actual presentation their effect is mitigated by other factors (taking into account e.g. purpose, genre, educational, historical, or comic context, the manner in which such acts are shown, or their framing).

In Slovakia, depictions of nudity which are not ordinary in a family environment or in public and which could invoke interest in sexual relationships and the premature activation of

sexual urges in minors are classified as inappropriate for minors under the age of 12.

In Hungary, the depiction of nudity is acceptable in all classification categories in a natural environment, if it is not gratuitous (without sexual tones). In categories I – III (age groups ALL, 6, 12) however it should only be presented casually.

In contrast, Poland recognizes nudity only in a sexual context, literally „images of a sexual nature“. These images (nakedness, sexual gestures, etc.), the essence of which the minor is not yet capable of understanding, fall under the category U7, while images of nakedness that could kindle interest in sex are in category U12.

In Serbia and Slovenia, nudity without sexual context shall be classified as U12 or PG, depending on frequency and duration. Nudity in a sexual context shall be classified as U15/16 or stricter. Graphic scenes of nudity whose primary purpose is not to sexually stimulate the audience shall be classified as U18 in Slovenia.

Sexual activity

Sexual activity in audiovisual works or programs can represent a wide range of situations from kissing to sexual intercourse, displaying genitals or different sexual practices, deviations, and the like. The range is so wide that it starts at the content that does not require a restriction, and ends with that which is completely banned.

Content without any erotic elements, can even require no age restriction, e.g. the Hungarian labelling system mentions hugging, holding hands and kissing; friendly or romantic love in Poland. Generally speaking, the more intense sexual content, of course, the stricter the classification of a programme is.

To assess the sexual and related content of individual programmes or other components of a television programme service CERF countries use several evaluation criteria: some are quite common, others are unique. Here is a comparison of evaluation criteria that individual countries use to classify sexual and related content.

Criteria

- Frequency and intensity
- Purpose (context)
- Way and form of presentation
- Emotions
- Behaviour patterns
- Unusual sexual practices

	FREQUENCY AND INTENSITY	PURPOSE (CONTEXT)	WAY AND FORM OF PRES.	EMOTIONS	BEHAVIOUR PATTERNS	UNUSUAL SEXUAL PRACTICES
CROATIA	X	✓	X	X	X	X
CZECH REP.	X	X	X	X	X	X
HUNGARY	X	X	✓	✓	✓	✓
POLAND	X	X	X	✓	✓	✓
ROMANIA	X	X	✓	X	✓	✓
SERBIA	✓	✓	✓	✓	X	✓
SLOVAKIA	✓	✓	✓	✓	✓	✓
SLOVENIA	✓	✓	✓	✓	X	X

Table 6 Classification criteria of sexual content

Frequency and intensity

Slovakia, Slovenia (frequency, duration, intensity) and Serbia (number, length, frequency and intensity) explicitly mention this criterion in their labelling systems. It is very likely that other countries take this criterion into account, but they do not mention it in their systems.

In general, the higher the intensity and frequency of occurrence of inappropriateness or restriction evaluation criteria in a programme, the higher is the age category.

For example, in Slovenia, infrequent and discreet suggestions of sexual activity shall be classified as PG while occasional and discreet scenes of sex without details as U12 and frequent or long scenes of sex without explicit details as U15.

Purpose (context)

When classifying programmes, most of the countries consider what the main purpose of the occurrence of inappropriateness evaluation criteria in the programme is.

In Slovenia, if the main purpose of such content is to sexually stimulate the audience, it is considered as sexual programming content and shall be classified as inappropriate for minors under the age of 18. On the other hand, programmes that include graphic scenes with nudity and sex in content whose primary purpose is not to sexually stimulate the audience shall be classified the same. This is an illustration of overlapping criteria. The Serbian and Slovenian regulations take into account whether the sex scenes are shown with the purpose of raising awareness or educating about human sexuality or health. In that case such content is classified lighter. In Serbia and Slovenia, sexual content may even occur in children’s programs, if it is for educational purposes and in a way that is suitable for children’s age.

In Croatia, programmes containing sex are not considered detrimental if they are appropriately used to elaborate the subject matter of educational, documentary, scientific and informational broadcasts.

Rather than purpose, Slovakia assesses the context in which inappropriateness evaluation criteria occur (artistic, educational, documentary) or the nature and type of a work or programme (movie, reality show).

Way and form of presentation

An important criterion for the classifying of sexual content is the way and form of rendering of a work or programme. It includes genre or type of work as well as the depiction of sexual content (whether contains details, nudity), way of shooting, light conditions etc. Some countries give consideration to whether the work has a storyline or whether the sexual scenes form part of a plot.

Genre

Hungary, Romania and Slovakia explicitly mention erotic movies or erotic scenes in their labelling systems. The term “erotic movie”, although there is no definition directly in those systems, probably means a work that thematically, formally and substantively deals with sexuality and physical love, and the purpose of which is to erotically stimulate or sexually arouse the audience. Unlike pornography, an erotic film usually has a storyline, artistic ambitions and does not include the graphic depiction of genitals. Such content is classified in all countries as unsuitable and restricted for minors under the age of 18.

Type of programme

Especially Slovenia, Serbia and Romania distinguish whether the content is fiction or non-fiction. There is a tendency to assess non-fiction content (reality, documentary, live shows) more strictly, e. g. in Slovenia: stricter criteria are applied in rating non-fictional programming content than in rating fictional content, as children and minors perceive it as more realistic (Art. 3 (2) c).

In Romania, it is forbidden to broadcast during the interval 6 a.m. – 8 p.m. studio audiovisual programs or live programs where people smoke, drink alcoholic beverages or behave in an obscene way (Art. 15).

Some countries assess the degree of realism of the displayed sexual content (level of realism in Slovenia). Slovenia distinguishes between a simulated, implied or suggested sexual act (which is defined as sexual programming content - Art. 2 § 1) and a real sexual act with explicit display of genitals, which is considered as explicit sexual programming content or pornography.

Hungarians consider how realistic the presented content seems. The more realistic the material, the stricter the rules are. However the Hungarian system also recognizes and regulates the content that is too unrealistic and therefore capable of distorting the image of sexuality in the viewer.

Most countries pay great attention to the visual depiction of sexual activity in their labelling systems. It can be said that sexual content in general is evaluated primarily according to what the viewer can see.

For example in Hungary, if the sexual content is not presented directly, the programme is classified as U12. If there is low-key visual depiction of sexuality, the programme shall be classified as not recommended for U16. Graphic, explicit depiction of sexual acts shall be classified as U18.

Serbia and Slovenia also deal with showing the details in sex scenes. In Serbia, sexual content without details shall be classified as U16, even if it is shown repeatedly. In Slovenia, discreet scenes of sex without details shall be marked as U12 while frequent scenes of sex without explicit details shall be marked as U15. Detailed depictions of real sexual intercourse (penetration), genitals, oral sex and masturbation are regarded as pornography and as such can not be broadcast. An exception is if such content is displayed for the purpose of education about sexuality and health. Detailed presentation of sexuality or graphic scenes with nudity and sex shall be classified as U18 only in the case when the primary purpose of the programme is not to sexually stimulate the audience.

Romanians also assess visual depictions of sexual content (representation of sexual intercourse), although it is not dealt with in detail in their labelling system.

The Slovak labelling system distinguishes whether there is nudity present while showing the sexual act. Lovemaking scenes without nudity belong to category U12. If there is also nakedness present in the love scenes, the program is classified to a higher category.

Other countries do not deal with nudity in a sexual context in their labelling systems. Either the incidence of nudity in the display of the sexual act is automatically presupposed, or, it is not deemed relevant. The presence of nudity is dealt with especially if there is no sexual context and such content is considered inappropriate for the lower age groups.

The Slovak labelling system also assesses the presence of a storyline in relation to sexual scenes. If sexual scenes form part of the plot, the programme is classified as U15; if not, the programme is classified more strictly.

Emotions

Several countries consider the presence of higher emotions in relation to sexual activity in the programme. In particular the Polish labelling system distinguishes whether there are emotions present in the work or the images of sexual activity are devoid of higher emotions (U12 respectively U16). Similarly in the Hungarian system a programme classified as U12 should not contain depiction of relationships without emotions, in particular promiscuity and scenes that openly depict intimacy without emotional bonding or sexual responsibility shall be classified as U18.

On the other hand, the emotions a programme or work may evoke are also taken into account. Under the Hungarian labelling system it is taken into consideration whether sexuality-related content is able to generate disgust, fear or unpleasant feelings. Programmes classified as U6 must not generate such emotions.

There is very similar provision in the Polish system. Programmes which evoke strong emotions, especially negative, such as fear, terror, anger, disgust shall be classified as U7. Programmes containing scenes that arouse strong excitement related to images of violence and dangerous entertainment as well as kindle interest in sex, i.e. [**e.g.?] images of nakedness and sexual intercourse, and particularly those that depict sex devoid of higher emotions and represent distorted patterns of sexual behaviour shall be classified as U12. And finally content which evokes strong feelings and emotions related to violence and sex and, particularly, presents images of aggression and cruelty shall be classified as U16.

Slovenia and Serbia also consider the effects that the programming content will have on viewers. While Slovenian system requires the assessment of the feelings that the content as a whole provokes in viewers (e.g. feeling of discomfort or anxiety), in Serbia the environment or atmosphere, in which potentially harmful content is displayed, have to be considered (e.g. sexuality displayed in a dark social environment or atmosphere).

Although there is no explicit reference in this regard, the emotions depicted or those that might be evoked by the sexual content may play a role also in Slovakia, where the overall artistic message of the work has to be taken into account.

Behavioural patterns

Poland has a particular approach when classifying programmes. In contrast to other countries, Poland assesses programmes and other broadcasts from the point of view of four elements of significance for the development of minors:

1. presented vision of the world;
2. moral judgments;
3. evoked emotions;
4. behavioural patterns.

Regarding the behavioural patterns of characters, under Polish regulation their actions have to be considered comprehensively. So, e.g. the overall behaviour of the hero is assessed - negative behaviour such as drinking goes hand in hand with profane language, violence, drug abuse and so on. For example, programmes containing morally repulsive behaviour by presenting attractive characters that, simultaneously, represent the model of negative behaviour, such as drinking alcohol, use of vulgar expressions and gestures, brutality, drug-taking, violence, etc. are classified as U16. Programmes in which characters treat sex as a source of dominance are classified as U18.

Interestingly, in this context, the Polish labelling system does not mention negative behaviour relating to sex, e. g. licentious sex, promiscuity, infidelity etc.

The assessment of the actions of the characters is also present in Romania and Slovakia. The Slovak labelling system mentions sexual behaviour including promiscuity presented as a form of amusement in its age group U18. Romanians assess the characters' psychology and the moral milestones that are offered to minors and teenagers.

The choice of language used by characters in the programme or work can also be considered a part of their behavioural patterns. In this context, the Hungarian system allows verbal references to sexuality in the age group U12, but not in excessive amount and without detailed explanation.

The Slovak labelling system classifies a programme which contains obscene expressions or obscene gestures as U18 or U15 respectively, if the context, frequency of occurrence, the way and form of rendering or depicting is suitable for minors over the age of 15.

The Romanian system prohibits to the broadcasting of obscene behaviour in live or studio programmes during the interval 6 a.m. – 8 p.m.

Unusual sexual practices

By this term we mean various sexual content which is on the edge, has an extreme nature or deviates from what is generally considered to be normal, such as using sex toys, sexual aberrations, deviations or pathological forms of sexual activity.

The Polish labelling system mentions images of naturalist sex, particularly accompanied by violence and coercion, and images of pathological forms of sexual life. Hungarians list unusual sexual practices and aberrations, atypical, extreme forms of sex, content creating the impression that extremities are part of everyday lives or promoting sexual experimentation, as well as representation of exploitative sexual relationships depicted in a manner suggesting that these are actually desirable for the victim. The Slovak system lists scenes involving exhibitions of sexual violence or sexual deviations and depiction of sex toys. Serbs mention scenes containing sexual violence and suffering of victims.

Unsurprisingly, all CERF countries' labelling systems classify such content as inappropriate for minors under 18 years.

Summary

We have not seen significant divergences in classification of programmes as unsuitable for individual age groups of minors, although, each country puts emphasis on different evaluation criteria and there may be slight differences in the way the countries approach them, how they are formulated, what the priorities are etc.

While Hungary, Slovakia, Slovenia and Serbia emphasize similar criteria and their systems are similar with regard to the structure and formulation of provisions, the Polish system uses slightly different approach, with special focus on four complex criteria. Romanian regulation provides only general criteria for the classification of programs but without determining which criteria are specific to particular age groups. Croatia does not provide any criteria for its age groups.

3.4 Alcohol, Smoking and Drugs

Another common criterion in the regulation of protection of minors is the occurrence of scenes with alcohol, drugs and other harmful substances.

Common features regarding the scenes containing alcohol and drugs can be found in the regulations of five countries that stipulate its occurrence according to the age categories: Hungary, Poland, Serbia, Slovakia and Slovenia. According to the division of the content into various age categories there are also time restrictions in place for broadcasting such programmes (table Watershed). As all of the systems refer to the unsuitability of programmes containing alcohol and drugs in various age groups, it is more comprehensible to compare the systems through individual categories. Other member states that have labelling systems which deal with issues differently (Croatia, Romania) are mentioned at the end of the chapter.

Children's programme

In Hungary the universal programmes and programmes for minors under the age of 6 cannot relate to drugs in any form (Cat. I). Serbia does not allow smoking, abuse of drugs, alcohol or other harmful substances (Art. 20). In Slovenia children's programmes cannot contain scenes in which drugs or other harmful substances are consumed, nor drinking of alcohol or smoking (Art. 4 (1)).

Universal programme (suitable for all age groups)/PG/Minors under the age of 6/7

The only country whose regulation deals with this type of content in the categories of universal programme and the lowest age group (under the age of 6) directly is Hungary. The same rule apply for both categories: the programmes cannot relate to drugs in any form (Cat. I & II). However, we can suborder here also Slovenia with its programming content for which parental guidance is recommended and such programmes cannot include the use of drugs or abuse of other harmful substances. On the other hand, it can include infrequent and short scenes of using tobacco products or alcohol that do not encourage taking or using them (Art. 6 (1, d)).

Minors under the age of 12

The content in question is mentioned in this category by the regulations of three countries – Hungary (Cat. III), Serbia (Art. 14 (6)) and Slovenia (Art. 7 (1, d)). However they differ in the content that may be presented. While the Hungarian system mentions only drugs, the Serbian and Slovenian systems deal also with alcohol and tobacco products. In all three regulations the programmes in this category may include occasional use of drugs, but the presented content must be disapproved clearly and unequivocally, it may not contain information that may serve as a guide, propagation or the encouragement to try, and at the same time, their adverse effects should be mentioned. The Serbian system also specifies

that abuse of harmful substances cannot be shown as entertainment or as less important than it really is, while the Slovenian regulation adds that there should not be any explicit display of their consumption. Hungarian system furthermore bans the presentation of minors using drugs in this category.

Minors under the age of 15/16

All of the members define a specification for presentation of harmful substances in the penultimate age category of restriction. In Poland's regulation harmful substances are mentioned only in this category, and it stipulates that minors should not watch programmes that represent a pattern of negative behaviours (e. g. drinking alcohol, using drugs) (Art. 2 (4)). Most of the others permit showing frequent scenes of use of tobacco products and alcohol, and they add some further limits. The Hungarian labelling system assumes that such substances should not be depicted uncritically or in a positive light (Cat. IV), the Serbian system forbids the expression of a positive attitude to such behaviour in the programme as a whole (Art. 15 (6)) and the Slovak system refers to exhibitions of addictions (alcoholism, smoking, drug abuse) where the form of rendering seems as though it condones, trivializes or propagates them (Art. 1 (2, d)).

Regarding the drugs, the Hungarian regulation states that direct visual representation of drug abuse should avoid lenient presentation regarding the dangers of drug consumption or defending or promoting it. In Slovenia, occasional more explicit scenes of drug use or abuse of other harmful substances which do not encourage or glorify their use are accepted (Art. 8 (1, d)).

Minors under the age of 18

The highest category generally deals with programmes that include the content that to a large extent depicts alcoholism or drug addiction, and may also include scenes of drug use or abuse of alcohol. In a programme that falls within this category in Hungary such content is depicted as an attractive lifestyle or trivialises the consequences and therefore may arouse curiosity to experiment (Cat. V). In Serbia the programme content as a whole does not express a negative attitude towards such behaviour (Art. 16 (6)). Slovenia puts into this group programmes in which such content is not negatively framed (Art. 9 (1, d)), and Slovakia assigns addictions that are rendered as a form of amusement to this category (Art. 1 (1, d)).

Prohibited content

There are two countries that absolutely prohibit some content connected with this topic in broadcasting. Hungary prohibits the broadcasting of a programme that obviously promotes the consumption of drugs (Cat. VII). In Serbia, the same goes for reality programming content presenting the abuse of narcotics (Art. 17).

Other specific regulations regarding programmes containing scenes with alcohol, smoking and drugs

In Serbia, the reality programming content must be classified as unsuitable for minors under the age of 16 when showing consumption of alcoholic beverages; even stricter classification (unsuitable for minors under the age of 18) should be considered when it shows smoking or immoderate consumption of alcoholic beverages (Art. 17).

Romania, on the other hand, deals only with the time restriction regarding the occurrence of alcohol and drugs. Specifically, legislation stipulates that it is forbidden to broadcast studio audiovisual programmes or live programmes where people smoke or drink alcoholic beverages between 6 a.m. and 8 p.m. Furthermore it is prohibited to broadcast audiovisual programmes that encourage drug consumption and to show drug consumption details in news and current affairs programmes. Cinematographic works containing drug consumption scenes may be broadcast only after 10 pm.

According to Croatian legislation, programmes might impair the physical, mental or moral development of minors if containing scenes of drug or tobacco abuse as well as abuse of alcohol and narcotics (Art. 2 (1)). In all types of regulated media (linear, non-linear and radio) these programmes shall be readily recognizable by the presence of a visual or audio symbol (Art. 8(1), 14 (1), 15 (1), 16 (1)). However, this is not the case if such content is used in the context of educational, documentary, scientific and informational broadcasts (Art. 2(2)).

3.5 Fear

Six countries deal in their systems with frightening content or content which may trigger fear in minors. Although Croatia does not list fear among the content which might impair the physical, mental or moral development of minors, it is likely that such content would be considered detrimental.

In general, the most important aspects that must be considered when assessing this type of content are the effects of the programming content and the feelings the content provokes in viewers.

Countries assess unsettling content according to

- intensity, frequency, length and detail of the presented frightening or otherwise unsettling content (Hungary, Serbia, Slovakia, Slovenia)
- music, noises, sound and visual effects, and light conditions (Hungary, Romania, Slovakia, Slovenia)
- degree of realism (Hungary, Romania, Slovakia)
- shapeshifting and paranormal phenomena (Hungary, Slovakia)
- evoked emotions/degree of evoked fear (Hungary, Poland, Slovakia)
- others, e.g. reaction of the characters (intensity of fear which appears on their faces or in their behaviour), shooting plan, genre etc.

Children's programme

No occurrence of such content in this age group is permitted by any country.

Universal programme (suitable for all age groups)

In Poland this age group contains programmes or other broadcasts that may be watched by all viewers irrespective of their age, including pre-school age minors. Programmes in the group present a positive (or neutrally described) image of the world, in a mild emotional climate, exhibiting pro-social outlooks and friendly attitudes towards people; they are replete with positive emotions like joy, admiration, happiness, and sympathy. Based on the above, we can conclude that no frightening content or content causing fear may be present in this age group.

The Hungarian system sets down that programmes in this age group may not contain frightening or threatening elements (noises, menacing feelings) and may not cause anxiety. There are some exceptions to this, for example, in the case when frightening elements are fully counterbalanced. If the programme causes anxiety, however, the situation in question should be resolved straight away - in a couple of seconds.

Slovenia in its specific group of programmes for which supervision of parents or legal guardians is recommended (PG) allows infrequent, short, and mild horrifying or frightening scenes, sounds, or effects.

Minors under the age of 6/7

In Hungary, frightening elements in this category must be compensated (for example with humour).

In Poland, to this category belongs content that evokes strong emotions, especially negative, such as fear, terror, anger, disgust, indifference to others' suffering etc. which induces an emotional swing, hyperactivity and hypermobility in the minor (as a result of the overburdening of the nervous system) In addition, this category also contains programmes that present an image of the world arousing fear or disgust and negative attitude towards other people and the environment, e.g. destruction, abuse, violence, humiliation, ignorance of suffering, justification of evil – even if depicted in cartoons, in an unrealistic manner or humorous in nature.

Slovakia lists aggressively attacking animals and things invoking fear, images of a dark and gloomy environment or scenes with excessively loud music or sudden changes in sound levels.

Minors under the age of 12

The Hungarian system lists content which is not allowed in this category - overly intimidating scenes, scenes threatening the sense of security, excessively frightened characters in the programme, sites of disasters presented in a detailed manner, and emphasized representation of injuries or dead bodies. Threatening content cannot be depicted realistically and intimidating scenes should not take place in the everyday environment of the protected age-group (house, town, street, forest, or school).

Although Poland does not explicitly mention fear, programmes in this category contain an accumulation of negative facts and events such as violence or vulgar behaviour, create a vision of a hostile and threatening world and exhibit interpersonal relations as struggle and rivalry.

In Serbia, a frightening scene must be moderate, not frequent or particularly emphasized.

In Slovakia, depictions of unnatural, sudden and unexpected changes of living beings or depictions of paranormal or other extrasensory perception phenomena shall be classified as U12.

Moderately frightening or horrifying scenes, sounds, or effects belong to this category in Slovenia.

Minors under the age of 15/16

No restrictions for this age group in Hungary mean that it is possible to broadcast works with any degree of threatening or fear-causing content (typical for horror or thriller genres).

In Poland, programmes in this age group evoke strong feelings and emotions related to violence and sex and, particularly, present images of aggression and cruelty. However, Poland does not mention threatening or fear causing elements explicitly.

In Serbia, a scary scene can be frequently and intensely displayed, but only if such scene is not a result of sadistic or sexual behaviour.

In Slovenia, intense or long frightening or horrifying scenes, sounds, or effects in programmes belong to this category.

Minors under the age of 18

Hungary has no restrictions in this age category.

Romania explicitly mentions horror movies in this age category, along with Slovakia (images intentionally evoking fear or anxiety in a horror genre).

Serbia and Slovenia have a very similar provision – while Serbia mentions very detailed and very intense presence of terrifying scenes, Slovenia places very intense or very long frightening or horrifying scenes, sounds, or effects in this category.

3.6 Discrimination

Although discrimination is not present in all CERF members' regulations of protection of minors as an autonomous criterion, its inclusion into the labelling systems of a number of countries in our opinion justifies also its inclusion into this study.

In the Hungarian system, discrimination can mean offensive attitude or expression towards religion, race, nationality, ethnicity, skin colour, sexual orientation, disability, sexuality etc. It can be expressed verbally – implicitly or explicitly – or via one's actions.

According to Slovenia's General legal act (Art. 2 (1)) discrimination means any unequal treatment or incitement of such treatment based on gender, race, ethnicity, nationality, language, religion or belief, social class, sexual orientation, age, disability, physical appearance, or other circumstances.

Serbia's Ordinance (Art. 2 (19)) offers the most detailed definition: Discriminatory conduct is any unwarranted discrimination or unequal treatment, or neglect (exclusion, restriction or preferential treatment) in relation to individuals or groups as well as their family members, or persons close to them, be it overt or covert, which are based on their actual or supposed personal characteristics (e.g. race, colour, nationality, ethnic affiliation or ethnic origin, language, religion or political affiliation, sex, gender identity, sexual orientation, economic status, genetic characteristics, health status, disability, marital and family status, convictions, age, appearance, etc.).

Assessment of the discriminatory content obviously depends on various factors, for example the scale/range of harassment, intimidation, strengthening the negative stereotypes, sexist expressions and the intent of its presentation (HU), context, artistic and moral message of a work, intensity and frequency of occurrence (SK) and the like. When assessing the programming content, Romania considers whether there is degrading presentation of women (as well as the genre or theme of the programme) which can be considered as gender discrimination.

Some programming content regarding discrimination is totally prohibited. In Romania, it is prohibited to make any pejorative or discriminatory mention regarding the ethnic origin, nationality, race or religion of the minor (or reference to a minor's possible handicap) in general (Art. 11). In Hungary, programmes presenting discriminatory behaviour without disapproval, in a simplified or overemphasized manner, exceeding the level that is dramaturgically acceptable cannot be broadcast at all. In Slovakia, a programme service may not overtly or covertly incite hatred, disparage or defame based on sex, race, colour, language, belief and religion, political or other opinion, national or social origin, nationality or ethnic group (Act on broadcasting and retransmission, Art. 19 (1) b).

Children's programmes

No labelling system explicitly mentions the occurrence of discriminatory content in children's programmes but, in view of its inclusion into other categories, it can be concluded that no such content is allowed in this group of programmes.

Universal programme (suitable for all age groups)

In Hungary, no discriminatory content may appear in any form.

Slovenia in its specific group of programmes for which supervision of parents of legal guardians is recommended (PG) allows infrequent and short scenes of discrimination justified by the context, which may include occasional elements of violence only if these are shown in an educational or historical context and are clearly negatively framed.

Minors under the age of 6/7

In Hungary, discriminatory content is allowed only when it has a clear educational purpose.

Minors under the age of 12

In Hungary, discriminatory content in the programme is being disapproved clearly and unequivocally and does not reinforce negative prejudices.

In Serbia, discriminatory treatment can not be shown with a positive attitude towards such treatment or if there is violence present.

Slovenia allows occasional or moderately long scenes of discrimination justified by the context, which may include occasional elements of serious violence only if these are negatively framed.

Minors under the age of 15/16

In Hungary, programmes in this age group cannot promote discriminatory attitudes or forms of behaviour towards individuals, genders or ethnic, religious or any other social groups.

The Serbian labelling system states that discriminatory treatment can be shown also when taken along with violence, but there must be a negative attitude to such treatment present in program content as a whole.

In Slovenia, this age group can contain frequent or long scenes of discrimination justified by the context, which may include frequent elements of serious violence.

Minors under the age of 18

In Hungary, programmes in this age group contain discriminatory views, discriminative behaviour is presented without disapproval, in a simplified manner and sometimes humorously, via characters that have become icons of popular culture.

The Polish regulation does not deal with discrimination directly, but programmes containing social justification for aggression, vulgarity, prejudice and negative social stereotypes shall be marked as U18.

In Serbia, programmes in this age group may contain detailed presentation of discriminatory behaviour without any negative attitude towards such behaviour.

In Slovakia, the depiction of intolerance or hatred, xenophobia, racism, religious discrimination and intolerance, violence against ethnic or other minorities and depiction of bullying shall be classified as unsuitable and restricted for minors U18.

Slovenia allows frequent, long, severe, or explicit scenes of discrimination if justified by the context.

Annex

Criteria used for classification of the programmes in individual member states

HUNGARY

Criteria:

The criteria are divided into several elements which must always be evaluated when rating a programme. These are:

1. Threat

Scary or otherwise unsettling content.

Its assessment depends on:

- The intensity, frequency, length and detail of the presented scary or otherwise unsettling content.
- How sinister and threatening the general tone is (dark tones, music ...)
- To what extent the presented material reflects reality (for example: the scene, degree of reality of the frightening scenes...)
- The reaction of the characters (level of imitation, the intensity of fear which appears on their faces or in their behaviour)
- Cause of the fear (object, human being, imaginary creature, humanized character)
- If there is any kind of transformation present (for example X-men, Hulk ... etc.)
- Whether there is direct threatening content or the creation of tension happens via sound effects
- How unexpected and shocking the usage of the scary effect is in the programme.

2. Violence

Offensive behaviour, malicious intent, which may be expressed through verbality or battery. It may target humans, animals, humanized / fictional creatures, objects (e.g. destruction, wilful misconduct, vandalism).

Its assessment depends on:

- The intensity, the degree and the nature of violence
- Depiction of violence as a normal solution to problems
- Encouragement to aggressive attitudes
- Degree of reality (whether the true extent of the inflicted injuries is reflected, or they are pictured smaller/bigger)
- The seriousness of the injury (for example [more serious:] fatal outcome, blood; [milder:] abrasion, scratch, bruise)
- The method of picturing the punishment as a consequence (sanctions: guilt, disapproval, undertaking the legal consequences)
- Whether the cumulative, frequent occurrences of violent scenes may cause callousness or apathy.

- Whether the positive characters or heroes start the violence (the character committing violence is attractive)
- Whether the characters (perpetrator, victim) are taking pleasure in violence (sadistic nature)
- Callousness towards victims
- Whether the violence appears in a sexual context

3. Imitation

Imitative behavioural pattern (to become similar to someone else). The positive / negative expressions and actions of the persons on TV have an impact on the viewers, who may be attracted to mimic or follow their behaviour.

Its assessment depends on:

- The evaluation of negative, possibly dangerous content that may serve as role models.
- The uncritical representation of those behaviours that are antisocial or detrimental to health
- Intensified sensitivity in the following cases: depiction of unstable personality, psychiatric problems, suicide.
- Paramount importance regarding the adolescent age-group (categories III-IV)

4. Use of language, Obscenity

Expressions that are offensive to others, have a sexual tone or dwell on origin of others; content that insults religion or personality and gestures with the purpose to humiliate or offend someone, or generate tension.

Its assessment depends on:

- The intensity, amount and content of the obscenity and also on gender, family background and context...
- Assessment of frequency (whether obscene phrases are said more often than the subject matter would justify)

5. Theme, genre-specific features

Problematic „adult” subjects are to be avoided in lower age classification categories (divorce, family conflicts, death, suicide, criminality ...)

Its assessment depends on:

- The way it is presented (the sensitivity of processing the subject)
- The message of the program and how is it presented
- Whether the negative consequences of particular topics (criminal liability, adverse effects) are being mentioned

6. Sexuality, nudity

The depiction of nudity is acceptable in all classification categories in a natural environment, if it is not gratuitous (without sexual tones). (In categories I – III. however it should only be presented casually.) The sexual activity in the content may vary from a kiss to the detailed

and natural depiction of the coitus. The more intense the presented content is, the higher the age-rating classification category is.

Its assessment depends on:

- Whether it is able to generate disgust, fear or uncomfortable feelings.
- Whether the presented content is equivocal (getting to know each other, the „script“ of the first sexual intercourse, imitation, stimulating irresponsible behaviour etc.)
- How realistic does the presented content seem (the more unrealistic it is, the more capable of distorting the image of sexuality in the viewer)
- The depiction of unusual situations, perversions and aberrations
- The mating of animals: assessing the presented tension (sounds, aggression...)

7. Discriminatory content

Offensive attitude or expression towards religion, race, nationality, ethnicity, skin colour, sexual orientation, disability, sexuality ... etc. It can be expressed verbally – implicitly or explicitly – or via one’s actions.

Its assessment depends on:

- The scale of harassment, intimidation, or strengthening of negative stereotypes
- Sexist expressions (demeaning behaviour, degrading the body to the status of tools...)
- The intent of its presentation (may be assessed milder where discriminatory language and behaviour is criticised)

8. Drugs, drug misuse

A programme which presents substance abuse in a manner which is promoting imitation, depicts abuse in a positive light, or does not mention the dangers, risks and consequences may be classified as problematic content. Emphasizing the dangers and making a clearly condemnatory statement may ease the weight of the content.

Its assessment depends on:

- The implicit refusal of hard/soft drugs may be presented for children who are older than 12.
- The use of hard/soft drugs, a positive message should not be recommended for children younger than 16.
- Presenting a minor using some kind of substance is very problematic

9. Others (for example: context, effect, general considerations helping the classification)

There are also specified certain general considerations in rating a programme according to the abovementioned criteria. These considerations are:

- The theme and message of the programme and the method of its presentation should be adjusted to the maturity of the targeted age-group.
- The depiction should be easy to follow, and understand for the concerned age-group.
- The recommendation takes into account the category under examination and that one level higher when describing the content presented and the form of presentation suitable

for a given age and the recommended mode of presentation and context of topics for that age.

- One problematic element may result in a one level higher classification of the whole program.
- It should be examined during the classification procedure whether any harmful content appears in the program, and if the answer is yes with what intensity and manner it was presented (whether the problematic content was presented in an attractive or a condemnatory way).
- The classification of the National Film Office, on the basis of the Film Act as well as other national classification systems, may serve as orientation for the media service providers, but does not relieve them from any legal violations established on the basis of the Media Act, since the television genre is entirely different, both in respect of effect and viewership.
- The approach applied by the recommendation proceeds from the basic assumption that, at the start of the classification process, the media service provider already has a notion of what age-group is targeted by the media content to be classified. Next, on the basis of this it examines whether the given content contains any possibly harmful elements that would call for a higher age-rating category. Based on this the recommendation presents a non-comprehensive outline of what elements may appear in the given category and what elements call for a higher category.

As such, the overall categorisation of programmes is a function of the number, extent, quality, text, imagery, musical score, intended message and explanation, or lack thereof, of the scenes that give rise to the protection of minors, i.e. their comprehensive effect on minors.

POLAND

Criteria:

The criteria are set down only in the Regulation concerning detailed rules of protecting minors in on-demand audiovisual media services. These criteria are mutatis mutandi applied also to linear media services.

Characteristic features of respective age groups describe programmes or other broadcasts from the point of view of four elements that are significant for the development of minors:

- 1) presented view of the world;
- 2) moral appraisal;
- 3) evoked emotions;
- 4) patterns of behaviour.

Age group I - no age restrictions

Age group I comprises programmes or other broadcasts that may be watched by all viewers, including children and young people. These programmes present in principle a positive (or neutrally described) view of the world, in a mild emotional climate; demonstrate prosocial attitudes and friendly approach towards people, are imbued with positive emotions such as joy, delight, happiness, and kindness. They may show rivalry in the spirit of sportsmanship, with defined rules (with the exclusion of drastic scenes) and positive patterns of love (for example romantic, caring or friendly love) without sexual images. However, it should be taken into consideration that children under 12 years of age think in a schematic way, their emotionality is unstable and their nervous system gets overcharged easily. During this period, children develop their basic approach towards the world, their critical skills are low, while the tendency to give in to suggestions as well as imitate persons around and fictitious characters very strong. Therefore, minors under the age of 12 should not watch programmes or other broadcasts that:

- a) present the image of the world arousing fear or disgust and negative attitude towards others and the environment, such as destruction, abuse, violence, humiliation, ignoring pain, or justification of evil, even if they are presented in animated films, in an unrealistic manner or are humorous in nature;
- b) present content that requires inquisitiveness and differentiation of reasons, intentions and motivation to morally appraise the behaviour of characters, which minors in this age group are not capable of doing, as well as programmes and other broadcasts that show images of a sexual nature (nudity, sexual gestures, etc.) the essence of which minors are too young to understand;
- c) arouse strong, especially negative, emotions like anxiety, fear, fright, anger, disgust, indifference to the suffering of others, etc., which gives rise to emotional distress or hyperactivity (resulting from the overload of the nervous system) in minors; contain an accumulation of negative facts and events such as violence, vulgar behaviour; create a view of a hostile and threatening world; or depict interpersonal contacts as struggle and competition;
- d) show scenes of violence and sex incorporated in the film to illustrate an idea that a child is not capable of understanding because, instead of perceiving the overall message, he/she

sees individual scenes of aggression, sex and vulgarity;

e) cause strong agitation associated with images of violence and dangerous activities, arouse interest in sex, e.g. images of nudity and intimate contacts, especially those that depict sex in isolation from higher feelings and represent distorted patterns of sexual behaviour;

f) include contents listed in age groups II, III and IV.

Age group II – viewers aged 12 and older

Adolescent children continue to exhibit high emotional excitability, and they are prone to make extreme appraisals and hasty generalizations, behave impulsively and engage in risky activities. They try to demonstrate their adulthood, without a deeper understanding of what it is. They are critical of parents and teachers and, at the same time, they look for attractive idols that they emulate uncritically. They are conformist, hence standards of peer groups are more important for them than social standards. Therefore, minors under the age of 16 should not watch programmes or other broadcasts that:

a) show distorted forms of social coexistence (or coexistence of human beings) and restrict the view of the world to violence and eroticism; especially programmes and other broadcasts that depict them in a primitive and brutal manner and show sexual activity in isolation from higher feelings;

b) provide a simplified view of adulthood with undue prominence given to physical strength, use of violence, particularly violence demonstrated in social roles (teachers, parents, etc.);

c) depict morally reprehensible behaviours and attitudes without ethical appraisal as well as moral blaming of a victim for being hurt, and show excessive concentration on possession of money and material goods;

d) arouse intense feelings and emotions related to violence and sex, especially programmes and other broadcasts presenting aggression and cruelty that may provoke morally reprehensible behaviour, by showing persons who are attractive and, at the same time, represent a pattern of negative behaviours, e.g. drinking alcohol, using vulgar expressions and gestures, brutality, using drugs, violence, etc.

Age group III – viewers aged 16 and older

Mental functions integrate gradually in minors between 16 and 18 years of age: they develop greater autonomy, get to know themselves and plan their adult life. However, at this age minors continue to be highly sensitive and emotionally labile, they tend to overestimate the degree of their maturity, make crucial decisions without understanding their implications and consequences, and resolve complex existential issues in a simplified manner. Minors under the age of 18 should not watch programmes or other broadcasts with scenes or content that:

a) show only the privileges of adult life while ignoring duties, work, and obligations, as well as making vital decisions while disregarding their consequences, present social justification for aggression, vulgarity, prejudice and negative social stereotypes, or depict sex, aggression and violation of moral norms as a source of success in life;

b) present a distorted image of the human nature, e.g. looking for selfish pleasures, striving for success at all costs by using other people for one's own purposes, justify violence, or treat sex as a source of domination.

Age group IV – viewers aged 18 and older

This group includes programmes or other broadcasts with sex, presented especially in isolation from emotional needs of a human being, unjustified violence, or programmes that promote behaviour towards other people that is clearly faulty. Content that presents seemingly attractive characters (e.g. in terms of their looks, wealth, success, physical strength, or sexual performance) whose behaviour towards others is morally reprehensible, aggressive, dishonest and vulgar, without any assessment as to the inappropriate nature of such behaviour, as well as any rewarding of social pathology, must be classified in age group IV, which comprises content intended for persons aged 18 and older.



ROMANIA

Criteria:

The criteria used for the classification of programmes broadcast are meant to ensure the minors' protection and to inform the public of their content.

The broadcasters and on demand media service providers hold the responsibility for classifying audiovisual productions, according to the following criteria:

1. the number and the nature of violent scenes, as well as their gratuitous or indispensable character, in connection with the genre and the subject of the audiovisual production
2. the use and role of violence for solving problems
3. the manner in which images depict violent scenes, the shooting plan, the realism of the presentation, the role of the sound track in generating fear or anguish
4. the context in which drugs and alcohol consumption is presented
5. the number and the nature of nude scenes, the representation of sexual intercourse
6. the characters' psychology and the moral milestones that are offered to minors and teenagers
7. the heroes' typology, the aim of their actions, the degree of resorting to violence
8. the presence and the role of minors in scenes of violence
9. presentation of women in degrading state
10. the number and the intensity of domestic violence scenes
11. the quality and typology of language
12. the genre or theme of the programme.

SERBIA

Criteria:

1. violence and its consequences
2. sexual violence
3. naked human body
4. sexuality
5. frightening scene
6. smoking and abuse of drugs, alcohol and other harmful substances
7. dangerous behavior
8. discriminatory treatment
9. rude behavior.

A programme unsuitable for minors under the age of 12 years is characterized by casual, moderately long, moderately intense and moderately detailed presentation of the abovementioned content and has the following characteristics:

1. occasionally showing moderate violence and its consequences, while more serious violence and its consequences can be displayed briefly and without details. Extremely short and rarely shown scenes that contain a detailed presentation of severe violence and its consequences may be present in the programme content if it is justified by its educational purpose;
2. sexual violence should not be shown, but it may be indicated that it took place;
3. the naked human body can be shown, but not in the context of sexuality;
4. sexuality can be shown from time to time and discreetly;
5. frightening scenes must be of moderate length, but must not be frequent and particularly emphasized;
6. display of tobacco and illicit drugs, alcohol and other harmful substances must not be repeated, nor can the nature and effects of their abuse be shown as entertainment or less severe than they are in real life;
7. dangerous behavior can not be shown in detail, nor can a positive attitude to such behavior be expressed in the programme as a whole;
8. discriminatory treatment can not be shown with a positive attitude towards such treatment, nor is it allowed to be shown if it involves excessive violence;
9. moderately rude behavior is allowed, but must not be repeated, nor may it represent a means of communication, while very rude behavior may be present only briefly, but not if it is used in the form of an act of aggression, or to offend someone.

A programme unsuitable for minors under the age of 16 years is characterized by frequent, long, intense and detailed presentation of the abovementioned content and has the following characteristics:

1. serious violence and its consequences can be shown in detail, but the programme content may not be particularly focused on scenes where they are shown in detail;
2. sexual violence can only be shown discreetly, without much emphasizing the details of such behavior and the suffering of the victim;

3. there are no restrictions in terms of representation of the naked human body, if it is not displayed in the context of sexuality, while when presented in this context it should not be discussed in detail;
4. sexuality can be shown repeatedly, but without showing the details, unless its aim is education about sexuality and human health;
5. frightening scenes can be frequent and intense, but only if such scenes are not the result of sadistic or sexual behavior;
6. smoking and abuse of narcotic drugs, alcohol or other harmful substances can be shown frequently, but in the programme as a whole a positive attitude can not be expressed toward such behavior;
7. dangerous behavior may be shown in detail, but the programme content must not be particularly focused on the scene in which such behavior is shown in detail, nor can a positive attitude to such behavior be expressed in the programme as a whole;
8. discriminatory treatment can be shown and when involving excessive violence, but in the programme as a whole a negative attitude must be taken toward such treatment ;
9. very rude behavior can be repeated, while the most severe forms of indecent behavior can be shown only briefly, but never if it is used as an act of aggression, or to offend someone.

A programme unsuitable for minors under the age of 18 years is characterized by a very frequent, very long, very intense and very detailed presentation of the abovementioned content and has the following characteristics:

1. particularly focusing on the detailed presentation of severe violence and its terrifying consequences;
2. the display of sexual violence, with particular focus on the details of such behavior and the suffering of the victim;
3. a detailed presentation of sexuality, provided that the primary purpose of the programme content is not to incite sexual arousal;
4. displaying erotic content;
5. very detailed and very intense terrifying scene;
6. a detailed presentation of illicit drugs, alcohol or other harmful substances, even if in the programme as a whole a negative attitude toward such behavior is not expressed;
7. a detailed presentation of dangerous behavior, even if in the programme as a whole a negative attitude toward such behavior is not expressed;
8. a detailed presentation of discriminatory behavior, even if in the programme as a whole a negative attitude toward such behavior is not expressed;
9. showing the grossest indecency, even when used in the form of acts of aggression, or to offend someone.

SLOVAKIA

Criteria:

Television programme service, on-demand audiovisual media service:

1. Audiovisual works, multimedia works, programmes provided through on-demand audiovisual media service and programmes or other components of a television programme service shall be classified as unsuitable and restricted for minors under the age of 18, if containing:

- a) depiction of violence on living beings, in particular depiction of cruel maltreatment or cruel violent death of a human being without expressing remorse, depiction of abused persons or depiction of exhibitions of persons and groups with pathological behavioral standards
- b) vulgar expressions, vulgar gestures, obscene expressions or obscene gestures
- c) depiction of exhibitions of intolerance or hatred, xenophobia, racism, religious discrimination and intolerance, violence against ethnic or other minorities, depiction of bullying
- d) depiction or exhibition of addictions such as alcoholism, smoking, drug abuse or gambling as a form of amusement, or depictions of the use of weapon as a means of attack as a form of amusement
- e) depiction of sex toys or erotic scenes made exclusively to present erotica and erotic topics
- f) sexual scenes or sexual behaviour including promiscuity presented as a form of amusement, scenes involving exhibitions of sexual violence or sexual deviations, or
- g) images intentionally evoking fear or anxiety in a horror genre.

2. Audiovisual works, multimedia works, programmes provided through on-demand audiovisual media service and programmes or other components of a television programme service shall be classified as unsuitable for minors under the age of 15, if containing:

- a) detailed and naturalistic depiction of violent acts
- b) animal abuse
- c) sexual scenes forming part of a plot
- d) depiction or exhibition of addictions such as alcoholism, smoking, drug abuse or gambling or depiction of the use of weapon as a means of attack, where the form of rendering appears to condone, trivialize or propagate any of such forms of addictions or the use of weapon as a means of attack
- e) depiction of behaviour with a high risk of injury, while such risk is presented as attractive or amusing and such behaviour is presented without any warning of the danger and potential consequences thereof
- f) verbal aggressiveness or expressive expressions, or
- g) vulgar expressions, vulgar gestures, obscene expressions or obscene gestures that can be, taking into account the context, frequency of occurrence, the way and form of rendering or depicting them, and considering the nature, type, artistic and moral message of the work or programme, considered as suitable for minors over the age of 15.

3. Audiovisual works, multimedia works, programmes provided through on-demand audiovisual media service and programmes or other components of a television programme service shall be classified as unsuitable for minors under the age of 12, if containing:

- a) depiction presenting the endangering of family or parental relationships, if there is, considering the age of minors and nature of presented menace, a real danger of inadequate interpretation of such content
- b) depiction of real violence or its after-effects on living beings, depictions of outcomes of natural disasters or traffic accidents on living beings
- c) depiction of blood and body malformations which are not ordinary
- d) depiction of violent acts
- e) depiction of after-effects of violent acts
- f) depiction of negative stories of children that could reasonably evoke in children the effect of being victims of the real world
- g) depiction of unnatural, sudden and unexpected changes of living beings or depictions of paranormal or other extrasensory perception phenomenon
- h) depiction of nudity which is not ordinary in a family environment and in public and which could invoke interest in sexual relationships and the premature activation of sexual urges in minors
- i) lovemaking scenes without nudity, forming part of a plot
- j) depiction of behaviour with risk of injury if such risk is not clear enough, depiction of risky sporting disciplines or fantasizing about superhuman heroic achievements out of the real world, of which inadequate interpretation, considering the age of minors, could encourage them to copy such behaviour, or
- k) verbal aggressiveness or expressive expressions that can be, taking into account the context, frequency of occurrence, the way and form of rendering or depicting them, and considering the nature, type, artistic and moral message of work or programme, considered as suitable for minors over the age of 12.

4. Audiovisual works, multimedia works, programmes provided through on-demand audiovisual media service and programmes or other components of a television programme service shall be classified as unsuitable for minors under the age of 7, if containing:

- a) aggressively attacking living beings and things invoking fear,
- b) depiction of a dark and gloomy environment or scenes with excessively loud music or sudden sound changes
- c) forced violence against the helpless, especially against children or animals, or
- d) depiction of endangering of parental relationships or family.

The content of audiovisual works, multimedia works, programmes provided through on-demand audiovisual media service and programmes or other components of a television programme service shall be considered from the point of:

- a) the contextual occurrence of inappropriateness or restriction evaluation criteria in a work, in a programme provided through on-demand audiovisual media service and in a programme or other component of programme service,

b) the way and form of rendering or depiction of particular evaluation criteria considering the nature and type of a work or programme, the artistic and moral message of a work or programme and

c) the intensity and frequency of occurrence of inappropriateness or restriction evaluation criteria in a work, in a programme provided through on-demand audiovisual media service and in a programme or other components of a television programme service.

Radio programme services:

1. Audio recordings of artistic performance and programmes or other components of a radio programme service shall be classified as unsuitable and restricted for minors under the age of 18, if containing:

a) vulgar language or obscene expressions,

b) presentation or propagation of negative behaviour and forms of addiction processed in a trivializing or excusing form, especially of addictions such as alcoholism, smoking, drug abuse or gambling, or

c) sexual demonstrations, sexual violence or sexual deviations presented or adapted in a text.

2. Audio recordings of artistic performances and programmes or other components of a radio programme service shall be classified as unsuitable for minors under the age of 15, if containing:

a) presentation or propagation of physical, mental or verbal violence, or

b) presentation, propagation or demonstrations of intolerance or hatred towards individuals or groups.

The content of audio recordings of artistic performances and programmes or other components of a radio programme service shall be classified in consideration of the contextual occurrence of inappropriateness or restriction evaluation criteria in a literary or musical work, programme or other component, the method and form of representation considering the nature and type of work, the artistic and moral message of a work, as well as the intensity and frequency of occurrence of the inappropriateness and restriction evaluation criteria in a literary or musical work, programme or other component of a radio programme service.

SLOVENIA

Criteria:

1. Programming content for which supervision of parents or legal guardians is recommended is content that is age-appropriate for all age groups, but includes scenes that might upset children under the age of 12, or might not be understandable without adult supervision. Such programming content includes infrequent, short, mild, and discreet scenes with elements listed in paragraph 2 of Article 3 of this General Act, without showing details, sex, or use of drugs or abuse of other harmful substances. It may include:

- a) moderate and infrequent scenes of violence or suffering;
- b) infrequent scenes of dangerous behavior which children could copy;
- c) infrequent, short, and mild horrifying or frightening scenes, sounds, or effects;
- d) infrequent and short scenes of using tobacco products or alcohol that do not encourage taking or using these substances;
- e) moderate inappropriate language;
- f) infrequent scenes with nudity without any sexual context;
- g) infrequent and discreet suggestions of sexual activity;
- h) infrequent and short scenes of discrimination justified by the context, which may include occasional elements of violence only if these are shown in educational or historical context and are clearly negatively framed.

2. Programming content that could harm the development of children under the age of 12 and is therefore inappropriate for this age group includes occasional, moderately long, moderately intense, moderately explicit scenes with elements from paragraph 2 of Article 3 of this General Act, which however are not so intense as to be inappropriate for children aged 12 or more, considering their context and the effects of the whole programming content. It may include:

- a) occasional moderate violence, suffering, or scenes showing blood, infrequent scenes of severe violence without explicit display of details or without emphasizing injuries or blood, or scenes of sexual violence which are only implied or justified by the context;
- b) occasional more explicit scenes of dangerous behavior which children could copy;
- c) moderately frightening or horrifying scenes, sounds, or effects;
- d) occasional use of tobacco products or alcohol, which does not encourage smoking or alcohol abuse, or infrequent scenes of drug use or abuse of other harmful substances which do not encourage, glorify, or explicitly show the consumption of these substances;
- e) moderate inappropriate language with occasional strong swear words;
- f) frequent or longer scenes with nudity without sexual context or occasional scenes with nudity with sexual context;
- g) occasional and discreet scenes of sex without details, unless these are shown with the purpose of raising awareness or educating about human sexuality or health;
- h) occasional or moderately long scenes of discrimination justified by the context, which may include occasional elements of serious violence only if these are negatively framed.

3. Programming content that could harm the development of children under the age of 15 and is therefore inappropriate for this age group includes frequent, long, intense, explicit, or graphic scenes with elements from paragraph 2 of Article 3 of this General Act, which however are not so intense as to be inappropriate for minors aged 15 or more, considering their context and the effects of the whole programming content. It may include:

- a) frequent moderate violence, suffering, or scenes showing blood, explicit depiction of consequences, occasional scenes of severe violence, occasional non-explicit scenes of sexual violence;
- b) graphic scenes of dangerous behavior which children could copy;
- c) intense or long frightening or horrifying scenes, sounds, or effects;
- d) frequent scenes of use of tobacco products or alcohol, occasional more explicit scenes of drug use or abuse of other harmful substances which do not encourage or glorify the use of these substances;
- e) inappropriate language with frequent strong swear words or vulgar expressions;
- f) frequent or long scenes with nudity in a sexual context;
- g) frequent or long scenes of sex without explicit details, unless these are shown with the purpose of raising awareness or educating about human sexuality or health;
- h) frequent or long scenes of discrimination justified by the context, which may include frequent elements of serious violence.

4. Programming content that could harm the development of children and minors under the age of 18 and is therefore inappropriate for this age group includes very frequent, very long, very intense, very explicit, or very graphic scenes with content (topics) primarily intended for adults, which are so intense that they are inappropriate for children and minors aged under 18, considering their context and the effects of the whole programming content. It may include:

- a) severe violence or suffering, extreme scenes showing blood, scenes of sexual violence, or graphic or explicit scenes of grave and terrifying consequences of violence (e.g. mutilated bodies, deadly wounds);
- b) graphic scenes of very dangerous behavior that can be copied;
- c) very intense or very long horrifying or frightening scenes, sounds, or effects;
- d) content that to a large extent depicts violence, crime, sex, alcoholism, or drug addiction, and includes explicit scenes of drug use, or abuse of alcohol or other harmful substances, which are not negatively framed;
- e) strongly inappropriate language which includes frequent, aggressive, or repeated use of the strongest swear words or vulgar expressions, which provoke feelings of discomfort, inferiority, offense, etc. in an average adult;
- f) graphic scenes with nudity and sex in content whose primary purpose is not to sexually stimulate the audience;
- g) sexual programming content;
- h) frequent, long, severe, or explicit scenes of discrimination justified by the context.

