

BCI Code of Programme Standards

Phase 2



Broadcasting Commission of Ireland
Coimisiún Craolacháin na hÉireann



Consultation Document – Phase 2

BCI Code of Programme Standards



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1.

Introduction

This section explains the purpose of the second phase of the consultation process and places it in the context of the overall development of the *Code of Programme Standards*. The manner in which you can input into the consultation is also outlined.

Welcome to Phase 2 of the development of the BCI *Code of Programme Standards*. The purpose of the code is to promote responsible broadcasting where entertainment, education and access to information are enhanced and offence and harm reduced.

The code will afford broadcasters the opportunity to offer a range of content and choice without mitigating against its potential to inform the viewer and listener.

The code will also be a means to providing protection for minors and will facilitate viewers and listeners in making informed choices about the programmes they watch.

In this document, we propose principles and rules for inclusion in the *Code of Programme Standards* which we would like you to consider. The document raises specific questions in relation to these proposals and these questions need to be answered in order to develop the new code.

1.1 How can I comment?

We advise that you read sections 2 and 3 before answering any of the questions asked in the remainder of this document. These sections will give you an introduction to the consultation process, a

summary of what has already been decided during Phase 1 of the consultation process and a summary of research findings. The research findings will tell you more about the opinions of the Irish viewing and listening public concerning programme standards.

The Commission encourages you to answer all of the questions raised. However, in going through the document you may decide that you only wish to respond to **some** of the questions posed and the document is designed to allow you to do this. The Commission welcomes your views on any or all of the issues raised.

It is important that you give reasons for your answers so that we can consider and compare all the views received and understand the arguments being presented.

You can respond to these questions by writing to us at:

Code of Programme Standards, The Broadcasting Commission of Ireland, 2-5 Warrington Place, Dublin 2.

Alternatively, you can download a response from our web-site www.bci.ie and email your responses to codes@bci.ie.

All responses should reach the BCI on or before 5pm Tuesday 16th May 2006. The Commission wishes to thank you for your time and participation in this consultation process.

1.2 The Broadcasting Commission of Ireland

The Broadcasting Commission of Ireland is responsible for a number of key areas of activity with regard to television and radio services in Ireland further to the provisions of the Radio and Television Act, 1988, the Broadcasting Act, 2001 and the Broadcasting (Funding) Act, 2003. They include:

Key Functions of the BCI

Licensing:

The Commission licenses independent broadcasting services aiming to provide listener choice and diversity. This includes the licensing of a national television programme service (TV3), a national radio service (Today FM) and a total of 54 regional, local, community, community of interest and institutional radio services. The Commission is also responsible for the licensing of additional television services on digital cable, MMD and satellite systems.

Codes and Rules:

The Commission is responsible for the development of codes and rules in relation to programming and advertising standards. When introduced, these codes will apply to all broadcasters, both public and private.

Monitoring:

The Commission monitors all of the above services to ensure that licence holders comply with their statutory obligations as well as the terms of their contracts. Monitoring includes the assessment of programme performance, ownership and control structures, financial and trading performance, human resource management practices and transmission and studio facilities.

Development:

The Commission provides support for training and development initiatives, in an effort to promote a culture of excellence in the independent broadcasting sector. As part of this work, the Commission also supports programming initiatives such as the New Adventures in Broadcasting scheme.

Research:

The Commission undertakes and/or commissions research to assist the development of broadcast policy in Ireland, in the context of technological change, changes in EU and national legislation, new programming formats and international trends and experiences.

Information:

The Commission publishes and disseminates information to those working in the broadcasting sector as well as to the general public.

Broadcasting Funding Scheme:

Under the Broadcasting (Funding) Act 2003, the BCI has been given responsibility for the development of a scheme, 'Sound & Vision', for the granting of funds to support:

- i) Broadcasting of new television and radio programmes on Irish culture, heritage, experience and adult literacy;
- ii) Broadcasting of such programmes in the Irish Language; and
- iii) Development of archiving of programmes produced in the state.

The Scheme is funded by 5% of net television licence fee revenue.

1.3 Approach to the development of the *Code of Programme Standards*

The Code is being developed over **three phases** to allow for the work required to be broken into manageable sections as well as permitting the results of each phase to inform the subsequent work undertaken. This approach aims to maximise participation in the debate by members of the public and stakeholder groups, by providing a number of opportunities for involvement over each phase.

This method also gives time for the complexity of the issues to come to the fore and be discussed. It allows time for research to be undertaken, so that the development of the code is informed and evidence-based.

Phasing also affords the Commission the flexibility to use responses to consultation to inform further research and vice versa. It is also a more transparent process, as the Commission will publicise the results of each phase and provide a rationale for the decisions taken, explaining how the results of a particular phase have influenced the next.

Phase 1

The first phase of the development of the *Code of Programme Standards* commenced in March 2005 and was completed in December 2005. The outcomes of the first phase are outlined in the next section of this document.

In Phase 1, the Commission undertook three activities.

i) *Public Consultation*

A Phase 1 Consultation Document was produced and disseminated. It sought views on three key areas, namely;

- Objectives of the code – what should be the code's objectives?
- Scope of the code – what issues should be addressed by the code?
- Context – what factors should be considered when assessing programme material?

There were 71 submissions received in response to the consultation and these have been summarised in the report entitled '*Review of Submissions Received, Consultation BCI Code of Programme Standards: Phase 1*'.¹ This report is available at www.bci.ie.

ii) *Nationwide Attitudinal Survey*

A nationwide attitudinal survey into what offends people on radio and television was undertaken by Lansdowne Market Research, with a representative sample of 1000 respondents aged 15+, at 63 locations throughout the country.

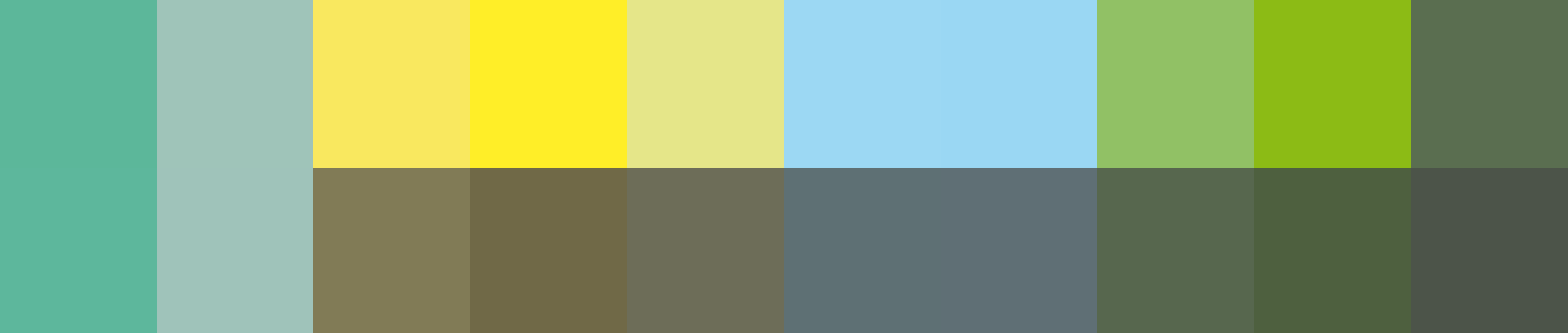
The survey was completed using face to face interviews in respondents' homes, with the most sensitive issues (e.g. swear words and derogatory terms) administered as a self-completion questionnaire.

Section 3 of this document outlines the key findings of the research undertaken. A more detailed copy of the research report is also available at www.bci.ie.

iii) *Workshop with Broadcasters*

A consultation workshop with broadcasters was held on October 27th 2005, with over 50 broadcasters in attendance. The purpose of the day was to capture the experience of broadcasters in relation to regulating these issues within their station/service.

¹ RBM Quinn (2005), *Review of Submissions Received, Consultation BCI Code of Programme Standards: Phase 1*, Dublin: BCI



The three activities undertaken in Phase 1 were used to inform the Commission's decision making with regard to the issues raised within the consultation document.

Phase 2

This document forms Phase 2 of the consultation process and has been shaped by the outcomes of Phase 1. As already noted, this consultation seeks your views on the principles and rules proposed for inclusion in the code.

Phase 3

In Phase 3, the Commission will publish the draft code and seek views and comments. Phase 3 of the consultation will also include a further workshop with broadcasters.

1.4 Document structure

This document provides information and asks questions. A summary of what is contained in each section is detailed below:

Section 2: Summarises the outcomes of the first phase of the development of the *Code of Programme Standards*. This is important in that it provides an outline of the decisions made following Phase 1. These outcomes should be considered before responding to the questions raised later in the document.

Section 3: Presents the key findings of the nationwide attitudinal survey into what offends people on radio and television. This survey was undertaken by Lansdowne Market Research. The research findings will tell you more about the views of Irish listeners and viewers concerning programme standards. This research should be considered by you when answering the questions posed later in the document.

Section 4: Presents the questions that we would like you to respond to in this consultation. The questions

relate to the specific principles and rules that should be included in the *Code of Programme Standards*.

Section 5: Summarises the key questions that have been asked in the document.

1.5 Document dissemination

This document is being circulated to a range of individuals, groups and organisations. The Commission wants to encourage participation in the consultation process. A notice of this consultation will be placed in the national press and on radio and television. The Commission has provided a response form on its website for those who wish to email their responses. Copies of the document are available in Irish, Braille and on audio-tape.

1.6 Freedom of Information

This is a public consultation process and following consideration of submissions by the Board of the BCI, all information submitted will be publicly available on request. However, there may be aspects of your submission which you may wish to submit in confidence. If this is the case, when making the submission please identify any information which you do not wish to be publicly disclosed and specify the reasons for its sensitivity.

Agreements between the Commission and respondents to the consultation regarding confidential information, are without prejudice to the BCI's obligations under the Freedom of Information Act, 1997 and the Freedom of Information (Amendment) Act 2003. If the BCI receives a request for information submitted in confidence, you will be consulted before any decision is made.

2.

Summary of the Outcomes of the First Phase of Consultation

This Section outlines the decisions made by the Commission following completion of Phase 1 of the consultation process

2.1 Introduction

The purpose of the first phase of consultation was to seek views on three key areas, namely:

- *Objectives of the Code* – what should be the code's objectives?
- *Scope of the Code* – what issues should be addressed by the code?
- *Context* – what factors should be considered when assessing programme material?

This section of the document outlines the decisions reached by the Commission following the first phase of consultation.

2.1.1 Objectives of the Code

The consultation document proposed five objectives for the *Code of Programme Standards*. These objectives were proposed in the context of the Commission's regulatory principles and its statutory obligation to produce a code of this nature.

Views were sought as to the appropriateness of these objectives and also if there were additional objectives that should be taken into account. The majority of those who responded to the consultation endorsed the objectives. No additional objectives were adopted.

As a result, the Commission is satisfied that the five objectives are appropriate as those that should guide the *Code of Programme Standards*. The five objectives are as follows:

- a) To promote responsible broadcasting where entertainment, education and access to information and a range of views is enhanced and offence and harm is reduced;
- b) To acknowledge the diversity of tastes and interests which exist within viewing and listening audiences and to facilitate broadcasting that caters for this diversity;
- c) To inform viewer and listener choice;
- d) To provide guidelines to broadcasters;
- e) To inform viewers and listeners on the standards they can expect from broadcasting services.

2.1.2 Scope of the Code

The Broadcasting Act, 2001 specifies that the scope of the *Code of Programme Standards* should include rules regarding the portrayal of violence and sexual conduct in radio and TV programme material. The consultation document asked what other headings should be included and presented eight headings reflecting programme material, including violence and sexual conduct, which could come within the remit of the code.

Views were invited as to whether these issues should be addressed in the code and whether there were any additional issues that should be included. The majority of respondents to the consultation endorsed the use of all eight headings in the code.

The findings of the attitudinal survey and the workshop with broadcasters also supported their inclusion.

Therefore, the *Code of Programme Standards* will contain rules pertaining to the following programme material:

- a) Violence
- b) Sexual conduct
- c) Coarse language
- d) Children's programming
- e) Portrayal of persons and groups in society
- f) Portrayal of drugs, alcohol and solvent abuse
- g) Factual Programming (including News and current affairs)
- h) Imitative behaviour.

2.1.3 Context

The consultation document identified and proposed a range of factors that have the potential to influence how a viewer or listener perceives programme material. These factors were proposed as those that will constitute the 'context' in which programme material is broadcast.

The document asked for views as to whether these are factors that should be considered when assessing whether programme material is offensive or harmful. These issues were also addressed in the attitudinal survey and the broadcasters' workshop.

Overwhelmingly, the response from broadcasters, the public and other stakeholders was that context is vital in considering issues of taste and decency or harm and offence. The majority supported the use of the factors proposed. Only one of the proposed factors received little support. This related to the importance of the '*Size of the Audience*' as an element to be considered when

assessing programme material. As this factor received little support, it has not been included.

The Commission will use the following factors as those that will be considered as the 'context' in which programme material will be assessed for compliance with the new code:

- Time of broadcast;
- Type of programme;
- Channel type/service type;
- Prior information/warning;
- Editorial justification;
- Composition of the audience.

In Section 4 of this document, you are invited to answer a number of questions concerning the principles and rules to be included in the *Code of Programme Standards*. The rules and principles proposed draw on the outcomes of the three activities undertaken in Phase 1 of the consultation process.

3.

National Attitudinal Survey A Summary of Key Research Findings

This section gives a summary of the key findings of a nationwide attitudinal survey carried out in order to elicit views on what is offensive to listeners and viewers of radio and TV in the Republic of Ireland.

3.1 Introduction

In outlining its approach to the development of the *Code of Programme Standards*, the Commission identified the need to produce contemporary Irish research. While there was much international research available to the Commission, very little was available concerning the type of programme material that offends Irish people.

Therefore, the Commission decided to conduct a national attitudinal survey to address this information gap. The survey was conducted by Lansdowne Market Research between 30th August and 28th September 2005. The research involved 1,000 people surveyed at 63 locations throughout the Republic of Ireland. Both women and men across a range of ages from 15 years and upwards were questioned. This sample ensured that the people surveyed and their responses could be taken as representative of the views of the Irish public on this issue.

The survey posed questions under a number of key headings:

- a) Sources of offence
- b) Violent programme material
- c) Portrayals of sexual conduct

- d) Coarse language during programmes
- e) The portrayal of minorities during programmes
- f) The use of pre-warnings & the watershed
- g) Action taken in response to offence
- h) The role of context

The findings of the survey are detailed under each heading in Section 3.2. A copy of the report is available on the Commission's website, www.bci.ie or upon request from the Commission's offices.

3.2 Summary of key findings

a) Sources of Offence

So what are the main sources of offence for the Irish public when it comes to TV and Radio?

When asked, unprompted, to name the type of programme material that has caused concern, the top four sources of offence on radio and TV were as follows:

- i) Violence
- ii) Violence against children
- iii) Sex
- iv) Swearing

Excluding the top four sources of offence, other sources covered a wide and disparate range of issues with little or no clear consensus among respondents.

On being prompted with a list of 13 possible sources of offence on TV or radio, participants' sensitivity towards violence, sex and swearing was confirmed.

Two in five respondents ranked violence, sex and swearing as the top 3 three sources of offence.

The next most likely sources of offence for approximately a quarter of adults are:

- How people with disabilities are shown and talked about on TV and Radio.
- How children are shown/talked about.
- How drugs are shown/talked about.

b) Violent Programme Material

The research indicates that two aspects of the portrayal of violence are significantly more offensive than others. These are violence against children and sexual violence such as rape. Following these, graphic portrayals of violence, violence against animals and against adults are the most common sources of offence arising from violent programme material.

Figure 1

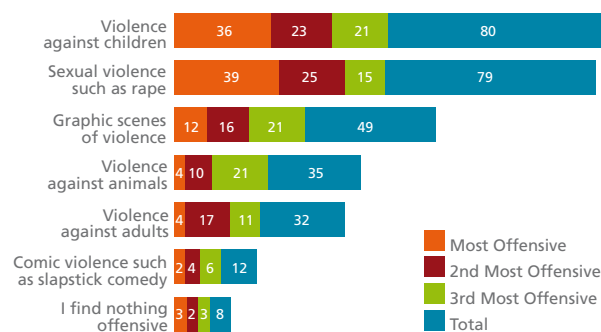


Figure 1 is a breakdown of respondent's answers to the question – "What specifically about violence do you find offensive."

c) Portrayals of Sexual Conduct

The survey looked at a range of issues related to sexual conduct on radio and TV. This focused on both the type of relationship between those portrayed as well as their sexual orientation.

The survey indicates that for the Irish adult population, portrayals of gay and lesbian sex is perceived as less acceptable than portrayals of heterosexual sex, while explicit portrayals of sex are less acceptable than implied portrayals.

In terms of portrayals of sexual conduct during specific programmes and channels, depictions of sex during 'soaps' is the least acceptable, followed by depictions of sexual conduct as part of a documentary programme. Portrayals of sexual conduct on pay-per-view channels were the most acceptable.

d) Coarse Language during Programmes

The survey looked at responses to the use of coarse language during different programmes and the levels of offence caused by particular swear words in general.

The survey indicates that the type of programming can impact on the acceptability of coarse language by the audience. Contrary to the situation with violence and sex, sensitivity to swearing/coarse language during programmes is stronger with regard to news programming than dramas or soaps. Least acceptable on TV is someone swearing while being interviewed on the news. This is followed closely by a sports commentator swearing during a programme. Sensitivity to swearing is higher for older people and for those who identify themselves as conservative and regular church goers.

The survey also asked for people's views regarding the least acceptable swear words. In this regard there was little to choose from between the five words identified as least acceptable. The five least acceptable words included two racial taunts, a sexual and disability reference and a swear word incorporating religious references.

Figure 2

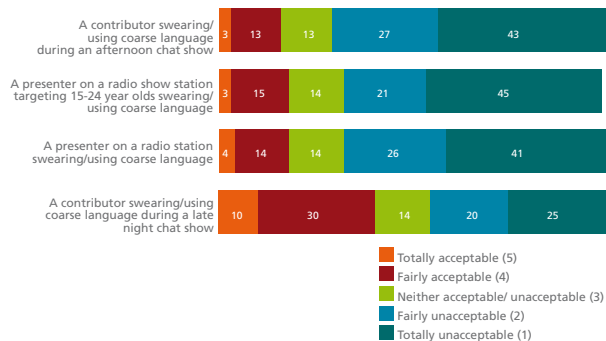


Figure 2. Those surveyed were presented with a series of TV and radio scenarios in order to assess their attitudes to the use of swearing and coarse language during programmes. This diagram details responses to radio scenarios.

e) The Portrayals of Minorities during Programming

In the survey ‘Minorities’ referred to a range of people in Irish society including those with disabilities, members of the immigrant population, gays and lesbians and members of the Traveller community.

While concerns regarding the portrayal of minorities did not feature at a spontaneous level when people were surveyed, on prompting, insensitive treatment of minorities arose as something that is as unacceptable as violence or sex.

Compared with sex or violence, the timing of the broadcast and other issues related to context did not have as strong an impact on the perceived insensitivity of the treatment of minorities on those surveyed.

In terms of the programme material, negative portrayals on radio or TV of people with disabilities were the least acceptable to those surveyed. Insensitive and negative treatment of Travellers,

gays and lesbians and/or immigrants during programmes was the next in terms of unacceptability.

With the exception of those with disabilities, negative statements in the news are much less acceptable than jokes. Offence due to perceived insensitive treatment of minorities is more commonly felt throughout the population than other causes of offence.

f) The use of Pre-Warnings & the Watershed

The survey asked a number of questions, namely: - does a pre-warning make violent or sexual content or swearing more acceptable; is this type of content more acceptable at a particular time of day, and; is the use of a ‘watershed’ a good or bad idea?

In this regard, the research suggests that violent programme material, portrayals of sexual conduct and the use of coarse language during a programme are more acceptable with a pre-warning (57% agreed). Programme material of this nature was also deemed to be more acceptable at particular times of the day (62% agreed).

Regarding the watershed, the majority of people felt its use is a very or fairly good idea. However, few could name the watershed time. Three quarters of respondents felt the watershed should be at 9p.m. or later while approximately half felt the watershed should be at 10p.m. or later.

g) Action Taken in Response to Offence

The survey suggests that 70% of Irish people have been offended at some time or other by what they have heard or seen on radio and TV, while 30%, claimed to have never been offended by anything watched or listened to on TV and radio. Of these 30%, the majority were under 24 years of age.

When confronted with offensive material people's responses varied. Very few (5%) complained formally either to the broadcaster or to a statutory authority such as the Broadcasting Complaints Commission while 17% claimed to do nothing. By far the most common response (48%) was to look away from the offending material, switch channels or switch the radio or TV off completely.

h) The Role of Context

Overall, in addition to highlighting specific causes of offence, the survey underscored the impact of context on the level of offence and harm caused to a listener or viewer by programme material. In this regard, the time of broadcast, the type of programme and the medium (whether TV or Radio) are important factors when it comes to the acceptance of violent and sexual programme material and programming featuring coarse language.

For example, respondents to the survey indicated that violence is less acceptable on TV than it is on radio, while violence in soaps is less acceptable than on detective dramas or documentaries. In addition, programmes of this nature broadcast after 9p.m. are deemed more acceptable on both TV and radio.

4.

Proposed Principles and Rules

This section outlines the principles and rules proposed for inclusion in the *Code of Programme Standards*. The proposed rules relate to programme material in general, specific programme material and the provision of audience information and guidance about programme material.

4.1 Introduction

The Commission has undertaken a review of international codes and practice; it has conducted its own research on Irish attitudes and has invited the views of broadcasters, the public and other interested stakeholders during Phase 1 of the consultation. The objectives and scope of the code have been agreed and the role of context has been affirmed. This section of the document outlines the proposed content of the *Code of Programme Standards* and your views are invited.

In particular you are now invited to answer a number of questions concerning:

- the general principles covering all programme material;
- specific rules covering particular programme material; and
- the inclusion of a principle covering audience information and guidance e.g. the use of prior warnings.

4.2 Proposed Content Principles and Rules

The proposed content of the code aims to provide regulation that offers protection to the citizen without unduly restricting his/her access to a diversity of programme material.

The objective of the *Code of Programme Standards* is to promote responsible broadcasting without censoring or sanitising programme content. The code does not aim to ban certain types of language or images that are deemed to be a legitimate part of dramatic or literary treatments nor is it intended to exclude references from legitimate reportage, debate or documentaries.

The proposed content of the code also attempts to accommodate changes in social mores since what is deemed offensive within a society can change over a period of years. It can vary among particular audiences and can be largely determined by issues of context.

The proposed content of the code aims to embody a flexibility that acknowledges these variables rather than attempting to offer a uniform solution or response to all issues as they arise.

4.2.1 Proposed Content Principles

While Phase 1 of the consultation highlighted a number of specific areas of programme material for which rules are desirable, the consultation also revealed common concerns related to programming in general. Therefore, while the code will also

contain rules pertaining to specific programme material, a set of principles will also be developed. These principles have been developed arising out of views elicited during Phase 1 of the consultation process.

The principles are grouped under the following four headings:

1. General Community Standards
2. Due Care
3. Protection for Minors
4. Assessment

The following principles are proposed under the headings.

1. General Community Standards

Programme material must not offend against commonly held standards of what is acceptable in contemporary Irish society.

2. Due Care

Broadcasters must take all reasonable measures to ensure that viewers and listeners to programme material on their channel/service are protected from undue offence and harm.

Due care may take the form of prior information, appropriate scheduling, the provision of relevant helpline details or other appropriate measures.

Broadcasters must have particular regard when broadcasting programme material of the ease with which people, adults and children alike, can identify with characters, actions and their own circumstances.

Particular care must be taken when scheduling the following programme material.

- sexual violence i.e. rape and sexual assault
- self-harm, including suicide
- reconstructions of factual events
- the use of archive footage

3. Protection for Minors

The *Code of Programme Standards* recognises that broadcasters share a responsibility with parents/guardians in protecting minors from exposure to inappropriate and harmful programme material.

To this end broadcasters must have due regard to the protection of minors when scheduling programme material.

Particular care must be taken in the following circumstances:

- i. When scheduling programme material when it is broadcast either side of programmes which are likely to be watched or listened to by minors.
- ii. When scheduling such material during school run times.
- iii. When scheduling such material during school holidays when the viewing and listening patterns of minors can change.

4. Assessment

Programme material will be assessed in whole and in context against the principles and rules contained in the code. The principles are indivisible, that is all programme material must conform to all principles. The following contextual factors will be used:

- time of broadcast
- the type of programme
- the use of prior warnings or information
- the channel/service type

- whether its inclusion is editorially justifiable
- the likely composition of the audience listening to or watching the programme

QUESTIONS

1. What are your views on these principles?

Please make sure to specify to which principle(s) your response refers and provide a rationale for your views.

2. Are there additional principles you believe should be contained in this section of the *Code of Programme Standards*?

Please provide a rationale for your response.

4.2.2. Proposed Content Rules

Further to Section 19 of the Broadcasting Act, 2001, the Commission is statutorily obliged to include issues of violence and sexual conduct in the *Code of Programme Standards*. A further six programme headings were adopted as a result of Phase 1 of the consultation. Therefore, the rules proposed will cover the following eight types of programme material:

- Violence
- Sexual Conduct
- Coarse Language
- Portrayal of Persons and Groups in Society
- Factual programming including News, Current Affairs and Documentaries
- Children's Programming
- Portrayal of Drugs, Alcohol and Solvent Abuse
- Imitative Behaviour

The following rules are proposed in relation to these eight types of programme material.

a) Violent Programme Material

Of the three activities conducted during Phase 1 of the consultation, violent material in programmes caused most concern. Violence features in real life and broadcasters mirror real life in their factual and/or fictional programmes.

However, this does not mean we have to accept portrayals of violence uncritically. Such material can and does offend. The proposed rules presented here aim to promote responsible broadcasting while acknowledging the diversity of audience tastes and interest.

The following rules pertaining to violent programme material are proposed:

- As a general rule, broadcasters must have due regard to the appropriateness and/or justification for the inclusion of violent content in programming material.
- There are particular forms of violent programme material which require a greater level of editorial justification. The inclusion of the following violent programme material must be justifiable in the context of the development of the narrative and/or characters, or have strong editorial justification:
 - Graphic Violence
 - Sexual Violence i.e. rape and/or sexual assault
 - Self-harm (including suicide)
 - Violence against Children
- In programme material featuring sexual violence, the detail of this violence must be kept to a minimum and such violence must not be condoned.

QUESTIONS

1. What are your views on these rules in relation to violent programme material?

Please make sure to specify which rule your response refers to and provide a rationale for your views.

2. Are there any additional rules you believe should be contained in the code in relation to violent programme material?

Please provide a rationale for your views.

b) Sexual Conduct

Discussions about and portrayals of sexual relationships on radio and TV are common. However, while research has shown that attitudes towards sex change on an ongoing basis, portrayals of sexual conduct remain one of the principal areas causing offence.

The following rules pertaining to programmes portraying sexual conduct are proposed:

1. As a general rule, broadcasters must have due regard to the appropriateness and/or justification for the inclusion of portrayals of sexual conduct in programming.
2. Programme material which includes detailed scenes of a sexual nature must be justifiable in the context of the development of the narrative and/or characters, or have strong editorial justification.
3. Sexual relationships between under-aged young people or between an adult and a child are legitimate themes to explore in programming. However, their treatment must not encourage such activities or portray them as legal.
4. Nudity during programme material must only be broadcast when justified by context.

QUESTIONS

1. What are your views on these rules pertaining to sexual conduct in programme material?

Please make sure to specify which rule your response refers to and provide a rationale for your views.

2. Are there any additional rules which you believe should be contained in relation to sexual conduct in programme material?

Please provide a rationale for your views.

c) Coarse Language

Irish and international research indicates that offence caused by coarse language is never experienced in the same way. The shifting status of words and the varying levels of offence experienced means that this is an area which needs constant review. Accordingly the proposed rules aim to reflect these dynamics.

The following rules pertaining to programmes containing coarse language are proposed:

1. As a general rule, broadcasters must have due regard to the appropriateness and/or justification for the inclusion of coarse language in programming.
2. Broadcasters must be alert to, and guard against, the use of coarse language in live programmes.
3. The use of names considered sacred or holy by believers or their use as expletives in programming can cause offence. Broadcasters shall take a responsible approach to their inclusion during programming and their inclusion must be justifiable.

QUESTIONS

1. What are your views on these rules pertaining to coarse language in programme material?

Please make sure to specify which rule your response refers to and provide a rationale for your views.

2. Are there any additional rules you believe should be contained in the code in relation to coarse language?

Please provide a rationale for your views.

d) Portrayal of Persons and Groups in Society

The manner in which particular groups or religions or nationalities are portrayed and the language used in programme material to describe these groups arises as a category in many international codes.

Rules exist in other jurisdictions that focus on the avoidance of programming material that could promote or endorse inaccurate, demeaning or discriminatory stereotypes.

The following rules pertaining to the portrayal of persons and groups in society in programme material are proposed:

1. The manner in which persons and groups in society are portrayed must be justifiable and/ or appropriate. Programme material shall not support or condone discrimination against any person or section of the community on the basis of age, gender, marital status, family status, membership of the Traveller Community, sexual orientation, disability, race or religion.

2. Programme material must be careful not to stereotype or stigmatise people with a physical or intellectual disability. Broadcasters must pay particular attention to the language used during programming and colloquial terms of abuse must be avoided.
3. When portraying criminal activities, broadcasters must avoid an unwarranted correlation between the criminal act and the mental health of the perpetrator.
4. Programme material must avoid abusive treatment of any religious views or beliefs. This is not intended to prevent critical scrutiny of religion, but rather to prevent unnecessary offence during programming.

QUESTIONS

1. What are your views on these rules pertaining to the portrayal of persons and groups in society in programme material?

Please make sure to specify which rule your response refers to and provide a rationale for your views.

2. Are there any additional rules which you believe should be contained in relation to portrayal of persons and groups in society in programme material?

Please provide a rationale for your views.

e) Factual Programming – News, Current Affairs and Documentaries

Factual programming is highlighted in other jurisdictions. These rules typically focus on the avoidance of broadcast news material that is presented in a manner that will mislead or panic or cause unnecessary distress to viewers and listeners. These rules are not intended to prevent legitimate comment in a factual programme.

The following rules pertaining to factual programming are proposed:

1. Factual programming shall not contain material that could reasonably be expected to cause distress or offence unless it is editorially justifiable and in the public interest.
2. Factual programming must only emphasise age, colour, gender, national or ethnic origin, physical or intellectual disability, race, religion or sexual preference when such references are justifiable in the context of the programme or in the public interest.
3. Factual programming shall ensure that the dead are treated with respect. The moment of death must not be shown nor should the dead be shown in close up, unless there is an exceptional public interest justification.

QUESTIONS

1. What are your views on these rules in relation to factual programming?

Please make sure to specify which rule your response refers to and provide a rationale for your views

2. Are there any additional rules which you believe should be contained in the code in relation to factual programming?

Please provide a rationale for your views.

f) Children's Programming

While the *Code of Programme Standards* is concerned with all programming material, Phase 1 of the consultation process and the research commissioned by the BCI emphasised the desire for the code to provide additional protection for children.

Children's Programming is defined in the *Code of Programme Standards* as programmes that are commonly referred to as such and/or programmes that have an audience over 50% of whom are under 18 years of age.

The following rules pertaining to children's programming are proposed:

1. Graphic violence, strong sexual content and strong coarse language must not feature during children's programming.
2. The use of illegal drugs, the abuse of drugs and/or solvents and the misuse of alcohol or tobacco must not be featured in children's programming unless there is strong editorial justification.
3. Trailers for adult programming containing material not reasonably regarded as suitable for children, must not be shown during children's programming.
4. Children's programming must not condone anti-social behaviour or encourage others to copy such behaviour.

QUESTIONS

1. What are your views on these rules pertaining to children's programming?

Please make sure to specify which rule your response refers to and provide a rationale for your views.

2. Are there any additional rules which you believe should be contained in relation to children's programming?

Please provide a rationale for your views.

g) Portrayal of Drugs, Alcohol and Solvent Abuse

The abuse of drugs, alcohol and solvents is a key concern of society in light of the real effect such abuse can have on individuals and society as a whole. Rules pertaining to programming portraying this behaviour appear uniformly in codes in effect in other jurisdictions.

The following rules pertaining to the portrayal of Drugs, Alcohol and Solvent Abuse are proposed:

1. Programme material must not encourage the abuse of drugs and/or solvents or the use of illegal drugs.
2. Programme material must not encourage the over-consumption or abuse of alcohol.
3. Programme material must not present depictions, either fictional or factual which detail techniques for the administration of illegal drugs except when there is strong editorial justification for its inclusion.
4. The use of illegal drugs, the abuse of drugs and/or solvents, smoking or the drinking of alcohol by minors should not be presented in a favourable light.

QUESTIONS

1. What are your views on the rules pertaining to the portrayal of drugs, alcohol and solvent abuse?

Please make sure to specify which rule your response refers to and provide a rationale for your views.

2. Are there any additional rules which you believe should be contained in relation to the portrayal of drugs alcohol and solvent abuse?

Please provide a rationale for your views.

h) Rules Pertaining to Imitative Behaviour

Rules concerning imitative behaviour are also a common feature in codes of programme standards operating in other jurisdictions. International rules are based on the premise that television in particular can influence behaviour, in particular the behaviour of minors. While recognising the complexity of the relationship between exposure to radio and TV and imitative behaviour, the aim of this rule is to establish a basic standard in this area. *The following rule pertaining to imitative behaviour is proposed:*

1. Broadcasters must avoid the inclusion of programme content which could encourage people to imitate acts which they see on screen which are dangerous or prejudicial to their health or safety and/or the environment.

QUESTIONS

1. What are your views on the rule pertaining to imitative behaviour?

Please provide a rationale for your views.

2. Are there any additional rules which you believe should be contained in relation to imitative behaviour?

Please provide a rationale for your views.

4.3 Proposed Principle of Audience Information and Guidance

4.3.1 Introduction

The three activities of Phase 1 of the consultation indicated broad support from the public and broadcasters for the provision by broadcasters of audience information and guidance.

Irish and international research indicates that the provision of such information can assist broadcasters to ensure, as far as possible, that programming is scheduled at an appropriate time and for an appropriate audience, while also providing information to listeners and viewers about programme material. In addition, information and guidance of this nature can also assist the audience to regulate their own media consumption and that of minors.

For example, the Commission's national attitudinal survey indicated that people are likely to respond less negatively to violent and distressing programme material if they have been alerted in advance by way of prior warnings and or information.

In light of the broad range of support for the provision of such information, the Commission is proposing that the *Code of Programme Standards* will include a principle that broadcasters must provide viewers and listeners with appropriate information and guidance about programme material on their service.

4.3.2 Mechanisms for providing Audience Information and Guidance

Broadcasters at home and abroad have provided their audience with information and guidance through the employment of three mechanisms.

- **Firstly**, prior warnings have been broadcast when material which has the potential to cause particular offence is aired.
- **Secondly**, broadcasters implement an informal 'watershed', after which time more adult orientated programming is aired on radio or TV.
- **Thirdly**, broadcasters have developed classification systems whereby information is provided about either the content of the programme or the suitability of the programme for different age groups.²

When it comes to audience information and guidance in the Irish environment, different practices exist for different stations and there is no uniform approach across all services. For example, RTÉ for the main part provides a classification system for programming while TV3 provides prior warnings. The Commission welcomes the mechanisms employed by broadcasters to date to provide information to their audiences.

² See RBM Quinn (2005) *Taste and Decency – a review of national and international practices*, for a more detailed discussion of these mechanisms. This document can be accessed on the Commission's website www.bci.ie.

Prior Warnings

Prior warnings are sometimes used by broadcasters before airing particular programming e.g. *'The following programme contains strong language and scenes of a sexual nature.'* They are also often used during news programming. In this instance, while the news programme may not be in general problematic for viewers or listeners, it may contain an item which has the potential to offend.

The Watershed

The Watershed is a given time(s) during the day which broadcasters use as a guide for scheduling more adult orientated programming. The use of the Watershed can be viewed as an implicit agreement with the viewer or listener that adult orientated material is broadcast after 9p.m. (in the case of television) and not during school run hours (in the case of radio). This is based on a principle, that after 9p.m., parents/guardians are responsible for what their children watch.

Classification

In general, this approach entails classifying all programmes broadcast on a given station. In this way, classification differs from prior warnings which are only used on an occasional basis by broadcasters. Furthermore, while prior warnings feature on radio, it is not the practice in other jurisdictions to classify radio programmes.

Two different types of classification systems are utilised by TV broadcasters. They are as follows:

- i) *Evaluative Classification*- in general, this provides information which indicates the recommended age group which should typically watch a particular programme.
- ii) *Descriptive Classification*- in this instance broadcasters classify programmes in terms of specific types of **programme content** rather than the age group for which a programme is suitable.

4.3.3 Issues Arising

As noted, different practices are used by different broadcasters. It might therefore be argued that the introduction of a requirement to provide audience information and guidance as a principle in the *Code of Programme Standards* demands the imposition of a uniform practice for all broadcasters. However, it is the view of the Commission that such an approach would ignore relevant issues of context as follows.

Audience Type

Different audiences have different expectations.

The use of prior warnings for example can vary from station to station. The same programme on two different stations at the same time might elicit very different responses depending on the composition of the audience and their expectation of normal programming on each service. Depending on the audience, one station might include a prior-warning before the programme while the other would not.

A uniform approach to the provision of audience information and guidance would not allow for discretion on behalf of the broadcaster.

A discretionary approach would accommodate the diversity of tastes and interests of Irish viewers and listeners. Furthermore, it is not clear how, for example, a uniform classification system would accommodate different audiences and their expectations.

Channel/Service Type

The implementation of a uniform approach does not recognise the differences between different types of channel or service. For example, what is the relevance of a classification system or a watershed for channels that are adult oriented all day. These services are generally encrypted and accessed via a PIN number by subscribers who are aware of the programme content and have chosen to view this material. Similarly, it could be argued that for niche

services broadcasting only sport or children's programming, the use of prior warnings, if required might be more appropriate than a requirement to have a mandatory classification system.

Resources

A classification system has implications for broadcasters in terms of the resources required to implement such a system, in particular in terms of personnel and time required to pre-view all programmes. The resources available and the impact on such resources will vary from broadcaster to broadcaster. Therefore, it could be argued that the requirement to implement a classification system may not be an equitable approach for all broadcasters.

Given the above, it is the Commission's view that broadcasters should be required to provide audience information and guidance but the particular method to be employed by broadcasters to meet this principle should be at the discretion of each broadcaster. The Commission believes that such an approach would accommodate the differences between stations while fulfilling an objective of the code which is to inform the viewer and listener.

QUESTIONS

1. Should the code include a principle requiring broadcasters to provide audience information?
2. If yes, should they be allowed discretion regarding the mechanism to be used?

Please provide a rationale for your answer to both questions.

5.

Summary of Questions Posed

This section provides a summary of the questions that have been posed in this document.

Principles of the Code

In this section of the document, the Commission proposed a number of principles for inclusion in the *Code of Programme Standards*. It asked for your views regarding the inclusion of these principles.

1. What are your views on these principles?

Please make sure to specify to which principle(s) your response refers and provide a rationale for your views.

2. Are there additional principles you believe should be contained in this section of the Code of Programme Standards?

Please provide a rationale for your response.

Rules of the Code

A number of rules were proposed in this section in relation to the following eight types of programme material:

- Violence
- Sexual Conduct
- Coarse Language
- Portrayal of Persons and Groups in Society
- Factual programming including News, Current Affairs and Documentaries
- Children's Programming
- Portrayal of Drugs, Alcohol and Solvent Abuse
- Imitative Behaviour

Your views were invited in response to the rules proposed under each of the eight types of programme material and two questions were asked.

1. What are your views on the rules proposed pertaining to each of the eight types of programme material?

Please make sure to specify which rule(s) your response refers to and provide a rationale for your views.

2. Are there any additional rules which should be included in the Code of Programme Standards pertaining to these eight types of programme material?

Please provide a rationale for your views.

Audience Information and Guidance

This section of the document discussed the provision by broadcasters of information and guidance to viewers and listeners of TV and Radio. Two questions were asked in this regard.

1. Should the code include a principle requiring broadcasters to provide audience information?
2. If yes, should they be allowed discretion regarding the mechanism to be used?

Please provide a rationale for your answer to both questions.



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