

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (97) 19

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON THE PORTRAYAL OF VIOLENCE IN THE ELECTRONIC MEDIA

*(Adopted by the Committee of Ministers on 30 October 1997
at the 607th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Recalling its commitment to the fundamental right to freedom of expression as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, and to the principles of the free flow of information and ideas and the independence of media operators as expressed, in particular, in its declaration on the freedom of expression and information of 29 April 1982;

Bearing in mind the international dimension of the gratuitous portrayal of violence and the relevant provisions of the European Convention on Transfrontier Television (1989);

Recalling that at the 4th European Ministerial Conference on Mass Media Policy (Prague, 7-8 December 1994), the ministers responsible for media policy addressed to the Committee of Ministers of the Council of Europe an action plan containing strategies for the promotion of the media in a democratic society, in which they requested the Committee of Ministers to "prepare, in close consultation with media professionals and regulatory authorities, possible guidelines on the portrayal of violence in the media";

Recalling that the exercise of freedom of expression carries with it duties and responsibilities, which media professionals must bear in mind, and that it may legitimately be restricted in order to maintain a balance between the exercise of this right and the respect for other fundamental rights, freedoms and interests protected by the European Convention on Human Rights;

Concerned at the overall increase in the portrayal of violence in the electronic media, which makes it an important social issue;

Recalling that violence cannot be considered a proper means of conflict resolution of any kind, including inter-personal conflicts;

Noting, nevertheless, that violence is part of the daily reality of society and that the right of the public to be informed also covers the right to be informed about various manifestations of violence;

Noting that there are many ways in which violence may be portrayed by the media, corresponding to different contexts, ranging from information to entertainment and that, especially in the latter case, violence is sometimes trivialised or even glorified so as to attract large audiences;

Noting also that, regardless of the aim invoked, violence is sometimes portrayed in the electronic media in a gratuitous manner, in no way justified by the context, reaching unacceptable inhuman and degrading levels as well as an excessive overall volume;

Aware that this may impair the physical, mental or moral development of the public, particularly young people, by creating, for instance, growing insensitivity to suffering, feelings of insecurity and mistrust;

Noting that not all persons in charge of the various electronic media perceive the increased portrayal of violence as a problem;

Considering that the economic reasons advanced by certain persons in charge of electronic media cannot justify the gratuitous portrayal of violence;

Convinced that the various sectors of society should assume their responsibilities in regard to the portrayal of violence in the electronic media;

Convinced also that all electronic media professionals must assume their responsibilities and that they are best placed to address the question of gratuitous portrayal of violence; and welcoming efforts already made by certain professionals and sectors,

Recommends that the governments of the member states:

- a.* draw the attention of the professionals in the electronic media sector, the regulatory bodies for this sector, the educational authorities and the general public, to the overall policy framework represented by the appended guidelines;
- b.* take concrete measures to implement these;
- c.* ensure, by all appropriate means, that these guidelines are known by the persons and bodies concerned, and encourage general debate on this subject;
- d.* keep the effective application of them in their internal legal orders under review;

Instructs the Secretary General of the Council of Europe to transmit this recommendation to the governments of those States Parties to the European Cultural Convention which are not members of the Council of Europe.

Scope

This recommendation concerns the gratuitous portrayal of violence in the various electronic media at national and transfrontier level. The gratuitous nature is to be assessed with reference to the parameters contained in the appendix to this recommendation.

Definitions

For the purposes of this recommendation:

- a.* the term “gratuitous portrayal of violence” denotes the dissemination of messages, words and images, the violent content or presentation of which is given a prominence which is not justified in the context;
- b.* the term “electronic media” denotes radio and television programme services, services such as video-on-demand, Internet, interactive television, and so on, and products such as video games, CD-ROMs, and so on, with the exception of private communications which are not accessible to the public;
- c.* the term “those responsible for the content” denotes natural or legal persons responsible for the content of messages, words and images made available to the public by the various electronic media.

Guidelines

Guideline No. 1 – General framework

Article 10 of the European Convention on Human Rights, as interpreted in the case-law of the European Court of Human Rights, must constitute the general legal framework for addressing questions concerning the portrayal of violence in the electronic media.

Freedom of expression also includes, in principle, the right to impart and receive information and ideas which constitute the portrayal of violence. However, certain forms of gratuitous portrayal of violence may lawfully be restricted, taking into account the duties and responsibilities which the exercise of freedom of expression carries with it, provided that such interferences with freedom of expression are prescribed by law and are necessary in a democratic society.

More specifically, measures taken to counter the gratuitous portrayal of violence in the electronic media may legitimately aim at upholding respect for human dignity and at the protection of vulnerable groups, such as children and adolescents, whose physical, mental or moral development may be impaired by exposure to such portrayal.

Guideline No. 2 – Responsibilities and means of action of non-State actors

Those responsible for the content

Member states should recognise and take into account that it is first and foremost for those responsible for the content to assume the duties and responsibilities which the exercise of their freedom of expression entails, since they have primary responsibility for the content of the messages, words and images they disseminate. In particular, operators of electronic media have certain responsibilities when they decide to disseminate messages, words and images portraying violence, in view of the potentially harmful effects on the public, especially young people, as well as on society as a whole. These responsibilities have been assumed by media professionals in various ways, depending on the kind of electronic media, including, for example:

- i. ensuring, through appropriate means, that the public is made sufficiently aware in advance of messages, words and images of a violent nature which they will make available;
- ii. the establishment of sectoral codes of conduct which specify the concrete responsibilities of the professional sector concerned;
- iii. the establishment of internal guidelines, including standards for evaluating content, in the various electronic media enterprises;
- iv. the establishment, at both sectoral level and within individual media enterprises, of appropriate consultation and control mechanisms for monitoring the implementation of self-regulatory standards;
- v. taking self-regulatory standards into account in contracts with other sectors, such as audio-visual producers, manufacturers of video games, advertising agencies, and so on;
- vi. regular contacts and exchange of information with national regulatory authorities, as well as with self-regulatory authorities in other countries.

The various sectors of society

Member states should recognise and take into account the fact that various sectors of society have responsibilities in their own fields of activity. They may assume their responsibilities in various ways, for example by approaching those responsible for the content, in particular by awareness-raising campaigns; by promoting and providing media education; by promoting or undertaking research on the portrayal of violence, and so on.

As regards access to and the use of electronic media by children and adolescents at home and at school, as well as with respect to their understanding of violent messages, words and images transmitted by these media, parents and teachers have a special responsibility. They may assume this responsibility in various ways, including by:

- i. developing and maintaining a critical attitude towards the gratuitous portrayal of violence;
- ii. using the electronic media in a conscious and selective manner, as well as by demanding quality products and services;
- iii. stimulating children and adolescents to develop a critical attitude, for example through media education within the family and in schools;
- iv. examining ways of restricting access of children and adolescents to the violence portrayed in the electronic media where this is likely to impair the latter's physical, mental or moral development.

Guideline No. 3 – Responsibilities and means of action of member States

Member states bear general responsibility for, *inter alia*, the well-being of their populations, for protecting human rights and for upholding respect for human dignity. However, as concerns the gratuitous portrayal of violence in the electronic media, member states only bear subsidiary responsibility, since the primary responsibility lies with those responsible for the content.

National media policy

Member states should adopt a global approach which is not limited to those responsible for the content but addresses the professional and social sectors concerned as a whole. This approach should, where appropriate, aim to:

- i. promote the establishment of independent regulatory authorities for the various electronic media. These authorities should be endowed with appropriate competence and means of regulating the portrayal of violence at national level;
- ii. enable electronic media consumers, both national and foreign, who criticise the violent content of certain services or products, to lodge a complaint with the regulatory authority or another competent national body;
- iii. include among the licensing conditions for broadcasters certain obligations concerning the portrayal of violence, accompanied by dissuasive measures of an administrative nature, such as non-renewal of the licence when these obligations are not respected;
- iv. establish methods to facilitate the division of responsibilities between those responsible for the content and the public (warnings, "watersheds", and so on);
- v. raise the electronic media professionals' awareness of the problems connected with the gratuitous portrayal of violence and the public's concern about them;
- vi. promote research on the portrayal of violence in the electronic media, in particular on trends in the various media, and studies of the effects of such portrayal on the public.

International co-operation

In addition to their existing international obligations and activities carried out within the framework of the Council of Europe, member states should co-operate bilaterally and multilaterally as well as within the framework of competent international organisations, with a view to developing policies for addressing problems related, in particular, to the international dimension of the gratuitous portrayal of violence in the electronic media.

In this respect, they should facilitate the exchange of information and co-operation between competent regulatory authorities, in particular as concerns content classification and the handling of any complaints lodged from abroad.

Legal measures

Where those responsible for the content engage in the gratuitous portrayal of violence which grossly offends human dignity or which, on account of its inhuman or degrading nature, impairs the physical, mental or moral development of the public, particularly young people, member states should effectively apply relevant civil, criminal or administrative sanctions.

Member states which are not yet Parties to the European Convention on Transfrontier Television (1989) are invited to accede to this instrument. All States Parties to the convention should ensure its effective implementation, in particular as concerns the provisions dealing with the portrayal of violence, and regularly evaluate its effectiveness. Member states are also invited to give an appropriate follow-up to Recommendation No. R (89) 7 of the Committee of Ministers on principles on the distribution of videograms having a violent, brutal or pornographic content.

Promotion of non-violent quality programmes, services and products

Within the framework in particular of the various national and European programmes of support for the production and distribution of audio-visual works, and in close co-operation with European bodies and professional circles concerned, member states should promote the principle of non-violent quality programmes, services and products which reflect the cultural diversity and richness of European countries.

Guideline No. 4 – Shared responsibility for electronic media education

States should consider electronic media education as a responsibility shared between themselves, those responsible for the content and the various sectors of society. Such education constitutes a particularly appropriate way of helping the public, especially the young, to develop a critical attitude in regard to different forms of portrayal of violence in these media, and to make informed choices.

Appendix to Recommendation No. R (97) 19

*Parameters to be taken into account for determining
whether the portrayal of violence in the electronic media is justified or unjustified*

When assessing specific cases of portrayal of violence in the electronic media, different views may exist as to whether this portrayal is justified or unjustified. This variety of approaches depends in particular on the different responsibilities of the persons or institutions who make the assessment (broadcasters, parents, advertisers, self-regulatory bodies, regulatory authorities, courts, and so on). This diversity will also appear in the application of the parameters set out in the table below.

Without claiming to be exhaustive, this table brings together a number of elements (for example, the type of programme – a documentary or a children's programme – the viewing time, the possibility of free access or conditional access, and so on) which should be borne in mind in order to determine whether, in a given case, the portrayal of violence in the electronic media is justified by the context. Thus, the portrayal of true images of a massacre could be justified in the context of a televised information programme but not in the context of an interactive video game, and so on.

1. The public and its access to electronic media	2. Types of programmes	3. Acts of violence portrayed
<p>Television free access (unencrypted) fee-paying access (encrypted) “professional” access (medical pay-TV) interactive television (using for example video games, CD-ROM or Internet) programming time (children’s programming time/prime time/programming time after watershed)</p> <p>Other Internet video – free access – conditional access (x-rated videos)</p>	<p>Television programmes news current affairs documentaries, science programmes reality shows light entertainment, music, video-clips game-shows, contests, etc. sport religion children’s programmes fiction (feature films, drama, etc.) advertising, teleshopping trailers</p> <p>Radio programmes news current affairs light entertainment, music sport religion youth advertising</p> <p>Other video-cassettes, trailers video games multimedia</p>	<p>physical violence sexual violence psychological violence verbal violence implied violence threats act in itself (e.g. physical aggression) result only (e.g. injury or death, material damage) act and result</p>

4. Context of portrayal of violence	5. Form in which violence is portrayed
<p>information education awareness-raising (charity) artistic expression entertainment social criticism, irony, humour audience attraction/sensationalism unintentional</p>	<p>realistic naturalistic hedonistic aesthetic aggressive raw material pictures and comment/value judgements positive/negative (violent act of the hero/anti-hero)</p>