

COUNCIL OF EUROPE  
COMMITTEE OF MINISTERS

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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 for 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 party 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 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 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 content 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 population, 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 for 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.

<b>1. The public and its access to electronic media</b>	<b>2. Types of programmes</b>	<b>3. Acts of violence portrayed</b>
<p><b>Television</b></p> <p>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><b>Other</b></p> <p>Internet            video            - free access            - conditional access (x-rated videos)</p>	<p><b>Television programmes</b></p> <p>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</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>

	trailers  <b>Radio programmes</b>  news current affairs light entertainment, music sport religion youth advertising  <b>Other</b>  video-cassettes, trailers video games multimedia	
<b>4. Context of portrayal of violence</b>	<b>5. Form in which violence is portrayed</b>	
information education awareness-raising (charity) artistic expression entertainment social criticism, irony, humour audience attraction/sensationalism unintentional	realistic naturalistic hedonistic aesthetic agressive raw material pictures and comment/value judgements positive/negative (violent act of the hero/anti-hero)	

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### Explanatory memorandum

#### Why a recommendation?

1. The Prague Ministerial Conference referred to in the preamble highlighted the need for Council of Europe action against the portrayal of violence in the electronic media. The Committee of Ministers of the Council of Europe adopted this recommendation by way of response. The recommendation seeks to give a concrete response to public concern about the disproportionate portrayal of violence in the media, without, however, interfering with the autonomy and editorial independence of media professionals.

#### Current situation

2. The portrayal of violence in the electronic media has become an important social issue. There is a general increase in the use of violent elements in audio-visual messages, both in fiction and news programmes, as well as in the new media. One of the reasons for this increase is the fact that violence is a universal language which does not vary much in content or expression and which promises immediate access to strong sensations. However, the cumulative volume of the portrayal of violence may reach

unacceptable proportions. The media, especially television, reflect culture and civilisation and offer models of social behaviour. The impact of the portrayal of violence may be felt at the level of one's attitude, perception of the world, and value system. The effect may be a completely distorted perception of reality, a weakening of one's faculties for empathy, or mounting indifference to violence sustained by others.

3. The preamble recalls the fundamental right to freedom of expression, which is guaranteed by Article 10 of the European Convention on Human Rights<sup>1</sup>, and to the principles of the free circulation of information and ideas and the independence of media professionals.

4. The preamble recalls that violence in all its different forms is part of daily life and that the public has a right to be informed and to form its own opinion. Media professionals, rightly so, invoke the public's right to information - as well as other legitimate aims such as awareness raising, education, culture, or entertainment - when they portray violence. However, it must be recognised that violence is sometimes trivialised, even glorified, simply to attract a vast public. Such is the case, for example, with certain programme services of the genre "information-spectacle" ("tele-truth", "reality shows", "infotainment", etc). For this reason, it is clear that the aforementioned legitimate aims cannot be invoked when the violent content made available to the public cannot in any way be justified by the context, reaching unacceptable inhuman or degrading levels or being needlessly introduced or prolonged.

5. The increase in the portrayal of violence is not perceived as a problem by all those responsible for the electronic media. Certain persons responsible for the content disseminated by the media even point to economic reasons to justify their policy. Gratuitous portrayal of violence brings in money. They also claim that in the final analysis, the media portray violence because large sections of the public like to watch violent programmes and are even prepared to pay to do so.

### **Aim of the recommendation**

6. The recommendation is intended to remind governments of the limited possibilities which they have to interfere with the freedom of expression of the electronic media. The recommendation clearly indicates that those responsible for the electronic media are in the best position to deal with the issue of the gratuitous portrayal of violence. In this respect, the Committee of Ministers pays tribute to the great efforts already deployed by certain professionals in some sectors.

7. The recommendation thus lays emphasis on the primary responsibility of media professionals and on the importance of education for the public. On the other hand, no reference is made to technical devices such as "the electronic chip" which make it possible to limit the portrayal of violence. It was felt that even if technical control mechanisms such as the electronic chip were a complementary tool, they nevertheless had two major drawbacks:

- on the one hand, for systems such as the "electronic chip" to be effective, a European harmonisation of classification criteria for violent elements, for example in television broadcasts, would be required. However, such harmonisation is deemed not feasible for both technical and cultural reasons.<sup>2</sup>

- on the other hand, the electronic chip may have counterproductive effects for users: some broadcasters might consider it an authorisation to programme even more violent elements, relying on technical means for protecting users against such elements. However, the effectiveness of such means remains to be proven (for example, it is not uncommon that children know how to operate them better than do their parents) and, in

any case, it is unfair to shift all responsibility onto parents or users.

8. The preceding reflections concern not only television. It is clear, however, that television remains the most important of all the electronic media, and this explains why all broadcasters assume a particular responsibility.

9. The recommendation is also intended to make the public, and especially young people, aware of their own responsibilities. Confronted with the violence disseminated through the media, the public must make use of its own judgement, a factor which requires a certain level of media education. The recommendation thus highlights the various features of media education by referring not only to the role of schools but also to that of parents (see also Guideline No. 2).

## **Definitions**

10. Several key notions are defined at the outset, it being understood that these definitions only apply for the purposes of this recommendation. The Group of Specialists responsible for the drafting of the recommendation had lengthy discussions on the desirability of producing a general definition of the notion of violence. It was felt, however, that the diversity of the moral, cultural, social, etc., traditions in the 39<sup>3</sup> member States of the Council of Europe appeared to exclude the possibility to reach any universal definition of "violence". Bearing in mind the principle of "*infringement of human dignity*", the Group retained, for the purposes of this recommendation, the notion of "*gratuitous portrayal of violence*".

### **a. "Gratuitous portrayal of violence"**

11. The gratuitous aspect is one of the essential elements to pinpoint. The content of this notion will depend greatly on the various types of responsibilities of persons or institutes examining it (media professionals, parents, advertisers, self-regulatory bodies, regulatory authorities, courts, and so on). In order to decide in any particular case the justified or unjustified character of violence portrayal in the electronic media, it was felt that a two-fold approach needed to be borne in mind: a quantitative analysis and a qualitative analysis.

12. From the quantitative point of view, the frequency with which violence is portrayed is one criterion to be taken into consideration. The approach will not necessarily be the same, depending on whether an isolated portrayal of violence is involved, or violent content frequently inserted in an electronic media, or electronic media with clearly violent content (for example, a television channel devoted to violent films or violent video games) or the cumulative effect of the violent elements made available in the electronic media of a particular country.

13. From the qualitative point of view, it is important to recall that the same violent message, word or image may have a different impact depending on whether it is situated in the context of news and information or entertainment, fictional or real, and depending on the intellectual, cultural, social and educational background. It is also necessary to consider the means of delivery - free to air, encrypted, subscription - and the nature of the particular media - generalist, thematic, etc.

### **b. "Electronic media"**

14. The recommendation applies to all electronic media which are accessible to the public whether offline, such as radio and television programmes, videos, video games, CD-Roms etc, or online, such as video-on-demand, Internet, teletext, etc.

15. The decisive criterion is the possibility of the public to have access to these programmes, services and products. Thus, the following are considered to be electronic media for the purposes of the recommendation: a communication on the Internet which any user may access, a CD-Rom or a video which the public can obtain, radio or television programme, etc. Private communications which are not accessible to the public are not considered to be "media" under the recommendation. The use of the term "private communications" in the definition of electronic media shall not, however, be understood as including communications between individuals for professional purposes.

***c. "Those responsible for the content"***

16. Those responsible for violent content available on the electronic media may be individuals (for example, a person who disseminates messages on the Internet which incite others to commit a massacre) or legal persons (for example, a television company, an audio-visual production company, a video games producer, an advertising agency, etc).

17. A number of national laws stipulate that the author of the violent message is not the responsible person, rather responsibility is attributed to the person who authorised the dissemination of the message in the medium. If during a television interview, for example, an individual incites others to commit a massacre, legal action will be taken against the person responsible for the channel having broadcast the violent remarks. Other laws may take a different approach.

**Guidelines**

***1. General framework***

18. Guideline No. 1 is intended to recall that any measure addressing the gratuitous portrayal of violence must comply with Article 10 of the European Convention on Human Rights, as interpreted in the case law of the European Court of Human Rights. In principle, freedom of expression also includes the right to communicate and receive information and ideas which constitute the representation of violence. However, in conformity with Article 10, paragraph 2 of the Convention, certain forms of gratuitous portrayal of violence may be lawfully made subject to restrictions, given the duties and responsibilities which the exercise of freedom of expression entails. There is of course a proviso: any such measures of interference with freedom of expression must be prescribed by law and be necessary in a democratic society in order to satisfy one of the legitimate aims mentioned in paragraph 2.

19. As regards the portrayal of violence in the electronic media, one or several of the following aims may be relevant and may form a legitimate basis for limiting the freedom to communicate or to receive information and ideas:

- the protection of health or morals;
- the protection of the rights of others;
- the prevention of disorder or crime.

20. The recommendation thus draws attention to the fact that in certain cases restrictions imposed on the gratuitous portrayal of violence may have the lawful aim of guaranteeing respect of certain fundamental rights and freedoms, especially respect for human dignity and the protection of vulnerable groups, including children and young people.

21. Specialists are divided on whether the portrayal of violence has a direct or indirect

influence on behaviour or attitude, especially of children and young people. Some experts consider that the accumulation of images of violence may influence behaviour, especially the behaviour of young people. Others feel that no link between the portrayal of violence on the screen and violent behaviour has been established. Without taking up these discussions, the Council of Europe is of the opinion that the gratuitous portrayal of violence may have prejudicial effects on the physical, psychological or moral development of members of the public, especially youth. This being said, it should be noted that any measure directed against the gratuitous portrayal of violence in the electronic media must fulfil a pressing social need, be proportionate to the aim pursued, be based on relevant and sufficient reasons, have a legal basis which satisfies the requirements of foreseeability and accessibility and offer sufficient guarantees against abuse and arbitrary interference.

## ***2. Responsibilities and means of action of non-State actors***

22. The recommendation makes a distinction between the role of the State and the role of non-State actors, namely those responsible for content as well as the various sectors of society concerned by the problem of the portrayal of violence. Guideline No. 2 addresses the non-State actors and first and foremost those responsible for the content.

### ***Those responsible for the content***

23. Guideline No. 2 is intended to underscore that primary responsibility in this area falls to media professionals, who must find appropriate ways of dealing with the problem of the portrayal of violence in the media. This guideline gives examples of actions taken or being planned by the professionals themselves. For example, many of those responsible for content ensure that the public is informed about the violent nature of the content which they will make available. With this in mind, they draw up for themselves standards for assessing the degree of violence and warn the public on that basis. Techniques for warning the public can vary: reminders in programme trailers, sound and visual warnings (for example, symbols indicating the level of violence (two squares, three diamonds, etc), programme schedules references on the covers of video cassettes, CD-ROM, etc.<sup>4</sup> As regards certain programmes, for example reality shows, certain television companies warn the public that the events shown are only a reconstitution of real occurrences. In addition, a "watershed", a time in the day after which the audience can expect violent content, may be utilised.

### ***The various sectors of society***

24. The gratuitous or excessive portrayal of violence is a problem which should be tackled by the electronic media, but also by the various sectors of society, including parents and teachers, through concerted action and on a voluntary basis. It is only by raising the level of awareness of all circles concerned that a proper balance can be found between the right to information and the respect of other rights protected by the European Convention on Human Rights. In this respect, the authorities of certain member States place particular emphasis on the responsibility of parents, teachers, political parties, family associations, viewers' associations, non-governmental organisations - in particular organisations for the protection of the rights of the child, women's rights and minority rights - religious institutions and groups, research and educational institutes, etc. In this context, it is felt particularly necessary to concentrate efforts to provide education in audio-visual language to children (see also Guideline No. 4).

## ***3. Responsibilities and means of action of member States***

25. Guideline No. 3 is intended to point out that the member States cannot abandon

their general responsibility at national and international levels for the well being of their public. This does not mean, however, that the implementation of this responsibility entitles them to interfere arbitrarily with the independence of the electronic media. The independent media are first and foremost responsible in this area and States have only a subsidiary responsibility. This finds expression in national policies and national co-operation on the media, in legal measures, support (financial or other), the production of non-violent quality works, as well as the promotion of electronic media education in schools. This last strategy is often implemented in co-operation with the social sectors concerned (see also Guideline No. 4).

### ***International co-operation***

26. Some member States are already obliged to respect a number of international commitments (community law, European Convention on Transfrontier Television, etc). In addition to these obligations, co-operation is recommended, including within other fora than the Council of Europe, in order to facilitate the evolution of national classification systems (so as to seek, as far as possible, an understanding of the various perceptions as concerns "justified or unjustified" portrayal) and the handling of complaints lodged from abroad.<sup>5</sup>

### ***Legal measures***

27. Member States must apply effectively their laws, regulations, etc. so as to combat serious offences in the area of violence portrayal. They have already taken binding and non-binding legal measures at the international level, for example, the European Convention on Transfrontier Television<sup>6</sup>, or 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 services and products***

28. Member States should develop a constructive approach to improving the quality of the electronic media without, however, necessarily engaging their financial responsibility. It should not be forgotten that the gratuitous portrayal of violence is sometimes a response to financial constraints, since certain types of violent programme services can be less costly than non-violent ones. The member States should therefore encourage by appropriate means the production and broadcasting of non-violent, quality programmes.

## ***4. Shared responsibility for electronic media education***

29. Electronic media education should also be seen as the shared responsibility of the sectors concerned by the problem of the gratuitous portrayal of violence in the media.<sup>7</sup> There can be no effective education strategy in the absence of appropriate learning materials (including via the electronic media) and qualified educators. Education needs to be addressed first and foremost, although not exclusively, to young people. School is seen as an appropriate forum, although it is not the only one. The electronic media can make a very useful contribution to the education of users.

30. The recommendation stresses the need to promote education via the various electronic media. The phenomenon of leaving children alone in front of the television set (the electronic babysitter) is by no means a rare occurrence. Education would thus help the public, especially young people, to develop critical attitudes and to exercise reasoned choices in the face of the increasing multiplication of services offered by the electronic media. Education should also draw the attention of the public to the possibilities offered by the electronic media for building less violent societies. Furthermore, media education can contribute to the basic and ongoing training of

electronic media professionals, as well as professionals from other interested sectors, by making them aware of their responsibilities with respect to the gratuitous portrayal of violence.

31. Another important contribution could be the basic and further training of professionals working for the electronic media and other interested sectors. Training could be given under the direction of media enterprises either in-house or in the framework of external training courses.

32. Consideration should also be given to the possibility of introducing classification systems to help parents and educators to exercise their responsibility. These systems could, for example, be set up by self-regulatory bodies or by national regulatory authorities, taking due account of the different national legal traditions and in co-operation with the various interested sectors.

33. Finally, the Council of Europe is now examining the possibility of launching an action plan on, inter alia, electronic media education. This area is of general interest to the Council of Europe and requires proper co-ordination between the various intergovernmental sectors concerned.

**Note**<sup>1</sup> This Article states that:

*"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*

*2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."*

**Note**<sup>2</sup> The European Court of Human Rights has already taken the view that *"it is not possible to find in the domestic law of the various Contracting States a uniform European conception of morals. The view taken by their respective laws of the requirements of morals varies from time to time and from place to place, especially in times characterised by a rapid evolution of opinions on this subject"*. Eur. Court H.R. Handyside v. United Kingdom, 7 December 1976. Series A, No. 24, paragraph 48. This reasoning may apply by analogy to the notion of violence.

**Note**<sup>3</sup> As at 30 June 2001, the Council of Europe has 43 member States

**Note**<sup>4</sup> By way of illustration, a study published in 1995 by the Swedish Minister of Culture stresses that parents should be in a position to have advance warning of the programmes and films containing violence which they consider to be unacceptable for children. Broadcasters and the press should therefore provide more detailed information on programmes, especially those which are certified for adults only. Television channels should ensure that programmes to be shown before a certain time in the evening do not contain violent images and, as appropriate, violent films should

be preceded by a formal warning. Cf. "A handbook in four chapters on the depiction of violence in the media".

**Note**<sup>5</sup> By way of illustration, States could consider measures to enable foreign viewers and listeners who complain about the violent content of certain national programmes which can be received abroad to complain to a regulatory authority or competent national body. States could also study the desirability of involving the existing bodies at the European level such as the European Audiovisual Observatory, the various research centres, etc. Finally, they could facilitate information exchange between national regulatory authorities.

**Note**<sup>6</sup> Article 7 (1)(2) of the European Convention on Transfrontier Television:

*"1. All items of programme services, as concerns their presentation and content, shall respect the dignity of the human being and the fundamental rights of others. In particular, they shall not: a) be indecent and in particular contain pornography; b) give undue prominence to violence or be likely to incite to racial hatred.*  
*2. All items of programme services which are likely to impair the physical, mental or moral development of children and adolescents shall not be scheduled when, because of the time of transmission and reception, they are likely to watch them."*

**Note**<sup>7</sup> By way of illustration of concrete contributions made by various sectors, reference may be made to the initiatives undertaken in Norway since 1995 in the framework of a national awareness-raising and educational campaign launched by the government, or the "*Prix Jeunesse Internationale*" established by the Bavarian broadcasting corporation *Bayerischer Rundfunk*. Mention may also be made of the preparation of relevant teaching material and basic and further training programmes for teachers specialising in electronic media education. These campaigns, programmes and material could be prepared by the relevant authorities of the member States in co-operation with electronic media professionals and other interested sectors. National regulatory authorities could in particular play an important role in the launch of and follow-up to educational initiatives.