

## Consultation on the proposed Ofcom Broadcasting Code

Comments from Mike Jempson

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**MediaWise (The PressWise Trust)**

The PressWise Trust is a registered charity (No.1076002), originally set up by ‘victims of media abuse’ in 1993 with the support of concerned journalists and media lawyers.

Now operating as MediaWise, the Trust is concerned with ethical issues in all forms of mass media, and provides free, professional advice for complainants.

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This response is set out as per the Consultation document, with answers to questions in Section 3 – 14 as appropriate, followed by additional points about each section.

**CONTENTS**

<b>Summary</b>	<i>p.3</i>
<b>Section 3</b>	<i>p.5</i>
<b>Section 4</b>	<i>p.5</i>
<b>Section 5</b>	<i>p.7</i>
<b>Section 6</b>	<i>p.7</i>
<b>Section 7</b>	<i>p.8</i>
<b>Section 8</b>	<i>p.8</i>
<b>Section 9</b>	<i>p.9</i>
<b>Section 10</b>	<i>p.9</i>
<b>Section 11</b>	<i>p.10</i>
<b>Section 12</b>	<i>p.11</i>
<b>Section 13</b>	<i>p.11</i>
<b>Section 14</b>	<i>p.11</i>

**End Note:** Articles from the UN Convention on the Rights of the Child

## **Summary**

The scope and detail of the proposed Code is to be welcomed, although it may be more helpful if the Rules were kept simple and were amplified with guidance notes for broadcasters as to interpretation. It is to be hoped that the eventual website version will include a third layer of 'case-based' indicators about how to interpret the Code in practice, differentiated appropriately according to medium.

## **Partnership between broadcasters and citizens**

A significant (public service) role of broadcasting is to deliver information, ideas and opinions, the lifeblood of active citizenship. Citizens wishing to receive broadcast signals pay a licence for that access, pay subscriptions for specific broadcast services, and contribute to the cost of advertising revenue by the purchase of goods and services. By receiving broadcasts they are, in effect, entering into a partnership with the broadcasters, and this relationship should be acknowledged in an introduction to the final Code.

## **Quality**

The Code should be regarded as a form of quality guarantee for viewers and listeners as well as obligations for broadcasters. Broadcast services only have meaning with audiences, and those audiences are made up of citizens who should know what they can expect from those who broadcast. The Code will also provide them with guidance as to whether they have the grounds for substantive complaints about broadcast output, as opposed to the right to express their opinions to broadcasters about their output. In its final form the Code should appear as an accessible document available to all who request it, and should include brief notes about how to comment to broadcasters or make complaints to Ofcom.

## **Participation**

It is unfortunate the Code is presented largely in terms of 'protection' of audiences. While Codes do have an important protective function, it is equally important to stress the value of participation in media. One of the functions of the media, especially with the new opportunities provided by the digital era, is to open up the possibility of far greater participation by audiences, not just for the free expression of opinions but also for engagement in the creative process.

## **Children**

This is especially important with regard to children and young people, who are regarded in the Code primarily as being in need of protection rather than as potential participants. Ofcom should have special regard for those Articles on the UN Convention on Children's Rights that relate to children and the media, and might find it useful to refer to [www.unicef.org/magic](http://www.unicef.org/magic) which contains a mass of information about children participation in media around the world.

It is important in a healthy democracy that young people should not be 'put off' engagement in public discourse by negative representations of the 'adult' world. It would be helpful if Ofcom commissioned research about children's attitudes and response to news broadcasts, in order to assist broadcasters in editorial decisions about the use of graphic footage and negative stories at times when children and young people might be watching.

## **Watershed**

Retaining the convention of 21:00 as 'the Watershed' is preferable to trying to introduce a different concept, however the consultation document makes some useful points about linking age-bands to the scheduling around the 'watershed' which should allow broadcasters more latitude in line with current social trends.

## **Diversity**

The Code could do more to emphasise the value of the media reflecting social diversity especially in terms of demographics and of points of view about issues of public concern instead of focussing on relatively narrow notions of what constitutes balance and impartiality. (Of course it would help if diversity in output and opinions were also to be reflected in recruitment and employment practices with the media.) The Code should remind broadcasters of their special responsibilities to the hard of hearing and those with sight impairments, for example.

**Labelling**

The welcome emphasis on consistent labelling should extend to electronic programme finders (including Teletext). It is matter of common courtesy to provide advance warning of problematic material (from explicit violence and sexual content to the use of strobe effects, for example).

**Fairness, privacy, and the public interest**

The Code's extensive admonitions on fairness and privacy are to be welcomed, but they could be simplified and should be properly set in the context of clear definitions of 'public interest' exemptions for the benefit of both audience and broadcaster.

**Informed consent**

Ofcom should consider recommending that broadcasters produce clear, easy to understand booklets setting out the terms under which members of the public take part in programmes, and what they can expect from the broadcasters. These should act as the basis of contracts between broadcasters and participants, and should require signature from both sides to demonstrate that the terms have been read and understood.

### Section 3: Ofcom Broadcasting Code Introduction

**a.** Generally this is a helpful introduction, however it is a pity the Code is presented largely in terms of 'protection' of viewers and listeners. In the digital era especially there are new opportunities for the **participation** of the citizenry in broadcasting. It would be more in tune with the times to indicate that the Code should provide guidance and assistance to broadcasters in the exercise of **their** creative talents and freedom of expression as well as to citizens in the exercise of **their** freedom of expression, in addition to codifying those protective measures needed to ensure fairness, and public and personal safety.

**b-d.** It is helpful to have a single Code covering all broadcasters, however it is to be hoped that the distinctive differences between forms of broadcasting in the digital era will be clarified in the guidance notes, and in any subsequent glosses that derive from adjudications of complaints and research. It should be made simple for providers of different broadcast services to find later guidance material that only relates to their platform, rather than having to extrapolate from information designed to cover everyone. Such material could be prefaced by a reminder of those parts of the Code from which they are excepted.

### Section 4: Protecting under-18s

**a-c.** The problem with the Principles is that they are couched only in terms of protection. Children have the right to participation in society as well as the right to protection from harm.

The UK is a signatory to the UN Convention on the Rights of the Child which defines children as all people under the age of 18. The Convention contains numerous Articles which relate to children and media, notably Article 12.1 & 13 (freedom of expression); 14 (freedom of thought, conscience and religion.); 17 (access to media), and 18 (which touches upon Ofcom's responsibilities in these matters).<sup>1</sup>

Clearly distinctions can be drawn about the relative maturity of children especially according to age bands which relate to their educational development (eg. pre-school (to age 4); primary school (5-11); early teenage years (12-15); later teenage years (16-18) and these might provide useful guides when seeking to differentiate between appropriate programming per age-band.

**d.** Although Rule 1.1 could be said to provide a sufficient general admonition, it is helpful to include explicit rules about the representation of violent and dangerous behaviour and the misuse of drugs, including alcohol and smoking, although it might be possible to have a single catch-all rule about protecting children from 'unnecessary exposure to representations of violence and brutality, and the abuse of potentially harmful drugs (including alcohol and smoking)' rather than four separate rules. More detailed explanations could be provided in the guidance notes.

**e.** With its attempt to redefine 'the Watershed' on an age basis, Ofcom is acknowledging (quite reasonably) that there is a period - from 20:00 – 22:00 - during which material that may be less suitable for the youngest audiences (under 15) might be broadcast, and after which it is reasonable to assume that the most likely audiences will be discriminating adults.

However it is important, for children, parents and broadcasters, to define clearly and in one place what is meant by 'the Watershed', even if a 'sliding scale' approach to content is in operation. Convention has it that 21:00 is the key 'moment' after which it may be assumed that more discriminating audiences are tuned in (to radio or TV etc) and it seems sensible to keep to this.

The important point to make is that broadcasters should take into account, as is stressed, the likely availability of young (and especially unsupervised) audiences at particular times of the day and year.

Given the availability of time shifting devices etc, there can be no guarantee that young children will not see or hear material that was not originally meant for them. This makes the issue of labelling especially important. Guidance notes could recommend, for instance, that labelling could be incorporated into opening and closing credits rather than simply relying on real-time continuity announcements. While some may say this could encourage youngsters to stay with the broadcast, it would at least afford a measure of protection to the broadcaster in the event of a complaint.

f. The general point is made well enough, although 'representation' might be a better word than 'demonstration'. It would be helpful in the guidance notes to explain that this does not preclude responsible representation in fiction and drama of the so-called paranormal, or the rule might be used to prevent the broadcast of popular children's classics, and some magic programmes or soaps...

g. Yes

h. Yes

### **Additional points**

#### **1. Jigsaw identification**

Rule 1.8 does not adequately cover the issue of 'jigsaw identification'. It is impracticable to require agreement between broadcasters in every individual case where the problem might arise. More thought will need to be given about how this rule is couched, especially to allow sensitive treatment of difficult cases where it may be in the public interest to examine circumstances in more detail, while protecting the children involved. It would be a pity if this were a matter left ONLY to judges, and Ofcom might be well advised to consult with child protection experts and broadcasters about formulae for addressing unusual cases, for example, in cases that involve both incest and the sexual abuse of children who are not related to the abuser.

#### **2. Children affected by civil court proceedings**

There is an argument for including some reference in this Section to coverage of inquest findings on suicide (where children are involved directly or indirectly), and some divorce and child custody cases, and for additional guidance on the use of footage from schools – in order to ensure that unwitting identification of children (under care orders for instance) does not take place.

#### **3. Identification of non-UK resident children**

It would also be helpful if there were a reference, in the guidance notes, to the need to afford protection to the integrity and identity of children in or from countries beyond UK jurisdiction. Too often broadcasters operate as if different rules apply when footage is shot overseas, as if the spirit of the Code dries up once they leave the country.

Since we now live in a global media society it is important to appreciate that the testimony or appearance in UK-based media of trafficked children, child labourers, and others subject to exploitation may constitute an additional risk to their safety and security. On television it is perfectly possible to use 'partial' images (eyes, mouths, or hands, for instance) which express emotion without revealing the full identity of a child at risk. Pixilation, silhouette and other techniques can be used to protect them in wider shots.

#### **4. Participation and 'informed consent'**

This section would be improved were it to be couched in a more positive tone. Children's participation in media is to be encouraged, although the terms and conditions need to be carefully managed.

The new Code provides an ideal opportunity to insist that all broadcasters intending to involve children in programmes and programme making should be required to produce explicit guidance in booklet form, for staff and for young participants and their legal guardians, setting out the terms and conditions under which the children will be involved. It should cover health and safety issues, payments (where relevant), details of planned publicity materials or campaigns, and arrangements for 'police checked' chaperones and support staff.

Broadcasters have a duty of care to ensure that participants are alerted to the potential (short and long-term) consequences of media appearances, and producers should be required to obtain the consent of a responsible adult in the form of a signature to a statement that the booklet has been received and read before the child may be engaged on the programme. This is standard practice in other arenas (schools, youth, sports and activity clubs, etc) where children are engaged in activities away from their parents or guardians.

Although Ofcom insists that it is only concerned with complaints after broadcast, its Rules are designed to influence the production process, and while the Rules might only require brief mention of such a 'contact', more details as to content could be offered in the guidance notes.

**5.** Some thought should be given to the impact of disturbing imagery on daytime and early evening news programmes, when children may be watching (with or without parents). This is not to suggest that footage of catastrophic events should not be broadcast but care should be taken that the most explicit images are reserved for broadcast at a later time.

It is important that children should take an interest in the world around them, but so often news presents such a negative view of the (adult) world that children are 'turned off' watching the news because it's frightening and depressing. It cannot be good for democracy if young people are dissuaded from watching news because of its negative connotations. This is a difficult issue and represents a challenge to news providers, but it might benefit from some detailed research into young people's attitudes.

## **Section 5: Harm and Offence**

**a.** Rule 1 merely repeats the general principle, and unless the Rule makes explicit what these protections should be (not an easy task, and one which is not addressed in the guidance notes) it seems unnecessary here (as does Rule 2, see below).

**c.** Is there much point in including this Rule if there is no empirical evidence to support the notion that audience may be hypnotised by broadcasters? Is the matter not covered anyway by Rule 2.9? Perhaps this is one for the guidance notes.

**d-h.** Elsewhere there is acknowledgement that BBFC certificates provide guidance for broadcasters in terms of scheduling, and it makes sense to leave the classification of material which would not normally be broadcast as part of mainstream programming to the appropriate body. The BBFC deals with material that involves individual choice about viewing (a film, video or DVD), rather than chance encounters when switching on a television at home. The ready market for such material can be catered for through pay-per-view where appropriate safeguards (eg. encryption) should be in operation.

This is not the place to debate the merits of the BBFC classification system, however it is entirely reasonable to suggest that any material submitted to the BBFC that is refused a certificate - for instance on the grounds that it involves actual (rather than depicted) non-consensual or illicit sexual acts or graphic, gratuitous or glorified violence - would not generally be suitable for transmission in its entirety.

Some guidance may be required to cover the broadcasting of films which may not be covered by BBFC jurisdiction (eg. films made abroad but not submitted for classification for general release in the UK, or home-made videos).

### **Additional points**

#### **1. The 'truth'**

It is difficult to understand why Rule 2.2 should appear in this Section. Notwithstanding the controversy about what is meant by the term, surely this fits more sensibly in Section 8 (Accuracy etc) and 11 (Fairness).

We especially welcome Rule 2.5 and the helpful guidance notes, since this is an area in which we have taken a special interest.

## **Section 6: Crime**

**a.** Once again the principles are repeated in the opening Rules. It may be more sensible to begin with an overarching principle 'to ensure that broadcasting services are not used to encourage or assist the commission of criminal acts'.

### **Additional points**

**1. Disorder**

The expression 'likely to lead to disorder' (in the Principles and Rule 1.1) begs many questions. Broadcasters are covered by the Public Order Act, and that should suffice. Otherwise a police officer, or indeed a special interest group, might seek to prevent broadcasts for which there is strong public interest justification (for instance, inter-ethnic or inter-religious conflict; the housing of asylum-seekers, the mental-health service users, or of paedophiles, etc.)

**2. Assisting criminals**

If Rule 3.2 is to stand it may require clarification. Presumably it could cover both the demonstration of criminal techniques, and the publication of information that might assist a criminal (eg. indicating that a home is empty or a property unsecured). Some programmes may well be considered to be in the public interest and a degree of editorial discretion is required when making such judgements.

**3. Police**

It is not clear why relationships with the police are not covered in this section. There should be guidelines covering 'CrimeWatch style programmes, especially those which involve dramatic reconstructions of actual crimes (based usually on a partial account of what took place).

The Code would also do well to consider reminding broadcasters of their responsibilities when making use of CCTV footage, especially when it is provided by the police as part of a commercial arrangement.

**Section 7: Religion**

a. Should not the Principle simply read 'To ensure that broadcasters exercise proper responsibility in the representation of religious beliefs, and protect audience members from improper exploitation?'

Is it not possible to combine rules 4.1-4.5 into two simple Rules: 'Representations of religious views and beliefs must be accurate and fair, and criticisms should not be abusive?' And 'Programmes that espouse a particular religious view must identify the religion or denomination to audiences from the outset, and must make clear whether its purpose is to seek recruits.'

c. Section 14 does not offer the full range of options - another is to prohibit religious programmes on radio from appealing for funds, to create another type of level playing field.

d. Proselytising should not be the primary purpose of religious programming, since we are dealing here with communications systems and religious belief is a matter of faith (or personal choice). There is big distinction between direct recruitment within a programme and a tailpiece informing audiences where they can find out more about a particular religion or denomination – the common method by which special interest groups are able to disseminate information when their issues are included in a programme. There is no reason why this should not be adopted as a methodology for dealing with interest generated by a religious programme.

e. The wording of Rule 4.6 may be the existing standard but begs many questions and may require elucidation in guidance notes. Rule 4.7 may also require clarification and should perhaps make specific reference to editorial discretion as to scheduling rather than simply insisting that children must be protected from untested claims.

**Additional points**

1. The section does not make clear how broadcasters are expected to handle those with belief systems such as atheism, humanism, or adherence to what might be regarded as cults.

**Section 8: Due Impartiality, etc.**

a. The new regulatory regime provides a welcome opportunity to look afresh at 'due impartiality', one of the great sacred cows (or should that be scared cows?) of broadcasting. The world is a far more complex animal to present and explain, especially now that the world-wide web



provides people with access to a more diverse range of information and viewpoints than might conventionally be found in domestic broadcasting.

Editorialising is what has traditionally distinguished the printed press from broadcasting, but even, for instance, the new tradition of ‘two-ways’ has introduced an element of editorialising into news broadcasts.

The role of the media, as the term implies, is to mediate between the message and its recipients. Part of this mediation process occurs in the selection of words and images, and that selection can often begin at the level of recruitment.

Both Principles and Rules in this section are riddled with highly contentious language – who is to say what ‘even-handedness’ means, for instance, or what constitutes an ‘appropriate’ range of views. The gloss on ‘due impartiality’ offers the helpful explanation that the requirement is for adequate or appropriate attention to different points of view rather than a equal time, although even those terms beg many questions. However, in news presentation, the tone of voice, a raised eyebrow or other facial expressions can quickly be seized upon as evidence of bias or opinion.

It might be far better if this set of Rules was kept short and explicit, with the most of the admonitions left to the guidance notes. There should be an emphasis on encouraging diversity rather than limiting ‘points of view’ to a narrow range within ‘establishment’ parameters.

The important principles to make explicit are that:

‘The pursuit of accuracy should underpin all news and current affairs broadcasts’;

‘News should not be presented from a partisan viewpoint’; and

‘News and current affairs programmes should seek to include as diverse a range of views as is practicable.’

c. The danger of rules that limit, especially on important issues of public concern, is that they inhibit rather than encourage daring and imaginative programme making. The guidance notes should be encouraging the ingenuity of programme makers to inject variety into the presentation of news and current affairs.

d. Rules 5.7 – 5.13 are important clarifications about how to protect the integrity of news and current affairs programmes. ‘Authored’ pieces should be encouraged, so long as they are clearly labelled as such - but the ‘balancing act’ that the broadcasters have to perform where an authored or partisan programme about issues of public concern is transmitted, should simply be to ensure that ‘timely’ opportunities are given, including but not exclusively through the internet, for rebuttals and alternative points of view to be broadcast as soon as is practicable.

e. Yes

## **Section 9: Election coverage**

a. Much of this ‘goes without saying’ since the terms are defined by existing legislation. However what will ‘due weight’ be taken to mean? And should it not be ‘referenda’?

## **Section 10: Fairness**

a. Again the principle is repeated as a Rule, whereas the rules should seek to delineate how the behaviour of broadcasters can effect compliance with the principle. In general the Rules are helpful since they offer clarity to potential participants about what they should expect of broadcasters. The Principles might be expanded to read ‘To ensure that broadcasters avoid unjust or unfair treatment of individuals or organisations in the making or broadcast of programmes’.

### **b. Contracts and ‘informed consent’**

It may not appear to be Ofcom’s direct concern, but the issuing of contracts and waiver documents does relate to the issue of informed consent.

Some thought should be given to the fairness of contracts and waiver documents that members of the public are required to sign. These are often complex documents and are rarely fully explained. They require the signing away of copyright for ever in any medium (including those not yet invented) and are often presented to participants at the point of production – indeed it is not

unusual for people to be told that they cannot be paid their travel expenses, let alone an agreed fee, unless and until the document is signed.

There is an argument to be made that the Code or its guidance notes should include an exhortation to broadcasters to produce a 'guide for participants' in booklet form, setting out the terms and conditions under which people will be involved. It should cover health and safety issues, payments (where relevant), details of planned publicity materials or campaigns, and perhaps some words of caution and explanation about the production process and editorial decision-making.

Broadcasters have a duty of care to ensure that participants are alerted to the potential (short and long-term) consequences of media appearances, and producers should be required to obtain a signature to a statement that the booklet has been received and read before, for example, post production has begun on a recorded programme or before a live or as-live programme is broadcast. This should be seen as a matter of courtesy, respect, and media literacy, rather than as a bureaucratic stipulation.

The Ofcom Rules are designed to influence the production process, and this is an important element of proof that 'informed consent' has been obtained, especially in the 'reality TV' genre of programmes.

### **Public interest**

It is often the case that a 'public interest' defence is offered in rebuttal of complaints about unfair treatment. The 'public interest' is a proper concern of broadcasters, but it can also be offered too glibly as an excuse for what contributors may just as genuinely believe are unfair editing techniques, for instance, from which viewers might infer things which are not otherwise explicit.

It is important both for broadcasters and participants that the notion of what constitutes the public interest is clear from the outset. Merely being 'of interest to the public' is not the appropriate test. It may be helpful to adopt a standard definition of what might be covered by term 'public interest', along the lines of 'material which relates to matters of current controversy or which are concerned with the protection of public health, safety and security; the prevention and disclosure of crime or abuse of power; or the prevention of the public from being seriously misled'. (The gloss on the term 'warranted' in Section 11 provides a useful alternative version.)

It might then be possible both for broadcasters to nip in the bud frivolous or vexatious complaints by pointing out which aspects of the public interest relate to the programme, and for complainants to explain how such exceptions do not apply.

### **Additional points**

#### **1. Re-use of material**

It can be unnerving, and occasionally upsetting, when material recorded for one purpose later appears in a quite different context, and it is a matter of respect and courtesy to alert participants.

It is reasonable to suggest that when material is to be re-used (or indeed repeated) that broadcasters should make reasonable efforts to inform participants. Indeed the BBC is said to have introduced an archiving system that incorporates contact details of participants to facilitate precisely this procedure.

A related issue is the specific problem of 'anniversary' repeats, especially when of footage relating to disasters or to crime. Perhaps there should be guidance notes to cover such eventualities.

#### **2. Apologies**

It is a matter of regret that Ofcom is not empowered to require broadcasters to issue apologies.

### **Section 11: Privacy**

a. The principle is fine, although it might be appropriate to add the caveat 'unless there is a demonstrable public interest that might override the individual's right to privacy'.

It is welcome that the issue has been gone into with such detail, although this has made some of the rules rather woolly, and it might be more helpful to have fewer and simpler rules and expand upon them in guidance notes. For example the exceptions offered by the use of the term 'warranted' (as defined in the gloss on Rule 1.1) essentially apply throughout and need not be constantly repeated. This might be explained in guidance notes.

The wording and thus the sense of Rule 8.10 is confusing. It might be more helpful to amend it to read simply ‘...an appropriate consent should be obtained from those directly involved, before transmission, unless an individual’s identity has been legitimately concealed.’

It is important to allow that broadcasters must have the right to collect information, especially for ‘background’ about crimes and disasters; however sometimes this research can become intrusive (as happened in advance of the West trial, for example, as well as after Hillsborough and Dunblane) and this could be covered in guidance notes.

Broadcasters have a duty of care to ensure that they do not unwittingly risk re-traumatising survivors of disasters, or relatives of the deceased, by rebroadcasting distressing material without warning.

### **Additional points**

#### **1. Reality TV**

Almost by definition this genre of programme involves intrusions into privacy, the consequences of which cannot often be predicted. That makes it especially important that broadcasters take care to ensure that potential participants are aware of what participation involves, and again supports the value of producing a clear and lucid ‘contract book’. This should be presented to and discussed with participants in order to be assured of informed consent. It should not be acceptable to ‘assume’ that people know what they are getting themselves into. Participants should be encouraged to discuss their involvement with close family, and even consult solicitors, in advance of signing contracts.

It would not be surprising if broadcasters objected to so apparently precious a procedure, but few broadcasters would subject their private lives to the level of scrutiny that this genre has fostered. Their own reticence should be evidence enough that they appreciate the potential problems involved. If they believe people would not participate having had the implications explained to them (including scrutiny by the print media who have no part in the contractual obligations agreed with the broadcaster), that too should be an indicator that the genre must be ‘handled with care’.

There is nothing inherently wrong with wanting to be on TV or have your ‘15 minutes of fame’ but the opportunities afforded by the genre are likely to attract the more impressionable or determined self-publicists. If broadcasters believe that were special strictures to apply to this type of programming it would limit likely participants to exhibitionists and publicity-seekers (in other words atypical members of the public), perhaps producers and schedulers should come up with a more appropriate term for the genre...

### **Section 12: Sponsorship**

a. These are matters essentially beyond our remit, although the restrictions are to be welcomed as a means of guaranteeing the editorial independence of programme makers. Questions could be asked about why children’s programming does not appear on the exclusion list at 9.1.

### **Section 13: Commercial references etc**

a. Again this is an area beyond our remit.

### **Section 14: RIA**

12. Religious programmes should not be allowed to appeal for funds unless to support registered and recognised charitable services – for instance disaster appeals.

13. There should be rules regarding merchandising agreements both to protect the public, especially children, from exploitation and to ensure the editorial independence of broadcasters and programme-makers (for example merchandising may stem from the popularity of a programme, but programmes should not be made as a means of merchandising existing products).

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**<sup>1</sup> Relevant Articles from the UN Convention on the Rights of the Child**

**Article 12**

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

**Article 13**

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order, or of public health or morals.

**Article 14**

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

**Article 17**

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

**Article 18**

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.