



SCREENING CHAPTER 10 INFORMATION SOCIETY AND MEDIA

AGENDA ITEM 13B : TELEVISION WITHOUT FRONTIERS DIRECTIVE

PROTECTION OF MINORS AND RIGHT OF REPLY

Country Session: The Republic of TURKEY 13-14 July 2006





Content

- I. Legal FrameworkII. Legislation on Protection of Minors
- **A) Introduction of Classification System**
 - I. Classification System
 - II. Reasons for Development of a Classificiation System
 - **III. Research on Comparable Systems**
 - **IV. Development of a Turkish System**





Content

VI. Determination of Categories of Age and Harmful Contents
VII. Development of Pictograms
VIII. Questionnaire and Software

B) Right of Reply





Legal Framework

Law No.3984 on the Establishment of Radio and Television Enterprises and their Broadcasts, 1994

By-law on the Rules and Principles for the Radio and Television Broadcasting, 2003

European Convention on Transfrontier Television, Council of Europe, 1989





Legislation on Protection of Minors (I)

- Law No.3984
- To protect minors against harmful content
 - Art 4/t; "Broadcasts shall not be obscene"
 - >Art 4/u; "Not encourage use of violence and discrimination against women and minors"
 - Art 4/z; "Programmes, which could impair the physical, mental, and moral development of minors shall not be broadcast within the time intervals that they may be viewing"





Legislation on Protection of Minors(II)

By-law on the Rules and Principles for the Radio and Television Broadcasts Art.5/t, v, z

Watershed Hours:

Programmes with harmfull content for minors: between 11:00 pm - 05:00 am

Promotion of programmes with harmful content for minors: between 9:30 pm - 05:00 am





Legislation on Protection of Minors(III)

By-law on the Rules and Principles for the Radio and Television Broadcasts Art.41

Children programmes, cartoons, cinematographic and TV movies and serials shall be preceded by an acoustic/optical symbols to inform viewers

RTUK shall publish a guideline for the classification and monitor the application





Introduction of A Classification System





Classification System

Classification system labelled as "Smart Signs";

- Started on 21 April 2006
- With a logo named `Tele`, is designed on a co-regulation basis
- Is currently valid only for national broadcasters, intending to enlarge progressively to the regional and local ones
- Shall be applied to all programmes excluding live programmes and news bulletins





Reasons for Development of a Classification System

- Increasing complaints of parents on the content
- Change in the family viewing habits
- Rapid development in new technologies
- Requirement of relevant legislation harmonisation with the EU Acquis

led RTUK to develop a classification system for TV programmes to protect minors against harmful content





Research on Comparable Systems

Comparable applications (France, Slovakia, The Netherlands, Greece and Poland) were reviewed and NICAM system was selected as the most proper one

NICAM system is adapted by RTUK since judgements about possible harmfulness are subjective and depend on the morals and standards in a particular country







Development of the Turkish System

RTUK has established 3 working groups:

Content Working Group (Academicians, RTUK Staff)

Fechnical Working Group (IT Company, academicians, RTUK Staff)

Communication Working Group (Academicians, NGOs, communication company, public broadcaster, RTUK Staff)







Determination of Categories of Age and Harmful Contents

≻4 age categories

- Suitable for all,
- Suitable for ages 7 and up,
- Suitable ages for 13 and up,
- Suitable ages for 18 and up
- > 3 content categories
 - Violence/fear,
 - Sexuality and
 - Negative behaviours







Development of Pictograms

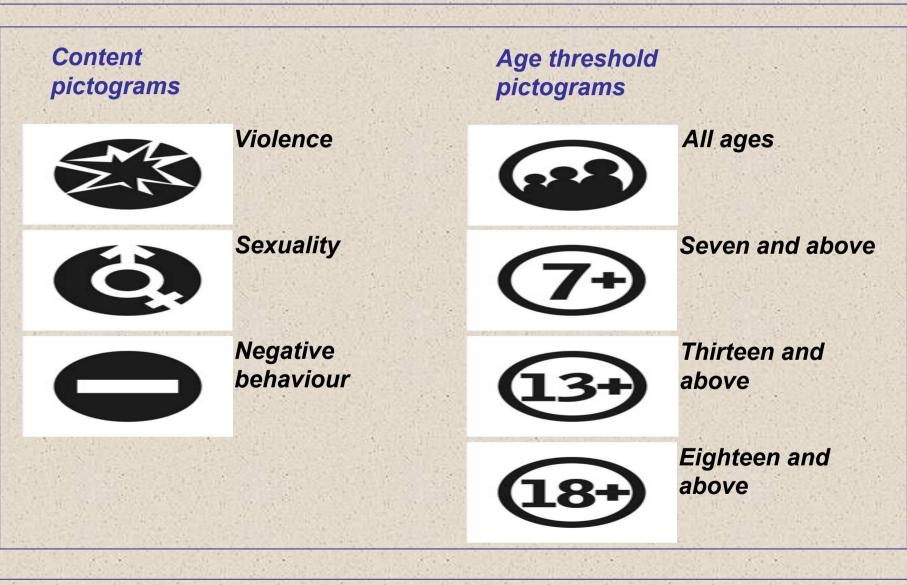
Classification system for television programs consists of totally seven pictograms that are,

Easy to be learned,
Easy to be recalled and
Informative

in 2 sets; 1) Denoting the content 2) Denoting the age threshold











Questionnaire and Software

Development of a questionnaire which reflects all the characteristics of broadcasting sector and Turkish culture

Development of a software for the coders and a web-site for the access of the common public







Right of Reply





Right of Reply (I)

Law No.3984 Art.4/I and Art.28 By-law Art.38

> Related provisions ensure and regulate the procedures for the right of rectification and reply against broadcasts which constitute attacks on individual rights of real or legal persons and against broadcasts they claim to be untrue





Right of Reply (II)

- **Application procedure:**
 - > The issue should be brought to the court within 10 days
 - > The court shall hand down its decision within 3 days.
 - The court's decision may be appealed to the higher court within 3 days and It shall hand down its decision within 3 days
 - Decision of the higher court is final
 - Required rectification shall be transmitted the day after the notification





Right Of Reply (III)

Law No.3984 Art.28 By-law Art.38

In case of violation of the Court decision,

RTUK may decide on the prohibition of advertising and tele-shopping broadcasts

In case of a second repetition of the violation, broadcasting permit shall be suspended





THANK YOU FOR YOUR ATTENTION