

Universitat Pompeu Fabra  
Estudis de Periodisme  
Departament de Periodisme i Comunicació Audiovisual

**Ètica i televisió informativa.  
Anàlisi comparativa dels codis  
deontològics de nou cadenes  
d'interès mundial**

Tesi doctoral de  
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Volum primer

### 73. SOCIAL SENSITIVITY: GENERAL

The BBC must try to serve all members of society equally. This involves an awareness of the sensitivities of groups in society who feel unjustly treated or discriminated against.

**1. A clear area of concern is the representation on radio and television of black people, people of Asian origin and other minority communities. There are others: people with disabilities, older people and women are also sensitive to the ways in which they are portrayed:**

- \* Some familiar references are felt to be unjust, hostile, out of date or simply unnecessary. BBC programmes should try to avoid causing offence in these ways.
- \* If an image in pictures or words seems to state or imply a stereotypical or ill-founded belief, a different description should be used.
- \* To mention racial origin, sex, age, disability or colour when they are immaterial can be received as a form of discrimination on the grounds that in other people these and other characteristics are ignored.
- \* Choose only descriptions which are important or helpful in the context and fair.
- \* Irrelevant references may also imply acceptance of common myths or, even worse, serve as a possible encouragement of prejudice.

There is a further aspect to the fair treatment of minorities:

- \* If programmes are adequately to reflect the full range of attitudes in society, programme makers must ensure that speakers and representatives from minority groups are regularly invited to contribute.
- \* Where necessary, more detailed help with contacts can be obtained from various specialist programmes and programme units within the BBC.

### **2. False Social Norms**

Programmes should not slip unthinkingly into a perspective which assumes that the norm is for the author, subject, and audience to be white, able bodied, male and in the prime of life.

- \* Such a perspective can give the impression that characteristics outside the supposed norm are problems or oddities. A false perspective may stem from a lack of awareness of the diversity of BBC audiences.
- \* It may also come from ignorance of demographic features: a typical family is not a working husband with a non-working wife and dependent children. The majority of households do not contain children under 16 and a majority of wives work outside the home as well as inside it.

**A sensible social picture requires a range of examples.**

### **3. Common Concerns**

Concerns expressed by dissatisfied groups are very similar, and apply to all kinds of programmes. These common concerns are:

- \* Under-representation in responsible roles making serious contributions to society.
- \* Portrayal in the form of stereotypes.
- \* The use of particular labels, which may reinforce unthinking attitudes.
- \* The use of unrelated illustrative material, for instance library film of Bangaldeshis arriving at Heathrow to illustrate a drug smuggling story.

- \* Insensitive juxtaposition of programmes or items, like a report on slums in Calcutta immediately after a report of British Asians in slums in the East End of London.
- \* Perspectives which are in fact British or European but are assumed to be universal.

#### 74. SPECIALISTS

Use them. The BBC has a wealth of specialists in many fields and to be authoritative programmes should exploit their expertise whether on air or in research .

- \* **Bush House** has lots of people very knowledgeable about different countries who should be invited to contribute to the coverage of world affairs in domestic programmes.
- \* **The Monitoring Unit at Caversham** has useful expertise and keeps a great deal of current and background information.
- \* **The Political Unit at Westminster** is a main source of political guidance as well as coverage.
- \* **The Political Research team in Television News and Current Affairs** can provide extensive background material.
- \* **The Specialist Units in news and current affairs** cover social affairs, foreign affairs, economics, business and finance, with more specific expertise within these units from the individual correspondents.
- \* **The Foreign Correspondents** all over the world are available, news pressures allowing, to all programmes. Programmes outside news and current affairs should approach through foreign news intake.
- \* **International Relations** will give advice and help.
- \* **Regional and Local Newsrooms** are indispensable sources of coverage and guidance for their areas.
- \* **Specialist Programme teams**, for instance for science and for religious affairs, will usually give ready help with issues, contacts and contributors.
- \* **News Information at Broadcasting House, Television Centre, Lime Grove and Bush House** have vast amounts of up-to-date, categorised information readily available.
- \* **The Libraries** too offer some specialised services and are a quick guide to specialist sources.

#### 75. STATISTICS

Nowhere is the reporting of matters of fact more open to interpretation than with statistics. Consider the following:

**Unemployment has dropped to its lowest level in three years. Almost three times as many people are out of work this month as when the Government came to power. The number of jobless has dropped for the fourteenth consecutive month. Britain has the highest rate of adult unemployment in Western Europe.**

All of the above statements could be true simultaneously. Which are reported and in what order, and which omitted are all difficult editorial choices.

The following considerations apply to all the main sets of figures on the economy reported frequently in BBC news programmes. These include the retail prices index, the trade figures,

the monthly index of production, and the survey of average earnings as well as the unemployment figures. The considerations apply also to the figures for crime and other social measurements.

### **1. The Problem of Context**

- \* Figures tend to be given a different context by government and opposition. Some context is necessary. For example, the monthly unemployment figures do not show the number without work. They show the number without work 'and claiming benefit'. The published figure is, therefore, invariably lower than the actual number out of a job.
- \* Figures for any one month have limited significance in isolation. What is always important is whether the figures are up or down.
- \* However, a rise or fall one month on another may not mean much: major fluctuations occur because of familiar 'seasonal factors' as for instance with retail prices and by the time they are taken into account an apparent improvement may turn out to be a deterioration or vice versa.

Even allowing for seasonal factors what comparisons should be made? With the previous month? Or the same month the previous year? Or with a series of figures over a period of time, and if so what period?

- \* **The trend should always be given: does the latest figure confirm it, increase or lessen it or is it 'out of trend'?**
- \* The basis on which some of the figures are calculated has changed a number of times in recent years so that straight comparisons may be misleading. Even though re-calculations of the unemployment figures are regularly issued by the Department of Employment, comparisons based on library cuttings may be invalid.

### **2. The Problem of Language**

- \* The language used to describe fluctuations in statistics is highly sensitive. Is it the 'highest' level since the war, or the 'worst'? 'Highest' is better because 'worst' is a judgement.
- \* When 'Unemployment figures have fallen...' could equally be 'Unemployment figures are at their second highest level...' writers and editors must find the most neutral way of telling the basic facts, amplifying their meaning wherever time allows and reflecting the varying interpretations that interested parties put on them. Thus: 'Unemployment fell by thirty thousand last month. It is still almost half a million higher than at the same time last year. The total of three million one hundred and twenty thousand out of work and claiming benefit is the second highest level since the war.'

### **3. Particular Guidelines**

Most of the problems can be avoided by giving sufficient airtime to put statistics into proper perspective. Even when too little time is available the following will help avoid accusations of selectivity or bias:

- \* Headlines and newsreader/presenter introductions should stick as far as possible to objective facts. Remember when selecting the most 'newsworthy' fact about a set of figures to reflect also any other facts which give another perspective.
- \* Always give the actual figures and the trend they represent.
- \* Figures usually require a comparison. Seek specialist correspondent advice. Always compare like with like. It may often be desirable to compare one month's figures with the month

before and with the same month of the previous year.

- \* A programme, or programme item, analysing the success or failure of the government in tackling, say, inflation will properly examine the present figures compared with those at politically significant times like an election or those of the previous government. A straight news report will not normally make such comparisons, unless reporting the comments of others.
- \* In reporting political interpretation of a set of figures it is important to reflect the range of different political views.
- \* Reports of the unemployment figures must make clear that they represent those out of work and 'claiming benefit'
- \* It is best for journalistic analysis to come from a specialist correspondent. When using only quotes, don't 'improve' them by beefing up.

#### 4. Graphics

When properly used, graphics on television ease the understanding of difficult figures. They can facilitate the notion of trends.

**There are also dangers: graphs and bar charts should have fair base lines and scales which are crystal clear. Otherwise they are misleading or uninformative. A base line above zero can make a small increase look large; a foreshortened timescale can make a gradual trend seem sharp. The impression given by a graphic must accord with an informed and objective interpretation of the figures.**

### 76 STRAIGHT DEALING

Contributors to BBC programmes -those who appear, those who are recorded but do not appear, and those who offer information or facilities- should be dealt with openly, honestly and courteously. The BBC's editorial independence must be preserved at all times but contributors should not feel that their interests have been disregarded, or that they have been misled or inveigled into appearing.

#### 1. Choice of Contributors

- \* No BBC editor, producer or reporter should be indebted to, or intimate with, a contributor in a way which causes objectivity to be endangered or editorial control infringed.
- \* The choice of contributor will be linked to the choice of programme treatment of a subject. Some programmes or items will be concerned with one or other aspect of an issue while others will aim at a more comprehensive treatment.
- \* The choice of treatment is important; the more immediately controversial the subject, the more important it is that each treatment should be balanced. This involves referring to all views which enjoy substantial support.
- \* Where only one aspect is explored the expectation is that other aspects will be aired in their turn.

## **2. Treatment of Contributors**

- \* Programme participants should be told what sort of programme they are being invited to join and the general intentions behind it.
- \* Editors should be careful to treat even-handedly contributors who may become involved at different stages in the preparation of a programme.
- \* Where a contribution is to be dropped there should be good reasons and they should be politely conveyed. Where possible due warnings of this possibility should be given in advance.
- \* Any contributor is entitled to ask for and receive an outline of a programme project and to be told of any significant change of plan. Occasionally an editor may decide to show or play a programme before transmission to check for factual accuracy, to obtain a specialist opinion or for the benefit of a contributor who has provided special facilities.
- \* Such previews are the exception, and should never be interpreted as limiting the BBC's editorial freedom. No contributor or outside body should be allowed the right of veto.

## **3. In Interviews**

- \* In general a contributor is entitled to be informed in advance about the general area of questioning. The degree of detail will vary.
- \* In exceptional circumstances -for example, programmes investigating practices which are against the public interest- programme makers may need to be secretive about their intentions.
- \* This does not absolve journalists from the obligation to ensure that all broadcast material is fair, just and true.
- \* There should normally be an opportunity to reply for anyone whose products or practices are being investigated.

## **4. Conditions on Contributors (including Interviews)**

- \* The BBC does not surrender editorial control over its output.
- \* Over-zealous regard for the BBC's editorial independence should not cause staff to treat brusquely requests from contributors even though they cannot be met in full.
- \* Equally, programme makers are expected to deal firmly with contributors who misconstrue courtesy and co-operation as the concession of editorial control.
- \* It is UD to editors to decide which conditions imposed by a contributor cannot be accepted because they would invalidate the contribution.

**Difficult cases should be referred to Heads of Departments.**

## **5. 'One BBC'**

It should be made clear to contributors that material recorded for any one BBC outlet may be used in any other, including the World Service. When the welfare of a contributor might be jeopardised, it may exceptionally be appropriate to guarantee the contribution will not be seen or heard in the country of origin.

## **6. Requests to Withdraw an Interview**

Once recorded there is, in general, no unassailable right to withdraw permission for use of an interview. It is BBC policy, however, to consider any such request very seriously. Requests to interrupt an interview or to record again are also to be considered seriously

## **7. The Editing of Contributions**

- \* Editing is a regular professional practice. Its purpose is to put information in a form which aids the audience's understanding. It is advisable that all contributors, especially the inexperienced, should be told of the likelihood of editing and given a rough idea of how much of their contribution is likely to be used.
- \* A contributor should always be told of any intention to use an interview in other than straight question-and-answer form.
- \* Recorded material should not be edited so as to give a different impression from that envisaged by the contributor.
- \* The juxtaposition of different interviewees through the technique of 'inter cutting' is a permissible and useful device, but it must not result in a contribution being misrepresented or any false impression being created -for example that separately recorded interviews are part of a conversation between two people.
- \* It is wrong to pretend that a recorded interview is a live one.

## **8. Re-use of Interviews and Other Material**

Material should only be re-used in a fair context. Consent may be needed from contributors. The same applies to programmes repeated significantly later because the circumstances of the participants may have changed.

Editors should always satisfy themselves that a proposed re-use of material does not break a specific undertaking or go against the spirit of the original understanding.

## **9. 'Vox Pop' Interviews**

When people are so interviewed certain basic rules apply:

- \* **The interviews should not be presented as a scientific sample.**
- \* The questioning should be of a kind appropriate to the casual and 'off the cuff' nature of vox pops.
- \* Even though a vox pop is designed to achieve spontaneity, there should be no improper concealment of the reason for the recording.

## **77. SUICIDES**

Reported suicides may encourage others. We should try not add to this risk.

- \* They should try not to add to this risk.
- \* Reports should usually avoid details of method: describe them in general terms unless there is a good reason to go into detail.
- \* When the method used is unusual reports should continue to be circumspect.

## 78. TERRORISM: GENERAL

The BBC, like other news organisations, covers terrorism because of its importance. People are concerned about terrorism, it affects them and they want to know the facts. Terrorist campaigns also have significant political consequences which often raise fundamental issues and which deserve to be explored.

**Programme makers do well to remember that television and radio coverage is close to the events described; pictures and sounds often make horrifying events vivid. Broadcast coverage, therefore, evokes much stronger feelings in the public than does newspaper reporting.**

The BBC has much experience of reporting terrorism, particularly in Northern Ireland where in two decades 2,600 people have been killed and tens of thousands injured. The BBC in Northern Ireland, like the ordinary people and the authorities, lives with terrorism almost by the day, not as an occasional menace. Staff there have detailed knowledge of a complex and sharply divided community.

- \* All programme makers dealing with Northern Ireland have a duty to seek advice from the BBC in Belfast.**
- \* They must keep colleagues there informed as plans develop or change.**
- \* Such consultation helps to ensure factual accuracy, to avoid failures of perspective and to prevent justified criticism.**

There is rarely doubt about the newsworthiness of a terrorist incident. To ensure that coverage is measured, reliable and in perspective, extensive consultation may be called for.

- \* This will include discussion at editors' meetings.**
- \* In News and Current Affairs outstanding or protracted acts of terrorism will need to be drawn to the attention of senior people, including ENCAT, ENCAR and the Director of News and Current Affairs.**
- \* During continuing incidents such as sieges, which may be influenced by our coverage, special arrangements may be necessary to ensure quick consultation and consistency between television and radio and between different programmes.**
- \* The wider process of consultation includes Controller Northern Ireland and senior members of his staff when the incident is in the Irish context or has pronounced Irish connections.**
- \* DDG, Controller Editorial Policy and Chief Political Adviser may need to be involved.**
- \* Expertise at Bush House and foreign correspondents should be used when foreign groups become newsworthy.**

### **Reliability**

Experience in Northern Ireland and elsewhere illustrates an important truth about the role of the media in a terrorised society. There is much danger in rumour. If the BBC and other news organisations do not promptly give reliable information which is trusted, rumour or exaggeration take over. For a broadcasting organisation to be believed in such troubled circumstances it has to have been trustworthy as well as quick. The trust is built up over a period and to achieve it the organisation has to be widely believed to be independent, not controlled by authority and not politically or socially partial.

## 79. TERRORISM: INTERVIEWS

The BBC's approach to any dealings with terrorists is dictated by the nature of the particular terrorist group and the context of its activity.

- \* **No approach to record an interview with a terrorist, in a British or a foreign context, may be made without reference through senior line management and CEP.**
- \* **For interviews intended to be incorporated indirectly in copy or in reporter and correspondent voice pieces, approval should be sought in advance from the news editor or Head of Department.**
- \* **A BBC journalist genuinely unable to refer a proposed interview, of either the above kind must take a responsible decision in line with BBC policy, and report as soon as possible to the appropriate News Editor or Head of Department. who will in turn refer as necessary to CEP.**
- \* **IRA and other Irish terrorists are interviewed very rarely by the BBC. It is always a matter for consideration at the highest level and permission will not be given unless there is very strong and clear editorial justification which serves public understanding. This applies even though what can be broadcast of such interviews is heavily restricted by the Notice served on the BBC by the Home Secretary in October 1988.**
- \* **Interviews with people who are associated with Irish terrorist organisations are not so rare because the people interviewed are active in the daily politics of Northern Ireland, nearly always in publicly elected positions. These interviews are also significantly affected by the Home Secretary's Notice.**

Generally whenever interviews are allowed they should be used sparingly, short clips often being more appropriate than long extracts. Challenging questions should be used to get valid contributions to the examination of issues.

## 80. TERRORISM: LANGUAGE

Broadcasters are often accused of aiding terrorists by publicising what they do. Although news inevitably involves publicity this has to be set against the consideration that silence encourages rumour and may incite further and worse outrages.

The careful use of language can minimise any risk of publicity furthering the cause of the terrorist.

- \* **Avoid anything which would glamorise the terrorist, or give an impression of legitimacy. In particular, try not to use terms by which terrorist groups try to portray themselves as legitimate -terms like 'execute', 'court martial', 'brigade', 'active service unit'.**
- \* **If used, paramilitary terms should normally be attributed.**
- \* **Take care not to show terrorists or people closely associated with them in an approving light. This is largely a matter of detailed consideration, case by case.**

When dealing with statements from terrorists in Northern Ireland or the Irish Republic, authentication and guidance should be obtained from Head of News and Current Affairs, Northern Ireland or BBC specialists.

- \* Such statements may contain important information but we should not take them at face value.
- \* They can be paraphrased to avoid the military titles and pomp.
- \* Avoid references to terrorist 'successes'; to most people they spell horror.

## 81. TERRORISM: PARAMILITARY DISPLAYS

Publicly evident events like gunshots at gravesides and other demonstrations at funerals are common in Northern Ireland. As part of the political scene they should be reported when relevant.

There are other managed events of a surreptitious kind over which special care must be taken: restricted news conferences, demonstrations of manpower such as road blocks, or training sessions.

Sometimes reporters will be invited to such events, perhaps at instant notice. Sometimes the BBC will be supplied with material, maybe a video.

**Referral is always necessary in these cases although occasionally it will be after the event because of pressure of circumstances.**

- \* If experienced judgement decides that a managed event is not a fake and it discloses information that the public ought to have, the BBC should report it.
- \* Its nature should be made clear and if the information was gained by unusual means we will need to say so.
- \* The material from others will usually need to be included in a larger piece of balanced journalism, not used in isolation.

## 82. TERRORISM: PEOPLE AT RISK

The BBC should do nothing which would increase the vulnerability of anyone to terrorist attack. Do not give information that would help in planning an attack.

### **Public Figures**

When individuals are threatened they will often not be identified so as not to expose them further. This normally applies to public figures: the general threat is known; specific threats tend not to be. Care must be taken when giving information about the homes of prominent people which is not already widely known.

- \* Programmes should not give in speech or pictures details which would identify such private homes.

- \* Do not give addresses or precise locations.
- \* Locations should be mentioned only in the broadest terms. General descriptions such as 'near...' can be given but do not name the village or other immediate locality
- \* Do not show detailed maps, plans or aerial pictures.
- \* Pictures should not show security devices at the homes of public figures and reports should not normally speculate about them.
- \* Pictures of the home of a prominent person can be shown, provided they are neither close-ups which might reveal, say, window locks, nor very long shots which would show the layout of buildings.

It may be irrelevant that some undesirable facts have already been published: programmes should not repeat them.

**Important individuals are at risk when they visit public places.**

When, for instance, a government minister is to visit a new shopping area details of place or time should not normally be disclosed in advance.

**Suppliers to the security forces are vulnerable to threats and, like exposed individuals, they are not usually identified.**

**Unmarked police cars may be shown, as in the aftermath of an incident, but try not to show registration numbers.**

**When injured members of the security forces are taken to hospital, the hospital should not normally be named.**

### **83. TERRORISM: SIEGES AND HIJACKS**

The key consideration is to do nothing that might increase the danger to hostages or hamper the authorities in their efforts to have them released. Broadcasters need to work closely with the police and other authorities involved while maintaining independent reporting.

**Broadcasters will observe some restrictions:** for instance, during one hijack broadcasters were asked not to refer to the state of mind of the hijackers so as not to agitate them. The movements of security forces in the area may have to be omitted.

The Home Office and Scotland Yard are supplied (by Controller Editorial Policy) with an updated list of important contacts in the BBC for possible use during incidents. This enables the authorities to speak to the BBC on two levels: to reporters and other news gatherers on the ground and to senior staff at Television Centre and Broadcasting House.

During major continuing incidents in Britain the BBC brings into force special arrangements for instant consultation between radio and television and all programmes.

## 84. TRADE NAMES

Registered trade marks or trade names are often used as generic terms. They should not be: apart from giving uncalled-for publicity when the context is favourable or neutral, they can result in legal action when the context is adverse. Even when trade marks have passed into popular speech, like Hoover, use alternative words and phrases, like vacuum cleaner. The following list, while not exhaustive, includes the most likely offenders with suggested alternatives:

Babygro	baby's sleep suit
Biro	ballpoint pen
Dunlopillo	foam-filled
Elastoplast	sticking plaster
Fibreglass	glass fibre
Filofax	personal file
Flexitime	flexible working hours
Hoover	vacuum cleaner
Instamatic	quick loading camera
Jacuzzi	whirlpool bath
Jiffy (bag)	padded envelope
Kleenex	paper tissues
Li-lo	air bed
Perspex	acrylic sheet
Photostat	photo copy
Plasticine	modelling clay
Polaroid	instant camera
Portakabin	portable building
Primus	camping or portable stove
Stanley Knife	knife or handyman's knife or trimming knife
Tannoy	public address system; <b>and don't use it as a verb either!</b>
Tarmac	tarred stone

## 85. VIOLENCE

Television newsrooms frequently have pictures of violent scenes which are too horrifying or harrowing to be shown. At the same time coverage of violence should not be sanitised to a degree that misleads.

Editors must control what is shown in what form and for how long. News bulletins enjoy more public tolerance than programmes operating at a further distance from the events and all editors need to be sure that shocking pictures can be justified by the importance of the story. They must take into account the impact on the individual viewer at home.

Radio faces this problem less often, but similar care is called for in the handling of actuality or interviews with victims or their relatives.

## 1. Specific Points of Guidance

- \* Do not predict violence. Be sparing with reports of 'crowds gathering' and treat with caution speculation about retaliatory violence.
- \* Do not call a disturbance a 'riot' unless the term is clearly justified by the size and severity of the situation. Reject adjectival reporting, and inflammatory clichés such as 'angry mob', 'explosive violence', 'mounting tension', 'full scale rioting'
- \* Do not confuse rumour and fact. Accounts by participants and self-appointed leaders who in fact represent only themselves should not be accepted at face value. Even eye-witness reports can be wrong.
- \* Do not describe violence as 'racial' or 'sectarian' unless the term is clearly justified by the attitudes of the participants.
- \* Reports of violence on the streets should aim not to fan tensions and local feuds.
- \* Do not broadcast information about how to make home-made weapons, nor show pictures which demonstrate how to assemble them
- \* Reporters and crews on the scene should remain as inconspicuous as possible. Travel in unmarked cars. Avoid conspicuous use of cameras.
- \* Staff must withdraw if their presence appears to be causing, prolonging, or intensifying a dangerous situation. Filming should cease once the subjects start behaving abnormally because of the presence of cameras.
- \* Live broadcasting of any hostage-taking or terrorist incident must be referred.
- \* The showing of dead bodies must be carefully considered.
- \* Film should not dwell on close-up pictures of the grief stricken.
- \* Interviews with the bereaved must not be gratuitous and they must be arranged, conducted and considered for transmission with the greatest sensitivity. The reporter must be fully aware that the interviewees may well be in shock and may need to be protected rather than exposed to publicity. Some however have a desire to talk and can benefit from it.
- \* Descriptive details of suicide and rape cases should normally be withheld.
- \* Actuality should not be embellished with the musical and other conventions of fictional violence, horror or crime.
- \* Try to put the scale of violence into perspective but be careful of certainty about numbers which cannot be verified. State the sources for estimates of crowd size, numbers responsible for violence, numbers injured or killed and property damaged.

2. Ordinary day to day life is seldom entirely displaced even when violence is sustained over a period of weeks or months. The way in which the civilian population adjusts, and the extent to which a degree of normality is maintained alongside the violence, is an important element in the reality of community life; it should be reflected in the reporting of the situation.

- \* Violence cannot properly be reported without an exploration of its causes. The background to situations, the issues and the circumstances which led to the disturbance, should be examined as soon as possible. If, after every effort to find out the cause, it remains unclear, this should be reported.
- \* Examination of the causes of violence may require assessment of ideological and cultural discord and the extent to which it is organised. Explanations should not provide a platform for propaganda. Political rhetoric may be illustrated in a programme, but it should be challenged.

### **3. Concern for Children**

Editors of news bulletins and of current affairs and documentary programmes should consider the presence of large numbers of children in the television audience before the nine o'clock 'watershed'. Substantial numbers of children may also be watching after the watershed, especially on Friday and Saturday evenings. This should cause editors to be careful about violence in general and in particular about stories concerning exorcism and the occult, or those concerning mentally deranged people.

# **ITC (Independent Television Commission)**

**Gran Bretanya**

**Comissió de control d'emissores privades**

**Nom del codi: "ITC Programme Code"**

**El codi és d'aplicació a totes les emissores que funcionen amb llicència de la ITC ("Independent Television Commission") -entre les quals hi ha la ITV (Channel 3), Channel 4 i la DBS-, d'acord amb la part I de la Broadcasting Act de 1990, així com a alguns programes inclosos en serveis de subministrament local atorgats per la ITC d'acord amb la part II de la mateixa llei. (En alguns casos el codi fa diferents previsions per als diversos tipus de servei, i existeix un codi diferenciat per al teletext).**

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## **FOREWORD**

- (a) The Broadcasting Act 1990 makes it the statutory duty of the ITC to draw up and enforce a code governing due impartiality and a general code governing the portrayal of violence, appeals for donations and such other matters concerning standards and practice for programmes as the Commission considers appropriate. The relevant parts of the 1990 Act are reprinted in full in Appendix I.
- (b) This Code has been produced by the ITC for the purpose of these statutory duties with respect to programmes. Section 3 constitutes the Code on Due Impartiality, which is a self-contained document. The remainder of the Foreword does not apply to Section 3.
- (c) The Code gives effect in the UK to a number of requirements relating to television programmes in the European Community Directive on Television Broadcasting and Council of Europe Convention on Transfrontier Television.
- (d) The Code applies to all services licensed by the ITC under Part I of the 1990 Act and to certain foreign satellite programmes included in local delivery services licensed by the ITC under Part II of the 1990 Act. In some cases the Code makes different provision for different types of service. (A code for public teletext is published separately.)
- (e) All licensees are required to ensure that any programmes they transmit comply with this Code and to satisfy the ITC that they have adequate procedures to fulfil this requirement. They should ensure that relevant employees and programme makers, including those from whom they commission programmes, understand the Code's contents and significance. They should also have in place procedures for ensuring that programme-makers can seek guidance on the Code within the company at a senior level.
- (f) The ITC itself draws up and revises the Code, monitors compliance and investigates complaints. Under the 1990 Act it has the power to impose sanctions, including fines, on licensees who do not comply with the Code.
- (g) Whereas the ITC is willing to give general guidance on interpretation of this Code, it will not preview programmes or consider specific script proposals before production. Independent producers or others supplying programme material should seek guidance on specific proposals from the relevant licensee.
- (h) The Code does not attempt to cover the full range of matters with which the ITC and licensees are concerned. This is not because such matters are unimportant, but because they have not given rise to the need for regulation. The Code is therefore not a complete guide to good practice. Nor is it necessarily the those word on the matters to which it refers. Views and attitudes change, and any description of what is required of those who make and provide programmes is bound to become incomplete and possibly out-dated. The Code is subject to interpretation in the light of changing circumstances, and on some matters it may be necessary to introduce fresh requirements or advice from time to time.
- (i) Unless otherwise stated, any reference in the Code to "children" means those aged 15 or under. A reference to "young persons" means those aged 16 or 17.

- (j) To assist licensees and others reading this Code the specific rules which the ITC has chosen to lay down have been printed in bold type and indented. However, these rules cannot be properly understood in isolation from the rest of the text. Also, the ITC will be assessing the performance of licensees and reaching decisions on sanctions in relation to the Code as a whole. Licensees are urged, therefore, to study the entire Code carefully.
- (k) In drawing up this Code the ITC has taken into account the requirement "to reflect the general effect" of the Broadcasting Standards Council's code, under Section 152 (3) of the Broadcasting Act 1990. However, licensees themselves should be aware of the Council's code.
- (l) Certain enactments referred to in the Code do not extend to the Channel Islands.
- (m) The terms "ITV" and "Channel 3" are synonymous.

## Section 1

### OFFENCE TO GOOD TASTE AND DECENCY, PORTRAYAL OF VIOLENCE, ETC.

#### 1.1 GENERAL REQUIREMENT

Section 6(1)(a) of the Broadcasting Act 1990 requires that the ITC do all it can to secure that every licensed service includes nothing in its programmes which offends against good taste or decency or is likely to encourage or incite to crime or lead to disorder or be offensive to public feeling. Section 7(1)(a) requires a code giving guidance as to the rules to be observed with respect to the showing of violence, or the inclusion of sounds suggestive of violence, in programmes included in licensed services, particularly when large numbers of children and young persons may be expected to be watching the programmes.

#### 1.2 LANGUAGE

Many people are offended, some of them deeply, by the use of bad language, including expletives with a religious association, in television programmes. On the other hand writers, producers and performers seek, with reason, to protect their freedom of expression. It is therefore important, if this freedom is not to be jeopardised, to avoid any gratuitous use of language likely to offend.

**In particular the use as expletives of 'Jesus Christ' and 'Christ' is only acceptable where it can be clearly justified within the context of the programme.**

**Bad language (including profanity) must not be used in programmes specially designed for children.**

Moreover, anything likely to be transmitted in the early evening and therefore to be viewed in the family circle must take full account of Family Viewing Policy (see 1.5(i)).

There is no absolute ban on the use of bad language. But when used it must be defensible in terms of context and authenticity. It is one thing, for example, when such language occurs in a documentary programme, and quite another when it is introduced for its own sake in a studio production. Many people who would not be unduly shocked by swearing are offended when it is used to excess and without justification. Profanity is also a matter for concern in relation to any religious faith, not only Christianity.

**The most offensive language should not be used before 9.00 p.m..**

**Its use after that must always be referred in advance to the licensee's most senior programme executive or the designated alternate for approval.**

#### 1.3 SEX AND NUDITY

The same considerations apply here as to bad language. Popular entertainment and comedy have always relied to some extent on sexual innuendo and ambiguous (or suggestive) gesture

and behaviour: but this does not justify mere crudity. Much of the world's great drama and fiction has been concerned with love and passion, and it would be wrong (if not impossible) to require writers to renounce all intention to shock or disturb; but the aim should not be to offend.

The portrayal of sexual behaviour, and of nudity, needs to be defensible in context and presented with tact and discretion.

**Representation of sexual intercourse should be reserved until after 9.00 p.m. Exceptions to this rule may be allowed in the case of nature films, programmes with a serious educational purpose, or where the representation is non-graphic, and must be approved by the licensee's most senior programme executive or the designated alternate.**

#### **1.4 BAD TASTE IN HUMOUR**

##### **1.4 (i) JOKES ABOUT PERSONAL DISABILITY**

The roots of laughter are often found in deviations from the normal and familiar. But there is a danger of offence in the use of humour based on physical and mental disability. Even where no malice is present such jokes can all too easily, and plausibly, appear to be exploitation or humiliation for the purposes of entertainment. This not only hurts those most directly concerned: it can and does repel many viewers. The use of such jokes in broadcast programmes needs to be considered with great care on every occasion. Further advice on the portrayal of disabled people is given in Section 1.11.

##### **1.4 (ii) RACIAL JOKES**

There is a danger of offence also in jokes based on different racial characteristics. Producers need to be sensitive to the possible effect of such jokes upon the racial minority concerned, as well as to changes in public attitudes to what is and is not acceptable. Even though it may be unlikely that matters intended as a joke would constitute an offence under the provisions of Section 6 ('Incitement to racial hatred') of the Race Relations Act 1976, or Section 22 of the Public Order Act 1986, they may nonetheless offend against good taste or decency or be offensive to public feeling.

##### **1.4 (iii) OTHER MINORITIES**

Similar considerations apply to the treatment of other, less obvious and vulnerable, minorities including older people, homosexuals, and minority religious faiths or language groups.

##### **1.4 (iv) RECORDED ENTERTAINMENT PROGRAMMES**

**Programmes not used immediately should be checked before transmission to ensure that any content is not rendered tasteless by intervening events, such as death, injury or other misfortune.**

## 1.5 SCHEDULING

### 1.5 (i) FAMILY VIEWING POLICY

**Material unsuitable for children must not be broadcast at times when the largest numbers of children are viewing.**

The ITC accepts that there is no time of the evening when there are not some children viewing, perhaps even in quite substantial numbers; and that any attempt to provide a wide range of programmes appropriate for adults and including serious subject-matter will entail the broadcasting of some material that might be considered unsuitable for children. The ITC does not accept that, because some children are always likely to be present in the audience, there should be no adult material included in the programme output. The necessary compromise is embodied in the ITC's Family Viewing Policy for evening viewing. The policy assumes a progressive decline throughout the evening in the proportion of children present in the audience. It requires a similar progression in the successive programmes scheduled from early evening until closedown; the earlier in the evening the more suitable, the later in the evening the less suitable.

**Within the progression, 9.00 p.m. is normally fixed as the point up to which licensees will regard themselves as responsible for ensuring that nothing of shown that is unsuitable for children.**

After 9.00 p.m. and until 5.30 a.m. progressively less suitable (i.e. more adult) material may be shown and it may be that a programme will be acceptable for example at 10.30 p.m. that would not be suitable at 9.00 p.m. But it is assumed that from 9.00 p.m. to 5.30 a.m. parents may reasonably be expected to share responsibility for what their children are permitted to see. violence is not the only reason why a programme may be unsuitable for family viewing. Other factors include bad language, profanity, crude innuendo, explicit sexual behaviour, and scenes of extreme distress.

### 1.5 (ii) ENCRYPTED AND SUBSCRIPTION CHANNELS

Where a channel is encrypted, or only available to cable customers on payment of a fee additional to the basic subscription to the service, its availability to children will be more restricted, and the point at which parents may be expected to share responsibility for what is viewed may be shifted from 9.00 p.m. to as early as 8.00 p.m., depending on the nature of the programme concern and the factors cited above. Similarly, material of a more adult kind than would be acceptable at the same time on a more broadly available channel may be shown after 10.00 p.m. and before 5.30 a.m.. This flexibility does not extend to channels provided to cable customers as part of the 'basic' package available to all subscribers on a system.

### 1.5 (iii) ACQUIRED MATERIAL, INCLUDING FEATURE FILMS

The contents of the Code apply to the selection of acquired material (including films) as well as to the production of programmes. Where a BBFC certification exists for the version of a film or programme proposed for transmission, it may be used as a guide to scheduling. It should be borne in mind that a stricter standard of acceptability is set by the BBFC for a video version than for the cinema version, since video classification includes the test of

suitability for viewing in the home. A stricter standard again is applied to the version certificated for subscription TV. Not all films certificated for cinema or video release, however, will be suitable for the circumstances of television transmission, and scheduling decisions must continue to be made in the light of the rules set out elsewhere in this Code.

The following basic rules apply:

- (a) No '12' rating should normally start before 8.00 p.m. on any service.**
- (b) No '15' rating should normally start before 9.00 p.m. (or 8.00 p.m. on encrypted or 'additional' subscription channels, contents permitting).**
- (c) No '18' rating should start before 10.00 p.m. on any service.**
- (d) No 'R18' rating should be transmitted at any time.**
- (e) No version which has been refused BBFC certification should be transmitted at any time.**

These are, however, minimum requirements. In particular, many '15' rated films will not be suitable as early as 8.00 p.m. even on a subscription channel if, for example, they contain scenes of drug taking or sexual intercourse or a greater than usual level of violence. Where no BBFC certification exists and the licensee relies only on this Code for guidance, special concern should be given to the interests of younger viewers. Nothing shown before 8.00 p.m. by any licensee, whether on a subscription channel or otherwise, should be unsuitable for children.

#### **1.5 (iv) TRAILERS AND PROGRAMME PROMOTION CLIPS**

**Programme trailers must themselves comply with Family Viewing Policy. If it is decided to promote an 'adult' programme before 9.00 p.m. the trailer must be suitable for family viewing.**

Excerpts selected for trailing a programme containing violent material should be chosen with care, and should not give emphasis to violent incidents uncharacteristic of the programme as a whole.

#### **1.6 VIOLENCE**

It may be asked why violence has to be portrayed at all on the screen. The answers are clear. First, conflict is of the essence of drama, and conflict often leads to violence. Second, the real world contains much violence in many forms, and when television seeks to reflect the world - in fact or in fiction - it would be unrealistic and untrue to ignore its violent aspects. On the other hand, the portrayal of violence, whether physical, verbal or psychological, is an area of public concern. The concern may arise for various reasons, and may refer to different kinds of assumed 'effect':

(a) At the simplest level, some portrayed acts of violence may go beyond the bounds of what is tolerable for the average viewer. These could be classified as material which, in the words of the Broadcasting Act, 'offends against good taste or decency' or 'is likely to be offensive to public feeling'.

(b) There is portrayed violence which is potentially so disturbing that it might be psychologically harmful, particularly for young or emotionally insecure viewers.

(c) Violence portrayed on television may be imitated in real life.

(d) The regular and recurrent spectacle of violence might lead viewers to think violence in one form or another has been given the stamp of approval. Once violence is thus accepted and tolerated people will, it is believed, tend to become more callous, more indifferent to the suffering imposed on the victims of violence.

#### 1.6 (i) THE PORTRAYAL OF VIOLENCE IN PROGRAMMES

**All concerned in the planning, production and scheduling of television programmes must keep in mind the following considerations:**

The content of the programme schedules as a whole

(a) People seldom view just one programme. An acceptable minimum of violence in each individual programme may add up to an intolerable level over a period.

(b) The time of screening of each programme is important. The ITC policy of 'family viewing time' entails special concern for younger viewers.

**The ends and the means**

(c) There is no evidence that the portrayal of violence for good or 'legitimate' ends is likely to be less harmful to the individual, or to society, than the portrayal of violence for evil ends.

**Presentation**

(d) There is no evidence that 'sanitised' or 'conventional' violence, in which the consequences are concealed, minimised or presented in a ritualistic way, is innocuous. It may be just as dangerous to society to conceal the results of violence or to minimise them as to let people see or hear clearly the full consequences of violent behaviour, however gruesome: what may be better for society may be emotionally more upsetting or more offensive for the individual viewer.

(e) violence which is shown as happening long ago or far away may seem to have less impact on the viewer, but it remains violence. Horror in costume remains horror.

(f) Dramatic truth may occasionally demand the portrayal of a sadistic character, but there can be no defence of violence shown or heard solely for its own sake, or of the gratuitous exploitation of sadistic or other perverted practices.

- (g) **Ingenious and unfamiliar methods of inflicting pain or injury, which are capable of easy imitation, should not be included.**
- (h) violence has always been and still is widespread throughout the world, so violent scenes in news and current affairs programmes are inevitable. But the editor or producer must be sure that the degree of violence shown is essential to the integrity and completeness of his or her programme.

### **The young and the vulnerable**

- (i) Scenes which may unsettle young children need special care. Insecurity is less tolerable for a child -particularly an emotionally unstable child- than for a mature adult. Violence, menace and threats can take many forms -emotional, physical and verbal. Scenes of domestic friction, whether or not accompanied by physical violence, can easily cause fear and insecurity.
- (j) Research evidence shows that the socially or emotionally insecure individual, particularly if adolescent, is specially vulnerable. There is also evidence that such people tend to be more dependent on television than are others. Imagination, creativity or realism on television cannot be constrained to such an extent that the legitimate service of the majority is always subordinated to the limitations of a minority. But a civilised society pays special attention to its weaker members.

**This Code cannot provide universal rules. The programme maker must carry responsibility for his or her own decision. In so sensitive an area risks require special justification. If in doubt, cut.**

### **1.6 (ii) SUICIDE AND SUICIDE ATTEMPTS**

The evidence that television portrayal of a suicide attempt may be directly imitated by a viewer is inconclusive. The subject should nevertheless, as a matter of commonsense, be handled with discretion and care. There should in particular be no detailed demonstration of the means or method of suicide. These considerations apply most acutely in the case of popular drama serials.

### **1.7 BEHAVIOUR EASILY IMITATED BY CHILDREN**

**The portrayal of dangerous behaviour easily imitated by children, including the use of offensive weapons or articles readily accessible and in particular knives, should be avoided, and must be excluded at times when it is likely that large numbers of children will be viewing.**

#### **1.7 (i) HANGING SCENES**

**No film or programme including hanging or preparations for hanging capable of easy imitation should be scheduled to start during Family Viewing Time.**

## 1.8 SCENES OF EXTREME SUFFERING AND DISTRESS

The choice of material reporting the effects of natural disaster, accident or human violence, may need to be determined in part by the time of day at which it is shown. It may be appropriate, for example, for different scenes to be included in news shown late in the evening from those included earlier in the day. (Considerations of privacy also arise - see 2.5.)

## 1.9 HYPNOTISM

**Demonstrations of hypnotism for public entertainment are regulated by the Hypnotism Act 1952. The Act requires such demonstrations to be licensed or authorised by the local controlling authority, and prohibits their being carried out on anyone under the age of 18.**

The provisions of the Act are relevant to any television demonstration of hypnotism at, or in connection with, an entertainment to which the public are admitted.

Care needs to be taken to minimise the risk of hypnosis being induced in susceptible viewers.

**In particular, the hypnotist must not be shown performing straight to camera.**

## 1.10 EXORCISM

**Demonstrations of exorcisms or psychic or occultic practice are not permitted in factual programming, except where they are the subject of a legitimate investigation. Care should also be taken in the scheduling of non-factual programmes containing such phenomena. They should not, for example, be available in family viewing time.**

## 1.11 PEOPLE WITH DISABILITIES

Concern about the portrayal of disabled people should go further than the issues of humour discussed at 1.4 (i) above. Careless or insensitive references cause distress both to the individual and his or her family. Any unnecessary reference to disability should be avoided, and patronising expressions such as 'crippled with', 'victim', 'handicapped' should, where possible, be replaced by more neutral forms such as 'he/she is disabled' or 'uses (not confined to) a wheelchair'.

The individual is more important than the disability. Programmes should give a fair reflection of the social contribution of the more than six million people in Britain who have a disability. It should be possible regularly to include disabled contributors in programmes of all kinds without making an issue of their disability.

A useful guide on the portrayal of people with disabilities has been published by the Employers' Forum on Disability, 5, Cleveland Place, London SW1Y 6JJ (telephone 071 321 6591).

## 1.12 WARNINGS

No programme shown during Family Viewing Time should be unsuitable for children. It is unlikely, therefore, that such programmes will need to carry a warning as to content.

**At later times, clear warnings (or 'labelling', where relevant including the provision of BBFC or other certification) should be employed where there is a likelihood that some viewers may find the programme disturbing.**

This does not diminish the broadcaster's responsibility for sensitive scheduling of programmes to reduce a risk of offence to the minimum.

## 1.13 REFERRING UP

**Where a producer has any doubt about the suitability of material covered in this Code, he or she must refer upwards to the most senior programme executive or the designated alternate for advice or approval, as required in the arrangements in paragraph (e) of the Foreword.**

Questions arising from particular BBFC certifications (see 1.5 (iii)) may be taken up directly with the BBFC. The final decision as to the suitability of anything transmitted remains, however, the responsibility of the licensee.

## 1.14 OTHER MATTERS

There is relevant advice on matters which might cause offence throughout the Code, in particular the sections on unnecessary distress (2.5) and antisocial or undesirable activity (5.5, 5.9, 5.10).

Section 2  
PRIVACY, GATHERING OF INFORMATION, ETC.

2.1 The broadcasters' freedom of access to information and their freedom to publish are subject to certain limitations. These limitations arise from considerations of national security, from the requirements of the Broadcasting Act and from the individual citizen's right to privacy. There will be occasions when the individual's right to privacy must be balanced against the public interest. The Broadcasting Complaints Commission (see Appendix III) is empowered to adjudicate on complaints of 'unwarranted infringement of privacy'.

2.2 FILMING AND RECORDING OF MEMBERS OF THE PUBLIC

When coverage is being given to events in public places, editors and producers must satisfy themselves that words spoken or action taken by individuals are sufficiently in the public domain to justify their being communicated to the television audience without express permission being sought.

2.2 (i) FILMING AND RECORDING IN INSTITUTIONS, ETC.

When permission is received to film or record material in an institution, such as a hospital, factory, or department store, which has regular dealings with the public, but which would not normally be accessible to cameras without such permission, it is very likely that the material will include shots of individuals who are themselves incidental, not central, figures in the programme. The question arises how far and in what conditions such people retain a right to refuse to allow material in which they appear to be broadcast. As a general rule, no obligation to seek agreement arises when the appearance of the persons shown is incidental and they are clearly random and anonymous members of the general public.

**On the other hand, when their appearance is not incidental,  
and they are not random and anonymous members of the public,  
a producer should seek specific content. Any exceptions should be  
justifiable in the public interest.**

When by reason of disability or infirmity a person is not in a position either to give or to withhold agreement, permission to use the material should be sought from the next of kin or from the person responsible for their care.

2.2 (ii) FILMING ON POLICE OPERATIONS

When invited to film police or similar official operations of any kind (e.g. Customs and Excise, Trading Standards) involving members of the public in other than public places (e.g. visits to homes under warrant, raids on licensed premises, etc.) it is the responsibility of the producer or senior crew-member to identify the licensee for whom he or she is working as soon as practically possible. If asked to stop filming or to leave premises, they should normally comply. In such cases it must be recognised that there may have been a technical trespass. Therefore, reference should be made before transmission to the licensee's most senior programme executive or the designated alternate, who will need to be convinced that showing

the material serves the public interest. Programme-makers should also consider whether, as a matter of fairness, the subjects of filming should be informed in advance of transmission.

## 2.2 (iii) DRAMATISED RECONSTRUCTIONS

Where innocent parties are portrayed as central figures in reconstructions of a crime or other momentous event, special care should be taken not to portray them in an unfair light. Producers should consider whether, as a matter of courtesy, they should be informed in advance of transmission.

## 2.3 RECORDED TELEPHONE INTERVIEWS

Interviews or conversations conducted by telephone should not normally be recorded for inclusion in a programme or in the course of preparation for a programme, unless the interviewer has identified himself or herself as speaking on behalf of a licensee seeking information to be used in a programme, and has described the general purpose of the programme, and the interviewee has given consent to the use of the conversation in the programme.

There may be rare occasions, such as those involving investigation of allegedly criminal or otherwise disreputable behaviour, when these normal requirements cannot be observed.

**When in the considered judgement of the producer such a case arises, he or she must obtain the explicit consent of the licensee's most senior programme executive or the designated alternate before such material is played in a programme.**

Companies should keep a log of all consents and be able to demonstrate that the procedures have been followed in case of a subsequent complaint.

## 2.4 HIDDEN MICROPHONES AND CAMERAS

**The use of hidden microphones and cameras to record individuals who are unaware that they are being recorded is acceptable only when it is clear that the material so acquired is essential to establish the credibility and authority of a story, and where the story itself is equally clearly of important public interest. When in the considered judgement of the producer such a case arises, he or she must wherever practicable, obtain the explicit consent of the licensee's most senior programme executive or the designated alternate before such material is recorded (whether or not it is intended for transmission). Consent is required again before any material obtained by secret recording is transmitted. Licensees must keep full records of the consultation process followed in each case and of any material recorded and transmitted. The ITC will ask to see such records at regular intervals. If a licensee fails to keep such records up-to-date, the ITC may impose a sanction for breach of the Code.**

## **2.5 SCENES OF EXTREME SUFFERING AND DISTRESS**

Scenes of human suffering and distress are often an integral part of any report of the effects of natural disaster, accident or human violence, and may be a proper subject for direct portrayal rather than indirect reporting. But before presenting such scenes a producer needs to balance the wish to serve the needs of truth and the desire for compassion against the risk of sensationalism and the possibility of an unwarranted invasion of privacy.

**The individual's right to privacy at times of bereavement or extreme distress must in particular be respected.**

Insensitive questioning not only risks inflicting additional distress on the interviewee, it also offends many viewers.

## **2.6 INTERVIEWING OF CHILDREN**

Any interviewing of children requires care. Children should not be interrogated to elicit views on private family matters, nor asked for expressions of opinion on matters likely to be beyond their judgement. Other matters affecting children are listed under 5.7 (Reports on Young Offenders) and 6.4 (Appearances by Children in Programmes).

### Section 3 IMPARTIALITY

#### **Commentary**

- (a) The Broadcasting Act 1990 makes it the statutory duty of the ITC to draw up, and from time to time review, a code giving guidance as to the rules to be observed for the purpose of preserving due impartiality on the part of licensees as respects matters of political or industrial controversy or relating to current public policy.
- (b) The Code relates specifically to Section 6(1)(c) of the Act and is drawn up in accordance with Section 6(3), 6(5) and 6(6). It is published under Section 6(7).
- (c) For ease of reference, the ITC considers it appropriate to include with the Code, guidelines relating to the requirement under Section 6(1)(b) that news be presented with due accuracy and impartiality and the requirement under Section 6(4) relating to the views and opinions of persons providing a licensed service. The Section of the Code dealing with drama, drama-documentary and dramatic reconstructions contains guidelines based on the ITC's code-making powers under Section 7(1)(c) of the Act as well as those deriving from Section 6(3). They are included together for the sake of coherence. The relevant clauses of Sections 6 and 7 of the Act are attached at Appendix 1. [N.B. Appendix 3 to the Brief]).
- (d) The Code applies to all ITC licensees and compliance is a condition of the licence.
- (e) It is the responsibility of licensees to ensure that relevant employees and programme-makers, whether independent or on the staff, observe the provisions of the Code.
- (f) The Code is laid out below. It places certain specific duties and prohibitions on licensees which they must observe in all circumstances. These are printed in bold type and indented. Except where stated in the text these specific rules relate to matters covered in Section 6(1)(c) of the Act, that is to say political or industrial controversy or relating to current public policy.
- (g) Other provisions in the Code comprise guidelines which should be observed in all normal circumstances: any departure from them can be justified only if the licensee can demonstrate exceptional circumstances and observes certain specific safeguards which are laid out in the Code.
- (h) General guidance will be made available by the ITC to licensees seeking an interpretation of any section of the Code and its implementation in practice. In the case of breaches of the Code, the ITC will normally seek appropriate remedial action in discussion with the licensee.
- (i) For the sake of simplicity, the word 'controversy' is used in the Code to refer to matters covered in Section (1) (c) of the Act, that is to say to matters of political or industrial controversy or relating to current public policy.
- (j) Section 47 of the Broadcasting Act 1990 allows the ITC to substitute for Section 6(1)(c), a modified requirement in respect of local licensable programme services. Guidance is given in section 3.9 of the Code.

## **The Code**

### **3.1 OBJECTIVES**

Broadcasters licensed by the ITC are free to make programmes about any issues they choose. This freedom is limited only by the obligations of fairness and a respect for truth, two qualities which lie at the heart of impartial broadcasting.

Impartiality does not mean that broadcasters have to be absolutely neutral on every controversial issue, but it should lead them to deal even-handedly with opposing points of view in the arena of democratic debate. Opinion should be clearly distinguished from fact.

### **3.2 THE LEGAL POSITION**

#### **3.2 (i) DUE IMPARTIALITY**

The Broadcasting Act requires the ITC to do all that it can to secure 'that due impartiality is preserved on the part of the person providing the service as respects matters of political or industrial controversy or relating to current public policy'. The term 'due' is significant; it should be interpreted as meaning adequate or appropriate to the nature of the subject and the type of programme. While the requirement of due -impartiality applies to all areas of controversy covered by the Act, it does not mean that 'balance' is required in any simple mathematical sense or that equal time must be given to each opposing point of view, nor does it require absolute neutrality on every issue. Judgement will always be called for. The requirement will also vary with the type of programme; the considerations applying to drama, for example, are different from those applying to current affairs programmes. News and personal view programmes are also different in kind and bound by separate sets of rules. Similarly, the choice of participants in a research-led investigative report will be determined by the need to be fair to the subject matter, while participants in a political discussion programme will normally be chosen more with a view to reflecting the principal opposing viewpoints.

The provision that due impartiality must be preserved 'on the part of the person providing the service' is also significant. It puts the burden for compliance on licensees rather than individual programme-makers. Subject to the safeguards contained in this Code, the provision allows for individual contributors to put forward what may be a personal or subjective view, or for such views to be reflected in a programme. It is for each licensee, acting through the executives who commission and schedule programmes, to ensure the service they provide deals fairly with matters of political or industrial controversy, or current public policy.

#### **3.2 (ii) EDITORIALISING**

The avoidance of editorialising on the part of licensees is integral to the preservation of due impartiality in the service they provide. So while individual contributors may be commissioned to broadcast personal view programmes on controversial matters covered by the Act, licensees may not use programmes to put forward their own views on such matters.

**The Act places the additional duty on the ITC to do what it can to secure the exclusion of the licensee's views and opinions on**

**controversial matters other than the provision of programme services. If a director or officer of a licensee does express an opinion on a controversial matter, other than the provision of programme services, in a broadcast by a licensee, it must be in a context which makes clear that he or she is expressing a personal opinion and not the opinion of the licensee. Speeches in Parliament are exempt from this provision.**

### **3.3 IMPARTIALITY OVER TIME**

There are times when licensees will need to ensure that the principal opposing viewpoints are reflected in a single programme or programme item, either because it is not likely that the licensee will soon return to the subject, or because the issues involved are of current and active controversy. At other times, a narrower range of views may be appropriate within individual programmes. The ITC recognises that such issues call for editorial judgement based on the particular circumstances and that an impartial programme service does not necessarily have to ensure that in a single programme, or programme item, all sides have an opportunity to speak.

#### **3.3 (i) THE 'SERIES' PROVISION**

The Broadcasting Act's requirements about impartiality allow a series of programmes to be considered as a whole. For this purpose, the ITC defines a series as more than one programme broadcast in the same service, each one of which is clearly linked to the other/s and which deal with the same or related issues.

It is not sufficient to claim that programmes on other channels or other media will ensure that opposing views will be heard. Some series consist of programmes broadcast at regular intervals under the same title, but which may deal with widely disparate issues from one edition to the next. In this case, each programme should normally aim to be impartial in itself. Alternatively, producers may choose to deal with the same subject over two or more programmes or, for instance, offer separate in-depth interviews to the leaders of political parties and in this way achieve impartiality over time. The intention to achieve impartiality in this way should be planned in advance and, wherever practicable, made clear to viewers.

### **3.4 PROGRAMME CONTENT: 'MAJOR MATTERS'**

The Act requires the Code to take particular account of the impartiality due to major matters of political or industrial controversy or relating to current public policy.

What is a major matter will vary according to the current public and political agenda, whether national or regional. It would in most circumstances include political or industrial issues of national importance, such as a nation-wide strike or significant legislation currently passing through Parliament. For licensees serving a regional audience, it would also include issues of comparable importance within their region. Clearly, a regional newsroom will have a different set of priorities from that of a network programme serving the nation as a whole.

**In dealing with major matters of controversy, licensees must ensure that justice is done to a full range of significant views and perspectives during the period in which the controversy is active.**

The treatment of major matters should not obscure the fact that due impartiality is required on all matters of political or industrial controversy or current public policy. The ways in which this may be achieved in relation to different programme types is dealt with in the following sections.

### **3.5 FACTUAL PROGRAMMES**

In all factual programmes, due impartiality must be preserved when their subject matter falls within the area of controversy defined in the Act. This may be secured in a number of different ways, depending on the purpose and format of the programme. Those primarily addressed to an examination of issues already in the arena of public debate should give a fair representation of the main differing views on the matter. Those which offer a view on the authority of the evidence they present, or which take the agenda beyond the point it has reached in existing public debate may single out one aspect of an issue for detailed examination.

**Programmes extending the political agenda in this way must be fair to their subject matter.**

#### **3.5 (i) NEWS**

**In addition to the general requirements relating to matters of political or industrial controversy or current public policy, the Act requires that any news, given in whatever form, must be presented with due accuracy and impartiality.**

Reporting should be dispassionate and news judgements based on the need to give viewers an even-handed account of events. In reporting on matters of industrial or political controversy, the main differing views on the matter should be given their due weight in the period during which the controversy is active. Editorial discretion will determine whether a range of conflicting views is included within a single news item or whether it is acceptable to spread them over a series of bulletins.

### **3.6 PERSONAL VIEW PROGRAMMES**

Programmes in which an individual contributor is given the opportunity to put forward his or her own views have a valuable place in the schedules. They are, however, subject to specific safeguards in order to ensure compliance with the general provisions relating to due impartiality.

The safeguards, which apply to all personal view programmes on controversial matters covered in the Act, are as follows:

- (a) Each programmes must be clearly identified as giving a personal view both in advance announcements and at the start of the programme itself.
- (b) Facts must be respected, and licensees have an obligation to do what they can to ensure that the opinions expressed, however partial, do not rest upon false evidence.
- (c) A suitable opportunity for response to the programme should be provided, where appropriate, for example in a right to reply programme or in a pre-arranged discussion programme.

### 3.6 (i) PERSONAL VIEW PROGRAMMES: THE TIMESCALE

As with current affairs and documentary programmes, a series of personal view programmes has no need to give equal time to every relevant point of view. But licensees should take care to ensure that a sufficiently broad range of views is expressed in any series of such programmes, taking account of the frequency of the programmes within the series, the length of individual programmes and the nature of the subject matter.

**For series which are a regular fixture in the schedules, such as a nightly, weekly or monthly access programme, the views expressed on controversial matters should be kept in reasonable balance throughout the progress of the series and licensees must be able to demonstrate this.**

For an occasional series of programmes dealing with different aspects of the same subject matter it will normally be necessary to maintain impartiality within the series. Occasionally, however, the series itself may take a particular approach to a controversial issue or comprise a group of programmes presented from the same personal viewpoint, perhaps reflecting an original body of thought or research which may not readily be balanced.

The ITC recognises that such series are likely to have a long gestation period and are unlikely to be included in the schedules very often.

**However, the views expressed on controversial matters covered by the Act must be kept in reasonable balance throughout the period of the licence and the ITC will require the licensee to demonstrate at the end of each calendar year that a sufficiently broad range of views and perspectives has been included in such series, or planned for the following calendar year.**

### 3.7 DRAMA AND DRAMA-DOCUMENTARY

Drama is by definition the work of a creative imagination and the impartiality due in respect of a play is not the same as that required of a current affairs programme. Nevertheless, questions of impartiality do arise in the area of drama, particularly drama- documentary, when the boundaries between what is fact and what is fiction may become blurred. For this reason, a clear distinction should be drawn between plays based on fact and dramatised documentaries which seek to reconstruct actual events. Much confusion may be avoided if plays based on

current or very recent events are carefully labelled as such, so that the fictional elements are not misleadingly presented as fact.

**The dramatised documentary which lays claim to be a factual reconstruction of a controversial event covered by the Act is bound by the same standards of fairness and impartiality as those that apply to factual programmes in general. It is inevitable that the creative realisation of some elements (such as characterisation, dialogue and atmosphere) will introduce a fictional dimension, but this should not be allowed to distort the known facts.**

The evidence on which a dramatic reconstruction is based should be tested with the same rigour required of a factual programme. Sequences which are based on extracts of court proceedings or other matters of public record must be fair and accurate.

Care should be taken in scheduling drama and drama-documentary programmes portraying controversial matters covered by the Act. Impartiality may need to be reinforced by providing an opportunity for opposing viewpoints to be expressed. This might take the form of a studio discussion following the drama itself, or a separate programme providing a right of reply within a reasonable period.

### 3.7 (i) DRAMATISED 'RECONSTRUCTIONS' WITHIN FACTUAL PROGRAMMES

The use of dramatised 'reconstructions' in factual programmes is a legitimate means of obtaining greater authenticity or verisimilitude, so long as it does not distort reality.

**Whenever a reconstruction is used in a documentary, current affairs or news programme it should be labelled so that the viewer is not misled.**

### 3.7 (ii) SIMULATED NEWS BULLETINS

Any simulation of a television news bulletin or news flash to be included in any programme should either be subtitled or produced in such a way that there can be no reasonable possibility that it could be taken to be an actual news bulletin.

### 3.8 CONDUCT OF INTERVIEWS

Interviewees should be made adequately aware of the format, subject matter and purpose of the programme to which they have been invited to contribute, and the way in which their contribution is likely to be used. Written confirmation should be provided if requested.

For programmes dealing with political or industrial controversy or current public policy, interviewees should also be told the identity and intended role of other proposed participants in the programme, where this is known.

Sometimes, interviewees - including spokesmen for the Government - will seek to impose their own conditions on the conduct and use of their interview. Such requests are not improper in themselves, but care should be taken to ensure that what is included in the programme is determined by criteria of journalistic impartiality and not as the result of pressure. Licensees should consider whether, in the interest of due impartiality, they should disclose such agreements to the viewer at the time of the broadcast.

On occasion, proposed interviewees will be unable or unwilling to accept an invitation to participate in a programme. This need not prevent the programme going ahead, but in order to achieve impartiality, care must be taken to give an impartial account of the subject under discussion, particularly when this is one of controversy or public policy covered by the Act.

Reference to the absence of such a spokesman should be made in as detached and factual a manner as possible. (NB There are particular requirements, under the Representation of the People Act, at times of elections [See Appendix II]).

### 3.8 (i) EDITING OF INTERVIEWS

**Impartiality applies equally to the editing of interviews as to their conduct. Editing to shorten recorded interviews must not distort or misrepresent the known views of the interviewee.**

Interviews held on library tapes should be checked before use to see whether the views expressed are still valid, and where necessary captioned to show the date they were originally recorded.

### 3.8 (ii) INTERVIEWS WITH POLITICIANS

Appearances by politicians in news and current affairs programmes, when they take part as spokesmen for their party, or for their own political point of view, are governed by the requirements of due impartiality.

In programmes dealing with political issues the participants do not necessarily have to be spokesmen for the main political parties. The obligation to ensure due impartiality relates to issues, not to parties, and some important issues do not divide opinion along existing party lines. Indeed there are occasions when it is preferable to confine discussion to the spokesmen of only one party; the opportunity can be taken to investigate a particular approach to an issue in depth, provided that overall in a series of programmes impartiality is maintained. On the other hand there are many issues on which the attitudes of the parties are clear cut and distinct, recognisably part of the current political debate. In those cases spokesmen of known party allegiance should be chosen by the broadcasters.

### 3.8 (iii) POLITICIANS IN PROGRAMMES

Programmes in which politicians appear in a non-political role present different problems, and care and discretion are required over the use of such persons to produce or present programmes. Guidance on the appearance of candidates in programmes at times when a Parliamentary or local government election is pending is given in Appendix II when the requirements of the Representation of the People Act, as well as the Broadcasting Act, apply.

**Because of the need to preserve due impartiality, no currently active politicians should appear as newscasters, interviewers or reporters in any news programme, unless their use can be clearly justified, in which case their party allegiance should be clearly identified.**

Care should be taken in making use of active politicians to present other programmes, such as studio discussions or current affairs programmes. Impartiality will normally require that such presenters are drawn from a wide political spectrum.

### **3.9 THE UNDUE PROMINENCE RULE FOR LOCAL LICENSABLE PROGRAMME SERVICES**

Under Section 47(4) of the Broadcasting Act 1990 the ITC may modify the provisions of Section 6 in respect of local licensable programme services by substituting in place of Section 6(1)(c) the following:

**"(c) that undue prominence is not given in its programmes to the views and opinions of particular persons or bodies on matters of political or industrial controversy or relating to current public policy".**

The ITC will decide on a case by case basis whether the undue prominence requirement (rather than the impartiality requirement) should apply to particular licensees.

The following paragraphs constitute the Code on undue prominence which the ITC is required to draw up and from time to time review under Section 47 (6) of the Act.

No licensee is obliged to depart from maintaining due impartiality. Where he chooses to do so, however, and where the ITC permits it, he must still be evenhanded, in accordance with the following guidelines,

On any channel which is permitted by its ITC licence to observe 'undue prominence' rather than 'due impartiality' an equality of opportunity must be offered, which, were it to be taken up, would result in a balance of views across the channel as a whole. However, although equal access should be offered to individuals or groups wishing to express views different to those already broadcast, it is not necessary for the channel to solicit or commission such material. The channel should be open-minded about those political or religious groups to whom access might be allowed, and it should not merely invite, or grant facilities to, those whose views the channel shares or approves of.

Within this overall balance, there is scope for programmes to be allowed to convey a particular political view or reflect a particular philosophy. There is no need for individual programmes to be balanced in order to present an impartial approach, nor for a programme presenting one specific view to be balanced by another putting forward the opposing view. The general approach should be that, because the time available for programmes in a multi-channel environment is so considerable, there ought to be scope in a local context for many differing points of view to be expressed, even to the extent of allowing individual groups to present their own programmes espousing their views.

Section 4  
PARTY POLITICAL AND PARLIAMENTARY BROADCASTING

Section 4.1 applies only to ITV, Channel 4 and Channel 5. Sections 4.2 and 4.3 apply to all licensees.

4.1 PARTY POLITICAL BROADCASTS

Section 36 of the Broadcasting Act 1990 requires licensees to observe rules determined by the ITC with respect to party political broadcasts.

4.1 (i) THE ANNUAL SERIES ON ITV

Airtime on ITV should be made available each year to the United Kingdom parties represented in the House of Commons and to the Scottish National Party in Scotland and Plaid Cymru in Wales. Channel 4 does not carry the annual series of Party Political Broadcasts but does transmit Party Election Broadcasts (see 4.1 (ii) ). The time allocated to each party for Party Political Broadcasts is related to the number of votes cast for them in the previous General Election. The current formula, agreed with the parties through the Committee on Party Political Broadcasts, for the allocation of the annual series of PPBs is:

**One broadcast for every 2 million votes polled by each United Kingdom party at the previous General Election. (Any party with a "remainder" of votes exceeding 1 million is entitled to a further broadcast).**

**In Scotland, the SNP is entitled to one broadcast for every 200,000 votes.**

**In Wales, Plaid Cymru is entitled to one broadcast for every 100,000 votes.**

**The maximum number of broadcasts in the annual series is five and there is a long standing convention of equality of time between the Government and Official opposition.**

**The broadcasts should be carried in peak time at a length to be negotiated with the parties and scheduled impartially as between the various parties.**

**Any changes to these rules should be notified in advance to the parties and submitted to the ITC for approval.**

Party Political Broadcasts are booked by the parties individually with licensees. Bookings should normally be made six weeks in advance of transmission. They are not normally shown simultaneously by ITV and the BBC.

In Scotland and Wales, the Conservative, Labour and Liberal Democrat parties have the option of transmitting, simultaneously with their broadcasts to viewers in England and Northern Ireland, separate broadcasts addressed specifically to audiences in those two countries.

**The number of occasions in a year on which they exercise this option may not exceed the number of PPBs allocated to the respective nationalist parties (ie three in Scotland and two in Wales).**

Editorial control of the content of PPBs rests with the originating political party. Parties are aware of the need to ensure that the broadcasts conform with the requirements of the Broadcasting Act, and do not include, for example, anything offensive to good taste, or any direct appeal for party funds, and do not give rise to the threat of legal action. The parties are invited to subscribe to voluntary guidelines on the content of PPBs and Party Election Broadcasts which cover these and other requirements as may from time to time be necessary.

**Once an announcement has been made of the intention to dissolve Parliament and to call a General Election, no further PPBs may be made until after Polling Day. Those already booked are automatically cancelled.**

In normal circumstances the annual series of PPBs resumes after the election until the agreed allocation for that year has been used.

**At the time of a pending Parliamentary or European Assembly by-election or local government elections, a candidate at one of those elections may not appear in a PPB if reference is made to his or her candidature or to matters of special concern to his or her constituency.**

Any such reference would constitute a breach of Section 93 of the Representation of the People Act (see Appendix II).

#### **4.1 (ii) PARTY ELECTION BROADCASTS**

The allocation of time for Party Election Broadcasts on ITV and Channel 4 is related both to electoral support at the previous General Election and to the number of candidates nominated. Any party fielding at least 50 candidates is normally entitled to at least one Party Election Broadcast of five minutes' duration. Special arrangements are made in Scotland and Wales for broadcasts within those countries of the respective nationalist parties. There are no separate Party Election Broadcasts in Northern Ireland.

#### **4.1 (iii) LOCAL AND EUROPEAN ELECTIONS**

It is normal practice to allocate a series of broadcasts to parties contesting European Elections and Local Government Elections. The allocation of time is related both to the level of support demonstrated in previous elections and to the number of candidates nominated. As with the Annual Series of PPBs, the length and frequency of such broadcasts will be determined in consultation with the BBC and the political parties represented at Westminster through the mechanism of the Committee on Party Political Broadcasts.

#### 4.1 (iv) REFERRAL OF DISPUTES

**Unresolved disputes over the allocation, duration or frequency of party political or party election broadcasts must be referred to the ITC by or on behalf of the relevant licensees.**

#### 4.2 APPEARANCES IN PROGRAMMES BY CANDIDATES AT THE TIME OF AN ELECTION

Detailed notes of guidance on appearances by candidates at the time of elections, including a summary of the requirements of the Representation of the People Act 1983, are attached as Appendix II.

#### 4.3 USE OF RECORDINGS OF PARLIAMENTARY PROCEEDINGS

**Care is always required in the use of recordings of Parliamentary proceedings. This must be confined to news, news magazines, current affairs, documentary and educational programmes, and any accompanying visual material must not be a comment, explicit or implicit, on the proceedings. Where extracts are included in magazine programmes which also contain music or humorous features, care must be taken to keep the different types of items separate.**

Section 5  
**TERRORISM, CRIME, ANTI-SOCIAL BEHAVIOUR, ETC.**

**5.1 INTERVIEWS WITH CRIMINALS**

The ITC is required to do all that it can to secure that "nothing is included in the programmes which offends against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling". Interviews with criminals are likely to run the risk of infringing this section of the Broadcasting Act, and there needs always to be careful consideration whether or not such an interview is justified in the public interest.

**Any programme item which on any reasonable judgement would be said to encourage or incite crime or to lead to disorder is unacceptable.**

Apart from the requirements of the Broadcasting Act, other legal considerations also need to be borne in mind. When an interviewee is known to be wanted by the police or on the run from prison, there are two statutes which may be relevant. The Criminal Justice Act 1961 S.22(2) states broadly that it is an offence for anyone to give to a person who is unlawfully at large any assistance with intent to prevent, hinder or interfere with his being taken into custody. The Criminal Law Act 1967 S.4(1) states: "Where a person has committed an arrestable offence, any other person who, knowing or believing him to be guilty of the offence, or of some other arrestable offence does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution shall be guilty of an offence". To be held guilty of an offence under the above, it would have to be shown that the person charged either misled the police or gave the criminal some assistance. Assistance is difficult to define, but it would only be necessary to prove some element of encouragement. In the case of an ordinary criminal who has escaped from jail, considerable risks would be run by programme staff who conducted an interview unless everything possible was done to secure the criminal's arrest.

**5.2 TERRORISM IN NORTHERN IRELAND**

**Any plans for a programme item which explores and exposes the views of people who within Northern Ireland (or elsewhere within the British Isles) use or advocate violence or other criminal measures for the achievement of political ends must be referred to senior management before any arrangements for filming or videotaping are made. A producer should therefore not plan to record members of proscribed organisations, for example, members of the Provisional IRA or other para-military organisations, without the specific consent of the licensee's Chief Executive or most senior programme executive. See also 5.2 (i) (Home Secretary's Direction).**

**In exceptional and unforeseen circumstances, it may be impossible for a reporting team to consult before recording such an item. Consultation with senior management is still essential to determine whether the item can be transmitted.**

An interview conducted in Northern Ireland with a hooded person or the contriving by a production team of an incident involving hooded persons could be in breach of the Northern Ireland (Emergency Provisions) (Amendment) Act 1975. It is not an offence to show film or pictures of persons wearing hoods so long as it is clear that the incident was not 'set up' in collusion with those wearing hoods. In practice, crews are likely to be invited to attend 'something of interest', usually a volley of shots or a show of arms by men in hoods.

**Film of such incidents should not be included in a programme without prior reference to the licensee's most senior programme executive or the designated alternate.**

In Northern Ireland, Section 5(1) of the Criminal Law Act (Northern Ireland) 1967 imposes a duty to give a constable information which is likely to secure or assist in securing the apprehension of any persons who has committed an arrestable offence. Unlike in English Law, therefore, an offence is committed in Northern Ireland simply by the withholding of information, and the act of either misleading the police or actively assisting the criminal does not have to be proved to obtain conviction on indictment.

## **5.2 (i) HOME SECRETARY'S DIRECTION ON SPECIFIED ORGANISATIONS**

**The Direction issued by the Home Secretary in December 1990 under Section 10 of the Broadcasting Act 1990 requires all ITC licence holders to refrain from broadcasting words spoken by representatives of certain specified organisations, or words spoken in support of such an organisation.**

**The organisations covered by the Direction include Sinn Fein and Republican Sinn Fein and the organisations proscribed under the Prevention of Terrorism (Temporary Provisions) Act 1989 or the Northern Ireland (Emergency Provisions) Act 1978, which are as follows:**

### **Loyalist**

**UDA - (Ulster Defence Association)  
UFF - (Ulster Freedom Fighters)  
UVF - (Ulster Volunteer Force)  
Red Hand Commandos**

### **Republican**

**IRA - (Irish Republican Army)  
INLA - (Irish Nationalist Liberation Army)  
Cumann no Mban - (The Women's Movement)  
Saor Eire  
Fianna Na h'Eireann - (Youth Movement)  
IPLO (Irish Peoples Liberation Organisation)**

**The Direction excludes words spoken during proceedings in the UK Parliament (but not in the European Parliament or Parliaments in other countries). The Direction also excludes words spoken by or in support of a candidate at a Parliamentary, European Parliamentary or local election pending that election. (The pending periods are defined in Appendix II)**

**The Direction applies only to direct statements and not to reported speech. Thus the Direction permits the showing of a film or still picture of the initiator speaking the words together with a voice-over account of them whether in paraphrase or verbatim. Programmes involving the reconstruction of actual events where actors use the verbatim words which had been spoken in actuality, are similarly permitted.**

### **Fiction**

**The Home Office has stated that it is not intended that genuine works of fiction should be covered by the restrictions, on the basis that "a person" does not include an actor playing a character.**

### **Persons representing specified organisations**

**A member of a specified organisation or one of its elected representatives is not held to represent that organisation in all his daily activities. Accordingly, not all his words, whatever their character, are covered by the Direction. Whether at any particular instance he is representing the organisation concerned will depend upon the nature of the words spoken and the particular context. Where he is speaking in a personal capacity or purely in his capacity as a member of an organisation which does not fall under the Direction, the Direction does not apply. Where it is clear, from the context and the words, that he is speaking as a representative of an organisation falling under the Direction, his words may not be broadcast directly but can be reported. There may be borderline occasions when this distinction will require a careful exercise of judgement.**

**There is no exemption for historical documentaries, or for recordings of persons who are now dead.**

### **5.3 OTHER TERRORIST OR CRIMINAL ACTIVITY**

**Where a programme carries the views of people or organisations who use or advocate the use of violence or other criminal activity within the British Isles or abroad to attain political or other ends, licensees need to take all reasonable measures to ensure that such a programme is unlikely to incite or encourage crime, or to cause significant offence to public feeling in the UR before proceeding with transmission.**

### **5.4 HIJACKING AND KIDNAPPING REPORTS**

**Information about hijacks can on occasion be picked up by monitoring communications between aircraft and the ground, or between police radio cars and their base control. It is an offence under Section 5 of the Wireless Telegraphy Act 1949 to use a wireless receiver to obtain information about any message which the user is not authorised to receive, and it is also an offence to pass on any information obtained by the interceptions of such a message.**

**Quite apart from these formal legal requirements, it would almost invariably be wrong to broadcast any information, whether derived from monitoring of communications or from any other source that could endanger lives or prejudice the success of attempts to deal with the hijack. Similar considerations apply to all other forms of kidnapping.**

### **5.5 DEMONSTRATION OF CRIMINAL TECHNIQUES**

**In programmes dealing with criminal activities, whether in fictional or documentary form, there may be conflict between the demands of accurate realism and the risk of unintentionally assisting the criminally inclined. Careful thought should be given and, where appropriate, advice taken from the police, before items are included which give detailed information about criminal methods and techniques: a public-spirited warning to the general public against novel or ingenious criminal methods, for example, may defeat its own aims by giving those methods wider currency than they might otherwise have. Similar caution is needed in the representation of police techniques of crime prevention and detection.**

### **5.6 RELATIONS WITH THE POLICE**

**Short programmes designed to solicit public support in the prevention and detection of crime produced in association with the police, and public information messages which police forces may from time to time request broadcasters to transmit, can be a valuable public service. Instructions were issued by the Home Office in August 1974 to all Chief Officers of police suggesting that Chief Constables might find it advantageous to appoint a Broadcasting Liaison Officer. police forces were also reminded:**

(a) that too frequent use of television for police messages might make those messages less effective;

(b) that, in the interest of justice, care has to be exercised in transmitting photographs of persons wanted by the police and of objects associated with suspected crime;

(c) that the information requested or given should justify the use of valuable television time; it could be counterproductive for both police and broadcasters if the licensees were to be seen as an agent, rather than an independent upholder, of law and order.

Where programme-makers are invited to film official police operations (e.g. a drugs raid) care should be taken to ensure that editorial control remains with the programme company and that any filming of members of the public is undertaken with due regard to the requirements for privacy (see Section 2.2 (ii)).

### 5.7 PRESENCE OF TELEVISION CAMERAS AT DEMONSTRATIONS AND SCENES OF PUBLIC DISTURBANCE

News editors and producers will be conscious of the need to be on guard against attempts to exploit television. The aim of any public meeting or demonstration is to attract public attention, but there is always the possibility that the presence of television cameras will provoke incidents that would otherwise have occurred. Disruption of meetings or public enquiries and incidents of disorder or violence may be encouraged, however unwittingly, by the arrival of television news teams.

**If coverage is recorded, incidents known to be 'manufactured' should be excluded or revealed for what they are. Where coverage is live every effort must be made to place what is being seen and heard in context, so that viewers can properly evaluate the significance of activities that have been manufactured for the television cameras.**

### 5.8 REPORTS ON YOUNG OFFENDERS

Under the Children and Young Persons Acts 1933 and 1969, it may be an offence to publish the names or addresses of persons aged 17 or under who are involved in court proceedings or to publish any information calculated to reveal their identity if the court so directs.

### 5.9 SMOKING AND DRINKING

Tobacco and alcohol are social drugs whose consumption carries no particular stigma even though they can constitute a major health risk and may be as addictive as drugs which are less socially approved, or actually illegal. It is therefore desirable that programmes should not include smoking and drinking unless the context or dramatic veracity requires it.

Particular care is needed with programmes likely to be seen by children and young people. Children's programmes normally should not contain any smoking or drinking of alcohol unless an educational point is being made, or unless, very exceptionally, the dramatic context makes it absolutely essential.

## 5.10 DRUG TAKING AND SOLVENT ABUSE

Drugs, drug addiction and their effect are valid subjects for television programmes. But care needs to be taken to avoid any impression that drugs are a normal feature of British society, particularly in programmes of special appeal to children and young people. The same caution should be applied to solvent abuse and demonstrations of all practices that could easily be imitated should be avoided.

## Section 6 OTHER LEGAL MATTERS

### 6.1 DEFAMATION

Licensees need to be aware of the law on defamation and of what may constitute a defamatory statement.

The following notes on the law of defamation in England and Wales do not attempt to be more than a rough guide. They are intended merely to alert producers to situations where legal advice will be required. In Scotland and Northern Ireland the law is different in some respects and guidance should be sought.

- (a) The law on defamation has two basic purposes: to enable the individual to protect his reputation, and to preserve the right of free speech. These two purposes necessarily conflict. The law attempts to preserve a proper balance between them.
- (b) Defamation can roughly be defined as publication of matter which is likely to affect a person adversely in the estimation of reasonable people. A defamatory statement is libel if it is in permanent form, and slander if it consists in significant words or gestures. Under the Defamation Act 1952, broadcasting is regarded as publication in permanent form.
- (c) Fictional programmes as well as factual ones can give rise to actions for libel if a character portrayed in the programme is identifiable with a person in the real world.
- (d) A licensee is liable for all material that it provides for broadcasting, whether scripted or live, and whether the programme is from a studio or is an outside broadcast.

### 6.2 CONTEMPT OF COURT

The law of contempt places a temporary embargo on the publication or broadcast of information which might influence the course of judicial proceedings. It is normally a criminal offence, carrying a maximum sentence of two years imprisonment and an unlimited fine. Judges may also use the law to injunct a broadcast which is potentially in contempt. The law on contempt is complex and embodied in a number of different pieces of legislation, some of which make separate provision for England and Wales, Scotland, Northern Ireland and the Channel Islands.

For a broadcast to constitute a contempt it is not necessary for it to comment on active court proceedings themselves; it is sufficient that the comment should tend to interfere with the course of justice, for example by vilifying a person who is a defendant in a criminal case which is active. Licensees should obtain legal advice wherever there may be a risk that a comment, photograph or interview could be a contempt.

### **6.3 OFFICIAL SECRETS ACTS AND 'D' NOTICES**

**Licensees producing factual programmes which may touch on matters of state security must be familiar with, and have access to, adequate legal advice on, the Official Secrets Acts 1911 and 1989.**

Section 5 of the 1989 Act is of special relevance to television journalism. In particular licensees and their programme makers should be aware of the different categories of official information covered by the 1989 Act, the wide-ranging tests of harm sufficient for a person to be found guilty, and the absence of any public interest or prior publication defence.

'D' notices are issued from time to time by the Defence, Press and Broadcasting Committee as part of a voluntary system designed to advise the media on categories of information which might damage national security if published or broadcast. The Secretary to the Committee may also give guidance on specific matters, though this is informal and does not have the force of law. An item cleared through the 'D' notice system is not automatically free from legal risk.

**Licensees must nominate a senior programme executive to whom other staff can refer on matters which may fall within current 'D' notices and who can liaise when necessary with the Secretary to the Committee.**

### **6.4 APPEARANCES BY CHILDREN IN PROGRAMMES**

Performances by children under the upper limit of compulsory school age are controlled by Home Office regulations administered by the Local Education Authorities. All such performances, apart from those appearances expressly exempted under the Children and Young Persons Acts, require a licence from the Local Education Authority in whose area the child lives. Parental consent alone is not enough. (some special restrictions also apply to young people above school age but under 18 years).

Section 7  
IMAGES OF VERY BRIEF DURATION

7.1 GENERAL REQUIREMENTS

Section 6 (1)(e) of the Broadcasting Act 1990 requires that the ITC do all it can to secure that "programmes do not include any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, persons watching the programmes without their being aware, or fully aware, of what has occurred".

7.2 PROGRAMME PRACTICE

Images of very brief duration, even as short as one or two frames in length (or the video equivalent at 25 frames per second), are unlikely to be in conflict with the Act unless there is some intention of covertly influencing the minds of viewers, for example for a commercial or political purpose. A brief duration image used in context and as part of a straightforward message will probably not offend against the Act. In such circumstances the viewer will know exactly what the message is that is being conveyed and how it is intended to influence his mind. Even in these cases, however, images should not be so brief as to be indiscernible to the naked eye under any circumstances.

Where, however, a brief duration image is used out of context and relates to something entirely different to that which precedes or follows it, the duration of the image should be sufficiently long to be clearly discernible and understandable by the viewer. In such circumstances the exact duration of the image or images will depend on the complexity of the message and on the degree to which it is unrelated to its context. What must be avoided, is the hiding of an out-of-context message by the use of an image of brief duration.

**As a general rule, no image of very brief duration (e.g. one or two frames in length) may contain matter which is clearly of a political or controversial nature, unless the surrounding programme context makes the general nature of the image clear to the viewer.**

**Any proposal to include an image or images of very brief duration in any programme, including feature films or other acquired material, must be approved by the licensee's most senior programme executive or the designated alternate.**

**Section 8:**  
**CHARITABLE APPEALS AND PUBLICITY FOR CHARITIES**

Under Section 7 (1)(b) of the Broadcasting Act 1990 the ITC is required to give guidance as to the rules to be observed with respect to appeals for donations.

**8.1 FUNDS TO MAKE PROGRAMMES**

**Licencees are not permitted to broadcast appeals for funds to make programmes.**

**8.2 APPEALS IN GENERAL**

Broadcast appeals for donations must be carefully controlled. Care must be taken to protect the public and ensure as far as possible that their money will be well spent.

**Before broadcasting an appeal, therefore, a licensee must satisfy itself that the organisation concerned is either registered with the Charity Commissioners or can produce satisfactory evidence of charitable status, or, in the case of an emergency appeal, that a responsible public fund has been set up to deal with it.**

However, registration with the Charity Commissioners means only that an organisation's aims have been accepted as legally charitable and does not indicate that the Commissioners have investigated and approved the conduct of its affairs. It is up to the licensee to take all possible precautions to ensure that the charity is a bona fide organisation. A prime consideration, always, is whether the charity under consideration is one which the public should be asked to support through the medium of broadcasting, and would wish to support or is likely to be persuaded to support.

Charities should give evidence of being able to fulfil an established need, and should have achieved, or have a good prospect of achieving, a stable position in the charitable world. They should also demonstrate that they are in need of funds for specified purposes which cannot reasonably be provided from income or from reserves. They should be prepared to submit full details of their constitution, aims and objects, membership of governing body and recent and current activities, and such additional information as may be appropriate, including, for example, audited accounts, for the purposes of establishing that they are not misrepresenting their activities in any way.

If a charity is based outside the United Kingdom, it should be remembered that charity law differs considerably from country to country and there is no legal requirement for charities based outside the UK to register with the Charity Commission or to seek other forms of official recognition as charities if they wish to promote their activities in the UK. Such organisations may not, therefore, be in a position to comply with the requirements above. Before agreeing to an appeal on behalf of such an organisation, licensees should

- a) obtain a written assurance that the organisation complies with all relevant legislation in the country in which it is based;
- b) conduct a full investigation of the other matters referred to above.

Appeals should be allocated among as wide a range of charities as possible.

### **8.3 RELIGIOUS CHARITIES**

**Appeals for funds on behalf of religious charities may be permitted only if the charities can reliably demonstrate that any proceeds from such appeals will be devoted solely to the benefit of identified categories of disadvantaged third parties, and that the conveying of such benefit will not be associated with promotion of any other objective (e.g. proselytizing).**

### **8.4 DISASTER APPEALS**

Special appeals may be requested, following a disaster overseas, by the Disasters Emergency Committee (DEC), which consists of major UK charities active overseas. Appeals may also be broadcast, either regionally or nationally, following a disaster in the UK, provided that a public fund has been set up to meet it.

### **8.5 PUBLICITY FOR CHARITIES IN PROGRAMMES**

Even if there is no direct appeal for funds, some types of publicity can constitute quasi-appeals by helping charities in their fund-raising efforts. This is particularly true where a charity's needs are emphasised, and references to a charity's financial state or fund-raising activities should be considered with care.

Game shows in which prize money is donated to charity should not give undue prominence to specific named charities.

Programmes describing areas of need or distress should try to avoid undue publicity for individual charities at the expense of others in the field.

### **8.6 SPONTANEOUS PUBLIC RESPONSE TO REPORTS OF DISASTERS OR TO ACCOUNTS OF CHARITABLE WORK**

A current affairs programme or news item about a disaster may evoke a spontaneous response from viewers to donate funds. A documentary about particular charitable work may have the same effect. There could be difficulties in meeting such a response, particularly if no public fund yet exists to which money may be sent. If a programme is being prepared which is likely to give rise to a large response, the licensee should plan what information and advice to give to the public.

## **8.7 FUND-RAISING PROGRAMMES AND COVERAGE OF FUND- RAISING EVENTS**

Programmes designed specifically to raise money for charity through appeals to viewers, and programmes covering events designed to raise money for charity with viewer-involvement, must in the first instance comply with the guidelines relating to appeals in general (Section 8.2 above) and with the general requirements of the ITC Code of Programme Sponsorship. Where a fund-raising event is organised by, and under the direct control of, the broadcaster, independent expert advice should be sought to ensure a proper distribution of viewers' donations and a fair range of beneficiaries.

## **8.8 COMMUNITY SERVICE ANNOUNCEMENTS (CSAs)**

Community Service Announcements (CSAs) provide publicity for local voluntary and community organisations and are transmitted free of charge between programmes.

Licensees should note that:

- a) It is the responsibility of licensees to check the credentials of organisations applying for CSAs and their ability to cope with the response to transmission. (For CSAs featuring charities see Section 8.2 above).
- b) There should be no appeal for funds or donations, however veiled, nor for collectors for funds or donations. The announcements should be confined to providing information about community services and/or inviting volunteers to help run such services.
- c) Services described in CSAs should be provided free of charge but some discretion may be used where only nominal charges are made. CSAs publicising commercial services are not eligible.
- d) CSAs are not acceptable from bodies the objects of which are wholly or mainly of a political nature. CSAs are acceptable from religious bodies who can reliably demonstrate that the services they wish to publicise are devoted solely to the benefit of identified categories of disadvantaged third parties, and that the conveying of such benefit will not be associated with the promotion of any other objective (eg proselytising). CSAs should not show partiality in matters of political, industrial or religious controversy.

Section 9  
RELIGION

This section applies both to programmes specifically categorised as religious and, where appropriate, to general programmes which deal with religious matters.

9.1 Section 6 (1)(d) of the Broadcasting Act 1990 requires "due responsibility" to be exercised with respect to the content of religious programmes and in particular such programmes must not involve:

- "(i) any improper exploitation of any susceptibilities of those watching the programmes;
- (ii) any abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination".

9.2 Religious belief and practice is central to many people's lives and is capable of evoking strong passions and emotions.

9.3. **The identity of religious bodies featured in all programmes must be clear to the viewer, either in sound or vision.**

9.4. **Every attempt must be made to ensure that the belief and practice of religious groups are not misrepresented, and that programmes about religion are accurate and fair.**

9.5. **In general, religious programmes on Channel 3 and Channel 4 should reflect the worship, thought and action of the mainstream religious traditions present in the United Kingdom, recognising that these are mainly, though not exclusively, Christian. Religious programmes provided for a particular region or locality should take account of the religious make-up of the area served.**

9.6 **Nothing may be included in any programme which constitutes an appeal for money by any organisation whose aims are wholly or mainly religious, unless the conditions set out under Section 8 of this Code are complied with. This includes appeals for funds to make programmes.**

9.7. **Although religious programmes may quite properly be used to propound, propagate and proclaim religious belief, religious programmes on non-specialist channels may not be designed for the purpose of recruiting viewers to any particular religious faith or denomination. Nor must programmes or follow-up material be used to denigrate the beliefs of other people.**

- 9.8 Where published material, such as a book, tape, video or information pack, can be seen to be closely related to a programme, and is a useful addition to it, the conditions set out in Section 10.3 of this Code apply.**
- 9.9 On-air announcements permitted by Section 10.3 may offer to send publications viewers, but may not contain any other free offer.**
- 9.10 Offers to provide follow-up material to any religious programme must make it clear that no further contact will be made except at the instigation of the viewer. Licensees will be required to satisfy themselves that follow-up material is responsible in tone and content.**
- 9.11 While it is quite proper for a religious body or member of it positively to advocate the virtues and merits of subscribing to a particular religious belief, or view of life, religious programmes must not seek to persuade or influence viewers by preying on their fears, nor by any other means engage in any improper exploitation of the susceptibilities of those watching the programmes.**
- 9.12 Except in the context of a legitimate investigation, religious programmes may not contain claims by or about living individuals or groups, suggesting that they have special powers or abilities, which are incapable of being substantiated.**
- 9.13 In ensuring there is no abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination, licensees should take particular care over the use of language which has a religious significance.**

**In particular the use as expletives of 'Jesus-Christ' and 'Christ' is only acceptable where it can be clearly justified within the context of the programme.**

**9.14 The United Kingdom contains communities with different faiths and cultures, each with their own particular religious sensitivities. It is important for all broadcasters to make themselves aware of these sensitivities lest they give unintentional offence. Licensees may find it helpful to seek the assistance of an advisory group which is representative of the main religious traditions within their audience.**

Section 10  
OTHER PROGRAMME MATTERS

10.1 USE OF RECORDINGS OF ROYAL OCCASIONS, AND OF BROADCASTS BY MEMBERS OF THE ROYAL FAMILY

It is accepted practice for those using recordings of Royal occasions to seek permission to do so from Buckingham Palace. Permission is also required for the use in whole or in part of broadcasts by members of the Royal Family. In particular, no part of any Christmas broadcast by Her Majesty may be used in another programme without the express agreement of the Press Secretary to the Queen.

10.2 OBITUARY PROCEDURES

Licensees should have procedures for the interruption, and if need be, cessation of programming following the death of a member of the Royal Family or certain other eminent national and international figures.

10.3 PROMOTION OF PROGRAMME SUPPORT MATERIAL

Publications, off-air activities or recorded theme music available in support of programmes may be promoted subject to the following rules:

**The licensee must retain responsibility for the content of any material promoted.**

**Promotions must be clearly distinguishable from commercial advertising. They are not acceptable if there is current or recent paid-for television advertising.**

**Promotions may not be included within a programme itself (but see 10.3 (iv) below).**

**Promotions likely to appeal to children must advise children to seek parental permission before making any purchase.**

### 10.3 (i) Publications

Where a book, information pack, video or other publication can be seen to be clearly related to a programme, and is a useful addition to it, the licensee may mention its availability immediately after the relevant programme and/or may separately refer to it in a trailer for that programme.

**Such announcements must be brief and be confined to the name of the publication, the price and details of its availability. Any statement of why the material is a useful addition to the programme must be short and factual.**

**Names of retail outlets must not be given.**

**The publication may contain display advertisements providing they are clearly identified as such and distinguishable from the editorial copy. The advertising content must not exceed 35% of the total copy.**

### 10.3 (ii) Off-air activities

Where an off-air activity, which is defined as a helpline, conference, festival, exhibition, performance or programme-based club, is organised by a licensee or on a licensee's behalf to support a programme and provide a service for viewers, the licensee may mention its availability immediately after the relevant programme and/or may separately refer to it in a trailer for that programme.

### 10.3 (iii) Recorded theme music

A programme series may feature theme music which creates a popular demand for recordings. In these circumstances, a brief mention may be made immediately after the programme to the effect that the music is available on record, tape or disc.

**No further details may be given, and such announcements may not be separately trailed.**

### 10.3 (iv) Social action programmes or programme items

Promotions may exceptionally be included within social action programming, providing

**the promotion concerns a helpline, factsheet or information pack**

**only free phone or standard Rate telephone services (not premium Rate services) are used**

**factsheets or information packs are available freely or at not greater than nominal cost.**

**sponsorship or advertising of any kind is excluded from the promotions and the materials or services promoted.**

## **NOTES:**

1. Any programme support material which is sponsored is also subject to Rule 17 of the ITC Code of Programme Sponsorship.
2. Any use of a premium Rate telephone service in connection with the promotion of programme support material must comply with Section 10.4 of this Code.
3. See also Section 9 for guidance in connection with religious programmes.

### **10.4 USE OF PREMIUM RATE TELEPHONE SERVICES IN PROGRAMMES**

- (a) These guidelines concern any premium rate telephone service used or promoted in or around programmes (except in advertisements in commercial breaks or in Advertorials or Home Shopping features). Typical telephone prefixes are 0891, 0839, 0336, etc.
- (b) Any payment or other valuable consideration by an independent supplier to a programme-maker or ITC licensee in order to secure such use or promotion would place the licensee in breach of Clause 14(a) of the ITC Code of Programme Sponsorship (concerning product placement).
- (c) Other arrangements with premium rate telephone service suppliers are acceptable providing the licensee retains control of and responsibility for the service arrangements and the premium line messages (including all matters relating to their content) either directly or through contractors.
- (d) Any premium rate telephone service must (in addition to these guidelines) comply fully with the Code of Practice issued by the Independent Committee for the Supervision of Standards of Telephone Information Services (ICSTIS).
- (e) Any information conveyed in a premium line message must be directly relevant to the programme with which it is associated, and must be of genuine benefit to viewers.
- (f) The call charge rate must be stated clearly and simultaneously with the premium rate number. Where the call is interactive (i.e it is necessary for the purpose of the call for the viewer to provide a response), prices must be given as the total price per minute and/or likely total cost to the viewer of the complete call. Where the call is not interactive the price information must include the likely total cost to the caller.
- (g) A premium rate service may not be used to promote any commercial product or service, except:
  - (i) programme support materials permitted by Section 10.3 of this Code and/or
  - (ii) one further premium rate service providing it complies fully with these rules and in particular paragraph (e) above.

- (h) Premium rate services associated with programmes directed at a younger audience (i.e. under 18 years of age) should be accompanied by advice to children to seek permission from the person responsible for the telephone bill before making a call.
- (i) Where premium rate services are used to enable viewers to request (as distinct from vote for) the screening of music videos or other popular programme items, a regular indication of normal waiting time must be provided on-screen. Every caller should set his/her choice played within a reasonable timespan after making the call, subject to the suitability of the item and the programme time available.

#### 10.5 PRIZES IN CHILDREN'S PROGRAMMES

**Prize values in, or associated with, children's programmes should normally be considerably lower than those on offer to adults. Prizes should be appropriate to the target audience and should not include cash sums.**

#### 10.6 UNDUE PROMINENCE

**No undue prominence may be given in any programme to a commercial product or service. In particular, any reference to such a product or service must be limited to what can clearly be justified by the editorial requirements of the programme itself.**

**Section 11**  
**COMMUNICATION WITH THE PUBLIC**

11.1 A licensee's most important link with the public is through its programmes and on-air presentation. It is important to ensure that members of the public who wish to contact a licensee have no difficulty in doing so.

**11.2 HANDLING COMPLAINTS FROM VIEWERS**

Complainants usually contact, in the first instance, the licensee responsible for the programme or, in the case of ITV, the company in whose area the complainant lives. Many complaints, for example those about routine scheduling matters, should be dealt with by the licensee concerned, but where a complaint is about a matter of substance relating to the Broadcasting Act, the complainant must always be informed of other avenues open to them to pursue the matter. The ITC takes all complaints seriously, and where it feels a complaint to be justified it will take action with the licensee concerned. In some instances, it is open to the complainant to appeal further to the Broadcasting Complaints Commission or Broadcasting Standards Council (Appendix III).

**All complaints (written or oral) made by members of the public to a licensee, together with the licensee's responses, must be retained by the licensee for two years and be made available to the ITC on request.**

**11.3 PROGRAMME RECORDINGS AND TRANSCRIPTS**

**11.3 (i) PROVISION TO THE ITC**

Section 11 of the Broadcasting Act 1990 allows the ITC to require a licensee to retain recordings of programmes and to provide it with recordings or transcripts of broadcast material. For Channels 3 and 4, and certain non-DBS satellite services, recordings must be retained for 90 days after the programmes have been broadcast. For other licensees the period for retaining recordings is 30 days.

**11.3 (ii) PROVISION TO OTHERS**

When a person or organisation can establish a reasonable claim that something derogatory has been broadcast about them, or that they are affected by alleged strictures, unfairness or inaccuracies in matter broadcast, and request a recording or transcript, it should normally be provided.

This does not imply the automatic and immediate despatch of recordings or transcripts to applicants where the licensee feels that it is more appropriate, as a first step, to attempt to satisfy them in some other way, for example by a letter of explanation or apology; or where it is felt necessary to ask them to establish that they have a proper interest in the matter at issue; or where there is clear legal advice that, in the circumstances of a particular request, it is inadvisable that a recording or transcript should be provided at that stage.

## APPENDIX I

### GENERAL PROVISIONS ABOUT LICENSED SERVICES

(EXTRACT FROM THE BROADCASTING ACT 1990)

-6-

- (1) The Commission shall do all they can to secure that every licensed service complies with the following requirements, namely.
- (a) that nothing is included in its programmes which offends against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling;
  - (b) that any news given (in whatever form in its programmes is presented with due accuracy and impartiality;
  - (c) that due impartiality is preserved on the part of the person providing the service as respects matters of political or industrial controversy or relating to current public policy;
  - (d) that due responsibility is exercised with respect to the content of any of its programmes which are religious programmes, and that in particular any such programmes do not involve
    - (i) any improper exploitation of any susceptibilities of those watching the programmes, or
    - (ii) any abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination; and
  - (e) that its programmes do not include any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, persons watching the programmes without their being aware, or fully aware, of what has occurred.
- (2) In applying subsection (1)(c) a series of programmes may be considered as a whole.
- (3) The Commission shall:
- (a) draw up, and from time to time review, a code giving guidance as to the rules to be observed in connection with the application of subsection (1)(c) in relation to licensed services; and
  - (b) do all that they can to secure that the provisions of the code are observed in the provision of licensed services;
- and the Commission may make different provision in the code for different cases of circumstances.
- (4) Without prejudice to the generality of subsection (1), the Commission shall do all that they can to secure that they are excluded from the programmes included in a licensed service all

expressions of the views and opinions of the person providing the service on matters (other than the provision of programme services) which are of political or industrial controversy relate to current policy.

(5) The rules specified in the code referred to in subsection (3) shall, in particular, take account of the following matters.

(a) that due impartiality should be preserved on the part of the person providing a licensed service as respects major matters falling within subsection (1)(c) as well as matters falling within that provision taken as a whole; and

(b) the need to determine what constitutes a series of programmes for the purposes of subsection (2).

(6) The rules so specified shall, in addition, indicate to such extent as the Commission consider appropriate

(a) what due impartiality does and does not require, either generally or in relation to particular circumstances;

(b) the ways in which due impartiality may be achieved in connection with programmes of particular descriptions;

(c) the period within which a programme should be included in a licensed service if its inclusion is intended to secure that due impartiality is achieved for the purposes of subsection (1)(c) in connection with that programme and any programme previously included in that service taken together; and

(d) in relation to any inclusion in a licensed service of a series of programmes which is of a description specified in the rules.

(i) that the dates and times of the other programmes comprised in the series should be announced at the time when the first programme so comprised is included in that service, or

(ii) if that is not practicable, that advance notice should be given by other means of subsequent programmes so comprised which include material intended to secure, or assist in securing, that due impartiality is achieved in connection with the series as a whole;

and those rules shall, in particular, indicate that due impartiality does not require absolute neutrality on every issue or detachment from fundamental democratic principles.

(7) The Commission shall publish the code drawn up under subsection (3), and every revision of it, in such manner as they consider appropriate.

(8) Nothing in this section or in sections 7 to 12 has effect in relation to any licensed service which is an additional service other than the teletext service referred to in section 49 (2).

(1) The Commission shall draw up, and from time to time review, a code giving guidance.

(a) as to the rules to be observed with respect to the showing of violence, or the inclusion of sound suggestive of violence, in programmes included in licensed services, particularly when large numbers of children and young persons may be expected to be watching the programmes;

(b) as to the rules to be observed with respect to the inclusion in such programmes of appeals for donations; and

(c) as to such other matters concerning standards and practice for such programmes as the Commission may consider suitable for inclusion in the code;

and the Commission shall do all they can to secure that the provisions of the code are observed in the provision of licensed services.

(2) In considering what other matters ought to be included in the code in pursuance of subsection (1)(c), the Commission shall have special regard to programmes included in licensed services in circumstances such that large numbers of children and young persons may be expected to be watching the programmes.

(3) The Commission shall, in drawing up or revising the code under this section, take account of such of the international obligations of the United Kingdom as the Secretary of State may notify to them for the purposes of this subsection.

(4) The Commission shall publish the code drawn up under this section, and every revision of it, in such manner as they consider appropriate.

## APPENDIX II

### PROGRAMMES AT THE TIME OF ELECTIONS

1. The relevant provisions of the Representation of the People Act 1983 (RPA), which places restrictions on broadcasts in which a constituency candidate appears, are given in the Attachment to this Appendix. Coverage of the direct elections to the European Parliament is subject to the provisions of the RPA as well as the Broadcasting Act 1990. The RPA comes into effect as soon as an Election is pending. This is defined as the date of the dissolution of Parliament or the announcement of dissolution in the case of a parliamentary election, the issue of the writ at a by-election, or five weeks before polling day for local government elections.

#### A. GENERAL ELECTIONS

2. The requirements of Section 93(1) of the RPA are set out in Table 1, with accompanying explanatory notes. As the notes emphasise, there are two particular points on which judgement has to be exercised: (i) whether a candidate is 'taking part' in a broadcast item; and (ii) whether the item is 'about the constituency'.
3. Paragraphs 5-9 of this Appendix are concerned with certain types of programmes that are lawful under the RPA and describe the ITC's policy in the light of the Broadcasting Act's requirements about impartiality.
4. Discussions about election issues should finish when the polls open. A licensee may not publish the results of any poll he has commissioned or undertaken on polling day itself until after the polls have closed.

#### Programmes about Individual Constituencies

5. Two main types can be distinguished.
  - (i) Constituency Reports. These are reports on the situation in a particular constituency broadcast during the campaign.
    - (a) Care needs to be taken to distinguish constituency reports where candidates 'take part' from those where they do not, since the rules under the RPA are different. The key judgement is whether a candidate is deemed to be 'actively participating' in the broadcast. An interview, pre-arranged or impromptu, would normally be considered to signify 'taking part', but showing a candidate in the normal course of campaign activities in the constituency would not. Courts have ruled that a candidate who merely acquiesces in a film being taken or a speech being taped does not actively participate. Nor does a candidate who co-operates in being filmed walking around the constituency. Further guidance is given in Note 3 to the Table. Whether or not candidates do take part, due impartiality must be maintained with a balanced descriptive report of the election campaign in the constituency. This does not mean that equal time must necessarily be given to the reports on each candidate. It may be, for example, that a candidate is not by any normal standards conducting an election campaign or is not a serious candidate: parity of time is not therefore required where it would distort the representation of the situation in the constituency.

(b) Similarly when at least one candidate takes part, but one or more of the other candidates is not conducting a campaign, or for some reason it is impossible to obtain interviews with them, then the broadcast may be made, subject to the consent of all candidates being obtained (as required by the RPA), and subject to impartiality being maintained by the inclusion of reports in due detail on the other candidates and on the nature of their campaigns.

(c) Whether or not the programme is 'about' the constituency is also relevant in determining whether the programme is subject to the requirements of the RPA. If the candidate speaks on issues that are of general significance and avoids any reference to his own constituency, the requirements of the RPA may not apply. Care should be taken not to include material, including visual material, that stresses the constituency nature of the report. The legal position is given in more detail in Notes 4 and 5 to Table 1.

(ii) Constituency Discussion Programmes. These involve candidates from the same constituency and are arranged especially for broadcasting.

(a) Under the Broadcasting Act, care must be taken to secure the balance necessary to secure due impartiality. Where, however, there are special circumstances -for example, a candidate is not by any normal standards conducting an election campaign- it is essential that the licensee has the consent of all the candidates, including those not taking part.

(b) Equal prominence need not necessarily be given to each candidate taking part in such programmes, though care should be taken to observe the Broadcasting Act's requirements for due impartiality. But it may be appropriate to offer less airtime or a less prominent position in the studio to candidates representing minority parties or who are not by normal standards conducting an election campaign. Nonetheless, the candidates' consent is needed for all such arrangements.

6. Under the RPA, no candidates can take part in any constituency programme or report in the period between the dissolution of Parliament and the close of nominations. (See Table, Question 9). This therefore rules out constituency discussion programmes during this time.

### Non-Constituency Programmes About the Election

#### 7. (i) Party Election Broadcasts

Candidates may appear in the agreed series of Party Election Broadcasts whose purpose is to deal with general, and not individual constituency, issues.

#### (ii) Discussion Programmes

Candidates may appear as representatives of their party or of a particular shade of opinion in balanced discussion programmes about election issues. Particular care must be taken that issues are not discussed which are peculiar to a constituency in which one of those taking part in the broadcast is a candidate.

## **Programmes Not About the Election**

### **8. (i) News Current Affairs and Discussion Programmes**

Appearances by candidates in such broadcasts are lawful under the RPA but care must be taken to ensure that the provisions of due impartiality are observed. Candidates should not be invited to take part in a current affairs or discussion programme before the close of nominations where there is a likelihood that matters directly relating to his or her constituency could arise. Appearances by candidates as newsreaders, interviewers, or presenters of any type of programme should cease for the whole of the pending period (see Note 1 to Table 1).

### **(ii) Non-Political Programmes**

Appearances by candidates as actors, musicians, singers or other entertainers, that were planned or scheduled before the election became pending, may continue, but no new appearances should be arranged during the election period. The same applies to appearances in programmes in a subsidiary capacity, for example as no-starring compere or sports commentator or as one of a number of participants in a programme outside the field of political or industrial controversy and not relating to current public policy.

All other appearances should cease; this includes principal participation by a candidate in any type of non-fictional programme.

9. When a candidate does appear in any of these types of programme, reference should not be made to the fact that he or she is a candidate.

## **B. LOCAL GOVERNMENT ELECTIONS**

10. The local government equivalent of the Parliamentary terms 'constituency' and 'by-election' are 'electoral area' and 'election to fill a casual vacancy'.

### **Programmes About Local Government Elections**

11. Such programmes vary from those covering a single electoral area to those giving full coverage to the campaign as a whole in a large local government area.

The RPA restricts in the same way programmes about an electoral division, burgh, ward or other area for which an individual election is held. Therefore, in a County Council election, the relevant electoral area is not the county but each separate electoral area within the county concerned. As local electoral areas are relatively small in size, it is easy for a candidate, although intending to speak about wider issues, to stray across the line into talking about his/her own electoral area. Care is therefore needed to make sure that candidates who speak in a wider context than their own electoral areas are properly briefed about the Act's requirements.

## **Programmes Not Based on Local Government Elections**

12. The basic rule is that due impartiality must be preserved. At one extreme, it would be difficult to maintain this was so, for example, if the leader of a large and important local council was the major participant in a programme about housing at the time of an election for that council, even though no specific reference to that or any other election was made in the programme at the other extreme, it would be absurd to forbid a candidate for a parish council from appearing as a participant in a competition item.

## **ATTACHMENT TO APPENDIX II**

### **REPRESENTATION OF THE PEOPLE ACT 1983**

Sections of the RPA relevant to broadcasters are as follows:

#### **75 (1) - Election expenses in relation to publications or broadcasts.**

"75(1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account -

- (a) of holding public meetings or organising any public display; or
- (b) of issuing advertisements, circulars or publications; or
- (c) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate,

but paragraph (c) of this subsection shall not -

- (i) restrict the publication of any matter relating to the election in a newspaper or other periodical or in a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru or in a programme included in any service under Part I or III of the Broadcast Act 1990"

#### **92 - Broadcasting from outside the UK.**

"92(1) No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary or local government election, include, or aid, abet, counsel or procure the inclusion of, any matter relating to the election in any programme service (within the meaning of the Broadcasting Act 1990) provided from a place outside the United Kingdom otherwise than in pursuance of arrangements made with -

- (a) the British Broadcasting Corporation;
- (b) Sianel Pedwar Cymru; or
- (c) the holder of any licence granted by the Independent Television Commission or the Radio Authority.

for the reception and re-transmission of that matter by that body or the holder of that licence."

### **93 - Broadcasting during elections.**

**"93(1) In relation to a parliamentary or local government election -**

**(a) pending such an election it shall not be lawful for any item about the constituency or electoral area to be -**

- (i) broadcast by the British Broadcasting Corporation or Sianel Pedwar Cymru; or**
- (ii) included in any service under Part I or III of the Broadcasting Act 1990**

**if any of the persons who are for the time being candidates at the election takes part in the item and the broadcast is not made with his consent; and**

**(b) where an item about a constituency or electoral area is so broadcast pending such an election there, then if the broadcast either is made before the latest time for delivery of nomination papers, or is made after that time but without the consent of any candidate remaining validly nominated, any person taking part in the item for the purpose of promoting or procuring his election shall be guilty of an illegal practice, unless the broadcast is so made without his consent.**

**(2) For the purposes of subsection (1) above -**

**(a) a parliamentary election shall be deemed to be pending during the period ending with the close of the poll and beginning -**

**(i) at a general election, with the date of the dissolution of Parliament or any earlier time at which Her Majesty's intention to dissolve Parliament is announced; or**

**(ii) at a by-election, with the date of the issue of the writ for the election or any earlier date on which a certificate of the vacancy is notified in the London Gazette in accordance with the Recess Elections Act 1975; and**

**(b) a local government election shall be deemed to be pending during the period ending with the close of the poll and beginning -**

**(i) at an ordinary election, 5 weeks before the day fixed as the day of election in accordance with section 37 above or, in Scotland, section 43 above; or**

**(ii) at an election to fill a casual vacancy, with the date of publication of notice of the election."**

## APPENDIX III

### THE BROADCASTING COMPLAINTS COMMISSION

The terms of reference of the Broadcasting Complaints Commission (BCC) are set out in Part V of the Broadcasting Act 1990. The BBC was set up to consider complaints of "unjust and unfair treatment" and "unwarranted infringement of privacy". A complainant must have a direct interest in the subject matter of the broadcast if the complaint is of unjust or unfair treatment. If the complaint is of unwarranted infringement of privacy it must be the complainant's privacy that was infringed. The BCC is prevented by the Act from entertaining a complaint if it is already the subject of court proceedings or if the person affected died more than five years previously. The BCC itself may decide not to entertain a complaint if its matter in respect of which the complainant has a remedy in law and in the particular circumstances of that complaint the BCC decides it is not appropriate for them to consider it. It may also decide not to entertain a complaint if it is frivolous or if it appears to them inappropriate for any other reason for them to do so. Referring the matter to the BCC does not preclude legal action subsequently. Complaints must be made in writing.

As defined by the Broadcasting Act, the 'broadcasting body' is the licence holder (or the BBC or S4C). At the stage when the BCC is considering whether to entertain the complaint it may ask for a cassette of the programme to be supplied to them without any accompanying documentation. The BBC may decide to entertain a complaint without seeing or hearing such a recording. When the BCC has decided to entertain a complaint it will formally send a copy of the complaint to the licensee and ask him for a transcript of the programme (which the licensee is required to certify as being accurate), copies of any correspondence between the licensee and the complaint and a written statement by the licensee in answer to the complaint. A copy of that written statement will be forwarded by the BBC to the complainant, according to the Act.

At that stage the BBC will consider whether to invite further written material or to hold a hearing or to reach its findings without further exchanges. If a hearing is held, the BCC will invite the complainant, the licensee and the ITC (or the Radio Authority, the BBC or S4C as appropriate) to send representatives. The BCC issues its own rules for procedure at hearings.

After arriving at its adjudication the BCC will give directions to the licensee as to the publication of its findings.

Licensees have a duty to publicise the BCC and its functions at the direction of the ITC.

## **THE BROADCASTING STANDARDS COUNCIL**

The terms of reference of the Broadcasting Standards Council (BSC) are set out in part VI of the Broadcasting Act 1990. The BSC has a duty to draw up a code giving guidance on the portrayal of violence and sexual conduct in programmes and on standards of taste and decency for programmes generally. The ITC is required to "reflect the general effect" of the BSC's code in drawing up or revising its own programme code. The BSC also considers complaints on the matters outlined above. Complaints must be in writing and must normally be made within two months of when the programme concerned was last broadcast. As with the BCC, the BSC may refuse to entertain a complaint if it appears to it that there could be a remedy in current, or future, litigation or if it is frivolous, outside the council's remit or beyond the time limit.

The BSC has similar powers to the BCC in terms of the material which it can require a licensee to provide to enable it to investigate a complaint. If a hearing is held the licensee will be given an opportunity to attend and be heard.

The BSC and BCC have the same powers in relation to requiring publication of their findings. As with the BCC, licensees have a duty to publicise the BSC and its functions at the direction of the ITC.

# **ABERT (Associação Brasileira de Emissoras de Rádio e Televisão)**

**Brasil**

**Entitat que aplega emissores privades.**

**Nom del codi: "Código de Ética da Radiodifusão Brasileira".**

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**Traducció a l'espanyol de Pedro Sánchez Paredes**

## **Preámbulo**

En el marco de sus responsabilidades ante el público y el Gobierno, los Empresarios de la Radiodifusión Brasileña, reunidos en la Asociación Brasileña de Emisoras de Radio y Televisión ("ABERT"), declaran que harán todo lo que les sea posible para la prestación de los servicios de que son concesionarios o adjudicatarios, con el objeto de transmitir programas sanos de entretenimiento y espacios informativos correctos, respetando los valores espirituales y artísticos, que contribuyan a la formación del carácter y de los modos de vida del pueblo brasileño, y proponiéndose siempre llevar al conocimiento del público todos aquellos elementos positivos que puedan contribuir al mejoramiento de las condiciones sociales. Por otra parte, en el ejercicio de la tarea que les ha sido encomendada, observarán un total respeto a la libertad de prensa e información, con independencia de la censura, y sin someterse a otras limitaciones que las determinadas por las leyes vigentes y las normas establecidas por el presente Código, aprobado por unanimidad por todos los asociados.

## **CAPITULO I** **Principios Generales**

**Artículo 1** El objeto de la radiodifusión es el entretenimiento y la información del público, en general, así como la prestación de servicios culturales y educativos.

**Artículo 2** La radiodifusión defenderá la forma democrática de gobierno y, especialmente, la libertad de prensa y de expresión de pensamiento. Asimismo, defenderá la unidad política de Brasil, la aproximación y la convivencia pacífica con la comunidad internacional, y los principios de buena educación moral y cívica.

**Artículo 3** Sólo el régimen de libre iniciativa y competencia, sustentado por la publicidad comercial, puede proporcionar las condiciones de libertad e independencia necesarias para el desarrollo de los órganos de opinión y, en consecuencia, de la radiodifusión. La radiodifusión pública es aceptada en la medida en que sea exclusivamente cultural, educativa, didáctica y sin publicidad comercial.

**Artículo 4** Es competencia exclusiva de los radiodifusores prestigiar a la "ABERT" y realizar todos los esfuerzos que consideren necesarios para el mantenimiento de su unidad como órgano nacional representativo del sector, así como de la unidad, de las entidades estatales y regionales y de las organizaciones sindicales correspondientes.

## **CAPITULO II** **La programación**

**Artículo 5** Las emisoras transmitirán programas de entretenimiento del mejor nivel artístico y moral, de producción propia o adquirida a terceros, teniendo en cuenta que la radiodifusión es un medio popular y accesible a la casi totalidad de los hogares.

**Artículo 6** La responsabilidad de las emisoras que transmiten los programas abarca a los responsables de las mismas, a quienes corresponde el deber de impedir que, de acuerdo con su criterio personal, los menores tengan acceso a programas inadecuados, teniendo siempre en cuenta los límites éticos, previa y obligatoriamente anunciados para la orientación del público.

**Artículo 7** Los programas transmitidos no propugnarán discriminaciones raciales, religiosas e ideológicas, ni supuestas superioridades de un grupo humano sobre otro.

**Artículo 8** Los programas transmitidos no tendrán carácter obsceno, ni propugnarán la promiscuidad o cualquier otra forma de perversión sexual, pronunciándose por las relaciones sexuales normales y revestidas de su dignidad específica, en el marco de las disposiciones de este Código.

**Artículo 9** Los programas transmitidos no divulgarán las creencias en el curanderismo u otras formas de charlatanismo, con menoscabo de la buena fe del público.

**Artículo 10** La violencia física o psicológica solamente será presentada dentro del contexto necesario al desarrollo racional de una trama argumental de consistencia artística y social, e irá acompañada de la demostración de sus consecuencias funestas o desagradables para quienes la practican, de acuerdo con las restricciones establecidas en este código.

**Artículo 11** La violencia y el crimen no serán jamás presentados favorablemente.

**Artículo 12** El consumo de drogas, el alcoholismo y los juegos de azar solamente serán presentados como prácticas condenables social y moralmente, que producen la degradación y la ruina de los seres humanos.

**Artículo 13** En los programas infantiles, producidos bajo la rigurosa supervisión de las emisoras, se mantendrá la integridad de la familia y su jerarquía, serán exaltados los buenos sentimientos y propósitos, y se fomentará el respeto a la ley y a las autoridades legalmente constituidas, así como el amor a la patria, al prójimo, a la naturaleza y a los animales.

**Artículo 14** La programación mantendrá su fidelidad al ser humano como titular de valores universales, participe de una comunidad nacional y miembro de una cultura regional que deberá ser protegida.

**Artículo 15** Para la mejor comprensión y, por consiguiente, aceptación de los principios anteriormente citados, queda establecido lo siguiente:

**1:** Podrán ser exhibidos libremente a cualquier hora los programas o filmes:

**a:** que no contengan escenas realistas de violencia, ni agresiones que provoquen heridas o mutilaciones de partes del cuerpo humano, ni tiros a quemarropa, ni puñaladas, ni palizas u otras formas de agresión violenta con objetos contundentes, ni escenas sangrientas resultantes de crímenes o accidentes, ni que se refieran de forma explícita al estupro, la seducción, el secuestro, la prostitución y el rufianismo;

**b:** que no contengan, en sus diálogos, palabras vulgares, obscenas o malsonantes:

**c:** que no expongan ni representen el tráfico y la utilización de drogas, especialmente las

alucinógenas y estupefacientes, ni presenten de manera positiva el uso del alcohol y el tabaco;

**d:** que no presenten desnudos humanos frontales, laterales o dorsales, ni expongan visiblemente los órganos y partes sexuales exteriores humanas, ni se refieran al acto sexual, y que limiten las expresiones de amor y afecto a caricias y besos discretos. Los programas y filmes autorizados para ser exhibidos a cualquier hora no podrán estar dedicados a la homosexualidad;

**e:** cuyos temas sean los normalmente considerados adecuados para los niños y los preadolescentes, no admitiéndose los que presenten, de forma realista, las desviaciones del comportamiento humano y las prácticas criminales mencionadas en los anteriores apartados a, c y d;

**Párrafo Unico:** Las emisoras de radio y televisión no difundirán canciones cuyas letras sean claramente pornográficas o que estimulen el consumo de drogas.

**2:** A partir de las 20 horas, podrán ser exhibidos los programas y filmes:

**a:** que observen las mismas limitaciones establecidas para los programas y los filmes libremente autorizados permitiéndose la insinuación de la cópula sexual realizada sin exhibición del acto o de los cuerpos, sin besos lascivos y sin erotismo considerado vulgar;

**b:** que versen sobre cualquier tema o problema individual o social, siempre que la conducta propia de los adultos no sea tratada de forma cruda o excesivamente gráfica ni presente, favorable o apologeticamente, cualquier forma de desviación sexual humana, el uso de drogas, la prostitución o cualquier manifestación de criminalidad o de comportamiento antisocial;

**c:** que no contengan ninguna apología de la utilización del tabaco y la ingestión de alcohol, ni presenten tales hábitos de una forma favorable.

**3:** A partir de las 21 horas, podrán ser exhibidos los programas y filmes:

**a:** que versen sobre temas humanos adultos, siempre que se observen las limitaciones relativas a la utilización del lenguaje, contempladas en los artículos anteriores y las restricciones relativas a la apología de la homosexualidad, la prostitución y el comportamiento criminal o antisocial. Podrán ser utilizadas palabras vulgares pero de uso corriente, y quedan prohibidas las palabras obscenas;

**b:** que representen escenas de violencia, aunque sin perversidad, pero que no las dejen impunes ni hagan su apología;

**c:** que representen desnudos laterales o dorsales, siempre que estén enfocados a distancia, o desenfocados, o con un tratamiento de imagen que mitigue la definición exacta de los cuerpos y sin mostrar las partes y los órganos sexuales humanos. El acto sexual será representado con las limitaciones previstas en el párrafo 2 del presente Código de Ética;

**d:** que no contengan apología o presenten favorablemente la utilización del tabaco y la ingestión de alcohol.

**4:** Después de las 23 horas, podrán ser exhibidos los programas o filmes:

**a:** que representen la violencia, siempre que sean respetadas las limitaciones previstas para el horario anterior;

**b:** que no representen explícitamente el sexo ni exhiban, en primeros planos, las partes y órganos sexuales exteriores humanos;

**c:** que utilicen palabras vulgares o groseras, siempre que éstas estén justificadas por el contexto argumental;

**d:** que aborden sus respectivos temas sin hacer la apología de la droga, de la prostitución y de los comportamientos criminales.

### **CAPITULO III**

#### **La publicidad**

**Artículo 16** Reconociendo la publicidad como condición básica para la existencia de una radiodifusión libre e independiente, las emisoras adoptarán las medidas necesarias para que los mensajes publicitarios sean difundidos íntegramente y de acuerdo con los horarios establecidos por las autorizaciones.

**Artículo 17** Aunque la responsabilidad primaria corresponda a los anunciantes, a los productores y a las agencias de publicidad, las emisoras no estarán obligadas a difundir los mensajes comerciales que estén en desacuerdo con el Código de Autorreglamentación Publicitaria, sometiendo a la consideración del "CONAR" cualquier anuncio que les parezca impropio y respetando las decisiones de este organismo.

### **CAPITULO IV**

#### **Los noticiarios**

**Artículo 18** Los programas informativos, grabados o directos, están libres de cualquier limitación, dejando a criterio de la emisora la exhibición o no de las imágenes o sonidos que puedan herir la sensibilidad del público. De los programas en vivo, serán responsables sus directores o presentadores, que observarán las leyes y reglamentos vigentes, así como el espíritu del presente Código de Ética.

**Artículo 19** Las emisoras solamente difundirán noticias procedentes de fuentes fidedignas y, por consiguiente, no serán responsables de las mismas. En sus noticiarios, las emisoras observarán el siguiente criterio:

**1:** Siempre que lo consideren conveniente y ello sea permitido por las leyes, las emisoras mantendrán en secreto sus fuentes informativas.

**2:** Las imágenes utilizadas para ilustrar una noticia, que no correspondan exactamente a la misma, sino que sean extraídas de archivo, indicarán explícitamente esa circunstancia.

**3:** Las emisoras deberán aplicar su propio criterio para ofrecer imágenes que, aunque reales, puedan herir la sensibilidad de la audiencia a quien va dirigido el telediario.

**4:** Las noticias susceptibles de provocar movimientos de pánico de carácter público serán ofrecidas con la forma adecuada para que éste sea evitado.

## **CAPITULO V**

### **Las relaciones entre las emisoras**

**Artículo 20** Las emisoras mantendrán elevados esquemas de relación entre sí, limitando su lucha competitiva exclusivamente al ámbito del perfeccionamiento de sus respectivas programaciones.

**Artículo 21** Se considera antiética la práctica de:

**1:** El soborno de artistas y personal contratados, entendiéndose como tal cualquier tipo de propuesta hecha al personal perteneciente a empresas de la competencia durante el período de vigencia de los contratos ya firmados por un plazo y unas condiciones económicas determinadas.

**2:** El establecimiento de los precios de la publicidad por debajo de las tarifas oficiales.

**3:** La publicación o difusión de los índices de audiencia, mediante la identificación de las emisoras de la competencia.

**4:** La referencia despectiva, en la prensa o en cualquier otro medio de comunicación, a las actividades o a los asuntos internos de las emisoras de la competencia.

**5:** La utilización, sin la indispensable autorización previa, de las sintonías o señales identificativas propias de las emisoras de la competencia.

**6:** La difusión de informaciones falsas acerca de la potencia de transmisión de una emisora, o del número de emisoras de una cadena o afiliadas a una cadena, o de canales de difusión que, en realidad, no estén en funcionamiento.

**7:** Mantener el funcionamiento de una emisora de forma fraudulenta, a través de la utilización, a cualquier hora, de una potencia superior a la de su licencia, de frecuencias de modulación o aparatos no autorizados, de desajustes deliberados, y de emisiones de interferencias o de cualquier otro tipo de señales destinadas a perjudicar a las emisoras de la competencia.

**8:** Las emisoras no rechazarán los mensajes publicitarios en los que participen personas contratadas por otras emisoras, salvo en el caso de que en esos mensajes se exhiban escenarios, vestuarios o elementos y signos distintivos de los programas presentados por tales personas, o cuando éstas aparezcan interpretando personajes característicos de tales programas.

**Artículo 22** Las emisoras someterán sus posibles desacuerdos al arbitrio de la Asociación Brasileña de Emisoras de Radio y Televisión, acatando sus decisiones, siempre que éstas no hayan podido ser solucionadas por las entidades estatales o regionales.

## **CAPITULO VI** **Procedimiento y Disposiciones Disciplinarias**

**Artículo 23** Las reclamaciones y denuncias relativas al incumplimiento del presente código, en lo que se refiera a la programación de radio y televisión, serán juzgadas por la Comisión de Etica de Programas de la "ABERT" ("CEPART"), que será formada por tantas Cámaras como sean necesarias.

**1:** Cada Cámara estará compuesta por 12 miembros escogidos, por unanimidad, por el Comité de Etica de la Dirección de la "ABERT", entre personas que no estén vinculadas con las redes o las empresas de radio y televisión, para un mandato de un año.

**2:** La "CEPART" tendrá un Secretario Director General, encargado de su administración, que será nombrado y cesado "ad nutum" por el Comité de Etica de la Dirección de la "ABERT". La Comisión tendrá autonomía administrativa y presupuestaria, y sus decisiones serán vinculantes.

**3:** Los miembros de las Cámaras de la "CEPART" elegirán un presidente, que actuará asesorado por el Secretario Director General. El Presidente no tendrá derecho de voto, excepto en el caso de empate en la votación, en que gozará del voto de desempate. Los miembros de la Comisión recibirán la oportuna notificación de cese en el plazo de los últimos treinta días de su mandato, pudiendo ser ratificados en sus puestos indefinidamente.

**4:** El Comité de Etica de la Dirección de la "ABERT" estará compuesto por ocho miembros nombrados por esta Dirección, con mandatos de dos años, siendo cuatro de los representantes de las redes nacionales de televisión que pueden ser sustituidos por decisión de las empresas a quienes representan, y cuatro los representantes del área de la radio, que pueden ser sustituidos por la dirección de la "ABERT".

**Artículo 24** Una vez recibida una reclamación, el Secretario Director General la entregará a una de las Cámaras, en sistema de rotación, para que ésta emita su valoración de la misma, enviando copia de ésta a la emisora reclamante. El Relator, designado por rotación por el Presidente de la Cámara, presentará su informe, dentro del plazo máximo de ocho días, para su discusión y votación en la primera o segunda sesión celebrada después de su entrega. Las sesiones serán semanales, en un día fijo de la semana.

**1:** Cuando la reclamación o denuncia se refiera a un hecho considerado urgente, el Secretario Director General convocará inmediatamente una Cámara, incoando el proceso personalmente, sin derecho a voto, para que ésta decida con la rapidez que la cuestión requiere.

**Artículo 25** Las reclamaciones serán siempre presentadas por escrito, con una perfecta indicación de los hechos y de sus referencias exactas en lo que se refiere al horario, día y emisora que efectuó la transmisión y realizó el acto impugnado, adjuntando una cinta de video o una cinta de audio en el caso de las emisiones radiofónicas. Las reclamaciones anónimas no serán distribuidas. Las reclamaciones que no fueran acompañadas de cintas de grabación

solamente serán distribuidas cuando traten de hechos públicos y notorios. Cuando exista una duda razonable en cuanto a la notoriedad del hecho, el Secretario Director General requisará la cinta correspondiente a la emisora, dentro del plazo legal, durante el cual la emisora estará obligada a conservar la cinta.

**Artículo 26** Las quejas podrán ser formuladas y presentadas a la "ABERT" por los órganos de la Administración Federal, por las emisoras asociadas a la "ABERT", por entidades o asociaciones específicas, o por telespectadores y radioyentes, de acuerdo con las previsiones de los artículos anteriores.

**Artículo 27** Las penas serán de advertencia reservada, amonestación pública o decisión de suspensión de las transmisiones impugnadas y de los hechos impugnados. La no aceptación de las decisiones de la Comisión entrañará la expulsión del seno de la "ABERT".

**Artículo 28** Las denuncias presentadas por telespectadores o radioyentes sólo podrán determinar la imposición de penas de advertencia reservada.

**Artículo 29** Toda empresa acusada de los actos o de la transmisión de los programas condenados por este Código tendrá conocimiento de la denuncia mediante la copia que el Presidente o el Secretario Director General le enviará, simultáneamente con la que se envíe al Relator.

**Artículo 30** La empresa presentará, por escrito, sus argumentos de defensa en el mismo plazo establecido para el Relator. La empresa podrá estar presente y defenderse verbalmente durante el proceso. En los casos urgentes previstos en el Párrafo 1 del Artículo 24, el Presidente se lo comunicará directamente a la empresa acusada, que tendrá un plazo de 48 (cuarenta y ocho) horas para presentar su defensa.

**Artículo 31** Las decisiones serán adoptadas por mayoría de votos y el quórum será de 7 (siete) miembros presentes de la Cámara.

**Artículo 32** La fuente de recursos necesaria para el mantenimiento de la Comisión será establecida por la Dirección de la "ABERT", "ad referendum" de los contribuyentes, y los recursos puestos a disposición de la Comisión no podrán ser utilizados para otros fines.

**Artículo 33** La Comisión de Etica de Programas de la "ABERT" elaborará un reglamento interno destinado a su satisfactorio funcionamiento.

**Artículo 34** En el caso de un programa transmitido regularmente, la suspensión voluntaria por la empresa objeto de la denuncia del programa impugnado significará el sobreseimiento del proceso.

**Artículo 35** Los casos que no se refieran a la programación serán decididos por la Dirección de la "ABERT" que, por mayoría de votos, aplicará penas de advertencia reservada o de amonestación pública.

# **NAB (National Association of Commercial Broadcasters in Japan)**

Japó

Entitat que aplega emissores privades

Nom del codi: "Broadcasting standards"

Última revisió de la qual hi ha constància: 18 de febrer de 1993

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# **THE NATIONAL ASSOCIATION OF COMMERCIAL BROADCASTERS IN JAPAN**

## **BROADCASTING STANDARDS**

### **PREAMBLE**

The commercial broadcasting is required to aim for the welfare of the public; strive for the development of culture and the prosperity of industry and commerce; and to contribute towards the realization of peaceful society.

Mindful of these aims proclaimed under the Broadcasting Standards, we should continually strive to respond to the trust placed in them by society, abiding by the spirit of democracy, maintaining respect towards fundamental human right and public sentiments, defending freedom of speech and expression and respecting law and order.

In practical broadcasting operation, emphasis must be placed on the following elements and objectives: 1) fast and accurate news reporting, 2) healthy entertainment, 3) advancement of culture and education, 4) salutary influence upon children and young adults, 5) moderate and honest advertising. Due consideration must be given to realize a harmonious program symmetry, and to broadcast hours, which appropriately accommodate different segment of the audience and listeners. At the same time, efforts must be exerted to reflect the media's unique character of universality and immediacies.

## **I. Respect for Human Rights**

1. The value of human life shall not be made light of.
2. The dignity of individuals and bodies shall be respected and shall not be made light of.
3. The right of privacy shall be respected.
4. Human traffic and prostitution shall not be portrayed in a favorable light.
5. Particular consideration shall not be given on the basis of race, sex, occupation or belief.

## **II. Laws and Politics**

6. The Legal code shall be respected and no attempt shall be made to interfere, by word or action, the execution of the Law.
7. No attempt shall be made to transgress upon the authority of the Government or its agencies.
8. Matters under deliberation by the agencies of the Government shall be handled with prudence and similarly, matters in dispute shall be so handled as not to interfere with or influence the deliberation.
9. Where there is a possibility of causing harm to international understanding and goodwill, such matters shall be handled with caution.
10. In the handling of matters relating to race, people and nations, due consideration must be given to the feelings and sentiments of the bodies concerned.
11. Politics shall be handled impartially, and caution is to be exercised so as not to be favorable to any one political thought or body.
12. Where there exists an indication or suspicion of pre-election campaigning, the matter shall not be handled.
13. With regard to opinions on politics and economics, the source responsible for said opinions shall be made evident.
14. Caution shall be exercised in the handling of materials which may cause political and/or economic confusion or disorder.

## **III. Consideration paid to Children and Young Adults**

15. Consideration shall be given to the proper development in children and young adults of proper manners, sense of responsibility and a correct concept of courage.
16. Speech and expression which are judged to be detrimental to children's character shall be avoided in children oriented program.
17. Consideration shall be given, when portraying unwholesome, cruel, criminal acts in children-oriented programs to not unduly agitate or hurt children's feelings or emotions.
18. When portraying military power or violence, consideration must be given to the influence upon young adults.
19. When dealing with hypnotism or psychics, consideration shall be given to young adults so as not unduly immitate.
20. Unworthy acts to children shall be avoided when they appear on the screen. When programs participated by children who may receive awards or prizes, special consideration shall be given so as not to stir up their speculative spirits.
21. Smoking or drinking of alcoholic beverages by minors shall not be handled in a favorable light.

#### **IV. Family and Society**

22. Family life shall be respected, and thoughts which are detrimental to family life shall not be expressed in favorable light.
23. Thoughts detrimental to the institution of marriage shall not be expressed.
24. Matters detrimental to the social order, good morals and manners shall not be handled in favorable light.
25. Public morals shall be respected. Expressions or actions which may arouse feeling contrary to common social practice shall not be broadcast, nor expressions which might arouse actions be aired.

#### **V. Advancement of Education and Culture**

26. Educational and cultural programs shall consists of a systematic presentation of materials which is instructive and conducive to the advancement of knowledge pertinent to man in society, without distinction to be given to whether the programs are school-oriented and society-oriented.
27. In school-oriented educational programs, efforts shall be made to take into consideration a wide range of opinions and ideas, to cooperate with the schools, and to take into consideration the particular needs of the audience, thereby obtaining the desired educational results.
28. In society-oriented educational programs, special topics including education, the arts, technical matters, crafts, occupations, etc. shall be presented so that the audience may be able to gain knowledge with interest.
29. Planning and format of the educational programs should be based on Laws related to education, and efforts shall be made through appropriate means to learn the demography of the target audience.
30. The aim of the cultural program is to assist the audience in attaining a deeper understanding of day-to-day matters, as well as further social awareness regardless of the type or method of presentation.

#### **VI. News Broadcasting and Its Responsibility**

31. All news is to be based on fact and shall be impartial in presentation.
32. The reporting of news shall not infringe upon personal freedom nor be detrimental to a person's honor or integrity.
33. Caution shall be exercised in reporting and editing so as not to be biased or present views which may be misconstrued by the audience.
34. In news reporting, the source of expressed opinions shall be made clear.
35. Regardless of whether factual accounts are being presented, unduly disturbing scenes in detail shall not be expressed or shown.
36. Caution is to be exercised so that news broadcasts, news documentaries and direct live coverage are not used for unlawful or advertising purposes.
37. Erroneous news and misinformation shall be retracted and/or corrected at the earliest possible opportunity.

## **VII. Religion**

38. The freedom of religious belief shall be respected as well as the viewpoints of all creeds, and expression injurious or detrimental to any particular religion or sect shall not be made.
39. In the handling and portrayals of religious ceremonies or functions, caution shall be exercised to not disgrace sacredness of them.
40. In religious programs, expression denying or ridiculing science shall not be handled .
41. Campaign for contribution to any particular religion or sect shall not be handled.

## **VIII. Consideration paid to Expression**

42. The contents of the programs shall be such as to have taken into consideration the living situation of the audience and broadcast at appropriate times, and should be such as not to create feelings or emotions of unpleasantness.
43. Words, expressions both written and spoken should be such as to be readily understood by the audience.
44. The use of local dialects should be such as to not create emotions or feelings of unpleasantness among the audience who normally use such dialects.
45. Caution shall be exercised when handling matters or substances which might cause unrest or uneasiness among general public.
46. The matters controversial among people or in society shall be discussed from as many angle as possible.
47. Use of indecent words or expressions which will arouse feelings of unpleasantness shall be avoided.
48. Caution shall be exercised in handling matters related to suicide and suicide pacts, regardless of whether such stories are traditional or artistic creations.
49. In the handling of foreign programs or overseas locations, consideration must be given to differences in eras, nations' situation, traditions, customs and mores.
50. In using a news program format within a program to achieve dramatic effect, expression that may cause confusion between reality and fiction shall not be used.
51. Communication or notice and the like to a specific object shall not be handled, except when such communication or notice affect human life or social importance.
52. In the handling of superstitions, it should not be in affirmative manner.
53. Fortunetelling or the like shall be handled so as to not be decisive or force to believe.
54. In descriptions of disease, atrocities, and tragedies, the expression used must be such as not to cause undue feelings of unpleasantness.
55. In handling matters related to mental or physical handicap, caution must be exercised so as not to embarrass or discourage those who suffer such conditions.
56. In the handling of matters related to the knowledge of medicine and medical treatment, caution shall be given so as to not cause unnecessary worry, anxiety, fear or optimism.
57. Private testimony or canvassing which are not concerned with broadcasting stations shall not be handled.
58. With regard to the handling of popular songs, a separate schedule of standards for the broadcasting of music will apply.

## **IX. Violence**

59. Expression of violence, regardless of its intent, shall be handled in an unfavorable and negative light.
60. Expression of violence shall be limited to a minimum.
61. Acts of violence -murder, torture, rape, lynchings, and other such acts which tend to arouse the audience, as well as both mental and physical pain- should not be expressed in stimulative way or in exaggeration.

## **X. Crimes**

62. Crime shall not be portrayed in favorable way, nor shall criminals be glorified.
63. In the expression of a commission of a criminal act, caution shall be exercised so as not to arouse illicit curiosity.
64. The portrayal or presentation of gambling and related matters shall be kept to a minimum, and shall not be portrayed attractively.
65. The portrayal of the use of drugs shall be kept to a minimum and should not be portrayed favorably or attractively.
66. Portrayals or expressions condoning the abuse of sleeping pills and sedatives shall not be portrayed favorably or attractively.
67. Caution shall be exercised in the use of firearms or swords, etc. and care shall be taken so as not to arouse the feelings of imitation of means of killing or wound.
68. When portraying the kidnapping, the details of the commission of the crime shall not be expressed.
69. Caution shall be exercised to present accurately methods of arrest and detainment, interrogation of criminal suspects, lawsuit procedures and courtroom scene.

## **XI. Sex**

70. Matters relating to sex shall be expressed in such ways as not to cause feelings of unpleasantness or consternation.
71. The expression of matters regarding venereal sanitation and disease shall be limited to cases where medical, educational and sanitation requirements demand it.
72. Even in the handling of artistic works, caution shall be exercised so as not to arouse sexual emotions.
73. Particular caution is to be exercised in the handling of matters related to sexual crimes and unnatural sexual desires or acts.
74. Display of total nudity as a rule is to be avoided. In displaying or expressing a part of the body, caution shall be exercised so as not to arouse the feeling of indescient or obscene.
75. Caution shall be exercised so that the words, movement, dances, styles, costumes, coloration, and position, etc. of the performers shall not be such to arouse undue passion on the part of the audience.

## **XII. Audience Participation and the Handling of Prize and Presents**

76. Efforts shall be made to broaden the opportunities of the audience to participate in the programs.
77. With regard to audience participation programs in which prizes or presents are offered, the participants who may be mistakenly identified as being on the program staff in whatever capacity shall be avoided.
78. Judging shall be on an impartial basis, taking into account the ability of the participants or performers.
79. Monetary as well as other prizes should be of sums of amounts within reason as dictated by current social standards, and care should be exercised to avoid speculative spirit.
80. The program project, programming, the master of ceremonies etc. should exercise caution so as not to forget to pay proper respect to the participants and audience or cause feeling of unpleasantness.
81. In taking up the private problems of a member of the performers, the right of privacy of that person and of the related persons shall not be encroached.
82. In subscribing for entrants to prize contest, announcement must be clearly made as to details for application, method of selection, prizes, announcement of results, duration, etc. However, should details be made known in media other than the broadcasting, this may be deleted.
83. In the presentation of the prizes, their value should neither be overly emphasized, nor misrepresented.

## **XIII. Responsibility in Advertising**

84. Advertising should tell the truth and should be beneficial to the audience.
85. Advertising should not be in violation of existing relative ordinances or laws.
86. Advertising should not be such as to be detrimental to wholesome social life or good morals.

## **XIV. Handling of Commercials**

87. The broadcast advertising must, through the commercial, clearly be represented as advertising.
88. The contents of the commercial include the name of the advertiser, product, product name, trade mark, logo, type of business, contents of the business (service, sales network, institution, etc.).
89. Care is to be taken in advertising so that it will not agitate children or overly excite or influence children's desire to obtain advertised article or object.
90. Advertising in programs oriented to schools should not act as an impediment to education.
91. Advertising which does not make clear the identity of the advertiser or does not indicate the address of the responsible party shall not be handled.
92. As regards both programs and spot commercials, such advertising which is contrary to lawful competition or which tends to be monopolistic in approach shall not be handled.
93. Advertising in which rights and true nature of transaction are not clear shall not be handled.
94. Advertising outside the bounds of Advertising Agreement shall not be handled.
95. Exaggeration of fact which may make audience overestimate shall not be handled.

96. Advertising which tends to slander or exclude other, even if it is based on the fact, shall not be handled.
97. False claims regarding products and services, opinions other than that expressed by a user, or opinions of persons whose identity is not clear shall not be handled.
98. One-sided claim, communication and notice on controversial problem shall not be handled.
99. That which is considered to be coded message shall not be handled.
100. Advertising by advertisers whose occupation requires a permit or license shall not be handled should such advertiser not have such permit or license.
101. Advertising of foodstuff which is suspected of being a health hazard, as well as such advertising which are exaggerated or false shall not be handled.
102. Advertising of educational institutions and related businesses which contain misleading statements regarding advancement, job placement and qualifications, etc. shall not be handled.
103. That which deals in divination, phrenology, spiritualism, palmistry and physiognomy, and other such practices encouraging belief in superstition, as well as denying science, shall not be handled.
104. Businesses which deal in the investigation of private matters or secrets shall not be handled.
105. Services and products questionable for public moral and sexual apparatus shall not be handled.
106. Products of intimate use, as well as those which are unsuitable to be spoken of within the home shall be handled with caution.
107. Funeral businesses as well as matters which touch upon death and funerals shall be handled with caution.
108. In advertising which features amateur sports group or individual athletes, careful consideration, such as communications with such organizations, shall be exercised.
109. In the handling of solicitation for contributions and donations, only those organizations whose identity and purpose have been made clear and properly authorized shall be considered.
110. Advertising whose sole purpose is to publicize an individual shall not be handled.
111. Advertising which features photograph of the Imperial Family, Imperial crest and others related to the Imperial Household without proper authorization shall not be handled.
112. Help-wanted advertising shall not be accepted unless employer and contents of works are clear.
113. Special insertions such as hitchhike shall as a rule be planned and executed by the individual broadcaster.

## **XV. Expression in Advertising**

114. Advertising shall be broadcast taking into consideration the broadcast time so as not to arouse feelings of unpleasantness on the part of the audience.
115. Advertising should be made in languages and words which could be understood by the audience correctly and easily.
116. Expressions which tend to confuse the audience shall not be used.
117. Expressions which cause unpleasant emotions on the part of the audience shall be avoided.
118. As a rule, superlative and similar expression shall not be used.
119. News which has been broadcast over the air shall not be denied.
120. Expressions which may be confused with news shall not be made. In particular, advertising in the news program shall be such as to be distinctly apart from the program itself.
121. Technical expressions using statistics, technical terms and literatures shall not be made in such a way that the expression may appear more scientifically sound than it actually is.

## **XVI. Advertisement of Medical Treatment, Medicines and Cosmetics**

122. Advertising of medical treatment, medicines, medical equipment, and cosmetics, etc. which are suspected of being in violation of the Practitioners Law, Medical Treatment Law, and Pharmaceutical Law shall not be handled.
123. Advertising of medical treatment must not exceed, in respect of the branch of practice, the limits stipulated by the Medical Treatment Law.
124. Advertising of medical treatment shall not exceed the range of the terms regulated by Medical Law. (\*)
125. With regard to the effectiveness and/or safety of medicines, superlative expression or similar expression shall not be used.
126. Expression regarding the effectiveness of non-prescription medicines and cosmetics shall be limited to those permissible under the Law.
127. With regard to expression in advertising of medical treatment and medicines, it shall not be such as to cause anxiety, fear or undue optimism.
128. Testimonial advertising of medicines, non-prescription medicines, cosmetics made by doctor, pharmacist and beautician shall not be handled.
129. Advertising which offers medicines as prizes shall as a rule not to be handled.

## **XVII . Finance and Real Estate Advertising**

130. Advertising by financiers whose activities and services may adversely affect audiences shall not be handled.
131. Advertising which promises undetermined interest to large number of the audience, and that which solicits investments for such purposes shall not be handled.
132. Advertising shall not be accepted from businesses other than those which have been properly registered under the Housing Business Law and Construction Law.
133. Advertising of real estate that tends to exaggerate investment returns and/or uses expressions of a misleading nature shall not be handled.
134. Advertising of real estate which is in violation of existing laws or whose title cannot be proven shall not be handled.

## **XVIII. Standards of Broadcasting Time of Advertising**

135. Commercial message shall be classified as follows: Program Commercial, Participating Commercial, Spot Commercial and Guide Commercial.

### **- Radio -**

136. Program Commercial shall be limited to the following. In news program and programs of 5 minutes or less in length shall be determined by the individual broadcaster.

5 minutes program	Commercials: 1' 00"
10 "	2' 00"
15 "	2' 30"
20 "	2' 40"
25 "	2' 50"
30 "	2' 50"

Programs exceeding 30 minutes 10% of broadcast time

- 1) In programs, words, music, effects and singing commercial (including melody only) and announcement which purpose is advertising shall be construed as commercials.
- 2) co-sponsoring and tie-up advertisings shall be included in number of seconds of program commercial.

137. The length of participating commercial to be included in one program shall be as follows:

10 minutes program	PT commercial 2' 00"
15 "	2' 40"
20 "	3' 20"
25 "	3' 40"
30 "	4' 00"

Length of PT commercial to be included in programs other than above mentioned shall be determined by individual broadcaster

### **- Television -**

138. The standard of the length of guide commercial shall be determined by individual broadcaster.

139. Total volume of Commercial per week shall be, including guide commercial, less than 18 % of total broadcast hours of a week.

140. Time standard for Program Commercial and Participating Commercial in prime time shall not exceed the following, and these two kinds of commercials in the time period other than prime time shall be determined based on these standards. However, these commercial inserted in sporting program and in special event shall be determined by individual broadcaster.

Program less than 5 minutes	Commercial 1' 00"
" 10	2' 00"
" 20	2' 30"
" 30	3' 00"
" 40	4' 00"
" 50	5' 00"
" 60	6' 00"

Length of commercial in the program exceeding 60 minutes shall be decided in accordance with above standards

\* Prime time is a consecutive three hours and thirty minutes between 6:00 and 11:00 PM to be determined by each broadcaster.

- 1) Program commercial shall include audio (words, music, effects) and visual (special technical effects) expressions.
- 2) Background, stage properties, costumes, etc. which have an advertising effect will be construed as constituting a part of advertising time. However, should the above be deemed a necessary component of the performance. It shall not be construed as such.

141. Superimposition shall not be used in programs as commercial. But, the use of superimposed commercial shall be permitted in sports and special events programs according to the specific standard by each broadcaster.

142. Standards for spot commercial shall be as follows, but the standards for audio in film shall be in accordance with NAB technical standards.

Kinds of spot	Audio	
	Time	Syllable
5 seconds	less than 3.5 seconds	21
10	8	48
15	13	78
20	18	108
30	28	168
60	58	348

Those other than above mentioned shall be decided by each broadcaster.

143. Guide Commercial: shall be decided by each broadcaster.

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 (\*) Article revisat el 18 de febrer de 1993.

Anterior redacció:

"Advertising of medical treatment shall not contain information regarding the technical background and capabilities of the practitioners, or dentist, nor treatment methods, personal professional background, educational background etc."

# **RAI (Radio Associazione Italiana)**

Itàlia

Corporació pública de ràdio i televisió

- **"Le nostre regole. La carta dei diritti e dei doveri del gioralista radiotelevisivo del servizio pubblico"**

Data de publicació: 8 d'agost de 1990.

- **"Política del prodotto e piano editoriale"**

Aprovat per unanimitat al Consell d'Administració de la RAI el 21 de juliol de 1988 (la part 3 va ser ajornada a una deliberació del dia 30 de gener de 1992).

Publicat a l'anuari de la RAI 1991-1992.

# Le nostre regole

## Carta dei diritti e dei doveri del giornalista radiotelevisivo del servizio pubblico

### **Nomina dei Direttori**

1. I Direttori di testata sono nominati dal Consiglio di Amministrazione, su proposta del Direttore Generale, in linea di massima per una durata triennale;
2. entro due mesi dalla nomina il Direttore di testata presenta all'assemblea di redazione il piano editoriale, predisposto in armonia con il piano editoriale approvato dal Consiglio di Amministrazione, l'organizzazione del lavoro, i compiti e le funzioni di ciascun settore, i criteri per l'utilizzazione dei collaboratori in organico e fuori organico;
3. la redazione esprimerà un parere sul piano editoriale formulato dal Direttore di testata. In caso di parere negativo sul piano, il Direttore avrà altri 15 giorni di tempo per riformularlo e presentarlo all'assemblea. L'esito della votazione sarà comunicato, tramite il Direttore Generale, al Consiglio di Amministrazione della Rai.

### **Capo redattori regionali**

4. Il Direttore della Testata per l'informazione regionale comunicherà al Comitato di redazione la nomina del caporedattore regionale responsabile della redazione, il quale illustrerà la linea editoriale territoriale e lo schema di organizzazione del lavoro, concordati con il Direttore della TIR, che la redazione attuerà in collegamento con la politica editoriale della testata. Il Direttore della TIR, ferma restando la sua titolarità esclusiva del potere di proposta, proporrà al Direttore Generale, la nomina dei Vice Capi redattori vicari delle redazioni regionali e le assunzioni e promozioni all'interno di rose di candidati proposte dai Capi redattori regionali;
5. la direzione delle singole testate ed i Capi redattori regionali provvederanno giornalmente ad indire una riunione con i rispettivi responsabili di "line" per l'impostazione dei sommari delle edizioni dei notiziari.

### **Poteri dei Direttori**

6. Il Direttore di testata propone al Direttore Generale la nomina di uno o più vice Direttori e ne informa il Comitato di redazione;
7. Il Direttore, in materia di assunzioni e promozioni, ha tutti i poteri previsti dal contratto e dagli accordi con l'editore; sull'argomento si fa anche esplicito richiamo all'accordo 24.10.1989 che si allega come parte integrante della presente "Carta".

### **Informativa su appalti e collaborazioni**

8. Il Direttore fornirà ai Comitati di redazione la necessaria informativa sul numero, sui costi complessivi e sui criteri delle collaborazioni e degli appalti; analoga informativa sarà data dai Capi redattori regionali ai rispettivi Comitati di redazione;
9. ai rappresentanti sindacali dei giornalisti inquadrati nelle reti sarà fornita l'informativa di cui al punto 7, relativamente ai contratti di collaborazione giornalistica e agli appalti, in sede di Commissione paritetica di cui al 3° comma dell'art. 18 dell'accordo integrativo al CNLG

10.11.1988; (in proposito vedi anche accordo 4 luglio 1990).

### **Assunzioni**

10. L'accesso alla professione di giornalista del servizio pubblico radiotelevisivo avviene, nei limiti e secondo le modalità delle delibere del Consiglio di Amministrazione, attraverso selezioni per la copertura fino al 50%, dei posti disponibili da turn-over, selezioni da bandire di massima l'anno precedente quello del previsto esaurimento della selezione progressiva. Per la restante parte si terrà conto, sempre in conformità a quanto stabilito dal Consiglio di Amministrazione, dei professionisti disoccupati e dei giornalisti che abbiano già prestato la propria attività, con contratti temporanei, per la Rai, oltre che di professionisti da assumere per chiamata diretta.

### **Aggiornamento professionale**

11. Il giornalista dopo l'assunzione o anche immediatamente prima deve essere messo in grado di conoscere lo specifico radiotelevisivo attraverso la frequenza ad appositi corsi di formazione professionale di durata idonea agli obiettivi da raggiungere e, comunque, di almeno 3 mesi;

12. L'aggiornamento professionale è un diritto che si estende a tutti i giornalisti. Azienda e sindacato si incontreranno semestralmente per definire l'indirizzo dei programmi dei corsi di approfondimento con particolare riferimento all'apprendimento delle lingue, alla conoscenza tecnologica, all'approfondimento dei rispettivi settori di specializzazione.

### **Motivi di contrasto**

13. Nel caso di cambiamento di direzione o di mutata linea politico editoriale della testata il giornalista può chiedere l'assegnazione ad altra testata che sarà accolta sempre che sussistano le disponibilità di organico e vi sia esplicita richiesta del Direttore.

### **Modifiche e riutilizzazione dei servizi**

14. È riaffermato il diritto insopprimibile del giornalista a non vedere la propria firma o immagine, su servizi, o notizie, nei cui confronti abbia espresso motivato dissenso. Il giornalista ha inoltre il diritto di ritirare oltre che la firma, la voce e l'immagine dai propri servizi registrati che vengano modificati senza il suo assenso. L'utilizzazione al di fuori di programmi antologici, dei servizi per programmi e testate diverse da quelle di appartenenza, deve avvenire rispettando il contenuto del servizio stesso e previa richiesta di autorizzazione all'autore che dovrà in ogni caso essere indicato come tale.

### **Titolarità dell'informazione**

15. I giornalisti titolari di rubriche o conduttori di spazi informativi, eviteranno di ricorrere a collaborazioni esterne o ad appalti per servizi per i quali esistono competenze specifiche e disponibilità nelle redazioni. Il ruolo del collaboratore non deve sovrapporsi ma integrare il ruolo della redazione.

### **Incompatibilità**

16. Il giornalista, fermo restando quanto previsto dall'art. 8 CNLG, dovrà svolgere la sua professione in modo tale che non possa, per qualsiasi causa, comportare sovrapposizioni con eventuali attività esterne che condizionino il lavoro redazionale. Di tale dovere è responsabile il Direttore di testata che dovrà essere informato dal giornalista; il Direttore di testata, a sua volta, ne darà opportuna informazione alla Direzione Generale. La mancata

comunicazione nello svolgimento di attività esterne che comportino sovrapposizioni con il lavoro redazionale, determinerà l'applicazione di sanzioni disciplinari commisurate alla gravità del fatto oltre che l'applicazione dei provvedimenti eventualmente necessari per superare situazioni di incompatibilità professionali. Eventuali responsabilità del Direttore di testata nell'assegnazione di attività in contrasto con quanto sopra precisato saranno valutate dalla Direzione Generale. La Commissione paritetica verificherà nei dettagli la specifica delle incompatibilità che riguardano, comunque, attività in uffici stampa, agenzie di pubblicità, uffici di consulenza e relazioni pubbliche, nonché incarichi, che comportino i richiamati rischi di sovrapposizioni tali da ledere il principio di una informazione obiettiva e completa della Rai;

17. è fatto divieto per il giornalista di comparire in trasmissioni radiotelevisive di aziende concorrenti salvo espressa deroga della Direzione Generale (vedi istruzioni di servizio n. 77 del 6.10.1976), fatto salvo l'inviolabile diritto costituzionale alla libera manifestazione del pensiero.

### **Informazione e pubblicità**

18. All'interno di programmi informativi, nessuna forma di pubblicità o di sponsorizzazione può essere affidata a giornalisti; sponsorizzazioni e pubblicità devono essere chiaramente distinti dall'informazione anche mediante sigle o segnali audio; non sono ammesse interruzioni pubblicitarie all'interno dei notiziari televisivi e radiofonici.

### **Regali e donazioni**

19. I giornalisti del servizio pubblico non accetteranno, né direttamente né indirettamente, pagamenti, rimborsi spese, prestiti gratuiti da società o privati, inviti a viaggi, trasferte e vacanze gratuite da società enti o privati, che possano condizionare l'attività redazionale. In particolare, per quanto riguarda i viaggi all'estero, organizzati da società o enti con motivazioni variamente promozionali e informative resta insindacabile prerogativa del Direttore di testata autorizzare la partecipazione dei giornalisti.

### **Tutela dei soggetti deboli**

20. I giornalisti del servizio pubblico, attenti al mutare di sensibilità e culture diffuse, nel quadro di una informazione che privilegi, nella cronaca i fatti o situazioni di oggettivo rilievo sociale, si impegnano a garantire l'anonimato più assoluto (nome e immagine) per i minori di 18 anni coinvolti in casi di cronaca. I giornalisti della Rai ritengono centrale il rispetto dei diritti delle persone anche di quelle detenute. In ogni caso è doveroso rispettare, sempre e comunque la presunzione di innocenza per quanti sono coinvolti in casi giudiziari. L'assoluzione di un imputato va data con lo stesso risalto che ha avuto l'avvenimento all'atto dell'incriminazione o di una precedente condanna. I giornalisti della Rai si astengono dal diffondere nomi e immagine dei condannati a pene lievissime salvo nei casi che abbiano particolare rilevanza sociale o coinvolgano personaggi pubblici. Saranno evitate altresì menzioni superflue sulla razza, l'origine e la religione.

### **Rettifica**

21. L'applicazione piena e sollecita del diritto di rettifica è un dovere che incombe direttamente a ciascun giornalista o struttura giornalistica, anche in assenza di specifica richiesta.

### **Pari opportunità**

22. In attuazione della raccomandazione CEE del 13 dicembre 1984 n. 365 e delle disposizioni

legislative in tema di parità uomo-donna, sarà realizzata attività di studio e di ricerca finalizzata alla promozione di azioni positive a favore del personale femminile con qualifica giornalistica. Si costituirà pertanto un gruppo di lavoro paritetico composto di 6 membri che dovrà:

- a) esaminare, come osservatorio permanente l'andamento dell'occupazione femminile giornalistica in RAI sulla base dei dati qualitativi e quantitativi che saranno forniti dall'Azienda;
- b) promuovere azioni positive al fine di individuare e rimuovere tutti quegli ostacoli che oggi impediscono la pari opportunità e la valorizzazione del lavoro giornalistico delle donne. Si istituisce, infine, la figura di "consigliere di parità".

### **Organo di garanzia**

23. La Commissione paritetica di cui al 3° comma dell'art. 18 dell'accordo integrativo al CNLG ha il compito di esaminare le questioni connesse all'applicazione della normativa contrattuale, nazionale ed aziendale, ed interessanti tutti i giornalisti della RAI anche se inquadrati in settori non giornalistici;
- la procedura per la definizione delle vertenze è quella prevista dall'accordo 10.2.1989 che si allega come parte integrante della presente "Carta";
  - la Commissione paritetica istituirà un registro dei casi di utilizzazioni temporanee ripetute di giornalisti professionisti e delle richieste di trasferimento da valutare in occasione della copertura di posti resisi disponibili;
  - la Commissione paritetica, vigilerà sulla corretta applicazione della presente "Carta". Eventuali provvedimenti saranno assunti dopo le valutazioni espresse in paritetica.

### **Protocollo aggiuntivo alla «CARTA DEI DIRITTI E DEI DOVERI»**

#### **Disciplina dello sciopero**

In attuazione del secondo comma dell'art. 2 della legge 12.6.1990 n. 146 si conviene che in caso di sciopero generale della categoria da comunicare con preavviso di almeno 10 giorni sarà garantita agli utenti l'informazione essenziale con le seguenti modalità:

- a) Notiziari nazionali radiofonici: un notiziario mattutino della durata di 5 minuti da trasmettere a reti unificate. Il notiziario sarà curato a turno dal CdR di una testata radiofonica sotto la responsabilità del Direttore della stessa testata e andrà in onda nell'orario di maggior ascolto.
- b) Notiziari nazionali televisivi: un notiziario serale della durata di 5 minuti da trasmettere a reti unificate. Il notiziario sarà curato a turno dal CdR di una testata televisiva sotto la responsabilità del Direttore della stessa testata e andrà in onda nell'orario di maggior ascolto. In ogni caso sarà assicurato il presidio dei CdR in tutte le redazioni.

Roma, 8 agosto 1990.

# Politica del prodotto e piano editoriale

(Documento approvato all'unanimità dal Consiglio di amministrazione RAI nella seduta del 21 luglio 198 e aggiornato per la parte 3 "l'informazione" con delibera del 30 gennaio 1992)

## **1. Un nuovo scenario interno ed internazionale**

**1.1. L'appuntamento con l'integrazione europea del 1992 impone l'accelerazione dei processi di modernizzazione economica, culturale e sociale che hanno contraddistinto questi anni, e che devono adesso svilupparsi con impatto sistemico sull'insieme della realtà italiana. In rapporto a questi processi muta anche il ruolo dei sistemi di comunicazione.**

**1.2. Siamo entrati in un ciclo di innovazioni tecnologiche che investono le modalità produttive, i sistemi di distribuzione, le forme di fruizione. Lo schermo televisivo tenderà sempre più a divenire strumento di ricezione di immagini, suoni e dati, con possibilità di un'elevata scelta (???) tra i programmi offerti, di interazione e dialogo con archivi di immagini, suoni e dati, di un uso più individuale e più attivo del mezzo televisivo da parte dell'utente.**

**1.3. La televisione e il cinema si vanno sempre più integrando, all'interno di un'unica industria audiovisiva, sul piano delle strategie finanziarie e di quelle distributive. Una televisione qui voglia collocarsi in posizione non subalterna nel sistema deve acquisire pienamente questa dimensione integrata dell'industria audiovisiva.**

**1.4. In una fase di crescente e rapida internalizzazione delle imprese che operano nell'industria audiovisiva, l'accentuata e progressiva integrazione dei mercati in un'unica realtà mondiale richiede standard qualitativi e investimenti elevati.**

**1.5. Il consumo di audiovisivi, che negli ultimi dieci anni ha registrato nel nostro paese una crescita geometrica, è destinato ad una grande espansione in Europa anche per effetto dell'introduzione del satellite a diffusione diretta e della deregulation.**

**1.6. Anche la radio è alla vigilia di importanti trasformazioni tecnologiche. La radio, verso la quale si sta nuovamente orientando l'interesse degli operatori e anche degli utenti pubblicitari, può offrire informazione, musica e intrattenimento con una flessibilità di produzione e di ascolto superiori alla televisione. Essa può dare voce alle realtà locali, assicurare una capillare informazione di servizio, creare condizioni di reciprocità tra emittente e ascoltatori, integrarsi con il telefono e il computer.**

**1.7. La RAI affronta questa nuova più complessa fase avendo difeso e consolidato il proprio ruolo di protagonista decisivo e centrale nel sistema radiotelevisivo misto.**

**1.8. La RAI ha saputo affrontare positivamente il passaggio dal regime di monopolio a quello di concorrenza con un continuo e significativo rinnovamento ideativo e culturale, rafforzando il proprio radicamento nella realtà nazionale, mantenendo il primato nell'ascolto, realizzando un misurato equilibrio tra informazione e svago, ampliando l'offerta anche con innovazioni -come la tv del mattino- destinate ad incidere nel costume e nelle abitudini degli italiani.**

1.9. La RAI ha intensificato il proprio impegno produttivo, apprezzato anche all'estero, ha investito nel cinema di qualità, ha avviato importanti sperimentazioni, ha realizzato nuovi servizi.

1.10. La RAI intende mantenere, rafforzare e sviluppare in forme nuove la propria centralità culturale, tecnologica e industriale nel sistema misto.

## **2. Responsabilità, identità e obiettivi del servizio pubblico**

2.1. Compito del servizio pubblico è dare espressione all'insieme della società, tutelando con la propria produzione un effettivo pluralismo di valori e di punti di vista.

2.2. Pluralismo non è indifferenza ma rispetto e promozione dei valori riconosciuti nella Costituzione della Repubblica, che caratterizzano storicamente la nostra società e che via via si affermano nel processo di crescita culturale e sociale del paese.

2.3. La RAI deve affrontare una competizione articolata e difficile, operando sul mercato interno ed internazionale, tanto su quello della commercializzazione dei programmi, quanto su quello pubblicitario.

2.4. Se la produzione televisiva fosse però subordinata unicamente alle priorità e alle articolazioni del mercato, in particolare di quello pubblicitario, essa offrirebbe alla società una immagine distorta della società stessa: verrebbero privilegiati i valori, gli interessi, i gruppi sociali più forti.

2.5. Spetta al servizio pubblico dare voce adeguata anche ai gruppi sociali e alle realtà culturali più deboli o emarginate.

2.6. In questa fase di sviluppo, obiettivi specifici e qualificanti del servizio pubblico sono:

- a) produrre cultura e svolgere una funzione di garanzia democratica all'interno dei sistemi di comunicazione, con particolari responsabilità per la completezza e il pluralismo dell'informazione e con specifica attenzione all'esigenza di dar voce, spazi di espressione e strumenti di tutela alle minoranze;
- b) investire in settori ad alto contenuto tecnologico, sostenendo e orientando la crescita produttiva del sistema;
- c) puntare al miglioramento del prodotto medio e incrementare la produzione di qualità;
- d) favorire attraverso la propria attività imprenditoriale l'industria culturale nazionale affinché essa si rafforzi e si sviluppi in un quadro europeo.

2.7. Questa responsabilità del servizio pubblico nei confronti della collettività, proprio perché da sempre ha creato una compenetrazione profonda tra le RAI e i processi di trasformazione della società e della cultura del paese, rappresenta non solo un insieme di obblighi e di doveri ma anche una risorsa.

2.8. L'identità di servizio pubblico non si definisce solo sulla base di regole e doveri ma, prioritariamente, a partire da questo peculiare rapporto con la collettività nazionale.

2.9. Impegno della RAI è quello di fornire una programmazione ampia e completa, rivolta a tutti i settori del pubblico, capace di offrire una rappresentazione imparziale, pluralistica e critica del reale e un arricchimento consapevole e maturo dell'immaginario collettivo.

2.10. Per svolgere tale ruolo, il servizio pubblico deve perseguire il primato nell'ascolto, sui terreni dell'informazione, della programmazione culturale e di quella di intrattenimento, anche se tale ricerca non può essere il solo parametro per la programmazione RAI.

2.11. Il servizio pubblico, pur riconoscendo nella competizione un valore e uno stimolo positivo, intende operare per il superamento delle forme più esasperate e patologiche di concorrenza, per rendere possibile un maggior impegno nella direzione della qualità, sottraendosi alla logica dell'ascolto quale metro assoluto di giudizio, favorendo il consolidarsi di un ampio, approfondito e critico consenso attorno all'attività e al ruolo del servizio pubblico, prima garanzia di uno stabile rapporto con l'audience.

2.12. La nuova realtà industriale della televisione e il quadro diverso di acquisizione delle risorse impongono, anche alla RAI, una più compiuta dimensione d'impresa e una più ampia visione sovra-nazionale, anche per conseguire in modo efficiente i propri obiettivi istituzionali di servizio pubblico.

2.13. Un'analisi attenta dei problemi economici della RAI mostra l'esigenza di innovare sul piano della strategia di gruppo, della organizzazione aziendale e della politica di bilancio, per rendere il suo profilo di impresa più adeguato alla realtà in cui il servizio pubblico deve operare.

### **3. L'informazione**

3.1. Il servizio pubblico deve garantire un'informazione equilibrata, imparziale, completa.

3.2. Il pluralismo non è solo un dovere della RAI nei confronti della collettività, ma è anche e soprattutto un metodo di lavoro, un elemento della sua identità di servizio pubblico. Esso non consiste nella somma algebrica di tanti punti di vista unilaterali; ma piuttosto nel cogliere all'interno di ogni evento la pluralità dei valori e degli interessi che lo determinano, dei giudizi e delle opinioni che se ne possono ricavare.

3.3. La specifica fisionomia culturale ed editoriale di ogni Testata va iscritta in una naturale ed insopprimibile complementarità tra i possibili modi di lettura della realtà, tra le possibili declinazioni di una comune ricerca di completezza.

3.4. La decisione, adottata dal Consiglio di amministrazione nell'ambito della sua funzione di editore, di articolare l'informazione in vari giornali radiofonici e televisivi richiede che ciascuna Testata rifugga dai condizionamenti impropri del quadro politico rapportandosi con la complessità della realtà nazionale in piena autonomia, con una forte identità professionale.

**3.5. I poteri degli organi di vertice dell'Azienda previsti dalla Legge e dallo Statuto in materia di linea editoriale per l'informazione sono i seguenti: il Consiglio di amministrazione elabora gli indirizzi culturali ed editoriali della società, formula le direttive generali sui programmi, esamina la corrispondenza del programmi trasmessi alle proprie direttive, verifica l'imparzialità e la correttezza della informazione; il Presidente del Consiglio di amministrazione esercita la sorveglianza sull'andamento della gestione aziendale, sul raggiungimento degli scopi sociale e sull'attuazione degli indirizzi della Commissione parlamentare; il Direttore Generale è responsabile dello svolgimento del servizio radiotelevisivo nel quadro degli indirizzi dettati dalla Commissione parlamentare e secondo le direttive fornite dal Consiglio di amministrazione, con particolare riguardo a quelle contenute nel Piano editoriale.**

**3.6. I Direttori delle Testate giornalistiche sono nominati dal Consiglio di amministrazione per un triennio su proposta del Direttore generale.**

**In conformità del Piano editoriale approvato dal Consiglio di amministrazione, il Direttore di Testata concorda le linee del suo programma giornalistico con il Direttore generale, il quale ne dà preventiva comunicazione al Presidente del Consiglio di amministrazione dopo che siano state svolte tutte le procedure contrattuali.**

**Il Direttore di Testata esercita la propria competenza sulle direttive politiche e tecnico-professionali del lavoro redazionale nel quadro della normativa vigente sulla emittenza radiotelevisiva pubblica e sulla base della legge sulla stampa, del contratto nazionale di lavoro giornalistico e dell'accordo integrativo della RAI. Il Direttore di Testata risponde al Direttore generale dell'attuazione del programma concordato, del rispetto del Piano editoriale dell'Azienda in tutte le trasmissioni che fanno capo alla Testata e del buon andamento dell'attività redazionale.**

**3.7. Di fronte a temi di particolare rilievo o a questioni particolarmente controverse, ogni giornalista e ogni operatore della comunicazione è tenuto a dare conto delle diverse e più significative opinioni esistenti, a tutela dell'interesse all'informazione del cittadino.**

**3.8 In questo senso, qualche utile suggerimento può venire dal criterio proprio dell'esperienza americana dalla "dottrina dell'imparzialità" (per la trasmissioni di informazione in generale) e de la regola dell'"equal-time" (per le informazioni elettorali): principi che stabiliscono una costante possibilità di contraddittorio e che sono in quell'esperienza strumenti essenziali, ancorché imperfetti, attraverso cui l'informazione riafferma una sua linea di equilibrio e completezza.**

**3.9. Il rilievo dell'informazione deve esprimersi in uno sviluppo del diversi aspetti del giornalismo: la cronaca, l'approfondimento, l'inchiesta, il dibattito e la testimonianza. Deve tradursi, quando necessario, in una certa flessibilità del palinsesto in presenza di eventi significativi.**

**3.10. Le responsabilità del servizio pubblico sono tanto più stringenti in quanto è proprio sul terreno dell'informazione che si va sviluppando la competizione più significativa tra la RAI e altre imprese televisive nazionali ed internazionali. Nell'affrontare positivamente questa sfida sta la capacità del servizio pubblico di riproporre la sua centralità, con una sua insostituibile funzione di equilibrio democratico. In un contesto in cui i mezzi di comunicazione si concentrano ormai sotto il controllo di pochi gruppi finanziari, la RAI non può non essere un punto di equilibrio utile e necessario.**

3.11. Queste responsabilità si individuano non solo nella corretta applicazione del metodo del pluralismo e dei tradizionali canoni dell'obiettività, della completezza e dell'indipendenza, ma nel rispetto del destinatario dell'informazione, dei diritti e della dignità della persona, soprattutto se debole e indifesa, garantendo le giuste esigenze di riservatezza e di tutela della vita privata, ed evitando anche rappresentazioni di immagini e di situazioni che contraddicano questi principi. In particolare dovrà essere salvaguardata la personalità e l'immagine dei minori e dei soggetti deboli quando risultino coinvolti in fatti di cronaca o processuali, di violenza o di devianza.

3.12. I particolari doveri sanciti dalla legge per il servizio pubblico fanno sì che, al rispetto dei valori deontologici, per gli operatori della RAI si aggiunga uno specifico e più accentuato dovere alla completezza, al pluralismo e all'imparzialità e, ove necessario, al contraddittorio e al confronto fra idee o tesi contrapposte.

3.13. In questo senso vanno richiamati i principi di etica professionale, in base ai quali, "è diritto insopprimibile dei giornalisti la libertà di informazione e di critica limitata all'osservanza delle norme di legge dettate a tutela della personalità altrui ed è loro obbligo inderogabile il rispetto della verità sostanziale dei fatti, osservati sempre i doveri imposti dalla lealtà e dalla buona fede. L'esercizio del giornalismo deve rispettare il diritto della collettività ad essere informata in maniera obiettiva e completa, indipendentemente da ogni illecito interesse.

3.14. Il rispetto dei criteri di pluralismo, completezza e imparzialità impone l'adozione di un principio di massima trasparenza e riconoscibilità del messaggio informativo, e a tale riguardo si richiamano anche i principi contenuti nel protocollo d'intesa "informazione-pubblicità" firmato il 14 aprile 1988 (\*)

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(\* ) Il protocollo è stato siglato dalla Federazione della Stampa, dal Consiglio Nazionale dell'Ordine dei Giornalisti e dalle associazioni di pubblicitari e delle pubbliche relazioni (ASSAP, AISSCOM, ASSOREP, FERPI, OTEP, TP)  
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3.15. L'informazione politica deve offrire un quadro completo ed imparziale degli eventi politici e sociali e delle attività delle istituzioni.

Particolare impegno deve essere posto nella illustrazione e nella valorizzazione della attività del Parlamento e degli altri organismi istituzionali, anche attraverso la attuazione delle prescrizioni di legge riguardanti la realizzazione e la specializzazione a tal fine di un canale radiofonico aggiuntivo. Nell'attuazione dell'art.22 della legge 14 aprile 1975 la società concessionaria che su richiesta degli organi indicata dalla Legge stessa è tenuta a trasmettere i comunicati e le dichiarazioni ufficiali del Presidente della Repubblica e della Camera dei Deputati, del Presidente del Consiglio dei Ministri e del Presidente della Corte Costituzionale, fa precedere e seguire alla trasmissione a Reti unificate ne dà preventiva comunicazione al Presidente e tempestiva informazione al Consiglio di amministrazione.

3.16. L'informazione sui grandi temi nazionali ed internazionali non può arrestarsi alla deserzione degli eventi di cronaca. Essa deve cogliere processi e problemi strutturali che sono iscritti negli eventi quotidiani. A questo scopo va razionalizzato il ruolo degli uffici di corrispondenza dall'estero, strutturati secondo criteri di maggiore economicità e unitarietà aziendale.

3.17. Il lavoro di approfondimento può assumere la forma di campagne di informazione di adeguato livello, su temi di grandi rilievo per la vita della collettività.

3.18. Deve essere valorizzato al massimo, purnella consapevolezza della particolare incisività del mezzo televisivo, l'uso della diretta per i grandi eventi di cronaca, sui quali converge l'attenzione della collettività, rappresentandone tutti gli aspetti e i commenti relativi.

3.19. I notiziari quotidiani radiofonici e televisivi debbono dare particolare rilievo alla promozione e al resoconto delle attività nei diversi settori della vita culturale.

3.20. L'informazione è sempre più l'elemento qualificante della presenza del servizio pubblico nelle realtà locali. La RAI deve valorizzare nelle realtà regionali la sua funzione di garanzia di pluralismo, sia assicurando alle componenti culturali, politiche, economiche, sociali adeguati modi di espressione, sia sviluppando forme di collaborazione con l'emittenza locale. Va data concretezza al disegno di una informazione regionale articolata su ciascuna Rete televisiva, mantenendo e accentuando il ricordo tra le varie redazioni regionali e le Testate nazionali.

3.21. I programmi sportivi, che hanno sempre rapresentato un momento significativo della programmazione del servizio pubblico, nella attuale situazione del mercato radiotelevisivo assumono una valenza strategica ancora maggiore, tanto con riferimento ai grandi eventi spettacolari, quanto nella direzione di un approfondimento di tutti gli apetti culturali e sociali dello sport, che è componente importante della vita civile del Paese. Adeguato rilievo deve essere dedicato peraltro anche agli sport così detti minori, anche per contribuire alla crescita di una compiuta educazione sportiva.

È necessaria un'attenzione che leghi ancora più strettamente i problemi dell'acquisizione dei diritti, della produzione, della programmazione e del palinsesto (con riferimento in particolare alla ottimizzazione dell'impiego dei diritti) con la più generale politica commerciale, della pubblicità e delle sponsorizzazione, nonché con le nuove iniziative in corso di sperimentazione e allo studio in materia di satellite e di pay-TV.

3.22. I sondaggi di opinione svolgono un ruolo importante nella società moderna, ed in particolar modo nel campo della ricerca sociale, economica e di mercato. La radio e la televisione non possono quindi non utilizzare questo strumento, diffondendo i risultati ottenuti. Nel settore dei sondaggi di opinione esistono anche a livello internazionale prescrizioni tecniche e codici di comportamento ai quali è necessario cercare di fare riferimento sia quando le si effettuano in proprio. Per quanto possibile è necessario che le principali informazioni di carattere tecnico sulle modalità di realizzazione dei sondaggi vengano fornite o contestualmente alla diffusione dei risultati del sondaggio attraverso il mezzo radiotelevisivo o tramite agenzie ed ufficio stampa o risultino comunque disponibili per coloro che ne siano interessati. Le garanzie di natura tecnica sul sondaggio, unitamente alle informazioni di carattere metodologico, vanno diffuse sia per i sondaggi effettuati dalla RAI (o direttamente o valendosi di terzi) sia possibilmente per i sondaggi promossi da soggetti esterni, indicando comunque in quest'ultimo caso chiaramente il nominativo del committente e la fonte

dalla quale sono state ricavate le notizie. è opportuno che vengano evitati, almeno un mese dall'inizio delle campagne elettorali o referendarie, i sondaggi riguardanti argomenti attinenti la materia politica e referendaria; più in generale vanno evitati i "sondaggi" che influenzano il comportamento degli elettori o dell'opinione pubblica rispetto a rilevanti fatti politici.

Naturalmente è consentito avere un rapporto telefonico o di intervento del pubblico nelle trasmissioni -in forma diretta o in forma mediata- per conoscere le sue opinioni; deve essere però evitata in ogni caso la generalizzazione dei giudizi e la attribuzione al complesso degli interventi di un valore di sondaggio, che è invece caratterizzato da precise regole statistiche e metodologiche. è opportuno che la RAI nell'avvalersi dei sondaggi, per ognuno dei quali debbono essere specificati preventivamente l'oggetto e le finalità, si doti di strumenti (Comitato dei garanti, sistema di certificazione, ecc.) che garantiscano sotto il profilo professionale e tecnico la attendibilità dei sondaggi, evitando comunque che l'esistenza di questi strumenti costituisca impedimento od ostacolo alla tempestività dell'indagine e alla diffusione dei risultati. Si sottolinea l'opportunità, pur in una ottica che non sia caratterizzata da rigidi criteri restrittivi, di evitare che attraverso quesiti di rilevanza etica, religiosa, civile e politica si influenzi la libera ed autonoma formazione delle opinioni individuali e collettive su questi argomenti.

**3.23. L'Azienda deve proseguire e sviluppare una propria autonoma iniziativa di programmazione sulle questioni centrali della vita del Paese ed anche sulle questioni più controverse del dibattito politico, sociale e culturale. A tal fine può risultare utile la individuazione di forme di collaborazione e di sinergia tra le Reti della RAI mentre appare inopportuna -considerando le specifiche regole di metodo che la RAI deve seguire su temi di grande delicatezza e complessità in quanto servizio pubblico- la realizzazione di trasmissioni abbinate con le emittenti private.**

**3.24. Deve essere rispettata, con adeguati strumenti, l'esigenza di individuare in ogni caso e in ogni fase realizzativa, la precisa e riconoscibile responsabilità della dirigenza aziendale. In ogni trasmissione debbono essere garantite le condizioni per l'attuazione dei principi di imparzialità, pluralismo e possibilità di contraddittorio, richiamate nel Piano editoriale. Questi principi vanno anche applicati alle modalità di partecipazione ed al ruolo del pubblico presente alle trasmissioni, quando esso diventa determinante nella struttura delle trasmissioni stesse, per evitare che quel pubblico venga a rivestire il ruolo simbolico e improprio di un tribunale giudicante. Deve essere evitata la presentazione di protagonisti e fatti riferiti a vicende giudiziarie senza illustrare la complessità e la dialettica delle tesi e delle parti in causa. Va in ogni caso evitato che trasmissioni di inchiesta giornalistica, anche quando operano nell'intento di una mobilitazione civile, assumano le caratteristiche di informazione "militante" e talvolta "giudicante" e cioè tesa a dimostrare una tesi predeterminata.**

**È imperativo inoltre il dovere di rettifica.**

**3.25. L'accesso alla professione di giornalista del servizio pubblico radiotelevisivo avviene nei limiti e secondo i criteri definiti dal consiglio di amministrazione. Andranno favorite tutte quelle iniziative aziendali di formazione e aggiornamento che, a cominciare dalla scuola per giornalisti, possano concorrere al miglioramento della qualificazione professionale del personale del servizio pubblico radiotelevisivo.**

**3.26. L'Azienda deve compiere ogni sforzo per l'attuazione concreta e generalizzata dei principi contenuti nel Piano editoriale: questa responsabilità deve investire, anche in attuazione delle leggi sulla stampa, e con procedure chiare e responsabilità ben individuate anche per**

quanto riguarda l'informazione contenuta nella programmazione delle Reti, in primo luogo il Direttore generale, i Direttori di Rete e di Testata.

3.27. Gli stessi criteri di responsabilità valgono per i programmi in comune di Rete e di Testata, o per le trasmissioni di Rete in cui prevalga il carattere giornalistico.

#### **4. Politica di prodotto**

4.1. La RAI è impegnata a realizzare una politica di potenziamento e diversificazione della propria produzione e dei suoi canali distributivi, tenendo conto che l'offerta e la domanda di prodotti audiovisivi nel mondo sono destinate ancora nei prossimi anni ad una crescita significativa, nella consapevolezza che la radio e la televisione non sono elementi di frammentazione ma di crescita comune della collettività.

4.2. Occorre innanzi tutto indirizzare una quota crescente della produzione e delle risorse verso i mercati internazionali.

4.3. Uno squilibrio rilevante tra i prodotti audiovisivi acquistati all'estero e quelli esportati determina il rischio di subalternità culturale del paese e provoca un disavanzo commerciale.

4.4. Tale squilibrio che riguarda l'Italia ma anche l'intera Europa nei confronti delle aree tecnologicamente e produttivamente forti, quali gli Stati Uniti e il Giappone, rischia di approfondirsi.

4.5. Produrre per i mercati mondiali significa ideare, finanziare e realizzare prodotti con un'ottica internazionale, e in primo luogo continentale, iscrivendo la specificità nazionale in una più ampia identità culturale europea.

4.6. Impegno prioritario nella produzione per il mercato mondiale deve essere dato alla fiction, che rappresenta oggi l'elemento decisivo per la competitività internazionale dell'industria televisiva italiana ed europea, e al settore della programmazione educativa, scientifica, tecnologica, formativa e di valorizzazione dei beni culturali, per offrire prodotti di alta qualità e per garantire una presenza non subalterna nei flussi internazionali di informazione audiovisiva. L'Italia in questo campo è oggi nettamente tributaria dall'estero: questa dipendenza, tenendo conto delle risorse nazionali, può essere vantaggiosamente ridotta.

4.7. Gli spazi didattico-educativi sulle reti radiofoniche e televisive vanno accorpati e razionalizzati, insieme alle risorse ad essi destinate per realizzare prodotti rispondenti a tali esigenze. Appare altresì necessario in questo settore individuare direttrici specializzate, come programmi a basso costo per aiutare nello studio e per formare i ragazzi e gli adolescenti, e trasmissioni educative per gli adulti.

4.8. La ricchezza del patrimonio artistico italiano, l'importanza della ricerca scientifica di molte strutture pubbliche e private nazionali, l'ampiezza degli archivi di immagini e suoni della RAI richiedono e consentono una valorizzazione adeguata tanto in termini di mercato quanto a scopi educativi. Il vasto repertorio della RAI, se opportunamente organizzato, può costituire una importante risorsa sia culturale che economica, tale da consentire al gruppo RAI una presenza qualificata sul mercato mondiale delle videocassette, dei videodischi, delle

radiocassette e dei dischi. Vanno in tal senso sviluppate in un disegno integrato sia la potenzialità dell'home video quanto quelle del broadcasting.

4.9. Fra i doveri del servizio pubblico vi è la tutela dei bambini e più in generale dei minori, tenendo conto che la radio e, soprattutto, la televisione sono strumenti decisivi della socializzazione accanto alla scuola e alla famiglia.

4.10. L'acquisto all'estero di quote notevoli di produzione già confezionata, su cui è assai difficile intervenire, come il film e il telefilm, ha portato sugli schermi italiani vicende e immagini pensate per altri contesti culturali.

4.11. Per le sue peculiari responsabilità, occorre che la RAI aumenti la propria produzione mirata al pubblico non adulto, e adotti al contempo norme di autoregolamentazione a tutela dei minori.

4.12. La RAI deve evitare la rappresentazione gratuita, non motivata e fine a se stessa, della violenza e dei temi sessuali. Il giovane spettatore e i suoi genitori devono essere meglio avvertiti, con opportune segnalazioni ed anche tramite il "Radiocorriere TV" e "Televideo", delle caratteristiche dei programmi in onda.

4.13. Anche sul terreno pubblicitario particolare attenzione deve essere rivolta ad evitare scene e motivi che costituiscano un'aggressione o una violenza per il pubblico non adulto, anche nella sua veste di consumatore.

4.14. La produzione leggera, indirizzata prevalentemente, ma non esclusivamente al mercato interno, va riqualificata, preservando l'identità di prodotto italiano, proseguendo nella ricerca di nuove forme di intrattenimento che non privilegino esclusivamente la spettacolarità ad alto costo.

4.15. Il gruppo RAI dovrà sviluppare tutte le possibili sinergie con l'industria cinematografica, con quella discografica, con le istituzioni teatrali e liriche, con il mondo della scuola e in particolare con quello dell'Università, con quello della ricerca.

4.16. Il servizio pubblico è impegnato ad offrire al teatro, alla lirica e alla musica italiani e all'editoria nuovi spazi di diffusione e nuove opportunità di produzione, che favoriscano -assieme ad una adeguata informazione- un autonomo sviluppo dell'industria culturale nazionale ed una sua presenza nei circuiti culturali mondiali.

## **5. Nuovi servizi e nuovi canali distributivi**

5.1. La nuova fase di crescita dell'industria audiovisiva e la complessità della competizione richiedono una coerente strategia di diversificazione e di internazionalizzazione dei canali distributivi del gruppo RAI, cogliendo in particolare il ruolo strategico dei nuovi servizi telematici e di telecomunicazione.

5.2. È necessario definire obiettivi, tempi e modalità per il passaggio alla fase operativa del satellite a diffusione diretta, anche per predisporre per tempo programmi adeguati e mirati di

produzione. A tal fine, occorre pensare a forme straordinarie di finanziamento, mirate a questa e ad altre missioni tecnologiche e produttive di cui la RAI è investita.

5.3. È necessario un disegno di sviluppo dell'home video, anche come strumento didattico, e anche realizzando linee di prodotto che valorizzino gli archivi di suoni e di immagini della RAI e che permettano una più ampia diffusione della produzione teatrale e lirica.

5.4. Dovranno essere sviluppate tutte le potenzialità del Televideo, non solo estendendo l'offerta di dati al grande pubblico ma anche studiando la possibilità di messaggi specifici per segmenti selezionati di utenza (ad esempio, la pubblica amministrazione) con codici di ricezioni appositi. Si devono verificare la possibilità e la convenienza economica di dar vita a circuiti regionali de Televideo, tanto nel campo dell'informazione quanto in funzione di un diverso rapporto tra pubblica amministrazione e cittadini. Si dovranno inoltre verificare le possibilità di sviluppo del telesoftware.

5.5. La distribuzione della produzione di fiction deve avvantaggiarsi delle sinergie tra broadcasting, diffusione via cavo, pay-tv, home-video e sale cinematografiche, e radicarsi nei circuiti distributivi internazionali. Va tra l'altro proseguita la verifica della opportunità di una presenza del gruppo RAI nei circuiti cinematografici, e di una iniziativa sul terreno della pay-tv, fatte salve le ragioni dell'economicità di gestione.

## **6. Piano editoriale per le Reti**

6.1. La Direzione generale garantisce che la diversificazione dell'offerta radiotelevisiva corrisponda alla larga quantità di esigenze, sensibilità, orientamenti che la continua evoluzione del pubblico pone in rilievo, in un corretto equilibrio tra programmi rivolti ad ampi aggregati di pubblico e programmi con target settoriali, in modo da offrire una sempre più ampia e variegata possibilità di scelta.

6.2. La Direzione generale è responsabile del raggiungimento degli obiettivi editoriali aziendali e garantisce che l'articolazione delle Reti e delle Testate secondo le specifiche e peculiari sensibilità evocazioni culturali e ideali si attui in coerenza con tali obiettivi, nel quadro di un unitario disegno aziendale.

6.3. Ogni rete sarà chiamata a contribuire al consolidamento e ampliamento dell'ascolto, sulla base del proprio profilo culturale. Ogni rete dovrà contribuire all'impegno produttivo del servizio pubblico e alla ricerca di alleanze con l'industria culturale, anche se la realizzazione della linea editoriale del gruppo RAI è più complessa e può non esaurirsi nelle linee produttive delle reti.

6.4. La politica di broadcasting dovrà fondarsi su una logica unitaria di ricerca del più ampio consenso di pubblico, attraverso un'offerta coordinata delle reti televisive e radiofoniche.

6.5. Queste devono comporre, con le loro differenze e i loro caratteri, un disegno unitario e complessivo, coerente con le indicazioni strategiche espresse dal Consiglio di amministrazione sulle linee editoriali.

6.6. La diversa identità delle reti non deve discendere dalla appartenanza ad aree politiche, ma deve trovare i propri punti di riferimento nei contenuti, nei linguaggi e negli stili della programmazione e nei pubblici a cui essa di volta in volta si rivolge.

6.7. In questa prospettiva, va sviluppata una più definita identità di ciascuna rete, sulla base delle diverse sensibilità culturali. Tale definizione di particolari "missioni editoriali", avviata con le decisioni del Consiglio di amministrazione della primavera '87, va adesso sviluppata.

6.8. Il perseguimento degli obiettivi editoriali complessivi del servizio pubblico comporta la necessità che ciascuna rete presti adeguata attenzione alla programmazione culturale, anche individuando spazi non marginali all'interno dei quali offrire in modo non episodico programmi culturali di qualità.

## **7. La comunicazione industriale**

7.1. L'informazione economica deve offrire una conoscenza dei processi e degli avvenimenti produttivi, finanziari, tecnologici completa e non condizionata da interessi economico finanziari di parte.

7.2. In materia di pubblicità e di sponsorizzazioni la RAI, pur operando secondo le regole generali del mercato, deve tener fede ad una propria linea distintiva, capace che stanno maturando in sede comunitaria.

7.3. Le sponsorizzazioni dovranno escludere ogni ambiguità sulla responsabilità e titolarità del servizio pubblico rispetto alla programmazione e dovranno assegnare al messaggio promozionale caratteri che lo tendano ben individuabile e riconoscibile, e che non creino contraddizioni tra le finalità del programma e gli specifici obiettivi del messaggio promozionale. Le sperimentazioni avranno caratteri nettamente diversificati rispetto alla pubblicità tabellare. Esse inoltre avranno modalità tali da non travisare in alcun caso il naturale equilibrio dei programmi e forme date adatte a non coinvolgere in alcun caso l'Azienda RAI, i suoi dipendenti e suoi collaboratori nel corso delle trasmissioni in giudizi sui singoli prodotti o linee di prodotto.

7.4. Nel servizio pubblico, la pubblicità non deve interrompere l'unitarietà dei programmi trasmessi, con l'esclusione dei cosiddetti contenitori e dei programmi strutturalmente predisposti all'iscrizione di pubblicità; in ogni caso, deve essere rispettato il diritto degli autori alla tutela dell'identità e dell'integrità delle loro opere e va garantita l'unitarietà dei telegiornali e dei giornali radio.

7.5. I messaggi pubblicitari sulle reti RAI dovranno sempre più attenersi a principi di onestà verso il consumatore, di qualità espressiva, di rispetto delle sensibilità di tutti.

7.6. Il servizio pubblico dovrà inoltre sollecitare gli operatori pubblicitari ad una riflessione comune sul messaggio pubblicitario che consenta un'informazione più matura nei confronti di un pubblico culturalmente in crescita.

7.7. Forme particolari di collaborazione dovranno essere promosse tra servizio pubblico e mondo della pubblicità per avviare campagne di informazione su temi di rilievo ed utilità sociale.

## **8. Economicità e controlli**

8.1. La competizione sui mercati internazionali ed interni accentua l'esigenza di assicurare criteri di rigorosa e controllata economicità all'impiego delle risorse. In funzione di questi obiettivi il gruppo RAI dovrà affinare modalità operative e metodologie organizzative, di pianificazione e di controllo, avvalendosi degli strumenti più avanzati ed adeguati alle caratteristiche della sua attività. In particolare la RAI dovrà: a) rafforzare la pianificazione a tutti i livelli e nei vari momenti dei processi produttivi; b) migliorare l'individuazione preventiva dei costi, responsabilizzando le strutture produttive produttive al rispetto dei preventivi; c) ampliare ed approfondire la conoscenza dei costi a consuntivo, utilizzando i dati di contabilità industriale anche ai fine della pianificazione e della valutazione della produttività delle risorse impiegate per prodotto o per linea d'attività; d) realizzare un effettivo e costante coordinamento con la definizione di procedure uniformi e vincolanti; e) adottare criteri budgettari di produzione -ferme restando quelle di trasmissione-, comprensivi dei ricavi delle vendite, finalizzati a precisi obiettivi, nel quadro della unicità di gestione della spesa.

8.2. La Direzione generale dovrà garantire un'attribuzione delle risorse produttive alle Reti e alle Testate equilibrata e commisurata agli obiettivi, che consenta -rispettando criteri di economicità e produttività di cui la Direzione generale stessa è responsabile- una adeguata flessibilità di impiego, preservando le diverse identità nelle scelte produttive.

## **Conclusioni**

Il Consiglio di amministrazione, la Direzione generale, le strutture dell'Azienda e le Società consociate sono impegnati al raggiungimento degli obiettivi indicati. La RAI dovrà accentuare nei prossimi anni il proprio rinnovamento ideativo e culturale, perseguendo il primato nell'ascolto, sia dal punto di vista qualitativo che da quello quantitativo, realizzando un misurato equilibrio tra informazione, cultura e svago, svolgendo una funzione di garanzia del pluralismo, elevando la qualità del consumo attraverso il miglioramento dell'offerta, esprimendo -nell'esplicazione dei propri compiti di servizio pubblico- tutte le potenzialità di impresa insite nell'esercizio di una attività industriale in forte espansione economica e in continua evoluzione tecnologica.

### **1. Informazione**

L'offerta di informazione del servizio pubblico radiotelevisivo deve essere rafforzata e sviluppata tenendo conto dell'allargamento sul piano interno ed internazionale della competizione anche su questo terreno, e delle particolari responsabilità di imparzialità, completezza e pluralismo che ancor più nel nuovo contesto investono il servizio pubblico. A questo fine devono essere coerentemente sviluppate le linee editoriale avviate con l'ordine di servizio generale del 1987, commisurando le risorse disponibili agli obiettivi indicato e potenziando l'informazione regionale secondo le indicazioni formulate dal Consiglio di amministrazione. Deve essere facilitata in ogni modo la possibilità di intervento in diretta sulla cronaca, organizzando al contempo spazi di approfondimento che consentano una riflessione critica. L'informazione economica deve essere sviluppata, garantendone la autonomia e la trasparenza rispetto agli interessi economici e finanziari di cui si occupa. Vanno sviluppate iniziative per una più efficace ed approfondita informazione sul Parlamento e sulle istituzioni, razionalizzando il rapporto tra Servizi parlamentari e Testate. Per lo sport la RAI perseguirà

una politica che le assicuri la ripresa dei grandi eventi e la impegni anche nella promozione degli sport minori e dell'educazione sportiva. Lo sviluppo dell'offerta di informazione richiede la valorizzazione delle forze professionali interne all'Azienda, rendendo gli apporti esterni coerenti con le linee editoriali delle Testate, nel quadro della responsabilità aziendale sui programmi.

## 2. Produzione

Nell'ambito delle proprie competenze, la Direzione generale formula piani di produzione annuali e pluriennali coordinando per ciascuna Rete e per l'insieme dell'Azienda e del gruppo la produzione, le relative assegnazioni finanziarie, il valore degli apporti interni di personale e di impianti, le percentuali d'acquisto e di produzione esterna, le dimensioni e i criteri di formazione e di utilizzazione del magazzino, i ricavi previsti dalla commercializzazione. Nei piani va indicata una percentuale crescente di risorse per la produzione destinata a la commercializzazione anche sui mercati internazionali. In particolare, devono essere indicati anno per anno gli obiettivi di produzione e di commercializzazione di fiction cinematografica e seriale, integrando nei piani anche gli impegni pluriennali assunti con strutture produttive e distributive esterne all'Azienda. Deve continuare l'impegno della RAI per il cinema di alto livello, nel quadro di una generale attenzione del servizio pubblico alla qualità della propria produzione. Nei piani di produzione deve essere prevista una specifica politica produttiva e di commercializzazione anche all'estero per i settori scientifico, culturale, educativo e documentaristico: in funzione di questa politica devono essere ridefiniti i compiti del DSE.

## 3. Trasmissione

La Direzione generale formula e presenta al Consiglio di amministrazione i piani annuali di trasmissione, che indicano gli obiettivi editoriali di ciascuna Rete e Testata, e provvedono affinché ciascuna di queste contribuisca al raggiungimento degli obiettivi produttivi, di pubblico e culturali dell'Azienda. Le Reti RAI sono impiegate a garantire un reale pluralismo di posizioni, ed offrono occasioni anche alle realtà culturali e sociali, altrimenti destinate alla emarginazione. I piani di trasmissione devono comprendere, oltre alle assegnazioni di spese complementari, anche i valori delle risorse di personale e mezzi utilizzate, con una responsabilizzazione globale delle strutture di Rete e di Testata in senso economico ed organizzativo per il rispetto dei vincoli di economicità stabiliti dalla Direzione generale. All'interno di questi piani, attenzione particolare è rivolta alla innovazione dello spettacolo leggero e al rilancio della programmazione per i bambini in età prescolare e per i ragazzi.

## 4. Politica per l'estero

In rapporto ai piani di produzione e di trasmissione e alla più generale politica distributiva del gruppo, un piano pluriennale definisce gli obiettivi per le trasmissioni rivolte all'estero e per il rafforzamento della distribuzione via satellite-cavo, tramite cassette e mediante l'eventuale partecipazione o acquisizione di emittenti, dei programmi italiani all'estero. Da ciò deve emergere in modo sempre più coerente una strategia complessiva dei programmi per l'estero e della presenza della programmazione RAI negli altri Paesi.

## 5. Politica distributiva

La Direzione generale formula annualmente un piano integrato per la distribuzione e commercializzazione dei prodotti cinematografici e di tutta la produzione commercializzabile, definendo in particolare gli obiettivi di distribuzione del prodotto cinematografico e seriale e di sviluppo dell'home video, i criteri di sfruttamento del magazzino per la vendita e per la distribuzione in cassette, le politiche di collaborazione per la registrazione, l'archiviazione e la distribuzione di produzioni musicali, liriche, teatrali, l'eventuale presenza diretta del gruppo nel settore delle sale cinematografiche.

## 6. Nuovi servizi e nuove tecnologie

Specifici piani consentono la definizione degli obiettivi del gruppo per quanto riguarda il satellite a diffusione diretta, i nuovi standard televisivi, lo sviluppo del Televideo, del Telesoftware e delle nuove tecnologie.

## 7. Radiofonia

È necessario rilanciare la programmazione radiofonica, attuando compiutamente la delibera del Consiglio di amministrazione del 14-15 maggio 1987, consolidando e allargando il rapporto con il pubblico; differenziando ed arricchendo la programmazione culturale, di intrattenimento e musicale; sfruttando le potenzialità informative tanto in ambito locale quanto in quello nazionale ed internazionale; valorizzando i compiti di servizio anche in funzione di determinate categorie di utenza. È necessario procedere -senza alcuna subalternità alla televisione o forzata simmetria con essa- ad una graduale riorganizzazione dell'offerta tra modulazione di ampiezza e modulazione di frequenza, dispiegando in pieno le potenzialità insite nell'insieme delle reti disponibili. A questo fine, è urgente e indispensabile ripristinare condizioni di generale diffusione dei segnali radioelettrici. Deve essere attentamente valutata la possibilità di editare un periodico dedicato espressamente ai programmi radiofonici e, più in generale, al pubblico e al mondo della radio e dell'autoradio.

## 8. Comunicazione industriale

La Direzione generale predispose norme tese a garantire la più assoluta trasparenza e riconoscibilità della presenza pubblicitaria e promozionale nei programmi, anche con le misure contrattuali necessarie a garantire la piena responsabilità dell'Azienda e la massima chiarezza nei rapporti economici. La presenza pubblicitaria deve rispettare l'identità e l'integrità delle opere. La RAI prevede campagne su temi di rilievo e utilità sociale.

## 9. Doveri e responsabilità

La garanzia del rispetto delle regole e dei doveri imposti a quanti operano nell'ambito del servizio radiotelevisivo pubblico è affidata, oltre che alla specifica e diretta responsabilità dei singoli operatori anche alla responsabilità del curatore del programma e a quelle dei direttori di Rete e/o Testata. Tali responsabilità dovranno fondarsi sul necessario collegamento, da individuarsi con precisione, fra ciascuna trasmissione, il rispettivo curatore e la Rete e/o la Testata di riferimento.

Per i collaboratori esterni valgono le stesse regole deontologiche e gli stessi doveri di pluralismo e di imparzialità. Deve essere evitato in ogni caso l'uso improprio dei mezzi di

**comunicazione della RAI per fini personali o per polemiche che danneggiano l'immagine dell'Azienda, o per arbitrarie evasioni dallo specifico professionale contrattualmente previsto. Una vincolante accettazione di questi doveri deve essere sottoscritta per ogni forma di collaborazione; la loro inosservanza e il mancato rispetto di quanto la legge stabilisce per la responsabilità oggettiva dei Direttori di Rete e di Testata in ogni comunicazione radiotelevisiva possono portare fino alla rescissione del rapporto.**







