



**SCREENING CHAPTER 10  
INFORMATION SOCIETY AND MEDIA**

**AGENDA ITEM 13B : TELEVISION WITHOUT  
FRONTIERS DIRECTIVE**

**PROTECTION OF MINORS AND  
RIGHT OF REPLY**

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



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## Legal Framework

- **Law No.3984 on the Establishment of Radio and Television Enterprises and their Broadcasts, 1994**
- **By-law on the Rules and Principles for the Radio and Television Broadcasting, 2003**
- **European Convention on Transfrontier Television, Council of Europe, 1989**

## Legislation on Protection of Minors (I)

### Law No.3984

#### *To protect minors against harmful content*

- **Art 4/t; “Broadcasts shall not be obscene”**
- **Art 4/u; “Not encourage use of violence and discrimination against women and minors”**
- **Art 4/z; “Programmes, which could impair the physical, mental, and moral development of minors shall not be broadcast within the time intervals that they may be viewing”**





## Legislation on Protection of Minors(II)

### By-law on the Rules and Principles for the Radio and Television Broadcasts

Art.5/t, v, z

#### *Watershed Hours:*

- Programmes with harmful content for minors:  
between 11:00 pm - 05:00 am
- Promotion of programmes with harmful content for minors:  
between 9:30 pm - 05:00 am

## **Legislation on Protection of Minors(III)**

### **By-law on the Rules and Principles for the Radio and Television Broadcasts**

#### **Art.41**

- **Children programmes, cartoons, cinematographic and TV movies and serials shall be preceded by an acoustic/optical symbols to inform viewers**
- **RTUK shall publish a guideline for the classification and monitor the application**



## **Introduction of A Classification System**



## Classification System

**Classification system labelled as “Smart Signs”;**

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

## **Reasons for Development of a Classification System**

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

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



## Research on Comparable Systems

- **Comparable applications (France, Slovakia, The Netherlands, Greece and Poland) were reviewed and NICAM system was selected as the most proper one**
- **NICAM system is adapted by RTUK since judgements about possible harmfulness are subjective and depend on the morals and standards in a particular country**

## Development of the Turkish System

**RTUK has established 3 working groups:**

- ***Content Working Group (Academics, RTUK Staff)***
- ***Technical Working Group (IT Company, academics, RTUK Staff)***
- ***Communication Working Group (Academics, NGOs, communication company, public broadcaster, RTUK Staff)***

## Determination of Categories of Age and Harmful Contents

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



## Development of Pictograms

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

- **Easy to be learned,**
- **Easy to be recalled and**
- **Informative**

**in 2 sets;**

- 1) Denoting the content**
- 2) Denoting the age threshold**

**Content  
pictograms**

**Age threshold  
pictograms**



**Violence**



**All ages**



**Sexuality**



**Seven and above**



**Negative  
behaviour**



**Thirteen and  
above**



**Eighteen and  
above**



## Questionnaire and Software

- **Development of a questionnaire which reflects all the characteristics of broadcasting sector and Turkish culture**
- **Development of a software for the coders and a web-site for the access of the common public**



## Right of Reply



## **Right of Reply (I)**

**Law No.3984**

**Art.4/1 and Art.28**

**By-law Art.38**

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



## Right of Reply (II)

### *Application procedure:*

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



## Right Of Reply (III)

**Law No.3984**

**Art.28**

**By-law Art.38**

*In case of violation of the Court decision,*

- **RTUK may decide on the prohibition of advertising and tele-shopping broadcasts**
- **In case of a second repetition of the violation, broadcasting permit shall be suspended**



**THANK YOU FOR YOUR ATTENTION**