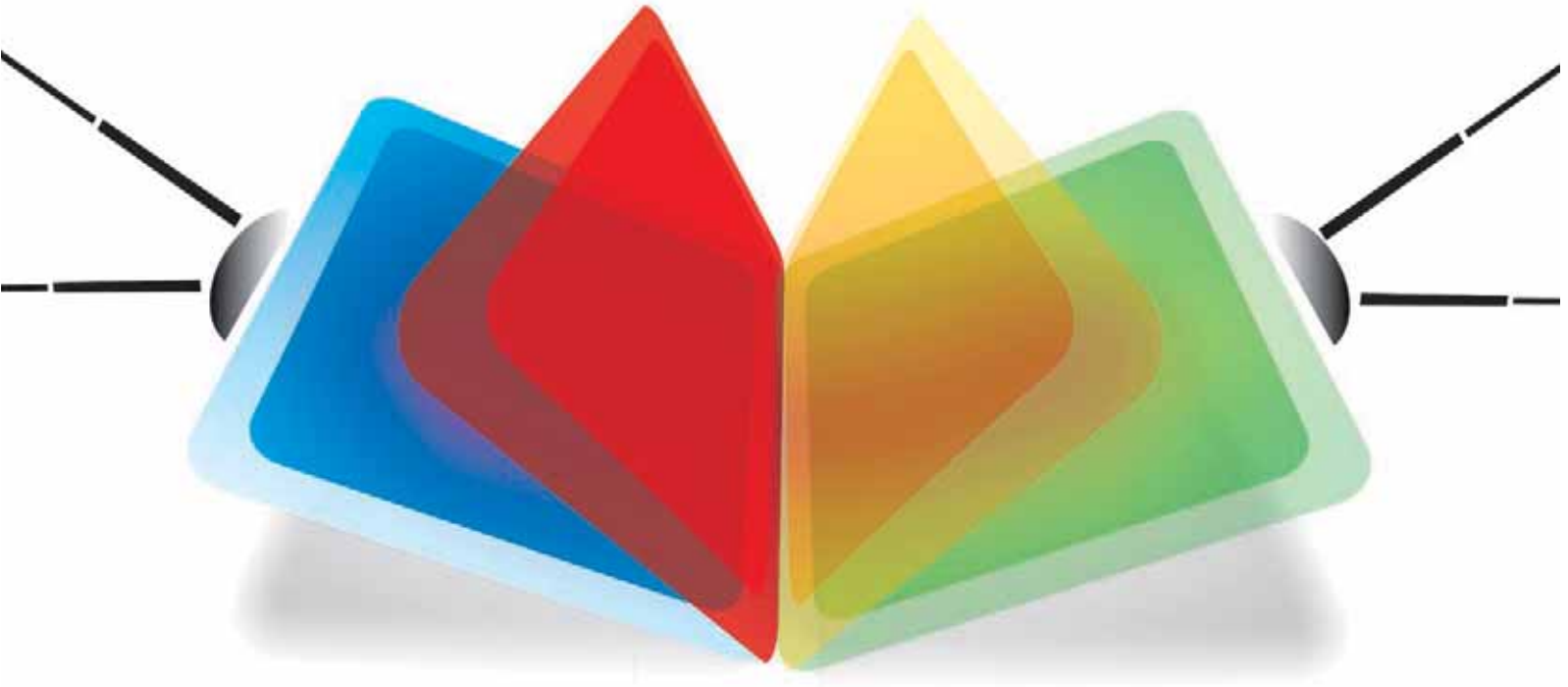

TV Rating System

Building Citizenship on the Small Screen

ANDI • Ministério da Justiça – Secretaria Nacional de Justiça – Departamento de Justiça, Classificação, Títulos e Qualificação

TV Rating System

Building citizenship on the small screen

Prepared by

ANDI
News Agency for Children's Right

Departamento de Justiça, Classificação, Títulos e Qualificação
Secretaria Nacional de Justiça
Ministério da Justiça
BRASIL UM PAÍS DE TODOS GOVERNO FEDERAL

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The New TV Rating System as a republican institution

The purpose of this publication is to examine the Brazilian TV Ratings advisory process from a range of theoretical perspectives, and to present the new TV Rating System, the outcome of a wide range of discussions held over the past four years by the Ministry of Justice, through its National Secretariat of Justice, with State agencies, media firms, and nongovernmental organizations.

The book intends to demonstrate that the new TV Rating System serves as an instrument to consolidate the Democratic State Based on the Rule of Law. First, by definitively breaking away from the remaining vestiges of pernicious censorship still embedded in the Brazilian State apparatus. Secondly, through the system's inclusion in the set of legal mechanisms for the promotion of human rights – among them, the right to freedom of expression.

It can therefore be stated categorically that the new TV Rating System does not institute self-regulation – much less censorship – by subterfuge. Nor, indeed, could it do so, since self-regulation and censorship correspond to "normative models" – the Liberal State and the Social State, respectively – both already

definitively transcended. The Brazilian Federal Constitution of 1988, which institutes the Democratic State Based on the Rule of Law (the regime now in effect), specifically rejects self-regulation, mandating in its article 21 that the Union "classify, for purposes of indication," while simultaneously prohibiting, above all under article 220, "any and all censorship of a political, ideological, and artistic nature."

This volume sets out the conceptual and normative fundaments of the new TV Rating System, which can be clearly understood as a *legal* constitutional norm resulting from a balance between the right to freedom of expression and the duty to ensure the full protection of children and adolescents.

The initiative, undertaken in 2002 by then Minister of Justice José Gregori to link the TV Rating System to the exercise of human rights, had the virtue of elevating the subject to an issue of overarching public interest. With courage and boldness, Minister José Gregori undertook the task of developing a democratic TV Rating System that today, after all the work carried out during President Luiz Inácio Lula da Silva's administration, stands as a genuine system for safeguarding and protecting the fundamental rights of Brazilians, that is, as a truly republican institution.

Finally, it is important to emphasize that the TV Rating System serves strictly as a guideline, since it lacks the power to forbid the access of children and adolescents to any type of public entertainment. That authority rests with parents. It is up to the State to ensure effective means for implementing such control over the access to content, and to provide objective information enabling parents to exercise their freedom of choice.

This book, published through a rewarding partnership among the Brazilian News Agency for Children's Rights (Agência de Notícias dos Direitos da Infância – ANDI), Save the Children Sweden, the Avina Foundation, and the Brazilian Ministry of Justice, does more than simply record the challenges and achievements of individuals and institutions committed to following our Federal Constitution. This work narrates part of the story of Brazil's redemocratization. ■

Márcio Thomaz Bastos
Minister of State for Justice
Federative Republic of Brazil

Building citizenship on the TV screen

In the first half of 2006, the Brazilian News Agency for Children's Rights (Agência de Notícias dos Direitos da Infância – ANDI), through an agreement signed with the Department of Justice, Ratings, Titles, and Qualification of the Brazilian Ministry of Justice, prepared an extensive analysis on the various questions related to the TV ratings advisory process for audiovisual content.

Published in printed form in three languages (Portuguese, English, and Spanish) – to reflect the incorporation of Save the Children Sweden and the Avina Foundation to the initiative – the study is intended to contribute to the public debate in Brazil and other countries on this most important issue.

In the pages that follow, key aspects of the public policies governing the TV Rating System are examined. Additionally, the analysis looks at how the issue has been addressed in several countries. Lastly, we propose a redesigned Brazilian TV Ratings System based on the results and conclusions drawn from the study.

The rights of children and adolescents, the impact of media content, the need for dialogue between business and society, the importance of State regulation, the role of the different accountability systems for mass communications outlets, all have been the subject of intense and extensive reflection over the past decade in the international public sphere.

In view of this, the primary objective of the present publication poses a significant challenge: to identify points of convergence among the specific areas of expertise on the subject, the disparate public and private concerns, and the conflicting interests of the various actors.

Numerous approaches could be chosen to deepen a debate of this nature. That said, our efforts concentrate on one major, and highly complex, axis of interest: a TV Rating System for audiovisual content designed to safeguard the rights of children and adolescents.

Assigning ratings to programming offered through different media consists in identifying the specific content that is deemed suitable and unsuitable for children and adolescents, depending on their age and on their level of biopsychosocial formation. However, it is important to note that op-

tions for establishing ratings are numerous – and often conflicting.

We would therefore like to invite the relevant actors in this discussion – children, adolescents, families, educators, experts, the State, civil society, and business – to converge around a single line of analysis with a view to offering a consistent and substantive (although not definitive or absolute) contribution to a debate that is of great importance to contemporary societies.

It is worth mentioning that we live in an historic time when audiovisual content – particularly content offered over television, as well as other media – is not only central to shaping who we are and will be, but also to our understanding of ourselves, of others, and of the world around us. Therefore, our interest in the development of that content is anything but trite.

With this in mind, the following chapters set forth a proposal for the formulation of a public policy founded on five central points:

The TV Rating System can and should be viewed as an instrument to protect and promote human rights, as well as an important tool for fostering dialogue with and empowering society.

- Children and adolescents, to whom the State is entrusted to give absolute priority attention, must receive special consideration in this process.
- As a medium that broadcasts/produces audiovisual content, television can and should be subject to democratic regulation by Nation-States.
- The TV Rating System is a specific regulatory model whose efficiency will be increasingly enhanced as other parameters of the media regulatory framework are developed.
- The TV Rating System should not be interpreted as a form of censorship or as an inhibitor of more progressive views concerning the concept of freedom of expression.

We are aware that a full consensus is difficult to achieve on an issue in which different actors hold clearly demarcated and, as so often the case in democratic societies, divergent positions. However, considerable progress will be ensured if the conversation among the different actors is framed within the context of parameters prescribed specifically in the Brazilian Constitution and, as well, in the international agreements governing the issue. In other words, the idea is to promote a true dialogue in place of what has too often sounded like a disjointed cacophony of monologues.

The recent efforts of the Ministry of Justice laid the foundations for this debate, to an extent unprecedented in contemporary Brazilian history. However, progress has been stymied by numerous and significant difficulties, many the result of continuing resistance from some of the stakeholders.

Thus, it is our goal that the arguments put forth in this publication serve to resolve some of these difficulties, foster a more in-depth qualified de-

bate, and enable discussion of new issues, at least, in the Brazilian context.

From April to December of 2006, a draft version of this text has been available for download on the Brazilian Ministry of Justice's website. In addition, the central argument of the considerations outlined in this publication has been debated on different occasions and with a wide range of Brazilian audiences. Participants at the National Seminar on Ratings Advisories (Brasilia, July 2006); the 8th Latin American Congress of Communication Researchers (Porto Alegre, July 2006); the 29th Brazilian Congress of Communication Sciences (Brasilia, September 2006); the 2nd Brazilian Congress of Psychology: Science and Profession (São Paulo, September 2006); and the 2nd Rio Media Meeting (Rio de Janeiro, October 2006), all had the opportunity to comment on the points analyzed below.

The substance of the content developed in this study and the significant response it has elicited to date are two of the factors behind the decision to publish the text in Spanish and English, as well as in Portuguese. It is our hope that the considerations of the TV Rating System examined in this publication reach the widest audience possible and serve, ideally, to inspire policy advances in this field in other countries. Enjoy. ■

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A brief overview of the Brazilian setting

An in-depth understanding of Brazil's socioeconomic reality, as well as the context in which media regulation operates, is a crucial component of the discussion on the TV Rating System. With this in mind, before analyzing those aspects directly linked to the central theme of this document, we would like to offer a brief outline of the domestic setting in which that debate has taken place.

Formulating any public policy requires an understanding of the cultural, economic, historical, political, and social context in which that policy is introduced. Analyzing these factors is of critical importance not only to assess the degree to which different actors may accept or oppose a policy, but also to identify the strengths and weaknesses of a given strategy and to determine the need for enhancing a particular format. This clearly applies to the TV Rating policy on audiovisual content: specifically, the implementation and consolidation of such a policy will be increasingly efficient, effectual, and effective the better we grasp the national context in which the related efforts are carried forward.

In the case considered on these pages, two sets of complementary information are of greatest interest: one that describes the reality of children and adolescents and another that highlights the characteristics of the development model (and, by extension, the capitalist model) pursued in Brazil over the past 500 years. The relevance of the first set of data is clear: children and adolescents are (or should be) the primary beneficiaries of any TV

Rating policy. With respect to the second set, it is worth noting that regulatory strategies involving companies with a central role in the development process – and those in the communications industry clearly meet this definition – must take into account the socioeconomic aspects that determine their performance.

Children and adolescents in focus

According to the 2005 National Household Sample Survey (Pesquisa Nacional por Amostra Domiciliar) published by the Brazilian Institute for Geography and Statistics (Instituto Brasileiro de Geografia e Estatísticas – IBGE), there are nearly 60 million children and adolescents in Brazil. Of these, 14.6 million are 0 to 4 years of age; 17 million are between the ages of 5 and 9 years; 17.1 million are between 10 and 14 years of age; and 10.7 million are 15 to 17 years of age. All told, children and adolescents account for close to one-third of the country's population.

The statistics indicate, however, that this level of representation in the population as a whole has not translated into proportional benefits for the youngest segments of society. The United Nation Children Fund (Unicef) found in 2003 the edition report titled *The Situation of Children and Adolescents in Brazil (Situação da Infância e Adolescência Brasileira)*that 33.2% of children and adolescents had mothers with little or no schooling; 44.96% were poor; 17.32% did not have access to potable water; 18.72% lived in areas lacking waste removal points; 8.28% worked.

In looking specifically at young adults – that is, youths between the ages of 15 and 24 – the situation is even more alarming. An example is the skyrocketing murder rate among the 15-24 age bracket, described by political scientist Luiz Eduardo Soares as a "true genocide" in an article appearing in the publication *Youth and Society: Work, Education, Culture, and Participation (Juventude e Sociedade: trabalho, educação, cultura e participação)*.

A survey prepared by sociologist Júlio Jacobo Waiselfisz titled *Map of Violence IV: The Young People of Brazil. Youth, Violence, and Citizenship* (*Mapa da Violência IV: os jovens do Brasil. Juventude, violência e cidadania)*, published by the United Nations Educational, Scientific and Cultural Organization (Unesco), the Ayrton Senna Institute, and the Secretariat of Human Rights of the Presidency of the Republic, found that the murder rate among Brazilians between the ages of 15 and 19 years is 42.7 per 100,000 of population, while among those 20 to 24 years of age the figure is 67.7 per 100,000 of population (the highest rate among all age groups).

The situation is even worse among Afro-Brazilian and poor youth. According to the same survey, the murder rate among mulatto and Afro-Brazilian youth is 74% higher than among white youth.

Indications of inequality and severe social dislocation are evident in other areas as well: Unesco's recently published *Youth Development Index* (*Índice*

de Desenvolvimento Juvenil), which considered aspects such as education, health, and income, revealed acute disparities among Brazilian states. While the index gave Santa Catarina a development rating of 0.673 (Brazil's highest), Alagoas' score stood at a mere 0.337 (Brazil's lowest). In addition, a Cidadania Institute survey titled *A Profile of Brazilian Youth* (*Perfil da Juventude Brasileira)* found that 42% of young adults in Brazil had failed to complete their secondary education, the expected level of schooling for that age group; similarly, 42% were from families with incomes of less than two monthly minimum salaries, a figure that rose to 62% in the Northeastern region. More than 31% of the young people interviewed for the survey were parents, with 47% of them reporting having had their first child before the age of 18.

This very brief overview clearly indicates that a significant part of the "Brazilian social problem" has a readily identifiable source: children and adolescents. Moreover, when analyzed along gender and racial/ethnic lines, the figures reveal that specific groups face even more formidable obstacles.

The impact of inequality

If our aim is to describe the socioeconomic context that drives the activities of media firms – and that should therefore inform the industry's regulatory strategies – we cannot ignore one of the most significant aspects of that context: inequality.

The macroeconomic data are indisputable: although Brazil has a Gross Domestic Product (GDP) of R$ 1.9 trillion (the world's ninth largest and Latin America's biggest) – according to figures cited in *Unicef's Cooperation with Brazil for the 2007-2011 Period* (*A cooperação do Unicef com o Brasil para o período 2007-2011)* – Brazil has no fewer than 50 million inhabitants living in families with an average *per capita* income of less than one monthly minimum salary. Brazil's Gini Index of inequality ranks the country eighth in social inequality: while the richest 10% earn 47% of national income, the poorest 10% receive a mere 0.7% of the total share.

This stark reality has drawn the attention of specialists from entities such as the World Bank (IBRD). A document prepared in 2005 by technical experts from that institution concluded that Brazil is sliding toward what the report refers to as the "iniquity trap." In the view of the report's authors, a factor underlying the country's chronic inequality is the persistence of an economic and political elite, which continues to craft the financial and legislative means to ensure its privileges and maintain its grip on power.

Indeed, there is a substantial gap between the degree of institutional maturity in Brazil, whose formal democracy has been broadly solidified, and the key international indicators on the democratization of quality of life standards. Take, for example, Brazil's Human Development Index score,

which reveals that while progress has been achieved in recent years, the country continues to lag behind many of its Latin American neighbors.

Additionally, while Brazil has made undeniable strides toward consolidating its formal democratic structures, it is worth pondering for a moment the ranking produced by the British weekly *The Economist*. The study concluded that, although half of all nations in the world today are nominally democratic, in fact only 28 can be considered full-fledged democracies. Brazil ranked 42nd in the *The Economist's* survey, suggesting that the country has a long road to travel before it secures an advanced institutional setting, including with respect to the specific subject under consideration in this publication.

Market failures

All too often, the problem outlined above – defined by a significant disparity between the few that control the bulk of resources (economic, political) and the broad mass of the population which historically has been denied access to those resources – has blocked the implementation of regulatory changes aimed at protecting citizens who, in general, lack the means to stand up to the private sector's coordinated lobbying power. In addition, deficient regulatory structures have precluded the State from adequately addressing – at least with the vigor pursued in other countries – corporate misconduct. Another problem involves the relative weakness of the mechanisms designed to ensure transparency and/or accountability in public and private sector relations, resulting in interrelationships between the representatives of the two spheres that not only lack a republican character but are too often ill defined, as well.

Insufficient State action, however, has been anything but an ironclad rule in the history of capitalism. Indeed, the countries long considered the bastions of liberalism are in fact the very nations that pioneered the development of comprehensive systems to regulate economic activity. For example, the first national independent regulatory agency was established by the United States Congress in 1887, while one of the primary outcomes of the 1929 American stock market crash was the introduction, during President Franklin Delano Roosevelt's administration, of a complex web of oversight bodies to regulate the market.

Similarly, an analysis of current trends refutes many of the arguments put forward by Brazil's private lobby. For example, it is not uncommon to find firms developing more appropriate practices in their relations with citizens and consumers in their home countries than they do in Brazil. An example is the per-unit sale of medications. In various countries where several of the largest pharmaceutical laboratories are based, consumers have the option to purchase prescription drugs in the exact amount prescribed by their doctors. In countries like Brazil, however, this right has been slow to be

enshrined, while the population and the State have been left to foot the bill for the attendant waste.

The enactment of Decree 5348/05 in 2005, which regulates the per-unit sale of medications in Brazil, was vehemently criticized by representatives of the pharmaceutical industry on the grounds that current Brazilian reality was unprepared for such a step. In an interview to the weekly *Carta Capital*, Ladislau Dowbor, an expert in social economics, expressed little surprise at the reaction: "When countries such as ours begin to enforce more stringent rules, the laboratories recoil, fearful that they will lose their cash cow of easy profits."

The relative weakness of Brazil's communications regulatory model is manifest when compared to that of other countries. Let us again take the example of the United States: if the exact same regulatory definitions applied in the U.S. were implemented in Brazil, a major realignment of the industry's proprietary structures would inevitably ensue. For example, an American company cannot own newspapers and television stations in the same media market. Furthermore, we will see in *Chapter 5* that Brazil's TV Rating criteria are in fact less stringent than those adopted in countries broadly defined as liberal democracies.

Media outlets could play a central role in redefining the current setting by offering equal time for the presentation of alternative development models for the country, thereby fulfilling their mission to provide the population with contextualized information, while exercising more effective oversight of the State's activities and of its relations with other segments of Brazilian society. However, the very media firms that should take the initiative in launching a public debate on alternative forms of social organization are often themselves characterized by the same market failures described above: for instance, they are connected to political groups or local oligopolies.

This setting is marked by a broadcasting industry that stands perhaps as the most notable example of a broken domestic regulatory system. Furthermore, it is characterized by long-standing privileges secured for a small number of actors (in the light of the personalist nature of the public concession process[1] in this area), and of one of the country's most efficient lobbies set up specifically to prevent the configuration of an alternative system – or to ensure the system's reconfiguration proceed only under the tightest supervision (as occurred with the community radio broadcast stations). Given this environment, how can change be promoted? It is this question we attempt to tackle in the following section.

Communications in context

The contemporary Western concept of democracy, as we will see in *Chapter 3*, is inextricably tied to the advent of mass communications.

1 *The Brazilian broadcasting concession framework is the trusteeship model*

The press has been regarded as a key actor in the external oversight of emerging democratic governments ever since the earliest discussions on the drafting of the United States Constitution – one of the defining documents of modern democracy. From the outset, curtailing corruption emerged as a principal responsibility of the new watchdog. In addition, media outlets increasingly came to be recognized as an essential source of information for the electorate on issues of public interest.

Over time, media firms have progressively acquired – or been entrusted with – broader powers. In addition to serving as a component of government accountability systems and providing information – ideally objective and impartial – to the public, these firms have assumed a crucial role in the process of social integration and public decision agenda setting. In other words, media firms have passed from onlookers to *agents* in the development process. These responsibilities, moreover, have gone hand in hand with the mediating role of the media in the debate over the kind of development we seek and the key policies needed to achieve that goal.

In carrying forward these roles, media firms throughout the world have taken on greater importance, be it in the consolidation or the reform of the *status quo*, specifically with regard to such critical areas as development policy, the protection and promotion of human rights, and the broader public policy process as well.

Restrictions and their impact

As we have seen, however, the roles outlined above – of such great significance to the democratic process – have been undermined in Brazil by the absence of a consolidated democratic regulatory framework, a problem that exacerbates the already distorted logic of concentrated ownership in the industry and the distribution of broadcasting concessions to local political groups. The lack of regulatory structures hinders public debate and the adoption of measures that could alter the way firms operate – particularly radio and television broadcasters. In this context, the media tend to consign issues related to the activities of media outlets themselves to the background, or, worse, to ignore them altogether.

For example, it is rare for news programs to address subjects such as "the concentration of ownership of media," "the new broadcasting act" "enhancing mechanisms to assure the right of reply," "the right to free broadcasting time" or "the communication rights." Similarly, proposed systems to regulate the mediation of messages, such as the TV Rating System, receive scant airtime from broadcasters.

Part of the problem, we should note, can be attributed to the difficulty political leaders encounter in stimulating broad and transparent debate on the aforementioned subjects. That said, media outlets show little willingness to participate in the process

on the argument, as we discuss in *Chapter 3*, that State intervention in the industry could lead to the revival of censorship practices.

Yet not all aspects of State regulation in this field are ignored by media firms. Indeed, public policies brought up for consideration that could potentially affect the interests of media conglomerates invariably become the object of intense scrutiny by the industry. Below we cite some examples of strategic debates in which private radio and television broadcasters have been active participants:

- The discussion about the final format of the community broadcasting policy. According to the representatives of community broadcasters, the mainstream media's coverage of the issue tilted heavily toward the *status quo* – that is, privately owned broadcasters.
- The decision to allow foreign capital to invest in the domestic communications industry, which occurred at a time of financial crisis for Brazilian firms. The industry lobby secured the desired outcome: a constitutional amendment allowing foreign capital flows to Brazilian firms without, it is important to underscore, any corresponding changes to the industry's already inadequate regulatory framework.
- The debate on the digital TV standard adopted in Brazil, which ultimately served, in clear and unquestionable terms, the interests of broadcasters, who, according to analysts in the field, backed the adoption of the Japanese system, as, in fact, occurred.

The TV Rating System

The resistance of the media to address issues relating to the industry includes the TV Rating System, today regulated in a large number of developed democracies – including France, Germany, Italy, and Canada (*see text in Chapter 5*). Brazil's Federal Constitution requires (in its article 21, subsection XVI) that non-news programming be subject to ratings advisories established by the State. Yet media firms have criticized this requirement on the same grounds invoked in other cases: that the regulation of audiovisual content could lead to censorship, an assertion discussed in greater depth below.

It is clear, however, that a growing segment of society expects the media to promote a debate on the issue. This expectation is based in part on the fact that the media exercise, as we saw earlier in this document, a vital role in the consolidation of democratic states. In addition, television and radio broadcasters, newspapers, magazines, and the Internet play an increasingly vital role in providing various types of information and content, shaping opinions, transmitting values, and disseminating lifestyles the public absorbs and processes in different ways.

The media's significant role merits special attention in the context of the youngest segments of

society – human beings in the process of development – with whom media outlets interact in a variety of ways.

This complex relationship has given rise to specific lines of research and areas of public concern in recent decades centering on the different frames of reference through which children and adolescents relate with the mass media. Specifically, these analytical perspectives define boys and girls as:

- Subjects of communication rights, that is, individuals considered on the basis of their right to a voice in the mass media and, further, to participate in the production of media content.
- Protagonists in communications, including as workers/professionals in the media market.
- The object of communications content, particularly news content – as emphasized above, the debate on public policies and rights, an essential question for children and adolescents, begins with the mediation by media outlets.
- Individuals understood on the basis of their need to develop a critical interaction with the content produced by the media.
- "Consumers" of media content.

It is this last point that is particularly pertinent to our discussion – specifically, the content that media outlets produce and that children, adolescents, and young adults consume.

As we will see, studies conducted in various parts of the world indicate that television, above all other mediums, has an enormous influence on the socioeducational development of millions of children and adolescents. One of the key factors underlying this conclusion centers on the amount of time children and adolescents spend in front of the television: studies examined in the following chapters calculate that boys and girls in Brazil watch an average of three to four hours of television every day.

The sheer extent of this influence serves only to magnify the media's responsibility, especially that of radio and television broadcasters. The fact that media outlets are authorized to use specific portions of the electromagnetic spectrum – a limited natural resource and a public good – through government awarded concessions eliminates all doubt as to this responsibility, as we demonstrate in the pages that follow. Furthermore, the Constitution itself, as delineated in the following chapter, includes provisions prescribing the regulation of the media. In other words, society does in fact have the right to establish rules, through its legal representatives, on the operation of television and radio broadcasters.

However, a number of representatives of media firms argue that their activities should be regulated by the laws of the market. In *Chapter 2*, we consider this argument in greater depth. Suffice it to say for now that, in effect, this would imply placing all of the burden for programming

decisions on the individual viewer or radio listener. We should point out, at the same time, that under this scenario firms would enjoy unfettered freedom to broadcast the programming and content of their choice. The question we should pose, then, is this: in a context in which the State abdicated the duty to regulate media activities, who would enjoy more bargaining power: citizens or media firms?

The difficulty of establishing regulatory frameworks in Brazil for the communications industry equivalent to those implemented in nations with consolidated democratic systems derives from persistent legislative obstacles. As we discuss in detail below, the very fact that the law regulating television and radio in Brazil dates back to 1962 and that there are legislators in the National Congress with a vested interest in the issue serves both to illustrate the symptom and to provide a clear diagnostic of the regulatory *imbróglios* faced in recent decades.

Publication outline

In the following chapters, our aim is to lay out a series of considerations on the TV Rating System, one of several recognized democratic mechanisms for regulating the mass media.

We have already stated that the TV Rating System is a regulatory tool employed to identify the audiovisual content which is both suitable or unsuitable for children and adolescents, depending on their age and level of biopsychosocial development. A TV Rating System for programming was established in Brazil following the promulgation of the 1988 Constitution and the Child and Adolescent Statute (*Estatuto da Criança e do Adolescente – ECA*). In recent years, however, the Brazilian government has come to recognize the need to enhance the model, for reasons set out in the following pages. To this end, it has sought to foster a public debate on the question and to elicit comments from the various stakeholders.

In fact, the proposed improvements to the TV Rating System presented in this document are the direct product of this debate. The considerations set forth in the pages that follow have, in large measure, already been adopted by the federal government through administrative rule 1100 of 14 July 2006, and are set to be further consolidated with the scheduled publication, at the end of the year, of a new administrative rule on rating for television content.

Before actually describing the proposal, however, a series of aspects must be examined. Clearly, the first is the Brazilian TV Rating System in effect prior to the July 2006 administrative rule. And because the primary objective of this docu-

ment was – and is – to contribute to redefining the model, we must first clarify why we believe the model requires improvement. Specifically, the following questions must be answered: Why was the TV Rating System in effect until recently insufficient? In what ways should it be modified? And finally, what should the underlying objectives and principles of the regulatory model for audiovisual content be?

Chapter 1 discusses the first question. In this section, we describe the legal framework in which the TV Rating policy was initially embedded and the manner in which it was operationalized, at least until its modification in the second half of 2006, as well as the role of the various actors involved in the process. We also strive to explain why a wide range of segments of Brazilian society called for an overhaul of the system – namely, of its key limitations and failures.

As with any public policy, however, the TV Rating system affects different segments of society. Naturally, actors who either feel their interests are undermined by the current model or would be by the proposed modifications will offer resistance. Therefore, any proposal for a new regulatory structure for audiovisual content cannot fail to take into account the counterarguments most frequently invoked by its opponents. The following chapters endeavor to meet this requirement.

Chapter 2 examines the notion that the audiovisual industry should be subject strictly to market regulation and that a TV Rating System – as part of the State's broader regulatory structure – would constitute unwarranted government interference in the activities of media enterprises. To this end, we describe the regulatory context for telecommunications, as well as the principal characteristics of the Brazilian communications industry.

In *Chapter 3*, we endeavor to refute the myth, widely disseminated by the opponents of the TV Rating System, that the new system is simply an effort to circumscribe, or, worse, censor, the right of free expression. We develop our arguments by briefly recounting the origins of the right of free expression, describing the conditions it aims to preserve, and, finally, demonstrating why in fact our regulatory proposal would not restrict free expression in Brazil.

In *Chapter 4*, we discuss the impact of audiovisual content, primarily television and radio programming, on children and adolescents. This discussion is imperative because it is not rare for the critics of the TV Rating System to argue that the absence of scientific evidence indicating that exposure to media has a negative effect on the age groups under consideration renders efforts to restrict the media unnecessary. The issue is also important to the extent that any proposal to regulate media content for purposes of protecting a specific segment must (a) take into account how the content is absorbed and interpreted by the audience targeted for protection; and (b) specify the

threats against which that audience must be safeguarded – that is, from what content the target audience should be preventively restricted. With this in mind, the section offers a brief history of the concept of childhood and adolescence and of the notion that these stages of life warrant special attention. We also examine a series of studies aimed at identifying the impact of particular content on children and adolescents.

In *Chapter 5*, we proceed to analyze international experiences with the regulation of audiovisual programming. Clearly, the description of the TV Rating Systems implemented to date in other countries and the analysis of their strengths and weaknesses are key aspects of our discussion. The aim of this exercise is to derive useful lessons for enhancing Brazil's TV Rating System.

Chapter 6 reviews the issues discussed in the first five chapters with a view to highlighting the main challenges and conceptual questions that must be addressed comprehensively in the new TV Rating model.

Finally, *Part 2* of this publication is devoted to presenting a proposed Public TV Rating Policy for Brazil based on the broad range of issues discussed in the preceding chapters.

Complementary issues

The primary objective of the considerations below is to direct attention to two complementary questions, both of which need to be taken into account when assigning ratings to televised programming content for specific categories. The first involves the educational function of this type of activity, namely, the extent to which it fosters enhanced dialogue with society at large, and, more specifically, with families, educators, children, and adolescents. The second relates, as delineated above, to the protection of human rights.

We should underscore at the outset that not every TV Rating model currently in force satisfies these requirements, although that may have been the initial objective. A number of those models represent little more than a bureaucratic exercise carried out by a given technocracy (government-run or private). In a context marked by the lack of any greater objective, the pursuit of an educational project and/or of the protection of human rights, when it exists, is merely coincidental.

In our view, consolidating a system that encompasses both an educational purpose and the protection of the rights of children and adolescents will only be possible when age-based ratings advisories are linked to content advisories – as well as clear public information on the underlying criteria of the TV Rating System. Indeed, it is on this very perspective that the arguments for a new Brazilian TV Rating System presented in the following chapters rest. ◘

Part One

TV Rating System in Brazil

» 1

The 1989 UN Convention on the Rights of the Child was ratified by 192 countries (including Brazil). It recognizes a broad set of fundamental rights for children and adolescents in various spheres – civil, political, economic, social, and cultural. Not surprisingly, the document places special emphasis on an institution that by the end of 1989 already exercised a central role in the lives of boys and girls: the media. Indeed, the text clearly enshrines the right to quality information and entertainment. Public policies, such as the TV Rating System, must be developed and executed in a manner that in fact guarantees this right.

More than a mere declaration of principles, the Convention establishes legal obligations for the signatory States, requiring that their domestic legislation assure the promotion and protection of the rights of children and adolescents. These requirements are closely linked to the experience of boys and girls as developing individuals. To this end, the United Nations document states that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

In regard to the relationship between the media and children and adolescents, article 17 of the Convention on the Rights of the Child provides that: "States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health."

These principles were framed in a context marked, on the one hand, by an emerging consen-

sus on the need to ensure the protection of children and adolescents and, on the other, by the intensified exposure of children and adolescents to media content.

Increasingly, parents, teachers, children's advocacy groups, and governments have expressed alarm about the premature access of the youngest segments of society to information considered "typical" of the adult world, including, for instance, information related to violence, sex, and drug use. According to Sergio Capparelli et al., in their study *The Protection of Children and Television in Eight Countries* (*A proteção à infância e a televisão em oito países)*, the primary concern among parents and viewers' associations in France, to cite just one example, involves children's exposure to violent and pornographic media content. Their concern stems primarily from the fact that a French child between the ages of 8 and 14 spends, on average, two hours a day watching television, mostly viewing "adult" programming, namely, programming not specifically geared to young audiences. In England, the same study finds, the apprehension of parents concerning programming content derives from the fact that fully one-third of homes with televisions have a television set in children's bedrooms.

This widespread anxiety gives added weight to the debate on the need to regulate and assign ratings to programming. The mechanism represents the one instrument through which parents and society as a whole are able to effectively control the exposure of children and adolescents to media productions. A clear presentation of the content broadcast by media firms – and the potential associated risks – can serve to augment society's power (and right) to choose the most suitable programming for the youngest segments of the population, while simultaneously respecting the diversity of viewpoints on what is, and is not, suitable content.

Similarly, adults have questioned how effectively the media have fulfilled their educational and socializing function – particularly in the area of human rights – as mandated by international and, in the Brazilian case, constitutional and infraconstitutional principles. To borrow from the observation of Inês Sílvia Vitorino Sampaio, Coordinator of the Children's and Media Relations Research Group (Grupo de Pesquisa das Relações Infância e Mídia – GRIM) of the Federal University of Ceará, *entertainment* and *education* are not wholly separate aspects of the human experience. Yet, this assertion poses a challenge to the assignment of ratings to media content, because it requires that the analysis of that content be based on the dual imperatives of protection and education.

It is worth noting at this juncture that in *Chapter 5* we offer a broad overview of how different countries have sought to resolve this challenge. Before examining these examples, it is instructive to consider how the issue was addressed in Brazil up through the minor adjustments implemented in early 2006.

With this in mind and in order to provide a backdrop for the current debate, the following section briefly maps the legal parameters of media regulation – and more specifically the TV Rating System – in Brazil.

The Brazilian TV Rating System

The decision of the National Constitutional Assembly at the end of the 1980s to permanently exclude the reintroduction of censorship in Brazil's institutional setting presented the constitutional delegates with a challenge: how to link this determination to the equally important need to give absolute priority to the rights of children and adolescents, as provided for in article 227 of the Constitution.

In response to this question, article 21, subsection XVI of the Constitution establishes that a central component of the regulation of audiovisual content is the implementation of a system to "classify, for purposes of indication, public amusements, and radio and television programs," the related duties of which are the sole responsibility of the Union. This constitutional norm was given legal effect through articles 74, 75, and 76 of the Child and Adolescent Statute (Estatuto da Criança e do Adolescente – ECA), Law 8069/90, which aims to prevent the airing of programs deemed unsuitable for children and adolescents during broadcasting times accessible to this segment. Article 254 of the statute prohibits the broadcasting of radio or television programs at times other than those authorized or which do not carry the required content ratings.

The Ministry of Justice is charged with designating the TV Rating System – and indeed the institution's choices on this matter warrant closer examination. Article 220 of the 1988 Federal Constitution revisits, in its chapter on Social Communications, the issue of the TV Rating System treated in Article 21 – requiring that a specific federal law be enacted to establish the conditions for regulating public entertainment and performances (including audiovisual broadcasts). As mentioned above, the Child and Adolescent Statute (Articles 74 to 76 and 253 to 256) sets out the parameters for the TV Rating System. In addition, the statute mandates that "a competent federal bureaucracy" be charged with this responsibility. In 1990, the year the Child and Adolescent Statute was enacted, then Minister of Justice Jarbas Passarinho signed administrative rule MJ 773/90, instructing the ministry to designate ratings advisories for entertainment and performances.[1] The minister's decision was based on the fact that the institution had already assumed responsibility over a series of other actions related to the protection of the rights of children and adolescents.

The ratings are today the most consolidated form of State regulation of broadcast media content in Brazil – with a few very specific exceptions, such as the rules

[1] *It is important to note that the constitutionality of the administrative rule was challenged in the Supreme Federal Court by the Brazilian Socialist Party; however, the justices on the Court upheld the rule.*

on product advertisements for certain retail goods and free political campaign broadcasts. The ratings advisories are implemented by the Department of Justice, Ratings, Titles, and Qualification of the Ministry of Justice's National Secretariat of Justice, pursuant to the provisions of Decree 4991/04. Essentially, the pertinent regulatory efforts consist in assigning age-based ratings to programming. Another important legal instrument is administrative rule 1597/04, which restructured the movie ratings system, while reaffirming the commitment to further discussing and enhancing ratings criteria. Administrative rule 1100/06, cited above, modified the rating procedures, particularly for audiovisual works produced for the cinema, video, DVD, computer games, and role played games (RPG) – and in various sections, it is worth noting, touched on issues discussed in the electronic document made available to the public in April 2006, which served as the foundation for this publication.

We should underscore that the above described framework contrasts with the model implemented during the military regime, when a set of government agencies retained the power to filter and proscribe, in their entirety or in part, films and television programming deemed unsuitable through the application of a system of prior censorship. Currently, the TV Rating System serves as a guideline – that is, the government does not have at its disposal the mechanisms to impose more stringent restrictions on the specific programming content broadcast by media outlets that are subject to rating designations. The ratings are also intended as recommendations, which parents and children may or may not choose to observe.

Insufficient legal protection

On the issue of legal protection, Brazilian legislation makes only cursory mention of the relationship between children and television. In his study, cited earlier in this document, Sergio Capparelli finds that reference to these questions is limited to articles 17 and 71 of the Child and Adolescent Statute. The first refers to respect for the "preservation of the image," without delving any further into the concept. The same article alludes to psychic and moral "inviolability" but fails to establish a direct association between that inviolability and the role of the electronic media in this area. Article 71 of the Child and Adolescent Statute complements article 17, restating the question of respect by linking the right to information, culture, and performances to the "unique condition of developing individuals," who are defined as children and adolescents.

The Child and Adolescent Statute also charges the prevailing powers with regulating "public entertainment and performances" and mandates that broadcasters air only educational and cultural programming during broadcasting times reserved for children and adolescents. Lastly, it provides for imposing sanctions on broadcasters that fail to comply with the law.

Children and the media viewed through the Child and Adolescent Statute

Art. 17. The right to respect consists of the inviolability of the physical, psychic, and moral integrity of the child and adolescent, including the preservation of his image, identity, independence, values, ideas and beliefs, and personal space and objects.

Art. 71. Children and adolescents have the right to information, culture, leisure, sports, entertainment, performances, and products and services that respect their unique condition as developing persons.

Art. 74. The government shall regulate, through the competent organ, public entertainment and performances, and provide information on their nature, the age groups for which they are recommended or not recommended, and the locations and times deemed unsuitable for their exhibition.

Stand-alone Paragraph. The parties responsible for public entertainment or performances shall display, in a visible and easily accessible location at the entrance to the entertainment or performance venue, clear information on the nature of the performance and the age advisory specified in the rating certificate.

Art. 75. All children and adolescents shall have access to public entertainment and performances rated suitable for their age group.

Stand-alone Paragraph. To gain entry and remain in a performance or exhibition venue, children under the age of ten must be accompanied by their parents or the responsible adult.

Art. 76. Radio and television broadcasters shall air only educational, artistic, cultural, and informational programming at the times recommended for child and adolescent audiences.

Stand-alone Paragraph. Performances shall not be exhibited or advertised without a rating displayed prior to their broadcast, presentation, or exhibition.

Art. 253. Advertising theatrical productions, films, or any representations or performances without indicating the minimum age rating:

Penalty – fine of three to twenty minimum monthly reference salaries, which may be

doubled in the case of a repeat offense, separately applicable to the performance house and the publicity or advertising agencies.

Art. 254. Air, on radio or television, programming at times other than authorized or without a ratings advisory:

Penalty – fine of twenty to one hundred minimum monthly reference salaries, which may doubled in the case of a repeat offense; the judicial authority may also order the suspension of the broadcaster's programming for a period of up to two days.

Art. 255. Exhibit a film, trailer, theater piece, show, or similar production rated unsuitable for children and adolescents granted access to the performance:

Penalty - fine of twenty to one hundred minimum monthly reference salaries; in the case of a repeat offense, the judicial authority may order the suspension of the performance or closure of the establishment for a period of up to fifteen days.

Art. 256. The sale or rental of video programming to children or adolescents, in noncompliance with the rating established by the competent agency:

Penalty - fine of three to twenty minimum monthly reference salaries; in the case of a repeat offense, the judicial authority may order the closure of the establishment for a period of up to fifteen days.

Art. 258. Failure by the individual responsible for the establishment or merchant to observe the Legislation in force governing the access to entertainment by children and adolescents, or their participation in performances:

Penalty - fine of three to twenty minimum monthly reference salaries; in the case of a repeat offense, the judicial authority may order the closure of the establishment for a period of up to fifteen days.

Source: Estatuto da Criança e do Adolescente.
(Child and Adolescent Statute)

The right to information that respects the particular developmental status of children and adolescents appears, therefore, to constitute the core of the institutional framework on which the ratings are based. In other words, the State is duty bound to remain vigilant to the quality of the content directed to these audiences.

Yet, if on the one hand the Constitution and the infraconstitutional legislation offer the executive branch legal authority to establish a TV Rating System – and set out the central objective of the process (to safeguard the development of children and adolescents) – on the other, they do not adequately delineate how the process should be conducted. Indeed, this emerges as a significant problem in the analysis of the experiences of other countries: while it is possible to identify the guiding principles of the TV Rating process as a general rule, how it operates in practice is far less clear.

The regulatory issue is therefore not a question of the *need to regulate* or of *what to regulate*, but rather of *how to regulate*. In other words, the challenge is to find ways to establish democratic mechanisms which can ensure the transparency (and legitimacy) of the regulatory framework and, more specifically, the TV Rating System.

The risk of inaction is that the TV Rating process will remain a bureaucratized, paperbound activity which merely fulfills, in *pro forma* fashion, the constitutional mandate. Therefore, the *modus operandi* of the process matters – a lot.

The work of the Ministry of Justice

A document prepared by the Department of Ratings states that the objective of the Ministry of Justice in the area of audiovisual ratings advisories is to "assist society and parents in determining whether particular films, television programs, and computer games are consistent with the universe of children and adolescents, one which abounds with creativity, expectation, aspirations, and fear."

Pursuant to Decree 4991 of February 2004, the duties of the Department of Ratings include:

III – entering and analyzing requests related to ratings advisories for public entertainment, radio and television programming, films produced for the cinema, videos, and DVDs, computer games, RPGs (role played games), music videos, and musical productions;

IV – monitoring television programming and making recommendations on the suitable age groups and broadcasting times for that programming;

In line with prevailing standards on the proper conduct of government, the department's current officers have sought to ensure the broad transparency of the procedures adopted for activities related to the TV Rating process, including the promotion of a wide-ranging debate on the issue, which has

spurred – and will continue to spur – adjustments to the structures underpinning the ratings advisories.

Any citizen with Internet access could confirm that, until recently, ratings were based primarily on the following criteria:

- Factual descriptions of the evaluated content – the primary elements of the programming.
- Thematic descriptions of the evaluated content – supplement the factual description by identifying the broad themes within which the specific scenes or characters are portrayed.
- Gradation – following the factual and thematic descriptions, attention turns to ascertaining the "intensity" of the specific content, in order to assign a specific rating to the production.
- The TV Rating process concentrates on the inadequacies (unsuitable material) identified in the programming content – primarily in regard to the following themes: sex, drugs, and violence.

Weaknesses and efforts at reform

Our analysis of the rating procedures for audiovisual content applied by the Ministry of Justice through mid-2006 revealed the following limitations:

- The ratings advisories provided to the public were limited to identifying the age groups for which different audiovisual productions were or were not recommended.
- The manner for displaying the final rating designation (that is, the age group for which the programming was or was not recommended) did not adhere to any defined standard, particularly in the case of television. This made it more difficult for viewers to understand the rating assigned to a given program.
- The rating process was highly subjective, that is, overly dependent on the profile of the analysts responsible for assigning ratings to the material submitted to the ministry.

In addition to these shortcomings, the following limitations were also detected, all of which require careful consideration in the case of television programming:

- There were no specific rules for program trailers. Consequently, programming that could only be broadcast after 9:00 p.m., based on its ratings designation, could be advertised at 5:00 p.m.[2]
- The ministry did not have sanctioning powers to require that broadcasters air their content at the recommended times. As a rule, broadcasters have complied with the ratings advisories, but there have been problems. An example of this has been the failure of broadcasters, on occasion, to observe the different time zones in Brazil – in other words, the possibility always existed in states located in different time zones

[2] *This question and the subsequent one will be regulated through the administrative rule on ratings advisories for television scheduled for publication toward the end of 2006, at approximately the same time this volume is slated to be published.*

Ministry of Justice
Rating tendencies

Advisories on the unsuitability of programming for a specific age group are based on trends, insofar as the presence of material requiring a rating is not the sole conditioning factor. The modifications now being implemented by the Ministry of Justice continue to apply this approach, but the procedures employed in this area prior to the introduction of the new rating model were relatively inconsistent. Although the depiction of explicit drug use, for instance, generally led to the understanding that the program in question was unsuitable for viewers under age 16, this was not the only criterion in determining the program's rating. Also taken into account were the depiction of violence, scenes of nudity and the degree of that nudity, and the historical context of the production. A full analysis of all of those elements might result in a rating of not recommended for viewers under age 14 or under age 18 (age designations that lie below and above, respectively, a rating of not recommended for viewers under age 16). Thus, the mere presence of one of the aforementioned elements did not determine a given program's rating, but only a rating tendency,[1] assigned on the basis of the analysis of all the relevant criteria. An exception to this rule was (and still is) "sexually explicit" material: the presence of such material necessarily requires that the production be assigned a rating of unsuitable for viewers under age 18.

Ti 18[2]

Productions considered "unsuitable for viewers under age 18" include films, programming, games, and public entertainment that contain:

- Explicit sexual content
- Pornography
- Excessive violence (murder, torture, rape, suicide, mutilation, graphic depictions of corpses)
- Apology of violence

[1] The model introduced in the *New Manual of Ratings Advisories* (*Manual da Nova Classificação Indicativa*), published in 2006 by the Ministry of Justice, continues to employ the notion of tendencies, however within far broader categories than those described below.
[2] Ti = Ratings Tendency (Tendência de indicação)

- Explicit and repeated illegal drug use
- Apologias to drug use

In the case of television programming, this rating tendency includes a recommendation that the production in question only be aired after 11:00 p.m. and, in the case of pornographic content, after 12:00 a.m.

Excessive violence means the "use of extreme force or coercion, especially when employed against living beings. Torment and conduct that exalt violence or incite aggressive behavior."

Ti 16

Productions considered "unsuitable for viewers under age 16" include those that depict:

- Sexual intercourse
- Nudity and petting
- Graphic violence (murder, physical aggression, torture, rape, mutilation, sexual abuse)
- Explicit illegal drug use
- Inducement to drug use

In the case of television programming, this rating tendency includes a recommendation that the production in question only be aired after 10:00 p.m.

Ti 14

Productions considered "unsuitable for viewers under age 14" include those that depict:

- Nudity
- Intimate relations (including masturbation)
- Obscene and repeatedly and excessively offensive language (gestures and words)
- Violence (physical and verbal aggression, murder, torture, suicide)
- Illegal drug use
- Explicit and repeated illegal drug use

In the case of television programming, this rating tendency includes a recommendation that the production in question only be aired after 9:00 p.m.

Ti 12

Productions considered "unsuitable for children under age 12" include those that depict:

- Veiled nudity
- Sexual innuendo
- Offensive language and gestures
- Eroticism
- Portrayal of persons in embarrassing or degrading situations
- Graphic descriptions of criminal activity and aggressive acts

- Physical or verbal aggression (examples: suggested murder and animal mistreatment)
- Portrayal of corpses
- Suggested illegal and illicit drug use

In the case of television programming, this rating tendency includes a recommendation that the production in question only be aired after 8:00 p.m.

Ti 10

Productions considered "unsuitable for children under age 10" include those that depict:

- Disparaging, suggestive and offensive language
- Threats or physical or verbal aggression
- Suggested drug use

General

No inadequacies (unsuitable material) identified. General Audience.

Source: Department of Justice, Ratings, Titles, and Qualification

than Brasilia that a particular program might be aired in a time-slot outside of the designated broadcasting time.

In addition, one of the model's principal weaknesses, as the study by Capparelli *et al*. indicates, was that it conveyed an impression of arbitrariness, because it failed to provide information or advisories on programming content – in stark contrast to countries such as Australia. The study concludes, "Thus, the persuasive power of program ratings will continue to become increasingly relative." Not coincidentally, this issue has been a central aspect of the Ministry of Justice's efforts to reformulate the system.

The limitations identified above lead us to yet another conclusion regarding the Rating process in effect up to early 2006: the revised structure failed to account for the intent and determination – clearly present in the ministry in recent years – to ensure that the procedures implemented are objective, clear, and capable of promoting progress toward the full protection of human rights. Despite these deficiencies, it is important to recognize that the efforts undertaken up to 2006 were vital in enabling an important leap forward. With this in mind, below we outline some of the attempts of prior administrations to reform the model and present the current proposal to enhance the system.

Violent content

Among the many areas of broadcast media content that require regulation, violence warrants particular attention due to its potential impact on children and adolescents, as we discuss in greater depth in *Chapter 4*. Despite the extensive literature and impassioned debates on the issue, Brazilian legislation does not set out any specific provisions on how to protect children from violent media content. According to Capparelli *et al.*, the system's regulatory instruments – e.g., the Child and Adolescent Statute and the administrative rules enacted by the Ministry of Justice – are not sufficiently precise: "All of them offer only general statements on the need to ensure programming is either suitable for children or aired at the appropriate broadcasting times."

As an exception to this tendency, Caparelli cites the *National Public Safety Plan* (*Plano Nacional de Segurança Pública*) of June 20, 2000, which lays out in its commitment number 6 (*Media and Violence*) a series of actions aimed at proscribing violence in the media. However, many of these proposals have not been effectively implemented due to opposition by media firms to several of the rules contained in the plan.[3]

The proposals set out in the plan derive from a recognition of the media's growing presence in the lives of Brazilians and of their role in shaping values, particularly those of the younger generations. The document therefore cautions on the need to reduce scenes that trivialize violence on television; it provides for updated and reformulated rating criteria; it recommends the creation and effective functioning of self-regulatory bodies, the organization of educational campaigns, and the establishment of the Social Communications Council (Conselho de Comunicação Social).

The text indicates that the resumption of negotiations with the media is designed as a strategy to improve the standard of programming by preferably encouraging media self-regulation, especially with respect to violent content. This could enable the formation of a consensus capable of "overcoming the potential stimulus to violence, without the need for arbitrary censorship."

Under this arrangement, regulatory responsibilities would fall to the government and broadcasters, and the ratings advisories would coexist with a system of media self-regulation and the recommendations handed down by the Social Communications Council – assuming, of course, each of these actors fulfilled its mission. The primary attribution of the Ministry of Justice would be to apply sanctions to broadcasters in noncompliance with the norms in effect (as specified in the Child and Adolescent

[3] *Note that the* Final Report of the United Nations on Violence Against Children, *submitted to the UN General Assembly in October 2006 by independent consultant Paulo Sérgio Pinheiro, also addresses this question. The document is available at* www.ohchr.org/english/bodies/crc/docs/study/SGSVAC.pdf

Statute), involving either the suspension of programming or the imposition of fines. In the latter case, the associated financial resources would be reinvested in educational programming productions which the offending broadcasters would be required to air.

Sharing responsibilities

Capparelli *et al*. argue that the State's aims with regard to the TV Rating System, as set forth in the *National Public Safety Plan* (*Plano Nacional de Segurança Pública*), are laid out in far more explicit terms in administrative rule 796 of 8 September 2000, enacted during Fernando Henrique Cardoso's administration. The order authorizes the Ministry of Justice to require television stations to assign age-based ratings to their programming and reorganize their program schedules.

The administrative rule mandates that television programs and trailers must include the following ratings advisories and only air at the specified broadcasting times:

I - general audience: may air at any time;

II – programming not recommended for children under age twelve: may not air prior to 8:00 p.m.;

III - programming not recommended for children under age fourteen: may not air prior to 9:00 p.m.;

IV - programming not recommended for viewers under age sixteen: may not air prior to 10:00 p.m.;

V - programming not recommended for viewers under age eighteen: may not air prior to 11:00 p.m.;

A sole paragraph provides that no television programming may air without a clear and visible rating icon displayed before and during the broadcast. Article 11 of the administrative rule states that the age-and time-based ratings must be displayed in print or television advertisements for films or videos/DVDs, as well as other forms of public entertainment, in a prominent and clearly visible manner. The administrative rule also requires that program promotions observe the assigned ratings and that broadcasters adhere to the time zone guidelines in effect.

Instead of stimulating producers of media content to modify their approach to the ratings advisories and promoting self-accountability, however, these requirements sparked strong reactions from media outlets, which accused the government of resorting to censorship. The provisions outlined were, for the most part, ultimately accepted, although television broadcasters in states located outside Brasilia standard time went to court to avert potential sanctions for noncompliance with the time zone provision.

The V-CHIP

As with violent content, Brazilian legislation does not comprehensively address the interaction of children and adolescents with sexually explicit

content, while altogether ignoring issues such as obscenity, racism, and prejudice in gender relations. According to Capparelli, even the proposed modifications to the legislation fail to further elaborate on this question, but rather refer merely to ensuring the "suitability" of programming for young audiences, without clearly explaining what that means.

One of the most notable exceptions to this trend is Law 10358/01. The bill requires that an electronic device known as the V-CHIP be buit into all new television sets. Developed by Tim Collings of Simon Fraser University in Vancouver, the V-CHIP allows parents or guardians to block specific types of programming content.

The problem with the V-CHIP is that it promotes a shift, as we argue below, that should be avoided: namely the unilateral transfer of responsibility to families. To be sure, some advocates of the device maintain that with the V-CHIP in hand, parents have all the necessary means to prevent their children and teenagers from accessing unwanted content. Yet, in our view, this constitutes a limited understanding of the issue.

To be truly effective, the V-CHIP would require, among other things, that:

a) Effective ratings be in place. In other words, programming must be rated on the basis of the content that families may wish to block or allow.
b) Parents be aware of, understand, and know how to operate the technology and, more important, understand the logic of the ratings advisories.
c) All household television sets be equipped with the device – a goal that, given the long life of most television sets, will not be achieved any time soon.

Despite its limitations, the V-CHIP can serve as a useful strategy if adopted in conjunction with a series of other measures. However, the legislation requiring the technology's introduction in Brazil has already been rewritten to allow manufacturers more time to begin installing the V-CHIP in new television sets.

The electronics industry was supposed to begin manufacturing new television sets with the built-in V-CHIP on June 30, 2004, the deadline established in Law 10672/03, which amended the original deadline instituted in Law 10359/01. Subsequently, several proposed bills and orders were introduced to grant manufacturers yet a third extension.

The most significant of these was Executive Order 195 (Medida Provisória – MP) of 29 June 2004, enacted the day before the second deadline was set to expire. The Executive Order mandated a new deadline of October 31, 2006, which the National Congress promptly rejected, leading to a bizarre situation in which a legally established, but at this point, expired deadline, June 30, 2004, remains in effect. Manufacturers, in

turn, have yet to begin installing the V-CHIP in their new television sets.

Clearly, then, the debate centers on far more than strictly technological considerations, involving, in addition, major commercial interests and the need to ensure proper implementation of the policy, if it is to have any practical effect on the issue at hand.

In search of a new start

The efforts launched in President Fernando Henrique Cardoso's administration to revamp the TV Rating process and foster a dialogue with broadcasters represented the embryonic stages of what the current federal administration has sought, with recognized success, to put into practice.

First introduced in the discussions on the film rating system and subsequently consecrated with the enactment of the administrative rule on television, the proposal is intended to draw on the strengths and opportunities secured in recent years and to spark advances in the model, so as to:

- Increase the objectivity of the process.
- Ensure the ratings advisory parameters are aligned with the principles underlying the protection of human rights, valuing of diversity, and full development of children and adolescents.
- Stimulate quality content.
- Enable the designation of content-based, as well as age-based, ratings.
- Promote a constructive and ongoing dialogue with society.

The Ministry of Justicy has and/or is developing a variety of actions to this end, among them: establishing a working group – composed of government officials, experts, and business and civil society representatives – to propose changes to the model; sponsoring a public consultation, on-line and in various locations around Brazil, to gather opinions on the new rating process; promoting discussions with qualified actors; publishing articles and the book *Ratings Advisories in Brazil: Challenges and Perspectives* (*Classificação Indicativa no Brasil: Desafios e Perspectiva)*; organizing a national seminar on the subject; and enacting the aforementioned administrative rule on the amended film rating system.[4]

In view of these initiatives – and the fact that, although the Ministry of Justice is charged with assigning ratings advisories, the media's regulation in Brazil has been increasingly decentralized over time, as we discuss in greater detail in the following chapter – the following section analyzes the current and potential role of other institutions in regulating audiovisual content.

[4] *The recognition of the need to make progress in this area has not been confined to the executive branch and civili society groups, but has extended to the legislature as well. In recent years, several bills aimed at redefining the ratings procedures have been considered by Congress; many include interesting proposals that should be taken into account.*

Key actors:
ensuring a participative process

A TV Rating model cannot be implemented without ensuring that all the actors involved in each stage of the development and rollout of that system effectively participate in the debate. As we have seen, there are several agencies responsible for different aspects of the regulatory process in Brazil, an arrangement that could potentially undermine the rating process if the various actions are not adequately coordinated.

With this in mind, below we chart the actors (with the exception of the Ministry of Justice, which we have already examined) that are engaged – and those we believe should be – in the public debate on ratings advisories, indicating the possible role each of these actors could exercise in the process.

1. State

A. Executive Branch

- **Ministry of Communications:** While the ministry is not directly involved in the Rating process, it is the executive branch's official interlocutor with media firms. It is also responsible for analyzing all license renewal applications. With this in mind, when reviewing whether media companies have fulfilled their obligations under the Constitution, the license renewal process could include an evaluation of the degree to which television broadcasters have complied – or failed to comply – with the program broadcasting times proposed by the Ministry of Justice, as well as the time zone guidelines in effect. But this effort can only succeed if the two ministries work in synergy – which has not always been the case in recent decades.
- **Anatel:** The National Telecommunications Agency (Agência Nacional de Telecomunicações) is a special independent agency under the Ministry of Communications. The original idea, as envisioned by then Minister of Communications Sérgio Motta, was that Anatel would eventually absorb all the duties of the Ministry of Communications, thus becoming an Anacom (National Communications Authority) of sorts. However, while Anatel today retains jurisdiction over technical questions involving the system's hardware (such as proper

frequency operation), the policy issues concerning radio and television broadcasting software (including licensing decisions) continue to fall under the jurisdiction of other government agencies. It is therefore essential to include Anatel in the discussion on the wisdom of establishing a single independent regulatory body to oversee the communications industry similar to those created in countries like the United States. Until this occurs, however, it should be noted that Anatel has technical instruments at its disposal which could provide valuable assistance to the rating process. The agency's National Radio, Television, and Internet Monitoring Network (Rede Nacional de Radiovideometria), for example, could offer tangible support in monitoring television programming.

The National Radio, Television, and Internet Monitoring Network: *Launched on September 10, 2004, the network is composed of 27 electronic platforms implemented in each state capital to monitor radio, television, and Internet programming content. Prior to the network's implementation, monitoring activities were performed manually by an operator who recorded each channel or specific program. Today, channel and programming recordings and the time intervals between those recordings occur automatically, so that supervisors need only analyze the content and enter the program's scheduled start time and duration, all of which may be accomplished remotely. All agencies involved in regulating segments of open broadcast television programming could make use of the information recorded in the reports prepared by Anatel.*

- **Special Secretariats:** The Special Secretariats of Human Rights, Women, and Racial Equality, as well as the National Youth Secretariat and the various Rights Assurance Committees created by these secretariats, should be included in the discussions on the TV Rating System. The protection of political minorities is – or should be – a cornerstone of the debate on the ratings policy. The participation of these bodies and their contributions regarding specific aspects of the efforts to safeguard the rights of their target audiences could serve to enhance the State's recommendations on televised programming content.
- **Ministry of Education:** This same rationale applies to the Ministry of Education, with an added element: the educational purpose of the TV Rating System can only be achieved with the participation of the educational system through the incorporation of existing initiatives (such as TV Escola) or the implementation of more comprehensive policies, including media education and educommunication.

B. Legislative Branch

- **National Congress:** Congress exercises two significant sources of power in this debate:
  - **Legislation:** Improving the TV Ratings advisory model currently in effect requires the imple-

mentation of legal changes introduced and/or approved by both chambers of Congress. Several individual members of the Chamber of Deputies and the Senate have submitted proposals to this end, but these have generally been stalled due to the various factors discussed earlier.

- **New and renewed license grants: According to** article 223 of the Federal Constitution, the National Congress must review the licenses and/or license renewals granted by the executive branch to broadcasting companies. The evaluation of licenses and license renewals is important, given the array of constitutional provisions broadcasting companies must observe, including the ratings advisories.

- **Social Communications Council:** As an advisory body to the National Congress, the council could assume responsibility for the TV Rating System by recommending improvements to the model now in effect.

C. Judicial Branch and the Public Prosecution Service

- **Judiciary:** Because the Federal Constitution explicitly proscribes any form of censorship, violations committed by broadcaters – including noncompliance with the TV Rating System – must be submitted to the courts, which have ultimate authority to decide on potential breaches by television networks. The Federal Supreme Court plays a central role, for, as in many countries, it exercises the ultimate authority to define the acceptable limits on the principle of free expression.

- **Public Prosecution Service:** The Public Prosecution Service also plays a critical role in this process. One of its responsibilities is to take up claims of human rights violations entered by citizens and to file civil actions with the courts, for purposes of safeguarding those rights. In an article entitled "Public Civil Actions and TV Programming" ("Ação Civil Pública e Programação na TV"), jurist José Carlos Barbosa Moreira defines this competence as one of the most intriguing and substantive options for protecting human rights in cases in which television programming crosses constitutionally defined boundaries. In countless cases, the Public Prosecution Service has represented parties injured by the conduct of mass media outlets. In November 2005, following a series of suits filed by the Public Prosecution Service, a national television network's program was removed from the air temporarily for disparaging homosexuals. The legal action resulted in a signed agreement requiring that for a period of one month the network set aside a portion of the offending program's time-slot for content aimed at the promotion and defense of human rights and diversity. The content was produced with the broad support of organized civil society through an initiative spearheaded by Coletivo Intervozes.

2. Private Sector

There can be not doubt of the need for media firms to participate in the formulation and/or reformulation of public communications policies, including the TV Rating System. As stakeholders, they and their associations must be heard. The various proposals on self-regulation, such as ethics codes, advanced by many of these firms must also be taken into account.

That said, the potential conflict of interest between the desire of companies to implement socially responsible corporate activities and the hypothetical financial losses stemming from legislation in this area must be considered. Private enterprises should not be given undue weight in this process, if for no other reason than that they operate through State concessions, a point we elaborate on further in the following chapter.

3. Organized civil society

The multiple – and often conflicting – interests in Brazilian society must always be taken into account when considering the TV Rating System. Television programming represents an informational system that is "democratically" broadcast into all households – regardless of the political, ideological, cultural, ethnic-racial, religious, socioeconomic, etc., make-up of each family. Clearly, then, broadcast audiovisual content must adhere to the principles mapped out in the Federal Constitution. Nonetheless, it is unlikely that a TV Rating System formulated by the State alone will satisfy the concerns of the disparate segments of the population.

Some groups, for example, may not consider a scene depicting a homosexual encounter as appropriate, although they may have no problem if the same scene portrays a heterosexual couple. Other groups may find no problem with either of those two cases. The State, for its part, cannot base its actions on the desires of especially conservative or especially liberal groups, but rather on constitutional principles.

Civil society organizations can supplement government action and contribute to the rating effort in two ways: first, by introducing improvements to the rating model and, second, by promoting a dialogue with audiences that feel particularly victimized by certain broadcast content.

A transparent *modus operandi* for the rating system can enable specific sectors of society to reach their own judgments on programming, thereby democratizing the information offered and enhancing citizen choice. Specific organizations

could even offer the social groups to which they are tied a separate rating system from that operated by the State, which takes into account their particular ethical, moral, religious and/or philosophical values.

4. Research centers

Progress on the various questions involving Brazil's public communications policies cannot be achieved in the absence of a comprehensive body of research capable of providing an historical context and diagnostic of the issue's various dilemmas, challenges, and potentials. For example, with regard to the relationship between television and children and adolescents – a subject we consider in greater detail in *Chapter 4* – only a few (albeit notable) comprehensive research analyses have been conducted in Brazil on the issue.

Nothing like the intiative undertaken by United States Senators Joseph Lieberman, Sam Brownback, and Hillary Clinton through the introduction of the Children and Media Research Advancement Act has so far been attempted in Brazil. If approved, the new law will require the American government to earmark millions of dollars to research in this area. Similar initiatives have been and/or are being launched in the European Union.

The few research studies conducted by Brazilian academic centers bolster the argument of media firms that there is a general lack of knowledge regarding, for instance, television's impact on Brazilian children. In the private sector's view, this deficit alone is enough to invalidate the introduction of major changes to the regulatory system.

5. Multilateral organizations

Many of the groundbreaking debates on issues not fully reconciled by Nation-States with respect to the universe of children and adolescents are undertaken within the United Nations system. Therefore, incorporating the experience and knowledge of these organizations is of fundamental importance to promote a more productive and in-depth debate on the question of ratings advisories.

In this context, it is worth noting the work of the International Clearinghouse on Children, Youth and Media, a body of the United Nations Educational, Scientific, and Cultural Organization (Unesco) tied to the University of Gothenburg in Sweden. With a view to contributing to the production of knowledge on children, adolescents, and the media, the Clearinghouse provides substantive information to

researchers, communications professionals, and government agents on the participation and critical perspective of youth with regard to the media.

Another pivotal organ in this discussion is the United Nations Children's Fund (Unicef). As the UN agency responsible for guaranteeing the rights of children and adolescents, Unicef is engaged on various fronts connected to children and adolescents and regularly sponsors initiatives linked to the debate on the media's relationship with children and adolescents. One of Unicef's efforts in this area is project Magic – Media Activities and Good Ideas by, with and for Children. The initiative's website includes information on a set of references and good practices relating to the interaction of media outlets with children and adolescents.

6. Individual actors

An inherent risk of any debate on the regulation of audiovisual content, particularly television content, involves what is referred to as *responsibility shifting*. This is especially true in the case of the TV Rating System (*see chart on page 43)*.

As we have seen, there are those who advocate the system's complete deregulation, i.e., the unfettered freedom to broadcast audiovisual content. For many of those individuals, the responsibility to prevent children and adolescents from accessing unsuitable images, dialogue, and information – and for stimulating the viewing of suitable and edifying content – would be left exclusively to the parents, teachers, and guardians of those age groups.

Under this view, parental control would no longer be a potential complement to State regulation and corporate self-regulation, but would become, instead, the only form of restriction.

For the reasons clearly laid out in the chart on page 43, while it is accurate to argue that parents and teachers must fulfill their responsibilities in this debate, it is equally true that the State and private sector must meet their responsibilities as well. With this in mind, below we enumerate potential roles for the different actors:

- **Teachers:** The rich experience teachers gain in their profession cannot go untapped in the development of a rating system. It is important, however, that teachers are provided with proper capacity building on the subject of "media literacy" and, in this way, that the discussion center on common sense approaches. In an interview for this publication, Sirlene Reis, executive director of the Brazilian Media Center for Children and Adolescents (Centro Brasileiro de Mídia para Crianças e Adolescentes – Midiativa), states, "It is clear that teachers are aware that television has an impact on the education and formation of their students, and that they are concerned about this." She goes

Convention on the Rights of the Child

Article 12

1. States Parties shall assure to the child who is capable of forming its own views the right to express those views freely in all matters affecting it, the views of the child being given due weight in accordance with its age and maturity.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting it, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

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

on to note that the work in this field is still incipient and, although efforts to enhance this awareness have been redoubled in recent years through initiatives undertaken by the education secretariats and NGOs, these have generally been confined to the Southeastern region.

- **Families:** Parents and guardians also constitute an essential target audience of any ratings advisory effort. Specifically, a solid rating system is one that engages these segments in an ongoing dialogue, whether for purposes of sharing educational information with them or actually learning from them.
- **Children and Adolescents:** The 1989 Convention on the Rights of the Child, to which Brazil is a signatory, underscores the importance of granting children and adolescents a voice, especially on issues that relate specifically to them (*see sidebar*). Therefore, it is imperative that more consistent research be conducted in Brazil in order to foment a better understanding of the aspirations of Brazilian boys and girls. To this end, fostering dialogue with the small, but highly active, network of organizations that promotes citizenship participation by children, adolescents, and young adults is crucial. Otherwise, we run the risk of perpetuating an insufficiently democratic society that falls far short of guaranteeing the full rights of these age groups: in this context, the debate on audiovisual content would continue to center exclusively on adult-based standards.

Responsibility shifting

The argument that parents and educators should have sole responsibility for supervising the exposure of children and adolescents to televised content deemed unsuitable runs up against a series of factors of a social character and/or related to the very nature of certain mediums. These factors significantly reduce the ability of parents to regulate the audiovisual material to which their children have access.

In an article entitled "The Absentee Government: TV in the Hands of the Market" ("O poder público ausente: a TV nas mãos do mercado"), University of São Paulo professor Renato Janine Ribeiro sustains that shifting responsibility exclusively to families, to the detriment of complementary State action, "is somewhat similar to the victimology [argument]," which places responsibility for criminal acts on victims. "It is a position we must reject, not only because of its lack of empathy, but more important because of its explanatory inadequacy: it exempts a well-oiled industrial system and indicts, for the very excesses committed by that system, a mass of overwhelmed and economically and culturally powerless viewers."

Doctor Victor Strasburger, a pediatrician, and Edward Donnerstein, a social scientist at the University of California Santa Barbara, advance a similar argument in their article "Children, Adolescents and the Media: Issues and Solutions." In their view, "Successful reframing involves exposing unethical industry practices rather than trying to improve individuals' behaviors by urging them to be healthier."

Let us examine some of the risks involved in this "victim-blaming."

- **Limited options:** Analyzing the different issues surrounding the relationship between open broadcast television and the general public requires developing a realistic demographic profile of Brazilian society, avoiding the all too common pitfall of some experts

– who analyze Brazilian society from their particular vantage point (in general, from a socioeconomic position best defined as middle class). To this end, it is important to recognize that:

- The vast majority of Brazilian families live in households in which the television occupies a central position in the home.
- This central position, in turn, may be associated to the very architectural layout of Brazilian homes, in which a kitchen, bathroom, living room, and perhaps one additional room are the only available spaces.
- This centrality may also be linked to the very limited supply in most Brazilian municipalities of alternative entertainment offerings and/or to the financial impossibility of accessing other entertainment options.
- Rising crime rates have pushed families into the home.
- High illiteracy and, more important, functional illiteracy rates prevent viewers from more precisely understanding potential problem areas in television programming.
- The absence of parents from the home due to work-related obligations only accentuates these factors.

If we accept these arguments, it becomes clear that widely propagated theories such as "the power of the remote control" or "turn the TV off and go read a book or play with your friends" or even "go to your room" are not viable options for the overwhelming majority of Brazilian families. Similarly, the ability of parents to actually regulate audiovisual content is, in most cases, fairly limited.

As child psychoanalyst Ana Olmos points out in an interview for this publication: "The child with a good family structure, good role models – who was well nourished from a psychic standpoint – will be generally less vulnerable to media stimuli when he reaches more advanced stages of development. In other words, family structure (from a socioeconomic, as well as an educational, moral, and psychological perspective) matters."

- **The invasion of open broadcast television:** It is important to keep in mind that, contrary to for-pay services (movies or even cable/satellite television), open broadcast television signals are beamed into Brazilian homes free of charge. This means that no rational choices can be made, *a priori*, on obtaining, or not, specific audiovisual content.
- **The disinformation factor:** A majority of the population does not have access to educational structures capable of forming – as occurs in

a number of consolidated democracies – citizens who are cognizant of their rights and duties and, by extension, television viewers endowed with the capacity to make critical assessments regarding the intrusion of open broadcast television into their homes. This contributes significantly to reducing the potential efficacy, effectualness, and effectiveness of any regulatory arrangement operated exclusively by parents.

- **Faith in the State:** The Brazilian State's historically heavy regulatory inclination in various areas has created a perception among a large portion of the population that broadcast content must necessarily be in compliance with prevailing legislation. If at any point responsibility for regulating audiovisual content is shifted entirely to families, it will be critical to ensure the right to full information on the risks associated with such a move.
- **The power factor:** When a television network broadcasts news, airs an entertainment program, or imparts information of any kind, it creates a powerful "impression of authority". One of the feelings this can trigger is "Who am I, Joe nobody, to question what X or Y television network is telling me?"
- **Underdeveloped organizational culture:** In contrast to other countries, there are no interest groups in Brazil fully capable of standing up to private sector lobbies. This is due in large part to the country's cultural and socioeconomic characteristics. Specifically, when people have to scratch and claw to "earn their bread" it is difficult to find time, for example, to join organized protests against the quality of television programming.

The problem is also rooted in another factor described by American economist Mancur Olson in his book *The Logic of Collective Action: Public Goods and Theory*: collective action strategies are far more likely to succeed for small groups (business coalitions, for instance) than for larger groups (Brazilian families).

Regulation *versus* the free market

» 2

A principal argument of the opponents of the TV Rating System, as mentioned in the Introduction, is that the system would result in undesired State regulation: as part of the private sector, the argument goes, media companies should be regulated solely by the laws of the marketplace. The rationale of a liberal economic model is wholly inconsistent with stringent regulatory mechanisms, and the imposition of rules by the State on broadcasting activities would amount to undue interference.

Contrary to prevailing wisdom, however, there are very few industries exclusively regulated by the market. Historically, democratic States have regulated industries with one or more of the following characteristics:

a) They are natural monopolies.
b) They operate through State concessions.
c) Although initially subject to market regulation, failures in that form of regulation begin to surface.
d) They are identified as a potential source of significant negative externalities, so that market regulation by itself is seen as insufficient to ensure the well-being of specific population groups.
e) They are subject to regulation following a democratically based determination that they wield a significant degree of power.

In looking at the specific aspects of the media, it is altogether unsurprising that they are the object of rigorous regulatory oversight in the most developed democracies: for the industry meets almost all of the criteria above. Furthermore, as we proceed with our analysis and establish a direct link between the primary features of Brazil's communications sector and many of the enumerated crite-

ria, the need for regulating the industry becomes abundantly clear. Specifically:

The broadcasting industry can be considered an oligopoly

Given the electromagnetic spectrum's status as a finite and limited resource and the significant mergers which have swept through the communications industry in recent years, we can reasonably conclude that the media today meet the standard definition of an oligopoly.

Media companies operate through public concessions

Because the electromagnetic spectrum is finite and constitutes a proprietary resource of the Nation-State, the provision of broadcasting services is accomplished through public concessions.

In Brazil, therefore, companies that broadcast their signals over the spectrum do so through public concessions granted by the Union, which may be renewed or terminated within legally mandated time periods. Unfortunately, the history of spectrum concessions in Brazil has been marked by party political interests and the exchange of favors, as Paulino Motter demonstrates in his Master's thesis *The Invisible Battle of the Constitutional Assembly: Private Interests versus the Public Character of Broadcasting in Brazil (A Batalha Invisível da Constituinte: Interesses privados* versus *caráter público da radiodifusão no Brasil)*.

Market regulation of the communications industry is flawed

There is no shortage of evidence indicating that market regulation of the communications industry produces gaps and failures. One of these relates to the issue of freedom of expression, which we examined earlier in this publication and will look at in greater depth in the following chapter.

The instruments established to protect human rights (including the Universal Declaration of Human Rights and the national constitutions which have incorporated its provisions) assert that the freedom of expression extends and is applicable to all citizens, without exception.

Historically, this guarantee alone may have proved adequate. When the earliest Western constitutions were drafted – such as the American Constitution, written in the latter part of the 18th century – the absolute defense of the freedom of expression and of the press applied to a context in which the population "as a whole" (a definition that excluded women, slaves, children, and adolescents) basically enjoyed an equal opportunity to exercise the right of free speech. In other words, climbing onto a park bench or publishing an article in a local newspaper was often sufficient to launch a debate on any given matter.

Yet the advent of what we refer to as mass communications, the concentration of ownership in the industry, and the transfer of ownership to private interests have resulted in acute disparities in the exercise of free expression. Specifically, the fact that the

mediation of the production and reception of messages has increasingly become the sole prerogative of media firms represents a major failure in the system: the freedom of expression has been transformed, in large measure, into the freedom of those who determine the content broadcast by mass media outlets.

The media has the power to produce negative externalities

The positive and negative externalities produced by the media in contemporary society have been exhaustively documented, as we will see in *Chapter 4*. Publications such as *Remote Control: Language, Content, and Participation in Television Programming for Adolescents* (*Remoto Controle: Linguagem, Conteúdo e Participação nos Programas de Televisão para Adolescentes*), prepared by ANDI in partnership with UNICEF, Petrobras, and Cortez Editora, lay out an array of positive actions undertaken by media companies to protect human rights, in particular the human rights of children and adolescents.[1]

At the same time, the pernicious effects of media content on children, adolescents, and young adults have been the subject of countless studies published and/or co-sponsored by the American Academy of Pediatrics. There is, similarly, a vast body of academic essays on the media's interference in the political-electoral process, including those compiled in *Mass Media and Politics in Democratic Brazil, organized by* Mauro P. Porto, a PhD in communications.

[1] *The efforts undertaken by ANDI represent an abiding belief in the capacity of the media to generate positive externalities.*

The media exercises significant power

The concentration of ownership of mass media, a growing phenomenon around the world over the past fifteen years, confers a degree of power to these conglomerates that is not subject to any significant regulatory oversight. The capacity for action by different actors engaged in the communications field is heavily skewed toward those who control the largest media enterprises. For a broad analysis of this issue, we recommend the works of American professor Robert Machesney, among them *Rich Media, Poor Democracy*. An examination of the Brazilian context can be found in the research of communications analyst and retired University of Brasilia professor Venício Lima. One of his most recent contributions to the debate is *Media: Theory and Politics* (*Mídia: Teoria e Política)*.

As philosopher Renato Janine Ribeiro puts it in his article "The Absentee Government: TV in the Hands of the Market" ("O poder público ausente: a TV nas mãos do mercado"), "The primary agency through which the vast majority of the Brazilian population has access to culture – in addition, of course, to the family and religious faiths, at least, that is, for their followers – is the mass media."

Moreover, in Brazil, control of various media outlets by a single holding faces far fewer hurdles than in other countries, even those broadly defined as liberal, such as the United States. A consequence of this is that the simmultaneous control of print newspapers and television networks in the same local market drastically reduces the probability that content broadcast by the local TV network will be critiqued or questioned by the local press.

The problems facing the country in the communica-

tions arena are exacerbated by the cozy relationship between the leading media outlets and professional politicians. This relationship severely hinders discussions in the National Congress on questions relative to media broadcast content. The large number of deputies and senators with ties to media firms calls into question the fitness of a significant portion of lawmakers to consider and deliberate on the related issues, given the obvious conflicts of interest. To be sure, this is not an exclusively Brazilian phenomenon: recent Italian history was marked by an all too intimate relationship between that country's leading elected party and large media companies.

Another problem is that the close interrelationship between the media and Brazilian politics influences the official policy stances adopted by political parties on issues involving the communications industry. Thus, broadcasters' critical role in securing electoral results and sustaining the popularity of elected officials, and lawmakers' positions on pending legislation which could effect profound changes in the industry's *status quo*, coupled with their staunch defense of the interests of media companies (see the related debate on the adoption of the digital TV standard in Brazil), have become powerful bargaining chips between the media and politicians.

Government regulation

We have shown that the Brazilian telecommunications industry meets the criteria used in much of the world to justify the legitimate exercise of State regulation. Further, in many respects more urgent action is required in Brazil than in the advanced democracies. Yet, Brazilian norms are less stringent than the rules applied in those countries.

Throughout the 1990s, for instance, the majority of Western democracies, including the United States, France, Germany, England, and Canada, enacted new communications legislation reflecting the consensus recognition that profound changes had swept through the communications industry in recent decades. In each case, the rules governing broadcast content were clearly articulated while, more important, the rights of children and adolescents were legislated, as described in another section of this publication.

In Brazil, the law regulating the broadcasting industry – the *Brazilian Telecommunications Code* (*Código Brasileiro de Telecomunicações*) – dates to 1962 and has failed to keep pace with the communications industry's continuing evolution. The debate on a new *General Law of Communications* (*Lei Geral de Comunicações*) to address content issues, including the ratings advisories, made little headway during former President Fernando Henrique Cardoso's eight-year term in office (1995-2002) and was not brought up for consideration in President Luiz Inácio Lula da Silva's first term (2003-2006)[2].

In addition, a convoluted web of decrees, adminis-

2 *For a historical background of the debates related to the Brazilian communications sector legal framework see the discussion introduced by the political scientist Guilherme Canela: "History and perspectives: an analysis on the legislation and the proposed bills about Brazilian Broadcasting" ("Histórico e perspectivas: uma análise da legislação e dos projetos de lei sobre a radiodifusão no Brasil").*

trative rules, and other laws (including the Law of the Press, the Cable Law, the Law on Community Radio Broadcasting, the General Telecommunications Law, among others) has been enacted through the years in an effort to fill the gaps generated by the obsolete *Telecommunications Code*. The 1988 Federal Constitution contains principles that are consistent with the goal of government regulation of the industry, yet most of the laws that should have been enacted to ensure compliance with those principles have never been drafted. This legal vacuum has created an unwieldy and inefficient regulatory system that offers media firms unfettered freedom to apply the legislation in force according to their immediate interests.

Another difference between Brazil and other countries lies in the institutional structure of the regulatory system. A large number of Western democracies have regulatory agencies that enjoy considerable independence to grant concessions and licenses, carry out enforcement activities, and evaluate and monitor the communications industry. A recent government decision in England, as we will see, placed all oversight activities under the authority of a single regulatory agency.

Brazil, by contrast, has a heterogeneous network of State bureaucracies (most prominent among these, the National Congress, the Ministry of Communications, the Ministry of Culture, the Ministry of Justice, Anatel, and Ancine) responsible for addressing the full range of matters related to communications. Yet, the communications industry lacks a specific oversight agency similar to those established to regulate other industries, thus hindering the consolidation of a consistent and harmonious decision-making process.

In the view of many specialists, setting up a single regulatory agency would, for example, ensure more diversified TV programming. According to Laurindo Leal, a professor at the University of São Paulo's School of Communications and the Arts, the new agency could be charged with granting concessions and requiring that concessionaries meet the cultural and artistic needs of specific segments of society. In an interview for this publication, Professor Leal argues, "We must make sure, for instance, that broadcasters air a balance of programming that takes into account Brazil's regional diversity. This may seem utopian, but it is important that we work toward this objective. In a consolidated democracy, this is perfectly achievable."[3]

The structural challenges outlined above appear to us as some of the most significant confronting Brazilian society in the area of public communications policy. One of the most serious consequences of the current setting derives from the fact that any specific norm – such as a ratings advisory policy – adopted in Brazil will inevitably rest on shifting and unstable ground.

It is imperative society sanction new laws through consultations with experts and the recommendations and conclusions emanating from seminars and debates sponsored by media outlets. A public debate on the TV

[3] *It is also important to note that we are not highlighting, significantly, the impact that alternative forms of communications (such as community-based communications, for example) could have on democracy and communications processes, which would, in theory, reduce the current problems posed by the communications industry.*

Issues that
belong on the radar screen

Beyond the specific issue of public communications policies, there are several other equally significant questions we do not address in this text. Nonetheless, we should point out, as we outlined above, that these questions are situated within a broader and more complex context – of which the subject of ratings advisories is but one component – and, as such, cannot be overlooked. Some of these include:

- **Journalism:** The Constitution prohibits journalism from being subject to government-mandated ratings, a provision with which we are in full accord. Nonetheless, there are two central issues to this question:
  - The first refers to *pseudo-journalism*, as dubbed by historian José Arbex Jr. in his doctoral dissertation *Shownarlismo,* defended at the University of São Paulo in 2000. This category of journalism encompasses essentially "policeesque" language, which is geared exclusively toward entertaining audiences but does not meet the basic standards of journalism (such as a plurality of independent information sources). What is most egregious about this form of journalism is that it tends to be broadcast between 6:00 p.m. and 8:00 p.m., when thousands of children and adolescents watch television. Some experts, including the University of São Paulo's Laurindo Leal, argue that any future ratings advisory policy should remove this type of programming from the journalism category.
  - The second refers to abuses and errors committed by real journalists. We should note that various discussions on this matter are ongoing – including the proposed establishment of Journalism Councils or other forms of "media accountability," to borrow the expression coined by French communications expert Claude-Jean Ber-

trand, and the idea of regulating the right of response – both of which need to be addressed more effectively.

- **Advertising:** There is a fairly well-developed discussion in Brazil on the regulation of advertising content, specifically with respect to child and adolescent viewers. In spite of its importance, we do not give in-depth consideration to the issue in these pages. Yet it is worth mentioning that advertisements are one of the few areas of media content in Brazil that are subject to the full range of the regulatory spectrum. They are the object of a complete ban by the State (cigarette advertisements), they are governed by regulatory rules based on the *Consumer Protection Code* (*Código de Defesa do Consumidor – CDC*), and they are subject to a relatively noteworthy system of self-regulation operated through the Council on Advertising Self-Regulation (Auto-Regulamentação Publicitária – Conar).

- **Media literacy:** If Brazilian children and adolescents were prepared to critically assess media content, the potentially negative impact of television programming would be reduced. Indeed, a complex rating system founded upon the basic axes set forth in this discussion would be far more effective if schools, as well as other entities, trained viewers to cast a more critical eye on the content they watch. Therefore, the considerations on the existing educommunication initiatives – particularly those headed by the Center for Communications and Education of the University of São Paulo (Núcleo de Comunicação e Educação) – as well as the discussion on incorporating the subject in the *National Curricular Parameters* (*Parâmetros Curriculares Nacionais*), are fundamental aspects of the Brazilian context. These actions help fill an existing void, according to the president of the São Paulo Regional Council on Psychology (Conselho Regional de Psicologia de São Paulo) and chair of the Department of Psychology of the Pontificate Catholic University of São Paulo, Maria da Graça Marchina. "Schools do not address this question. No one teaches children to read the media. Television is there, and it is important to learn to read and identify the hidden mechanisms television employs."

Rating System could contribute to overcoming narrow views on the subject, such as claims that ratings are simply a veiled effort at State censorship or that they are based on unfounded or naive arguments.

Regulating audiovisual content

The conclusion that media firms display the very characteristics generally used as parameters in determining the need to regulate a given industry requires us to specify what should be regulated. For purposes of this discussion, our interest lies in analyzing a particular activity of media firms: the production of audiovisual content.

As we discussed earlier, the material broadcast by television networks can have an impact on audiences – according to various studies, this impact is either negative or positive.[4] In the case of children and adolescents, the effects are yet more pronounced, given the sheer time of their exposure to television programming and the significant role television plays in the socialization process.

Recent research by Unesco appearing in the series of publications prepared by the agency's Clearinghouse on Children, Youth and Media indicates that, worldwide, children and adolescents up to age 18 watch an average of three hours of television every day – more than they spend engaged in any other activity, with the exception of school.[5]

Naturally, parents, guardians, teachers, and others involved in the socialization of boys and girls are themselves susceptible to the messages transmitted by the media, primarily those imparted via open broadcast television. Unesco's research underscores that in countries such as Brazil nearly 97% of families have daily access to open broadcast television programming – a percentage roughly equivalent to the country's total primary school enrollment rate.

Electronic nanny

At the same time, however, the number of children and adolescents with no adult presence during television-viewing times has increased steadily. This is particularly true in Brazil, where a growing number of households are headed by women – who are forced by circumstances to spend a considerable period of time away from the home. In addition, the triple workday (paid work, domestic duties, and family care) reduces even further the time available for educating children. In his Master's thesis *Controlling Television Programming: Limits and Possibilities* (*Controle da Programação de Televisão: Limites e Possibilidades)*, Domingos Sávio Dresch da Silveira reports that a research study commissioned in 1997 by the Ministry of Justice found that 53% of families exercised no control over the television hab-

[4] *Business owners in a wide range of industries apparently have no doubts about the influence of media content on audiences. If they did not truly believe they could shape the consumption habits of television viewers, it is highly unlikely they would pour billions of dollars every year into television advertising.*

[5] *We should note that the information parents, responsible adults, and children themselves provide to researchers might be understated – in other words, children may actually spend more time in front of the television than these results would indicate.*

its of children and adolescents, whether in terms of the number of TV viewing hours or programming choices.

Finally, segmented audience data show that children and adolescents are not interested exclusively in programming content geared specifically to them or broadcast at the times they ostensibly engage in television viewing. Results from a 2002 Ibope Teleport PNT survey found that the most watched program among the 4-11 year-old segment was the *reality show Big Brother*. Flávio Ferrari, of the Grupo Ibope Mídia, elaborates further on the study's findings in his article "Youth and the Media" ("Os jovens e a mídia") published on the official website of Midiativa, a nongovernmental organization (*www.midiativa.tv*):

> *There is no question about the media's potentially significant impact on audiences. Children and adolescents are hooked up to some form of media during a substantial part of their day, often exposed to content we would not consider suitable.*
>
> *Looking specifically at television, young people between the ages of 4 and 17 watch an average of 3.5 hours of television every day. The highest rated programs (national average – National Television Panel – May 2003) among youth between the ages of 4 and 11 were not "children's shows." The top-rated shows were two of the primetime soap operas (7:00 p.m. and 8:00 p.m.) and TV Globo's nightly newscast, comedies such as* Casseta e Planeta, Zorra Total, Grande Família, *and [the Sunday news magazine]* Fantástico *– all airing on the Globo network. Of the 10 programs with the highest average audience ratings among children, the only one with an unequivocal "G" rating was the SBT network's* Desenhos Noturnos.
>
> *With regard to adolescents between the ages of 12 and 17, the results were similar, with a few differences: included among the highest-rated shows were Globo network's afternoon soap opera* Malhação *and the 6:00 p.m. primetime soap opera, along with live football (soccer) broadcasts and the late-night movie (*Tela Quente*), followed by such shows as* Fantástico, Globo Repórter, Zorra Total, *and* Desenhos Noturnos. *These trends, however, do not necessarily mirror the choices or preferences of these audiences.*

Safeguard system

In response to the evidence regarding the power of television programming in modern-day society, a significant number of Western democracies have chosen to establish a regulatory system for audiovisual content, with a view to safeguarding democracy, specific population segments (children, adolescents, minorities, for example), and consumers in general.

These safeguard systems may range from ratings advisories established by the State for content deemed unsuitable for certain audiences, to mandatory automatic electronic control devices, and even to bans on particular types of content (for example, cigarette advertisements).

There is growing concern about television content in Brazil among a variety of actors. A brief survey of proposed bills introduced by deputies and senators, conducted specifically for this publication, reveals that the primary – or main – thrust of 26 legislative proposals centered on ratings advisories. Similarly, the final conclusion of the 1997 Ibope study cited above was that, although most

Children inflate viewership for unsuitable programming*

Adriana Ustulim

Rede Globo was aware that *Big Brother Brasil* enjoyed strong viewership among children when on June 10 it aired scenes of suggested sexual intercourse between two of the participants, Jefferson and Tarciana. A research study conducted in April, two months earlier, by Ibope Teleport PNT (part of the Ibope group) found that *Big Brother* was the most widely watched program among boys and girls in the 4 to 11 age group. The study listed the 30 most popular programs in this segment. Globo produced 19 of them. The 20th rated program among young audiences was the SBT network's *Casa dos Artistas*, similar to *Big Brother*.

Indeed, the network cited the Ibope study in one of its newspaper ads. The survey concluded that 22.4% of *Big Brother's* total viewing audience was made up of children. The Ministry of Justice recommends *Big Brother* only for viewers over age 16. Therefore, the large number of children who watch the show only increases the network's responsibility to edit the broadcast content.

According to the Ibope study, Globo produces other programming that the Ministry of Justice recommends only for adult audiences, yet which are highly popular among children. For example, the comedy program *Casseta e Planeta* is rated 7th among this segment, while the reality police show *Linha Direta* occupies the 9th position.

Luiz Erlanger, director of Globo's Communications Center, cited the Ministry of Justice recommendations to justify the network's editing of the scenes of Jefferson and Tarciana having sexual intercourse under a bedspread, arguing that "Those programs are aired even later than the recommendation in the Ministry of Justice's ratings."

Erlanger recognized that the scene in question was exhibited in an inappropriate manner, although he placed the responsibility on parents to control the programming viewed by their children.

"Even before the first complaint was called

in to the Globo Quality Center, Marluce (Marluce Dias da Silva, Rede Globo's managing director) met with the program's producers to express her displeasure with the way the scenes had been edited, and it won't happen again," he said, while stressing, "But with regard to the fact that children watch the show, it is not suitable for their age. The network's responsibility is to ensure the programming is suitable for the particular time slot in which it broadcast, just as the responsibility of parents is to make sure their children watch TV, study, sleep, etc. at the appropriate times."

Orly Zucatto Mantovani de Assis, an educational psychologist and specialist in childhood education in the School of Education at the University of Campinas, tells us, "It is common to see children involved, observing everything around them." In her view, the majority of programming content is wholly unsuitable, but it is very difficult to resist. Orly suggests the following solution: "Until our society demands that media cooperate on questions of morality, parents will have to assume the responsibility." She believes that allowing television to play a nanny role means exposing children to all types of content. "It is imperative that families take responsibility for choosing the programming their children watch."

According to Orly, the ideal arrangement, in terms of television literacy, would be for an adult to monitor everything the child views, discuss or talk about what s/he is watching. "What benefits do programs like *Big Brother* and *Casa dos Artistas* offer children?" she asks. Another problem has to do with the promotions for late-night programming that air throughout the day and create expectations among children. As an example, Orly cites the reality police show *Linha Direta*, among others, which are not suitable for this segment.

Program ratings are based on evaluations of synopses, taking into account content depicting scenes of violence, drug use, and families. From the assessment of these criteria, programs are assigned a time-based rating. The National Secretary of Justice, João Benedicto de Azevedo Marques, believes that the rating system is producing results. He cites, as an example, Ratinho, a TV host on the SBT network. "I saw an interview in which he acknowledged that the 'slaps on the wrist' he has received have contributed to improving his program."

Audiences feel limited when they sit down in front of the TV. "Television viewers are wholly passive observers. They have no rights, means to communicate their discomfort, disagreement, or apply any quality control," says Marques. To correct this problem, the government has presented broadcasters with a proposal to establish an ombudsman, a professional brought on to serve as a bridge between broadcasters and the public.

The secretary has met with broadcasters, who have promised to study the proposal. "We are entering into an adult conversation. Our intention is to approach this as a partnership, not an imposition. It is similar to the Consumer Protection Code, which met stiff resistance initially, but today stands as a triumph. We want to value citizens by giving them the right voice their views. One idea is that broadcasters create a program of about 5 minutes for television viewers," he says.

* *Article appearing in the July 7, 2002, edition of the* O Estado de S. Paulo.

Brazilians are not particularly concerned with the influence of television on their children's development, they are clearly in favor of some type of external control, preferably an age- and time-based ratings system.

However, it is not simply a question of importing existing regulatory systems from other countries. Given its unique features, Brazil has specific needs with respect to the establishment of rating standards. For example, the fact that Brazilian children and adolescents have broad access to programs intended for adults and that their parents do not exercise proper control over what they watch and how much time they spend in front of the television set suggests that a rating policy would offer a tangible mechanism for empowering families.

In an interview for this publication, Claudemir Viana, a researcher at the Research Laboratory on Children, the Imagination, and Television (Laboratório de Pesquisa sobre Criança, Imaginário e Televisão) of the University of São Paulo's School of Communications and the Arts, states, "We must bear in mind to whom the ratings are directed. They are not only intended for the child. Rather, they are also aimed at the adult who is responsible for that child. Our primary challenge is to stimulate that mediation."

To conclude, the importance of media content in the socialization of children and adolescents, coupled with the growing failure of parents to monitor their children's interaction with television, serve to indicate that State regulation would be highly desirable. Such a regulatory model must aim to protect the rights of children and adolescents and, at the same time, exercise an informational and educational function.

Self-regulation and state regulation: debating models

Contrary to the repeated calls for the media to subject their content to a set of external guidelines, companies have usually preferred to commit themselves to a code of ethics and conduct developed by the industry, as well as other self-regulatory initiatives. Below, we analyze some of the advantages and disadvantages of this system, and examine the possibility that such an approach could actually be enhanced if it were implemented as a complement to State regulatory standards – a potentially interesting co-regulatory arrangement.

Social responsibility

Self-regulation is an increasingly common feature of the relationship between firms and those segments with a particular interest in their activities, the so-called stakeholders. This holds true for media companies as well. The industry's long-standing suspicion – at times justified, at times baseless – of State regulation over media activities has been at the root of the interest in self-regulatory alternatives.

To this end, media companies have, over time, developed an array of mechanisms not linked to the legitimate regulatory authority of the Democratic State Based on the Rule of Law. Codes of ethics and conduct, the office of ombudsman, and readership committees are among the most noteworthy of these initiatives, although they have not always been implemented in practice.

However, especially since 1990's, a new trend capable of giving added impetus to the system of self-checks designed to reduce the negative social impact generated by media content began to take shape: namely, the adoption of the principles of corporate social responsibility (CSR). As we will see, in contrast to the isolated strategies outlined above, the CSR-based management model is a more far-reaching self-regulatory approach, one that strives to integrate disparate corporate policies – at least, this is the basic concept of a number of corporate actors.

In addition, the CSR movement involves not only media groups but encompasses a wide variety of market actors. The number of companies that have committed to modifying their practices as a way of mitigating the negative externalities they generate has continuously increased. The impact of industry on the environment, to cite just one example, is no

longer solely the concern of the State and civil society, but has become a priority of the management teams of countless corporations. Similarly, CSR has framed a new context for the debate considered in this publication – and it is that context we want to examine in particular detail.

CSR and media production

A growing number of actors on the international stage have devoted increasing consideration to those specific mass media practices regarded as socially responsible – and those regarded as socially irresponsible. Without a doubt, the discussion on the rights of children and adolescents is of great importance in this context: both their right of access to quality information and their right to be safeguarded from content that can impair their development.

In recent years, the Brazilian media has offered some excellent contributions to the social agenda. An example which has garnered significant international response involves the introduction of themes and situations into the storylines of televised dramas aimed at stimulating social mobilization on behalf of critical social questions. These are referred to as the social merchandising experiments employed primarily by Globo in its primetime soap operas and series.

The issues are generally discussed to promote behavioral changes capable of improving the quality of life of individuals – such as the "campaigns" to foster dialogue within families and prevent drug use. Issues with more altruistic ends are also addressed, including the advantages of breast feeding and innoculation, mobilizing people on behalf of missing children, fighting domestic violence against women, or organ donations. Not coincidentally, many of these intiatives were developed through extensive dialogue with the government and/or civil society organizations.

Broadcasters have also explored avenues for contributing more effectively to society that reach beyond their primary mission as media firms. A recently consolidated practice among television networks in Brazil, for instance, involves reserving free airtime for public interest campaigns sponsored by civil society organizations.

Another good example is the broad and successful campaign spearheaded by the Grupo RBS – Rede Brasil Sul de Comunicação to raise awareness about the need to protect children and adolescents from domestic violence and, by extension, to ensure their rights. For its part, MTV Brazil has, in addition to its ongoing contribution to the struggle against Aids, launched programs and actions on other social issues specifically related to young people. These include the award-winning *Take Control of Brazil* (*Tome Conta do Brasil)*, a program which aimed to focus the 2002 election cycle on the discussion of subjects such as citizenship, violence, jobs, and education, and a vignettes series titled *MTV Pact (Pacto MTV)*,

which to this day provides airtime to young people to express their views on issues from sexual violence and affirmative action policies to hunger alleviation and youth participation.

The trade-off question

The initiatives enumerated in these pages in no way exhaust the array of socially responsible good practices or other forms of self-regulation developed by Brazil's television broadcasters, not to mention other media firms (Brazilian journalism outlets, for instance, engage in significant interventions to oversee the formulation and/or implementation of a variety of public policies).

There are numerous examples of the relevant role media can exercise in promoting citizenship, guaranteeing rights, confronting discrimination, expanding access to culture, strengthening democracy, and monitoring public policies. These examples clearly demonstrate that broadcasters frequently – and voluntarily – go beyond merely fulfilling their "mission."

Recognizing the positive impact the media can exercise on society, however, does not imply accepting the trade-off suggested by some representatives of media firms: in the light of so many virtues, why must the industry be subject to State regulation? Could this not be accomplished through compromise – or an ethics code – determined by the companies themselves?

The risks of self-regulation

The fact that a given company or industry develops and issues a code of ethics is an indication that that particular actor was compelled to reflect on questions involving its activities and to lay out its positions. Codes also establish concrete parameters for the dialogue between citizens and "self-regulated" firms. In the specific case of the broadcasting industry, society is able to assess the programming commitments media companies have assumed of their own volition, *i.e.*, without the need for a compulsory requirement imposed by the State. Citizens (or, if we prefer, television viewers), as well as interest groups, are thereby afforded a clearer view of the ethical bases of corporate activities. This represents a good start point for imposing demands, entering complaints, and more consistently monitoring communications activities.

Nevertheless, there are risks associated with an exclusively self-regulated enterprise. Ethics codes accompanied by major state deregulation can potentially lead the powers that be to surrender their authority – and duties – even when self-regulation fails. The probability of failure, moreover, is not insignificant, for, after all, it is not rare for companies to find themselves in the difficult position of having to choose between their codes of ethics and their more immediate interests.

In the light of this, ANDI shares the views advocated by Danilo A. Leonardi, a researcher for the Programme in Comparative Media Law and Policy at

Oxford University's Centre for Socio-Legal Studies, in his article "State Regulation or Self-Regulation by the Industry?" ("Regulação estatal ou auto-regulação por parte da indústria?"). In the author's opinion, self-regulation is not intrinsically deleterious, provided it is not disassociated from State regulation – that is, it remains embedded in what some specialists refer to as a system of co-regulation. In other words, companies could and should communicate to society the commitments to which they are willing to adhere, as long as two additional parameters are observed:

- They must meet the minimum requirements established by Nation-States.
- If they fail to comply with these requirements, the State should proceed to put in place a "fire alarm" and even, perhaps, a "police patrol" or "fire extinguisher" system (to borrow from the expressions coined by American political scientist Mathew McCubbins).

The role of tv ratings

This is where ratings advisories have a role – that is, they must be understood as a complement to self-regulation. After all, when the State designates a set of programs unsuitable for a large segment of the audience, it is entrusting companies with the responsibility to offer higher quality programming, in a manner consistent with the principles of human rights.

As Maria Rita Kehl puts it in an interview granted for this publication, "what is most important is that, when recommending that children watch alternative programming or that they only view certain content in the company of their parents (as in the case of movies), the State has not resorted to censorship – it is merely forcing programmers to be creative and to offer alternatives. It is much more a case of imposing a responsibility than of proscribing any right."

These observations are particularly valid for contexts such as Brazil's, where companies refuse to adhere to the minimum set of broadcasting parameters they agreed to voluntarily.

In 1993, the Brazilian Association of Radio and Television Broadcasters (Associação Brasileira das Emissoras de Rádio e Televisão – ABERT) submitted a proposal titled *Brazilian Broadcasting Code of Ethics* (*Código de Ética da Radiodifusão Brasileir*a). The document examines a host of significant issues that, if adhered to by companies, would eliminate many of the rights violations that take place today. It is worth noting, in fact, that a number of the proposals for redefining the Brazilian Rating System presented in the second part of this publication are based on Abert's document.

A brief look at the effective application of the code in the day-to-day activities of companies, however, only reinforces the concerns over self-regulatory arrangements outlined above. The principles contained in the code – formulated by the industry's principal representative body – are not always reflected in the activities of media companies. In addition, the code

has never been released to the public in its entirety, not even by the institution that issued it in the first place (*see the full text of the document on page 238*).[6]

Is advertising an example?

In the view of many observers, Brazil has had one relatively successful experience of self-regulation: the system implemented by the Council for Advertising Self-Regulation and Ethics (Conselho de Auto-Regulamentação Publicitária – Conar). In material prepared specifically for this publication, a number of analysts share this view, including Luiz Martins, a professor at the University of Brasilia's School of Communications.

Nevertheless, even this initiative must be viewed with some caution. As Renato Janine states "... the suggestion ... that we transfer Conar's system of self-regulation to television runs up against what we have discussed here, culture and democracy. For this would assume that culture is part of the entertainment industry. Under this view, audiovisual media are seen as a product and, as such, should be regulated by the market. Therein lies the contradiction of this approach, because the problem as stated ... centers on the excesses and ethical violations perpetrated by television, while the proposed solution would establish a system of self-regulation by the same market that profits from the infringement of the very human rights our country enshrines."

In addition, a solution based exclusively on self-regulation for instruments such as the rating system runs counter to the current international trend, marked by criticism of similar arrangements – a good example is the United States. Beyond the problem of noncompliance by media companies, the major areas of concern in the U.S. with this approach are:

- Self-regulation has generated various rating systems (one for each segment of the media), the effect of which has been to confuse families.
- Research studies indicate that, when they are finally able to understand them, American parents tend to disagree with the ratings emanating from self-regulatory approaches.
- Those systems tend to offer inadequate information on content, when the objective is precisely the opposite.

In this context, we invited Regional Federal Prosecutor of the Republic Domingos Sávio Dresch da Silveira to take part in our discussion. In his Master's thesis *Controlling TV Programming: Limits and Possibilities (Controle da programação de televisão: limites e possibilidades)*, he compares the Brazilian State's engagement in this area with that of other democratic States:

> *It is important to note that this controversial issue has been the subject of heated debate in countries defined as first world nations, particularly in Eu-*

[6] *For example, a search on Abert's Internet site of the expression "Brazilian Broadcasting Code of Ethics" revealed that access to the full document is not possible.*

rope and the United States. Those nations have numerous control mechanisms in place to regulate TV programming, administrative, legal, and social. The discussion of the possibility or need for controlling programming, a matter of pressing urgency in our country, has been largely settled in those countries. The need or possibility of imposing controls is no longer at issue. Rather, the debate centers on the most efficient means for exercising that control.

Similarly, researcher Danilo A. Leonardi underscores, in the above cited article, the role of the State in this arena in the most advanced democracies:

In Europe, social communications is not simply left to the whims of supply and demand. European States recognize that they must apply certain regulations to protect citizens. [...] Among the interests they seek to protect, the following bear mention: the need to assure the existence of a plurality of owners, free competition, and the protection of individual rights such as the right to life, privacy, free expression, and intellectual property rights, the production of high quality programming, a diversity of programming and the portrayal of cultural and linguistic minorities, the implementation of safeguards against market abuses, and the establishment of standards on violence, sexual content, and taste, while striving to maximize, to the extent possible, the freedom of choice of consumers by enabling them access to information and ensuring an appropriate level of protection for children and adolescents.

Public concessions, state regulation

To conclude this section of our discussion, it worth recalling that television broadcasters are granted public concessions to use the electromagnetic spectrum – a public asset owned by Nation-States. The technical restrictions on the employment of that spectrum – specifically, the fact that it is finite – limit entry by new actors into the radio and television broadcasting segment. Therefore, only a few entities are granted the right to provide services through the system. In the light of this fact, the implementation of regulations to protect the general interests of the population and the rights of minorities is justified. These principles are enshrined in articles 21, subsection XII, and articles 220, 221, 222, 223, and 224 of the 1988 Constitution.

Political scientist Guilherme Canela advances a similar argument in his article "Television: Onus without Bonus?" ("Televisão: ônus sem bônus?"), published in *Remote Control* (*Remoto Controle*). In his view, it is unconscionable that public concessions which continue to generate hearty dividends for the private sector – and, in most cases, without any corresponding financial compensation to the government – are not subject to rigorous regulatory criteria that reflect the aspirations of society (as set forth in the Federal Constitution).

It is precisely this rationale that underlies the stringent regulatory guidelines adopted in Europe for the industry. Danilo A. Leonardi writes:

Because the majority of broadcasting companies did not exactly pay a market price for the use of the electromagnetic spectrum, European public law understands this as a fair exchange: the State enables access to a scarce public resource, but only in return for the provision of a Public Service (for example, the airing of educational, international, and current event broadcasts, while requiring full compliance with quality standards).

It would be perfectly justified to regulate the Brazilian broadcasting industry by forces other than the market, as occurs in Europe. However, the Brazilian State has progressively abdicated this prerogative. Renato Janine Ribeiro sustains that "with respect to programming content and, more particularly, its commitment to democratic values, government has accomplished little, leaving the decisions concerning the few positive and many doubtful initiatives to the sole discretion of the networks."

And yet, the absence of updated federal legislation to regulate the paramaters provided for in the Constitution (and which are consistent with the standards prevailing in the Western democracies) should not serve as a pretext for us to abandon our search for other avenues to enhance the broadcasting system. In other words, the obstacles encountered in the National Congress with respect to intensifying the discussion and redefining the industry's status should not be allowed to prevent the debate from moving forward on other fronts. This is precisely the case, for example, with the regulation of content, the central object of the ratings advisories.

The consumer as citizen

Media firms have endeavored to convey the idea that as private entities they are subject solely to the laws of the market and accountable only to shareholder interests – driven specifically by profit margins. We have already refuted this argument by pointing out that the media cannot be accountable only to private interests, given that they provide a service over the electromagnetic spectrum through public concessions.

Even if they refuse to accept this premise, companies are accountable to specific regulatory regimes, whether State-run or not. One of these involves consumer protection. Citing this example, media companies maintain that, because television viewers are consumers of audiovisual products, the mission must be to meet the demands of those consumers. Moreover, as citizens, these companies maintain, their interests and rights are automatically protected.

This argument, however, fails to grasp the complexity of the issue. The category of "consum-

er" cannot be equated with that of "citizen." If a majority of consumers are satisfied with a given product, companies can opt to cut the supply of others – thereby ensuring that the demands of the majority are met – and recommend that remaining consumers seek out alternative products. It is worth noting that in this context only minimum quality standards must be observed. In other words, if a company produces a soft drink according to these criteria, the individual may choose between that company's product or its competitor's – either way, the company will have kept its commitment to consumers.

In the case of broadcasters, however, the technical quality of the audiovisual product cannot be the only relevant factor. If considered strictly on the basis of consumer preferences, television viewers would expect broadcasters to concern themselves only with the quality of the visual standards and particular film or television screenplay, among other parameters they might associate with the quality, *stricto sensu, of the* "product" in question. Yet, very often, programming that meets the highest standards of quality does not necessarily fulfill the quest to promote citizenship: a film containing appeals to Nazi ideology may, in theory, satisfy all technical quality criteria and, indeed, draw consumers whose decision to watch the production is based solely on product parameters. The opposite also holds true: productions that may not meet the most stringent criteria of technical quality, but reveal the problems faced in remote areas of Brazil, can serve as valuable references when our interest centers on the citizen, and not just the "consumer".

A final example helps clarify this point further. It is possible that in a media context defined only on the basis of supply and demand, "consumers" would opt to eliminate the free electoral time granted to political parties during campaign seasons. Yet we can state that, for Brazilian citizens, this legal requirement is of critical importance, for the free airtime gives voters access to pertinent information that can better inform the decisions they make in what is the single most important ritual of the democratic experience: elections.

Different rights

Therefore, when we refer to citizens, our concern is with the well-being of all Brazilians and with valuing existing differences. This is an altogether different perspective from that which regards the public merely as consumers, whereby if a majority is satisfied with the products offered on the marketplace there is no need to enhance or provide alternatives to those products.

According to Luiz Martins, professor of communications at the University of Brasilia, the rights of individuals should be respected regardless of their relative position *vis-à-vis* the cultural content to which they are exposed, whether the position they occupy at any given time is that of a citizen, taxpayer, customer, or service user. "Citizens deserve respect in their human, social, political, and economic condition; taxpayers deserve a return on the taxes they invest in the State and society, in the form of social and public policies; customers/consumers deserve special treatment, for in many cases they pay premiums for segmented production processes; and, finally, the users of public services – such as television concessions and authorizations – should view themselves as individuals with valid opinions and demands." Therefore, he maintains, it is essential that channels be established for the public.

Beyond the persuasive arguments summarized above, it is important to recognize that the effective fulfillment of the Consumer Protection Code (Código de Defesa do Consumidor – CDC) by media firms would go a long way toward improving the quality of broadcast content.

In the opinion of Professor Martins, a number of general provisions set out in the CDC and Conar's Code of Advertising Self-Regulation (Código de Auto-Regulamentação Publicitária) could be a-dopted as parameters in a rating system. The CDC, for example, establishes the right of consumers to clarification on what they are consuming and purchasing. This guideline is consistent with the aims of ratings advisories as regards the protection, education, and information contained in the content consumed by children and adolescents. Conar, for its part, stresses that care should be taken to ensure commercials do not deceive, induce, delude, or influence consumers, particularly child audiences. The code also warns of the potential psychological harm, as well as the risks to safety, of advertising.

In addition, Professor Martins underlines that the two codes contain elements that could assist the Ministry of Justice in adopting more proactive actions, specifically actions that define and stimulate relevant and exemplary public service initiatives by the media.

TV Rating System
and the freedom of expression

» 3

Some concepts have multiple meanings – particularly when applied to their specific contexts. Many of the expressions employed in the debate on the democratic regulation of media broadcast content fall under this category. This is precisely the case with the frequent employment of such terms as "freedom of expression" and "censorship" in the discussions on the formulation of public communications policies. Often, these concepts, of such great import to Western democracies, are used indiscriminately, as a means to stifle debate before it can even get underway. Therefore, it is necessary to examine the issue of free expression and censorship, so as to enable a clearer delineation of the central points underlying the current discussion.

Two decades of military rule had the effect of casting particularly negative connotations on certain ideas, given the restrictions on rights and freedoms at the time. So much so, in fact, that although many authors today offer compelling arguments on the pertinence and legitimacy of implementing various "controls" over television programming, their positions are invariably greeted as arbitrary, authoritarian, in short, as an attempt at censorship.

This confusion, we should note, is prevalent even though philologists such as Antonio Houaiss define the word "control" as a synonym for "regulation" – which is why we refer to "social controls," "constitutional controls," "democratic controls." Yet, in modern-day Brazil the word "regulation" – associated with the establishment of rules, laws, and institutional regimes that, when constituted within the cradle of a democratic system, cannot be regarded as authoritarian – is frequently interpreted as censorship. The use of terms such as democratic regulation or regulation consistent with the principles of the Democratic State Based on the Rule of Law are therefore just some of the pleonasms (or tautological redundancies) adopted to make it clear

that the objective of a particular regulatory policy is not to censor the media.

There is undoubtedly a political-ideological component to the concept. Censorship of television programming is an exclusive practice of exceptional regimes that aim to prevent the free circulation of content which could potentially threaten the dominant group. Authoritarian regimes do not impose censorship to protect or promote the human rights of any inidividual or group: rather, censorship is introduced to protect the very actors who implement it in the first place.

Yet the regulation of content that might infringe on the rights of children, adolescents, women, religious groups, disadvantaged socioeconomic classes, persons with special needs, among other political minorities, does not meet this definition of "censorship."

Does regulating the type and quantity of violent content broadcast during times reserved for children's programming contravene the party political interests of the particular group that currently heads or may in the future head the Ministry of Justice? If the answer to this question is affirmative, then we can refer to it as censorship. Otherwise, we are confronted with a case of conceptual obfuscation – intentional or not, malintentioned or not.

Recent government and legal decisions in Brazil raised alarm bells – when they were not classified as outright acts of censorship – about looming threats to the freedom of expression and, by extension, of the press.

Cases of varying scope and origin were, with differing degrees of consensus, condemned on the same grounds: that they would contribute to restricting the freedom of expression and of the press. Some of these cases included: efforts to expel a foreign journalist for publishing an unflattering article on the president of the republic; positions and guidelines issued from different levels of the federal government relative to the press; the proposed establishment of a Federal Council on Journalism (Conselho Federal de Jornalismo); the effort to create the Audiovisual Regulatory Agency (Agência Reguladora do Audiovisual); court-ordered restrictions on press information discrediting citizens; the murder of several journalists; and the decision to restructure the rating model.

If we analyze each of these cases, however, it is evident that repeated appeals to a single argument – the right of free expression and of the press – to indict all of these actions can only be rooted in ignorance, or in the distorted invocation of these rights.

In the following pages we intend to briefly discuss the importance of these rights to the Western notion of democracy. In addition, we endeavor to clarify how the current Brazilian communications system could be harmful (or not) to the principle of free expression. Finally, we present a discussion on the regulation of the communications industry centered around the idea of free expression.

Origins of the freedom of speech

It is unequivocably the case that, from the time of the first democratic experiments, the right of the individual to express himself freely constituted one of the essential elements in the consolidation of a system that stood in sharp contrast to autocracies and oligarchies. One of the crucial principles of direct Athenian democracy was the right of citizens to be heard from the Areopagus. The study of *doxa* (opinion) was dear to the Greek philosophers.

Moreover, numerous efforts at political organization following the Greek democratic experience were to some degree anchored in the right to inform and be informed. The darkness of the Middle Ages – which according to several historians was not in fact all that dark – and the bright light of the Renaissance are closely associated with the restriction and expansion, respectively, of publicly available information.

Even after democracy – direct or nonrepresentative – ceased to be a viable political option (given that its very nature, up to then exclusively direct, confronted an insoluble problem of scale), the right of free expression – or its restriction – remained a concern of Nation-States.

Indeed, free expression had already been affirmed as an individual right. In his celebrated work of 1644, *Aeropagitica*, the English parliamentarian John Milton passionately defended the right of free expression in response to the monarchy's efforts to reestablish censorship over certain types of published material. To Milton, the right of free expression preceded all others.

The English philosopher John Stuart Mill, in his treatise on liberty, asserted that the freedom of expression was so fundamental as to require no further discussion. Thus, the birth of the liberal State – although not necessarily democratic – was intimately bound to the capacity for ensuring civil rights (to use English sociologist T.H. Marshall's typology), most notably among them the right of free expression.

The importance of the freedom of expression and of the press

The development of electoral systems paved the way for settling the problem of scale in direct democracy. Liberal States gradually began to adopt democratic systems. In this context, the freedom of expression was viewed as fundamental in consolidating electoral (or indirect, or delegative) democracy.

The freedom of expression serves many functions in ensuring more robust indirect democracy. First, it enables the voter access to important information regarding the decisions about who should occupy publicly elected office. In other words, the freedom of expression is critical for channeling political differences to the electorate through the media.

Second, it enshrines the principle of the press as part of the democratic process's intrinsic system of checks and balances – as advocated most forcefully by the America's Democracy Founding Fathers. Under this view, elected officials could not be held effectively accountable in the absence of the freedom of expression or of a free press. Simply put, a free press contributes toward preventing a bad government from becoming even worse. This is what we refer to as the social control of government by the press.

A third aspect centers on the notion that establishing a public forum for dialogue (as German philosopher Jürgen Habermas points out) – a central component for enhancing democracy – is only possible in the context of free expression and of a free press. According to this perspective, democracies become more consolidated the more frequent, substantive, and pluralistic the debates on issues of public interest are.

This leads to a fourth, and equally significant, point: the media are a central cog in setting the public agenda. In many cases, "appearing in the press" is the difference between being a player or a spectator in a particular public policy debate.

It is not surprising, therefore, that even the most austere definitions of democracy advocate the right of free expression. For example, economists Joseph Schumpeter and Anthony Downs and political scientist Robert Dahl, often associated with more procedural or minimalist views of democracy, stress the importance of the freedom of expression.

The freedom of expression in rigths systems

For the reasons described above, the freedom of expression, whether as a direct inalienable individual right or as an important safeguard of democracy as an institution, has been defended and assured in international treaties, the decisions of international courts, and national constitutions.

The Inter-American Court on Human Rights, for example, offers a trenchant view on the importance of the freedom of expression for democracy:

> *Freedom of expression is a cornerstone upon which the very existence of a democratic society rests. It is indispensable for the formation of public opinion... [and for] the community, when exercising its options, to be sufficiently informed.*

The report of the Rapporteur for the Freedom of Expression (2002) of the Organization of American States (OAS) goes even further, directly relating the freedom of expression to the protection of human rights and the fight against corruption.

But perhaps the most well known and broadest defense of the freedom of expression is found in the First Amendment to the United States Constitution:

> *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of expression, or*

of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The Brazilian Constitution of 1988, in its article 5, subsection IX, states that:

The expression of intellectual, artistic, scientific and communications activities is free, without any censorship or licence;

Among the principal internationl gurarantees of this right is the 1948 Universal Declaration of Human Rights, which states in its article 19 that:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Similarly, the American Convention on Human Rigths gives special attention to the freedom of expression in its article 13:

Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

The perspective of the press

One of the most significant by-products of this broad defense of the freedom of expression is the guarantee of the freedom of the press. Indeed, the Chapultepec Declaration, drafted in 1994 in Mexico, and signed in 1996 by then President Fernando Henrique Cardoso, not only defines the freedom of expression as the mother of all freedoms, as Milton and Mill do, but makes that freedom contingent on the freedom of the press:

Without freedom there can be no true order, stability and justice. And without freedom of expression there can be no freedom. Freedom of expression and the seeking, dissemination and collection of information can be exercised only if freedom of the press exists.

Brazil signed, co-wrote, and on repeated occasions, promoted the drafting of these various declarations, and at two major meetings held in the Western Hemisphere – in Santiago and in Quebec – reaffirmed, with the other countries present, its defense of the freedom of expression. The Santiago declaration (1998) reads:

We agree that a free press plays a fundamental role in this area and we reaffirm the importance of guaranteeing freedom of expression, information, and opinion. We commend the recent appointment of a Special Rapporteur for Freedom of Expression, within the framework of the Organization of American States.

There appear to be no doubts, therefore, about the consolidation of a national and international framework that is broadly supportive of the freedom of expression and of the press.

The Brazilian State and the freedom of expression

Unfortunately, the freedom of expression in Brazil has been the target of periodic as well as anecdotal attack. Structural and institutional problems in the country represent a serious threat to this right. These obstacles must be fully debated by Brazilian society, or the freedom of expression will remain weak, far from the ideal envisioned in the normative instruments presented above.

It is worth noting that in the past the freedom of expression was not a central issue on the global agenda. Evidence of this can be found in the surveys conducted over the decades by the American-based nongovernmental organization Freedom House on the status of freedoms in different countries around the world. The institution releases an annual ranking of the freest and least free countries on earth. In conjunction with the general ranking, the NGO also publishes an annual index of press freedom.

As we will see in *Chapter 5*, Brazil continues to occupy an unfavorable position, with regard to its degree of press freedom, when compared to the leading Western democracies. In the 2006 ranking, which actually reflects the situation in 2005, Brazil occupies the 85th position, placing it among those countries classified as "partially free" in this category.

What can explain this result? A number of factors. However, we concentrate only on those deemed most important for the purposes of this document, many of which were discussed earlier in these pages.

The concentration of ownership

The problem of scale in direct Athenian democracy – it is not possible for everyone to speak on the Aereopagus – was, in large measure, resolved with the advent of communications mediums: today a message can reach billions of people simultaneously. In contrast, however, to the face-to-face communication of ancient Greece, the message now must pass through an intermediary, the media.

This intermediary becomes an important filter between the message and its recipients, thus enabling the media to exercise significant control over the messages that are imparted. The media represent what is conventionally termed a gatekeeper. This power to decide on what is or is not broadcast is not simply associated to political and/or ideological parameters.

The technical characteristics of the media themselves – such as the format and language – restrict the number of actors with the capacity to influence decisions regarding broadcast content.

Specifically, a person who is unfamiliar with the paraphernalia of television will have a harder time disseminating his or her message than someone with command of the medium.

Yet, it is undeniable that an environment marked by heavy concentration fuels the potential for the exercise of disproportionate control. The well documented concentration (horizontal, vertical, and across industries) of ownership in the Brazilian media industry constricts the freedom of expression. Many experts have concluded that, as concentration increases, progressively fewer groups are given a voice in the media. The gate through which the message is imparted narrows as the power of its keepers to determine what information to pass on to recipients grows: in short, it is the gatekeepers that decide who will exercise the freedom of expression – and who will not.

Relationship between politicians and the media

The equally well documented ownership of media by politicians of local, regional, and national reach – or their families and others closely associated to them – can be a major obstacle to the freedom of expression, given the consequent conflicts of interest generated in editorial board rooms.

Government advertising

The high volume of financial resources derived from federal, state, and municipal government advertising, as well as the disproportionate reliance of many media outlets on these financial resources for their survival, can also represent a barrier to press freedom.

In a joint statement, the UN's special rapporteur on the Freedom of Opinion and Expression, the OSCE's representative on Freedom of the Press, and the OAS's special rapporteur on the Freedom of Expression stated:[1]

Commercialization and Freedom of Expression :

§ Governments and public bodies should never abuse their custody over public finances to try to influence the content of media reporting; the placement of public advertising should be based on market considerations.

§ Media owners have a responsibility to respect the right to freedom of expression and, in particular, editorial independence.

Flaws in the legislation

As we saw above, Brazil's Press Law (Lei de Imprensa) dates back to 1967. In other words, it was enacted during the military regime. The Telecommunications Code (Código de Telecomunicações) was passed into law in 1962. Clearly, then, both instruments are outdated relative to the provisions enshrined in the 1988 Constitution and to more recent discussions regarding the media, particulary the freedom of expression.

[1] *The full text of the declaration is attached to the OAS's 2002 Report on the status of the freedom of expression.*

This outmoded – and in the case of the Press Law partially unconstitutional – legislation has left the country in a sort of regulatory limbo. And there are grave consequences to this situation, for the absence of regulation leads to the perception that anything goes.

To prevent a "free for all," the Ministry of Justice and the judiciary have taken on the mission of enforcing, identifying, and punishing media abuses. Yet, because of the failure of lawmakers to introduce and consider the legal instruments, the two institutions required to carry out the necessary actions, the Public Prosecution Service and the judiciary, are frequently accused of going beyond their mandated limits. These limits, we should note, need to be set out and established in the pertinent legislation.

Freedom of expression and regulation

It is now clear that a "market failure" exists with respect to the guarantee of the freedom of expression. With the emergence of the mass communications media, the exercise of this right has become highly unequal. Resolving this question is a central task of any regulatory system. Therefore, in various parts of the world, the solution has been based on measures geared toward:

- Assuring a plurality of voices in the media, beginning with a guarantee of unconcentrated ownership of the private media and the empowerment of public communications mediums.
- Defining how the right of freedom of expression relates to other rights (for example, can a television network in the name of the freedom of expression advocate an anti-Semitic position and conduct itself in a manifestly anti-Semitic manner?). Preferably, limits on the right of expression should be defined by the high courts, as occurs in various countries.

With respect to the Brazilian case and the freedom of individuals to express themselves through the media, we encounter an underlying "market failure." In other words, because not all social groups are ensured the right to broadcast content that is of particular interest to them, it is imperative that regulatory models capable of correcting this inherently distorted characteristic of the current broadcasting system are implanted. Below, we examine to what degree the guidelines described above have been followed.

Guaranteeing a plurality of voices

As we argued at the beginning of this chapter, the control over content appears to have become the Achilles heel of the regulatory debate in Brazil. Various actors – particularly those with ties to media firms – resort to the specter of censorship at the slightest indication of renewed discussion on

media regulation. Invariably, they invoke article 5, subsection IX, of the 1988 Federal Constitution, which establishes that nothing may affect the freedom of expression, as an unassailable defense of their position.

Indeed, the 20-year authoritarian military regime that swept away the freedom of expression, opinion, and information lives on in the hearts and minds of many opinion makers and decision makers. However, this memory should not serve as a pretext to quash discussion on the need for new regulatory instruments before that discussion even gets under way.

First, we must distinguish between two apparently similar concepts: the individual freedom of expression and the freedom of expression exercised through the mass media.

Clearly, anyone on the street can express his or her views without fear of going to jail. Opposition groups in society can even disseminate their ideas through Internet sites. Yet the freedom of expression is intrinsically connected to the scope of that expression. Exercising the freedom of expression at 8:00 p.m. on national television is very different than exercising the freedom of expression from a park bench.

As noted earlier in this discussion, the voices that are present in the media today, especially broadcast television, must obtain authorization from the gatekeepers – *the* actors control what is and what is not broadcast. This control, in turn, is either the product of technical questions (it is not possible to give airtime to the full range of interests in a society and not all of the representatives of those interests are prepared for media airtime); regulatory failures (media concentration limits the number of players, resulting in fewer opportunities for a healthy presentation of contrasting views); or political party choices (media owned by politician X are not likely to provide politician Y with the opportunity to express himself).

Data collected by ANDI on press coverage of the Brazilian social agenda, for example, found that, in general, the percentage of divergent opinions in the news reports analyzed did not exceed 5%. Similarly, the recent debates on the Federal Council on Journalism (Conselho Federal de Jornalismo) or the National Film Agency (Agência Nacional do Cinema – Ancinav) were quickly deconstructed by various media, with very little opportunity given to dissenting voices. All of this depite the fact that a basic principle of good journalism involves championing a diversity of viewpoints.

In short, if we consider the plurality of interests in a country such as Brazil, we find that few voices are actually presented in the broadcast media. On this point, it is worth concluding this section with the observation of political scientist Fátima Lam-

preia Carvalho of the Federal Fluminense University in her article "Continuity and Innovation: Conservatism and Communications Policy in Brazil" ("Continuidade e Inovação: conservadorismo e política da comunicação no Brasil"):

> *Since the 1960s, a virtual communications monopoly has performed the mediating function between government and the people and played a central role in developing a national integration project that simultaneously excludes popular protest and opposition. Today, the media are made up of two opposing forces, innovation and conservation, which perpetuate tensions in the political system. If, on the one hand, they serve to expand social demands, including the legitimation of competitive party politics, on the other, they constrain heterogeneous political and social movements.*

A freedom for the few

The current environment is particularly dire in the radio and television industry. Various authors share this view. In his Master's thesis *Television in Brazil: The 1988 Federal Constitution and the Control over Television Programming* (*Televisão no Brasil: a Constituição Federal de 1988 e o controle da programação televisiva)*, André de Godoy Fernandes recalls Fábio Konder Comparato, arguing: "Only radio and television station concessionaires enjoy the full freedom to express their thoughts and opinions through them [the media]; the remaining members of the collective do not."

This naturally raises a question: is this circumscription of the right of free expression not a far more aggressive form of "censorship" than the democratic regulation of content?

After all, we can state, as discussed above, that the freedom of expression in Brazil today roughly translates into the freedom of media firms. In other words, the only actors in Brazilian society that are not blocked from defending their interests in primetime are the owners of broadcasting companies and media firms.

But if one of the objectives of exercising control over the media is to guarantee that its primary function – advancing the democratic system – is carried out in the most effective manner possible, the regulation of those outlets can and should, in point of fact, include instruments that ensure a plurality of voices in the media and, by extension, broader freedom of expression.

As philosopher Renato Janine Ribeiro maintains in his above cited article "The Absentee Government: TV in the Hands of the Market" ("O poder público ausente: a TV nas mãos do mercado"), the idea is not to reduce or inhibit freedom. Instead, the idea is to recognize that the freedom of expression is exercised by a minority of social actors, essentially due to their economic position, and that, as such, it has become a tool

through which this small segment exercises control over mass audiences.

By contrast, a system of democratic controls over broadcasting would offer, for example, mechanisms to safeguard the rights of political minorities (including children and adolescents) and promote free expression by the largest number of voices possible. Such a regulatory framework would lead to effective action by the State (regulations, sanctions, institutional instruments), until such time as institutionalized groups could be formed to work with media outlets on advocacy initiatives.

Distorting history

If the association made between regulation and censorship is understandable in the light of Brazil's authoritarian past, the same conceptual confusion seems to us unwarranted when examining the TV Rating System.

Age-based and content-based ratings, especially for television, cannot be defined as censorship. Furthermore, the elements that characterize an act of censorship are not present in the ratings process. With this in mind, it is worth restating some of the points made earlier in this publication:

- The current ratings regulation allows the State to assign ratings advisories regarding the age groups for which particular programming is not recommended and the specific program content.
- Following this initial assessment, recommendations are made on the times programming deemed suitable for the respective age groups should air.
- Under no circumstances can the State block a given program from being broadcast; rather, its role is to establish the appropriate broadcasting time – on the basis of specific criteria – for a particular program.
- The government may not edit specific content from audiovisual works for purposes of adjusting them to certain ratings critera.

The TV Rating System, therefore, should be introduced in the context of this alternative regulatory framework to counterbalance what Laurindo Leal Filho calls the "unilateral freedom" of broadcasters. "Those who hold the power have the freedom, and it is society that pays." He concludes, "Ratings advisories are one possible form of regulation through which those who enjoy no power could be ensured some degree of freedom."

Promoting alternatives

The right of response, if well regulated, can be an important tool for enhancing the freedom of expression. The OAS report cited above defines the issue as follows:

> *In accordance with article 14 of the American Convention, "Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish." This rights is connected to the right of freedom of expression and represents a resource for repairing the damage caused by a person in the exercise of the right of freedom of expression, without unduly intervening on the exercise of that right.*

There are two primary instruments that could contribute to enhancing the State's institutional structures as regards media outlets: the Public Television System and the right to free broadcasting time.

Officially prescribed in the 1988 Constitution, the Public Television System is designed to serve as an important counterweight to both the State and the private sector. Alternative communications proposals, such as community radio, have emerged as potentially viable avenues for the development of a public system. Yet the fact is that Brazil remains a long way from instituting a working public communications system (specifically, one not operated by the State or the private sector) that could truly be considered an alternative national information and entertainment source.

Similarly, the purpose of the right to free broadcasting time is to expand the plurality of voices with access to media outlets. The right to free broadcasting time, a firmly established practice in countries such as Portugal and Italy, serves as a kind of "free political programming" for the broad array of social interests. During the "free political programming" hour, political parties convey their messages without interference from broadcasters, who are required, in turn, to air the material in unedited form. The right to free broadcasting time is similar: at specific times determined by the regulatory authorities, content produced for organized groups of society is transmitted without interference from broadcasters.

An issue of public interest

It is important to be very clear about what we are advocating. The underlying idea is that the various regulatory frameworks governing media outlets should

not circumscribe the right of free expression, indeed, quite the contrary: they should expand that right. However, the expansion of that right can affect the status quo of media firms and, by extension, the power of media owners.

Until such time as the system is redefined, however, we must inquire as to the legitimacy of the virtual right of "free expression" that Brazilian society enjoys at present. Indeed, the current arrangement raises some questions. Why should we abide programming that does not comply with the ethical parameters established in the Federal Constitution? Why, in the name of the supposed freedom of expression, should society accept such egregious disregard for human rights? Why should the right of free expression supersede the rights of young people and women?

Finally, we should also make clear in this discussion that the possibility of malfeasance by some elected officials cannot be invoked as a pretext for the absence of industry regulation. Every regulatory system is susceptible to failures by those charged with managing the system, the regulators. Therefore, it is not beyond the realm of possibility, for example, that in implementing the ratings advisories excesses may be committed. However, quite apart from invalidating a proposed public policy aimed at regulating the industry, the potential for abuse should serve as a warning that the process must be carried forward in as transparent a manner as possible. To this end, the development of structures to control State activity is perfectly legitimate.

Freedom of expression *versus* other rights

The relationship between the freedom of expression and other rights is particularly pertinent in the light of the international experience. In Brazil, the invocation by some industry representatives of article 5, subsection IV, and article 220 of the Federal Constitution – which guarantee the freedom of expression – paves the way for the interpretation that this right casts a long shadow over all others enumerated in the constitutional text. The regulatory agencies of some countries, however, have stressed that the protection of other rights (beyond the freedom of expression) must be weighed when media outlets are at the center of this raging debate.

A passage from the New Code of Conduct for Broadcasters instituted by South Africa's independent regulatory body, and cited by Margaret Gallagher in her article "Women, Media and Democratic Society: in Pursuit of Rights and Freedoms," seems especially appropriate in this context:

> *The outcome of disputes turning on the guarantee of freedom of expression will depend upon the value the courts are prepared to place on that freedom and the extent to which they will be inclined to subordinate other rights and interests to free expression. Rights of free expression will have to be weighed up against*

many other rights, including the right of equality, dignity, privacy, political campaigning, fair trial, economic activity, workplace democracy, property and most significantly the rights of children and women (ICASA, New Code of Conduct for Broadcasters, para. 7, emphasis added; see www.icasa.org.za).

Given this minefield of rights, then, it is important we work with approaches that encourage reflection on the potential conflicts among human rights, freedoms, and responsibilities, and recognize that 'rights' rest on a different legal foundation than 'freedoms'.

Blandine Kriegel, author of the French Ministry of Culture's report on the relationship between children and television content, addresses these conflicts in the European context: "In the case of a conflict of interest between the principle of freedom of expression and the principle of protection of children, the rights of children should prevail, in accordance with the European legislation in effect."

In their work *Television Programming for Children and Adolescents: Limits and Possibilities for Control (Programação Televisiva para Crianças e Adolescentes: Limites e Possibilidades de Controle)*, attorneys Anderson de Oliveira Alarcon and Humberto Quirino advance a similar argument:

The central idea of this book is: control does not always mean censorship. To the contrary, the absence of control over television programming for children and adolescents can represent a threat to the stability of the democratic state based on the rule of law by elevating the right of television broadcasters to provide public services through a concession to the category of an absolute right – which does not figure in our juridical framework – to the detriment of the right of children and adolescents to TV programming that conforms to the legal principles and guidelines in effect.

The logic of an absolute right also runs into trouble when we consider the issue from another perspective – namely, that broadcasters operate through public concessions. An example is the decision handed down in Direct Action of Unconstitutionality 2566-0 (Ação Direta de Inconstitucionalidade 2566-0), in which the Solicitor General of the Union evokes the teachings of Professor Maria Sylvia Zanella Di Pietro to argue:

Similarly, in the case of telecommunications or broadcasting services, which the party exercises through a concession granted by the Government, this "absolute freedom" cited by the petitioner [in the case] does not exist, insofar as, in addressing the question, the Constitution (in article 21, subsections XI and XII), establishes that the manner in which those services are to be provided is set out "under the terms of the law." The concession, it is important to note, constitutes an administrative contract through which a particular (concessionaire) executes the service, in such concessionaire's name and at such concessionaire's own risk, while being subject to Government oversight and control.

The National Congress

The issue has also been the focus of Congressional debate in Brazil, although this has not yet led to the formulation of a specific policy. In the discussion on proposed bill PL 324/04 – which considered, among other issues, the TV Rating System – Alagoas Senator Heloísa Helena, of the PSOL, admonished, "The freedom of expression is not a broad, general, and unlimited concept by which prejudice against the poor, homosexuals, and Afro-Brazilians may be disseminated."

In fact, the National Constitutional Assembly had already addressed this very issue. On one side were a number of delegates, among them Florestan Fernandes, who opposed the establishment of ratings advisories on the grounds that they could trigger a return to the practice of State censorship. However, another group, headed by such luminaries as Arthur da Távola, Sandra Cavalcanti, and José Fogaça, rejected this premise, reaffirming the importance of assigning ratings to – but not prohibiting – potential inadequacies (unsuitable material) in programming content.

In the opinion of Sirlene Reis, executive director of the NGO Midiativa, the apprehension with respect to censorship is "natural." As she argues, "After everything the country has gone through, the right of free expression must indeed be valued." She adds, however, that this right cannot be disassociated from other fundamental rights. "It's a two-way street. Outlets do not simply have the right of free expression. They have obligations deriving from the rights of citizens." Among the rights to which she alludes are those related to education and culture.

The STF's position

The Brazilian Federal Supreme Court (STF) seems to have followed contradictory paths on the issue: at times, the Court has found the freedom of expression to be an absolute right, while in certain cases, it has appeared to give precedence to other rights. This inconsistency emanates from clear differences of interpretation among the justices on the High Court.

However, in successive rulings – among them the decision handed down in *Habeas Corpus* 82424/RS, which addressed the practice of racism perpetrated by a book publisher in Rio Grande do Sul – the Federal Supreme Court found that absolute rights do not exist, particularly with respect to the freedom of expression.

It is worth citing a passage from Minister Celso de Mello's opinion on this matter:

> *The issue is that publications such as the one cited in this petition – that cross the boundaries of scientific query and historical research, and resort to a base level of insult, offense, and, above all, incitement to public intolerance and hatred for Jews, do not warrant the dignity of constitutional protection assured in the freedom of expression of thought, which cannot include, within its legitimate scope, criminally punishable expression.*

Minister Gilmar Mendes takes the argument a step further. Although he recognizes the vital importance of the right of free expression and, above all, the free-

dom of the press, the minister shares in the view developed by Kevin Boyle, an expert in human rights and professor of law at the University of Essex in England. Professor Boyle argues that when the right of free expression and the right of non-discrimination clash, the latter should be given precedence:

> *The answer lies in the fact that we face a conflict between two rights in a democratic society – the freedom of expression and the right of non-discrimination. The freedom of expression, including the freedom of the press, is essential for any democracy. If democracy is defined as popular control of government, if the people cannot express their point of view freely, that control is not possible. It would not be a democratic society. At the same time, the central element of democracy is the value placed on political equality. "Everyone counts as one and no more than one," as Jeremy Bentham puts it. Political equality, consequently, is also necessary for a society to be democratic. A society that strives for democracy must protect both the freedom of expression and the right of non-discrimination. To achieve political equality, it is necessary that we prohibit discrimination or exclusion of any kind that would deny some the exercise of their rights. This includes the right of political participation.*

In the view of Minister of the Federal Supreme Court Eros Grau, the Constitution cannot be analyzed in sections, as if to choose those that best meet our particular interests. Therefore, in cases involving conflict between the right of free expression and others (such as those of children and adolescents and other political minorities), the latter must be given very careful consideration.

The letter of the law

For purposes of this debate, the following articles of the Constitution are of particular interest:

> *Art. 3 The fundamental objectives of the Federative Republic of Brazil are:*
>
> *I - to build a free, just and solidary society;*
>
> *II - to guarantee national development;*
>
> *III - to eradicate poverty and marginal living conditions and to reduce social and regional inequalities;*
>
> *IV - to promote the well being of all, without prejudice as to origin, race, sex, color, age, and any other forms of discrimination.*
>
> *Art. 227 It is the duty of the family, of society, and of the State to ensure children and adolescents, with absolute priority, the right to life, health, food, education, leisure, professional training, culture, dignity, respect, freedom, and family and community life, in addition to safeguarding them against all forms of negligence, discrimination, exploitation, violence, cruelty, and oppression.*

Article 3 establishes the fundamental objectives of the Federative Republic of Brazil – which all persons on Brazilian soil, it is presumed, should be engaged in pursuing. Media outlets have not been granted a safe-conduct from this call to action.

In article 227, the delegates to the constitutional assembly enunciated, in terms clearer than set out in any other constitutional provision, that the rights of chil-

dren and adolescents must be observed, with absolute priority, by all of society – media firms most certainly included. We can infer, therefore, that although there are no absolute rights, there are priorities.

In conclusion, evoking the classical notions about the freedom of expression requires that we contextualize their related system of principles (or that of the first amendment to the American Constitution) to the communications system that has been in place since the beginning of this century, as English professor John Keane aptly notes in his seminal work *The Media and Democracy*. Otherwise, the conversation will be about a right which is applicable to a nonexistent reality.

The reasons for a TV Rating System

In analyzing the ratings advisories, we start from the presumption that the freedom of expression is today a consolidated principle in Western democracies (including Brazil) and that the mere invocation of that right is self-explanatory. However, many of the arguments laid out in the preceding pages indicate that the issue of freedom of expression is more complex than is generally believed:

- The freedom of expression in Brazil is not as firmly rooted as we would like.
- Censorship is not the only method for circumscribing the freedom of expression. In an environment marked by a monopoly of communications media, for example, although the "owners" and journalists of those media are authorized to publish and broadcast free of State-imposed restrictions, the freedom of expression remains, nonetheless, severely limited.
- The freedom of expression does not imply an absence of regulation of that freedom.
- The freedom of expression has not been guaranteed equally to all persons.
- The ideal freedom of expression consists of the necessary and sufficient condition through which different social groups can express the conflicting political viewpoints inherent to a democratic society.
- True freedom of expression cannot be considered in isolation from human rights or as a superior ideal.

It is important to bear in mind that the discussion on the freedom of expression cannot be construed as an either/or proposition: either there is freedom or there is censorship. In addition to faulty, this type of logic employs arguments that set back efforts to promote a more technical and impartial discussion.

In this chapter, we sought to show that the freedom of expression can be ensured through the democratic regulation of the mass media. More important still, we argued that it is not enough to merely declare that the freedom of expression is not an absolute right. Rather, the regulatory authority must be endowed with the necessary legal mechanisms to make decisions in cases in which this right (the right of free expression) clashes with other rights.

The relationship between the child, the adolescent, and the media

» 4

Brazilian law mandates that the Ministry of Justice assign ratings advisories to audiovisual products. Therefore, there is no need to ponder whether the State should or should not direct the ratings process for television programming. Rather, the central question we must consider is: what kind of rating system should be implemented? To answer this question, we must first analyze the ingredients which help frame our response to another pivotal query: what are the objectives of the rating system? In the preceding pages, we set out some of the relevant aspects of this discussion, yet more precise parameters are required to achieve our broader objective.

The first element in developing these paramters involves the target audience of the ratings advisories. To whom are the ratings directed? Why are ratings established for that particular group? Two possible anwers come to mind, beyond the practical need to establish "ratings because the Constitution requires us to do so."

The first answer rests on the recognition that ratings advisories aim to expand the power of choice of families. Viewed from this vantage, the information on content and/or age provided by the State enables parents to decide what programs their children should or should not watch.

The second answer involves defining children and adolescents as a target audience. In this case, the objective consists in stimulating them to have contact with programming that is suitable to their age group and, at the same time, discouraging them from watching content which does not fall within the broad set of subjects, images, and discussions deemed suitable for them. Put another way, ratings advisories can help identify the television programming content with which children and adolescents should interact.

These two points are not contradictory, but rather complementary. However, they require the development of distinct parameters for the rating system. To this end, it is crucial that the differences between the necessary technical and institutional structures are clearly defined when prioritizing a specific target audience.

The development of these criteria, at least as regards the effort to foster a dialogue with families, rests on the proposals submitted to the Ministry of Justice – and presented in *Chapter 1* and in *Part Two* of this document – aimed at enhancing the interaction with society.

In this chapter, we turn our attention to the second aspect of the debate: using as our guide the literature published in the field, we set out the potential effects of the interaction of television and child and adolescent viewers. In addition, where appropriate, we put forward recommendations on how the rating system could contribute to mitigate some of those effects. The issues examined here are also central components of *Part Two* of this document and of the proposed rating system.

Childhood as a social construct

Childhood and adolescence, many historians and thinkers teach us, are not natural "stages" of human life – the immediate consequence of the biological factors that define us as individuals. To the contrary. According to American author Neil Postman in his book *The Disappearance of Childhood*, the concept of "childhood" and acceptance of the peculiar aspects that distinguish it from adult life did not gain currency until the Renaissance. For its part, adolescence emerged as a specific social group only in the 20th century, just as, and perhaps not altogether coincidentally, the consolidation of the electronic media began to take shape.

As one of the leading Brazilian experts on the relationship between the media and children and adolescents, Elza Pacheco, professor at the University of São Paulo's School of Communications and the Arts, puts it in her article "Childhood, Daily Life, and Imagination in the Third Millennium: From Children's Games to Digital Entertainment" ("Infância, Cotidiano e Imaginário no Terceiro Milênio: dos Folguedos Infantis à Diversão Digitalizada"):

> *... to know and imagine the child not just from the perspective of evolution and age. To know the child is to imagine the child as a social being, historically determined. To know the child is to imagine him interacting dynamically, influencing and being influenced. To know the child is to imagine him as a relational being within the family, society, and the community. It is to know the child in the home, in school, in church, in the street, in his social groups, in the "pick up" game, in short, in all of the child's activities.*
>
> *If the child were viewed through all of these prisms, adults would no longer ask "what do you want to be when you grow up?" Rather, they would recognize the child as an historical being that produces cul-*

ture, that thinks, that hears the signing of birds, the roar of cars and airplanes, the buzzing of insects, the rustling of leaves, the color and scent of flowers. But other things as well: pain, hunger, pollution, violence, injustice. The child feels and suffers ...

These observations have an enormous impact on the formulation of public policies aimed at the youngest segments of society. If it is true that childhood and adolescence are social constructs – that is, they did not always exist, and, when they did, they were not always defined in the same manner – it also holds that policies directed to those segments of the population must be closely related to the specific factors each society historically identified as the underlying elements of childhood and adolescence. These elements are as, or more, important than the biological factors that influence the physical development of children and adolescents.

As a result, child labor, a broadly accepted practice in Industrial Revolution England, is today vigorously repudiated by that same country. From a biological standpoint, 10-year-old boys and girls in the 18th century were not much different from boys and girls of that age today. Rather, it is societies – and, by extension, the legal, moral, and ethical frameworks that govern them – which have undegone dramatic changes

Childhood in the modern world

In formulating a public policy – such as the TV Rating System – it is undoubtedly important to look at the unique biological and psychic characteristics of children and adolescents. Yet, of greater significance is to understand the social and political – in the best sense of the word – interpretations society forms of those characteristics. Consequently, throughout this document we have made frequent reference to the principles laid out in two legal texts: the Convention on the Rights of the Child and the Child and Adolescent Statute.

The first sets out the commitments on children and adolescents agreed to by the international community. The Convention includes references from all corners of the globe on the political and legal definition of childhood and adolescence. The Child and Adolescent Statute, in many respects an offshoot of the international convention, contains unique elements that reflect Brazilian society's particular understanding of childhood and adolescence.

Although the definitions of children and adolescents contained in the two legal frameworks derive from the Renaissance period, the general concept of childhood and adolescence they set forth is unique to the present historical context. From the contemporary perspective, these groups are seen as an absolute priority of the State, the family, society, deserving of special protection by virtue of their condition as developing individuals. They must be recognized, above all, as individuals with their own set of rights – that is, as individuals

capable of exercising citizenship, without neglecting their unique development status.

As such, vertical State and family tutelage must be replaced by mutual cooperation, with the effective participation of child and adolescent populations. This approach, moreover, produces a wholly different perspective for the various socializing instruments that influence the lives of children and adolescents, including education and television. The moment boys and girls are recognized as individuals subject to rights, the power relationship those socializing mechanisms inject into their interaction with child and adolescent populations is – or should be – transformed.

This is not to say that contemporary societies claim that childhood and adolescence should be equal to the adult universe. On the contrary. The idea is to state unequivocally that the unique characteristics of children and adolescents frame a distinct social space. Further, although we consider two worlds with significant differences, they both have a fundamental point in common: the existence of universal human rights. These rights apply equally to children, adolescents, and adults. Both ideas – that the universe of children and adolescents is intrinsically different from that of adults and that each, nevertheless, falls under the broad umbrella of human rights protections – are critical elements in the formulation of public policies aimed at children and adolescents, including those involving the media.

The characteristics of childhood

In considering the unique boundaries of the universe of children and adolescents, we need to understand the charactertistics – currently accepted by society (or under discussion) – that distinguish children and adolescents from the adult world. Many of these are biological: however, others are not.

At this juncture, it is worth returning to an issue examined above regarding the social construct of childhood. According to the work of American author Neil Postman, cited earlier in this section, nothing like the conception of childhood that prevails today existed in the Middle Ages. During that period, the moment boys and girls developed the ability to speak they were no longer distinguished from the adult world: clothes, work, conversation, habits, all were fully shared among individuals of different biological ages.

In Postman's view, the absence of the concept of childhood in the Middle Ages was due primarily to three factors: literacy levels in those societies, ideas concerning education, and the notion of shame. In subsequent periods, those three aspects were pivotal in framing the distinctions between the world of children and the world of adults – namely that children and adolescents would first have to go through a process of literacy learning and education before gaining entry to the adult world.

In contemporary societies, the distinct stages of childhood and adolescence (infancy, childhood, pre-adolescence, adolescence, and young adult-

hood) are closely linked to the formal educational level of each category. This has a significant social normatizing effect on those age groups.

The role of shame

An aspect of particular importance in the evolution of the concept of children relates to the role of shame. In the Middle Ages, all "secrets" (to borrow Neil Postman's expression) of the adult world were openly shared with children and adolescents. The idea of "eveything in its own time," applied today to a series of questions – including, and primarily, those connected to sexuality – simply had no foundation. Therefore, feelings of shame in exposing particular subjects, scenes, or attitudes from which societies today endeavor to shield children and adolescents did not exist.

Yet, when a general understanding emerges that there are substantial social differences between childhood and the adult world, an immediate outcome is the existence of "secrets" in that adult world, which should only be revealed at the appropriate time, so as to ensure children and adolescents can set themselves apart from adults. The fundamental point here is that one of the underlying factors that distinguishes the two social groups involves the type of information available to each. Attorneys are different from journalists because they have information the latter do not have, and vice versa. Similarly, if adults and children shared the same set of information equally – as was the case in the Middle Ages – there would be no need to assign specific labels to those segments.

This is why the educational system is inextricably tied to our discussion. Secrets are, in large measure, unveiled in stages through the educational process, as the child, or the adolescent, or the young adult is gradually introduced to the adult world. Therefore, formal education becomes, in all societies, a right of children and a duty of the State and the family, to the extent that, in the same way it guarantees the development of children, it also "prepares" boys and girls for entry into the adult world – ideally in a manner that adheres to the proper timeframe and process of biopsychosocial evolution.

Finally, we should mention that this sociohistorical process accelerated significantly in the 20th century. This was due, in large part, to the field of psychology, which made a decisive contribution to the debate on the contemporary definition of childhood and adolescence. The work of Sigmund Freud and his interlocutors and/or successors was of particular importance to this process.

At the same time, film, radio, and television contributed, at various stages, to disseminate the concept of childhood and adolescence and promote the rights of these groups.

The specificity of public spaces

Thus, a central aspect of our discussion, as we see it, is to understand that ratings advisories – as an exten-

sion of the Convention on the Rights of the Child and the Child and Adolescent Statute – must ensure that children and adolescents are able to preserve their distinct identity *vis-à-vis* the adult world, in a manner that conforms to the historical, social, and cultural evolution of the conception of each of these segments in contemporary societies in general and in Brazil in particular. Thus, it is essential that the mass media, public spaces which exercise a central role in shaping the identity of children and adolescents, contribute toward making this possible. Indeed, this is why the catchphrase "childhood robbed" is frequently employed in reports of boys and girls who have been snared by the adult world (through child labor, commercial sexual exploitation, premature parenthood, to cite just some of the more egregious examples).

By exposing children and adolescents to content that in no way contributes toward their development or reaffirms their unique status, the media, particularly TV, only serve to further the (undesired and alarming) trend by which the boundaries separating childhood, adolescence, young adulthood, adulthood, and old age are blurred. In other words, the socialization process taking place through the media is dangerously accelerating the transition out of development stages that children and adolescents should be enjoying and valuing more intensely to nurture their full development.

In the preface to her book *Children in the Contemporary World and Psychoanalysis (A Criança na Contemporaneidade e a Psicanálise)*, psychologist Denise de Sousa Feliciano Monteiro elaborates on this point: "We cannot stop evolving, nor can we ignore the effects of the contemporary world, yet we must always remain vigilant to prevent that world from devouring our children and to ensure that children can continue being children and are clearly distinguished from machines, which we must not allow to fashion their minds."

Socialization through images

According to a growing number of authors, the fact that socialization through television is primarily anchored in images – and therefore on concrete (visible) and not abstract situations – could potentially contribute to a major shift in the concept of childhood and adolescence. If literacy learning is indeed central to the full development of children and connected, similarly, to the very definition of *homo sapiens*, we find ourselves, in the view of these authors, at a moment of dangerous redefinition of those parameters.

It is a highly complex debate that we do not intend to go into in this document. Nonetheless, we believe it is worth noting that for many students of this issue an aspect of the dramatic redefinition of the notion of childhood – or even humanity – is related to our continuous contact with the very form of information conveyance inherent to television: the image.

The world of images does not require, *a priori*, the ability to comprehend abstract concepts – which is

normally developed through literacy learning. How does one learn what democracy is, for example, through mere images? Thus, as Italian political scientist Giovanni Sartori puts it in his controversial essay *Homo Videns*, a culture founded above all on images becomes a culture that promotes the development of a different type of humanity – and of a different type of childhood and adolescence. Specifically, a childhood and an adolescence that in Neil Postman's view, would, at their extreme, dispense with literacy learning and inclusion in the educational system in favor of unfettered access to privileged information of the adult world: this would emanate naturally from the daily exhibition of images by media outlets.

Homo sedens

In his article "The Media and the Sedation of Images" ("A mídia e a sedação das imagens"), Norval Baitello Júnior, a PhD in communications, raises an additional question: should we not evaluate the impact of the development of mass communications media on our minds? Are we not, by chance, becoming seated and sedated beings? In other words, are the restless *homo sapiens demens* (Edgar Morin) and *homo ludens* (J. Huizinga) giving way to a *homo sedens*?

Pedrinho A. Guareschi, a PhD in social psychology and professor at the Pontificate Catholic University of Rio Grande do Sul, elaborates further on this discussion in his article "The Communicative Medium and Its Content" ("O Meio Comunicativo e seu Conteúdo"):

> *We can imagine the difference between activities such as reading a book and watching TV. It doesn't require much analysis to realize that the two involve very different approaches: in the first, the child is active, reads a sentence, imagines what the story he or she is reading would be like, can stop anywhere he or she wants, can skip ahead, can imagine different types of characters – always, of course, based on his or her past experience. In the second activity, the child hones in on the TV, his or her eyes react to the movement and stimulus from the screen, laughter, sadness, etc., produced in response to the stimuli projected.*
>
> *There is a fundametal difference between the two actions: in the first, the child exercises the imagination, creates types, imagines places, situations, landscapes, colors, smells, sounds, etc., expressed through written stimuli, but imagined by the child; in the second, the child is provided with the stimuli. He or she is not gievn the opportunity to build, but is rather spared the creative task. All that remains is to observe, internalize, how to "copy," reproduce, and repeat what someone else has done for him.*

Television and audience: interaction or power relation?

In a variant on these intriguing assertions regarding the influence of television content on children and adolescents, the argument is made that studies in this area must necessarily include an analysis of the various characteristics underlying the broader dynamic

interaction between the audience and television, and not simply the one-way relationship defined as the "impact of programming on children and adolescents." In other words, children are not sponges that simply absorb everything they watch uncritically.

We cannot but concur with this point. However, there is no question that the power of television over child and adolescent viewers in this relationship is far greater than that of the audience over broadcasters.

Critics may, and with good reason, initially offer the widely disseminated theory of the "power of the Ibope," specifically, the contention that broadcasters modify their programming based on changes in audience ratings, as evidence of the public's capacity to influence television. A long discussion would be required to analyze this question more closely. Yet, two particularly pertinent observations can be made on this point: first, changes arising from audience ratings tend to be limited to specific programs, not to the broader structures. In other words, X or Y aspect of a given program is altered, but the program is not replaced with another of a completely different genre.

In the specific case of child and adolescent viewers, and this is the second point, this phenomenon is cause for yet greater concern: children and adolescents, according to several authors, do not migrate to adult programming because they prefer this type of programming, but because they lack alternatives. In other words, the power of no less than one-third of television viewers does not seem to be all that formidable, after all.[1] According to journalist Cláudio M. Magalhães, "the best children's television productions are restricted to a miniscule audience. The majority has to make do with the poor programming options of broadcast television, which has contributed little to reducing the gap. This has created a new category of excluded children, the 'cartoonless', condemned to a shrinking offering of poor-quality children's programming, when compared to the diversified offerings available to a small segment of privileged children."

In this context, we need to recognize that when analyzing the relationship between the universe of children and adolescents on the one hand and television on the other, we are not referring only to the programming designed for that audience. Consequently, the State cannot abstain from regulating the potentially negative and positive impact arising from this interaction.

1 *When participants – all of them adolescents – in focus groups conducted for the publication Remote Control: Language, Content, and Participation in Television Programs for Adolescents* (Remoto Controle: Linguagem, Conteúdo e Participação nos Programas de Televisão para Adolescentes) *(prepared by ANDI in partnership with Unicef, Petrobras, and Cortez Editora) were asked what their favorite shows were, none of the ten programs broadcasters identified as specifically tailored to this age group were mentioned, with the exception of Rede Globo Televisão's Malhação. This does not mean, however, that adolescents would not like to see more television programming geared to their age group. Focus group participants in fact responded that they would prefer more television programming specifically directed toward adolescents and young adults.*

Unique features of the interaction between children, adolescents, and media content

To this point, we have laid out an array of general concerns regarding a society that is mediated and socialized through images and the concept of childhood and adolescence as sociohistorical constructs. We have not addressed the benefits and problems directly associated with the contact children and adolescents have with particular audiovisual content.

With this in mind, outlining the specific and objective questions underlying the ratings advisory process requires an examination of the most pertinent debates developed in the literature of the field. This is our objective in the remaining pages of this chapter.

It is very difficult to determine precisely the effects particular audiovisual content can have on children and adolescents, given that their behavior is influenced by a set of other factors as well. According to the Committee on Public Education of the American Academy of Pediatrics, however, the impact of the correlation between violence in the media and aggressive behavior is "greater than that of calcium intake and bone mass, lead ingestion and lower IQ, condom nonuse and sexually acquired human immunodeficiency virus infection, or environmental tobacco smoke and lung cancer associations clinicians accept and on which preventive medicine is based without question."

On the following page, we reproduce the full content of a joint statement by the leading associations of health professionals in the field of child and adolescent care in the United States. The statement clearly articulates the certainty of these organizations with regard to the relationship between violent media content and specific aggressive characteristics and behaviors among children and adolescents.

Another example of the media's impact, one recognized by media firms themselves, relates to the "nag factor." In an article titled "Why They Whine: How Corporations Prey on our Children," published in *Mothering Magazine* in the second half of 1999, Gary Ruskin notes the tactics employed by advertisers to transform children into loyal soldiers of the corporations, assigned the task of persuading their parents of the need to

Joint statement on the impact of entertainment violence on children

Congressional Public Health Summitt, July 26, 2000

There are some in the entertainment industry who maintain that

1) violent programming is harmless because no studies exist that prove a connection between violent entertainment and aggressive behavior in children, and
2) young people know that television, movies, and video games are simply fantasy.

Unfortunately, they are wrong on both counts. At this time, well over 1000 studies – including reports from the Surgeon General's office, the National Institute of Mental Health, and numerous studies conducted by leading figures within our medical and public health organizations – our own members – point overwhelmingly to a causal connection between media violence and aggressive behavior in some children. The conclusion of the public health community, based on over 30 years of research, is that viewing entertainment violence can lead to increases in aggressive attitudes, values and behavior, particularly in children.

Donald E. Cook, MD – *President*
American Academy of Pediatrics

Clarice Kestenbaum, MD – *President*
American Academy of Child & Adolescent Psychiatry

L. Michael Honaker, PhD – *Deputy Chief Executive Officer*
American Psychological Association

Dr. E. Ratcliffe Anderson, Jr. MD – *Executive Vice President*
American Medical Association

American Academy of Family Physicians

American Psychiatric Association

purchase a given product through a strategy of persistent nagging.

The influence of TV in other spheres is readily recognized by the State as well. This applies, for example, to the broadcasting time reserved by networks in Brazil for party political programming. Current electoral legislation imposes a series of rules on television programming – including the almost sacrosanct news programs – to ensure the various competing political persuasions receive fair treatment.

In his article "Children and Television: A Superpowerful Relationship" ("Criança e Televisão: uma relação superpoderosa"), journalist Cláudio M. Magalhães cites another pertinent analogy:

> *In the case of prescription drugs, it is not enough to include a warning on the label "keep away from children," the equivalent of "this program is not recommended for children under age 12." P-rescription drug companies are required to distribute their products in child-proof containers, sponsor campaigns to educate responsible adults on the proper storage of medications, and provide information in the event of emergencies.*

Therefore, we can argue that the very probability that television has an impact (negative or positive) on children and adolescents is sufficient to warrant the adoption of public policies to address this impact – much in the same way Brazilian legislation has enacted consolidated rules governing electoral hour programming. Ultimately, if boys and girls are an absolute priority and if a possibility exists that something could either stymie or stimulate their full development, the State, the family, and society have a duty to intercede to prevent the resulting harm or optimize the resulting benefits.

Positive influences

Because it can exercise a positive influence, television should not, for purposes of the formulation of a public policy, be viewed in Manichaean terms – wherein the medium must "inevitably have a negative impact on all the helpless children sitting in front of the TV set." As we argued at great length in *Remote Control: Language, Content, and Participation in Television Programming for Adolescents* (*Remoto Controle: Linguagem, Conteúdo e Participação nos Programas de Televisão para Adolescentes)*, there are countless ways in which television can contribute consistently and positively to the full development of children and adolescents. In fact, leading figures in Latin American communications cited in the same publication, such as Jesus Martin-Barbero, Guillermo Orozco, and Roxana Morduchowicz, argue that television's potential as a positive socializing force is, in many cases, inherent to the relationship children and adolescents forge with the medium. In other words, for television to have a positive impact in the socialization of these segments would not require, *a priori*, the deliberate design of educational programming.

In his above-cited article, Cláudio M. Magalhães elaborates on the socializing role of television:

> *Form the child's perspective, television continues to represent a window into a magical and fun world, a friend at all hours. Today, and twenty years ago, as Ferres illustrates, TV performs an almost maternal function.*
>
> *It occupies a central position in the home. It is a mandatory point of reference in the organization of family life. It is always available, offering companionship at any time of the day or night. It nourishes children's imaginations with all sort of fantasies and stories. It is a refuge in times of frustration, sadness, or distress. And, like a tender mother, it demands nothing in return." (Ferres, 1996:7)*

In the view of Claudemir Viana, a researcher at the Child, Imagination, and Television Research Laboratory of the University of São Paulo's School of Communications and the Arts, children and adolescents must be understood as historical subjects that interact with the world around them.

> *As thinking subjects, children interact and reformulate the media content on the basis of their surroundings. They are not incapable of developing an interpretation of that content, including very young children. It is a mistake to define children as unthinking beings, viewing them as a blank page, a sponge. That they are only capable of reproducing what they see as it is presented. We are incapable of perceiving that children have their own way of manifesting their instincts.*

Benchmark criteria

We should bear in mind that the underlying issue involves the kind of socialization Brazilian society seeks for its children and adolescents. What features of citizenship do we wish to extol and which ones to do we want to define as unacceptable?

Pyschoanalyst Maria Rita Kehl stresses: "The discussion on the ratings advisories should center more on raising the kind of children we want rather than on the idea that children of a particular age are prepared or unprepared to process certain content. Of course, development has its own particular nature, but this should not be considered for purposes of ratings advisories. The psychological field does not view the process as a cause and effect relationship nor as a series of stagnant development stages."

Social psychologist Maria da Graça Marchina, chair of the Department of Psychology at the Pontificate Catholic University of São Paulo, as well as a researcher in media adolescence and president of the São Paulo Regional Council on Psychology, argues along the same lines, "There is no consensus in the psychological field with regard to the stages of development. There are no theories that can tell you a ten-year-old child is capable of this and a twelve-year-old is capable of that."

In other words, because media outlets are an important tool in the socialization and educa-

tion of children and adolescents – there appears to be no question about this, since boys and girls spend an average of three hours a day in front of the television – it is worth asking ourselves as a society the specific type of socialization model we seek to secure for our children and adolescents. An answer to this question is necessary before proceeding to the debate on the specific bio-psychosocial impact of the development process of children.

As psychoanalyst Maria Rita Kehl contends: "Films and television are part of the cultural mix in which our children are raised. Therefore, what we offer them will be very important in determining the type of children and young adults Brazil produces." She illustrates this point by arguing that children who from a very young age are the recipients of content centered on sexual profanity or the violent resolution of conflict, for example, will become familiar with those standards. "This is not to imply that these children will have no way of understanding this. But they will be raised to view this behavior as a normal part of their culture."

With respect to the TV Rating System, therefore, understanding what kind of society is envisioned in Brazil's constitutional principles and the international norms on human rights, as well as the social history that underlies them, is just as important as identifying the potential impact (positive and negative) of programming on the full development of children and adolescents.

The key message

The formulation of public policies in this area poses a major challenge, given the innumerable manifestations of childhood and adolescence, which would force us, in theory, to develop multiple ratings. Therefore, we need to relativize those multiple manifestations from an anthropological and social standpoint to enable the formulation of a public ratings policy that takes into account the reality of the broad cross-section of children and adolescents.

In this context, it seems logical that the key message emanating from any ratings policy involves the concept of rights. The rights of children, adolescents, women, Afro-Brazilians, Native Brazilians, in short, all of the diverse groups that comprise Brazilian society.

Yet, notwithstanding the importance of securing the right of the country's various political minorities to take part in the formulation of the ratings advisory system, we cannot fail to recognize the centrality of the rights of children and adolescents in the ultimate configuration of the regulatory model adopted. Among the primary legal sources for the special priority given to the rights of children and adolescents are articles 3 and 227 of the Federal Constitution, as well as article 17 of the Convention on the Rights the

Child, wherein the States signatories commit themselves to provide quality programming to their boys and girls.

The Convention clearly recognizes the importance of the mass media to the full development of the youngest segments of society. Contrary to what many people may believe, however, the document does not envision a world in which children and adolescents erase television from their lives, but rather one in which this pivotal actor is regulated by the competent national authorities. The State's role, then, is to ensure boys

Convention on the Rights of the Child

Article 17

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

a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

b) Encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

c) Encourage the production and dissemination of children's books;

d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his well-being, bearing in mind the provisions of articles 13 and 18.

and girls access to information and to stimulate positive characteristics, such as the dissemination of content that values understanding, peace, tolerance, equality between the sexes, frienship among peoples. Article 17 is essentially a "Charter of Principles," signed by the participating Nation-States, that defines the intersection of the media, childhood, and adolescence.

In this context, as University of São Paulo professor Laurindo Leal Filho maintains, "we can think of TV networks as disseminators of human rights. They are public concessions and the Constitution clearly sets out their obligations: to offer culture, entertainment, and information, while respecting the norms, values, and rights of the family, among other things." Put another way, the media outlets do not simply have the potential, but the constitutional obligation, to promote human rights. "Yet, for this to occur, the institutional mechanisms needed to spur us in this direction must be created," concludes the professor.

However, according to analyst Thomas Hammaberg in his article "The Child and the Media: Report of the UN Committee on the Rights of the Child," it is a well-known fact that many of the countries that submitted reports on the status of children and adolescents in their societies following the ratification of the Convention made no mention of the provisions prescribed in article 17. There is clearly a disconnect between the degree of priority given by Nation-States to the range of matters that are both pertinent and central to the universe of children and adolescents – including those addressed in the Convention – and the particular questions surrounding the media and national broadcasting policies.

Beyond legal precepts

Past experience suggests that solid legal principles crafted into commitments signed by Nation-States do not always translate into concrete executive measures. Therefore, in addressing the State's function to ensure programming that stimulates positive charactersitics, it is important to underline that demanding "quality programming," and identifying the child and the adolescent as "absolute priorities" – as set forth in the legal documents cited above – are actions which must result in effective measures by the State *vis-à-vis* the various industries in question, including the mass media. On this point, it is worth citing the observation of José Carlos Barbosa Moreira in his article "Public Civil Action and TV Programming" ("Ação civil pública e a programação de TV"), published in *Revista do Direito Administrativo*:

> *We need not stress that 'the possibility of defending themselves' against violations of art. 221* [of the Federal Constitution], *as duly emphasized in art. 220, paragraph 3, sub-section II, cannot conclude with a banal recommendation that the*

International and Regional Resolutions and Declarations on Children and the Media

The concern with ensuring a healthy relationship between children and the media has driven governments and social organizations throughout the world to establish specific provisions on the media content to which children and adolescents may have access. This generalized concern underscores the need for more in-depth reflection regarding the Brazilian context. In the following chapter, several elements are presented to broaden the discussion. Listed below are some of the principal regional and international resolutions on the subject:

- European Convention on Transfrontier Television, Council of Europe
- European Union Directive on Television without Frontiers
- Guidelines of the European Broadcasting Union for Programmes when Dealing with the Portrayal of Violence
- European Union Recommendations on the Protection of Minors and Human Dignity in the Audiovisual Information Services
- European Union Action Plan for the Promotion of the Safer Use of the Internet
- Bratislava Resolution
- African Charter on Children's Broadcasting
- Southern African Developing Countries Television Charter
- Asian Declaration on the Child and the Media
- Declaration of the Asia-Pacific Television Forum on Children and Youth
- Children's Television Charter
- Final Declarations of the four World Summits on Media for Children and Adolescents
- Unesco Action Plan on Cultural Policies for Development

- Recommendations Addressed to Unesco on Media Education
- Rights of the Child and the Media: guidelines for journalists
- Declaration and Action Plan on Sexual Abuse of Children, Child Pornography, and Paedophilia on the Internet

stakeholders simply engage in negative conduct – i.e., abstain from watching programs that stand in contradiction to constitutional discipline. Surely, the Constitution would spare itself the work of addressing this matter if the only objective were to ensure each television viewer the right not to switch on (or to switch off) the television set every time programming contravened, or was in contravention of, art. 221. It is clear that no one requires, or ever required, constitutional authorization to press (or not press) a button... Therefore,setting aside other aspects of the problem, on a strictly legal plane, the understanding through which the appropriate defense, in this matter, would purely and simply translate into the individual's abstention from viewing the screen, or, further, preventing someone over whom such individual exercised legitimate authority (i.e., paternal power) from doing so, runs up against an immovable obstacle, sufficient to justify intervention.

Hence, it is important to recognize that ultimately the international and national legislation governing this matter demands the development of more precise and effective regulatory systems to ensure the protection, in practice, of the rights of children and adolescents with regard to the content broadcast by media outlets. For, as José Carlos Barbosa Moreira affirms in the passage above, *"It is clear that no one requires, or ever required, constitutional authorization to press (or not press) a button."*

The potential impact of television

The broad interest of international research—particularly in the United States—on the relationship between media content and the behavior of children and adolescents has generated a vast body of knowledge on this issue, especially in the last 30 years.

The volumes published by the American Academy of Pediatrics alone now number in the vicinity of several thousand. In view of this, our objective in this section is actually quite modest: to present some of the recurring points made in these works, leaving it to other publications to deliberate in greater depth on the potential impact of televised content on the biopsychosocial development of children and adolescents.

Violence

What are the likely pernicious effects produced by the widespread dissemination of particular audiovisual content? Pediatrician Victor Strasburger and social scientist Edward Donnerstein argue in their article "Children, Adolescents, and the Media: Issues and Solutions," that there are irrefutable consequences stemming from the relationship boys and girls establish with television programming: watching television leads to less physical activity, reading, and interaction with friends. In terms of content, the authors express concern, above all, with the impact of the thousands of scenes of violence portrayed in the media every year.

According to the two experts, however, the impact of violent content on the development of children and adolescents varies depending on the context in which it is depicted. Therefore, there are significant differences between the situations in which the practice of violence is repeatedly rewarded and goes unpunished and those in which the opposite occurs. With this in mind, the two experts offer the following warnings:

- Scenes of the "good guy" engaging in violent acts against the "bad guy" can lead to the perception that violence is justified when perpetrated for the "right reasons," thereby potentially magnifying the value placed on the idea of "taking justice into one's own hands."

- Perpetuating violence by idealized characters (heroes, heroines, idols, etc.) can convey the notion that this type of behavior is socially acceptable; the impact is even greater if the characters are interpreted by actors who are highly popular among children and adolescents.
- The relationship between humor and violence should be avoided, given that the associations between positive feelings and violent acts can conceal the reprehensible nature of that conduct.
- The absence of punishment or criticism for violent behavior can reinforce the banality of violence or infer an apologia for this type of conduct.
- The absence of pain and other immediate consequences (e.g., unrealistic degrees of injury) following the commission of violents acts can convey an unrealistic and undesirable image to children and adolescents.
- The presence of weapons and lethal violence should also be avoided.
- Realistic scenes tend to have a more significant impact on child and adolescent viewers than scenes that clearly cross into the realm of the absurd in relation to reality.
- The presence of blood, mutilated corpses, cruelty, and torture have a particular impact on children and adolescents.
- Domestic violence and that involving children and adolescents are especially difficult for young audiences to process. As British researcher Andrea Millwood Hargrave puts it in her study *How Children Interpret Screen Violence*, based on a series of interviews conducted with children and adolescents, the more closely the violence relates to the child or adolescent the greater the possibility he or she will react to that violence.
- The same study notes that the resources employed by television (special effects, musical scores, sound editing, and so forth) can also interfere in the interaction between children and adolescents and violent scenes.
- Ultimately, Strasburger and Donnerstein urge that violence should not be presented as the only avenue for the resolution of conflict.

The need for context

In the opinion of psychologist Ana Olmos, children require that context be presented immediately. "There is no point, for example, in a woman spending an entire program getting beaten, without any reaction, only to have the aggressor punished in the last scene. For the adolescent – and even more so for the child – the farther apart the act and the consequence are in the plot the more difficult it is for either one of them to make the association."

Another element that bears consideration, according to Ana Olmos, is violence involving the supernatural. "If the child is very small, it will be threatening," she argues. "Through the age of seven, supernatural events can be more threatening than violent scenes."

In an article titled "Violence in the Mass Media in Contemporary Society" ("Violência e meios de comunicação de massa na sociedade contemporânea"), sociologist Maria Stela Grossi Porto maintains that "the mass media, if not directly responsible for the increase in violence and crime, are at the least a channel for framing violent sociability, to the extent that they commonly present violence as a socially-valued behavior."

The analysis of Maria Rita Kehl in her article "Violence of the Imagination" ("A violência do imaginário") follows this same reasoning. She contends that today people calmly watch scenes that would have sent them scurrying from the room some years ago. "This heightened tolerance for horror worries me greatly. One becomes accustomed to violence, almost as if it were the only effective language for dealing with difference; one begins to expect that in works of fiction conflicts will end in mayhem. So what happens when one sees those scenes of horror on the street? Will one be complicit, see it as standard fare?"

The context of violence in developing the TV Rating System

If the context in which violence is portrayed can be decisive in determining the impact a scene has on children and adolescents, it must surely be taken into consideration when rating television programming. As psychologist Maria da Graça Marchina of the Pontificate Catholic University of São Paulo maintains, the explicit message – the broadcast text – should potentially be a criterion of the rating system, although not the only one.

> *The manner in which that message is expressed must also be evaluated. And on this point there are several factors: the context or space in which something takes place; how the information set is organized; how the image is exhibited and how it interacts with the text; the position assigned to the child or adolescent in the plot; the causes and consequences of specific actions, for example. All of this is part of a greater whole with which the viewer interacts and that has an impact on how that viewer understands and is affected by the program. [...]*
>
> *The central point of violence for the ratings advisories is this: the key problem with the treatment given the issue is that in most cases it is gratuitous. Not just physical violence, but also psychological violence, threats, and intimidation. If a scene depicts a child being humiliated and ends on that, the effect is likely worse than a death scene put in context [...]*
>
> *If the proper elements are provided, the child is capable of understanding that certain types of aggression have consequences. And he should understand that a child humiliated in a scene will suffer, cry, and, above all, is not at fault, didn't do anything wrong, and, therefore, that it is the adult who made the mistake.*

Fairy tales and violence

Another element of the discussion on the relationship between violence and children that bears examination involves the projection of fairy tales into television, films, and computer games. In the view of several authors, it is important that children of different age groups have access to the full content (and not the sanitized versions currently offered) of those stories.

The original versions of those stories are laden with frightening situations, violent passages, death, and monsters. In an interview for this publication, University of Brasilia linguistics professor Lucília Garcez contends that fairy tales contribute to the socialization of children by helping them to learn to cope with their fears. Similarly, Gerard Jones, a media consultant at the Massachussets Institute of Technology (MIT) and screenwriter of animated and children's programming, believes that exposure to some violent content (including games, animated programs, among other audiovisual works) through stories is critical for children and adolescents to learn how to cope with their fears, with their own "monsters." According to Gerard Jones, children know how to choose their super-heroes and develop, in a manner that is beyond the understanding of adults, their ability to relate with violence in entertainment programming geared specifically to them.

If exposure to certain types of violent content can play an important role in the development of children and adolescents, why then do similar stories transformed into audiovisual content not specifically directed to children and adolescents receive a rating recommending them for age groups above those for whom fairy tales are generally intended?

The answer is not particularly complex. When children read or listen to a fairy tale, they use all their current stage of development (experiences, social and cultural integration, family environment, etc.) offers them to symbolically build the story, thus enabling them to imagine the story. This is precisely the critical exercise through which they develop their fears, anxieties, and apprehensions.

However, when adults – often using the most modern technological tools – provide the images that children should imagine, an entirely new framework is created which may lie beyond their stage of development. In other words, it is one thing for a 4-year-old child to mentally reproduce the story of Little Red Riding Hood as narrated by his or her parents; it is quite another for film director Quentin Tarantino to tell the same story. When adults reinterpret children's narratives, children no longer create the images of the stories they read and/or hear on the basis of their own potentialities and limitations – which flow from their social and historical context and their level of biopsychosocial development.

To researchers such as Claudemir Viana, this, as well as other factors, explains the difficulties in

defining what content is suitable and unsuitable for children and adolescents. He argues, "Reception by children includes many distinct attributes in relation to reception by adults. The difference lies in the manner children understand the world, interact with it, and develop on the basis of that interaction. The imagination is unique to children's developmental process."

In her preface cited above, psychologist Denise de Sousa Feliciano Monteiro, adds:

> *Pretending to die in a park can be amusing when you can go home at the end of the day. However, for this interplay to be healthy, we have to prepare our psychism, ensuring we have the tools to take this step, which is only possible with psychic maturity. This is a prerequisite that children do not yet posses, leaving them susceptible to commingling with a world that overlaps with fantasy*.

Educating the media

Not extolling violence, not presenting it as the only form of conflict resolution, not conveying the message that people should take justice into their hands are positions consistent with the principles of the Federal Constitution and others that undergird the subject under discussion (including those related to human rights, the Child and Adolescent Statute, etc.).

Programming that repeatedly contravenes those principles and to which children and adolescents have access can produce, according to many experts,[2] feelings of fear, the overscaling of violence in society, desensitization to real-life violence, sleep disorders, and, in the most severe cases, depression and aggressive behavior.

"The interview with the PCC (Primeiro Comando da Capital – a criminal organization) on Gugu's program in 2003, for example, was an inappropriate stimulus for any child, from an educational standpoint," says Ana Olmos. "When hooded people are shown at 5:00 in the afternoon twirling their pistols and threatening others, declaring themselves criminals, children with still underdeveloped mental capacities see something threatening and tormenting, that in fact does have a persecutorial component to it. Their faces are concealed. So, children will either identify themselves with the persecutor or the persecuted. If they identify with the persecuted, that will only heighten their fear, because they are unable to distinguish between reality and fiction, depending on their chronological age. If they identify with the persecutor, they adopt that as a model. And this identification can occur through age 18. They will feel fear, even if they are able to distinguish reality from fiction."

[2] *Kathie Njaine and Maria Cecília de Souza Minayo offer a critical analysis of various studies in their article "Violence in the Media as a Public Health Issue: A Review of the Literature" ("A violência na mídia como tema da área da saúde pública: revisão da literatura"), published in the journal* Ciência & Saúde Coletiva *in 2003.*

Sexuality

Sexual behaviors represent another significant discussion on the effects of television programming. The most important period of sexual exploration and development takes place in adolescence. At this time, boys and girls develop their sexuality based on their experiences with their own bodies, hormones, psychology, and interaction with the outside world.

Therefore, televised representations of sexuality that are consistently founded on the exploitation of women as objects are likely to have a negative impact – or at least one not as pluralistic as we might wish – on the development of children and adolescents. The same may hold true if these representations are based on sexual behavior that is dissociated from risks such as unwanted pregnancy and sexually transmitted diseases; that interprets sex as nothing more than a casual act; or that overvalues the body and self-image.

In her study *Watching Sex on Television Predicts Adolescent Initiation of Sexual Behavior*, Rebecca L. Collings, PhD, analyses the subject in depth, finding that there are "substantial associations between the amount of sexual content viewed by adolescents and their sexual behavior in the subsequent year." The study concludes that access to high doses of sexual content doubles the likelihood of sexual initiation in the following year.

In "Sexuality, Contraception and the Media," the American Academy of Pediatrics sets out a series of recommendations to the producers of audiovisual content with a view to encouraging them to address the subject of sexuality in a responsible manner:

- Recognize sex as a healthy and natural part of life.
- Parent and child conversations about sex are important and healthy and should be encouraged.
- Demonstrate that not only the young, unmarried, and beautiful have sexual relationships.
- Portray couples having sexual relationships with feelings of affection, love, and respect for oneanother.
- Use of contraceptives should be indicated as a normal part of a sexual relationship.
- Consequences of unprotected sex should be discussed or shown.
- Miscarriage should not be used as a dramatic convenience for resolving an unwanted pregnancy.
- Avoid associating violence with sex or love.
- Rape should be depicted as a crime of violence, not one of passion.
- Demonstrate that not all affection and touching must culminate in sex.
- The ability to say "no" should be recognized and respected.

We should note, in concluding this discussion, that the issue acquires even more precise contours when our focus turns to pre-adolescents. Children interact with the issue of sexuality very differently than adults. The observations of psychoanalyst Paulo Ceccarelli, set forth in the article reprinted on the following page, are especially important for gaining a better understanding of this subject.

Sexuality as contemplated in the TV Rating System

In the view of psychologist Ana Olmos, evaluating aspects related to sexuality when developing ratings criteria is not a moral issue. "It is a question that derives from the need to avoid the banalization of the human being. If, in a program, you sell gratuitous sex, pornography, an image of a man or woman – whether heterosexual or homosexual – that is given no worth, not receives or demonstrates respect, you will accustom the child to that banality. I see this much more as question of disrespect – conditioning audiences to the message that people can be treated like lifeless bodies – than as an issue of sexual morality."

Maria da Graça Marchina adds:

We must recognize and encourage the production of programs that promote sexual development, free of the imposition of a preestablished adult standard with no connection to the experience of children. [...]

It is important for ratings advisories to recognize that sexuality exists and must not be denied by the mass media. The problem arises when erotism emerges as the only possible avenue of sexual expression. The notion spreads: to children, the ideal of a beautiful body is not the body of a healthy child; rather, it is the body of a sexually attractive woman. Children lose touch with the references that define their present moment, as well as with the diversity of physical, sexual experiences that vary from one age group to another. [...]

The ratings advisories could employ criteria that promote a diversity of situations, aesthetic standards, and subjects appropiate to the present moment of children.

It is therefore not a matter of rating sex as sex or nudity as nudity. The issue is how these subjects are addressed in the audiovisual works under analysis. From this viewpoint, we can argue in favor of the inclusion of these subjects in content offered to different age groups. The focus of any evaluation, as with the question of violence, must be on the context in which those subjects are portrayed. As Renato Janine Ribeiro puts it in his article "The Absentee Government: TV in the Hands of the Market" ("O poder público ausente: a TV nas mãos do mercado"): "Virtually all the criticisms regarding the portrayal of sex on TV are based on morality and not on an approach that links the defense of sexual emancipation, the respect for intimacy, and the valuing of love."

Ethics, the media, and sexuality*

Paulo Roberto Ceccarelli**

Human sexuality has a history of its own. The building blocks of that history start to come together long before the child's birth and are intimately bound up with the place it occupies in the imagination fantasmatic universe of the parents and the couple's libidinal economy. Following birth, what is known as the constitution of the subject begins: a process marked by intense pulsional movements drives, which define the expression of sexuality in adulthood. This means that the manner in which each person experiences his or her sexuality – the degree of repression, pleasure, shame, that is, the unique manifestation of sexuality – begins to take shape in the first days of life.

Although the child may demonstrate sexual interest, or even sexual activity, at a very early age, childhood sexuality is completely different from adult sexuality. The child's response to sexual arousal produced by his or her body does not correspond to the adult's interpretation of that same sexuality. Indeed, it is in this sense that the child can be said to be innocent. And he or she in fact is during that stage marked by typical "sexual play." The adult is the one who, upon surprising the child during this play, attributes a sexual connotation to those games associated with the adult universe. The adult will signal to the child that certain play is, or is not, permitted, while other types are prohibited, and, in extreme cases, warrant punishment, if not from human beings, then from God. Be that as it may, the response of the adult to the child's sexuality is directly linked to the manner in which the future adult will have experienced his or her sexual awakening.

Therefore, as we have seen, even if the child's sexuality manifests itself from the time of birth, it adheres to its own unique time and pace, and premature exposure to excessive sexual stimuli can be problematic for the constituting subject. The media can be a source of and may also con-

tribute to these excessive stimuli. Some television programming ~~can~~ encourage the sexual awakening of the child in a manner that impairs his or her future development. To cite just one example: some time ago, several broadcasters regularly aired 3- and 4-year-old girls, sometimes younger, dancing the then popular "dança da garrafa" ("bottle dance"). To be sure, performing the dance brings the child, and the parents, a great deal of satisfaction, as the little girl is admired and applauded by her audience. However, the adult's perspective in observing this scene is not the same as the child's. This can lead to premature eroticism and generate a type of sexual appeal that is diametrically opposed to the condition of childhood. The media must be made aware of this, and take a stand on the matter: it is an ethical question.

Adolescents are not shielded from the effects of the media either. The search for external models, typical of this stage of separation from family models, leads adolescents who lack a reference capable of supporting them through this transition to adopt the sexual standards and behaviors portrayed in the media as the "rule of behavior." Often, however, what the media presents stands in stark contradiction to what adolescents are actually experiencing, which can make them feel, potentially, disrespected, discriminated, or even alienated. In other cases, the media can offer "solutions" to internal conflicts, imparting to the subject the illusion of belonging to a group, thereby providing him or her with a defense mechanism against the risk of entering into contact with unconscious representations capable of generating anxiety.

The media have an ethical responsibility in regard to what they portray and cannot ignore their participation in the social construction, mental formation, and psychosocial development of children and adolescents. Basing their broadcasts solely on audience ratings driven by the ideology of a globalizing culture is a sign of disrespect for the particular maturation time of the constitution of each individual subject.

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Moving beyond violence and sex

The fact that we have concentrated to this point on how violence and sex should be addressed in a rating system does not imply that the two issues should be the principal target of such a policy. The emphasis on these two areas derives from three factors.

The first is that Brazilian legislation – and that of many countries, as will become clear in the following chapters – focuses on these two subject matters, as well as on drugs. Second, there simply exists a far larger volume of research, studies, and analyses on the relationship between the universe of children and adolescents and the two issues – especially violence – than on other content. Finally, we believe the lines of argument developed in those two areas can be applied to others that may be of equal or greater importance.

With this in mind, we present the fundamental principles we believe should be taken into consideration in the rating process, notwithstanding the central theme of the content under analysis:

- What is ultimately of interest is the potential impact of the programming. That is, we do not need to prove the existence of actual impacts, but rather to recognize the possibility that these can occur.
- Any content can have a positive or negative impact. Therefore, the mere presence of an important theme should not be used as a criterion for a ratings advisory. For example, an audiovisual production containing sexual content cannot be rated as unsuitable simply because it portrays sexual scenes.
- The context – or lack of context – with which the subject is addressed must be a central element in the designation of a rating.

In adopting these guidelines, we must therefore be prepared to rate subjects such as consumerism, drugs, the valuing of the body and of physical beauty, discrimination against different population groups, varying uses of language – as set out in the Draft TV Ratings Advisory Form *(see page 194)*. Thus, although we support efforts to redefine the ratings criteria for violent and sexual content, we also recommend the inclusion of various other themes in the process.

Consumption

In its book *In the Waiting Room: News Coverage of the Promotion of Health and Reproductive Rights for Adolescents* (*Na Sala de Espera: a Cobertura Jornalística sobre Promoção de Saúde e Direitos Reprodutivos na Adolescência*), published by Cortez Editora with the support of the W.K. Kellogg Foundation, ANDI sought to extend the discussion on the degree to which media stimuli for different types of consumption can lead to serious health, especially mental health, problems.

In his article "The Child's Premature Entry into the World of Consumption" ("A entrada precoce da crian-

ça no mundo do consumo"), Eûgenio Bucci, a journalist and expert in the field of communications, states, "When the media see [the child] as a legitimate interlocutor, he instantly becomes a consumer. The child becomes a consumer before becoming a citizen."

Great care must be taken in analyzing the issue of consumption when viewed from the standpoint of rights. In other words, in valuing children and adolescents as consumers, television socializes these groups in a manner very different from that prescribed in the constitutional and international principles discussed above.

As psychoanalyst Paulo Roberto Ceccarelli notes in his article "The Perverse Effects of Television" ("Os efeitos perversos da televisão"), "The danger is that [the identification of the television viewer as a consumer] creates 'ethical-moral' models that diverge from those necessary for the construction of a social structure founded on respect and the rights of the citizen."

The consumption to which we refer, therefore, does not merely consist of that stimulated through advertising, but of a message, widely disseminated through programming, that values the access to material goods, specific standards of beauty and/or ways of life in society. In this sense, it is worth reiterating the observation of Sirelene Reis, Midiativa's managing director, "The excessive value placed on image, for example, is associated witn the enormous expansion of the beauty industry and of what it represents for television from a commercial standpoint. Ideally, consistent ratings criteria should be established with regard to consumption." ◘

Defining ratings criteria

Notwithstanding the difficulty in establishing objective ratings criteria, it is important that we consider some of the variables of this analysis. Below we highlight briefly some of those variables, which are presented in the draft ratings form provided at the end of this document.

Language

We cannot simply focus the ratings analysis on the images depicted in audiovisual content. The language employed by characters can be particularly important in reinforcing positive or negative content and, in fact, in making a given work accessible to particular age groups (for example, the use of erudite or technical language).

Discrimination

The analysis of violence cannot be limited to physical violence, *stricto sensu*. Veiled or explicit disrespect for the human rights of vari-

ous groups must be subject to ratings advisories (if not legal sanction). These types of attitudes also manifest themselves in apparently benign attractions, which are supposedly not intended to broadcast content that is harmful to the principles of human rights. This is the case with comedy which, as philosopher Renato Janine Ribeiro points out, is a wide-open door through which prejudice streams onto the airwaves.

Identification of positive content

The criteria above involve identifying material that is inadequate (unsuitable), wrong, or should not be exhibited to specific age groups. However, as we argued earlier in these pages, it is equally important to develop adequacies, namely material that should be stimulated. This includes content or productions that disseminate values capable of promoting a society guided by solidarity or that discuss themes such as violence and sex in an appropriate manner, and contribute to our reflections on life, on the basis of approaches suitable to each age group.

But what is "suitable" for the universe of children and adolescents? Our view is that a good dose of common sense would go a long way toward resolving the discussion on this question. Since objectivity, however, is an essential prerequisite for defining and implementing public policies, it is important to establish a reference point on which we can develop parameters to inform our determinations regarding those adequacies (suitable material). This is where the second pillar of the contemporary definition of children and adolescents set out in the Convention on the Rights of the Child and the Child and Adolescent Statute – namely, the protection of human rights – applies.

As we have seen in this chapter, a rating system must be firmly anchored in the protection of the human rights of children and adolescents, as well as the valuing of those rights. Moreover, the promotion of a culture of peace – in the broadest sense of the term, and not simply in regard to violence, as philosopher Johan Galtun underscores – needs to be an integral part of all of the public policies managed by the various organs of the Brazilian State.

At the same time, the ratings model for audiovisual content we are proposing for Brazil is not a wholly original process that we intend to build

from the ground up. Sweden's broadcasting law, according to Ambassador and Special Adviser to the Swedish Government on Humanitarian Issues, Thomas Hammarberg, instructs television networks to ensure their programming content reflects the basic ideas of democracy, universal human equality, and dignity for the individual. Similar models implemented in other countries are discussed in greater depth in *Chapter 5*. The issue of adequacies (suitable material), meanwhile, is taken up in *Chapter 6* and *Part Two*.

Information, protection, and participation

It is important we not lose sight of the fact that the subject of children and the media poses a particular challenge, because it "combines three fundamental aspects of the rights of the child: access to information, protection, and participation," as Paulo David, Secretary, Committee on the Rights of the Child of the Office of the UN High Commissioner for Human Rights, puts in in his article "The Rights of the Child and the Media: Conciliating Protection and Participation," published in *Children and the Media: Image, Education and Participation, organized by* Cecília Von Feilitzen and Ulla Carlsson.

These are the principles on which the State should restructure its rating system, the general contours of which are set out in the 1988 Constitution. Once we have consolidated a system with this design – through contributions from experts, studies, and research that are consistent with the precepts of the Federal Constitution – we must the define a *modus operandi* to guarantee the objectivity of the model that is ultimately implemented.

In the following section, we address the approach taken by other countries to the issue of a TV Rating System, in the hope that these international experiences can provide some valuable lessons for enhancing the Brazilian rating system.

Building on international experiences »5

The international initiatives undertaken to regulate audiovisual content can contribute significantly toward the reformulation of the Brazilian TV Rating System. First, the analysis of those regulatory frameworks reduces the risk of establishing parameters that are substantially disconnected from those implemented in the communications field in contexts similar, in some measure, to the Brazilian context. At the same time, the analysis can serve to inform the development of a domestic model, and demonstrate that the path adopted by the country is consistent with the Democratic State Based on the Rule of Law.

As discussed in some detail above, the criticism leveled by particular interest groups in Brazil against the country's various media regulatory systems tends to center on the question of censorship and the attendant constriction of democracy. However, in this section we will see that the rating procedures adopted in consolidated democracies – which are in general more comprehensive than those in effect in Brazil – lend support to the argument that this type of public policy in no way runs counter to the defense of democracy.

In addition, comparative analyses of the legislation in other countries – although susceptible to being rendered obsolete by the pace of change – enables the collection of a series of tangible components capable of informing the country's rating process.

With this in mind, it is imperative to recognize the peculiarities (cultural, political, social, and historical) of the nations whose legislation we analyze below – television stations in England in the 1950's, for example, were required by law to go off the air between 6:00 p.m. and 7:00 p.m., so as to

give parents time to "put their children to bed." Notwithstanding these unique features, however, it is crucial to understand that a common thread runs through the rating systems presented and discussed below: the stated goal of protecting and stimulating the full development of boys and girls.

Learning from multiple and heterogeneous models

A majority of democratic countries have implemented or are implementing rating systems. The array of models put in place in various corners of the globe places Brazil in an advantageous position, enabling the country to build a national system based on the best available practices.

To be sure, it is not an overstatement to say that, while there is a broad consensus on the need and pertinence of instituting a rating system, a veritable plethora of alternative approaches exists. Thus, two aspects must be taken into account for purposes of this discussion. First, the conception and type of regulatory framework, *i.e.*, how the regulatory process operates in practice. Second, understanding childhood as a sociohistorical construct and its significance to society. There is yet a third aspect, associated with the first two, that also warrants consideration: identifying the specific agents charged with applying the regulations.

These factors require a discussion on the modalities of regulation. Traditionally, Inês Vitorino Sampaio, Coordinator of the Children's and Media Relations Research Group (Grupo de Pesquisa das Relações Infância e Mídia – GRIM), points out, regulatory efforts have followed two paths: self-regulation and government regulation.

In the first case, as we saw in *Chapter 2*, regulation is wholly contingent on the intiative of media producers and operators. They assume the responsibility to define the rules regarding service provision and quality standards. They also perform the pertinent oversight to ensure compliance with the terms agreed to by the members of the system.

While important, according to Inês Vitorino Sampaio, self-regulation is insufficient to restrain abusive practices, insofar as only one segment of the population exercises the power to define guidelines and monitor communications actions that in fact affect the interests of all of society. Under the self-regulatory model, issues of public interest tend to be addressed within the scope of the private interests of individuals and groups with an economic stake in the communications system. This can generate a propensity toward excessive adherence to the laws of the market.

This view is shared by OFCOM (Office of Communications), Britain's broadcasting regulatory authority. In the agency's view, there are four ways in which television can fail in a market system:

a) it is not capable of providing sufficiently accurate and pluralistic information to form citizens with

the level of awareness required in contemporary liberal democracies.

b) it is not capable of cultivating a cultural identity through the expression of different regional communities, and thereby laying the groundwork for a greater understanding of the cultural values of other countries.

c) it is not capable of stimulating, in spite of the enormous potential of the television medium, a commanding knowledge of history, science, and the environment, which is indispensable to intellectual growth.

d) it is not capable of disseminating values on how society functions, the rules that should be followed, and what relationships should be built.

State control

The second case, also discussed above, involves government regulation. The State, as public administrator, is responsible for establishing the guidelines governing the provision of communications services and ensuring their quality, as well as enforcing compliance with the rules in effect. The existence of government regulatory systems is based on the recognition that ensuring the interests of society is indispensable for providing the mechanisms that are necessary to resist market pressures.

Government regulatory models are not, however, exempt from criticism. In the current context, marked by the rapid diffusion of new media and the new communications possibilities emerging from the Internet, this particular regulatory alternative has proved slow to respond to the changes in the industry.

The strongest criticism of government regulation, however, relates to the ideological considerations embedded in State intervention, presumed absent in self-regulatory arrangements. This is an important question, above all in the light of the authoritarian tradition of some countries in which censorship became, in certain periods, an institutionalized practice. It is this very legacy that often triggers suspicion about the legitimacy of democratically developed regulatory systems. The most common question raised in the specific case of the ratings advisories centers on the right and competence of the regulator to "evaluate," "judge," or "define" ratings on behalf of society.

Third way

An alternative for addressing the limitations identified in the two systems above involves co-regulation, which combines elements of self-regulation and self-monitoring with traditional government regulation. This approach has been implemented in several European countries.

One of the clearest virtues of this model is that it enables responsibility sharing between the two principal actors in the area of media oversight. Specifically, while it forces the business sector to

become more actively engaged in this effort, by requiring the industry to present and disclose its positions to the public, it provides for continuous monitoring by the State, which sets the general policy parameters and is in a position to take action in the event any of the self-regulatory systems fail.

It is important to underscore, however, that, as with the other two systems, co-regulation also carries risks which must be taken into consideration. Ceding any part of the State's attributions to the private sector must be carried forward only with the greatest caution. Otherwise, deleterious conditions could take root, and the State could find itself unable to reverse course and reestablish its authority as sole regulator. In other words, one of the major risks of co-regulation resides in the gradual shift toward a self-regulatory system, in which the State is increasingly inclined to transfer its responsibilities to the private sector.

A second inherent problem of the model is that its proper functioning assumes companies have the installed capacity needed to operate the co-regulation process. The effectiveness of this type of regulation will increase the more companies are able to adequately respond to the demands of citizens, something that is not assured, *a priori*.

Building a national rating system

The rating system currently in place in Brazil continues to lag behind those of the Western democra-

Contextualization exercise

The table on page 119 presents the positions held by the countries whose ratings experiences we examine in this chapter in a selection of relevant international rankings:

1. The UNDP (United Nations Development Programme) human development ranking. The list is based on the HDI (Humand Development Index) score of countries, with the highest rated nations occupying the top positions. The index takes into consideration factors such as infant mortality, literacy rates, and *per capita* GDP. Specifically, the higher a country's ranking, the higher the quality of life of its population.
2. The Unicef (United Nations Children's Fund) under-5 mortality rank. The list classifies countries according to the mortality rate among children under the age of 5 years. In this case, the countries with the highest mortality rates occupy the top positions. In other words, the higher a country's rank, the worse the quality of life of its children.

3. Freedom House's Index of Freedom. The nongovernmental organization assigns scores according to the degree of freedom present in a political system and, in turn, the level of democracy in that system. The NGO scores countries from 1 to 7, whereby the most democratic are awarded a score of 1 point, while the least democratic are assigned a score of 7 points. That is, the higher the score, the less free the country is.
4. Freedom House's Ranking of Press Freedom. The organization classifies countries according to the degree of freedom their media outlets enjoy. The higher a country's ranking, the freer its media is.
5. The scores obtained on the Programme for International Student Assessment (PISA), coordinated worldwide by the OECD (Organization for Economic Co-operation and Development) and nationally by the National Institute for Educational Studies and Research (Instituto Nacional de Estudos e Pesquisas Educacionais – INEP). In 2000, the program assessed the reading performance of 15-year-old students. The higher a country's point total, the higher the student scores.

As the chart demonstrates, in almost every category, Brazil – which has a less stringent rating system than the other countries examined here – is at a comparative disadvantage.

In four of the five rankings, Brazil's best result – the indicators on general freedoms and press freedom – was a 14th place ranking, out of 18 countries surveyed; with respect to two other categories, Brazil finds itself in no less than next to last – human development ranking – and last – infant mortality rank – place. In addition, of 14 countries analyzed Brazil came in last in the PISA survey.

Comparative indicators of the countries whose ratings models are evaluated in this chapter

Country	Human Development Ranking (1)	Under-5 Mortality Rank (2)	Freedom House Index of Freedoms (3)	Freedom House Ratings of Press Freedom (4)	PISA 2000 Score (5)
Argentina	36th	127th	2	99th	-
Australia	3rd	162nd	1	31st	528
Brazil	69th	88th	2	85th	396
Canada	6th	162nd	1	26th	534
Chile	38th	152nd	1	53rd	-
Colombia	70th	113th	3	128th	-
Costa Rica	68th	140th	1	26th	-
Germany	21st	172nd	1	17th	484
France	16th	172nd	1	41st	505
Italy	17th	172nd	1	79th	487
Mexico	53rd	98th	2	103rd	422
The Netherlands	10th	162nd	1	9th	532
New Zealand	20th	162nd	1	10th	529
Portugal	28th	172nd	1	12th	470
Spain	19th	172nd	1	41st	493
United Kingdom	18th	162nd	1	31st	523
Sweden	5th	185th	1	3rd	516
USA	8th	152nd	1	17th	504

1. Data from the Human Development Report 2006.
2. Data from the Report on the Situation of Children in the World 2005.
3. Data from the 2005 Freedom in the World survey.
4. Data from the 2006 Freedom of the Press in the World survey.
5. The study was conducted in 2000, with the participation of 32 countries (all of the members of the OECD and countries invited to take part, including Brazil).

cies analyzed in this section, including Brazil's Latin American neighbors. The good news is that the country intends to move forward toward the adoption of a system similar to the regulatory frameworks of some of the countries considered here, bearing in mind, we should underline, that Brazil's constitutional principles permit and in fact demand changes to the current system.

The policies developed in the Americas, Europe, and Oceania, as we will see below, reveal points of convergence and divergence. There are two critical factors for these similarities and differences: in contrast to the Americas, Europe's public communications system held an extremely important (if not dominant) position throughout virtually the entire 20th century and continues to exercise a central role. In addition, the European Union has emerged as a key regulator at the supranational level on issues such as those addressed in this publication.

Nonetheless, these distinct systems do share (albeit not necessarily unanimously) some common principles:

- Greater value should be placed on content-based ratings in relation to exclusively age-based ratings.
- The establishment of an independent regulator (such as the US's FCC, England's OFCOM, France's CSA, and Chile's CNTV) with full regulatory powers should be examined.
- Although sex, drugs, and violence are concerns in virtually every country, other subjects – such as the broader protection of human rights – must be considered as well.

Critiques of age-based ratings

Age-based ratings remain the most prevalent approach in the Western Hemisphere. Although widely employed, they are not, as we saw above, the only option – and in fact are subject to criticism. A study conducted in the United States in 1998 by Amy Nathanson and Joanne Cantor, titled *Protecting Children from Harmful Television: TV Ratings and the V-Chip,* calls into question the potential effectiveness of achieving the objectives for which the ratings were designed. The authors puts forward two primary criticisms:

- Age-based ratings do not offer clear and consistent information to parents on the programming content rated unsuitable for children and adolescents, thereby hindering their efforts to make informed judgments regarding the rating advisories, based on their personal convictions and the level of maturity of their children.
- Several studies on TV Rating Systems have confirmed that, quite apart from discouraging children and/or adolescents, age-based ratings can actually have the opposite effect, drawing these audiences to programming that has been rated unsuitable for their particular age groups. This is what we often refer to as the "forbidden fruit phenomenon." However, we should note that a

survey prepared as part of the National Television Violence Study refutes this conclusion.

Culture and individual development

In addition to the points made above, age-based ratings do not take into account the diversity of experiences among children and adolescents – in other words, they ignore the sociocultural processes of children and adolescents, which inform their development and particular forms of expression.

For example, a boy or girl raised in a protected environment may feel threatened when exposed to a violent scene. However, the same scene may have less of an impact on a child that has been conditioned in a violent environment, and, in fact, may even serve to enable that child to deal, on a symbolic level, with the experiences of concrete violence to which he has been exposed.

In addition to the cultural question, another factor is the individual development of each human being. The assumption of specific age groups in the rating process, as psychologist Jean Piaget points out, should not obscure the fact that children and adolescents develop at their own pace.

In various Western Hemisphere countries, as we will see in the pages below, the trend toward designating age-based advisories for particular content through the assignment of letters, as in the United States and Canada, for example, represents a step forward in providing parents with information. In Europe, content-based ratings prevail. This is the case in countries such as France, where the protection of children is provided for in the licensing contracts signed with broadcasters, or in England, where protections and respect for specific ethnic minorities, persons with special needs, the elderly, and homosexuals are mandated, and clear guidelines on the use of inappropriate language and scenes portraying suicide or persons in desperate situations are legislated.

Defining parameters

Two other aspects also need to be considered when analyzing rating systems:

- The focus of the rating process in various countries of the Americas centers on scenes portraying sex, violence, and drug use. This is an international trend, and to be sure, from an historical standpoint, it is a concern justified by the modern tradition of protecting children and adolescents from the adult world. But are these criteria sufficient for rating an entire set of content unsuitable? Are there not other subject matters from which children should be shielded? If we recognize that the protection of children and adolescents is based on their condition as developing individuals – that is, as individuals in formation – they should then be safeguarded from all content which could be harmful to that formation.

- Content that implicitly or explicitly promotes human rights is not considered in the TV Rating Systems of most Western Hemisphere countries reviewed in this publication, in contrast to what occurs on the other side of the Atlantic. The exception is Mexico, which takes special care to insulate children from content which may contravene the principles of human rights. This approach appears logical in the light of Piaget's studies: he demonstrates that, at approximately the age of 4 or 5 years, children begin to develop biases, a process that requires we take particular caution in exposing this age group to situations which depict discrimination or disrespect for human rights.

We now turn to some brief descriptions of the systems adopted in other countries. Our aim is to contribute toward the formulation of a concrete proposal for enhancing the Brazilian ratings advisory system.

Ratings advisories in the Americas

In general, ratings advisories in the Western Hemisphere seek to protect children and adolescents through the combined application of the provisions set out in the UN Convention on the Rights of the Child and the domestic guidelines of each country. Several countries have enacted specific legislation, similar to the provisions mandated in Brazil's Child and Adolescent Statute, to ensure the full protection of this segment.

This unity of purpose, however, has not translated into a unity of rating models. To be sure, these models share similarities, but exhibit significant differences as well, due to the particular socioeconomic and cultural contexts of each country. Of particular significance are the historical legacies in regard to the democratization of political and communications institutions, the relative influence of the public or private television broadcasting system, the level of organization of civil society – particularly the presence of children's advocacy groups – among other factors. These differences are in clear evidence in the descriptions of the national experiences provided below.

Canada

Enacted in 1991, the *Broadcasting Act* defines the guiding principles of Canadian TV programming. Among the objectives enumerated in the document is the requirement that programming be varied and broad, in addition to providing a balance of information, enlightenment, and entertainment for men, women, and children of all ages, inter-

ests, and tastes. The programming must also adhere to codes governing the portrayal of violent content, the depiction of sexual roles, and advertising directed toward children and adolescents, the criteria for which are specified in the classification (ratings advisories).

Ensuring broadcasters incorporate these goals in their activities is one of the missions of the Canadian Radio-Television and Telecommunication Commission (CRTC) – the agency responsible for establishing measures to protect boys and girls from inappropriate programming, proposing positive alternatives and promoting media education. With this in mind, the CRTC endeavors to work with the television industry, encouraging self-regulation through the development of codes of conduct. In the 1990s, broadcasters formulated a body of codes in response to public mobilization drives centered on the issue of television content directed to younger audiences. Furthermore, a portion of the funds used to finance television productions is allocated to children's productions, with a view to enhancing television programming.

To support the initiatives undertaken by the Canadian regulator, the Canadian Association of Broadcasters (CAB), an agency that represents private broadcasting interests in the country, prepared a code which broadcasters are expected to observe. Although voluntary, broadcasters' adherence to the code's guidelines on violence, sex, and advertising is a criterion of the CRTC's license evaluation process.

Analysis of the model

Canada's Television Rating System evaluates four types of programs: "children's," "dramas" (soap operas, dramatic series, etc.), "reality shows," and feature films. Exempted programming includes newscasts, sports programs, documentaries, public affairs shows, variety programming, and music videos.

The model employs an age-based ratings approach divided into six levels, as shown in the chart on the following page. Similar to the film rating process, the system provides information regarding violence, nudity, sex, and offensive language.

The ratings icons are displayed on the left portion of the screen at the beginning of each program. The idea is that the rating system work in conjunction with the V-CHIP.

Canada's criminal code imposes sanctions on broadcasters airing violent programming only when that programming is associated with obscenity. "Obscenity," as defined by the law, is "any publication of which a dominant characteristic is the undue exploitation of sex, or sex together with crime, horror, cruelty, and violence…"

Ratings advisories in Canada

- **"C" – Children**
  Programming intended for children under 8 years. It must pay careful attention to themes which could threaten their sense of security and well-being. Because programming for children requires particular caution in the depiction of violence, it may not contain any realistic scenes of violence. Depictions of aggressive behavior must be infrequent and limited to portrayals that are clearly imaginary and unrealistic in nature.
- **"C8" – Recommended for children 8 years or over**
  Programming suitable for youngsters 8 years and over. The guideline recommends that a parent/guardian co-view programming assigned this classification (rating) with younger children under 8 years. Further, the programming should avoid portraying violence as the preferred, acceptable, or only way to resolve conflict and should not, under any circumstances, encourage children to imitate dangerous acts which they may see on the screen.
- **"G" – Programming considered acceptable for all age groups**
  This category is intended for a broad, general audience, and it is understood that younger viewers may be part of the audience. Therefore, this programming must contain very little violence, either physical, verbal, or emotional. It must be sensitive to themes which could threaten a child's sense of security and, therefore, not depict realistic scenes of violence that minimize the effects of violent acts.
- **"PG" – Parental guidance recommended**
  While intended for a general audience, this programming may not be suitable for children under the age of 8 and may include content which some could consider inappropriate for unsupervised viewing by children in the 8 to 13 age bracket. Programming with this classi-

fication (rating) might address controversial themes or issues, yet particular care must be taken not to encourage imitational behavior, and the consequences of violent actions may not be minimized.

- **"14+" – Programming for children 14 years or over**
  Programming with this classification (rating) contains content elements which might not be suitable for viewers under the age of 14. Programming with this classification (rating) may deal with mature themes and societal issues in a realistic fashion.
- **"18+" – Programming suitable for adult audiences**
  As programming recommended for viewers over the age of 18, it may contain any or all of the following content elements that make it suitable for adult audiences.

United States

The *Communications Act* of 1934 established the rules governing broadcasting in the United States. That same year, legislation was enacted creating the Federal Communications Commission (FCC), a body composed of five commissioners appointed by the president of the United States and confirmed by the Senate. The agency is charged with regulating radio, television, Internet, satellite, and cable communications.

In 1997, the FCC ratified the *TV Parental Guidelines, a* voluntary rating system. The project was developed and implemented by the American entertainment industry, with a view to establishing guidelines on industry self-regulation of the ratings advisories. *The TV Parental Guidelines* are based on the Motion Picture Association of America (MPAA)'s rating system and represent one of the earliest efforts at television programming regulation in the Western Hemisphere.

Alarm over the exposure of children and adolescents to television content in American society became an issue of particular prominence beginning in 1996, when the Communications Act was amended and extended. A specific chapter was written into the legislation at that time, addressing the treatment of obscenity and violence in the media.

Concern with the quality of programming also stimulated specific initiatives, such as the *Children's Television Act* (passed in 1990, enacted in 1992, and

Ratings advisories in the United States

- **"TV- Y" – All children**
  The program contains material that is suitable for children from ages 2 to 6 years and is not expected to frighten younger children.
- **"TV-Y7" – Directed to older children**
  The program is suitable for children who have acquired the developmental skills to distinguish reality and make-believe. The content may include mild fantasy violence or comedic violence, or may frighten children under the age of 7. Programs where fantasy violence may be more intense or more combative than other programs in this category are designated TV-Y7-FV.
- **"TV-G" – General audience**
  Although the program may not be designed specifically for children, parents would find the program suitable for all ages. It contains little or no violence; it does not contain sexual dialogue or situations nor strong language.
- **"TV- PG" – Parental guidance suggested**
  Because parents may find the program unsuitable for children ages 2 to 6, they may want to watch it with their younger children. The program may include a subrating indicating that it contains one or more of the following: "V" – moderate violence; "S" – some sexual situations; "L" – infrequent coarse language; or "D" – some suggestive dialogue. These recommendations were introduced in 1997 in response to the criticisms regarding the lack of information provided in age-based ratings.
- **"TV- 14" – Parents strongly cautioned**
  Parents are strongly urged to exercise greater care in monitoring children under the age of 14 who watch programming assigned this rating, for it may contain one or more of the following: "V" – intense violence; "S" – intense sexual situations; "L" – strong coarse language; or "D" – intensely suggestive dialogue.

- **"TV – MA" – mature audiences only**
  The program may be unsuitable for children under 17 and may contain scenes of graphic violence, indecent language, or explicit sexual activity. The symbols corresponding to these content elements are clearly indicated: "V" – graphic violence; "S" – explicit sexual activity; or "L" – crude indecent language.

amended in 1996). One of the law's central objectives is to promote an increase in educational and informational program offerings, defined as "television programming which furthers the positive development of children 16 years of age and under in any respect, including the child's intellectual/cognitive or social/emotional needs."

Denominated "core programming," these productions must be aired 3 hours per week between 7:00 a.m. and 10:00 p.m. Advertising during core programming is limited to 10.5 to 12 minutes, and other restrictions apply as well.

Rights of the viewer

Measures like the ones approved by the U.S. Congress reveal, according to Sergio Capparelli's study, that the relationship between the public, broadcasters, and the State is more complex than first meets the eye. "There is not only intense debate within the cultural arena on the place and rights of television viewers in liberal societies. There is also vigorous activity by State bodies, which are prepared to resort to the courts to defend their interests, reaffirming, in the process, an enduring civil tradition," he says. Moreover, there is a consolidated legal apparatus in place, which has, over time, developed a body of jurisprudence on the issue of television.

Originally developed to operate in conjunction with the V-CHIP, much as the Canadian model, the American system is based on age groups defined by

broadcasters (with the support of the FCC), and is intended to serve as a guideline for parents to determine which programs are suitable for their children. In 1995, Congress passed legislation requiring that manufacturers install the V-CHIP in all new television sets. Documentaries, news and sports programming, and commercials are not subject to the ratings advisory system.

Ratings format

Broadcasters have defined six rating categories, as shown on the chart on page 126. According to Capparelli's study, the only major broadcaster that does not employ the ratings advisories is BET (Black Entertainment Channel). NBC, for its part, only uses the age icons, leaving out content information. Unedited film productions do not require a new rating, but may simply use the film industry's original rating (G, PG, PG-13, R e NC-17), which the V-CHIP is able to recognize as well.

The rating icons appear as black rectangles with white lettering. They must be displayed for 15 seconds at the beginning of the broadcast and redisplayed at the beginning of each half-hour for programs running one-hour or longer.

Obscene programming may not be aired at any time on broadcast TV; indecent or profane programming may not be transmitted between 6:00 p.m. and 10:00 p.m. The FCC defines obscene programming as material that portrays graphic, degrading, offensive, or illegal sexual acts; indecent programming, as material that patently employs language or depicts sexual acts in a degrading or descriptive manner; and provocative programming, as material that includes incitement to violence or hatred for xenophobic reasons.

Guarantees and limits

In the event of noncompliance with FCC rules, the commission may issue warnings, impose fines, or suspend licenses. This requires that citizens submit a formal complaint to the FCC's enforcement bureau with a recording of the material they consider unsuitable. We should note that the changes implemented beginning in the 1990's are closely connected to the decisions of the U.S. Supreme Court on the limits of the First Amendment, in which the right of free expression is enshrined.

Although an important milestone, there are limitations to the model adopted by the United States: because it is based on age-appropriate ratings, it is confusing and provides insufficient information, thereby depriving parents of a clear exposition of the content. Many parents are unaware of the system, which further hinders its effectiveness. Among parents with knowledge of the system, there is widespread disagreement with the assigned ratings. Finally, the establishment of different rating systems (movies, television, computer games) serves to confuse families even further, as David Walsh and Douglas Gentile highlight in their com-

prehensive empirical study titled *A Validity Test of Movie, Television, and Video-Game Ratings*.

It is important to stress, in conclusion, that interest in this issue among the Congress, the executive branch, the FCC, and society increased dramatically following the 1999 Columbine massacre. Events of this nature are attributed, among other things, to the excessive exposure of children and adolescents to violent content through the media. Similarly, the significant rise in child obesity has been associated with consumption patterns stimulated through media outlets. These factors have spurred debate on the need to restructure the country's regulatory framework.

Mexico

The Mexican Bureau of Radio, Television, and Cinematography (Dirección General de Radio, Televisión y Cinematografía de la Secretaría de Gobernación) is charged with regulating the content of radio and television broadcasts as well as films, series, soap operas, and televised theater pieces, whether produced in Mexico or abroad, on the basis of the determinations of the National Radio and Television Council (Consejo Nacional de Radio y Televisión).

The council is composed of a technical secretary, who also serves as director general of radio, television, and cinematography. Organized civil society and the radio and television industry are represented on the council, but do not have a vote. The council may establish temporary committees and working groups.

The ratings assigned to television movies, soap operas, series, and theater pieces filmed in Mexico are based on the Federal Radio and Television Law (Ley Federal de Radio y Televisión), which prescribes the suitable age groups and corresponding broadcasting times in accordance with the criteria provided below.

All radio and television programming must display a rating for at least 30 seconds at the beginning and in the middle of each broadcast. The icon should be superimposed on the screen so as not to hamper the broadcast image.

TV Ratings in Mexico

- **"A"** – Appropriate for all Ages; may air at any time.
- **"B"** – Appropriate for Adolescents and Adults; may air after 8:00 p.m.
- **"C"** – Designed for Viewing by Mature Audiences; may only air after 10:00 p.m.
- **"D"** – Designed for Open-Minded Mature Audiences; may only air between 12:00 a.m. and 5:00 a.m.

Movies

In 2002, Mexico developed and enacted its ratings criteria for film productions. In general, the age groups are the same as those designated for radio and television. It is important to note that the ratings assigned to films exhibited in movie theaters must appear in all televised film advertisements or trailers.

Some of the more noteworthy features of Mexico's Rating System include: 1) the recognition that, like all industries related to culture or the arts, the film industry influences social behavior through the presentation of cultural models; 2) the idea that ratings must respect the freedom of expression of creators, accomplishing their stated mission by analyzing the content and the treatment of that content, while avoiding making critical judgments concerning the aesthetic, technical, or ideological elements of film works.

Ratings determinations, therefore, must not rest on an isolated scene, but on the film as a whole. The work is seen in its totality and analyzed on the basis of its context. In evaluating the treatment of a specific theme, for example, the level of horror, the frame of reference, the visual and sound effects, all must be considered. This evaluation is guided by the understanding that children have a right to a level of life that is appropriate to their physical, mental, spiritual, moral, and social development, among other factors, and, moreover, that they should be raised to lead a life founded on the respect for human rights.

Movie Ratings in Mexico

- **"AA" – Comprehensible for children under age 7**

  Although the film may not be designed specifically for the youngest audiences, it is suitable for children under age 7. The rating is based on various factors. The themes and elements do not disrupt the development of children in this age group. In addition to readily comprehensible, the narrative does not disrespect human values. The work as a whole does not promote disrespect for any group or individual, nor are the themes treated in a manner that produces feelings of horror in children. The work portrays little, if any violence; violence is not stimulated, nor is it portrayed in a manner that traumatizes. Scenes of sex, eroticism, and nudity are not depicted; scenes of kissing, fondling, and hugging are situated within an affectionate, friendly, or family context. Situa-

tions of drug use are not depicted, nor does the language used contain offensive expressions.

- **"A" – General audience**
  The film may be viewed by all audiences – it is considered suitable for children under age 12, but may appeal to children under age 7. The rating designation is based on a number of criteria. The themes and elements do not disrupt the development of children in this age group. In addition to readily comprehensible, the narrative does not disrespect human values. The work as a whole does not disrespect any group or individual; nor are the themes treated in a manner that produces feelings of horror in children. The work portrays little, if any, violence; where violence is depicted, it is not stimulated, nor is it portrayed in a manner that traumatizes. Scenes of sex and eroticism are not depicted; where scenes of nudity are present, they are not portrayed in an erotic or humiliating context, but only in passing and with little detail; scenes of kissing, fondling, and hugging are situated within an affectionate, friendly, or family context. Situations of drug use are not depicted, and the language used may contain minimally offensive expressions.

- **"B" – Suitable for children aged 12 or over**
  This rating indicates that the material contains themes and content that are suitable for adolescents over age 12. The rating is based on several criteria. The content of the film may confuse, influence, or affect the development of children below this age group. The narrative may be complex, requiring a certain level of discernment; the work enables the audience to identify the character of the characters, their actions and the consequences of those actions. The material may portray a minimum degree of horror and violence that is connected to a specific motive, but the violence depicted is not extreme, graphic, or associated with sexual behavior; in addition, the negative consequences of violence are indicated. The material does not contain scenes of sex or eroticism; where scenes of nudity are portrayed, they are not exhibited in an erotic or humiliating context (but only in passing and with little detail). Themes related to drug use may be addressed. However, scenes of drug use are not portrayed, and the negative consequences of drug use are indicated. The material may contain offensive expressions, provided they do not constitute extreme verbal violence.

- **"B-15" – Not recommended for children under age 15**
  Children and adolescents under age 15 should view the film in the company of their parents. The rating is based on several parameters. The content may confuse, influence, or affect the development of children below this age group. The narrative may be more complex, requiring a certain level of discernment. The treatment of themes in the film is more explicit, and it is possible for the audience to identify the character of the characters, their actions and the consequences of those actions. A certain degree of horror is acceptable, provided its depiction is not extreme. Violence is not portrayed in an extreme manner and, although it may be linked to sexually suggestive behavior, the material indicates the negative consequences of that link. Brief sexual scenes may be portrayed, and, in the case of erotic content, implicit sexual situations do not occur in degrading contexts. Portrayals of illegal drug use are minimal, and the language used may include offensive words and expressions.
- **"C" – For adults age 18 and above**
  The film should not be viewed by audiences under age 18. One of the criteria of this rating is the detailed portrayal of events and situations, in addition to themes and content, treated in a manner that requires, by its nature, a certain level of discernment that audiences below age 18 may not yet have developed. The film may contain scenes portraying a high degree of violence, sexually explicit behavior, and drug use. The language used corresponds to the requirements of the film's narrative.
- **"D" – Adults**
  The film is for adult audiences only. The criterion for this rating is the film's exclusive focus on explicit sex, offensive language, and a high degree of violence.

In the context of these criteria, horror is understood to mean feelings of fear, anxiety, or terror produced by an incongruity between the degree of the event or situation in relation to what is natural or regular. In addition, offensive language is considered any language that is shameless, inappropriate, coarse, base, or vile. Sexually suggestive behavior is that which is merely insinuated on film, but not depicted; implicit sexual behavior is that which is manifested, although not visually; and explicit sexual behavior is that which is manifested and depicted visually. These criteria form the basis for the specific age-appropriate ratings presented on pages 129 and 130.

Argentina

Established as an independent body in 1981, Argentina's Federal Broadcasting Committee (Comité Federal de Radiodifusión – Comfer) is responsible for promoting broadcasting services, issuing broadcasting licenses, exercising content oversight, and assigning ratings for programming.

Comfer's management board is composed of a chairman and six directors appointed by the executive branch to three-year terms. The board must include representatives of the armed forces, the Secretariat of Public Information, and the Secretariat of Communications, as well as a representative of the radio broadcasting industry and the TV broadcasting industry, respectively. Additionally, Comfer consists of a non-permanent advisory body comprising representatives of all federal ministries and the Secretariat of Intelligence, and has branches in 31 cities.

Comfer's activities are guided by National Broadcasting Law 22285 (Ley Nacional de la Radiodifusión 22285) – enacted 15 September 1980 – which mandates in its article 5 that all broadcasting services must cooperate toward "the moral elevation of the population, as well as the respect for liberty, social solidarity, the dignity of persons, human rights, the institutions of the Republic, the support of democracy, and the preservation of Christian morality."

The designation of the family viewing hours and non-family viewing hours established in the ratings is

Ratings advisories in Argentina

- General Audience
- Recommended for Viewers Aged 13 and Over
- Recommended for Viewers Aged 16 and Over
- Suitable for Audiences Aged 18 and Over
- Suitable for Audiences Aged 18 and Over, with broadcast conditions.

founded on a series of other decrees and resolutions. Resolution 830, for example, sets aside the 8:00 p.m. to 10:00 p.m. time-slot for family viewing, while also enumerating the penalties for broadcasters found in noncompliance with the guidelines on the protection of children. These penalties may range from warnings to fines in the amount of 1,000 to 25,000 pesos – or, in extreme cases, to the broadcaster's suspension.

Negative content

The resolution defines a minor infraction as the airing of vulgar expressions or repeated insults, messages that stimulate or justify violence, predominantly erotic content, the depiction of adult themes that could impair the psychic health of children and adolescents, and the explicit portrayal of violent content employed for its shock value alone

A serious infraction is associated with content, aired either during the family viewing hour or non-family viewing hours, that discriminates and/or offends the institutions of the Republic, national symbols, democratic values, and the principles endorsed by religious faiths recognized by the Nation-State; encourages or induces the use of psychoactive substances; advertises or promotes medicinal products not authorized by the competent organs or subject to medical prescriptions; includes repeated portrayals of pornography or extreme violence; presents adult themes in a manner that emphasizes their truculence and debasement; depicts images and content that place the identity of children and adolescents in conflict with the law. Moreover, it is important to underscore that Argentine legislation specifically requires broadcasters to observe the country's different time zones.

To define the intermediate infractions not explicitly prescribed in the legislation, Comfer relies on the content guide prepared by the Institute of Film and Audiovisual Arts (Instituto de Cinematografía y Artes Visuales – INCAA), Argentina's film ratings advisory board. Using an age-based model, the institute's system is classified into five categories, as described in the chart on the previous page.

INCAA's ratings are prepared by the Advisory Committee for Film Evaluation (Comité Asesor de Evaluación Cinematográfica – CAEC). Divided into three offices of three groups (each consisting of three professionals), the CAEC is composed of a certified psychologist, educational psychologist, or educational scientist, in addition to a film critic assigned by the Secretariat of Culture and an attorney appointed by the Ministry of Interior.

Representatives of the Institute of Film and Audiovisual Arts, the Ministries of Culture and Education, the National Children's and Family Council (Consejo Nacional del Menor y de la Familia), the Episcopal Office for Social Communications Media of the Roman Apostolic Catholic Church (Equipo Episcopal para los Medios de Comunicación Social de la Iglesia Católica Apostólica Romana), and the Israeli Faith (Culto Israelí) also sit on the commission.

Content guide

In 2000, Comfer signed an agreement with representatives of the broadcasting industry to ensure the rights of children and the freedom of expression. Coined the Content Guide (Guión de Contenido), the agreement is intended to incorporate and formalize the statutory changes introduced over the years, while also aligning them with the provisions of the International Convention on the Rights of the Child and the 1994 reform of the National Constitution.

The current debate on the regulation of television in Argentina largely centers on the protection of children. According to the study coordinated by professor Sérgio Capparelli of the Federal University of Rio Grande do Sul, the thrust of the discussions relates to the quality of children's programming and the general support expressed for legislation that focuses on educational content and reducing the portrayal of violent and sexual scenes in the programming schedules of broadcasters.

One of the major points of contention in the debate involves the friction between what was rated "unsuitable for children" in the 1980s and the profound changes in television and Argentine society in the intervening years. Professor Caparelli also reports that the broadcasting times reserved for the family viewing hour have come under some criticism, primarily as a result of studies which indicate that peak children's viewing hours in Argentina run from 10:00 p.m. to 11:00 p.m., and not from 8:00 a.m. to 10:00 p.m., as established in the legislation.

Chile

Chile's National Council on Television (Consejo Nacional de Televisión) is responsible for ensuring the proper provision of television services through the oversight and enforcement of broadcast content and images. By law, that content must respect the moral and cultural values of the country, the dignity of persons, the protection of the family, pluralism, democracy, peace, the protection of the environment, and the spiritual and intellectual formation of children and youth.

Established as an independent public service, the council is a decentralized body with its own legal status and assets. A total of 11 members sit on the council, one appointed directly by the president of the republic and the other 10, who, taken together must constitute a broadly representative body, are nominated by the president of the republic and ratified by the Senate.

Ratings advisories in Chile

- General audience
- Recommended for children aged 14 years and over
- Recommended for viewers aged 18 years and over

The first councilor's term is effective until 30 days after the appointing president is succeeded. The remaining council members serve eight-year terms. Every four years, half of the council members are replaced. The council may establish advisory committees on matters relating to television, and incorporate the contributions of representatives of the Ministries of Public Education and Transportation and Telecommunications, television concessionaires and operators, parent organizations, educators, and entities linked to cultural activities.

Chile's General Guidelines on Television Broadcast Content (Normas Generales sobre Contenidos de las Emisiones de Televisión) – prepared in 1993 by the National Council on Television – prohibit the airing of programming characterized by the protrayal of "excessive violence," "truculence," "pornography," or "the participation of children and adolescents in acts considered contrary to the public morality and good customs."

The text defines excessive violence as "the intense use of force or coercion," particularly that employed on living beings or which "incites aggressive conduct." Truculence is understood as "any conduct that is overtly cruel or encourages cruelty or unduly exploits suffering, panic, and terror." Pornography is considered the "depiction of obscene and degrading sexual images, conduct that is sexually aberrant or incites deviant behavior, and any abusive or indecent portrayal of sexuality."

Protection of children

Finally, the participation of children and adolescents in acts considered contrary to the prevailing morality and customs is defined as "the involvement of minors in scenes of extreme violence or cruelty or explicit sex and other situations that incite behavior which is contrary to the public morality and good customs."

The special guidelines on television broadcast content, also prepared in 1993, provide complementary guidance with a view to ensuring the prevalence of the public interest. Among the rules set out in the guidelines, articles 1, 2, 3, and 4 bear particular mention for their contribution to the protection of children.

These provisions require that movies which the Film Ratings Council (Consejo de Clasificación Cinematográfica) recommends for viewers over age 18 only be aired between 10:00 p.m. and midnight. Moreover, film advertisements and synopses aired before 10:00 p.m. must not portray images or make references which could be construed as inappropriate for children and adolescents. The same requirement applies to unrated movies that contain unsuitable content.

In addition, programming aired after 8:00 p.m. must include advisories regarding the presence of unsuitable content for children and adolescents. Finally, the guidelines provide for citizens to file complaints against any television service that contravenes the law, and specifies the procedures for submissions to the competent authorities.

It is important to underscore that Film Ratings Law 19846 (Ley de Clasificación Cinematográfica 19846), enacted in 2003, was a decisive step in abolishing prior censorship in Chile. Article 1 mandates that censorship be replaced with ratings principles, which are divided into age-based categories and take into account the need to protect children and adolescents, as well as their psychological and social development.

Other media

The guidelines are not restricted to film productions exhibited in their traditional large screen and video formats, but apply a broader definition of audiovisual that encompass other platforms, such as DVD and the Internet, within their scope. The guidelines do not regulate newscasts, advertisements, and movies made for television.

The original age group designations, organized in three categories and established in previous legislation, remain in force, as shown in the chart above.

We should stress that beyond simply emphasizing the problematic themes contained in unsuitable content, as more traditional ratings approaches have, the Chilean model (developed on the basis of coordinated research conducted and prepared by the country's regulatory authority) endeavors to indicate positive programming for children and adolescents.

Colombia

Article 20 of Colombia's 1991 Federal Constitution rejects all forms of censorship and states that all individuals must be ensured the right to freely express and disseminate their thoughts and opinions, impart and receive truthful and impartial information, and implement communications mediums, which should be operated freely and in a socially responsible manner.

Article 75 defines the electromagnetic spectrum as a public asset, which, as such, must remain under State control (art. 76). State intervention in this arena is charged to a public institution with its own legal status, independence, and political authority to decide on matters related to television broadcasters (art. 77).

The specific institution invested with the attributions set forth in the Constitution is the National Council on Television (Consejo Nacional de Televisión). The council is responsible for regulating the television industry in Colombia through a board of directors composed of five members appointed to fixed terms to direct and execute the pertinent duties, two of whom are designated by the government. Also participating on the council are a representative of the regional networks, a representative of industry unions and professional associations (namely, legal entities engaged in the television process), in addition to representatives of parents associations, television consumer protection associations, education and communications colleges and universities—also recognized as legal entities—all chosen by their respective governing bodies.

Quality Television

To promote broad consideration of television programming in Colombia, particularly in regard to productions directed toward children and adolescents. This is the stated objective of Quality Television (Televisión de Calidad), an alliance of academicians, civil society organizations, government, and broadcasting companies established in 2000. Developed through a series of institutional partnerships, Quality Television has actively engaged in legal actions in the audiovisual arena, while endeavoring to stimulate the formation of networks and promote public debate on its activities.

One of Quality Television's key initiatives is the alliance's publication *Commitment to Quality Children's Television in Colombia* (*Compromiso por una Televisión de Calidad para la Infancia en Colombia)*. The purpose of the document is to ensure appropriate programming for children and adolescents, i.e., programming that promotes the development of those audiences and ensures the rights prescribed in the Convention on the Rights of the Child.

The positive outcomes of the initiative led to the creation of Quality Television's Latin American network (*www.comminit.com/la/calidad*), which has served to extend the debate on social responsibility in the broadcasting industry and on the quality of television programming to other countries in the region.

The Colombian Constitution prescribes that the rights of children must prevail over all others. This norm provides the legal guidance underlying the actions of the council, which is required, under the 1989 Minors' Code (Código de Menores), to regulate and ensure the establishment and dissemination of the time blocks and specific broadcasting times during which programming designed for family viewing or children must be offered (art. 304).

The same article instructs the National Council on Television to assign ratings to radio and television programming broadcasts during the family viewing hour. The council must also define all unrestricted programming; programming children and adolescents should watch in the company of their parents or a guardian; and adult programming.

The advisories may be supplemented with additional information on material considered unsuitable for children under age 7, the presence of educational content, and the depiction of pornographic or excessively violent content.

Public and private television networks must reserve the following time-slots for children's programming: Monday-Friday, 3:55 p.m. to 4:55 p.m., and Saturdays, Sundays, and holidays, 8:00 a.m. to 10:00 a.m. *Law 335* of 1996, which authorizes private television services in Colombia, requires, pursuant to the *Minors' Code*, broadcasters to offer programming suitable for all audiences in the 7:00 a.m. to 9:00 a.m. time-slot. The council

may impose fines in the event of noncompliance with the above-cited law (or apply time-based penalties or suspend a broadcaster's activities in cases of serious breach).

Costa Rica

The *Code of Regulations on Television Content and Children of Costa Rica (Código de Regulación sobre Contenidos Televisivos e Infancia de Costa Rica)* sets forth the criteria for audiovisual content ratings in Costa Rica. An important component of the Costa Rican model is the attention given to "social behaviors" considered desirable by society. Programming identified as containing these behaviors are assigned a rating of *recommended for children*, on the argument that they offer "a positive description of children's behavior, fostering values such as solidarity, equality, cooperation, nonviolence, and the protection of the environment."

Ratings advisories in Europe

Concern with the regulation of audiovisual programming and content for purposes of protecting children and adolescents gained momentum on the European continent in the latter half of the 1980s.

In 1989 – the year the United Nations approved the Convention on the Rights of the Child – the European Council's European Convention on Transfrontier Television recommended attention to the audiovisual industry's responsibility for ensuring programming that respects human dignity. Article 7 prohibits all programming capable of impairing the physical, mental, or moral development of children and adolescents during times in which these audience segments may be watching.

That same year, the European Union enacted the Directive on Television without Frontiers, which was amended in 1997. The 1989 directive establishes the legal framework governing television channels in the EU member states. With regard to the protection of children and adolescents, the document makes a distinction between advertising (articles 15 and 16) and programming (article 22).

Following the directive's review in 1997, article 22 acquired a new dimension in regard to the protection of children. The amended text orders the member states to take measures to ensure television stations under their jurisdiction do not air any programming that *seriously impairs* the physical, mental, or moral development of minors under age 18, in particular programs that involve pornography and gratuitous violence.

The amended text also expands on the references to other programs capable of harming that development – to the exclusion, however, of programs broadcast at times or with a technical device that would make it difficult for children and youth to watch or hear those programs. The member states must also guarantee that programs aired over broadcast chan-

nels are preceded by an acoustic warning or carry a visual symbol throughout their duration.

Preventing discrimination

Finally, the member states must verify that audiovisual channels do not air programming that contains any type of hatred/prejudice (on grounds of race, sex, religion, or nationality). They are also expected to prepare a study on the possible advantages and disadvantages of adopting additional measures aimed at facilitating the control exercised by parents and guardians over the programming children and adolescents watch.

Another important document is the 1992 Guidelines for Programmes when Dealing with the Portrayal of Violence issued by the European Broadcasting Union (EBU), an association of national public broadcasters. The guidelines continue in force and lay out specific standards for programming designed for children and youth.

The document underscores that the general rules on the broadcasting of violent content should be applied with particular rigor in the case of young audiences. The rules it sets out extend to all formats, from fictional to informational material.

The text also stresses that children's programs must take special care in the presentation of violence, whether physical or otherwise, presenting non-violent alternatives and a positive attitude regarding life and human rights. Broadcasters are also strongly urged to avoid portraying violence as a method of resolution of conflict and to take particular care in the depiction of domestic, physical, or verbal violence.

Safeguarding flexibility

In 1996, the European Union published the Green Book on the protection of children and adolescents and human dignity in audiovisual and informational services. The publication broke new ground by devoting special attention to the new audiovisual and informational services generated as a result of technological innovations, and which have served to increase the power of individual choice.

The publication clearly places less emphasis on the State's regulatory role, a predominant feature of previous documents, while expressing concern with manifestations of censorship capable of threatening the right of choice of adult audiences. With this in view, the Green Book stresses the need to distinguish between different phenomena: for example, child pornography, which is illegal, and adult pornographic content, which is not illegal.

Additionally, the document highlights the emergence of new types of hybrid audiovisual content, specifically, content that simultaneously associates and incorporates advertising and information or entertainment, as a way to illustrate the need for more flexible regulatory frameworks.

Finally, the document underscores the importance of framing the problems regarding the protection of children and adolescents in the context of

content which may be harmful, yet not necessarily illegal. To this end, the adoption of protective measures requires identifying the means to prevent or impede children and adolescents from accessing objectionable audiovisual content, in accordance, clearly, with the pertinent provisions established by the member states.

Another shared concern of European countries involves the broadcast content directed toward children and adolescents which is produced outside the continent. The growing consumption of this type of audiovisual content is regarded as one of the causes behind the declining quality of programming and the persistence of noncompliance with the regulatory guidelines currently in place.

United Kingdom

The United Kingdom has a long tradition, consolidated through the 20th century, of protecting the rights of children. A variety of legal mechanisms – the first dating back to 1933 – were introduced over time to mitigate the potential negative effects of the mass media and encourage the use of the related mediums for educational purposes.

These historical antecedents provide the backdrop for a television system that is divided into three categories: 1) broadcast television, subdivided into public, private, and mixed channels; 2) pay-television (cable and satellite); 3) Internet television. This diverse setting has spurred the emergence of a complex regulatory system composed of various regulatory authorities – with enforcement powers – and codes of conduct.

The first of these that warrants mention is the BBC Board of Governors. The board is responsible for fulfilling the BBC's public service mission, ensuring the broadcasting corporation's independence from the government, executing its policies and strategies, monitoring the performance of its channels and all complaints submitted by viewers, and guaranteeing the transparency of its activities.

There have been a number of other communications regulatory authorities throughout the history of the United Kingdom. One of these was the Independent Television Commission, a governmental agency charged with regulating and controlling all private broadcast or pay television service licenses, national or international, issued in the country.

Other regulatory authorities have included the British Board of Film Classification – BBFC, Broadcasting Standards Commission – BSC, Office of Fair Trading – OFT, Radiocommunications Agency, and Welsh Fourth Channel Authority.

In 2000, the British government published *The Communications White Paper – A New Future for Communications*, with a view to merging the regulation of the communications industry under a single agency, the Office of Communications (OFCOM). Preparations for the consolidation began the following year, and the new agency launched its operations in 2003. In July 2005, *The OFCOM Broadcasting*

Channel 4: a model of democratic regulation

The British experience offers clear evidence of the viability of reconciling the respect for democratic principles with the construction of a robust legal framework to regulate mass communications media. A closer look at the Channel 4 model – an open broadcast television channel – can contribute toward our consideration of different regulatory options.

Although the British government's requirements for Channel 4 make no specific reference to ratings advisories, they nonetheless demonstrate that democratic State control, even in consolidated democracies, can extend beyond the mere designation of unsuitable content. In the UK's case, advanced and complex rules on the guarantee of human rights and diversity, without prejudice for the freedom of expression, are an aspect of the country's regulatory inventory.

The case of Channel 4 – taken from the study coordinated by Sérgio Capparelli – underscores just how comprehensive and rigorous legislation can be in a democratic society like the United Kingdom, one the world's most institutionalized democracies.

Diverse programming – Channel 4 is an open broadcast television channel established as a not-profit making organization, which began broadcasting to 87% of the United Kingdom in November 1982. By 1988, its transmissions reached 99.4% of the UK. Because the primary objective of the channel is to offer highly diversified programming, it is required to adhere to a series of determinations handed down by the ITC at the time of its establishment. Specifically, Channel 4 must:

- Offer an alternative in relation to the other open broadcast television channels, serving the interests of those segments neglected by the other open broadcast television channels;

- Offer a diversified service, including news, religious, educational, and multicultural programming – all of which must be included in the 6:00 p.m. to 10:30 p.m. timeslot (peak-time) – as well as programs that cater to persons with special needs, global coverage, and other interests;
- Broadcast educational material in primetime;
- Exercise a central role in the United Kingdom's film industry;
- Promote a high volume of independent productions, preferably originating outside of London (*Broadcasting Act 1996*).

A minimum of ten hours of children's programming, or 8.15% of the weekly programming schedule, must be offered every week, a total, we should note, that had already been exceeded by the year 2000.

Code went into effect. The code defined the ratings criteria for television programming in the United Kingdom (with the exception of the BBC).

The BBC's internal criteria are contained in the *Editorial Guidelines*, which set out a series of principles to guide the determinations on the appropriate broadcasting times for particular programs. These principles are: 1) taste and decency; 2) portrayals of sex; 3) portrayals of violence; 4) the danger of imitational or anti-social behavior; 5) offensive and strong language.

Section 9 of the document lays out the principles that guide the production and broadcast of television programs and online content designed for young people under age 18, particularly children under age 15. The section specifies not only the BBC's definition of children's and youth programs, but also the approach to handling the issue of children who take part in those programs.

Germany

As a federative State marked by significant regional differences, the German case warrants special consideration. The structure of the German model can offer guidance to Brazil, a nation defined by a similar federative character.

ZDF, Germany's public television network, is composed of various associated broadcasters. Regional television broadcasters, such as WDR, Bayerish Rundfunk, Saarlandish Fernshen, ARD, and others, occupy a particularly important position within the system. With specific regard to children's programming, the

public television broadcasting system established the Kinderkanal (Children's Channel), more commonly known as KIKA. Until recently, responsibility for monitoring the respective private television networks rested with oversight authorities in the regional states (Länder), who occasionally clashed with self-regulatory bodies on issues involving the protection of children and adolescents. The amended Youth Protection Act (*Jugendschutzgesetz*), passed by both chambers of the German Federal Diet (Bundestag) in 2002, established the country's first system of coregulation.

The following year the system was given greater impetus when age-based criteria were established, particularly for pornographic content. Audiovisual broadcasts of pornography were henceforth prohibited for children and adolescents through age identification and authentication procedures implemented by providers to ensure that access to this content remained restricted to adults.

Regulated self-control

Institutionalized codes of practice are common in various German states (Länder). The respective time-appropriate ratings for audiovisual works are assigned on the basis of the limits established in the Voluntary Self Regulation of the Movie Industry (Freiwillige Selbstkontrolle der Filmwirtschaft – FSK), as indicated in the accompanying chart.

The *Interstate Broadcasting Agreement* (*Rundfunkstaatsvertrag* – RStV) is also aimed at guaranteeing the protection of children. Its article 3 defines the type of productions which may not be aired: programs that "are considered likely to endanger the physical, spiri-

Ratings advisories in Germany

- Movies rated for general audiences or children over age 6 may air throughout the day.
- Movies rated for children over age 12 may air throughout the day, although it is recommended broadcasters take into account the content of the production in relation to the fact that many children watch television during the day without adult supervision.
- Movies not recommended for viewers under age 16 may air after 10:00 p.m.
- Movies not recommended for viewers under age 18 may air after 11:00 p.m.

The target broadcasting time criteria operate in conjunction with an acoustic warning.

tual, or mental development of young people cannot be released for general exhibition," unless the broadcaster takes the necessary precautions, based on the broadcasting time, to ensure these age groups do not have access to the material. The State Media Authorities (Direktorenkonferenz der Landesmedienanstalten – DLM) are charged with applying and monitoring private broadcasters' compliance with the broadcasting agreement; in the case of public television broadcasters, the pertinent oversight is carried out through the direct administration of those stations.

The RStV requires broadcasters to hire an expert in the field of the protection of children. This individual is responsible for advising the managing director (or the legally empowered officer) and is always to be consulted prior to the purchase, creation, production, or planning of any programming. In the case of private broadcasters (many of which had already established a position in this area prior to the legal mandate), the expert must engage full time in the related activities, while in the case of public broadcasting stations, the expert may perform other functions.

Violence and pornography are specifically addressed in the German Penal Code (Strafgesetzbuch Deutsches), as is the prohibition of programs that exalt war, portray dying or suffering people in an offensive manner, or are clearly developed in a manner that endangers the moral and ethical development of children and adolescents. The Penal Code also forbids the airing of broadcasts which are offensive or incite violence against a portion of the population or a particular race, religion, nationality, and so forth.

In addition to the external oversight authorities, in 1993 the private television networks established a self-regulatory oversight body, the Voluntary Television Review Body (*Freiwillige Selbstkontrolle Fernsehen* - FSF), funded by the networks themselves.

France

Established in 1986, the French Audiovisual Council (Conséil Supérieur de l'Audiovisuel – CSA) is France's regulatory authority for media production. One of the board's primary duties is to ensure the well-being of children and adolescents. There are two ways in which this is accomplished: first, through the appointment of a member of the council (from among the nine who comprise the body), who is tasked with all matters relating to the protection of children and adolescents. Second, through the Youth Directive (*Diretiva Jeunesse)*, a document originally published in 1989 in which a specific "family programming hour" is established, with a view to protecting children and adolescents from violent and pornographic content.

In their previously cited study, Sergio Caparelli *et al.* report that the public and private media broadly accepted the idea of establishing a "protection period," which then served as the framework for the development, in 1996, of a program ratings and public information system for broadcast content designated the Certificate Rating System (*Signalétique Jeunesse*).

Ratings advisories in France

- **Category I** – programs suitable for all audiences.
- **Category II** – programs containing scenes liable to harm minors under age 10.
- **Category III** – programs with scenes that resort to the systematic or repeated use of physical or psychological violence, prohibited for minors under age 12.
- **Category IV** – programs of an erotic or extremely violent character, prohibited for minors under age 16.
- **Category V** – programs of a pornographic or extremely violent character, liable to undermine the physical, mental, or moral development of minors under 18.

In accordance with the CSA's guidance, the intent is not to establish excessively restrictive categories. However, the implementation of the ratings logos system (*Signalétique)* included some consensus criteria which must be taken into account in the ratings designation process.

Below, we offer a brief summary of these criteria:

- The quantity and nature of the violent scenes.
- Their gratuitousness.
- The use of violence as a form of resolution of conflict.
- The depiction of violent images (sound, background).
- The evocation of difficult themes such as drugs, suicide, incest.
- The representation of sexual acts.
- The degrading portrayal of women.
- The psychology of the characters and the points of reference that it offers to a child or adolescent public.
- The character of the heroes, their motives, their recourse to violence.
- The presence of children in scenes considered complex.

The pictogram corresponding to the program rating is displayed at the time the program and its trailers are broadcast, as well as in magazines

that publish television schedules. During the "protection period," which runs from 6:00 a.m. to 10:30 p.m., with slight variations from channel to channel, only category I and II programs may be aired, that is, those suitable for minors under age 12.

Two other documents provide guidance on the activities of public broadcasters and private television networks: the *Cahiers des Charges* (Standards) and the Conventions of private broadcasters (TF1 and M6).

The *Cahiers des Charges* mandate that public channels "ensure respect for the human person and human dignity," by refraining from "airing programming which is liable to undermine the physical, mental, and moral development of minors." In addition, the document requires France 2 and France 3 (public broadcasters) to air a diversity of children's programming that balances education and entertainment. In the case of Cinquème, another public broadcaster, the *Cahiers des Charges* instruct the entity "to endeavor to develop awareness among young television viewers regarding their rights and responsibilities in daily life (...) and to encourage them to acquire the independence and capacity to develop a personal project, particularly in the professional arena."

The Conventions require private sector channels to broadcast a minimum number of hours of children's programming and set out a series of advisories regarding the participation of children and adolescents in programs. Finally, French legislation generically prohibits television broadcasts, including advertisements, from inciting prejudice on racial, sexual, religious, or national grounds.

For its part, the Certificate Rating System (*Signalétique Jeunesse)* assigns ratings to television programming based on its suitability for young audiences,

specifically, the degree of violence, erotic content, or difficult themes to which children may be exposed. The system was implemented in 1996 by TF1, France 2 , France 3 and M6. In 1998, the system was incorporated in the *Cahiers des Charges* and the private sector's *Conventions* as well. Today, all public – except Arte – and private open broadcast channels apply the Certificate Rating System (*Signalétique Jeunesse).*

Movies, series, cartoons, and documentaries are divided into five categories, each identified by a different pictogram. Television channels assign ratings through Viewing Committees (Comités de Visionnage), under the supervision of the CSA. The ratings are shown in the chart on page 146.

Italy

The Italian regulatory system combines government regulation with self-regulation. On one side, RAI, as a member of the State broadcasting system, is subject to legally prescribed rules regarding children. Italian legislation requires public radio and television concessionaires to support the production of European works, including those developed by independent producers. Through 1999, at least 20% of the programs broadcast by RAI were required to be European productions.

Of that percentage, the service contracts had to include a specific production reserve – or the procurement from independent Italian and European producers – of animated programming intended to contribute to the development of children. In addition to ensuring the quality of animated programming, the measure is aimed at preserving European culture, a concern largely absent on Italy's major television networks, which incline toward bulk purchases of Japanese and American productions.

In conjunction with State action, self-regulatory initiatives have also been undertaken: RAI and a number of private broadcasters (among them Mediaset) signed the Code of Self-Regulation (Codice di Autodisciplina), which provides guidance on suitable programming for children.

In their study *Protection of Children and Television in Eight Countries* (*Proteção à Infância e à Televisão em Oito Países)*, Sergio Capparelli *et al*. delineate the general outlines of the code with specific regard to the protection of children and adolescents. First, the document recognizes that children are part of the television viewing audience, particularly during specific broadcasting times. In addition, the document emphasizes the importance of respecting the needs of children and their normal development, as established in the Italian Constitution. Finally, the code states that, while responsibility for the education of children and adolescents, defined as individuals in the 0 to 18 age group, initially falls to families, television plays a central role in this area.

Some of the general principles of the code include:

- Enhancing and elevating the quality of television broadcasts directed to children.
- Providing assistance to adults, families, and children on the appropriate use of television broad-

casts, while observing the requirements of children – whether in terms of quality or quantity – and mitigating the risk of dependence on television and the imitation of television models.
- Cooperating with the school system to provide children and adolescents with guidance on a proper and suitable television education.

Spain

For many years, content regulation in Spain was founded on informal bilateral agreements signed between the State and television networks prescribing the adoption of self-regulatory measures. In 2004, members of the government and entities representing the four television networks (TVE, Antena 3, TeleCinco, and Sogecable) adopted a code on the self-regulation of television content and children, through the Agreement on the Promotion of the Self-Regulation of Television Content and Children (*Acuerdo para el fomento de la autorregulación sobre contenidos televisivos e infancia*), the aim of which was to harmonize the industry's activities.

The code establishes distinctions between children (under age 13) and adolescents. Children are given special attention during the "protected viewing times" ("protección reforzada"). The document also provides for expanded program ratings to facilitate parental control, establishes general principles on enhancing the protection of child viewers between 6:00 a.m. and 10:00 p.m., and sets forth the conditions under which children and adolescents may appear on television (programs, informational programming, and advertisements).

The ratings criteria on self-regulation contained in the agreement classify audiences by age group, as shown in the accompanying chart.

Ratings advisories in Spain

- Program Particularly Suitable for Children.
- Program Suitable for All Audiences.
- Program Not Recommended for Minors under Age 7.
- Program Not Recommended for Minors under Age 13.
- Program Not Recommended for Minors under Age 18.

Catalonia

Spain's autonomous region of Catalonia has an independent system for evaluating television content. As is widely known, the region harbors aspirations at independence from the Spanish State. When the

Ratings advisories in Catalonia

- Program Particularly Suitable for Children.
- Program Suitable for all Audiences.
- Program Not Recommended for Minors under Age 7.
- Program Not Recommended for Minors under Age 10.
- Program Not Recommended for Minors under Age 13.
- Program Not Recommended for Minors under Age 16.
- Program Not Recommended for Minors under Age 18.
- X-Rated Program.

Content that could harm the physical, mental, or moral development of children may only air between 10:00 p.m. and 6:00 a.m. Programs not recommended for minors under age 16 may only air after 8:00 p.m. Those not recommended for minors under age 18 may only air after 10:00 p.m. X-rated programs may only air between 1:00 a.m. and 6:00 a.m.

present publication was prepared, discussions were underway on the revision of the statute governing the region's political organization.

In contrast to the prevailing approach in other countries, program evaluations are performed by media firms themselves, which are charged with assigning a specific content rating to the programming. The evaluations, however, are accomplished on the basis of indicators and criteria established by the Catalan Audiovisual Council (Consell de l'Audiovisual de Catalunya – CAC), authorized not only to preside over the competent policy, oversight, and regulatory bodies, but also over all matters related to the audiovisual industry.

Thus, broadcasters assign the ratings for audiovisual productions, yet the CAC monitors programming and identifies inadequacies (unsuitable material) – in other words, the CAC conducts enforcement and imposes penalties. The body is composed of 11 board members appointed to guaranteed and non-renewable four-year terms by the parliament. They are designated exclusively to exercise the functions related to their office.

Catalan Audiovisual Law 22/2005 (Llei de la comunicació Audiovisual de Catalunya 22/2005) sets out the specific aspects of radio and television broadcasting oversight. CAC Agreement 117/2004 (Acord 117/2004) provides the general guidelines on the protection of children and adolescents, broadcasting times, and program ratings.

As is clear from the description above, the model does not provide for prior government analysis. The

CAC monitors broadcast content and, in the event of any irregularities, is charged with issuing a warning to the broadcaster on the same day of the violation. In the case of a repeat violation, the program is assigned a new advisory rating. Similarly, an administrative process is launched to allow the company, if it so chooses, to appeal the measure. When a new rating is assigned, the corresponding broadcasting time is classified to another age group of the programming schedule.

Portugal

Portuguese Radio Television (Radiotelevisão Portuguesa – RTP), the country's first broadcaster, was established in 1957. In 1968, Channel 2 was created to serve alternative audience segments. Private television broadcasters were not authorized until 1990. The first private channel (SIC) entered into operation in 1992. Channel 4, initially tied to the Catholic Church and subsequently sold and renamed TVI, went on the air in 1993. In 1997, the SIC and RTP groups began launching cable channels. Children's programming, however, is only offered over international channels.

As in Spain, the Portuguese regulatory model is based on informal agreements signed between broadcasters and the State. Yet there are laws that make reference to certain aspects involving the protection of children and adolescents.

Portuguese Television Law 32/2003 (Lei da Televisão Portuguesa 32/2003) contains provisions that protect children and adolescents from violent programming and sexual content. Television operators are required to ensure that legitimate public access to social communications media is accomplished in a manner consistent with the special protections guaranteed to the most vulnerable segments, specifically children and youth (art. 30). These protections are given particular emphasis in relation to the limits on the freedom of programming, which include prohibitions on pornography, gratuitous violence, incitement to hatred, racism, and xenophobic attitudes in open broadcast television services (art. 24).

Programs that could negatively influence children and adolescents and the broadcasting of works rated unsuitable for minors under age 16 are restricted to the 11:00 p.m. to 6:00 a.m. time block.

At the end of 2004, the High Authority for the Mass Media (Alta Autoridade para a Comunicação Social – AACS), the entity responsible for the oversight and authorization of broadcasting activities in Portugal, issued a generic directive on program trailers defined as capable of negatively influencing the development of children, requiring that these trailers only air between 11:00 p.m. and 6:00 a.m.

The broadcasting channels agreed to introduce ratings symbols, without a specific age designation, for programs whose content could be harmful to viewers under age 18. The symbol appears as a red circle in the upper right corner of the screen. Although all national television channels carry the symbol, it is not applied uniformly.

The guidelines above remain in force. However, following the passage of Law 53 of 8 November 2005, the competencies of the High Authority for the Mass Media were transferred to a new broadcasting oversight agency: the Regulatory Authority for the Media (Entidade Reguladora para a Comunicação Social – ERC).

The Netherlands

In the Netherlands, self-regulation by companies is employed in conjunction with government regulation. Established in 1999, the Dutch Institute for the Classification of Audiovisual Media (*Nederlands Instituut voor de Classificatie van Audiovisuele Media* – NICAM) is responsible for regulating the industry. The institute is composed of representatives of the various fields related to audiovisual media: cinema, television, video, DVD, and video games. In the case of television, the industry is represented by public and private broadcasters.

The rating system employs two types of symbols which distinguish programs on the basis of age and content. The age-based rating system is described in the accompanying chart. The content-based symbols display circles that identify the unsuitable characteristics of the broadcast content: violence, sex, horror, drug or alcohol abuse, discrimination, and offensive language.

In addition to the NICAM's ratings designation, the Dutch government has established regulations on broadcasting times for content and controlling access by minors under age 18 to movie and video materials.

Ratings advisories in the Netherlands

- Program Suitable for all Ages and Children over Age 6 – may air at any time of the day.
- Programs Recommended for Children over Age 12 – may only air after 8:00 p.m..
- Programs Recommended for Viewers over Age 16 – may only air after 10:00 p.m.

Sweden

Established in 1956, SVT is Sweden's public television network, with two broadcast channels. Currently, there are three private terrestrial channels and an array of cable channels. Regional public television broadcasters also occupy a relatively important position.

SVT is operated by a foundation (not the State). One of SVT's objectives is to give precedence to hu-

manism over commercialism. In addition to serving as an underlying principle for the network's professional staff, the implementation of this philosophy is clearly presented to viewers, particularly with regard to the promotion of ethnic and cultural diversity.

As in the British case, Sweden's ratings criteria rest on assigning broadcast times on the basis of the evaluated programming content. A distinguishing feature of the country's system involves the abolition in 2000 of all advertising from children's programming.

In addition, it is worth underlining, as an enduring example of social responsibility by the State, the creation of the International Clearinghouse on Children and Violence on the Screen – subsequently designated the International Clearinghouse on Children, Youth, and Media – with the support of Unesco and the Swedish government.

Ratings advisories in Oceania

Australia

The Australian Broadcasting Authority (ABA) was established through the *Broadcasting Services Act* in 1992. The agency's responsibilities include addressing issues such the media ownership (radio, television, and Internet), the authorization and regulation of content. Discussions are now underway on the merger between another Australian government agency and the ABA.

Australia's ratings assign recommendations to specific children's programming as well as programming in general. In the first case, the ABA sets out standards exclusively for children's programming (directed to children up to age 14). The purpose of the ratings is to make recommendations on programming for that segment. The standards that guide the ratings designations are discussed and reviewed every year. The most recent version provides for two categories, as shown in the table on page 155.

In addition to the above rating system, which is performed by ABA evaluators and independent experts (television producers and researchers) prior to the airing of programs, Australian broadcasters created the Commercial Television Code. The most recent edition of the code was published in 2004 by Free TV Australia and specifies ratings standards, in addition to defining the commitments of broadcasters with respect to the ethical standards applied to news productions and the attention given to hearing-impaired viewers.

The code establishes two types of ratings advisory criteria – one for films and another for general programming. With respect to films, television broadcasters should adhere to the ratings criteria adopted by the Office of Film and Literature Classification.

Ratings advisories
in Australia – Criteria for General Programming

- **G (General)** – the program is suitable for viewers of all ages.
- **Violence** – restrained depiction of scenes of physical or psychological violence.
- **Sex and nudity** – scenes of and references to sexual behavior must be infrequent and strictly limited to the story line.
- **Language** – limited depiction of scenes employing language generally considered offensive or discriminatory.
- **Drugs** – references must be justified by the story line and the program may not encourage drug use.
- **Suicide** – limited and careful reference justified by the story line, which is not presented as romantic or heroic.
- **Themes** – scenes depicting domestic or social violence must have a low sense of menace for children.
- **PG** – Parental guidance recommended
- **M** – Recommended for viewing by persons aged 15 years or over
- **MA** – Suitable for viewing only by persons aged 15 or over
- **AV** – Suitable for viewing only by persons aged 15 or over because of the intensity and frequency of the violence. In general, violence is central to the theme.

News and sports programs are not subject to ratings advisories, but are required to comply with the following guidelines: they may not present material in a manner that creates public panic, they must exercise caution when including images of dead or seriously wounded people, and, in regard to broadcast images and information on children (up to age 16), they must observe the rule established in the legislation in force.

Each category is associated with suitable broadcasting times, as shown in the table on page 156.

All other programs adhere to the criteria established in the code, presented in the accompanying table.

New Zealand

The 1989 *Broadcasting Act* requires broadcasters to adhere to programming standards that respect good taste, decency, the maintenance of law and order, individual privacy, and impartiality, among other aspects. The act formalized the establishment of the Broadcasting Standards Authority, the agency responsible for monitoring compliance with the standards governing broadcasting activities in New Zealand and handling formal complaint submissions against programming. The *Codes of Practice* provide for the protection of children, the interpretation of the concept of violence, and restrictions on liquor advertising.

The document also sets out a rating system for free-to-air (open broadcast) television, the categories for which are described in the table on page 157.

Ratings advisories in Australia – Children's Programming

- **C** – Programs recommended for children in primary school and children's fiction Classification Zones (Broadcasting Times): 7:00 a.m. to 8:00 a.m., Mondays through Fridays 4:00 p.m. to 8:00 p.m.. Mondays through Fridays 7:00 a.m. to 8:30 a.m., Saturdays, Sundays, and Government primary school holiday
- **P** – Program recommended for preschool children Classification Zones (Broadcasting Times): 7:00 a.m. to 4:30 p.m., Mondays through Fridays

It is important to mention that Australian legislation requires broadcasters to air at least 390 hours of C and P rated programs throughout the year. Broadcasters must also widely disseminate the broadcasting times for C or P rated programs.

Ratings advisories
in Australia – Films

- **G – General**
  Broadcasting Times:
  Weekdays – 6:00 a.m. to 8:30 a.m. and 4:00 p.m. to 7:00 p.m.
  Weekends – 6:00 a.m. to 10:00 a.m.
- **PG – Parental guidance recommended**
  Broadcasting Times:
  Weekdays – 5:00 a.m. to 6:00 a.m., 8:30 a.m. to 12:00 p.m., 3:00 p.m. to 4:00 p.m., 7:00 p.m. to 8:30 p.m.,
  Weekends – 5:00 a.m. to 6:00 a.m., and 10:00 a.m. to 8:30 p.m.
- **M – Not recommended for viewers under age 15**
  Broadcasting Times:
  Weekdays – 8:30 p.m. to 5:00 a.m. and 12:00 p.m. to 3:00 p.m.
  Weekends – 8:30 p.m. to 5:00 a.m.
- **MA – Unsuitable for viewers under age 15**
  Broadcasting Times:
  Every Day – 9:00 p.m. to 5:00 a.m.
- **AO – Adult audience only – over age 18**
  Broadcasting Times:
  Every Day – 9:00 p.m. to 5:00 a.m.
- **R18+ – Unsuitable for viewers under age 18**
- **X18+ – Unsuitable for viewers under age 18 – Material consists only of the portrayal of explicit sexual acts.**
  May not be broadcast on free-to-air television

Additionally, Australian guidelines do not recommend the airing of films that portray graphic violence, sexual organs in a context involving sexual relations, drug use (including depictions instructing how to use drugs) and realistic scenes of attempted or committed suicide.

Ratings advisories in New Zealand

- **G – General audience**
  Programs which exclude material likely to be unsuitable for children. They may not necessarily be designed for child viewers but must not contain material likely to alarm or distress them. These programs may be screened at any time.
- **PGR – Parental guidance recommended**
  Programs containing material more suited for mature audiences but not necessarily unsuitable for child viewers when subject to the guidance of a parent or adult.
  These programs may be screened between 9:00 a.m. and 4:00 p.m. and 7:00 p.m. and 6:00 a.m.
- **AO – Adults only**
  Programs containing adult themes and directed primarily to mature audiences.
  These programs may be screened between 12:00 p.m. and 3:00 p.m. on weekdays (except on school or public holidays as designated by the Ministry of Education) and between 8:30 p.m. and 5:00 a.m.
- **AO 9.30pm – Adults only**
  Programs containing stronger material or special elements which fall outside the AO rating. These programs may contain a greater degree of sexual activity, potentially offensive language, realistic violence, sexual violence, or horrific encounters. They may only be screened between 9:30 p.m. and 5:00 a.m.

News and current affairs programs are not subject to ratings, and may be screened at any time. However, producers are required to be mindful of the broadcasting times during which young people may be among the viewers and include warnings, where appropriate.

Live and sports programming are not subject to ratings. However broadcasters must take the necessary steps to ensure the content conforms with the time band in which the program is broadcast.

Challenges in defining a new model

» 6

The previous sections laid out the principal contours of the debate on ratings advisories, one possible public policy option for the democratic regulation of audiovisual content. The discussion centered on the underlying objectives of regulatory action by the potential actors in this arena, the historical roots of communications policies, and the relationship between these factors and the research on media and children. We also presented Brazil's legislation, the legal frameworks in place in other countries, and the supranational norms relating to the central aspects of the subject under examination. This chapter endeavors to revisit and summarize the considerations introduced in the previous pages.

Throughout our discussion, we have stressed the three key themes of this section:

- The recognition that ratings advisories are designed to protect and value the human rights of children and adolescents.
- The idea that the effectiveness of the rating system depends on the quality of the dialogue undertaken with society regarding the functioning, objectives, and potentialities of ratings advisories.
- The awareness that ratings advisories should go beyond merely identifying unsuitable content.

In the following pages, we want to take these points up again, with a view to consolidating the central elements of the debate, before proceeding to the final section of the document: the presentation of a proposed *modus operandi* for audiovisual content ratings in Brazil.

Human Rights at the center of discussions

The maxim that information is a right of men and women – regardless of their age, social class, or race/ethnicity – is firmly rooted in the discourse

of human rights protection groups. Although seemingly self-evident at first glance, the axiom requires more careful analysis with regard to its scope and interconnections.

First, it is necessary to underscore that both the reception of information and participation in the production of information constitute human rights. Second, we must bear in mind that the discussion on these rights does not involve just any type of information (or broader content), but specifically quality information. However, the definition of quality, with respect to this discussion, depends greatly on the constitutional determinations of each country.

Finally, we should note the importance of ensuring protection against media abuses – precisely the point on which the issue of rating systems rests. As indicated previously, the Convention on the Rights of the Child (article 17) emphasizes the concern Nation-States must have with regard to the programming directed to children and adolescents. The Brazilian Constitution mandates, among other requirements, that federal law must:

> *Determine the legal remedies which afford individuals and families the possibility of defending themselves against radio and television programs or schedules which contravene the provisions of Article 221, as well as against publicity of products, practices, and services which may be harmful to the health and environment. (Article 220, paragraph 3, subsection II)*

In other words, the country's highest legal document includes provisions on the right of citizens to protect themselves from potentially harmful productions, thereby endowing public policies, including the ratings advisories intended to regulate audiovisual content, with broad legitimacy.

Defining the actor and the setting

In what setting is the assignment of ratings advisories performed? At the outset, it is important to recognize that all actors that interact in a social environment have the potential to foster or undermine human rights. This applies equally to individuals, groups, corporations, and the State.

Thus, Nation-States have an overriding duty to guarantee, in last instance, the rights assured under the Constitution, in ratified international treaties, and in the laws enacted by their national legislatures. However, given the variety of ways in which rights can be promoted or violated, States are forced ultimately to concentrate their efforts on those actors most capable of influencing human rights either positively or negatively.

The concern, then, in the advanced democracies with respect to the mass media must be understood in this context. This preoccupation, as discussed earlier, derives from the media's position as one of the most decisive and powerful instruments in the socialization of contemporary populations, by vir-

tue of their production and conveyance of messages of varying types and magnitude.

Good guys and bad guys

Through newscasts, publicity segments, and entertainment productions – all of which, we should note, draw enormous audiences in Brazil – the media can exercise two distinct and contradictory roles: it can either contribute toward the dissemination, protection, and consolidation of human rights or it can disrespect those rights. The latter case occurs frequently and is marked by recurring episodes involving violations of the individual's right to privacy, protection of the image, reception of quality information, and the abasement of the collective right of respect for minorities as well as the infinite differences intrinsic to the human condition.

Children and adolescents are particularly vulnerable in this context, for they lack formal political representation (they do not vote) as well as, in general, organizations capable of defending their interests and aspirations in society. In view of their unique circumstances, discussed at length in *Chapter 4*, they require special protection from Nation-States. To be sure, other political minorities – including women, Afro-Brazilians, indigenous populations, homosexuals, and persons with special needs – are also highly vulnerable. However, because these groups vote and have at least a minimum level of political organization, they are more effectively able to promote their interests.

Rewriting the script

As we have seen, several consolidated democracies have implemented, in a manner consistent with their Constitutions and international commitments, mechanisms to regulate the media in order to guarantee, if not directly promote, respect for the rights of all persons.

By including ratings advisories for media broadcast content within their set of regulatory mechanisms, States generally make use of a number of prerogatives:

- They invoke their legitimate proprietary control over the electromagnetic spectrum, the use of which is temporarily granted to selected media companies through public concessions.
- They endeavor to advise parents, teachers, and other responsible adults as to the content that is both suitable and unsuitable for specific age groups. This enables parents to exercise their freedom of choice in an informed manner and, similarly, ensures boys and girls the unquestioned right to a socialization process that respects their condition as persons in development.

A rating system must operate in absolute accord with the efforts embraced by the Nation-State to protect and value human rights. After all, we cannot expect modern-day children and adolescents, fully immersed in the process of intellectual, cultural, and social development, to respect and promote human rights if this is not a central message of one of their principal sources of socialization.

A few important questions must be raised in view of the point touched on above: how can we consolidate a culture of peace if the images conveyed through the media too often concentrate on the banality of violence? How can we formulate a strategy to contribute toward the development of sexually healthy adolescents and young adults when sexuality on television is addressed in a manner diametrically opposed to this goal? How can we ensure boys and girls will grow up to respect the rights of all men and women, particularly those of populations that have historically been subject to various forms of discrimination (women, Afro-Brazilians, persons with special needs, among others), if prejudice is frequently embedded in entertainment content, without any accompanying context?

Valuing positive aspects

Clearly, resolving these contradictions is not simply a matter of proclaiming the need to protect and promote human rights by indicating inappropriate content. To be sure, identifying inadequacies (negative material) in order to prevent violations represents an important, but by itself, insufficient step. Value must also be given to good, positive, and ethical programming that stimulates citizenship and the formation of children and adolescents – the protection of whose human rights is intrinsic to their condition as developing individuals.

However, over time, far less of a consensus has been achieved on what constitute adequacies (positive material) than on what constitute inadequacies (negative material). There is one basic reason for this: the debates and analysis (including those in the academic arena) on the issue of content have tended to focus much more on the negative content. Indeed, this applies to the present discussion, for although we vigorously advocate the inclusion of adequacies (positive material) designations in the ratings advisories, the prevailing experiences, studies, and regulations on this subject are fairly rare and, consequently, far less abundant than those that examine unsuitable content.

Therefore, positive messages must be underscored, promoted, and exalted. In short, the logic of the ratings advisory system has a dual character: if it is true that the depictions of the banality of violence and sexual behaviors can have undesirable consequences for the full development of children and adolescents, we must also accept the premise that exposure to content which reaffirms human rights will have a desirable effect on that development. As Claudemir Viana, a researcher at the Research Laboratory on Children, Imagination, and Television (Laboratório de Pesquisa sobre Criança, Imaginário e Televisão – Lapic), of the University of São Paulo's School of Communications and the Arts, tells us, children relate with everything around them. Therefore, "as a capable subject, the child interacts and reformulates media content on the basis of his surroundings."

This is why, in Viana's view, ratings advisories are so important: "Although the child has the capacity to understand, he views the scenes, the situations as a model of the world, regardless of the psychological impact." He stresses that this context demonstrates just how important the manner in which a particular subject is addressed and the amount of time devoted to that subject are when assigning ratings advisories. In his article "The Perverse Effects of Television" ("Os efeitos perversos da televisão"), psychoanalyst Paulo Roberto Ceccarelli argues along the same lines:

> *It is the primary group [the family] that provides the child with the first reference for building his ethical-moral value system. In the absence of this reference, or when the traditions and customs of the family do not conform to standard models, the child may adopt what television broadcasts as the norm. Scenes that portray violence, aggression, those that suggest relationships based on distrust, a lack of solidarity, among other things, may encourage behaviors and propose "ethical values" that diverge from those needed to erect a social structure founded on respect and the rights of citizens.*

The nature of the relationship children establish with television has direct implications for human rights. Specifically, it requires a rating system that strives to identify content which promotes those rights (and, in so doing, promotes the presentation of these themes in the media), while not ignoring the imperative of preventing, as an absolute priority, the violation of the rights of children and adolescents. We need not reiterate, at this point in our discussion, the possibility that a significant portion of the audiovisual programming broadcast in Brazil is seriously off course. There is little doubt about this, particularly when we reflect on two provisions of the Child and Adolescent Statute:

> **Art. 17**. *The right to respect consists of the inviolability of the physical, psychic, and moral integrity of the child and adolescent, including the preservation of his image, identity, independence, values, ideas and beliefs, and personal space and objects*.
>
> **Art. 71**. *Children and adolescents have the right to information, culture, leisure, sport, entertainment, performances, and products and services that respect their unique condition as developing persons*.

A successful rating system must at all times be mindful of the essential elements that undergird the rights of children and adolescents. Because the moment we consider human rights to be a central component in the formulation of public policies – including ratings advisories – we infuse a new logic in the decision-making process and in the implementation of those policies.

Specific aspects in focus

It is important to underscore that the specific experiences of children and adolescents in different regions of Brazil should be taken into account by

the authority responsible for authorizing the use of the electromagnetic spectrum – and, in turn, by the concessionaires themselves.

The philosophical underpinnings for this mission are contained in the Federal Constitution, which mandates the dissemination of regional programming and the presentation of a substantial volume of independent productions. Both of these requirements can contribute to the transmission of more pluralistic content and, by extension, to a greater respect for diversity.

Similarly, it is clear from the constitutional text that, in instituting the ratings advisories, the delegates to the constitutional assembly rejected any differentiation among Brazilian citizens according their region of origin. Additionally, they expected the country's four time zones to be observed. Therefore, when a program's assigned ratings zone is 9:00 p.m., a recommendation has been handed down that the program only air after 9:00 p.m. local time in each individual state.

However, in view of these fundamental principles, the rights of children in the state of Acre, to cite just one example, are not ensured to the same extent as those of children in the state of São Paulo. As an illustration, consider that during daylight saving time in Brazil a program that airs only after 11:00 p.m. in São Paulo can be viewed in Acre at 8:00 p.m.

Flaws such as this one demonstrate that Brazil's regulatory system for audiovisual content remains quite distant from the goal of unequivocally and irrevocably assuring the protections of human rights as provided for in the Federal Constitution – particularly the rights of political minorities and most especially those of children and adolescents

Building bridges to society

Rebuilding the regulatory system for audiovisual content with a view to ensuring it meets the standards described in this chapter requires a transparent and broadly disseminated process.

As we have seen, the social decision to protect Brazil's children and adolescents from lapses in audiovisual programming and/or stimulate that segment's contact with quality content cannot be construed as an assault on the freedom of expression. Nor can it be understood as a direct consequence of the demonstrated evidence on the impact of programming on the biological or psychic formation of children and adolescents.

Rather, what is at issue is the full development of citizens assured the right to their own identity and to choose from among content that values a diversity of interests and experiences, and promotes a variety of ways of being, attitudes, and behaviors. This is the only possible avenue through which to contribute, in an ethical manner, toward the construction of an appropriate image of citizens. Psychoanalyst Ana Olmos elaborates on this point: "It is a question of ethics, respect, the formation of

models. Ratings advisories profoundly influence the development of ethical attitudes."

The importance of continuous dialogue

As extensively argued to this point, it is important not to dissociate the protection of human rights from the need for a permanent and profound dialogue with society, especially families and children and adolescents.

Developing a ratings advisory system of the type proposed here is not possible if parents, adults responsible for educating children and adolescents, and children and adolescents themselves do not grasp the objectives of the system. In addition, they must have a clear understanding of why a program was assigned a given rating. With this information in hand, these audiences can feel far more prepared to interact with the institutions responsible for assigning ratings to programming.

Midiativa's managing director, Sirlene Reis, concurs with this line of reasoning: "Ratings advisory criteria are fundamental. They offer direction. In some sense, they provide guidance to the viewer and to the person seated next to the viewer. It is important the population has a minimum level of security. And to the extent they (criteria) are employed, it is imperative they serve not only to direct the decisions of the ratings authority, but society as well."

Expanding the right of choice

In the same way that enhancing a constructive educational dialogue with society is a necessary condition if the ratings advisories are to accomplish their ultimate purpose, namely to value and protect human rights, the strengthening of this dialogue itself constitutes a human right.

In other words, parents, children, and adolescents have the right to information on the specific content included in televised programming. Indeed, this information is essential for the exercise of another important right: the right of choice. Some parents may deem certain content unsuitable for their children and thereby block access to that content; other parents may decide to view that same programming with their children, aware that they must contextualize or explain certain scenes; still others may have no problem, based on the specific realities of their experience, with allowing their children to view the material in question. The point, however, is that these options are only possible when parents are provided with prior information on potentially appropriate or problematic content presented in a program.

Society as a protagonist

The hope is that expanding the dialogue with society will have an important additional effect: to foster reflection on television programming. Why does the government devote particular at-

tention to certain content? Why does my son or daughter have access to that content? Why should I block content? Why should I view programming with my child? Why does the material have those characteristics?

This is not a simple transition to effect. Although there are exceptions, most people consider television programming a given in their lives. They may be moved or shocked by scenes of violence, sex, romance, but they rarely question whether perhaps another type of programming should be offered – or, for that matter, whether they should be viewing the scenes in question at all. In short, critical analysis of broadcast content is infrequent.

A proper understanding of the new ratings advisory system, accomplished through the dialogue undertaken with society, can open new opportunities for interaction between television viewers and broadcasters, which both elucidates and advances the interests of society.

The role of schools

At this juncture, it is worth returning to a point raised at the beginning of this document: empowering the relationship between society and television would be a significant step toward mitigating the potential problems arising from our day-to-day contact with the medium. However, empowerment can only be sustained over time if the discussion on television is extended to the classroom.

To be sure, the debate on television content is not a simplistic one. Therefore, teachers must be trained to meet this challenge and offer students the practical tools to gain a real understanding of the media process, that is, of what lies behind the audiovisual content they consume every day.

Researcher Claudemir Viana of the Research Laboratory on Children, the Imagination, and Television (Laboratório de Pesquisa sobre Criança, Imaginário e Televisão) of the University of São Paulo's School of Communications and the Arts urges that schools and teachers take up the day-to-day content presented through the media in the classroom. In fact, Lapic has designed a methodology to this end: "The initial concern of the teacher must be to understand the culture of his students. Becoming familiar with the daily programming of boys and girls is the first step in this process. The next step is to view the programs that students watch, get to know the programming: in order to talk about the themes that are present in their lives, to view the programming with them in the classroom, to mediate. The problem is we are a long way from the ideal situation in which the ratings advisories spur discussion in the classroom, with teachers acting in a mediating role."

Professor Maria da Graça Marchina of the Pontificate Catholic University of São Paulo argues along the same lines when she asserts that "the need to associate these efforts (ratings advisories) to the idea of developing mechanisms that enable

individuals to handle information must be emphasized. Children and youth must have the resources to manage information. To this end, television literacy in schools is an interesting possibility."

To introduce the discussion in schools, special attention must be given to teachers. In the view of Midiativa's managing director, Sirlene Reis: "The first step is this: offer training and awareness raising to schools and teachers on the importance of ratings advisories, in order to enable them to develop a more critical eye and feel prepared to effectively intercede in this area. Viewing programming with students in the classroom is a promising and important strategy."

To this end, Ms. Reis continues, translating the rating criteria into more accessible language and incorporating them in academic material would be of great value. This could serve as a lead off for teachers to discuss with their students the meaning of the criteria, why programming must rated, and television's ultimate function.

Finally, the position advanced by Walter George Durst – one of the pioneers of Brazilian television and the creator of several soap operas for TV Globo – in his article "TV Specialization/Sense Spatialization" ("Especialização da TV/Espacialização do Sentido") bears mention:

> *Viewing TV simply as a domestic appliance has been one of the major tragedies of our century, inhibiting critical thinking. I am in favor of mandating courses in school curricula that include critical discussion of TV, in which students engage in a continuous process of critique. This is the only way to ensure less 'de-educative' TV.*

To be sure, this is an exhaustive discussion, which cannot be addressed, in all of its complexity, in this publication – but which warrants mention.

Reducing the fascination with negativity

Various rating systems – including Brazil's – are based, as we have noted, on flagging potentially negative content contained in audiovisual works: especially sex and violence, as well as drugs and inappropriate language.

First, as we have endeavored to demonstrate from the outset, it is important to underscore that themes such as violence and drugs are not inherently negative. The key point is how they are addressed. In other words, they can be framed either in a positive or negative light – as defined in accordance with the underlying objective of ensuring the protection and promotion of human rights.

However, there are themes that are more readily addressed in terms of a positive *versus* negative contraposition. That is, there is intrinsically positive content (the culture of peace, for example), the antithesis of which is especially negative content (the culture of violence). In other words, in contrast to themes such as sexuality – which can either be treated

in a positive light (safe sex) or a negative light (the banality of sex) – it is possible to delineate a set of inherently positive themes, referred to as adequacies. The Chilean and Australian experiences described in *Chapter 5* are of particular interest in this area.

The Chilean example

Chile's National Council on Television (Consejo Nacional de Televisión) has been the country's competent regulatory authority since 1998, responsible for enhancing and monitoring television programming, particularly that directed to children and adolescents, and not simply identifying so-called inadequacies. According to the council, the development of tools such as the Barometer for Quality Children's Programming (Barometro de la Calidad de la Programación Infantil) is aimed at "contributing to a conceptual proposal on enhancing the quality of children's programming offerings, with a view to enabling the development of programs that provide entertainment, positive messages, and lessons on different aspects of the lives of boys and girls in the country."

In fact, these efforts have been so impressive that as early as 2005 the report on the Barometer for Quality Children's Programming had already set out a proposal for an Index on Quality Children's Programming (Índice de Calidad de la Programación Infantil), developed on the basis of a series of criteria, including "classic" themes (violence, sex, and language) as well as other issues central to the development of children and adolescents more closely identified with a society that values human rights. Additionally, the proposal specifies technical criteria for assessing the quality of programming. This is a distinct feature in relation to other evaluation systems, for, while it defines behaviors considered socially unacceptable, it also accounts for educational content.

The list of unacceptable attitudes includes irresponsibility, egotism, dishonesty, disrespect, the baseless rejection of persons, their actions and opinions, manipulation, threats, the failure to confront conflicts inherent to daily life, and offensive behavior. Educational content is defined as cognitive skills (logical reasoning, for example), knowledge/information (on events, ideas, cultures, and so forth), social and emotional skills (learning to live with oneself and others, overcoming fears, resolving conflicts, and leadership), and physical well-being.

The last criterion in the Chilean index that relates to the technical qualities of programming involves aspects such as image, the portrayal of the characters, the quality of the sound and musical score, the richness and attractiveness of the scenography, the quality of the editing, among others. The index rejects the idea that programming for children and adolescents must necessarily dispense with technical quality – specifically, the competent application of the typical resources employed in television productions.

The argument, therefore, that educational content must necessarily be unappealing and uninteresting to children and adolescents from a visual standpoint is baseless. It is possible to produce programming that values positive characteristics, such as those measured by Chile's regulatory authority, and engage and entertain children and adolescents at the same time. On this point, it is worth highlighting the argument of Cláudio M. Magalhães, in his article "Children and Television: A Superpowerful Relationship" ("Criança e Televisão: uma relação superpoderosa"):

> *What distinguishes one program from another, in terms of educational potential, is its capacity to interact with the audience, its ability to spark reflection and the formation of feelings, provide new knowledge for daily life, and stimulate interdisciplinary and extemporaneous experiences. The program is educational if it reinforces formal learning and contributes to individual development in a manner that is in harmony with the social context of programs and audiences.*

Crafting a new logic

Designing a public ratings advisory policy centered on content adequacies requires, therefore, encouraging (or obligating) content production centers to think about their programming from a different perspective. And to be sure, there is evidence that bolsters some of the arguments made to this point. Specifically, according to Chilean standards, programs of European origin have the highest quality indicators, while nations with underdeveloped regulatory structures have the lowest quality programming. (*See Chapter 5 for the specific legislation of various countries.*)

In short, the ratings advisory system adopted by a country can have a significant impact in stimulating a more active and critical relationship between society and the media and fostering the dissemination of positive attitudes and models among children and adolescents (and adults). Finally, the system can exercise a positive impact on the quality of programming.

In an interview for this publication, Professor Laurindo Leal Filho, of the University of São Paulo's School of Communications and the Arts, summarizes this concern:

> *Ratings advisories are an effort to mitigate the censorship imposed by the media. They are aimed at increasing the freedom of choice of citizens. A well-structured rating system allows for new approaches. But rating a program does not mean removing it from the air. It simply means the program should be adjusted to new content and an appropriate broadcasting time. The broadcasting time changes will gradually force broadcasters to air programs that are suitable for children. This will expand the population's choice.*

The following section of this publication lays out a fully developed rating model for Brazil that builds on the central elements of the discussion developed in the preceding pages. ■

Part Two

TV Rating System:

the protection of Human Rights and an educational dialogue with society

To this point, we have sketched the broad outlines of the principal aspects of the ratings advisory process. First, we examined the key normative and theoretical issues – through an analysis of various legal frameworks and the research conducted in the field. Second, we traced the previous rating experiences in Brazil, illustrating how the model in place through early 2006 operated and what the empirical studies on the potential functionalities of the rating system for audiovisual content reveal. In the second part of our discussion, we endeavor to delineate a proposed rating policy for Brazil. To this end, some of the concepts discussed above will be revisited – although we risk sounding redundant, we feel it is necessary to reconsider these questions for a better understanding of the proposed model, as well as its limits and potential.

If we take as our point of departure the framework developed to this point, it is worth reiterating the central argument of the document: ratings advisories must be understood, above all, on the basis of two complementary functions. The first is the protection of the human rights of all citizens – particularly children and adolescents. The second involves the potential role of rating as an educational tool in the dialogue with parents, guardians, and professionals who interact with the universe of children and adolescents.

With this in mind, the final section of the text sets out to pragmatically define the mechanisms through which the two objectives above can be incorporated into an operationalizable public policy. The aim is to clearly elucidate the procedures needed to steer a ratings advisory process that simultaneously promotes, values, and protects human rights, and serves as a tangible instrument for constructive and productive interaction with audiences. In other words, enhancing the ratings advisories as a democratic instrument of media regulation must represent a source of ongoing

qualitative improvement in the field, and serve as a catalyst for the changes guided and implemented by the Ministry of Justice since 2003, when the current administration took office.

Some history

The efforts undertaken by the Ministry of Justice in recent years were and have been indispensable to advancing the discussion on the ratings advisories. During president Fernando Henrique Cardoso's administration, three central ideas took shape: that ratings advisories should be based on human rights; that the dialogue with the stakeholders (including the private sector) must be expanded; and that the existing time zones in Brazil must be observed.

The discussions were not advanced as effectively as envisioned. Yet, the issue was indelibly introduced into the public debate. At the outset, officials responsible for setting ratings advisory policy in Luiz Inácio Lula da Silva's first administration made a strategic decision to maintain the bases established in the prior administration, while at the same time offering new contributions to the effort. These include:

- Developing and launching a broad democratic review of the movie rating process, which was, in part, founded on the original electronic edition of this publication.
- Consolidating the issue as a permanent item on the public discussion agenda.
- Adopting the firm determination to dissociate the ratings advisories from the concept of censorship.
- Ensuring the absolute transparency, in a manner previously unprecedented, of the ratings advisory procedures. As a result of this effort, the ministry today offers more publicly available information on its end activities than virtually any other government institution.
- Effectively injecting the views of organized civil society and various population segments with an interest in this subject into the debate.
- Launching a more substantive debate on this subject matter: namely, the ratings advisory criteria for open broadcast television.[1]

These highly positive initiatives have enabled and drawn from the broad discussion outlined in this publication. That said, in order to ensure that the ratings advisory model currently applied to films, and that will, in short order, be applied to television, effectively accounts for human rights and promotes true exchanges with society, it is essential to consider some of the premises laid out in the following pages.

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[1] *A new administrative rule was scheduled to be issued in conjunction with the publication of this book at the end of 2006. The new rule, which employs many of the considerations outlined in these pages, is aimed at restructuring the TV Rating System.*

1. Considerations on the model in effect through early 2006

Content and age groups

Through early 2006, ratings advisories in Brazil – at least in terms of their dissemination to society – were based predominantly on indicating the age groups for which particular audiovisual works were or were not recommended. In view of this, the practical application of this rating model requires some reflection:

- By basing ratings advisories exclusively on this one criterion, the potential for protecting human rights was greatly reduced, to the extent that the approach failed to evaluate and/or provide information on the rights promoted or violated by a specific program.
- Given the significant differences – social, cultural, regional, and so forth – in Brazilian society, it was entirely possible that an audiovisual work might be "suitable" for one 12-year-old child and yet "unsuitable" for another 12 year-old child in an altogether distinct context. In addition, many viewers probably had no idea as to what effectively distinguished a program recommended for 10 year-olds from one recommended for 14 year-olds.
- The absence of clear information on the presence of positive or unsuitable program content limited the opportunities for dialogue with interested audiences. In our view, debate on television programming is in fact stimulated when the elements given emphasis in a particular broadcast are readily identified. In other words, if viewers are provided clear information that a given program contains, for example, scenes portraying discrimination against homosexuals, the information alone will encourage them to reflect – even if only superficially.
- The rating system significantly restricted the right of choice of families, children, and adolescents. For example, by failing to specify that a particular film had been subject to an age-based rating because it contained a scene depicting murder, while another film had received the same age-based rating due to the presence of a scene depicting acts of discrimination against women, families were denied the opportunity to opt for one program over another.[2]

Adequacies and inadequacies

The rating model applied through early 2006 in Brazil centered on identifying two broad thematic categories in audiovisual productions – violence and sex – in addition to a third subcategory, drugs.

[2] *As mentioned earlier herein, since July 2006 this situation has been altered insofar as film ratings are concerned and this change is expected to extend to television by the end of the year.*

The ratings advisory determinations were based almost exclusively on so-called "inadequacies." That is, the officials responsible for assigning age-based ratings to audiovisual content honed in on potential problems related to the three themes cited above.

As we have argued, there is no doubt about the importance of carefully evaluating content depicting violence, containing sexual innuendo, or portraying situations of drug use. At the same time, however, in the light of the dual objectives of protecting human rights and promoting a constructive dialogue with viewers, there are clear limitations to this approach. For if, as an example, ratings are assigned on the basis of a narrow conception of violence, they run the risk of overlooking important aspects of the issue, such as the various forms of psychological and/or symbolic violence and discrimination perpetrated against political minorities.

Additionally, not all violent content – or sexual innuendo or scenes portraying drug use – can be evaluated in the same manner, inasmuch as that content may not necessarily transmit an "unsuitable" message to children and adolescents, as discussed in *Chapter 4*. Our position is that there are major differences, with regard to the content directed to adolescents, between approaches that treat sex as a wholly casual act without repercussion – in other words, as something banal – and others, for example, that open spaces for discussion of sexually transmitted diseases, the use of contraception, or the risks of unwanted pregnancy.

Therefore, in analyzing the model employed through early 2006, it seemed to us imprudent to continue ignoring "positive" content – that is, adequacies – in the designation of ratings for audiovisual productions. A "problematic" scene, indeed one that may be quite harmful to children and adolescents, must nonetheless be viewed within the context of the work as a whole.

Similarly, the presence of elements that value human rights, the culture of peace, information, the arts, regional cultures, and the identity of specific groups – principles prescribed in the 1988 Federal Constitution – should be indicated in any ratings advisory system.

Objectivity and subjectivity

There are two avenues for securing the desired outcomes of a ratings advisory policy. The first is the implementation of a system founded solely or predominantly on the critical evaluations of the government officials charged with assigning ratings to audiovisual content – the method traditionally applied to the Brazilian model. To be sure, this is not an altogether invalid approach or, more importantly, one that should be eliminated. However, if the system were to move toward the exclusive use of a subjective methodological approach, criticisms and doubts regarding the system's legitimacy would inevitably increase in equal proportion.

A second entirely viable and desirable alternative is the adoption of a less subjective system based on the development of concrete and precise criteria to designate ratings advisories. On the one hand, we should note that making the procedures more objective inevitably implies limiting their scope. Consequently, in defining the rating model, certain specific aspects and exceptions contained in the content analyses may not be covered. On the other hand, this approach offers a significant benefit, namely, far more accessible "language."

The new system confers greater transparency to the ratings advisory process. First, by enabling interested viewers to critically assess the ratings and, second, by extending the system beyond mere age-based designations. Therefore, the dialogue with society incorporates discussion of the specific content contained in programming.

Specifically, we may question whether a rape scene is sufficient to warrant assigning a rating of 'recommended for viewers age 14 and over' (the subjective element is not easily eliminated from this type of process); however, the important point is that the presence of a rape scene in the audiovisual work is clearly indicated. This fact alone represents a significant step in advancing the dialogue with the stakeholders.

Potential criticisms of the system as a whole – such as the argument that ratings are subjective in nature, for example – are thus eliminated, thereby enabling attention to focus on the specific criteria of the rating process.

Therefore, the conditions for broader public reflection on audiovisual content are established at the same time in which the human rights of viewers are given due emphasis. Finally, the entire process allows the various social interest groups the opportunity to develop their own rating system by drawing from the methodology adopted, thus significantly democratizing the channels of communication.

Transparency

In addition to the effort to secure the desired and necessary transparency of the activities of government agencies, there is another fundamental aspect to the discussion. If the true aim of the ratings advisories is to stimulate a broader exchange with society, ratings must not remain a "State secret," restricted to the Official Government Gazette and a tiny icon displayed in a far corner of the screen. On this point, there are a number of questions to consider:

- Viewers must be assured the right to have precise knowledge of the rating assigned to a given program (as regards the age recommendations and the content information), as occurs with film ratings. Similarly, rating information should be audio described to visually impaired audiences and communicated through Brazilian sign language to hearing impaired viewers.

- To optimize the effectiveness of the process, standardized ratings should be employed; in other words, all broadcasters should display the ratings in the same manner, using the same symbols.
- Society needs to understand the ratings: what is their purpose, how are they developed, how can they be used, and so forth. To this end, a national awareness-raising campaign will be required.
- Finally, yet no less important, an effective channel (not just the Internet) should be made available to individuals wishing to voice doubts, criticisms, or complaints – a dedicated 0800 number, for example. Additionally, this tool needs to be adapted to children and adolescents.

Partnership with education

Efficient public policies should integrate and optimize public resources. Therefore, it is essential that the discussion on ratings advisories incorporate those areas of the communications field regulated by State bodies other than the Ministry of Justice. To this end, the Ministry of Communications, the Ministry of Culture, the Ministry of Education, Anatel, and Ancine are critical for more effective coordination of the formulation and execution of the ratings advisory policy.

The relationship between the ratings advisories and educational policies is another important aspect. Educators – and, by extension, the regulatory system for education, i.e., the Ministry of Education and the state and municipal education secretariats – cannot be left out of the process. Rather, they must be included, as well as provided with the tools to discuss television content in the classroom, with the active participation of students. If introduced in effectively into educational spaces, the discussion on ratings advisories could contribute to enhancing and strengthening a more consistent and lasting convergence between educators, students, and communication themes. Therefore, a linkage should be established between the ongoing and important debate on "media literacy" and the discussions on the rating system.

2. Challenges in building a new instrument

The exposure of the weaknesses and strengths of the rating system, as well as the corresponding changes implemented to date, reveals the gaps that the proposed model will need to fill. As we have seen, this will require that certain parameters be observed when formulating a new rating system:

- Consider content, not just age brackets.
- Objectify the process through the establishment of concrete and consistent analytical param-

eters, similar to the content analyses conducted in the social sciences.[3]

- Consider the positive and negative aspects of programming.
- Confer broad transparency to the ratings advisory process.

The objective of this section is to lay out a set of analytical parameters – arranged within a ratings advisory form – for the assignment of ratings to audiovisual works. Applying these parameters can contribute toward objectively organizing the ratings advisory procedures for audiovisual programming – whether to the Brazilian case, specifically, or the debate on the regulation of audiovisual content, more generally. The method also enables evaluation of the results generated for purposes of verifying if the analysis by a distinct set of audiovisual evaluators produced the same result (thereby ensuring greater objectivity). In addition, the proposed process facilitates the development of a unified, nationwide databank for the evaluated content. Finally, the collated data will provide viewers with yet another source of information by clearly indicating the predominant characteristics of television programming.

In the following sections, we describe the procedures employed in the development of the ratings instrument, and examine the importance of and reasons behind the decision to include particular parameters in the ratings form. Finally, in the conclusion, we reconsider some of the central elements associated with the formulation of a public policy for the industry. At the end of the section, we present a *Ratings Advisory Form* and a manual containing the principal concepts employed, all indispensable tools to comprehend the system discussed in the pages below.

Research procedures

The development of the proposed ratings advisory instrument required a series of activities, first undertaken in December 2005. The primary tasks of this effort are described below:

A. *An exploratory research study on the principal debates in the industry, in Brazil, and abroad:* Our first mission was to identify the boundaries – regardless of their scope – of the debate. The related findings served as the basis for defining the central objectives of the ratings advisories proposed in these pages: the protection of human rights and the promotion of a pedagogical dialogue with society.

[3] *Content analysis is a method that seeks to quantify the characteristics of particular content (texts, documents, newspaper pieces, television programs) objectively and systematically. Specifically, it endeavors to outline the profile of the object of analysis on the basis of the elements visibly present in the content. This analytical approach is not focused on identifying the intent of the individual imparting the message, how each person receives the message, or even what the message may signify (these questions require other research methodologies for comprehension). Rather, the method makes it possible to transform particular content into numerical data that can be measured and compared. Building a process for analyzing content involves defining a research universe or sample, in addition to developing an analytical tool, designating content ratings based on the analytical tool, inputting the results in a data bank, generating additional data and, lastly, analyzing the final results.*

B. *Preparation of articles by experts*: four experts in the communications field were asked to prepare supporting documents for the publication. Their efforts centered primarily on assessing the international experiences with rating systems and developing proposals to enhance the process (*see the list of consultants in the acknowledgements on page 255*).

C. *Interviews and focus groups with officials (directors, administrators, and analysts) of the Ministry of Justice's Department of Ratings*: understanding the current ratings advisory process was a fundamental condition for gaining an appreciation of their historical evolution in Brazil, and of the model implemented through early 2006. A primary purpose of the proposal set out in these pages was to draw from the work undertaken by the ministry and, simultaneously, to enhance the methodology applied to those activities. The extensive knowledge – theoretical and, above all, practical – of the ministry's staff enabled the identification of elements that later became crucial components of the proposed rating system.

D. *Interviews with experts (psychologists, communicologists, and the representatives of NGOs engaged in the issue)*: all these actors made a significant contribution to identifying the principal questions and challenges related to our central theme.

E. *Analysis of the available literature*: gaining an understanding of the existing body of research on the subject (generally sparse in the Brazilian context) and, more important, the investigations on the relationship between children, adolescents, and the media was one of the most relevant sources of learning and legitimation for the proposed ratings instrument. Particular mention must be made of the research produced and/or sponsored by the American Academy of Pediatrics.

F. *Analysis of the legislation, jurisprudence, codes of ethics, and proposed legislation*: the Brazilian legal framework, the legislation of other countries, and the pertinent international instruments constitute the backdrop of the human rights perspective. Indeed, the commitments undertaken by various societies in the area of ratings advisories emanate directly from these legal covenants. Just as important, however, are the corresponding jurisprudence, codes of ethics, and proposed legal changes.

G. *Discussions with the staff of the Ministry of Justice and pretesting*: the proposed research instrument was enhanced and validated through a series of intensive discussions with analysts and administrators of the Department of Ratings. Following presentation of the document, the ministry's staff conducted a pretest, an essential step to identify the strengths and weaknesses of the new instrument.

Understanding the new proposal

As stated above, the ratings form attached to this document is broadly adapted from the efforts undertaken by the Ministry of Justice in recent years, particularly in President Lula's first term. A number of ideas contained in the ratings form are based on individual interviews and the extensive focus group conducted with ministry officials. In large measure, the objective was to systematize the procedures for assessing media content, which continued at the time to be marked by a high degree of subjectivity. The subjective nature of the evaluations were directly related to two factors:

- The procedures were not systematized. In other words, if a TV evaluator left the staff, the process either had to be scrapped or relaunched.
- The methods employed by staff members were not standardized. In other words, in the absence of predefined parameters, the decisions on ratings advisories were based on individual – each evaluator's – criteria, resulting in a considerable degree of subjectivity.

Additionally, detailed recommendations in foreign legislation and media studies performed in various countries provided a rich source of parameters on various topics addressed in the ratings form. Particular mention should be made of the study on Chile's efforts to give greater weight to "adequacies" (positive content). Also important were specific provisions mandated in Brazil's Federal Constitution, the Child and Adolescent Statute, and the UN Convention on the Rights of the Child.

Technical and standardized language

The ratings advisory model presented in this document was developed with a view to identifying quantifiable elements based on the evaluated content. Therefore, not only does it employ more technical and standardized language, but it also enables qualitative variables to be measured quantitatively.

The adoption of this new process significantly reduces the degree of subjectivity – which does not mean, however, that all subjectivity will be eliminated. After all, complex systems such as society and the media cannot be regulated exclusively through the objective quantification of reality. Objectivity in these cases is essential, but it fails to encompass the full scope of reality.

Indeed, the very fact that we are forced to deal with dynamic processes – again, such as the media and society – inevitably injects a degree of subjectivity into the methodology. It is important to recognize, nevertheless, that the methodology must be continuously evaluated and updated and that any decision to modify it or not will also depend on subjective aspects. Moreover, the pertinence of the parameters developed will always be open to discussion, precisely because subjectivity in a process such as this one is inevitable. However, that subjec-

tivity is not the subjectivity of a single individual or organization, but of a set of established ideas, research, laws, and practices with broad social and conceptual acceptance, as we endeavored to demonstrate in the previous sections.

The advantage of having a predefined methodological instrument in place is that it imbues the process with objectivity. That is, ratings advisories based on a defined set of criteria offer stakeholders a measure of consistency – if not necessarily satisfaction.

After all, specifying those parameters enables those engaged in the process to clearly identify the questions that must be taken into account in the evaluation – which itself represents a major step forward.

Weaknesses of the system

Four major vulnerabilities were identified in the proposed system:

A. Analysts must be fully prepared to migrate from one logic (subjective) to another that is devoid of gaps and is founded on a series of operationable concepts. Those concepts, however, need to be interpreted in the same manner by the individuals charged with assigning ratings to audiovisual material.

B. Given the scope of the proposed instrument, there will be a need – depending on how a given existing rating system is structured – to redefine the time frame for operationalizing the new procedure. In other words, initially the process for assigning a rating to a specific work will be more cumbersome.

C. Consistent and concrete parameters provide greater objectivity to the process, yet they can become disconnected from reality over time. New issues emerge, society evolves; therefore, an ongoing public review mechanism should be implemented.

D. The ratings instrument, as demonstrated in the pretests, is not devoid of flaws with regard to age designations. This requires a transparent decision-making process. That is, there must be absolute clarity as to why the system was not fully applied in a given situation, if indeed this occurs – and how the ultimate decision was made.

For example: a film may include a single explicit sex scene, while the remaining content material contains elements defined as positive (adequacies). If, based on a particular determination, the scene is still deemed to warrant a restricted rating (even when the established rating criteria suggest otherwise) the reasons underlying the final decision must be made absolutely clear. Moreover, the ratings authority should indicate to interested audiences whether all ssimilar situations would receive equivalent treatment.

The Logic of the ratings instrument

As we have seen, the analytical elements contained in the *TV Ratings System Form* were developed on the basis of extensive research work. The format of the ratings instrument conforms to a specific organizational logic, outlined below:

- There was a consistent effort and concern to link the *Ratings Form* to the need for ensuring that the age-based ratings advisories (10, 12, 14, 16, and 18 years) are made available to the public, as has, in fact, occurred by law in recent years. Yet we should reiterate that the central focus of the new ratings instrument is on content.
- To link the two criteria – age and content – a system was created to enumerate the situations that tend to raise the age designation and those that tend to lower it.
- Parameters that tend to raise the rating are assigned the letter **E** (*elevar* - raise), while all other parameters are assigned the letter **R** (*reduzir* - lower).[4]
- Up to this point, Brazil's Rating System has been based principally on identifying inadequacies – assigning a large number of "E's" implies a progression toward higher age designations. A larger number of "R's," on the other hand, indicates that the programming in question contains few inadequacies or in fact presents positive and interesting content for various audiences.
- Consequently, the letter "E" was designed to account for variables that constitute unsuitable content for the universe of children and adolescents (inadequacies). The letter "R," meanwhile, identifies content that is in harmony with the protection of human rights, the culture of peace, educational and cultural growth, or that offers, additionally, contextualized treatment of complex questions such as sex, drugs, and violence (adequacies).
- The purpose of attributing negative and positive values is to ensure proper value is attributed to audiovisual works that have been "penalized" – because they include, for example, a scene of violence – but which contain intrinsically positive material.
- The ratings instrument is intended to clearly delineate a set of content capable of influencing the full development of children and adolescents. This influence can be positive or negative, and indeed, many audiovisual productions contain both. It is imperative, therefore, that we avoid the mistake of preventing access by child viewers to programs in which the suitable con-

[4] *There are several ways of determining age-based ratings through the designation of Es and Rs. The sum of Es, as well as the subtraction of Rs, can contribute to the construction of ratings intervals. It is also possible, a priori, to define elements or parameters that point to one or another age group, considering situations that contribute to raise or lower the rating. The latter option was adopted by the Ministry of Justice in an administrative rule published for the cinema in 2006, according to the New Rating System Manual* (Manual da Nova Classificação Indicativa).

tent material outweighs the unsuitable content material – or of facilitating their access in the opposite case.

- The final goal is to objectify the process, systematize the analytical methodology employed by TV evaluators, and most important, to permanently and significantly expand the dialogue with society, as well as the power of choice over television programming. The system of tendencies represents the Ministry of Justice's pedagogical indication, through which the institution sustains a dialogue with Brazilian society by identifying particular content that is either more or less suitable, in accordance with the principle of the protection of human rights.

3. The Ratings Form in detail

The development of the *Ratings Form* is based on the three themes with which ratings advisories have been both legally and historically associated over time: sex, drugs, and violence. In addition, the Ratings Form considers some of the basic questions on ratings procedures and the evaluation of specific productions (for example, whether the program is of national or foreign origin). But there are two innovative aspects to the new approach: first, it provides a more substantive analysis of the above-cited traditional themes, and second, it identifies above-described positive content in audiovisual broadcast productions.

The first – and essential – step in evaluating content is to understand that the desired objective, from a methodological standpoint, involves reading the audiovisual language according to the parameters set out in the ratings instrument.

In view of this, what is not said, what is not seen, the symbolic, the implied, the subliminal should not be considered in the rating process – so as to avoid subjectivity. The recurring portrayal of female characters, for example, through audiovisual language that reinforces existing social structures (and, by extension, sex discrimination) is a subject society needs to debate and reject. Yet it is not always possible to apply objective ratings criteria to this reality. That is, there are numerous situations that require procedures related more to discourse analysis than to the specific content evaluation.

Silence, types of glances, or irony are, for example, as important or more so in reinforcing unwanted and discriminatory behaviors than clear and unmistakable scenes of violence against women. However, leaving aspects such as these open to subjective analysis could seriously undermine the rating system. Therefore, it is important to stress that each and every com-

ponent of the proposed rating instrument refers to clear and unmistakable elements contained in the audiovisual works.

The parameters that could potentially generate varying interpretations and which were applied to the development of the *Ratings Form* are set out in detail in the *Manual and Sources Codes* (*see page 215*).

I – Basic identification

The first part of the ratings instrument – *Basic Identification of Material under Analysis* – is self-explanatory, and requires no further details, as its central points have already been thoroughly discussed. Mention should be made, however, of the decision to designate the letter "E" – which raises the rating of a particular work – to programs broadcast in color. Clearly, this tool (color) does not, by itself, interfere in the full development of children and adolescents. However, when associated with violence (blood, for example) or terror, it can generate a sense of reality – and, therefore, feelings of fear; hence, the need to indicate the presence of color. Elements such as this one point to a central feature of the ratings instrument: it cannot be analyzed on the basis of each individual variable – in other words, it is the overall result that must be considered when assigning a final rating to an audiovisual work.

II – Format

The ratings advisories are not neutral on the question of program format (*see the definition in the Manual and Sources Codes*). In other words, the type of program can itself contribute positively or negatively to the full development of children and adolescents. Or, by the same token, such programming may simply not be suitable for children and adolescents of all ages, given their intrinsic characteristics. On this basis, the following programs were assigned higher age ratings:

- *Entertainment News* – programs focused exclusively on "gossip" and the lives of celebrities can reinforce the cult of personality, the value placed on material possessions, and the cult of the body. In short, these programs offer no useful relevance, or entertainment value, to the development of children and adolescents – therefore the rating indicates they are not recommended for all age groups. The book *In the Waiting Room: News Coverage of the Promotion of Health and Reproductive Rights for Adolescents* (*Na Sala de Espera: a Cobertura Jornalística sobre Promoção de Saúde e Direitos Reprodutivos na Adolescência*), published in 2006 by the News Agency for Children's Rights (ANDI) and Cortez Editora with the support of the W. K. Kellogg Foundation, includes a long discussion on the problems associated with the cult of image, body, and consumerism.

- *Documentaries* – this type of programming was assigned a positive value to indicate the importance of the genre. In addition, the objective here is to signal that certain content (such as violence) presented in documentaries should be considered differently than content of the same nature included in entertainment programming.
- *Educational Programs* – these programs are assigned a lower rating, in conformity with the Constitution, so as to underscore their relevance.
- *Informational Programs* – this type of programming was also assigned a lower rating – again, in conformity with the Constitution – in recognition of its importance.
- *Programs that deal with the sensational in daily life* – these programs, to which experts and the literature in the field frequent apply the term *mundo-cão* (Brutal World), were penalized with a higher rating. As a rule, these programs center on depicting scenes in which persons invited to take part are placed in awkward situations, in which violence is presented as a solution to conflict, and in which participants are exploited, all of which is content that should be avoided for children and adolescents.
- *Reality Shows* – these programs also receive a higher rating, insofar as they tend to contain elements associated with entertainment news (undue value on body image and the pursuit of material success at any cost) as well as "dog's life" (sensationalist) programming (scenes of participants in embarrassing or humiliating situations).
- *Drawings, Teleshopping, and Advertisements* – this content is designated as potentially unsuitable for children and adolescents. A number of Western democracies have banned (Sweden, for example) or heavily regulated (England, for instance) advertisements directed to children and adolescents. This decision is based on the conclusion that advertising content can lead to excessive consumerism, which has been linked to problems such as depression and obesity. Despite the concerns of a range of interest groups, commercial breaks are not yet subject to ratings advisories in Brazil. It is worth noting the existence of egregious cases on this point: scenes broadcast in some commercials (often involving sexual appeals or sex discrimination) aired during broadcasting times for which those same scenes would not be recommended were they part of regular programming. For these and other reasons, advertising content has increasingly drawn the attention of psychologists, physicians, educators, legislators, parents, segments of organized society, and other groups engaged in the protection of children and adolescents.

III – Genre and content

Genres or thematic content in audiovisual works are subject, for purposes of the rating system, to

much the same logic applied to program or audiovisual work formats. Thus, some of these are, *a priori*, of a positive nature (meaning that the rating can be lowered) – such as in the case of educational content (art, science and technology, history) – and access to them should, therefore, be encouraged. Other genres and thematic content contain a negative aspect. That is, by definition, they contain one or more of the following:

- *Violence* – martial arts, crime adventure, war adventure, police adventure, epic adventure, Western, catastrophe film, war, gangster, or police.
- *Sex* – eroticism, pornography.
- *Depictions which may cause fear and apprehension* – suspense, terror.
- *Themes which may be difficult for some age groups to comprehend* – black comedy, all types of drama, science fiction, medical procedures, surrealism.

IV – Violent content

The ratings instrument attributes a high degree of value to the non-portrayal of violent content. As we saw earlier in this document, recent studies by the American Academy of Pediatrics and the most updated data employed by the American government reveal the extent to which violent material has been disseminated on television. While children and adolescents are affected in different ways by varying types of violent content – much of which, in fact, is relevant to their lives, insofar as violence is part of our reality – it is necessary to indicate which programs do not include the theme.

At the same time, not all violent content has the same potential for generating a negative impact on child and adolescent viewers. The literary tradition of fairy tales, for example, clearly demonstrates the importance of children coming to terms with their fears – or the death of their monsters, to borrow from the expression of journalist, cultural critic, and writer Gerard Jones. What is most important – as argued in the first part of this publication – is that original fairy tales, many of them containing intense descriptions of violent behaviors, include a relevant socializing component for children.

The crucial point is that there is an enormous difference between the representations formed in the child's imagination and the representations developed by professionals in the audiovisual industry, an issue also addressed above. It is worth recalling that when boys or girls hear a fairy tale they produce an image and symbology of the story, based on their sociocultural context and age. This is altogether distinct from a situation in which the child is presented a story through the perspective of the creators of audiovisual works. After all, animation tools and special effects, among other techniques, imbue the stories with a sense of reality, thus opening the door to interpretations that are not immediately

within reach of the average child exposed to a literary narrative.

In addition, the various elements that can be applied to the development of a violent context are also important to assess the potential consequences of those scenes on the full development of children and adolescents. Often, violence is a necessary recourse to transmit a message of peace: one of the possible avenues for discussing the issue of violence against women, for example, is to present scenes that portray this particular form of brutality. With this in mind, the following points, drawn from an array of research studies, bear mention:

- Violence repeatedly depicted through the course of a single program can have more negative consequences than the portrayal of sporadic scenes of violence. This is precisely the logic of heading IV.B, which aims to verify the proportion of violent content (in minutes) in relation to the total time of the work under consideration. In other words, the number of violent scenes matters, insofar as they intensify children's feelings of fear and "desensitization" to violence – real or imaginary.
- Furthermore, it is important to understand the meaning of the violent content depicted in a particular program (heading *IV.C*). To the viewer, there is a difference between violent content that is a secondary element to the plot line – and, by extension, peripheral to his or her relationship with the material – and violent content that is absolutely central to an understanding of the audiovisual work. Again, the idea is to indicate to audiences that the primary problem does not reside in using violence as part of the overall development of the argument (real or fictional) – rather, the problem lies in resorting to violent depictions as the sole, or central, element in that process.
- Elements that are part of the "setting" in which violence is portrayed can contribute to raising – or, conversely, lowering – the age rating assigned to a program. Therefore, the depiction of weapons (a characteristic that should be discouraged with a view to promoting the culture of peace), blood (particularly distressing to children), the suffering of victims, graphic descriptions of violent acts, among others, are all elements which serve to intensify violent content.
- Equally egregious – in terms of the ratings advisories – is the development of violent content that links aggressive behavior to characters that children and adolescents generally look up to (heroes, parents, the most attractive, the most intelligent, and so forth). If we agree these characters are models for boys and girls, why, then, would they not contribute to encouraging violent behaviors if they themselves resort to this "method of conflict resolution?"
- Equally censurable is the depiction of violence as something humorous or fun. This

strategy can lead children to associate violent behavior with positive feelings (such as joy and happiness).

- Involving children and adolescents with victims or aggressors should also be avoided in programming directed to these audiences. Research studies have stressed that this represents one of the most sensitive areas of children's interaction with media content: the impact on children is greater when they recognize themselves on the screen. The same applies to domestic violence.
- When transformed into a daily and recurring element of audiovisual programming, the set of situations enumerated above can have the effect of glamorizing/exalting violence and/or transforming it into something gratuitous/banal, all of which, in the context of the development of children and adolescents, should be avoided
- On the other hand, depicting the negative consequences of an aggressor's actions (in the short and long term) – in other words, punishment – can mitigate the impact of violent content on the development of audiences. Studies have suggested that children exposed to violent content which has clear consequences for aggressors and those not exposed to any violent content tend to manifest the same immediate reaction when brought into contact with this type of material. The same is not true of children exposed to violent programs in which there are no negative consequences to the aggressor's actions – or in which violent acts are rewarded.
- Programs that portray violence but make clear that this is not the only or preferred option for the resolution of conflict should receive a positive indication. Even more pertinent is programming that explicitly condemns violence.
- Presenting the context in which violent scenes are introduced – with a clear description of the causes, consequences, and potential solutions for the phenomenon – is an important element to reduce the likely negative impact on the behavior of children and adolescents. Indeed, this type of model can contribute toward an enhanced understanding of the problem among viewers of what is real and needs to be addressed.
- Clearly identifying unreal and fantastical violence (such as in animated works) is unquestionably an attenuating factor in the depiction of violent content. This type of depiction offers children the opportunity to develop the capacity to distinguish between fiction and reality.
- Technical questions (framing of the image, musical score, sound editing, for example) should be considered with a view to ascertain-

ing whether they intensify or lessen the violent content depicted.

- Finally, different types of violence should be evaluated separately. Children and adolescents tend to be more affected by the various forms of sexual violence, high levels of suffering inflicted on victims (torture), or difficult issues (such as suicide).

V – Sexual content

Many societies, including Brazil, have a moral and ethical standard that needs to be respected: namely, the overriding concern with delaying the access of children and adolescents to content involving nudity and sexuality. False morality (or hypocrisy) lies in demanding that ratings for productions portraying these types of scenes be raised while not expressing the slightest reservations about, or worse yet, praising programs depicting clear acts of discrimination against homosexuals, women, Afro-Brazilians, or persons with special needs through scenes that exploit either the desperation or the suffering of these segments.

In addition the absence of dialogue on sex and nudity in most Brazilian homes, coupled with the lack of continuing sex education programs in the majority of schools, only reinforces the risks associated with the reckless airing of such content.

Nonetheless, it is important to emphasize that the reflection on the issue of sexuality, including in television programming, has made significant strides in recent decades. Women's rights movements, the struggle for sexual liberation, and the urgency of discussing the issue following the emergence of the Aids epidemic, have contributed to introducing the subject into various spheres of discussion (public and private) – including in fictional content, through social merchandising.[5] Moreover, it is important to acknowledge that, with the media's unquestioned support, the public sphere for discussion of issues connected to sexuality is far more consolidated today than at any time.

Yet the vast body of research that points to the potentially negative consequences of children's and adolescents' exposure to violence in the media has established equally alarming connections with respect to sexual content. As discussed earlier in these pages, studies in the United States have traced a link between the premature exposure to sexually suggestive content and premature sexual initiation and high teenage pregnancy rates, for example.

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[5] *For more on this issue, we recommend the chapter "Electronic Agenda" in Remote Control: Language, Content, and Participation in Television Programming for Adolescents (*Remoto Controle: Linguagem, conteúdo e participação nos programas de televisão para adolescentes*), published by ANDI, Unicef, Petrobras, and Cortez Editora. The chapter cites several successful cases such as Globo's soap opera* Mulher *(Rede Globo, 1998), which promoted discussion on women's health issues, including issues related to women's sexuality.*

We should bear in mind, as argued in the case of violent content, that not all sexual content should be rated as inappropriate. Sex is a part of every adolescent's life and, in most cases, can become a healthy part the lives of all adolescents, provided they are afforded the proper information – including through entertainment mediums. Again, however, the context is key to distinguishing the different elements depicted in scenes involving sex and nudity.

At the outset, it is important to indicate and quantify the depiction of images and narrative containing this type of content for purposes of raising the age designations for which this material is recommended, insofar as not all audiences should have access to these types of scenes. Similarly, by providing information on sexual content, families can decide to forbid or allow their children to view a particular program.

Therefore, as with the ratings assigned to violent content, there are some relevant questions to consider when evaluating programs that contain scenes depicting sex or nudity:

- The importance of the content to the broader understanding of the plot line.
- The type of nudity or sexual content depicted.
- Scenes of incest are particularly problematic for child and adolescent viewers to comprehend. Therefore, this issue is analyzed separately and carries added weight in the determination to raise the rating.
- The portrayal of rape as an act of passion, sexual arousal, and/or illegal drug use is highly unacceptable and problematic, to the extent that it lessens the criminal nature of the act, justifying that which cannot be justified and contributing, moreover, to feelings of guilt in the victim.
- Repeated depictions of women as objects constitute offensive content with regard to the issue of gender.
- The recurring association of sex with promiscuity and betrayal blurs the fact that this conduct may be related to other behaviors, and could potential convey a very limited and mistaken vision regarding the sexual development of children and adolescents.
- Moreover, as with violent content, the participation of children and adolescents in these types of scenes and the associated technical aspects must be evaluated.
- By contrast, situations that depict the use of condoms and contraception, address the question of sexually transmitted diseases, issues connected with pregnancy, or aspects related to sex education – in other words, that provide a broader context – should be given greater value and distinguished from programs in which sex is portrayed as casual and wholly detached from the positive elements enumerated above.

VI – Scenes involving drugs

Potential stimuli to drug use (legal or illegal) is particularly problematic in the context of child and adolescent viewers. In general, given the influence of television on the choices made by children and adolescents and its socializing characteristics, the decision to use these substances may not always be based on pertinent information, that is, on the associated risks and pleasures. In other words, it is necessary to ensure that the various audiences are provided comprehensive information on the variables involved in legal and illegal drug use, rather than a partial framing of the issue.

At the same time, discussion of the subject should not be avoided, even in programs that are not classified as informational and/or educational. Drugs are part of our social reality, and, as such, citizens (above and below the age of 18) need to be exposed to the question. Yet, as with the subjects discussed above, it is crucial to distinguish productions that offer a more in-depth analysis of the matter from those that simply depict the consumption of those substances.

VII – Discrimination

The portrayal of scenes involving various types of discrimination – frequently through the depiction of negative stereotypes – is contrary to human rights and contributes nothing to promoting a culture of peace and mutual respect among children and adolescents. Therefore, the presence of such content should be vigorously repudiated.

However, there are potential contexts that can mitigate scenes depicting discrimination. These include cases in which scenes of discrimination are employed to condemn misguided behaviors or clearly offer a positive contribution to the development of children and adolescents.

VIII – Language

The language employed in audiovisual content is an important element for reinforcing or mitigating particular messages conveyed by the productions under analysis.

As with the other content elements described above, distinctions in the age scales must be made with regard to the recommendations on access to particular types of language (whether oral or gestural). In other words, children and adolescents of specific age groups – given their stage of development in the community, society, and school – are more prepared to interact with the use of certain types of language than others.

The type of language employed is also an important piece of information in expanding the power of choice of parents or guardians in relation to programming. While access to offensive terms may be problematic for some families, for

others this may not be a pertinent issue. With this in mind, identifying the type of language depicted in programming enables parents to make an informed choice with regard to the content their children should or should not view. In addition, some forms of linguistic expression (although far from being inadequate) may indicate that younger audiences (small children) may have difficulties in comprehending the broadcast content. This is the case, for example, with slang, irony, and technical language.

IX – Adequacies

Finally, the ratings instrument sets out a list of desirable broadcast programming content directed to children and adolescents. The analyzed elements consider the principles endorsed by Brazil through its Federal Constitution, the infraconstitutional legislation, and the international treaties ratified by the country. In addition to these documents, the adequacies are also drawn from the recommendations of the Chilean regulatory authority.

The central idea of these analytical criteria is to confer value to productions that contain positive behaviors. In other words, programs that emphasize attitudes that help mold children and adolescents into individuals more in tune with their society and respectful of human rights.

In the same way that unsuitable programming can impair the full development of children and adolescents, it is also true that content defined as "appropriate," "positive," "suitable" – or however one chooses to call it – can contribute significantly to protecting the human rights of this population segment, as discussed at great length above.

Ultimately, we have sought to stress the need to value audiovisual productions that focus on transmitting important messages for the development of boys and girls. Both from a narrower perspective (content that promotes personal hygiene, for instance) to the broader view (materials dedicated to valuing the culture of peace).

4. Final recommendations[6]

The issues outlined in this publication make it clear that not only the actions of the Ministry of Justice – the government authority responsible for regulating ratings advisories in Brazil – are essential to carry forward the development of a rating model founded on the ideas listed in the preceding pages, but also that the contributions

[6] *The recommendations in this section were submitted to the Ministry of Justice by ANDI – on the basis of the results emanating from the study that preceded this publication – and are aimed at providing guidance on the development of the new TV Rating policy.*

of other sectors of society are equally critical. In view of this, we believe it is important, following an extensive analysis of the documents and experiences cited throughout this document, to highlight a number of critical aspects of the public policy development process, which lie beyond the specific issue at hand, namely redefinition of the rating system.

- *Internal structure*: there is no question that specialized government sector posts, which require successful completion of a public civil service examination and offer a secure career track, have built-in incentives that can contribute to promoting the enhancement of the pertinent end functions. With this in mind, it would be highly advisable that the entire staff currently responsible for the broad range of ratings advisory activities, today made up in its majority of interns, be incorporated into the permanent public civil service through a civil service examination process. The ideal profile of the professional tasked to this area should include the capacity to transform content conveyed in audiovisual language into quantifiable and concrete variables.
- *Resistance*: processes such as this will invariably trigger strong resistance to changes in the *status quo*. Internal difficulties may possibly be related to potential reservations regarding the challenges embedded in any transition process, the inevitable loss of power (the subjectivity of the process confers power to those who operate it, while objectivity systematizes procedures and reduces the incidence of direct intervention by individuals), and the potential harm to media interests. These difficulties can only be overcome by institutionalizing (administrative rule, decree) and "publicizing" (publication) the changes that are ultimately adopted, as has already occurred in the case of film ratings. It is also strategically imperative to anchor the new structure to the public consultation held in 2005.[7]
- *Public consultation*: the ministry should expedite implementation of the changes proposed by respondents, particularly those related to the ratings displays and the time zone guidelines, into the TV Rating System – the changes were scheduled to be instituted at the end of 2006.
- *Avoid responsibility shifting*: supporting the execution of the V-CHIP law is a binding obligation of the ministry; nonetheless, it is import to resist at all cost the argument that responsibil-

[7] *In the final months of 2005, the Ministry of Justice issued a request (over the Internet and through a series of public hearings held in every region of Brazil) for public comment by Brazilian citizens on the various aspects (conceptual and format) of the rating system. The development of the public consultation was largely an extension of the Working Group established by the ministry to discuss the issue. The group was made up of representatives of government agencies, experts, civil society organizations, and the private sector.*

ity for regulating audiovisual content should be transferred entirely to families.

- *Road to transparency*: adhering to the well-established proposal to ensure the transparency of all of the processes adopted can help avoid retrogression in the implementation of the ratings policy.
- *Program promotions:* another specific, yet critical, question refers to ratings for television spots promoting programs that air at later broadcasting times. It is important that these spots conform to the logic of the ratings advisories. In other words, it makes no sense to advertise a movie rated for viewers 18 years and over during the family viewing hour.
- *Ratings advisory education*: a broad awareness-raising campaign – comprised of various elements and strategies – involving families, children, adolescents, and professionals engaged in areas related to children and adolescents is required to ensure the efficiency, effectualness, and effectiveness of the ratings advisories.
- *Establishing an office of ombudsman*: the ministry should effectively undertake the role of public ombudsman on matters related to television programming. A channel such as a dedicated 0800 number should be broadly disseminated and made available to all citizens. Complaints, suggestions, and praise should be collated and periodically disclosed.
- *Co-regulation*: as noted in the conceptual reflections examined above, self-regulation represents a possible course of action, and a number of nations have adopted this policy option. However, we stress that a strategy to transfer responsibility over content ratings to media companies must remain rigorously benchmarked to the parameters delineated in these pages. In addition, the ministry should not loosen its reins on the process, and should act as an emergency valve in the event self-regulation fails. To this end, the ministry should conduct periodic and random monitoring of televised programming, as well as expand its channels of communication to other interested groups (that is, beyond broadcasters).
- *Cooperation with schools*: there is a pressing need to incorporate the discussion presented above – on the importance of addressing seemingly identical content (such as violence) on the basis of its specific characteristics and context – into the classroom. The Ministry of Justice, in association with the Special Secretariat for Human Rights and the Ministry of Education, could contribute to promoting a broad national media literacy effort.
- *Universal ratings advisories*: the bulk of the research on the subject indicates that public ratings advisories should be displayed using a standardized format and language. This requirement

should apply to films and computer games as well. The employment of different rating displays confuses families and reduces the effectiveness of the system.

- *Research*: the ministry must be prepared to provide support to scientific investigations designed to secure a better understanding of the effects of television on Brazilian children and adolescents. There is a significant vacuum in this area.
- *Building a network*: the Ministry of Justice should invest in the development of a national network of institutions with an interest in the ratings advisories, for purposes of engaging Brazilian society in the challenging task of monitoring media content throughout the country and addressing the innumerable forms of rights violations television programs can potentially commit. The establishment of a Superior Advisory or Deliberative Council (Conselho Superior Consultivo ou Deliberativo), similar to those established in other areas, represents a possible option for expanding, democratizing, and legitimating the debate on the basis of the interests of conflicting social groups *(a brief list of institutions that should be considered for this purpose is provided in the appendix to this proposal).*
- *Capacity-building for ratings networks*: the proposed ratings instrument could serve as the basis of a variety of rating systems developed by particular social groups for the benefit of their stakeholders. In other words, specific social groups interested – for ideological, religious, or cultural reasons – in issuing an alternative set of ratings advisories based on ethical and moral principles to the audiences with whom they maintain a dialogue and/or identify should be encouraged with a view to further democratizing the process of choosing audiovisual content.

Concepts Employed in the Ratings Form

E (raise): concept attributed to variables that are contrary to suitable programming for child and adolescent viewers (inadequacies) – contributes toward raising the age rating designation of the program.
R (lower): concept indicating that the programming in question contains few inadequacies or contains positive content for a diversity of audiences – contributes toward lowering the age rating designation.

Draft TV Rating System Form

I. Basic identification of the material under evaluation		
1.	Original title:	
2.	Title in portuguese:	
3.	Language (see *Manual and Sources Codes*):	
4.	Country of origin (see *Manual and Sources Codes*):	
The content is:		
5.	( ) Subtitled	
6.	( ) Dubbed	
7.	( ) Not applicable	
Color system		
8.	( ) Color	E
9.	( ) Black and white	
General information on the audiovisual work		
10.	Year:	
11.	Director(s):	
12.	Screenwriter(s):	
13.	Production company:	
Evaluation through the rating system		
14.	Start date of evaluation: _____/_____/_____	
15.	End date of evaluation: _____/_____/_____	
16.	Broadcast date **(leave blank if material has not yet been broadcast)**: _____/_____/_____	
17.	Scheduled broadcast date: **(leave blank if material has already been broadcast)**: _____/_____/_____	

I. Basic identification of the material under evaluation	
Evaluated material	
18.	( ) Audiovisual full
19.	( ) Audiovisual installment
20.	( ) Audiovisual episode
21.	( ) Audiovisual pilot
22.	( ) Synopsis
23.	Duration of evaluated material **(do not respond if item 22 checked)**: ____h_____min_____s
24.	Evaluator:
Original rating designated by company	
25.	( ) General
26.	( ) 10 years
27.	( ) 12 years
28.	( ) 14 years
29.	( ) 16 years
30.	( ) 18 years
Initial rating	
31.	( ) General
32.	( ) 10 years
33.	( ) 12 years
34.	( ) 14 years
35.	( ) 16 years
36.	( ) 18 years
Final rating	
37.	Result:
Review	
38.	( ) Yes

I. Basic identification of the material under evaluation	
39.	( ) No
40.	Review evaluator:
Review result	
41.	( ) Maintain initial rating
42.	( ) Lower initial rating to a younger age designation
43.	( ) Raise initial rating to a higher age designation
Review submitted by	
44.	( ) Company
45.	( ) NGO
46.	( ) Public Prosecution Service
47.	( ) Individuals
48.	( ) Others:
Petition	
49.	( ) Yes
50.	( ) No
51.	Evaluator responsible for the petition:
Result of petition	
52.	( ) Maintain initial rating
53.	( ) Lower initial rating to a younger age designation
54.	( ) Raise initial rating to a higher age designation
Petition submitted by	
55.	( ) Company
56.	( ) NGO
57.	( ) Public Prosecution Service
58.	( ) Individuals
59.	( ) Others:

II. Format identification	
A. Format classification recommended by company	
60.	( ) Live Studio Audience
61.	( ) Entertainment News
62.	( ) Culinary
63.	( ) Debate
64.	( ) Cartoon (Animated)
65.	( ) Documentary
66.	( ) Educational
67.	( ) Interview
68.	( ) Special
69.	( ) Sporting
70.	( ) Film
71.	( ) Game Show
72.	( ) Comedy
73.	( ) Children's
74.	( ) Informational
75.	( ) Interactive
76.	( ) Miniseries
77.	( ) Musical/Show
78.	( ) Soap Opera
79.	( ) Programs dealing with the sensational in daily life
80.	( ) Advertising
81.	( ) Political
82.	( ) Reality Show
83.	( ) Religious
84.	( ) Series/Serial/Sitcom
85.	( ) Drawing/Teleshopping
86.	( ) Talk-show
87.	( ) Newscast
88.	( ) Variety
89.	( ) Other:

II. Format identification		
B. Format classification recommended by the Ministry of Justice		
90.	( ) Live studio audience	
91.	( ) Entertainment news	E
92.	( ) Culinary	
93.	( ) Debate	
94.	( ) Cartoon (animated)	
95.	( ) Documentary	R
96.	( ) Educational	R
97.	( ) Interview	
98.	( ) Special	
99.	( ) Sporting	
100.	( ) Film	
101.	( ) Game show	
102.	( ) Comedy	
103.	( ) Children's	
104.	( ) Informational	R
105.	( ) Interactive	
106.	( ) Miniseries	
107.	( ) Musical/Show	
108.	( ) Soap opera	
109.	( ) Political	
110.	( ) Programs dealing with the sensational in daily life	E
111.	( ) Advertising	E
112.	( ) Reality show	E
113.	( ) Religious	
114.	( ) Series/Serial/Sitcom	
115.	( ) Drawing/Teleshopping	E
116.	( ) Talk-Show	
117.	( ) Newscast	
118.	( ) Variety	
119.	( ) Other:	

III. Genre/content identification	
A. Genre/content classification recommended by the company	
120.	( ) Action
121.	( ) Animation
122.	( ) Digital Animation
123.	( ) Art
124.	( ) Martial Arts
125.	( ) Adventure
126.	( ) Biblical adventure
127.	( ) Crime adventure
128.	( ) War adventure
129.	( ) Youth adventure
130.	( ) Police adventure
131.	( ) Biblical
132.	( ) Epic adventure
133.	( ) *Chanchada* [popular comedy]
134.	( ) Musical *chanchada*
135.	( ) Science and technology
136.	( ) Classic
137.	( ) Comedy
138.	( ) Classic comedy
139.	( ) Black comedy
140.	( ) Dramatic comedy
141.	( ) Western comedy
142.	( ) Children's comedy
143.	( ) Youth comedy
144.	( ) Musical comedy

III. Genre/content identification	
145.	( ) Slapstick comedy
146.	( ) Police comedy
147.	( ) Romantic comedy
148.	( ) Lifestyles
149.	( ) Animation
150.	( ) Didactic
151.	( ) Drama
152.	( ) Biographical drama
153.	( ) Prison drama
154.	( ) War drama
155.	( ) Erotic drama
156.	( ) Sporting drama
157.	( ) Historical drama
158.	( ) Police drama
159.	( ) Political drama
160.	( ) Religious drama
161.	( ) Romantic drama
162.	( ) Educational
163.	( ) Epic
164.	( ) Erotic
165.	( ) Spy
166.	( ) Fantasy
167.	( ) Youth fantasy
168.	( ) Western
169.	( ) Science fiction
170.	( ) Catastrophe film

III. Genre/content identification	
171.	( ) Episodic film
172.	( ) Gangster
173.	( ) War
174.	( ) History
175.	( ) Children's
176.	( ) Musical
177.	( ) Didactic musical
178.	( ) Youth classic music
179.	( ) Holiday musical
180.	( ) Nature and animals
181.	( ) Police
182.	( ) Pornographic
183.	( ) Medical
184.	( ) Religious
185.	( ) Romance
186.	( ) Musical romance
187.	( ) Health
188.	( ) Surrealist
189.	( ) Suspense
190.	( ) Erotic suspense
191.	( ) Horror
192.	( ) Vanguard
193.	( ) Other
194.	( ) No additional genre to the format previously indicated

III. Genre/content identification		
B. Genre/content recommended by the Ministry of Justice		
195.	( ) Action	
196.	( ) Animation	
197.	( ) Digital animation	
198.	( ) Art	R
199.	( ) Martial arts	E
200.	( ) Adventure	
201.	( ) Biblical adventure	
202.	( ) Crime adventure	E
203.	( ) War adventure	E
204.	( ) Youth adventure	
205.	( ) Police adventure	E
206.	( ) Biblical	
207.	( ) Epic adventure	E
208.	( ) *Chanchada* [popular comedy]	
209.	( ) Musical *chanchada*	
210.	( ) Science and technology	R
211.	( ) Classic	
212.	( ) Comedy	
213.	( ) Classic comedy	
214.	( ) Black comedy	E
215.	( ) Dramatic comedy	E
216.	( ) Western comedy	E
217.	( ) Children's comedy	
218.	( ) Youth comedy	
219.	( ) Musical comedy	

III. Genre/content identification		
220.	( ) Slapstick comedy	
221.	( ) Police comedy	E
222.	( ) Romantic comedy	
223.	( ) Lifestyles	
224.	( ) Cartoon	
225.	( ) Didactic	
226.	( ) Drama	E
227.	( ) Biographical	E
228.	( ) Prison drama	E
229.	( ) War drama	E
230.	( ) Erotic drama	E
231.	( ) Sporting drama	E
232.	( ) Drama histórico	E
233.	( ) Police drama	E
234.	( ) Political drama	E
235.	( ) Religious drama	E
236.	( ) Romantic drama	E
237.	( ) Educational	R
238.	( ) Epic	
239.	( ) Erotic	E
240.	( ) Spy	E
241.	( ) Fantasy	
242.	( ) Youth fantasy	E
243.	( ) Western	E
244.	( ) Science fiction	E
245.	( ) Catastrophe film	E

III. Genre/content identification		
246.	( ) Episodic film	
247.	( ) Gangster	E
248.	( ) War	E
249.	( ) History	R
250.	( ) Children's	
251.	( ) Musical	
252.	( ) Didactic musical	
253.	( ) Classic youth musical	
254.	( ) Holiday musical	
255.	( ) Nature and animals	
256.	( ) Police	E
257.	( ) Pornographic	E
258.	( ) Medical procedure	E
259.	( ) Religious	
260.	( ) Romance	
261.	( ) Musical romance	
262.	( ) Health	
263.	( ) Surrealist	E
264.	( ) Thriller	E
265.	( ) Erotic thriller	E
266.	( ) Horror	E
267.	( ) Vanguard	
268.	( ) Other	
269.	( ) No additional genre to the format previously indicated	

IV. Identification of violent content (including any criminal acts and accidents)		
A. Does the material portray violent content?		
270.	( ) Yes	E
271.	( ) No **(if no, go to heading V)**	R
B. Proportion of violent content in the material under evaluation		
272.	( ) Only limited references	E
273.	( ) Less than 5%	EE
274.	( ) Between 5% and 10%	EEE
275.	( ) Between 10% and 30%	EEEE
276.	( ) Between 30% and 50%	EEEEE
277.	( ) Between 50% and 70%	EEEEEE
278.	( ) Between 70% and 100%	EEEEEEE
C. Relevance of the violent content to the plot line		
279.	( ) The violent content is not relevant to the understanding of the plot line	E
280.	( ) The violent content is moderately relevant to the understanding of the plot line	EE
281.	( ) The violent content is indispensable to the understanding of the plot line	EEE
D. References to violent content (more than one item may be checked)		
282.	( ) Depicts weapons (except firearms)	E
283.	( ) Depicts firearms	E
284.	( ) Depicts blood	E
285.	( ) Depicts victim suffering	E
286.	( ) Presents detailed depictions, through the broadcast images, of the violent act (including the *modus operandi* and the bodies of the victims)	E
287.	( ) Presents detailed verbal descriptions of the violent act (including the *modus operandi* and the bodies of the victims)	E

IV. Identification of violent content (including any criminal acts and accidents)		
288.	( ) Presents the immediate negative consequences (imprisonment, for example) of the aggressor's actions	R
289.	( ) Presents the long-term negative consequences (difficult life circumstances, for example) of the aggressor's actions	R
290.	( ) The aggressor's actions go unpunished	E
291.	( ) The aggressor's actions are rewarded	E
292.	( ) Presents violence as the only form or the predominant form of conflict resolution	E
293.	( ) Presents alternative forms of conflict resolution	R
294.	( ) Depicts characters taking justice into their own hands	E
295.	( ) The violence is committed by attractive perpetrators (the most beautiful, the most physically fit, the most intelligent, the heroes)	E
296.	( ) Depicts "good guy/bad guy" violence	E
297.	( ) Presents the consequences of violence for victims in a manner that is not sensationalist. In other words, the scene makes clear that the victims of violence are scarred (physically, emotionally, financially, socially, and so forth) – nonetheless, it does not unduly magnify these consequences, or in any way exploit the situation of the victims	R
298.	( ) Depicts scenes of the victims of violence in a state of distress	E
299.	( ) Depicts violence in an entertaining or humorous fashion	E
300.	( ) Condemns violence	R
301.	( ) Exalts violence	E
302.	( ) Condemns and exalts, ambiguous	E
303.	( ) Glamorizes and/or offers an apologia for violence	E
304.	( ) Portrays children and adolescents as victims	E
305.	( ) Portrays children and adolescents as aggressors	E
306.	( ) Depicts violence within a context of fantasy that is clearly not connected to reality	R

IV. Identification of violent content (including any criminal acts and accidents)		
307.	( ) Background music reinforces violent content	E
308.	( ) Background music lessens violent content	R
309.	( ) Sound editing reinforces violent content	E
310.	( ) Sound editing lessens violent content	R
311.	( ) Framing of the image reinforces violent content	E
312.	( ) Framing of the image lessens violent content	R
313.	( ) Depicts gratuitous violence/banality of violence	E
314.	( ) Depicts family violence	E
315.	( ) Depicts violence within a sporting context (refers to accidents that normally occur through athletic activity) – however, violence between athletes or involving fans is not depicted	R
316.	( ) Depicts violence in an historical context, involving the causes, consequences, and solutions relevant to the case in question	R
E. With respect to the violence depicted (more than one item may be checked)		
317.	( ) Murder/homicide	E
318.	( ) Physical aggression/bodily injury	E
319.	( ) Sexual abuse	E
320.	( ) Criminal acts not involving bodily injury or loss of life	E
321.	( ) Rape	E
322.	( ) Sexual exploitation	E
323.	( ) Mutilation of body parts	E
324.	( ) Suicide	E
325.	( ) Torture/cruelty	E
326.	( ) Other	

V. Identification of sexual content and nudity		
A. Does the material under evaluation depict scenes of nudity?		
327.	( ) Yes	E
328.	( ) No	R
B. Does the material under evaluation depict scenes of sexual relations in any context?		
329.	( ) Yes	E
330.	( ) No **(if 328 and 330 are both checked, go to heading VI)**	R
C. Proportion of sexual content/nudity scenes in the material under evaluation		
331.	( ) Only limited references	E
332.	( ) Less than 5%	EE
333.	( ) Between 5% and 10%	EEE
334.	( ) Between 10% and 30%	EEEE
335.	( ) Between 30% and 50%	EEEEE
336.	( ) Between 50% and 70%	EEEEEE
337.	( ) Between 70% and 100%	EEEEEEE
D. Relevance of the sexual content to the plot line		
338.	( ) The sexual content is not relevant to the understanding of the plot line	E
339.	( ) The sexual content is moderately relevant to the understanding of the plot line	EE
340.	( ) The sexual content is indispensable to the understanding of the plot line	EEE
E. References to sexual content/nudity scenes in the material under evaluation (more than one item may be checked)		
341.	( ) Depicts nudity, although no frontal nudity (penis, vagina), that is, only veiled or discreet nudity	E
342.	( ) Depicts nudity, including breasts and buttocks, however no frontal nudity (penis and vagina)	E
343.	( ) Depicts full nudity	E
344.	( ) Depicts nudity in a scientific, medical, sex education, or other context completely disconnected from any erotic connotation	R
345.	( ) Depicts scenes of sexual innuendo (it is possible to infer that sexual relations will occur or are occurring, although they are not visually depicted)	E
346.	( ) Depicts scenes of sexual relations without penetration	E
347.	( ) Depicts sexual innuendo implying oral and/or anal sex	E
348.	( ) Depicts sexual innuendo implying masturbation	E

V. Identification of sexual content and nudity		
349.	( ) Depicts explicit sex scenes	E
350.	( ) Depicts scenes of incest	E
351.	( ) Depicts scenes of prostitution	E
352.	( ) Portrays women as objects	E
353.	( ) Sex is associated with extraconjugal relations (betrayal)	E
354.	( ) Sex is associated with promiscuity (various relations, with different individuals, in short time intervals)	E
355.	( ) Depicts rape as an act of passion, not as a crime	E
356.	( ) Depicts rape as the product of legal or illegal drug use, not as a crime	E
357.	( ) Portrays children and adolescents in scenes of sexual content	E
358.	( ) The background music reinforces the sexual content	E
359.	( ) The background music lessens the sexual content	R
360.	( ) The sound editing reinforces the sexual content	E
361.	( ) The sound editing lessens the sexual content	R
362.	( ) The framing of the image values the sexual content	E
363.	( ) The framing of the image lessens the sexual content	R
364.	( ) The references to sexual content/nudity are presented in an historical and/or artistic context that includes the pertinent causes, consequences, and solutions	R
365.	( ) References are made to sex education	R
366.	( ) References are made to the use of contraception	R
367.	( ) References are made to the use of birth control methods	R
368.	( ) References are made to STD's	R
369.	( ) References are made to sex in the context of loving/family relations	R
370.	( ) Portrays intra-family discussions on sex	R
371.	( ) Discusses teenage pregnancy	R
372.	( ) Presents the ability (women or men) to say no, in regard to sexual relations	R
373.	( ) Discusses/reflects on sex	R

VI. Identification connected to the presentation of scenes depicting drugs (potential ramification on the theme of violence)		
A. Does the material portray content involving drugs?		
374.	( ) Yes, legal	E
375.	( ) Yes, illegal	E
376.	( ) Yes, both	E
377.	( ) No **(if no, go to heading VII)**	R
B. Proportion of content depicting drugs in the material under evaluation		
378.	( ) Only limited references	E
379.	( ) Less than 5%	EE
380.	( ) Between 5% and 10%	EEE
381.	( ) Between 10% and 30%	EEEE
382.	( ) Between 30% and 50%	EEEEE
383.	( ) Between 50% and 70%	EEEEEE
384.	( ) Between 70% and 100%	EEEEEEE
C. Relevance of content depicting drugs for plot line		
385.	( ) The content is not relevant to the understanding of the plot line	E
386.	( ) The content is moderately relevant to the understanding of the plot line	EE
387.	( ) The content is indispensable to the understanding of the plot line	EEE
D. References to content depicting drugs (more than one item may be checked)		
388.	( ) Presents detailed descriptions, through the broadcast images, of drug use/production/sales (including the *modus operandi* and the effects on individuals)	E
389.	( ) Presents detailed descriptions of drug use/production/sales (including the *modus operandi* and the effects on individuals)	E
390.	( ) Presents the immediate negative consequences (imprisonment, for example) of the offender's actions (dealer)	R
391.	( ) Presents the long-term negative consequences (difficult life circumstances, for example) of the offender's actions (dealer)	R
392.	( ) Presents the negative consequences (health problems, for example) for the consumer (user)	R
393.	( ) Presents the positive consequences (pleasure, for example) for the consumer (user)	R
394.	( ) The offender's (dealer's) actions go unpunished	E
395.	( ) The offender's (dealer's) actions are rewarded	E
396.	( ) Presents drugs as the only form or the predominant form of problem resolution	E

VI. Identification connected to the presentation of scenes depicting drugs
(potential ramification on the theme of violence)

397.	( ) Presents alternative forms of problem resolution	R
398.	( ) Presents a discussion of the subject of drug use	R
399.	( ) Presents a discussion on the subject of drug trafficking	R
400.	( ) The background music reinforces the content	E
401.	( ) The background music lessens the content	R
402.	( ) The sound editing reinforces the content	E
403.	( ) The sound editing lessens the content	R
404.	( ) The framing of the image exalts the content	E
405.	( ) The framing of the image lessens the content	R
406.	( ) The references made to content depicting drugs are presented in an historical context that includes the pertinent causes, consequences, and solutions	R
407.	( ) Portrays children and/or adolescents in the scene	E

VII. Identification of the material in regard to the language employed – verbal or gestural
(ramification on the themes of violence and sex)

A. Type of language employed		
408.	( ) Contains offensive, coarse, and vulgar language	E
409.	( ) Contains erotic, sexual language	E
410.	( ) Contains obscene gestures	E
411.	( ) Contains slang (colloquial language)	E
412.	( ) Contains irony, metaphors	E
413.	( ) Contains technical/academic language	E
414.	( ) Contains refined language that reflects and stimulates behaviors conducive to ethics, solidarity, and respect for social life	R
415.	( ) Not applicable	R
B. In regard to the intensity of the language employed. The type of language in items 408, 409, and 410 are (do not respond if at least one of the items above was not checked)		
416.	( ) Rarely employed	E
417.	( ) Moderately employed	EE
418.	( ) Frequently employed	EEE

VIII. Identification of material related to discrimination/prejudice/aspersion/derision
(ramification on the theme of violence)

A. In regard to discrimination portrayed		
419	( ) Gender based	E
420.	( ) Class based	E
421.	( ) Against gay men, lesbians, bisexuals, and/or transgenders	E
422.	( ) Against races/ethnicities	E
423.	( ) Against migrants and immigrants	E
424.	( ) Against native peoples	E
425.	( ) Against particular peoples/populations	E
426.	( ) Against children/adolescents	E
427.	( ) Against religions	E
428.	( ) Against persons with special needs	E
429.	( ) Other:	
430.	( ) Not applicable	R
B. When portraying any of these groups, do a majority of the scenes transmit stereotypes? (disregard if item 430 checked)		
431.	( ) Yes	E
432.	( ) No	
C. In regard to the extent of the presence of discriminatory behavior (leave blank if item 430 checked)		
433.	( ) Limited	E
434.	( ) Moderate	EE
435.	( ) Significant	EEE
D. In regard to discriminatory behavior (leave blank if item 430 checked)		
436.	( ) Discrimination is condemned	R
437.	( ) Discrimination is exalted	E
438.	( ) Discrimination is presented in an historical and political context in which the causes, consequences, and solutions are provided	R
439.	( ) The aggressors are punished	R
440.	( ) The aggressors go unpunished	E
441.	( ) The aggressors are exalted/rewarded	E

IX. Identification of the material from the perspective of the promotion and protection of the human rights of children and adolescents		
442.	( ) Depicts a culture of peace	R
443.	( ) Human rights are addressed in a positive light	R
444.	( ) Presents social and emotional skills	R
445.	( ) Presents behaviors associated with cooperation, solidarity, and help to others	R
446.	( ) Depicts behaviors that denote responsibility	R
447.	( ) Depicts behaviors that value honesty	R
448.	( ) Depicts behaviors that value respect for others	R
449.	( ) Depicts behaviors that value conflict resolution abilities	R
450.	( ) Depicts content that promotes the cognitive skills of children	R
451.	( ) Depicts content that values knowledge	R
452.	( ) Depicts content/behaviors that promote healthy bodies	R
453.	( ) Depicts content/behaviors that value manual/motor skills	R
454.	( ) Programming is regional and/or independent	R
455.	( ) Presents regional/local content	R
456.	( ) Presents divergent/pluralistic opinions/information	R
457.	( ) Depicts content that respects and promotes diversity	R
458.	( ) Depicts reprehensible/objectionable behaviors	E
459.	( ) Depicts behaviors/content that value consumerism as a form of social/personal validation, as a way to achieve happiness	E
460.	( ) Depicts the valuing of physical beauty and/or the body as an indispensable condition of a happy life and/or acceptance in society and/or acceptance in a group	E
461.	( ) Contains commercial merchandising	E

Justification, in full, for the ratings assignment:

Manual and Source Codes

The concepts presented below were developed, for the most part, on the basis of an extensive reviewa of the theoretical and conceptual literature in the field as well as on the existing research. It is important to underscore, however, that the set of definitions below is not conclusive in nature – in other words, it is not meant to exhaust all the possible interpretations for the subjects described in the pages that follow. The purpose of this document, above all, is to provide a conceptual map for rating evaluators that enables to perform their daily duties within the same logical framework. This ensures that evaluators read the necessary parameters for the rating process in the same manner. It is also important to stress that not all the elements contained in the TV Rating System Form *are listed in topics described in this manual, given that some of the concepts are effectively delineated in the introductory text to the ratings instrument* (see the section "The Ratings Report in detail" on page 181) *as well others that are elucidated in the ratings form itself. Finally, some topics were considered to require no further description.*

Genre definition*

Live studio audience

Live studio audience program hosted by one or more presenters. The popularity of these programs is due, in large measure, to the audience participation. The host may invite audience members to sing and comment on other artistic performances, take part in contests, and so forth.

Commonly associated with the name of its host or hostess, the primary attraction of programs of this nature is their Circensian and interactive quality: a sense of liveliness and cheer are crucial to their success. One of the strategies employed to win over the audience is the presentation of a series of musical performances, contests, and interviews in rapid succession, which enables the program to explore a diversity of formats – such as clips, debates, interviews, field reports, among others.

** The categories comprised by the different genres of television production and distributed over a network's programming grid adhere, with only marginal modifications, to Souza's classification (SOUZA, 2004). The description formulated by researcher José Carlos Aronchi de Souza of the Federal University of Rio Grande do Norte is particularly relevant for its novelty and for combining academic development with the professional experience demonstrated in his book "Genres and Formats in Brazilian Television"*

Entertainment news

Programming format composed of a combination of institutional programming, talk show, and teleshopping. These types of programs are intended purely as entertainment, and, as such, should not be confused with informational interview programs.

As a rule, entertainment news shows center on celebrities and the various events in which they frequently take part (galas, parties, film debuts, among others).

In the majority of cases, attention centers on subjects related to the private lives (clothes, relationships, and so forth) as well as the professional activities of celebrities, and the sponsors of the celebrity events these programs cover.

Culinary

Program that generally presents a chef demonstrating recipes. The chef outlines the ingredients necessary to prepare the dishes and explains each step in the cooking process. These programs generally air around meal times, with a view to drawing audiences interested in the subject.

The programming content may also include visits to different cities and restaurants. In addition to providing the program with fresh settings, these excursions offer the opportunity to interview chefs, maitre d's, and restaurant owners.

Categories and genres in Brazilian television

Category	Genre	
Entertainment	Studio audience Entertainment news Culinary Cartoon Sport Film Game show Comedy Children's Interactive Musical	Soap opera Quiz show (question and answer) Reality show *TV magazine* Series Sitcom (situation comedy) Talk-show *V*ariety
Informational	Debate Documentary Interview	
Educational	Educational	
Promotional (programs)	Free party political programming Drawing Teleshopping	
Other	Special Event Programs that deal with the sensational in daily life Religious	

Debate

In contrast to interview programs (*see page 218*), this type of programming usually includes a host and several guests who act as commentators as well. The most common formats for debate shows are live studio audience and roundtables.

This genre employs a variety of approaches: some programs focus on a different topic in each edition; some discuss several issues in the same edition; and some, which are thematic in nature, *i.e.*, they are devoted exclusively to sports, politics, or education, for example, bring together experts and professionals in the field to discuss issues related to the central theme.

These programs may additionally include short field reports on the primary topic under discussion.

Cartoon

This type of programming may be composed – in regard to the productions broadcast on television – of a series of animated drawings that simulates motion when filmed or projected on the screen by recording very slight, continuous changes in the images.

Current advances in graphic and computer animation have led to the application of new processes to these productions. In general, cartoons can be defined as any animated content developed without the continuous or predominant use of characters represented by humans.

Initially aimed at child viewers, the language and content employed in the genre have undergone changes in recent decades, with a view to attracting other age groups.

Another rich source of material for the cartoon genre are editorial cartoons. Accompanied either by music or an off-camera narration, editorial cartoons employ humor to address primarily political and public interest issues.

Documentary

Documentaries are informational and/or didactic audiovisual works that generally address important historical, social, cultural, economic, or scientific subjects. They may, however, focus on issues related to daily life as well.

Documentaries run longer than news reports and use video clips, interviews, debates, off-screen narration, and even elements typical of a fictional narrative to capture audience attention.

The distinguishing feature of documentaries in relation to fictional content is their conscious intent to offer a narrative on a particular development or aspect of real life (current or past).

Educational

Educational programs include content that broadly promotes the development of children and adolescents (intellectual and cognitive, as well as emotional and social). Programming that endeavors to reinforce the regular activities of the educational system or provide capacity building for the

performance of specific functions also falls under this category. In other words, programs that aim to recreate a "classroom" space, format, and concept on television.

Television language courses, telecourses, and some children's programs are examples of educational productions. They employ various formats to achieve their objectives: live studio audience, reports, interviews with teachers and experts, documentaries, etc.

In general, educational programs – regardless of the content or format used – commonly make use of a pedagogical element to address the subjects under consideration, employing a strategy similar to the teacher-student relationship as a central characteristic of the production.

Interview

In this type of programming, one or more interviewers ask questions of a guest, in an effort to extract further information on his or her life or on an issue on which he or she is knowledgeable. Brief reports may be employed to supplement the understanding of the issue under consideration.

The programs differ from talk shows (*see page 222*) insofar as they involve a more formal relationship between the interviewer and the interviewee and do not employ the elements present in a live studio production. However, it is common for this type of programming to include more guests in cases involving discussions on a specific subject.

Special

These programs do not employ typical standards, but rather draw audiences by focusing on issues of the moment and providing background material or a collection of information on the subject. Consequently, they have a longer duration than regular programming and revolve around an issue, a person, or an institution.

Commemorative dates (the end of year specials, as they are called), broadcasters' anniversaries, artists' birthdays, as well as programs produced specifically in response to an event – such as the death of a prominent figure – are the primary inspiration for specials. They generally include the word "special" in their title.

Sports

The central theme of this programming is sports. Many of these programs have a news format, with in-studio anchors, reporters, and guests. Sports programs are often presented as documentaries, debates, and roundtables.

In Brazil, most of these programs center on football (soccer), although other sports are also considered, primarily during the coverage of athletic events.

Events

These types of programs broadcast events that are not directly dependent on television programming. The broadcasts may be live or tape-delayed. The World Cup, Olympics, and the Oscars are examples of events broadcast in this format.

Film

This genre is composed of short or feature length (commercial or alternative) or made for television (open broadcast or for-pay) film productions. They may be fictional or based on true events. The key point, however, is that cinematic language and technical formats are applied to their production.

Game show

Game shows include various types of contests and games. Participants may be members of the general public or invited celebrities, in which case audience involvement is restricted to watching and cheering on the contestants. Generally, presented in a live studio audience format, game shows tend to be based on easily understandable rules capable, at the same time, of capturing audience interest.

This type of programming content may range from educational (competitions among schools, for example) to erotic (participants removing items of clothing as they complete or fail to complete tasks) in nature. Additionally, these contests may require either physical activity or logical reasoning. Game shows based on questions and answers are also classified as quiz shows (*see page 221*).

Free party political broadcasts

This type of programming is regulated by the Electoral Law (*Lei Eleitoral*). The broadcasting times and dates, the time allotted to the political parties (proportional to the number of seats they hold in the legislature), and the responsibilities of broadcasters are some of the aspects prescribed by law and/or specifically mandated by the electoral tribunals.

The Free Party Political Broadcasts and pronouncements by government authorities and the Voice of Brazil (Voz do Brasil – rádio) are the only compulsory television broadcasts typified by law.

This programming assumes a prominent position immediately prior to electoral periods.

Comedy

Presented variously in a live studio audience, sitcom, interview, or sketch format, these programs focus on comical and humorous situations. In general, they explore issues related to politics, sex, and financial difficulties, and employ type-cast characters widely familiar to the public.

Children's

A children's program is one that should be suitable and recommended for children, based on the recognition of the importance of promoting the production of content directed to this audience – the objective of which is to contribute toward developing their critical thought and offering them the conditions necessary for the exercise of citizenship. Productions of this type can be presented in the form of episodes or series or as live studio audience programs. Generally, they involve drawings, contests, and games that stimulate creativity and teach children, for example, how to make toys from a variety of materials.

It is important to recognize, however, that many children's programs fall far short of providing the ideal format as defined above. As a general rule, then, children's programs are characterized simply as those clearly directed – regardless of their quality – to child viewers. The language, setting, presentation style, and specific characters with which children identify serve to indicate whether the production is effectively aimed at this audience.

Interactive

An interactive program enables viewers to participate through call-ins or email messages. The audience's decision-making power generally comes into play at the end of a particular narrative, although reality shows, for example, employ interactivity to enable audiences to render decisions on intermediate stages of a particular program. With the introduction of digital television, interactivity will tend to increase significantly and allow for greater audience participation.

It is important to distinguish between exclusively interactive programs – and, therefore, classified as such – and those that utilize interactivity as a resource, although they fall under one of the other genres described in this section.

Musical

Programs whose principal focus is music. They generally air as live specials – usually in a studio or auditorium – or concerts. This genre also includes music videos and contests involving musicians or singers, as well as other musical events.

Soap opera

Programs consisting of daily and sequential episodes broadcast at scheduled times. The stories presented in soap operas address conflicts of interest, class struggles, love affairs, and other storylines with which the audience can become involved and identify. Brazilian soap operas are generally composed of 150 to 180 episodes of an average of 30 to 40 minutes each.

Programs dealing with the sensational in daily life

These are variety programs with specific characteristics: in general, they resort to the grotesque and the bizarre to hook their audiences. Guided, as a rule, by sensationalism, insofar as the events depicted are, in fact, sensational in nature, these programs present various types of disasters and disturbances: family conflicts, crimes, individuals in embarrassing situations, physically and mentally disabled persons in difficult circumstances, and so forth. In a good portion of the literature in the field, this program genre is denominated *Mundo-Cão* (Brutal World).

Quiz show (question and answer)

Programs presented in a question and answer format, in which the participant or team with the most correct answers wins. Prizes include cash awards or an attractive consumer product. This type of programming employs a live studio audience format in which a host officiates the game, controls the time, and enforces the rules.

Reality show

A show in which participants are placed in specific situations for a preestablished period of time, in order to have their reactions captured on camera – whether hidden or not – and exhibited to the audience. This genre usually airs in daily or weekly segments, and, on particular occasions, includes an episode of longer duration. Generally, each episode is edited with a view to presenting the audience with the highlights of the day's events, as determined by the producers. The reality show format, which tends to be restricted to specific scheduled times, employs tools such as interactivity, competitions that pit participants in tests of endurance or cleverness, and off-screen narration, among other strategies, to maintain audience interest.

Religious

Programming aimed at disseminating a specific religion or cult. In general, these programs are presented by a cleric or religious leaders, who, in most cases, is responsible for "adapting" the religious content to the audiovisual format. The most common broadcasts (either live or pre-recorded) are religious services conducted with a congregation present. Studio programs also include debates, interviews, and reports. Interactivity is a key feature of the studio format: in addition to letters and emails, live interaction with viewers, by telephone, is highly common (with an emphasis on the life testimonials of viewers).

News magazine

Programming that combines several formats. Primarily informational in nature, these programs

offer reports, news, and interviews, in addition to sports updates, interactive segments, and pieces on the arts, entertainment, recreation, lifestyles, and amenities. Through this mosaic of topics, as well as the employment of a miscellaneous set of formats, the objective is to provide viewers with a sense of being informed on developments in the world.

The informational focus of these programs is what distinguishes them from variety shows. Another difference between the two lies in the fact that the *Variety* format is generally closely identified with the program's host, which is not commonly the case with the *Television Magazine* genre, marked by far more frequent correspondent turnover.

Series

Audiovisual works presented in parts or at regular intervals. Generally speaking, series are broadcast daily (Monday-Friday) or once a week on the same day and time. This type of programming content includes elements typical of soap operas and films. The primary objective, however, is to capture the audience's interest through the development of a storyline played out by the characters over an extended period of time. Although the particular story of each episode may vary, there is a common thread that runs through the program.

Sitcom (situation comedy)

Featuring similar characteristics, in many cases, to series programs, this type of comedy presents humorous situations associated with the daily lives of average individuals. The recipe employed by sitcoms involves depicting these average situations through typecast characters – for example, the disconnected father, the frazzled mother, the neglected child, and the cranky grandparent. Productions of this type use a fixed cast and setting. This typically American formula was adapted in Brazil to programs that present short comedy skits focusing on daily life – but not aired as episodes.

Drawing

This type of program is generally of short duration and is aimed at broadcasting drawings in which viewers vie, often live, for various prizes. In some cases, these programs air – in addition to the results and drawn prizes – testimonials from past winners.

Talk show

In contrast to interview programs, the talk show format places significant emphasis on the host. Although today interviews are one of the elements of this type of programming (bearing in mind that the emphasis continues to rests on the entertainment value of these shows), the primary focus involves the casual and spontaneous nature of the conversa-

tions between host and guest, intended to convey a sense of emotional intimacy and light-heartedness to the viewer.

The versatility of the genre – generally presented in a live studio audience format – allows for discussion of various topics (sports, literature, film, and politics, for example) in the same program.

Teleshopping

Programs in which the objective of the host is to persuade viewers to purchase the particular product he or she is promoting. Generally, purchases are made over the telephone and by credit card.

The hosts of these programs exhaustively repeat the advantages of purchasing the advertised product, while offering testimonials from satisfied consumers. In addition to this strategy, teleshopping shows include interviews with famous figures intended to convince the viewer about the reliability of the product.

Variety

These programs are very similar to live studio programs, in that they often include an audience – or, in the absence of a live audience, employ tools such as laugh and applause tracks.

Shows of this type include comedy skits, musical performances, game shows, quiz shows, in-studio interviews, and reports. In addition, they strive to stimulate interactivity with the audience.

As mentioned above, *Variety* format segments do not give particular priority to the informational aspect.

Other

These programs do not fall under any of the categories described above. However, the evaluator will be required to include a description of the program in the *Rating Form*.

Clarification of some concepts

Some concepts that are essential for a full understanding of the proposed Rating Form *are difficult to operationalize, particularly given the multiplicity of possible interpretations. Therefore, it is important to set forth the definitions applied to the evaluation of audiovisual works:*

Violence

Disproportionate force that makes attempts against physical and/or psychic integrity, causing harm aimed at dominating or destroying the individual, the community, the nation, or even humanity.

The glamorization of violence occurs when scenes involving this type of behavior are portrayed in a positive light, exalting, in some manner, the perpetrators of the aggression.

The gratuitousness and/or banality of violence occurs when no causal explanation (justification) is provided for the perpetrated act. In other words, the scene is violent for the sake of being violent.

"Women as objects"

Situations in which women are portrayed for the exclusive purposes of fulfilling men's needs – whether sexual, domestic, or social.

Stereotype

Standardized image – relative to something or someone – based on preconceived ideas and a lack of concrete knowledge on a particular subject. Stereotypes can also stem from oversimplified conceptions or expectations regarding a certain issue. They are also the product of models created by the mass media.

Adequacies

Beyond identifying potentially negative elements for the full development of children and adolescents, the presence of positive parameters must also be considered. In other words, behaviors and content that imbue an audiovisual program with the conditions that make it suitable for broadcasting at any time.

Behaviors based on cooperation and/or solidarity
Involve collective efforts aimed at the common good, providing assistance to the needy, cooperating in the activities of daily life.

Behaviors that denote responsibility
Values the care and reflection that should go into doing or deciding something, and meeting commitments.

Behaviors that value honesty
Underscore ethical conduct performed in a truthful and transparent manner.

Behaviors that value respect for others
Underscore the treatment of others, taking into account the physical and moral integrity of other persons, as well as their rights, opinions, and options.

Behaviors that value the ability to resolve conflict
Extol the aptitude to peacefully resolve conflicts among people and groups with divergent opinions.

Content that values the cognitive abilities of children
Emphasizes the development of logical reasoning, the formulation of hypotheses, and the resolution of problems. This content may also stimulate the capacity to associate, order, and organize ideas and objects, on the basis of different interests and logics. In addition, content of this nature can stimulate deduction, explanatory, and reflection abilities for specific situations, actions, or dilemmas.

Content that values knowledge
Highlights information on an event or initiative, the expression of artistic abilities, and culture in general. This content imparts knowledge on a range of thinking modes, studies, research, inventions, and techniques useful to daily life.

Content/behaviors that value healthy bodies
Emphasize hygiene, as well as having knowledge of the body, and if the importance of maintaining a positive relationship with it.

Content/behaviors that value manual/motor skills
Explore the ability to engage in physical activity with agile, dexterous, and dynamic movements. In addition, content and behaviors of this type demonstrate the possibility and capacity to create simple or complex objects with one's own hands.

Content that respects and stimulates diversity
Content that mobilizes persons to recognize the complexity of social and interpersonal relations and to coexist with the array of ideologies, attitudes, positions, and gestures of different individuals, peoples, and cultures.

Culture of peace
Promoting a culture of peace does not only involve the absence of violence, but also the discussion of mechanisms capable of improving the quality of life of society as whole. To this end, the following important and related themes must be taken into account:

- Education.
- Discussion about the prevention and resolution of conflict (for example, through dialogue, consensus building, and unambiguous positions against violence).
- Promotion of human and social development, in regard, for example, to issues such as reducing poverty, safeguarding the rights of political minorities, and diminishing social inequality.
- Respect for all human rights.
- Strengthening of democratic values.
- Promotion of understanding, tolerance, and solidarity among peoples.
- Discussion on the reduction of international conflict and on peaceful relations among nations.

Social and emotional skills
Situations that refer to learning and developing skills such as living with oneself and others, leadership, solidarity, overcoming fears, responsibility, conflict resolution, the ability to express feelings in an assertive/transparent manner, respect for others.

Positive references to human rights
Any time the fundamental rights of individuals – prescribed in the Universal Declaration of Human Rights, the 1988 Federal Constitution, the Convention on the Rights of the Child, and the Child and Adolescent Statute, and other normative instruments – are addressed in conversations or scenes, they should be presented as an objective to be pursued, valued, and stimulated.

Divergent/pluralistic opinions/information
Situations involving debate or the possibility for discussion of particular subjects; or that present divergent or pluralistic opinions and information.

Regional programming and independent productions
Bill 256/1991 (*Projeto de Lei 256/1991*) introduced by Federal Deputy Jandira Feghali (PCdoB/RJ) addresses these two issues, defining them as follows:

> *Regional Production*: cultural, artistic, and journalistic productions entirely produced and broadcast in the states where the main offices of the broadcasters or television networks, as well as their affiliates, are located, and generated by a local producer, whether a natural or juridical person.

Independent Production: a production generated by a producer, whether a natural or juridical person, with no financial or familial ties to the broadcaster's owners, quota holders, or shareholders.

Inadequacies

This heading serves the opposite function of the previous topic. It identifies behaviors and content that should not be valued in the interaction between the media and child and adolescent viewers. These include:

Reprehensible/objectionable behaviors

Contexts/scenes/dialogue that exemplify, value, or stimulate behaviors such as irresponsibility, selfishness, dishonesty, disrespect for others, manipulation, prejudice, threat, conflict avoidance, among others, without, at the same time, conveying a clear message of repudiation of these practices.

Behaviors/content that identify consumerism as a form of social/personal validation and as the path to happiness

Scenes and/or dialogue that present the obtainment of a particular good and/or service as an indispensable condition to achieve a quality of life higher than that currently enjoyed, regardless of what that may be.

Behaviors/content that value physical and/or bodily beauty as a condition for a happier life and/or acceptance in society or in a group

Situations in which modifications of the body (plastic surgery, for example) or the adoption of certain behaviors (diets, for example) are valued as the only or most important path to a "better" life, but are not accompanied by a corresponding presentation of the risks inherent to such strategies (such as anorexia, bulimia, among others). Another common feature of this type of behavior involves very restricted definitions of physical beauty and aesthetics, generally associated to the depiction of characters with specific body types portrayed as models to be emulated.

Commercial merchandising

Commercial merchandising is a promotional strategy that is incorporated in or employed in conjunction with other tools, such as advertising. This device appears in four basic ways:

1. *Mention*: when characters cite a brand or product name in their dialogue.
2. *Use of the product or service*: when the characters in a scene are shown using a particular product or service – and the brand and model are emphasized.
3. *Conceptual*: when a character explains the advantages, innovative features, relevance, and prices of a particular product or service to another character.
4. *Visual stimulus*: when a product or service is placed in a manner that allows it to be viewed, within the overall context of the scene, and explored by the camera.

List of countries

Country of origin codes to be used in the Ratings Form (field I-4) for purposes of the evaluation of audiovisual materials:

1. Afghanistan
2. Albania
3. Algeria
4. Andorra
5. Angola
6. Antigua and Barbados
7. Argentina
8. Armenia
9. Austria
10. Australia
11. Azerbaijan
12. Bahamas
13. Bahrain
14. Bangladesh
15. Barbados
16. Belarus
17. Belgium
18. Belize
19. Benin
20. Bhutan
21. Bolivia
22. Bosnia-Herzegovina
23. Botswana
24. Brazil
25. Brunei
26. Bulgaria
27. Burkina Faso
28. Burma: see Myanmar
29. Burundi
30. Cape Verde
31. Cameroon
32. Cambodia
33. Canada
34. Central-African Republic
35. Chad
36. Chile
37. China
38. Colombia
39. Comoros
40. Democratic Republic of the Congo
41. Costa Rica
42. Côte d'Ivoire
43. Croatia
44. Cuba
45. Cyprus
46. Czech Republic
47. Denmark
48. Djibouti
49. Dominica
50. Dominican Republic
51. Ecuador
52. Egypt
53. El Salvador
54. Equatorial Guinea
55. Eritrea
56. Estonia
57. Ethiopia
58. Fiji
59. Finland
60. France
61. Gabon
62. Gambia
63. Ghana
64. Georgia
65. Germany
66. Granada
67. Greece
68. Guatemala
69. Guinea
70. Guinea-Bissau
71. Guyana
72. Haiti
73. Honduras
74. Hungary
75. Iceland
76. India
77. Indonesia
78. Iran
79. Iraq
80. Ireland
81. Israel
82. Italy
83. Jamaica
84. Japan

85. Jordan
86. Kazakhstan
87. Kenya
88. Kiribati
89. Democratic People's Republic of Korea
90. Republic of Korea
91. Kuwait
92. Kyrgyzstan
93. Laos
94. Latvia
95. Lebanon
96. Lesotho
97. Liberia
98. Libya
99. Liechtenstein
100 Lithuania
101. Luxemburg
102. Macedonia
103. Madagascar
104. Malaysia
105. Malawi
106 Maldives
107. Mali
108. Malta
109. Marshall Islands
110. Mauritania
111. Mauritius
112. Mexico
113. Micronesia
114. Moldavia
115. Monaco
116. Mongolia
117. Morocco
118. Mozambique
119. Myanmar
120. Namibia
121. Nauru
122. Nepal
123. The Netherlands
124. New Zealand
125. Nicaragua
126. Niger
127. Nigeria
128. Norway
129. Oman
130. Palau
131. Palestine
132. Panama
133. Papua New Guinea
134. Pakistan
135. Paraguay
136. Peru
137. Philippines
138. Poland
139. Portugal
140 Qatar
141. Romania
142. Russia
143. Rwanda
144. Samoa
145. Santa Lucia
146. Saint Kitts and Nevis
147. Saint Vincent and the Grenadines
148. San Marino
149. Sao Tome and Principe
150. Saudi Arabia
151. Senegal
152. Serbia and Montenegro
153. Seychelles
154. Sierra Leone
155. Singapore
156. Slovakia
157. Slovenia
158. Solomon Islands
159. Somalia
160 Somaliland
161. South Africa
162. South Ossetia
163. Spain
164. Sri Lanka
165. Sudan
166. Suriname
167. Swaziland
168. Sweden
169. Switzerland
170. Syria
171. Taiwan
172. Tajikistan
173. Tanzania
174. Thailand
175. East Timor
176. Togo
177. Tonga
178. Transnistria
179. Trinidad and Tobago
180. Tunisia
181. Turkmenistan
182. Turkey
183. Tuvalu
184. Ukraine
185. Uganda
186. United Arab Emirates
187. United Kingdom
188. United States
189. Uruguay
190 Uzbekistan
191. Vanuatu
192. Vatican City
193. Venezuela
194. Vietnam
195. Western Sahara
196. Yemen
197. Zambia
198. Zimbabwe

List of languages

Language of origin codes to be used in the Rating Form (field I-3) for purposes of the evaluation of audiovisual materials:

1. Afrikaans
2. Albanian
3. Amharic
4. Arab
5. Armenian
6. Assamese
7. Azeri (Cyrillic)
8. Azeri (Latin)
9. Basque
10. Bengali
11. Belarusan
12. Bulgarian
13. Catalan
14. Chan
15. Cherokee
16. Chinese
17. Croatian
18. Czech
19. Danish
20. Dhivehi
21. Dutch
22. Edomite
23. English
24. Estonian
25. Faeroese
26. Fars
27. Finnish
28. French
29. Frisian
30. Fula
31. Galician
32. Georgian
33. German
34. Greek
35. Gusii
36. Hausa
37. Hawaiian
38. Hebrew
39. Hindi
40. Hungarian
41. Iban
42. Ibibio
43. Icelandic
44. Indonesian
45. Inuktitut
46. Italian
47. Japanese
48. Kannada
49. Kashmiri
50. Kazakh
51. Konkani
52. Korean
53. Kyrgyz
54. Latin
55. Latvian
56. Lithuanian
57. Macedonian
58. Malay
59. Maltese
60. Manipuri
61. Marathi
62. Mongolian
63. Nepali
64. Norwegian
65. Oriya
66. Oromo
67. Philippine
68. Polish
69. Portuguese
70. Punjabi
71. Pashtu
72. Romanian
73. Russian
74. Sanskrit
75. Senegalese
76. Serbian
77. Sindhi
78. Slovak
79. Slovenian
80. Spanish
81. Somali
82. Swahili
83. Swedish
84. Syrian
85. Tajik
86. Tamazirte
87. Tamil
88. Tartar
89. Telugu
90. Thai
91. Tigrinya
92. Turkish
93. Turkmen
94. Ukrainian
95. Urdu
96. Uzbek
97. Vietnamese
98. Yi Language
99. Yiddish
100. Yoruba

List of institutions

The list published below is the product of an analysis performed by ANDI and, as such, is not meant to represent a definitive and comprehensive compilation of all the possible interlocutors in the ratings advisory process. The primary objective of the list is to underscore the need to broaden the debate and increase the number of interest groups considered by the principal regulatory authority in the field, the Ministry of Justice. It is important to note that public organs and bodies (the other branches of the State, ministries, independent agencies, among others) – all highly relevant to the discussion, as we have indicated – are not included, because their incorporation to the process is best accomplished through a strategy developed by the government itself, and in any case, must be ordered by a particular modus operandi *that is specific to the public sector.*

Civil society organizations

ABMP – ASSOCIAÇÃO BRASILEIRA DE MAGISTRADOS E PROMOTORES DA JUSTIÇA, DA INFÂNCIA E DA JUVENTUDE (BRAZILIAN ASSOCIATION OF JUDGES AND PROSECUTORS FOR CHILDREN AND YOUTH)

www.abmp.org.br

The ABMP is the successor organization to the original Associação de Juízes de Menores do Brasil (Association of Juvenile Court Judges of Brazil), established in 1968. The ABMP's activities extend and apply to nearly 5,500 judges and prosecutors. Guided by the basic provisions of the Child and Adolescent Statute and the UN Convention on the Rights of the Child, the Association's mission is to promote the fundamental human rights and the principles underlying the doctrine of full protection of children and adolescents in all procedures connected to the justice system and the assistance rendered to children and adolescents.

ABRAPIA – ASSOCIAÇÃO BRASILEIRA MULTIPROFISSIONAL DE PROTEÇÃO À INFÂNCIA E À ADOLESCÊNCIA (BRAZILIAN MULTIPROFESSIONAL ASSOCIATION FOR THE PROTECTION OF CHILDREN AND ADOLESCENTS)

www.abrapia.org.br

ABRAPIA is a nongovernmental organization active nationwide in creating and implementing programs that provide favorable conditions for the development of children and adolescents. ABRAPIA pre-

pares studies on the issue, while also offering courses and publishing educational material for the general public and professionals engaged in the protection of children and adolescents.

ANCED – ASSOCIAÇÃO NACIONAL DOS CENTROS DE DEFESA DA CRIANÇA E DO ADOLESCENTE (NATIONAL ASSOCIATION OF DEFENSE CENTERS FOR THE RIGHTS OF THE CHILD AND THE ADOLESCENT)

www.anced.org.br

ANCED is a nonprofit civil society organization founded in 1994 from the National Network of Child and Adolescent Defense Centers (Rede Nacional de Centros de Defesa da Criança e do Adolescent – CEDECAS). The primary objective of ANCED is to coordinate and enhance the activities of CEDECAS affiliates – currently operating in 14 states. The primary purpose of the Association is to increase the impact of these Centers, which are engaged in providing legal and social protection to children and adolescents.

ANDI – AGÊNCIA DE NOTÍCIAS DOS DIREITOS DA INFÂNCIA (BRAZILIAN NEWS AGENCY FOR CHILDREN'S RIGHTS)

www.andi.org.br

ANDI is a private nonprofit civil association whose mission is to contribute toward building, through the media, a culture that places a priority on safeguarding the rights of children and adolescents. The Agency believes that democratizing the access to basic social rights and to the rights of children and adolescents is a fundamental condition of social equity and human development. Among the Agency's various activities is the formulation of research studies performed through analyses of press coverage and thematic content (for example, the quality of television programming directed to young people).

CAMPANHA QUEM FINANCIA A BAIXARIA É CONTRA A CIDADANIA – ÉTICA NA TV (WHOEVER FUNDS THE TRASH IS OPPOSED TO CITIZENSHIP CAMPAIGN – ETHICS IN TV)

www.eticanatv.org.br

The Campanha Quem Financia a Baixaria é Contra a Cidadania (Whoever Funds the Trash is Opposed to Citizenship Campaign) is an initiative of the Human Rights Commission of the Chamber of Deputies, in partnership with civil society entities. Its purpose is to promote respect for human rights and dignity of citizens in television programming. The Campaign consists of ongoing monitoring of television programming aimed at identifying programs that systematically disrespect the international conventions to which Brazil is a signatory, the constitutional principles, and the legislation on the protection of the rights of humans and citizens in force.

CESEC – CENTRO DE ESTUDOS DE SEGURANÇA E CIDADANIA (CENTER FOR PUBLIC SAFETY AND CITIZENSHIP STUDIES)

www.ucamcesec.com.br

Established in 2000 at Candido Mendes University (RJ), CESEC conducts research work that provides support to public crime and human rights protection policies. The efforts of the Center are guided by the principle that public safety is not limited to the absence of criminal acts. On the basis of this premise, the Center endeavors to provide different social groups with access to the conditions required for the full exercise of citizenship. Its activities center on forging a convergence between the debate on criminal justice and the discussions on inequality, rights, and democracy in Brazil.

CLAVES – CENTRO LATINO-AMERICANO DE ESTUDOS DE VIOLÊNCIA E SAÚDE JORGE CARELI (JORGE CARELI LATIN AMERICAN CENTER FOR VIOLENCE AND HEALTH STUDIES)

www.ensp.fiocruz.br/nucleos

Claves is a research, learning, and consulting center established in 1989 by the National Public Health School (Escola Nacional de Saúde Pública – ENSP) of the Oswaldo Cruz Foundation. The objective of the Center, which acts in cooperation with the Fernandes Figueira Institute (IFF) and the Center for Scientific and Technological Information (Centro de Informações Científicas e Tecnológicas – CICT), is to investigate the impact of violence on the health of the population of Brazil and Latin America. Among its many activities, Claves engages in research studies on violence and health, including research on the impact of the media in this area.

CONANDA – CONSELHO NACIONAL DOS DIREITOS DA CRIANÇA E DO ADOLESCENTE (NATIONAL COUNCIL ON THE RIGHTS OF THE CHILD AND THE ADOLESCENT)

www.sedh.gov.br/conanda

Comprised of representatives of the federal government and nongovernmental organizations, Conanda is responsible for ensuring the efficiency and applicability of the general norms governing national policies on the rights of children and adolescents and the administration of the budgetary resources of the National Fund for the Rights of the Child and Adolescent (Fundo Nacional dos Direitos da Criança e do Adolescente). Its duties include making recommendations to the State and Municipal Councils on the Rights of the Child and Adolescent regarding compliance with the norms prescribed by law – for the purpose of determining, approving, and executing government programs and actions at the state and local levels.

CONSELHO FEDERAL DE PSICOLOGIA FEDERAL COUNCIL ON PSYCHOLOGY

www.psicologia-online.org.br

The Federal Council on Psychology is an independent government body established to provide guidance, oversight, and discipline to the psychological field, in addition to ensuring strict adherence to ethical principles and contributing to the development of psychology as a science and profession. The entity maintains a permanent working group that discusses the relations between the media and subjectivity. The

entity is also an active member of the Quem Financia a Baixaria é Contra a Cidadania and Fórum para a Democratização da Comunicação (Forum on the Democratization of Communications).

FUNDAÇÃO ABRINQ (ABRINQ FOUNDATION)
www.fundabrinq.org.br
The Abrinq Foundation is a nonprofit organization whose mission is to promote the rights and full citizenship of children and adolescents. Its efforts include mobilizing society, families, and the government with a view to guaranteeing that children and adolescents are recognized as subjects with their own histories. Abrinq also endeavors to assure these segments the right to live in dignity, respect, and freedom.

GRIM – GRUPO DE ESTUDOS DA RELAÇÃO INFÂNCIA E MÍDIA (CHILDREN'S AND MEDIA RELATIONS STUDY GROUP)
www.dcs.ufc.br
Established in 2004, Grim is an arm of the Federal University of Ceará. The Group's objective is to raise awareness among university students on the evaluation of media content directed to child and adolescent audiences. In addition to participating in the Child and Adolescent Media Observatory (Observatório de Mídia para Criança e Adolescente), Grim organizes seminars and debates on the issue and promotes the production of academic work that includes reflection on the new meanings of childhood and adolescence from the perspective of media access.

LABORATÓRIO DE PESQUISA SOBRE INFÂNCIA, IMAGINÁRIO E COMUNICAÇÃO (LAPIC-USP) (RESEARCH LABORATORY ON CHILDREN, IMAGINATION, AND TELEVISION)
www.eca.usp.br/nucleos/lapic
Lapic is a research laboratory of the University of São Paulo's School of Communications and the Arts. It has been engaged in scientific research on the relationship between television and children since 1994. The Laboratory's efforts are based on the premise that television is a reality which should be incorporated into the education of children, with a view to developing critical thinking through the formulation of didactic procedures. Among the body of scientific work prepared by the Laboratory is the research study titled *Desenho Animado na TV: Mitos, Símbolos e Metáforas* (*Cartoons on TV: Myths, Symbols, and Metaphors*).

MIDIATIVA – CENTRO BRASILEIRO DE MÍDIA PARA CRIANÇAS E ADOLESCENTES (BRAZILIAN MEDIA CENTER FOR CHILDREN AND ADOLESCENTS)
www.midiativa.org.br
Established in 2002, Midiativa is a nonprofit civil association composed of a multiprofessional group engaged in the fields of communications and education. The Center's mission is to promote critical thinking of the media and contribute toward improving the quality of television and other electronic media programming directed to children and adolescents. Midiativa's activities are aimed at

discussing quality parameters, valuing good programs, and giving publicity to conscientious sponsors, broadcasters, and professionals.

MNMMR – MOVIMENTO NACIONAL DE MENINOS E MENINAS DE RUA (NATIONAL MOVEMENT FOR STREET CHILDREN)

www.mnmmr.org.br

Founded in 1985, MNMMR is a social movement that grew out of the innovative initiatives of the Projeto Alternativo de Atendimento aos Meninos e Meninas de Rua (Project for Alternative Assistance to Street Children). The Movement emerged in response to a call from street children themselves, who joined educators in the effort to establish space for coordinating the assistance programs. The objective of the Movement is to ensure all boys and girls are full citizens, the subjects of legitimate rights and protagonists in decisions regarding their own lives, community, and society in general.

OBSERVATÓRIO DE FAVELAS (SHANTYTOWN OBSERVATORY)

www.observatoriodefavelas.org.br

The Shantytown Observatory is a socioeducational network of university professors, students, and community organizations engaged in the shantytowns of Rio de Janeiro. The entity develops programs such as the Escola Popular de Comunicação Crítica (Community Critical Communications School) – which offers vocational courses in areas of the media – and Imagens do Povo (Images of the People), a center for the documentation, research, and training of community photographers and documentary producers.

OMEP – ORGANIZAÇÃO MUNDIAL PARA EDUCAÇÃO PRÉ-ESCOLAR (WORLD ORGANIZATION FOR EARLY CHILDHOOD EDUCATION)

www.omep.org.br

Omep/Brasil is a private nonprofit civil organization affiliated to the World Organization for Early Childhood Education. The philanthropic institution undertakes efforts in partnership with public and private entities throughout Brazil aimed at improving the skills of professionals who work with small children. Among its activities is the mobilization of political and civil society actors involved in the defense of the rights of children.

RIO MÍDIA (RIO MEDIA)

www.multirio.rj.gov.br/riomidia

Rio Mídia is a "Model International Center on Media for Children and Adolescents." Established in April 2004, during the 4th World Summit on Media for Children and Adolescents in Rio de Janeiro, the Center promotes its activities through coordinated efforts with a network of individuals and institutions – from various countries – interested in the research, production, and discussion of quality programming for children and adolescents.

SBP – SOCIEDADE BRASILEIRA DE PEDIATRIA (BRAZILIAN SOCIETY OF PEDIATRICS)

www.sbp.com.br

With a scientific tradition dating back 95 years, the SBP is the largest specialized medical society in Brazil and the third largest pediatric society in the world. It is composed of 25,000 members, 27 state affiliates, and 28 Scientific Departments, all engaged in the various fields of this branch of medicine. The SBP also plays an important role in defending the profession and the rights of Brazilian children and adolescents.

UNDIME – UNIÃO NACIONAL DOS DIRIGENTES MUNICIPAIS DE EDUCAÇÃO (NATIONAL UNION OF MUNICIPAL SCHOOL MANAGERS)

www.undime.org.br

Undime is a national entity composed of municipal school managers. Founded in 1986, it is a nonprofit and independent national entity. The body's primary function is to foment and support municipal education interests through the incorporation of its representatives in the decision-making process for the education sector, thus mitigating the isolation of individual institutions and extending the regional and national discussions on education to the municipal level. Undime works with the three branches of government – judicial, legislative, and executive – in an effort to contribute to the formulation, promotion, and follow-up of national education policies.

International institutions

SAVE THE CHILDREN SWEDEN

www.scslat.org

Save the Children Sweden endeavors to build and enhance public systems aimed at protecting the rights of children and adolescents at the local and national levels throughout Latin America. In addition, the entity develops projects and activities directed to promoting the use of communications as a tool for expanding social participation by boys and girls.

UNESCO – UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

www.unesco.org.br

Unesco's actions consist primarily of technical cooperation projects undertaken in partnership with Brazil and aimed at assisting in the formulation of public policies. The Organization is associated to various national initiatives to fight poverty and social exclusion, in addition to promoting a culture of peace and non-violence. Unesco also offers capacity-building to teachers and professionals and promotes sustainable, scientific, and technological development actions. Currently, its activities in Brazil center on the fields of educational, natural, human, and social sciences, in addition to culture, communications, and information.

UNICEF – UNITED NATIONS CHILDREN'S FUNDS
www.unicef.org.br
Unicef executes projects and lends support to public policies that defend and promote the rights of children and adolescents, under the terms set forth in the provisions of the Child and Adolescent Statute and the International Convention on the Rights of the Child. Unicef provides support to the development of children, education for inclusion, the full citizenship of adolescents, full and special protections, and the communication and monitoring of projects in the area of children and adolescents.

Consumer representatives

IDEC – INSTITUTO BRASILEIRO DE DEFESA DO CONSUMIDOR (BRAZILIAN CONSUMER DEFENSE INSTITUTE)
www.idec.org.br
Idec is a nonprofit consumer association without ties to any company, government, or political party. The Institute's mission is to promote the education, awareness raising and defense of the rights of consumers and ethical consumer relationships based on complete political and economic independence. Its principal function is to provide guidance to associate members on their rights as consumers and on how to prevent problems. The Consumer Defense Code (Código de Defesa do Consumidor) is the primary legal instrument on which the Institute bases its activities.

INSTITUTO AKATU – PELO CONSUMO CONSCIENTE (AKATU INSTITUTE – FOR CONSCIENTIOUS CONSUMPTION)
www.akatu.net
The Akatu Institute is a nonprofit nongovernmental organization established in 2001 under the Ethos Institute of Business and Social Responsibility. Its mission is to educate, raise the awareness, and mobilize Brazilian society to engage in conscientious consumption. The Institute's actions include disseminating concepts and information on conscientious consumption, in addition to formulating instruments for assessing and providing information on the subject.

Industry representatives

ABERT – ASSOCIAÇÃO BRASILEIRA DE EMISSORAS DE RÁDIO E TELEVISÃO (BRAZILIAN ASSOCIATION OF RADIO AND TELEVISION BROADCASTERS)
www.abert.org.br
Abert is the representative body of Brazil's radio and television broadcasters. The Association promotes the interests, in an independent manner, of its members before the government. The entity is currently engaged in studying a number of issues, such

as different digital radio and television systems developed throughout the world.

ABRA – ASSOCIAÇÃO BRASILEIRA DE RADIODIFUSORES (BRAZILIAN BROADCASTERS ASSOCIATION)

www.abra.inf.br

Abra is a nonprofit entity founded by the Band, Rede TV! and SBT networks. The Association defends the full right of free expression through media outlets. In addition, the entity endeavors to promote technological research and represent its members in all legislative, civil or judicial forums and in debates related to broadcasting activities.

ABRATEL – ASSOCIAÇÃO BRASILEIRA DE RADIODIFUSÃO E TELECOMUNICAÇÕES (BRAZILIAN ASSOCIATION OF BROADCASTING AND TELECOMMUNICATIONS)

www.abratel.org.br

Abratel is a nonprofit association aimed at representing the various broadcasting and telecommunications companies before the National Telecommunications Agency (Agência Nacional de Telecomunicações – Anatel) and the Central Collection and Distribution Office (Escritório Central de Arrecadação e Distribuição – Ecad). Its objective is to promote the interests and secure benefits to enhance the industry's performance.

ABTA – ASSOCIAÇÃO BRASILEIRA DE TV POR ASSINATURA (BRAZILIAN ASSOCIATION OF PAY TV)

www.abta.com.br

Abta is a nonprofit civil society made up of juridical persons (including other industry associations) and natural persons engaged in activities directly or indirectly related to the provision of subscription video and audio signal distribution services, in addition to telecommunications services and value-added services. The Association represents the industry in its relationship with the government and the market.

Brazilian Broadcasting
Code of Ethics

Abert Code of Ethics approved in July 1993

In an Extraordinary General Assembly held at its main office in the Hotel Nacional in Brasilia on 8 July 1993, the Brazilian Association of Radio and Television Broadcasters (Associação Brasileira de Emissoras de Rádio e Televisão – Abert) unanimously approved modifications to the Brazilian Broadcasting Code of Ethics[1] to allow for the application of penalties on broadcasters found to have committed excesses in their programming.

According to the report published in Revista A-bert, *no. 86, July 1993, the proposal to modify the Code emerged from a consensus among radio and television networks and Abert's own Board of Directors, to which proposal the Ministry of Justice and social entities, with whom the matter was discussed, were privy. The principal modifications were incorporated in Chapter VI of the Code, titled Proceeding and Disciplinary Provisions, beginning at article 23.*

The Brazilian Broadcasting Code of Ethics

Preamble

The business representatives of Brazilian Broadcasting, assembled in the Brazilian Association of Radio and Television Broadcasters (Associação Brasileira de Emissoras de Rádio e Televisão – Abert), considering their responsibilities to the public and the Government, declare that they shall make all efforts in the execution of the services provided by them, through authorized concessions and licenses, to broadcast only wholesome entertainment and accurate information that reflect the spiritual and artistic values which promote the formation of the life and character of the Brazilian people, undertaking at all times to bring to the attention of the public positive elements that contribute toward the improvement of social conditions. By the same token, broadcasters shall, in accomplishing the mission assigned to them, demand full respect for the principle of freedom of information, without censorship, as well as the freedom of the press, rejecting any restrictions not prescribed by the legislation in effect and established by this Code, as approved unanimously by the members.

CHAPTER I
General Principles

Article 1 – The purpose of broadcasting activities is to entertain and inform the public, as well as provide cultural and educational services.

1 This is not an official translation

Article 2 – Broadcasting shall defend the democratic form of government, particularly the freedom of the press and of expression of thought. It shall equally promote the political unity of Brazil, closer ties and peaceful coexistence with the international community, and the principle of a good moral and civic education.

Article 3 – Only a system of free initiative and competition, supported by commercial advertising, can provide the basic conditions of freedom and independence necessary for the flourishing of opinion organs and, by extension, broadcasting. Broadcasting by the State may be accepted insofar as it remains exclusively directed to cultural, educational, or didactic ends and does not include commercial advertising.

Article 4 – Broadcasters have a particular duty to promote and undertake all efforts to preserve the unity of Abert as the national representative body of the industry, and the state and regional industry entities and unions.

CHAPTER II
Scheduling

Article 5 – Broadcasters shall exhibit entertainment of the highest artistic and moral level, whether produced by them or acquired from third parties, taking into account that radio and television broadcasting is a popular and accessible medium for almost all households.

Article 6 – The responsibility of broadcasters that exhibit programs does not exempt parents or legal guardians from their duty to prevent, at their discretion, minors from gaining access to unsuitable programs, taking into account required and previous minimum age advisory announcements intended to provide guidance to the public.

Article 7 – Broadcast programs may not advocate discrimination based on race, creed and religion, or by any group against another.

Article 8 – Broadcast programs may not be of an offensive nature nor advocate promiscuity or any form of sexual perversion. The suggestion of sexual relations must be framed within normally accepted parameters and imbued with its specific dignity, pursuant to the provisions of this Code.

Article 9 – Broadcast programs may not exploit curanderism and charlatanism, abusing the good faith of the viewing and listening public.

Article 10 – Physical or psychological violence may only be presented in the context necessary for the logical development of a consistent and artistically and socially relevant story line, and must be accompanied by a presentation of the grave or unpleasant consequences to the perpetrators of such acts, subject to the restrictions established in this Code.

Article 11 – Violence and criminal acts may not be portrayed without consequences.

Article 12 – Drug use, alcoholism, and gambling addiction may only be presented as socially and morally censurable practices, which cause the deprivation and ruin of human beings.

Article 13 – Children's programs, produced under the close supervision of broadcasters, shall preserve the integrity of the family and the family hierarchy, as well as extol positive feelings and ends, respect for the law and legally constituted authorities, love for nation, neighbor, nature, and wildlife.

Article 14 – Programming shall observe faith to the human being as the bearer of universal principles, the active member of a national community, and the subject of a regional culture that must be preserved.

Article 15 – For purposes of better understanding, and, in turn, observing, the principles above, the following is established:

1) General audience programs or films are those:

a) which do not contain realistic scenes of violence, aggression depicting traumatic injury or mutilation of body parts, point-blank (close-range) gunshots, stabbings, beatings with sticks and clubs, or other forms or means of violent aggression perpetrated with heavy objects, as well as bloody scenes resulting from criminal acts or accidents; or provide explicit depictions of rape, seduction, kidnapping, prostitution, and hooliganism;

b) which do not contain in their dialogue offensive, obscene, or coarse language;

c) which do not depict or discuss drug use, particularly hallucinogens and narcotics, or portray tobacco or alcohol use in a positive light;

d) which do not present frontal, side, or back nudity, visibly depict the external sexual organs or parts of human beings, or suggest sexual acts, limiting expressions of love and affection to appropriate hugs and kisses. General audience films and programs may not explore homosexuality;

e) whose subjects are commonly considered suitable for children and pre-adolescents, and, as such, exclude all material containing realistic depictions of the deviant conduct and criminal acts cited in a) and d) above;

Sole Paragraph: Radio and television broadcasters will not transmit music that contains explicitly pornographic lyrics or stimulates drug use.

2) Programs and films which may air after 8:00 p.m. include those:

a) which observe the same restrictions as those applied to general audience programs, although they may insinuate sexual conjoining, visually depict the act or the bodies, without indecent kissing or salacious eroticism;

b) which address any theme or individual or social problem, provided that sensitive or adult themes are not addressed in a crude or explicit manner

nor present, either in a favorable or approving light, any sexually deviant conduct, drug use, prostitution, or any type of criminal action or anti-social behavior;

c) which do not justify or present in a favorable light the use or consumption of tobacco or alcohol.

3) Programs and films which may air after 9:00 p.m. include those:

a) which address adult or sensitive themes, while observing the restrictions on language use and the apologia for homosexuality, prostitution, and criminal or anti-social behavior. Common vulgarities of every-day speech may be employed, but not patently offensive language;

b) which depict scenes of violence that do not contain perversion, that do not allow violent acts to go unpunished, and that do not justify violence;

c) which present side or back nudity, provided such nudity appears, when in focus, at a distance or out of focus, or the treatment of the image does not provide any defined detail of the human body nor depict human sexual organs or parts. Sexual acts shall be exhibited as set forth in item 2 above;

d) which do not justify or present in a favorable light the use and consumption of tobacco products and alcohol.

4) Programs and films which may air after 11:00 p.m. include those:

a) which present violence, provided the restrictions applicable to earlier broadcasting times are respected;

b) which do not depict explicit sexual acts or close-ups of external human sexual organs or parts;

c) which contain obscene or vulgar language, provided such language is necessary and employed in the context of the dramatic work;

d) which address the specific issues presented without justifying drug use, prostitution, or criminal conduct.

CHAPTER III
Advertising

Article 16 – Recognizing that advertising is a basic condition for the survival of free and independent broadcasting, broadcasters will endeavor to ensure that commercial insertions air in their entirety and at the times specified in the authorizations.

Article 17 – Although primary responsibility rests with advertisers, producers, and advertising agencies, broadcasters are required to report commercials that are in breach of the Code of Advertising Self-Regulation, forwarding to Conar any material they deem inappropriate.

CHAPTER IV
Newscasts

Article 18 – News programs, whether pre-recorded or direct, are not subject to any restrictions, and the decision to exhibit, or not, images or sounds that could injure the sensibilities of audiences is left

to the discretion of broadcasters. Live programs are the responsibility of their directors or news anchors, who must comply with the regulations in force, as well as the spirit of this Code.

Article 19 – Broadcasters may only air news gathered from reliable sources, for whom, however, they are not accountable. Broadcasters will observe the following criteria in their newscasts:

1) Broadcasters will preserve, when they so deem appropriate and as permitted by law, the confidentiality of their sources.
2) All references that accompany a news item and are not contemporaneous thereto are defined as confidential.
3) Broadcasters must exercise discretion so as not to exhibit images that, although real, could traumatize the sensibilities of viewing audiences in that broadcasting time.
4) News capable of causing panic must be conveyed so as not to cause panic.

CHAPTER V
The Relationship with Broadcasters

Article 20 – Broadcasters shall maintain a high standard of relationship among themselves, avoiding conflict with each other and working, instead, to enhance their respective programming.

Article 21 – Unethical practices by broadcasters include:

1) Recruiting artists and personnel under contract, where recruitment is understood as the submission of offers to the staff personnel of competitors under contract or during the effective period of their limited term contracts.
2) Lowering the rates charged to advertisers.
3) Publishing or transmitting audience ratings in which competing broadcasters are identified.
4) Referring derisively, through the press or any other media outlet, to the internal activities of competing broadcasters.
5) Using, without prior consent and proper authorization, a signal transmitted or owned by a competing broadcaster.
6) Disseminating false information regarding transmission powers, number of network or affiliate stations, and channels not operated by them.
7) Improperly operating a broadcasting station, whether through the use, at any time, of transmission powers above the legally authorized limit, whether through improper artifices or schemes, overmodulation, distortion factors, the propagation of parasitic signals, or other actions aimed at compromising the activities of competing broadcasters.
8) Broadcasters may not refuse to air commercials that include the participation of staff personnel under contract to other broadcasters, except when those commercials exhibit scenes from programs in which such contracted personnel appear, or present such contracted personnel with attire or props worn or employed by them in the programs

in which they appear, or depict such contracted personnel interpreting roles similar those of the characters they play in their programs.

Article 22 – Broadcasters shall submit all disputes not resolved by the state and regional enteritis to the arbitration of the Brazilian Association of Radio and Television Broadcasters, and comply with all decisions rendered in such cases.

CHAPTER VI
Proceeding and Disciplinary Provisions

Article 23 – Abert will include an Ethics Commission made up of 8 members selected from among and affiliated to the Board of Directors, whose terms will coincide with their respective terms of office on the Board. The Commission will have the following functions:

1) Render decisions on all complaints submitted regarding the specific practices that derogate from the Code of Ethics, as prescribed in Chapter V of this Code.
2) Select the members of the Ethics Council, by unanimous decision, pursuant to this Code.
3) Abert Board members are ineligible to sit on the Ethics Council.

Article 24 – Complaints and reports of noncompliance with the determinations set forth in Chapters II, III, and IV of this Code shall be decided on by the Ethics Council, designated under the terms of the article above, and composed of 12 members appointed to renewable one-year terms, at least four of whom should not come from the ranks of Abert nor have any direct affiliation to broadcasting companies.

1) The Council will have a General Secretary who will serve as administrator, appointed and immediately removable by the Ethics Commission of the Board of Directors of Abert, as determined in accordance with a majority of the Board. The Council will have budgetary autonomy, and its decisions may not be appealed except by a petition for review filed within 72 hours after the decision is made and in the event of new evidence forthcoming.
2) The members of the Council will elect a President and a Vice President, who will be advised by the General Secretary. The President will not have the right of vote, except in the event of a tie, in which case he or she will cast the deciding ballot. The members of the Council shall be appointed within 30 days of the end of their terms, and may be reappointed for multiple terms.
3) Following the filing of a complaint, the President or the General Secretary designated by the President will forward the complaint to a Council member, who will serve as rapporteur, distributing a copy of such complaint to the company in question. The rapporteur will submit a report for consideration within 10 days, and remit the complaint for determination in the following session, provided there is sufficient time prior to the following session for the complainee to be

notified and given fair opportunity to be present and be heard in the proceeding.

4) In the absence of the President, the Vice President will preside, and in the absence of both officers, the members in attendance will select, by majority vote, another member to preside.

5) After presentation of the report and hearing the stakeholders in attendance, the rapporteur will cast a ballot, followed by the remaining members, in order of seniority, when applicable, or in alphabetical order, in the event all members have the same seniority.

6) The Council will meet according to need, as convened by the General Secretary or the President, and its decisions are unappealable.

7) When a complaint or report addresses a serious incident that requires urgent attention because of the danger of repeated or continued violations, the General Secretary will immediately convene the Council, personally reporting the matter, without the right of vote, for purposes of an immediate decision.

8) The General Secretary will, on a monthly basis, prepare summaries of all judgments and decisions, when such have been made, and distribute copies thereof to the Board of Directors of Abert.

Article 25 – All complaints must be submitted in writing, with a clear itemized description of the facts and precise references to times, dates, and the broadcaster responsible for the offending transmission or act, accompanied by a video recording or audiotape, in the case of a radio broadcast. Anonymous complaints will not be considered. Complaints accompanied by recordings will only be distributed if they address public and widely known facts. In cases of reasonable doubt, the General Secretary may request a copy of the recording from the broadcaster, provided such request is made within the legally mandated time the broadcaster is required to retain the recording in question.

Article 26 – Complaints may be addressed and submitted to Abert by government organs, associated Abert broadcasters, industry entities or associations, or television viewers or radio listeners, in accordance with the articles set forth above.

Article 27 – The penalties applied will consist of confidential warnings, or determinations to terminate the offending broadcasts or acts, in conjunction with the obligation to undertake a public dissemination campaign, under the terms of this article. Failure to comply with the determinations of the Commission will result in expulsion from the ranks of Abert.

1) In addition to the penalties cited in the heading of this article, broadcasters found in violation will be required to air at least six, and at most twenty, 30-second messages, on a rotating and daily basis, for at least one week, and at most one month, to give publicity to educational programs. In the event of repeat violations, the number of required message insertions will be increased by 25% to 100%, depending on the severity of the infraction.

2) Violations occurring two years after the date of the previous infraction will not be considered repeat violations.
3) Judgments against complainees will be communicated to the Board of Directors of Abert, which will notify the pertinent public organs, particularly the Ministries of Justice, Health, Education, and Social Well-Being, as to the existence of pertinent campaigns, which bear relation to the nature of the infraction, so that they may be placed on the air by the offending company. In the absence of a response to Abert's notification or of the availability of a pertinent campaign, the Board of Directors will designate the theme and approve the messages broadcast by the offending company, establishing the deadline for beginning the required broadcasts. The Board of Directors will decide, on a case-by-case basis, if the messages should or should not make reference to the Code of Ethics. The penalties are limited to the scope of the infraction.

Article 28 – The company accused of committing an act or broadcasting programs proscribed by this Code will be informed of the complaint in a written notice from the President.

Article 29 – The company will tender its defense, in writing, to the rapporteur within 7 days after receiving the notification. The company may attend and present an oral defense during the case decision proceeding, and may forward copies of its defense, with an itemized response to the allegations, to all Council members. In the case of urgency prescribed in item VII of article 24, the General Secretary or President will directly notify the complainee, which will have forty-eight (48) hours to prepare its defense.

Article 30 – The decisions of the Council will be taken by majority vote, and a *quorum* of eight (8) Council members will be required.

Article 31 – The budgetary resources to operate the Council will be determined by the Board of Directors of Abert, subject to reference to the financial contributors, and made directly and exclusively available to the Commission.

Article 32 – The Ethics Commission of Abert as well as the Council will prepare an internal regulation for the purpose of ensuring the body's effective functioning.

Article 33 – In the case of a regularly broadcast program, the voluntary termination of such broadcast by the complainee will result in the suspension of the proceeding.

Article 34 – For cases not related to programming on which the Ethics Commission of the Board of Directors of Abert renders a decision, by majority vote, pursuant to article 23, the penalties will be a confidential or public warning.

Brasilia-DF, 8 July 1993.

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Argentina
Comité Federal Radiodifusión (Comfer)
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Australia
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Brazil
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Catalonia
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Spain
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www.fcc.gov
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France
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The Netherlands
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www.kijkwijzer.nl

Italy
Autorità per le Garanzie nelle Comunicazioni (AGC)
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Mexico
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TV Rating System

Building Citizenship on the Small Screen

This publication analyzes the central aspects involved in the process of implementation of public policies for the rating of audiovisual contents. Using as parameter the recent initiative of improving the rating model developed in Brazil, this book also seeks to contextualize how other countries have dealt with the theme, pointing out advances and limitations of the international systems. The second part of this document presents a detailed proposal for the rearrangement of the Brazilian Rating Advisory model.

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