



Republika e Kosovës
Republika Kosova - Republic of Kosovo



KOMISIONI I PAVARUR PËR MEDIA
NEZAVISNA KOMISIJA ZA MEDIJE - INDEPENDENT MEDIA COMMISSION

CIMC 2009/01

REGULATION
ON THE PROTECTION OF CHILDREN AND MINORS AGAINST
HARMFUL PROGRAMMING CONTENT IN THE MEDIA

PREAMBLE

Pursuant to Articles 3.1, 3.2 and 3.3 of the Law on Independent Media Commission and Broadcasting, as well as Article 4, Protection of Minors and Consumers, of the Broadcasting Policy of the Independent Media Commission (hereinafter “IMC”); In accordance with the principle of the freedom of speech and best European practices, the IMC Council hereby adopts the present Regulation On The Protection Of Children And Minors Against Harmful Programming Content In The Media.

1. PURPOSE:

- 1.1 This Regulation shall ensure protection of children and minors against harmful programming content in the media, which might impair their physical, mental, emotional and moral development.
- 1.2 This Regulation determines the manner of categorization, forms of warning, as well as time slots for broadcasting of the programming, which might negatively impact the physical, mental, emotional, or moral development of children and minors.

2. DEFINITIONS:

- 2.1 Term “*child*” shall mean persons younger than 14 years of age.
- 2.2 Term “*minor*” shall mean persons between 14 and 18 years of age.
- 2.3 Term “*Watershed*” shall mean the time in television schedules which divides the period when it is permissible to show television programming which have adult

content from the period when it is not. Watershed in Kosovo shall start at 24:00 and shall finish at 05:00 the next morning. In the subscription services that are not PIN protected, the watershed shall also be from 24:00 to 05:00.

- 2.4 Term "*violence*" shall mean *intentional* use of the physical, mechanic or any other force to harm, injure or mistreat.
- 2.5 Term "*fear*" shall mean an emotion, often powerful, which is reaction to anticipation of danger, evil, pain, etc. regardless the fact this threat is realistic or perceived.
- 2.6 Term "*erotic content*" shall mean programming content focusing on sexual desires, clearly depicting the sexual act and showing respective erogenous zones in the human body with final reference to the sexual act, however not clearly showing persons engaged in sexual act.
- 2.7 Term "*pornography*" shall mean programming content, showing in a clear and open manner the human sexual organs or sexual act.
- 2.8 Term "*programming with harmful content*" shall mean programming impairing the physical, mental, emotional and moral development of children and minors.

Programming referred to in the point 2.8 above shall include, but not be limited to, the following specific content:

- a) Content or sights or showing/depicting through special effects, the violence, vulgar language, suggestive type of behaviour, emotional harm and sexual acts. Violence shown in specific artistic programming shall be placed within the context, provide educative messages, be easily understood and captured by children and minors, as well as the general public. This shall imply that violent scenes are not to be a purpose.
- b) Content with sexual scenes or sights may be shown within the context of scientific, education or information programming. These contents shall avoid sexual scenes or sights of exhibitionism, nudism, sexual violence, gender discrimination, etc. Such contents shall be assessed based on the purpose of each sexual scene or sight, by assessing the suitability of that respective purpose in relation to the age of the viewers.

3. LIMITATIONS AND GENERAL OBLIGATIONS

3.1 Media broadcasters shall not broadcast programming with harmful content which might impair children and minors, except in the time slots and conditions provided in this Regulation.

3.2 Media broadcasters, broadcasting radio programming with harmful content which might impair minors, shall be obliged to apply respective acoustic warning.

3.3 Media broadcasters, broadcasting TV programming with harmful content which might impair minors, shall be obliged to apply respective acoustic and visual warning and identify them with respective visual symbol during the programming, in accordance with categorization provided in this Regulation.

3.4 Media broadcasters may broadcast programming with pornographic content, only in the manner encrypted by the code and in accordance with Article 4.1.4 of this Regulation.

3.5 In accordance with this Regulation, media broadcasters shall determine self-regulatory standards (Code of Practice) for broadcasting of the programming which may impair development of minors, as well as establish monitoring mechanisms for implementation of these standards.

3.6 After producing the Code of Practice, each media broadcaster shall provide IMC with a copy, not later than three (3) months after entry into force of this Regulation. Media broadcasters may present this Code of Practice individually or in a group.

3.7 At the request of the IMC, media broadcasters shall present detailed information on implementation of the self-regulatory standards of the Code of Practice, within three (3) working days.

4. LANGUAGE

4.1 Vulgar and offensive language shall not be used in the programming produced and broadcasted for children and minors.

5. RESPECTING THE DIGNITY OF CHILDREN AND MINORS IN THE PROGRAMMING

5.1 Due care shall be dedicated to the dignity of children and minors who are part of, or are included in the programming. Provisions of this Regulation shall apply regardless any consent or authorization is given by the parent, legal guardian or any other person above 18 years of age, representing the minor.

6. CATEGORIZATION OF PROGRAMMING AND TIME SLOTS

6.1 Categorization of programming

- 6.1.1 First category** shall include programming without harmful content.
- 6.1.2 Second category** shall include programming not recommended for children under the age of 10 and for which parental or guardian presence is required. This category refers to the programming with scenes and sights of violence and fear. Broadcasting of this programming shall be announced and accompanied by the respective warning.
- 6.1.3 Third category** shall include programming with scenes or sights of violence and fear, as well as erotic content, repeating relatively often. These harmful contents shall not be recommended to the minors under the age of 14. For the programming of the third category, parental or guardian presence is required. Broadcasting of this programming shall be announced and accompanied by the respective warning.
- 6.1.4 Fourth category** shall include programming with continuous scenes or sights of violence, fear and pornographic content. This programming is not recommended for persons under the age of 18. Broadcasting of programming with continuous content of violence and fear shall be announced and accompanied by the respective warning. Whereas programming with pornographic content may be broadcasted only in manner encrypted by the code.

6.2 Time slots for broadcasting

- 6.2.1** Broadcasting of the programming from the first category shall not be subject to any time limits.
- 6.2.2** Broadcasting of the programming from the second category shall be done from 17:00 to 06:00.
- 6.2.3** Broadcasting of the programming from the third category shall be done from 23:00 to 06:00.
- 6.2.4** Broadcasting of the programming from the fourth category shall be done from 24:00 to 05:00. During this period, media broadcasters may broadcast programming with pornographic content; however the programming shall be encrypted by the code.

7. WARNING SIGNS AND PICTOGRAMS

- 7.1 Media broadcasters shall use pictograms presented in the Annex (CIMC 2009/01a) to this Regulation.
- 7.2 Warning signal for the categories determined in the Article 7 shall be mandatory for all programming defined in the Article 6.
- 7.3 Before the start and after each interruption of the radio programme, the verbal and acoustic warning shall be aired.
- 7.4 Before the start of the TV programme, the warning signal shall be shown, as a combination of textual, verbal, acoustic and visual warning, in duration of 10 seconds and covering at least $\frac{1}{4}$ of the visible part of the screen.
- 7.5 During the TV programme, only the visual warning of the signal, with dimensions minimum of $\frac{1}{48}$ and maximum $\frac{1}{32}$, shall be shown in the corner of the screen.
- 7.6 Programming of the fourth category shall not be promoted before 23:00.
- 7.7 The visual sign indicating the category of the programming that is announced shall be applied in the programme schedule published on the teletext and daily press.

8. APPLICABLE SANCTIONS

- 8.1 Any incompliance with provisions of this Regulation shall lead to application of sanctions provided for in the Law on the Independent Media Commission.

9. ENTRY INTO FORCE

- 9.1 This Regulation shall enter into force 15 days of its signature by the Chairwoman of the Council of Independent Media Commission (IMC).

A. Qerem

Argjentina Grazhdani
Chairwoman of the Council
of Independent Media Commission



Prishtinë/Pristina

Date: 07/05/2009



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Anex

Kategoria	Definition	Visual sign
Kategoria 1	No visual warning is applied.	
Kategoria 2	Parental/Guardian guidance required or forbidden to minors under the age of 10.	
Kategoria 3	Adult viewers only/forbidden to the minors under the age of 14.	
Kategoria 4	Adult viewers only/forbidden to persons under the age of 18.	