

Television and Children: five years after the Self-regulation Code

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Abstract: In the context of the technological transformations caused by the digital switchover in Television, the management and exploitation of DTT presents important challenges to service providers. One of the most outstanding challenges is the creation of contents that ensures minors' correct education and protection against violence and harmful social behaviours. This article presents the results of a qualitative and quantitative study, conducted by the authors and other researchers from the Rey Juan Carlos University, aimed at verifying the effective application of the Self-regulation Code on TV Contents and Children that was signed by the main national and regional networks operating in Spain. The study examined all the programmes broadcast during the time of special protection for children introduced by the Self-regulation Code, by TVE 1, Antena 3, Cuatro, Tele5, La Sexta, and Telemadrid from September to December 2008 and from July to September 2009. Based on the results, the article offers a verdict on the degree of success with which the objectives of the Self-regulation Code have been met by the networks.

Key Words: Television; programming; self-regulation; TV programming suitable for children.

Summary: 1. Introduction. 1.1 Position of the international organizations. 1.2. The case of Spain: Self-regulation Code. 2. Methodology. 3. Results. 3.1. Analysis of networks from 9 September to 31 December 2008. 3.2. Analysis of networks from 1 July to 30 September 2009. 3.3. Comparative analysis of the infractions committed by the networks during September-December 2008 and July-September 2009. 3.4. Comparative analysis with the fourth report of the Joint Commission in charge of monitoring the application of the Self-regulation Code. 4. Discussion and conclusions. 5. Bibliography. 6. Notes.

Translation by **Cruz Alberto Martínez-Arcos** (University of London)

1. Introduction

The media, and particularly television, constitute a decisive part of the social nervous system since their contents "establish the conditions of our experience of

the world beyond the areas of interactions in which we live” (Fishman,1980:12).It is through the media that we largely establish our references, which become much stronger with the cumulative effect described by Neumann, with its three main features of accumulation, consonance and omnipresence [1].

As Thompson (1998) indicates, the media have become institutions that, together with the religious and educational institutions, exercise a cultural or symbolic power, especially on children. Indeed, television has come to supplement the socializing role of family and school, with an important influence on the intellectual and emotional development because, as Levine (1997) indicates, imitation is the first learning mechanism that children have. They are not particularly selective in what they imitate and copy actual models, and also television or cartoon characters. Levine further adds that children who watch violence in the media are more likely to consider fighting as a normal mechanism to resolve conflicts.

This situation had already been warned in the early years of the television phenomenon. In 1961, the President of the US Federal Communication Commission, Newton Minow, noted in his opening speech at the National Association of journalists that when television is good nothing is better, neither theatre, magazines or newspapers, but also warned that when television is bad nothing is worse. He used the term “waste land” to refer to what is left in the spectator after spending several hours consuming television products of poor quality. Three decades later, in 1991, he said that his concern was no longer that his children would not obtain benefits from the television, but instead that his grandchildren would suffer any damage because of television.

One of the possible damages, according to several studies, would be the indifference of children in violent situations. There is abundant scientific evidence that establishes a directly proportional relationship between children’s exposure to situations of violence and the increase in aggression in adults ages [2]. Other authors remark that this happens “in certain cases and circumstances”. However, more researchers seem to agree that violence on television at least hardens and numbs, i.e. children will reduce their emotional sensitivity towards such situations and could justify aggression as a response to the controversial experiences, given that imitation is the first learning mechanism that children have.

This is indicated by the theories that from social psychology try to explain a causal relationship between violent television content and some behaviour exhibited by children and teenagers. The stimulation theory (Tannenbaum, Zillman, 1975) proposes that the exposure to stimulating content -whether humorous, violent or erotic- increases aggressiveness. Research based on the social learning theory, as described by Bandura (1973), has shown that children develop in their games violent behaviours learned from television. Berkovitz (1962: 229-255) describes, using the disinhibition theory, violent behaviours that are not suppressed because they were watched on television.

One important study in this field was done in Canada, in a population with no television signal until 1973. This study verified that in two years of watching TV the aggression rate of young people increased by 160% (Williams, 1986: 303-360). In

the same line, Gadow and Sprafkin (1989: 399-405) considered that watching aggressive behaviours on the TV will induce a similar behaviour in children through imitation, while Rice (1979) argued that children who watch violence on TV develop more aggressive behaviour regardless of their geographical location, sex, socio-economic level, or emotional state.

But the concern about the effect of TV contents on children is not only limited to violent contents, and includes content with inappropriately portrayed sexual themes, and certain anti-social behaviours or controversial issues.

The importance of television contents in the hours of special protection for children is obvious given the socializing role that television has acquired and that has come to supplement the traditional teachings from family and school. In fact, the small screen has become a kind of teacher or a window to the world through which children are watching continuously and from which they extract values and models of behaviour that can be used as references in their daily lives.

However, in spite of being an issue of great social importance, the concern of national and international bodies, the civil society and the television networks themselves has been tardy, and a response to the social alarm triggered during the 1980s particularly by the high prevalence of violence in movies.

1.1. Position of international organizations

The starting point and international reference in matters of protection of minors from inappropriate TV content is the Convention on Children's Rights [3]—approved by the United Nations in 1989— which in its article 17 states that the media “will promote the creation of appropriate guidelines to protect children from information and material that is injurious to their well-being” and urges the countries to encourage the media to disseminate information and material of social and cultural interest for children [4]. This Convention was ratified in 1997 by the Resolution on “Children and Violence on the Screens”, which encouraged the adoption of the necessary measures.

European initiatives of major interest also started in 1989 with the approval of the Television without Frontiers Directive [5], which in its article 22 states that “The member states shall take appropriate measures to ensure that television contents do not include programmes which might seriously damage the physical, mental and moral development of minors...” and makes particular reference to the inclusion of gratuitous scenes of violence. However, almost a decade later, in 1996, the European Commission's Green Paper on the protection of minors and human dignity in new audiovisual services and information [6] was approved. The green paper delves into the debate on who is responsible of protecting young viewers.

The Green Paper focuses on the new technologies to restrict the access of minors, the cooperation needed among the Member States, and the self-regulation of the media themselves which, among other aspects, should use mechanisms of identification. The Green Paper prompted in 1997 the reform of the Television without Frontiers Directive, to add recommendations like the inclusion of audio

announcements before the start of a programme and the use of permanent visual symbols during the broadcast of a programme.

A year later, in 1998, the EU approved the recommendation concerning the development of the competitiveness of the European audiovisual and information services industry through the promoting of national frameworks aimed at achieving a comparable and effective level in the protection of minors and human dignity (98/560/EC) [7]. This recommendation is the first legislative instrument at the European Union level on the content of the audiovisual and information services.

From 2000 onwards there were several European proposals aimed at all the actors involved, which include the request of the European Parliament [8] to the television operators to establish a “self-regulation code on the protection of children that includes mechanisms of social control and severe clauses on sanctions for disobedience” (Armenteros Gallardo, 2006:185) and the proposal of the Recommendation of the European Parliament and the Council [9] on the protection of minors and human dignity -focused on the cooperation between the self-regulatory bodies of the EU Member States.

Eventually, in view of the need to tackle the problem, the EU fundamentally opted for the self-regulation and co-regulation [10], or in other words, the decision to limit the excesses was left on the hands of the audiovisual sector, something in conflict with the mostly-commercial spirit of the global media industry. As a consequence, with some exceptions, there has been little progress and what has been done so far is clearly insufficient.

1.2. The case of Spain: Self-regulation code

The legal protection of minors in Spain is determined by the article 39 of the Spanish Constitution, the Law 25/1994 of 12 July (amended by law 22/1999 of 7 June, article 19) and the Royal Decree 410/2002 of 3 May, which developed it and introduced age-based uniform classification criteria for programmes, as well as the obligation to warn about inappropriate content through visual symbols. Subsequently, the Royal Decree 410/2002 established six categories of programmes that would be recommended for children of different ages, each with an identifying symbol.

Beyond of what the legislation establishes, Spain has opted for the self-regulation formula through the signing of different agreements from 1993 [11] until the signing of the Self-regulation Code on Television Contents and Children [12] on 9 December 2004 between the government and *Radiotelevisión Española*, *de Televisión*, S.A., *Gestevisión Telecinco*, S.A., and *Sogetel*, S.A. This code was expanded in 2006 with the inclusion of *La Sexta*, *Net N* and *Veo N*, as well as the broadcasters associated to FORTA (Spain's federation of regional radio and television agencies).

This decisive step was taken thanks to the initiative of the Government's Vice-Presidency, which considered it was necessary to promote a process of meetings

with the social organizations related to children and television and with the television networks after the broadcast of different programmes during the summer of 2004, “which ended up creating a live and sour debate on the concept of trash-TV and especially because this type of programmes with very violent contents (either physical or verbal) and even with more or less explicit sex scenes, are broadcast on children’s programming hours” (García Castillejo, 2008: 310).

The Code establishes a series of general principles to improve the efficiency of the television programming broadcast from 06:00 to 20:00 hours, which is legally established as the safe hours for minors, and to establish a reinforced-protection time slot of eight to nine hours and from 17:00 to 20:00 hours- for viewers under 13 years of age. The Code also classifies the content by ages [13] and obligates networks to indicate the age of the target audience before a programme starts and every time it resumes after the commercial breaks.

It should be remembered that, among other aspects, this obligation includes contributing to children’s correct education by avoiding the inclusion of indecent and insulting language, as well as behaviour that is prejudicial to health, the use of personal and family conflicts as spectacle, messages or scenes with explicit violence or sex, and in cases of relevant social or informational value to justify the broadcasting of these types of contents and to warn viewers about their inadequacy for children.

The bodies in charge of ensuring the application of Code are the Committee of Self-regulation [14], responsible for resolving doubts and dealing with complaints and demands, and the Joint Commission for Monitoring [15] which acts when the rulings of the Committee of Self-regulation have not been obeyed.

The code, therefore, marked an important step in the social responsibility of large television networks because they voluntarily committed themselves to follow a self-regulation that was beyond the existing legislation, with the aim of reconciling the legitimate economic (and audience) objectives of the television operators with the guarantee of the protection of minors sanctioned by the Constitution and extensively demanded by society. However, the various reports that have been made on this matter have confirmed that this social responsibility remains in pure theory and that the intentions have not been translated into actions.

In fact, since the signing of the code very diverse agencies have expressed their concerns about the low degree of compliance with the self-regulation code and have developed quite extensive reports trying to determine the level of commitment shown by the various networks that voluntarily signed the Code. These agencies include the CEACCU (the Spanish Confederation of Organizations of Housewives, Consumers and Users) [16]; *Telespectadors Associats de Catalunya* [17] and the OCTA (the Observatory of Television and Audiovisual Contents) [18] (Fernández, 2005). They all reached similar conclusions and denounced the widespread failure to execute the Code, through the inclusion of contents unsuitable for minors in the hours of special protection.

This article is part of a broader investigation initiated by a group of professors from the Rey Juan Carlos University with the aim of verifying the effective application of the self-regulation code. Specifically, this work aims to show the detailed results of this research during two specific three-month periods of analysis undertaken in the past two years in order to make an assessment about the degree of application of and infractions to this Code, as well as its evolution during this period of analysis. Simultaneously, this article aims to compare these results with those presented in the last official report evaluating the application of the Code, published by the “Joint Commission for the Application of the Self-regulation Code of Television Content and Children”, which is based on complaints about infractions to the Code during the hours of reinforced-protection that have been presented by social organizations to the Committee of Self-regulation, and also those complaints related to advertising that have been presented to *Autocontrol* (the Self-regulation of Commercial Communication). The aim is to provide a framework to guide the politicians responsible of implementing appropriate measures that guarantee the fulfilment of the objectives established in the Self-regulation Code, to which the representatives of the signing networks agreed to. This study is motivated by the passivity demonstrated by the directors of the different networks to respond to the various reports that have widely shown the infractions committed and their severity.

The Rey Juan Carlos University has produced since 2004 quarterly reports on the content broadcast during the hours of special protection for children by five national networks (*TVE1*, *Antena 3*, *Telecinco*, *Cuatro* and *La Sexta*) and the autonomic regional network from Madrid, *Telemadrid*, in order to verify the application of the self-regulatory code voluntarily signed. This analysis, as it will be explained in methodology section, was performed over the entire programming included in the aforementioned time slot and covers every day of the year except for weekends and holidays. However, these reports do not include any comparative analysis on the temporal evolution experienced in the application of the code or the results based the complaints submitted to the Joint Commission for Monitoring.

Other important references for this article that should be highlighted are the half-yearly reports conducted by the *C.U. Villanueva de Madrid* and the “Association of TV Viewers and Radio Listeners”, which corroborate the interest of the scientific community on this far-reaching issue of the formation of children and teens TV viewers. The temporal universe of these reports, which have been published since 2005, is more restricted than the one used as a reference in the reports produced at the Rey Juan Carlos University, since they performed a monitoring of the programming broadcast only from 5:00 to 8:00 P.M., from Monday to Friday, and excluded the analysis of programming broadcast during the morning hours of enhanced protection, apart from the weekends and holidays. These reports neither include the level of seriousness of the infractions to the code, which our article does include as object of evaluation.

This latest research produced several articles submitted by members of the *ATR-Villanueva* research team. Of these articles we can highlight two signed by Ruiz and Salguero and published in 2007 and 2008, respectively. The first article analyses the Self-regulation Code for Television Content and Children as an action of responsibility to protect children and presents the monitoring data which comes from

the first four reports published by *ATR-Villanueva*, corresponding to four months of programming analysis: from 2 to 27 May 2005; from 17 October to 15 November 2005; from 6 to 31 May 2006; and from 16 October to 13 November 2006) (Ruiz and Salguero, 2008b). The second article, basically, explains the methodology used in the research led by Ruiz San Román (Ruiz and Salguero, 2008a). Previously, in 2006, García Galera signed an article aimed at analysing the monitoring of the different self-regulatory codes that existed then in Spain and were related to television, video games and children. This latter article presents the results of the first two *ATR-Villanueva* reports from 2005 (but without citing them).

Faro (2008) also sought to assess the networks' degree of commitment to the self-regulation code they themselves signed, and focused his analysis on a very limited sample of programming aired by *TVE1* and *Telecinco* during the hours of reinforced-protection, including the analysis of the morning and evening hours and weekends during one week of April 2007. Faro complemented the content analysis with the results obtained from a discussion group of six mothers of children from a school in Getafe (Madrid) and one interview with a specialist in educational television, although he did not explain the criteria for his selection, and based his findings on an analysis of child viewers.

2. Methodology

As we have already indicated, this article has its starting point in an investigation that involved the participation of several professors from the Rey Juan Carlos University and aimed to verify the effective implementation of the self-regulation code. This research deals with the study of the entire programming broadcast from Monday to Friday during the hours of reinforced-protection by the five open-to-air analogue-signal national networks that signed the Self-regulation Code on Television Content and Children: *Televisión Española TVE 1*, *Antena 3*, *Cuatro*, *Tele5*, and *La Sexta* and the autonomic regional network *Telemadrid*. The study did not include programming broadcast on weekends and holidays, or outside the hours of special protection.

This study is based on the data obtained from the quantitative and qualitative analysis conducted from 9 September to 31 December 2008 and from 1 July to 30 September 2009. Our propose is to establish a diagnosis on the degree of compliance with the code during this time and to compare the evolution experienced throughout this two periods. The decision to include data from the third quarter of 2008 in the study is based on the interest on comparing the results presented in the last official evaluating report on the implementation of the code published by the Joint Commission for the Monitoring of the Self-regulation Code of Television Content and Children which covers from 9 March 2008 and the same period from 2009. On the other hand, the data from 2009 are the latest we have available.

The research team performed a comprehensive analysis of the recordings of programming broadcast open-to-air by the sample of networks, from 8:00 to 9:00 am and from 5:00 to 8:00 pm. The team also rigorously registered each of the infractions to the principles of the self-regulation code. Specifically, we identified the

contents not suitable for children under 13 years of age based on the guidelines contained in the annexes of the code with the objective of qualifying the programmes broadcast according to age ranges. Using the same criteria, we identified the themes of the programmes as not suitable for children under 13 years of age, when it included one of these four possible types of content:

1. Anti-social behaviours: refer to attitudes and behaviours that promote values contrary to the socially accepted as positive to govern the behaviour of citizens who have to live in democratic, multiple, plurals, western societies, in which the respect and tolerance for others is seen as the basis for this coexistence. The negative referents include: sexism, intolerance, racism, or violence; as well as the presentation of addictive behaviours that endanger physical health (e.g. drug abuse, anorexia), blasphemous or strong language, prostitution, among others, as positive role models.

2. Controversial themes: involves the representation of contents that, because of their very nature or because of the way in which are presented, are likely to negatively affect children's emotional balance causing anguish or anxiety on them. For example, the death of people close to the child's family or emotional circle, the positive presentation of people or characters who assume harmful, violent or illegal behaviours; the presentation of emotional conflicts or moral dilemmas that cannot find a positive solution; or situations of terror without the mitigating element of humour.

3. Violence: refers to the presentation of unjustified or gratuitous violent verbal or visual content, as well as the use of violence by characters presented as positive role models or as a way of resolving problems.

4. Sex: the presentation of affective/sentimental relations that appear as explicit sexual manifestations, indecent acts of erotic content and/or sexual character, except for cases where romanticism is predominant, or where its humorous or satiric treatment attenuates or diminishes the erotic character.

These infractions have also been evaluated according to degree of severity, divided in three degrees: A (maximum severity), B, or C.

The subjectivity of the assessment of some of these contents according to their severity level demanded the establishment of a series of guidelines exemplified with concrete contents that would serve as a reference to the team members to generate a homogenous classification model. These are these guidelines:

Anti-social behaviour: It was established that images of people smoking or drinking should be evaluated as severity B, but when these practices are glorified or celebrated they should be rated as A. Drug use should also be qualified as severity A. Insults and profanity should be considered as B or C, depending on the degree in which they can be socially understood as negative. Since cartoons are aimed specifically at children, their infractions are considered more serious. Regarding the classification of scenes that contain sexist, racist, or homophobic comments or

behaviours, it should be taken into account whether they are sayings or whether the comments made in comic tone, and the reaction of the receiver of the infraction.

Controversial themes: It was determined that the presentation of corpses, if they are not in a medical or scientific environment would be qualified as gravity A; in other cases that should be rated as B. The ranking of family or couple emotional conflicts has a subjective character that requires taking into account the context in which it is presented, for instance the general tone of the show, and thus when the programme seeks to exploit morbidity it should be qualified more seriously. In the event that minors are involved in these themes the infraction will be rated as A.

Violence: violent behaviour that results in death or involves firearms with wounded is considered A; fights with other weapons are considered B and normal fights are considered C, but if the aggression involves hatred or brutality it will be evaluated as A. If the violence is used as a means to solve problems the level of severity increases, especially if the aggressor is presented as a positive character. Battles against monsters which are typical of some cartoons will all be considered C.

Sex: The sexual infractions refer to explicit comments and images. The covers of the *Interviú* magazine which are frequently presented in gossip shows are considered a type-C infraction, and considered B only in exceptional cases. Regarding the explicit comments they can even reach the level A of severity.

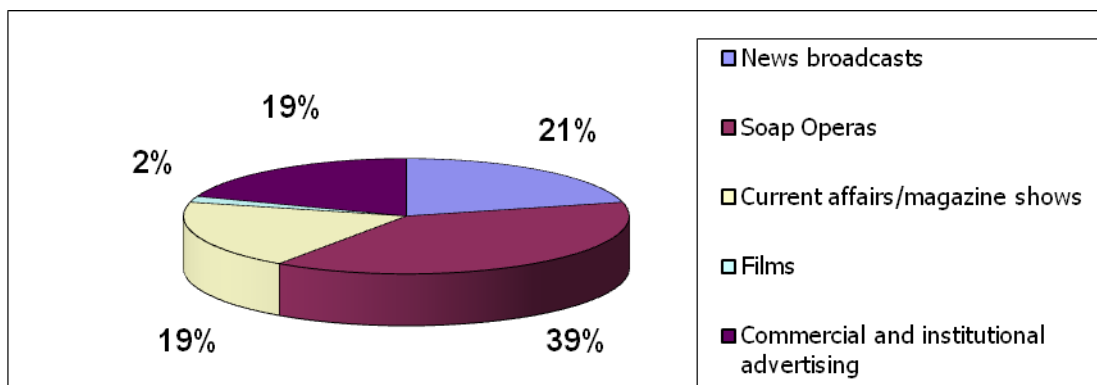
Finally, the large amount of material for analysis forced us to include several analysts on the team monitoring programming. However, in spite of the special care that has been taken in establishing clear criteria for the identification and classification of infractions, the multiplicity of members making this work could lead to potential bias provoked by the subjectivity of each member. To overcome this disadvantage, there was a weekly rotation in the analysis of different networks in order to ensure the random distribution of these biases across all the networks.

3. Results

This section offers a brief description of the total and serious infractions recorded in each of the analysed networks with the data divided across programme type and type of impact in each of the periods examined. Afterward the article offers an overall analysis of the results, which will allow performing a general diagnosis on the degree of application of the Self-regulation Code for Television Contents and Children. We will compare our data with the data presented in the last annual report published by the Joint Commission (2008). Finally, we offer a set of recommendations aimed at improving the effectiveness of the agreement based on the results obtained.

3.1. Analysis of networks from 9 September to 31 December 2008

Figure 1: Infractions in TVE 1



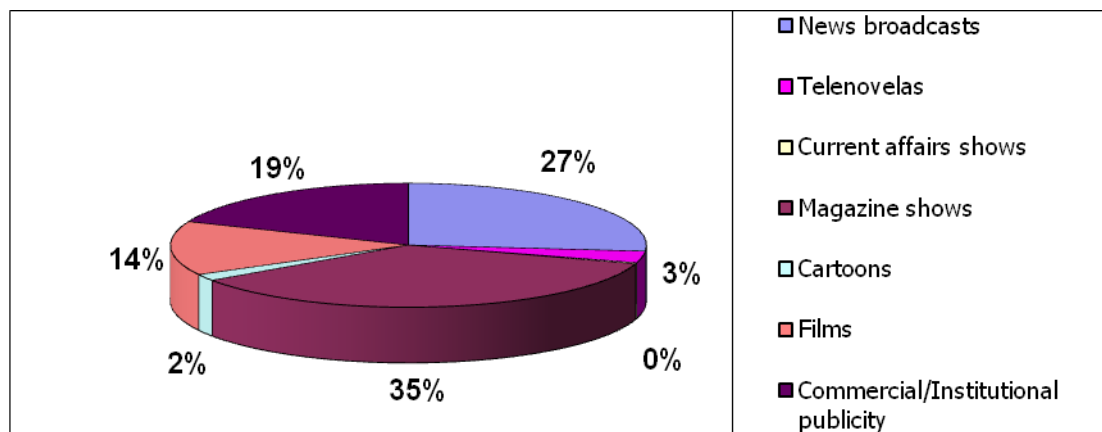
Source: Author's creation

The total number of infractions presented on TVE1 during this period was 540.

Telenovelas *Amar en tiempos revueltos* (Loving in scrambled times) and *Victoria* presented the greatest number of infractions (204), followed by the morning news programme (112), *España directa* (102), the category of advertising/institutional publicity (103) and movies (9). Depending on the type of infraction, those related to anti-social behaviour stood out the most (with 215), followed by violence (150) and controversial themes (140). There were only 29 infractions related to the representation of sex.

Of this total, there were 140 infractions considered serious (type A). Most of these infractions appeared in the morning edition of *Telediario* (news programme) (48) and the soap operas (45 serious infractions). Type A infractions corresponded mainly to the representation of controversial themes and violence.

Figure 2. Infractions in Antena 3



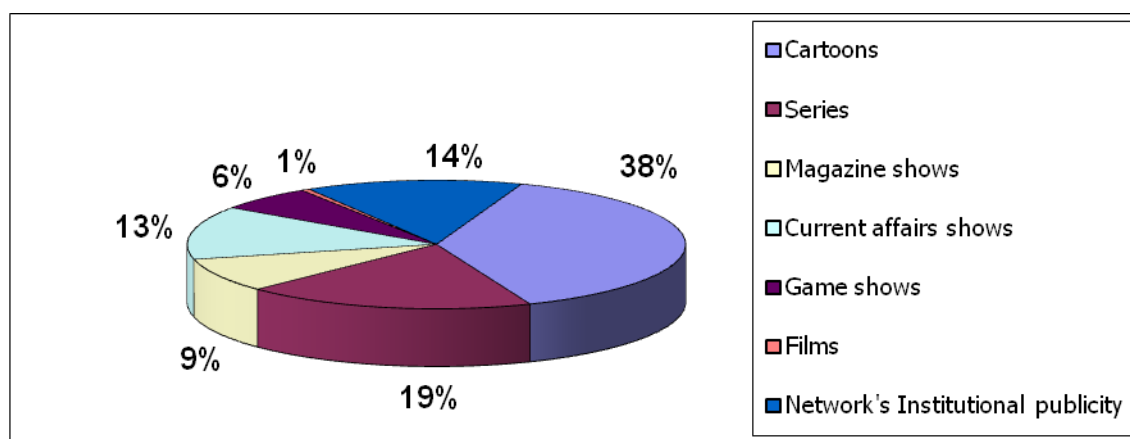
Source: Authors' creation

Antenna 3 committed a total of 696 infractions in the analysed period. Most infractions were located in the magazine shows (35%) and in the morning news broadcast of *Telediario* (27%).

In terms of type of infraction, the inclusions of violence, inappropriate social behaviours and controversial themes are very similar and quite superior to representations of sex.

Of these infractions, 157 were of the most severe type (A) and they were mainly presented in the morning news broadcast (with 47 infractions of this type), networks' institutional publicity (40), and the magazine shows (37).

Figure 3. Infractions in Cuatro



Source: Author's elaboration

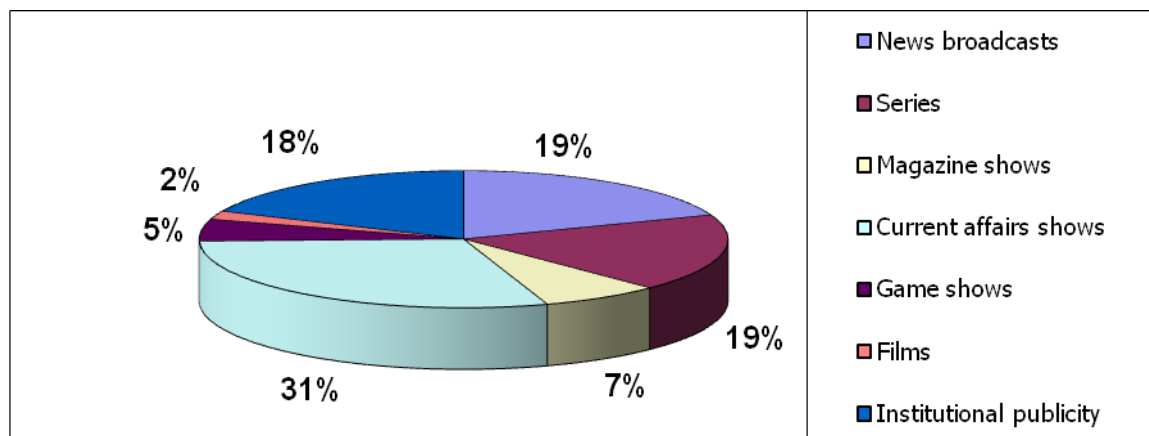
There were in total 574 infractions in the *Cuatro* network in the analysed period.

The cartoon series *Dragon Ball* was the space with more infractions (220), followed in decreasing order by the drama series (108), the networks' institutional publicity (81), the current affairs show "Visto y oído" (Seen and heard) (77), the magazine shows (49), game shows (36), and finally movies (with only 3 infractions).

Depending on the type of infraction, the presentation of violence was in first place (304), followed by anti-social behaviour (175), controversial themes (65), and sex (28).

Of all these infractions, there were 131 identified as serious (type A), and they were mostly presented in *Dragon Ball* (61), which was followed in decreasing order by series (21), current affairs shows (18), variety and magazine shows (16), commercial and institutional publicity (13), and finally game shows (2). Of these infractions, 67% were representations of violence, 39% of social behaviour, 19% of controversial themes, and 2% of sex.

Figure 4: Infractions in *Telecinco*

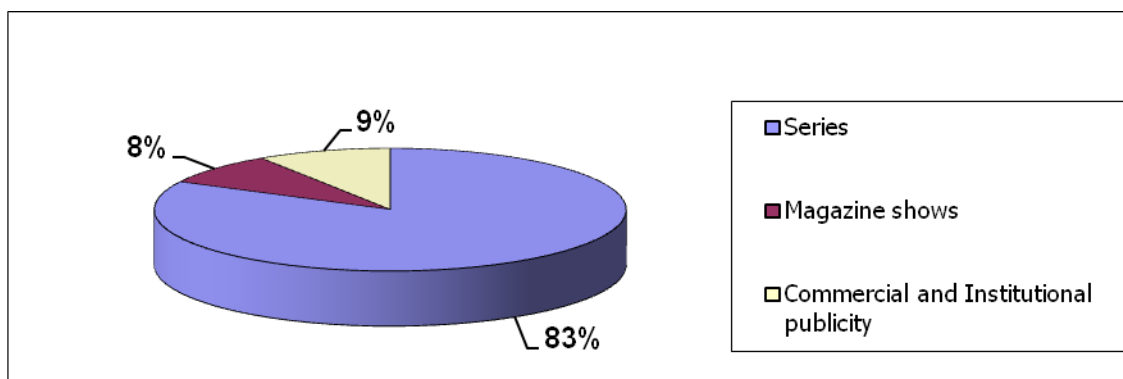


Source: Authors' creation

There were 851 infractions in *Telecinco*. Current affairs shows -*La Mirada Crítica* (The Critical View) and *Está Pasando* (It Is Happening) - presented 252 infractions (31% of the total). They were followed by the morning news programme (with 19%) and series, and the network's own publicity (both with 18%). In terms of the type of infraction, the ones related to controversial subjects and anti-social behaviours reached the highest values.

Of these infractions, 223 were of the most severe type (A) and were located mainly in current affairs shows (92), and in the news programme (72). They are mostly representations of controversial themes (113) and violence (76).

Figure 5: Infractions in *La Sexta*



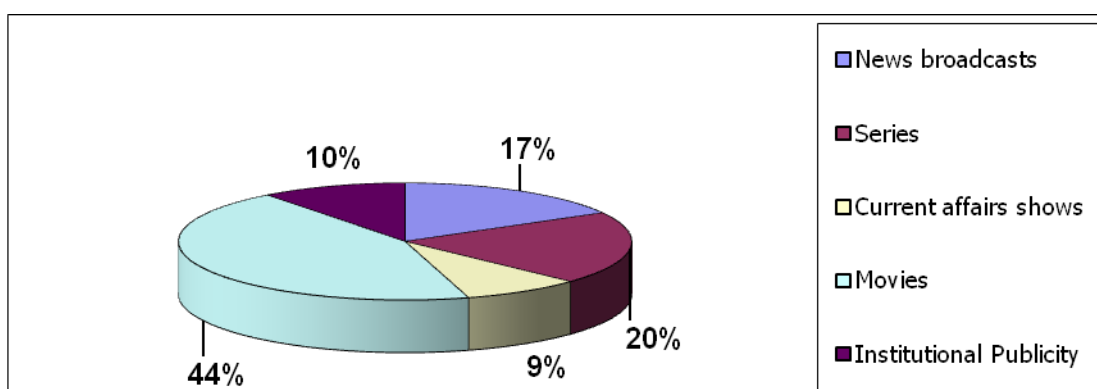
Source: Authors' creation

La Sexta committed a total of 1142 infractions.

83%(942) of the infractions were presented in the numerous series of *La Sexta*. Magazine shows presented 95 infractions and another 105 infractions were committed in the commercial and institutional publicity. More than half of the infractions were inclusions of inappropriate social behaviour (54%), followed by representations of violence (26%), controversial themes (15%) and sex (5%).

Of the infractions, there were 322 of the most severe type (A), of which 88% were located in series. Nearly half of them (46%) were representations of violence, 35% of controversial themes, 17% of social behaviour, and 2% of sex.

Figure 6: Infractions in *Telemadrid*



Source: Authors' creation

Telemadrid presented a total of 1086 infractions

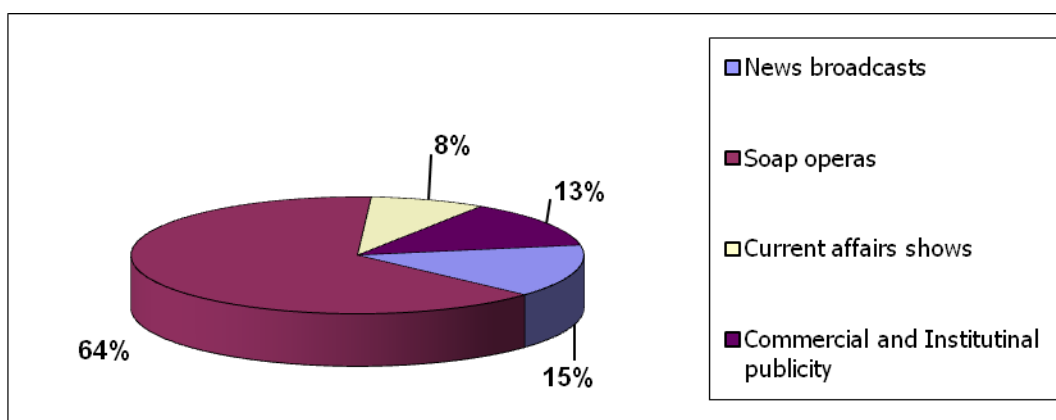
Movies presented almost half of all the infractions (479), they were followed by series (with 219), the news broadcasts (183), institutional publicity (113), and, finally, the current affairs shows (92). In terms of the types of infractions,

representations of violence were the most common (mostly presented by western films), and they were followed by representations of controversial themes, anti-social behaviours, and sex.

With regards to the severity of the infractions, there were 260 infractions of the most severe type (72 in news programme, 61 in series, 51 in the current affairs show *Madrid Directo*, and 25 in institutional publicity. Most of them referred to representations of violence and controversial themes.

3.2 Analysis of networks from 1 July to 30 September 2009

Figure 7: Infractions in TVE 1



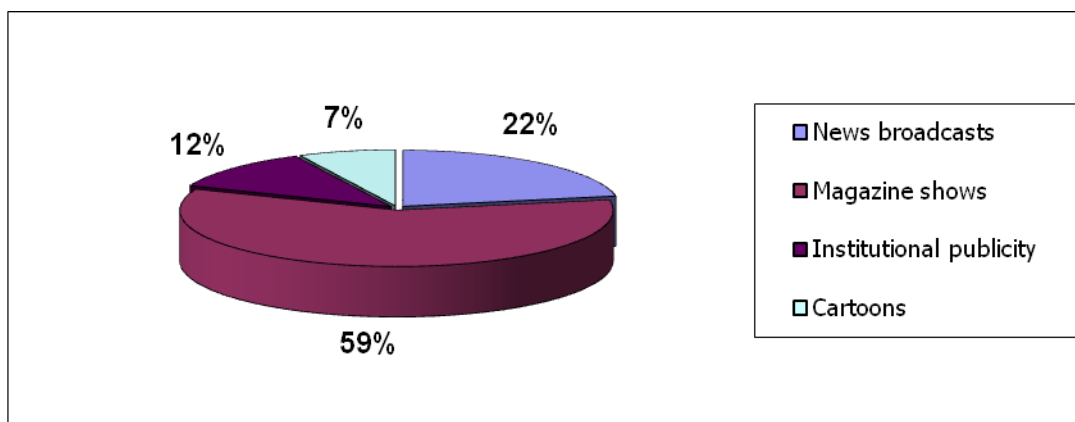
Source: Authors' creation

During this period TVE 1 registered a total of 791 infractions.

The two telenovelas broadcast at midday - *Amar en tiempos revueltos* and *Doña Bárbara*—presented the largest number of infractions (492), followed in decreasing order by the news programme (112), commercial and institutional publicity (100), and the programme *España Directo* (63). Of these infractions, 43.5% were representations of inappropriate social behaviours (344), 33% of violence (263), 17.7% of controversial themes (140), and only 44 infractions were about sex.

Of the 240 infractions identified as type A, more than half were presented by soap operas (121) and the rest by *Telediario* (56), *España Directo* (31) and the network's own publicity (23). These serious infractions included equal numbers of representations of violence (83), controversial themes (82) and inappropriate social behaviours (68). There few infractions related to representations of sex and they were mostly presented in the telenovela *Doña Bárbara* (6 of 7).

Figure 8: Infractions in Antena 3



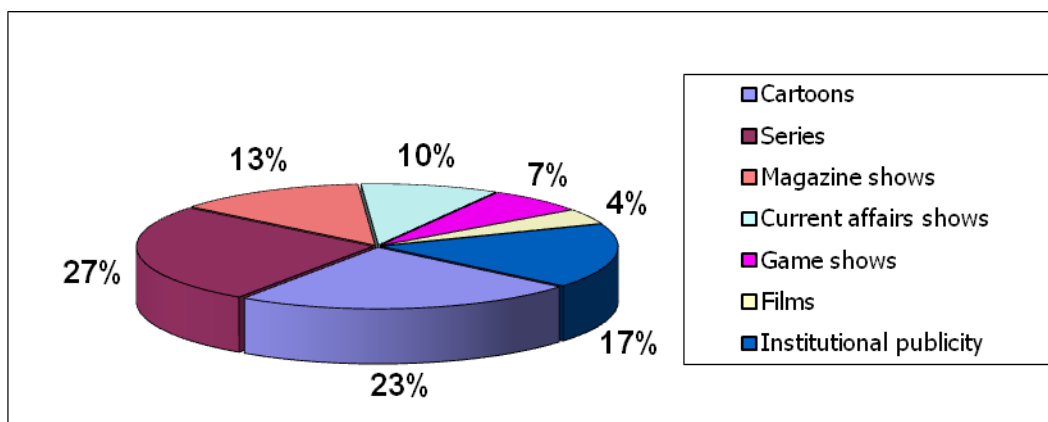
Source: Authors' creation

Antenna 3 presented a total of 737 infractions during its hours of special protection for children.

Antena 3's magazineshows committed most of the infractions, 415. The morning news programme occupied the second place with 155 infractions, followed by the network's own publicity (with 79), and the cartoon Shin-Chan (with 51). Finally, the series *Flashpoint* and the programme *Espejo Público* (Public Mirror) committed 7 and 3 infractions, respectively. Regarding the type of infraction, the higher values corresponded to representations of violence, followed by representations of anti-social behaviours, while infractions related to representations of sex and controversial themes reached significantly lower values.

Of all theinfractions (737), the gravity of over a third (268) was qualified as type A. These were mostly committed by the magazine shows (141), followed by the morning news programme (71) and the networks' own publicity (41). Well below was the programme *Flashpoint* with 3 infractions, *Shin-Chan* with 2, and *Espejo Público* with only 1. Of these serious infractions 113 were representations of violence, 76 of controversial themes, 43 of anti-social behaviour, and 36 of sex.

Figure 9: Infractions in Cuatro

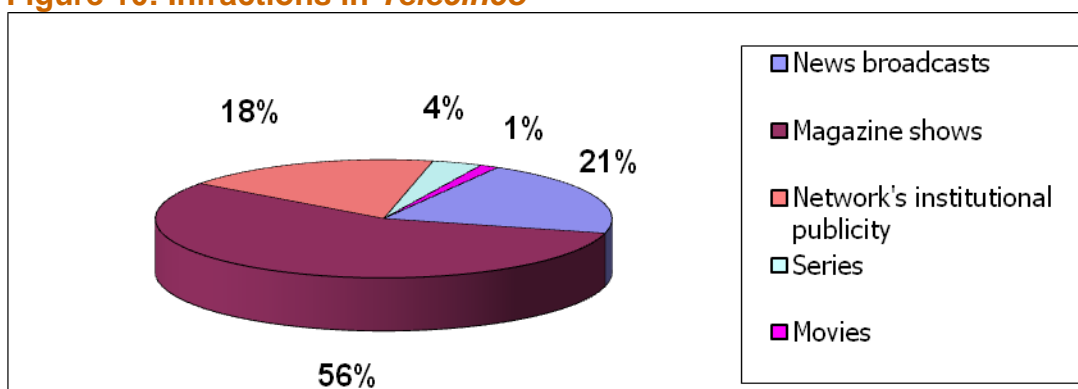


Source: Authors' creation

Cuatro registered a total of 846 infractions. The comedy and drama series presented most of the infractions (222), followed by cartoons -Dragon Ball Z and Astro Boy-(198), the network's own publicity (139), magazine shows (110), *San Fermín* festival (80) and game shows (57). More than half of these infractions were representations of violence (448), a third were portrayals of anti-social behaviours (252), only 5.5% of controversial themes, and 12% of sex.

20% of these infractions were qualified as serious (171). These severe infractions were mostly concentrated in series (with 36% of the total, i.e. 63 infractions), followed by the network's own publicity (with 34% of the total, i.e. 68 infractions). Far behind were the *San Fermín* festival (with 21 infractions), cartoons (15), movies (8) and magazine shows (6). Of these serious infractions, 55% were representations of violence, 29% of controversial themes, 13% of anti-social behaviour, and finally, with just 4 infractions, were representations of sex.

Figure 10: Infractions in Telecinco

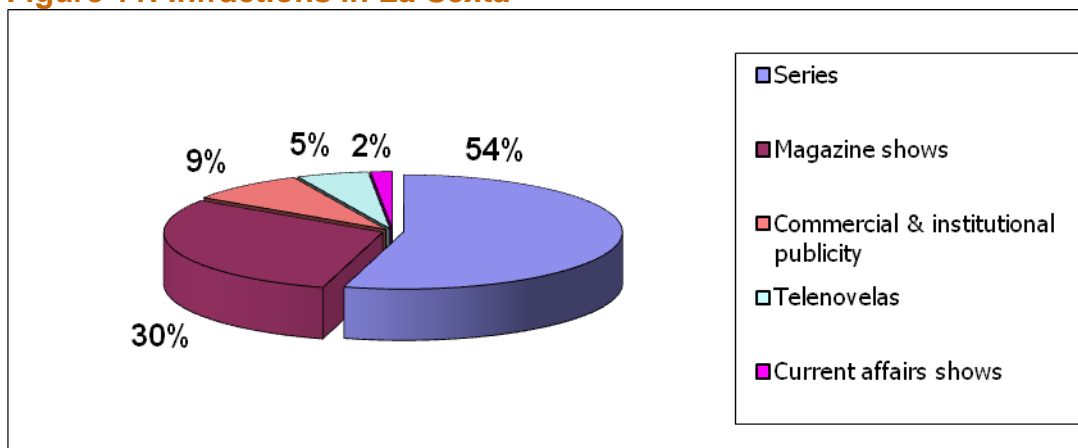


Source: Authors' creation

Telecinco registered a total of 918 infractions. The magazine shows *El coleccionista de Imágenes* (The images collector) and *Sálvame* (Save me) presented most of these infractions (508), followed by the morning news broadcast (with 187), and the network's own publicity (166). Far behind were series (32), movies (12) and soap operas (7). 52% of infractions were inclusions of inappropriate social behaviour, the rest were similar numbers of representations of sex (17.7%), violence (16%) and controversial themes (14%).

Almost one third of the infractions (282) were rated as severe. The majority of these infractions (45%) were committed by the programme *Sálvame* and the morning news programme (35%). Another important percentage of the severe infractions were committed by the network's own publicity (15.6%). Regarding the types of infractions, the majority were representations of inappropriate social behaviours (114), followed by controversial themes (75), violence (50) and sex (43).

Figure 11: Infractions in *La Sexta*



Source: Authors' creation

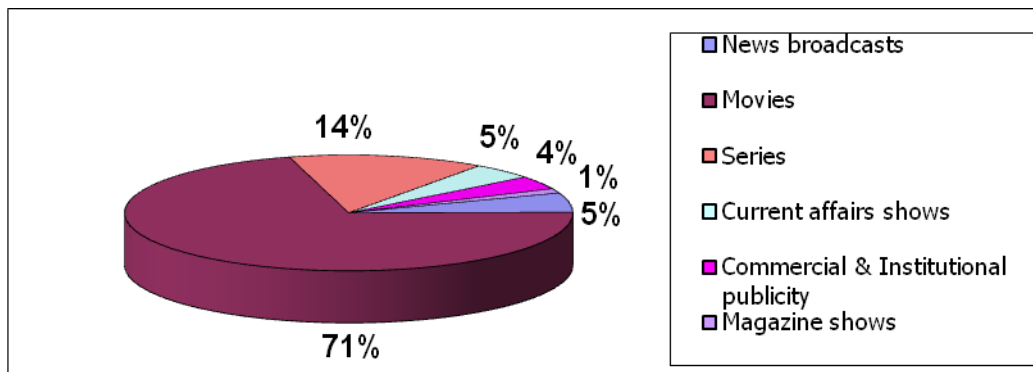
La Sexta committed a total of 1457 Infractions, which makes it the least committed network to the protection of minors in the hours of reinforced protection.

Most of these infractions (787) were committed by the numerous series that occupy the programming offer, followed by the magazine shows -*Sé lo que hicisteis* (I know what you did) and *Lo mejor* (The best)- (43), commercial and institutional advertising/publicity (126), the soap opera *B&B* (77) and the current affairs show *Salvados* (Saved) (23). 60% of their infractions were representations of anti-social behaviour, 17% of controversial themes, 15% of violence, and 9.3% of sex.

24% of the infractions (350) were identified as type A. Most of these serious infractions were committed by the series (with 58%), magazines shows and advertising/network's own publicity, with almost 40%. These serious infractions are mostly representations of controversial themes (35%), followed by inclusions of

inappropriate social behaviours (32%) and violence (24%). The serious infractions related to the inclusion of sexual themes occupied only 8% of the total.

Figure 12: Infractions in Telemadrid



Source: Authors' creation

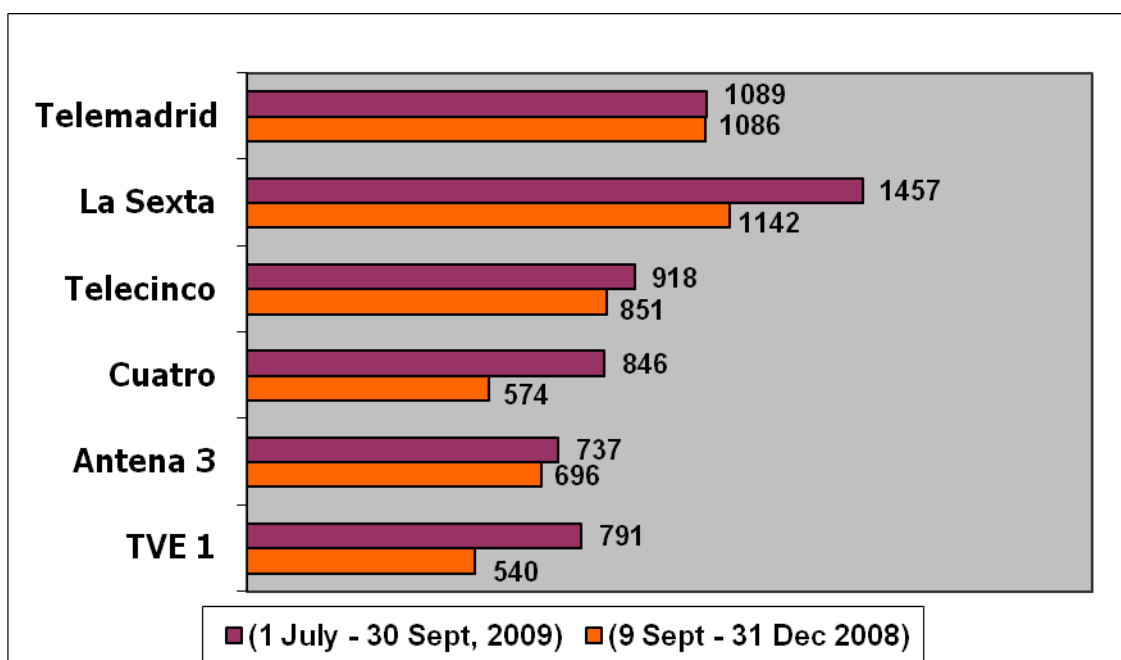
Telemadrid, the network from the autonomous community of Madrid, committed a total of 1089 infractions. Most of them, 70%, were presented in after-lunch westerns and war movies (771). They were followed by series (154), the news broadcasts (59), current affairs shows (49), commercial and institutional publicity (41), and finally the magazine show *Madrid* (14). Almost half of the infractions were inclusions of violence (515), 30% of inappropriate social behaviours, 18% of controversial themes, and 3% of sexual content.

The distribution of the 447 infractions identified as serious is as follows: first, films (340), followed by series (57), the news broadcasts (28), the current affairs shows (10) advertising and network's own publicity (9). The distribution by type of infraction is: first inclusions of violence (60%), followed, in second place by representations of controversial themes (31%), then anti-social behaviours (8%), and finally sexual themes (with 3 infractions).

3.3. Comparative analysis of the infractions committed by the networks during September-December 2008 and July-September 2009

During the two periods analysed in this article (9 September - 31 December 2008 and 1 July - 30 September 2009) we have observed a remarkable increase in the number of infractions: during the first period 4889 infractions were committed and during the second period the figure increased to 5838 infractions. However, the different quarterly reports have showed the ups and downs in the volume of infractions committed to the code.

Figure 13: Total of infractions committed by television networks (9/9/08-31/12/08 and 1/7/09-30/9/09)



Source: Authors' creation

In both periods the most infringing networks were *La Sexta* and *Telemadrid*, which were responsible, respectively, for 23% and 22% of the total number of infractions between September and December 2008 and for 25% and 18.6% of infractions between July and September 2009. *Telecinco* occupied the second place with 18% and 15.7% of all infractions committed.

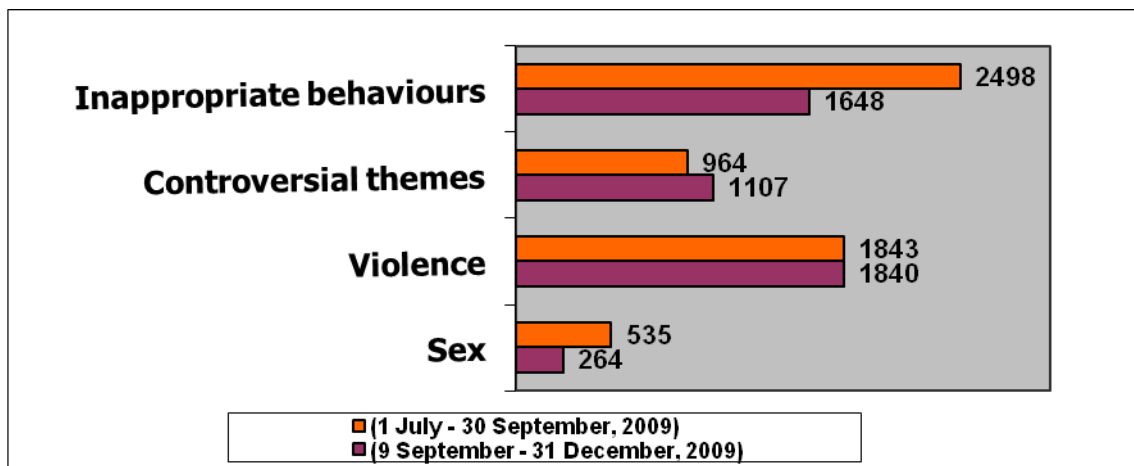
However, the rest of the networks varied their relative position affected by the change in *Antena 3*, which went from being the fourth most infringing network in 2008 to the least infringing network in 2009 (14% and 12.6%, respectively). *Cuatro* registered 12% of the infractions committed in 2008 and 14.4% in 2009 and *TVE 1* went from 11% in 2008 to 13.5% in 2009 and remained as the least infringing network in the last examined quarter.

The types of programmes that committed the largest number of infractions in the respective networks do not differ too much from one space to another:

- *TVE1*: telenovelas
- *Antenna 3*: magazines
- *Cuatro*: cartoons between September and December 2008 and series from July to September 2009.
- *Telecinco*: current affairs and magazines, in each of the analysed periods respectively.
- *La Sexta*: series
- *Telemadrid*: movies

The infractions most frequently committed during the two periods were inclusions of anti-social behaviours and violence (33.7% and 37.6% in the last quarter of 2008 and 42.8% and 31.5% in the summer of 2009, respectively.) In both periods the sex category reached a minimum percentage: 5.4% in 2008 and 9.2% in 2009.

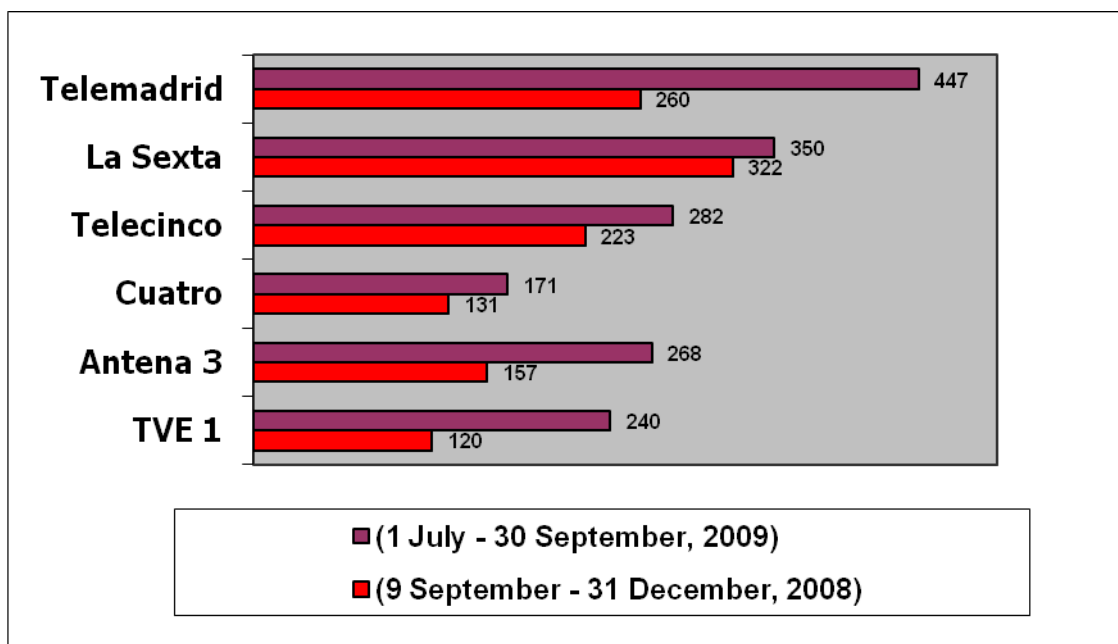
Figure 14: Distribution of Infractions by type (9/9/08-31/12/08 and 1/7/09-30/9/09)



Source: Authors' creation

According to the criteria established to evaluate infractions, those considered as type A (maximum severity) reached a figure of 1349 between September and December 2008, which accounts for a 27.5% of the total, and 1778 between July and September 2009, which accounts for 30% of the total.

Figure 15: Total type-A infractions across TV networks (9/9/08-31/12/08 and 1/7/09-30/9/09)



Source: Authors' creation

As it occurred with the total infractions, *La Sexta* and *Telemadrid* were the networks that committed serious (type A) infractions the most. The largest number of infractions of this category was committed by *Telemadrid* in the third quarter of 2009 (447 in total), displacing *La Sexta* as the network that committed the largest number of this type of infractions in the last quarter of 2008 (396). *Telecinco* occupies the second place with 223 and 282 type-A infractions committed between September and December 2008 and July and September 2009, respectively.

On the other hand, *Cuatro* is the network that committed serious infractions the least in both periods, followed by *TVE 1*.

La Sexta's serious infractions were detected primarily in series, 87% and 58% between September and December 2008 and between July and September 2009, respectively.

During the last quarter of 2008, the majority of *Telemadrid's* serious infractions were presented in the morning news broadcast (28%) and the series (25%). During the summer of 2009, movies presented serious infractions the most.

Telecinco occupied the third place in the committing of serious infractions in both periods. In the last quarter of 2008, 41% most of these infractions appeared in current affairs programmes - *La mirada crítica* and *Está pasando* – and 32% in the morning news broadcast, while in the summer of 2009, 45% was presented by the magazine show *Salvame* and 35% by the morning news broadcast.

Antenna 3 committed 157 serious infractions in the last quarter of 2008, which were evenly distributed between the morning news broadcast (30%), the network's own publicity (25%), magazine shows (23.5%) and current affairs shows (16%). Between July and September 2009 268 serious infractions were committed, of which 54% were presented in the magazine shows in particular *Tal cual and Tal cual/Verano*, whereas 26.5% was presented in the morning news broadcast.

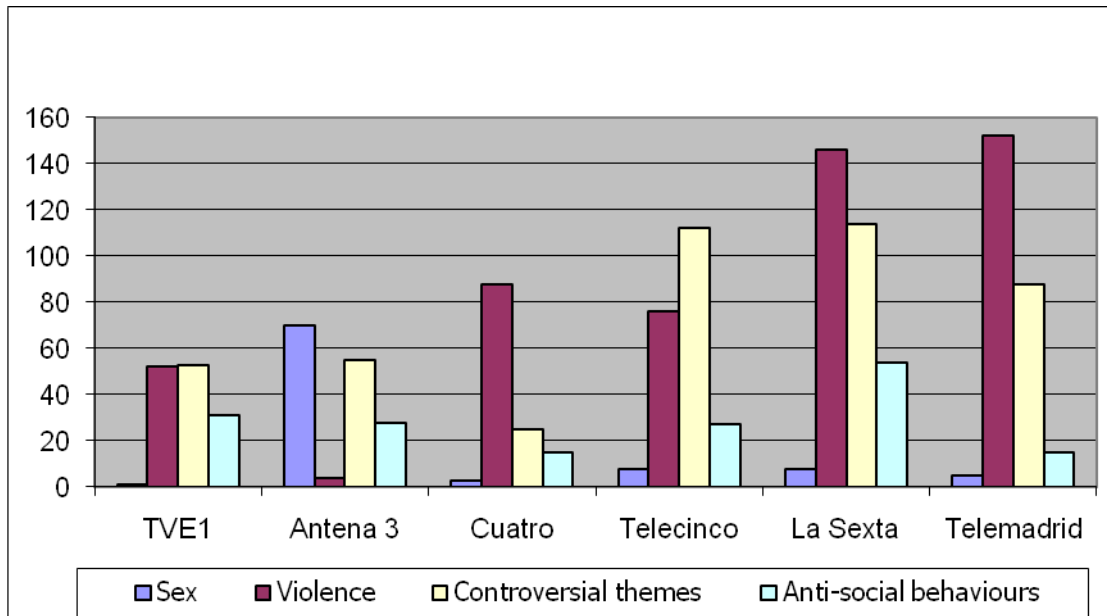
During the summer of 2009, the infractions committed by *Cuatro*, the network that committed serious infractions the least, were mostly presented in series and own institutional publicity. In the previous period, 46% of these infractions appeared in the cartoon series *Dragon Ball*.

The second least infringing network in this category of severe infractions was TVE 1. From September to December 2008, these severe infractions came mainly from telenovelas (31%), the current affairs show *España Directo* (24%), and the morning news broadcast (23%). In 2009, half of the severe infractions were found in the early afternoon telenovelas.

The most common type of severe infraction was representations of violence with accounted for 47% of the infractions committed in the last quarter of 2008 and 39.4% in the third quarter of 2009. Inclusions of controversial themes occupied the second place with 36.2% and 31% of the total of infractions. Inclusions of inappropriate social behaviour reached 13.7% and 22.7% of the total of infractions. The least common type of infraction was the inclusion of sexual content with only 2.5% between September and December 2008 and 6.9% between July and September 2008.

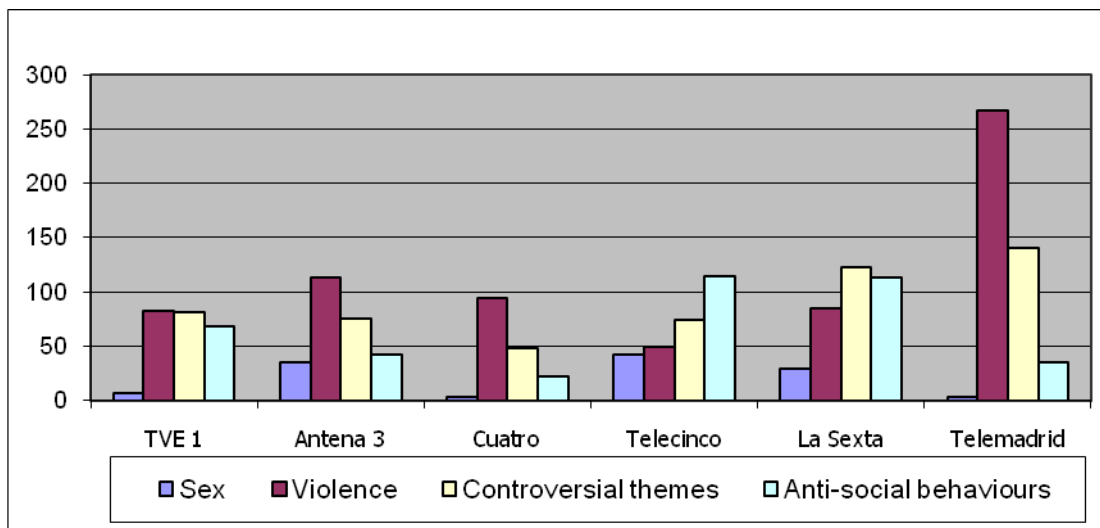
Finally, we present two graphs that illustrate the distribution of serious infractions by type across the different networks.

Figure 16: Distribution of the various type-A infractions committed across TV networks from 9/9/08 to 31/12/08



Source: Authors' creation

Figure 17: Distribution of the various forms of type-A infractions committed across TV networks from 1/7/09 to 31/9/09



Source: Authors' creation

3.4 Comparative analysis with the fourth report of the Joint Commission in charge of monitoring the application of the Self-regulation Code

So far, the Joint Commission monitoring the application of the Self-regulation Code for Television Content and Children has produced four annual reports from 2004 to 2008. In this section we intend to compare the data collected in the last report for 2008 with the data from the last quarter of 2008 developed at the Rey Juan Carlos University.

The comparison between the data obtained in our study and those contained in the fourth report published by the Joint Commission must be done with some caution since they cover different periods of time: our study covers the quarterly which extends from 9 September to 31 December 2008, while the study of the Joint Commission covers a year from 9 March 2008 to 9 March 2009. Therefore, this comparison is viable only insofar as the disparity of the data is very noticeable.

On the other hand we must remark that this last report is based on the complaints presented by social organizations to the Committee on Self-regulation about the infringements to the code in relation to the hours of enhanced protection, and also on those complaints about advertising content that were presented to *Autocontrol* (Self-regulation of Commercial Communication).

Finally, it is necessary to emphasize that this annual report only collects those complaints related to programming broadcast in analogue open-to-air signal by mainstream national networks, and therefore excludes *Telemadrid*. With the aim of making the results from both studies minimally comparable, and saving the time period covered by each report, we will eliminate the infractions committed by the regional network *Telemadrid* from the global figures of our study.

After having established these methodological precisions, let's make the comparison of the results of both reports. According to our study, in the trimester analysed, there was a total of 1089 infractions of maximum severity (category A) on the programming broadcast by mainstream national networks. The report of the Joint Commission indicates there was a total of 125 annual infractions, of which only 35 were accepted.

So the reports do not only vary substantially in the number of committed infractions. According to the Commission's reports the complaints have been decreasing in the last four exercises: 216, 359, 125, 120 in the year 2008, which is valued as a successful implementation of the code and that the signing networks had taken care of the programming broadcast on children's schedule. Conversely, the figures registered in our studies in 2008 and 2009 revealed a contrary tendency, which calls into question the effectiveness of the code and suggests that citizens decide less and less to denounce potential irregularities.

The reports also differ in the order in which they distribute such infractions across the mainstream national networks. According to our study, *La Sexta* and

Telecinco occupy the first place, followed by *Antena 3*, *TVE 1* and *Cuatro*. However, in the last report of the Commission *Antena 3* remained as the networks with the most complaints with 45, followed by *La Sexta* with 27, *Telecinco* with 25, *TVE 1* with 15, and *Cuatro* with 13. However, the accepted complaints only account for 28% of the total, so that only 35 were successfully accepted as such, and they corresponded to content in movies' advertising and networks' own publicity. It is very significant that only six complaints were accepted: about programs have prospered: *Sé lo Que Hicisteis* (2), *Está Pasando* (2), *Estados Alterados* (1) and *Tal Cual lo Contamos* (1).

4. Conclusions and recommendations

The analysis of the data obtained from the periods examined in 2008 (from 9 September to 31 December) and 2009 (from 1 July to 30 September) have allowed us to observe the high number of infractions committed by the analysed networks, which amounted to 4889 and 5838 infractions, respectively.

Of these, about 30% qualified as serious infractions, essentially located in series, the news broadcasts and current affairs programmes in the last quarter of 2009. During the third quarter of 2009, the largest number of category-A infractions were committed in movies, followed closely by series and magazine shows, while game shows, advertising (excluding the networks' own publicity) and cartoons hardly committed category A infractions.

La Sexta's series committed around three times more infractions than all other networks; in particular, the series focused on the investigation of crimes registered a high volume of serious infractions related to the inclusion of corpses and violent acts.

There is a noticeable difference in the number of the serious infractions presented in the morning news broadcasts across networks: the top spot was occupied by *Telecinco*. The diversity of infractions committed across networks is related to the common contents of the media agenda and reflects the preference for more sensationalist news or a sensationalist treatment of the issues. Finally, it is striking the case of *Telemadrid*, whose news programme went from being the one that committed the largest number of serious infractions in 2008, to being the one that committed the smallest number in 2009.

In current affairs programmes, *Telecinco* is, through *Está Pasando* (It is Happening) and *La Mirada Crítica* (The Critical View), the network with the highest number of category A infractions in the first period examined. However, during the summer of 2009, *TVE 1* and *Cuatro* occupied the first place in infractions due mainly to the live coverage of the *San Fermín* festival that increased dramatically the number of infractions in this kind of programmes.

TVE 1's telenovelas are still accumulating a high volume of serious infractions. Once again, the telenovelas *Victoria* and *Doña Bárbara* - especially the latter focused on jealousy, revenge and other contents of macho and violent character - continued to

commit a large number of serious infractions, which makes them not recommendable for the hours of special protection.

Antena 3's magazine shows committed the largest number of serious infractions, above than those broadcast by *Telecinco*, *Cuatro* and *La Sexta*.

Regarding cartoons, it should be noted that, with the exception of *Cuatro* and *Antena 3*, the rest of the networks does not include this genre in their programming offer, and that from the three cartoons series broadcast, Shin-Chan (*Antena 3*), Dragon Ball Z, and Astro Boy (*Cuatro*), only the latter is qualified by the network as suitable for all audiences. It is also interesting that the 61 serious infractions detected in the Dragon Ball series broadcast by *Cuatro* in hours of special protection during the third quarter of 2008 confirm that it is not a series suitable for children.

Regarding the category A infractions detected in the films of *Telemadrid*, it must be taken into account that the features of the western or war films lead necessarily to scenes of violence, which have been recorded as such according to the protocol set out in this research. However, we cannot overlook that the consequences of a shooting between cowboys in the context of this fiction genre are not comparable to other violent demonstrations. On the other hand, it is also convenient to indicate that the depiction of violence in this type of format, and in programmes focused on crimes and the police, and in many children cartoons, has an underlying concept of Justice and well-deserved and inescapable punishment that transmits moral codes that are positive in the socialization of children.

The high number of serious infractions committed in the networks' institutional publicity – significantly more in *La Sexta*, *Antena 3*, and *Cuatro* depending on the period in which we focus - warns us about the need to comply with the agreement and do not broadcast institutional publicity containing violence or anti-social behaviours, controversial themes and sex during the hours of special protection for children. It is recommended, therefore, to pay particular attention to this problem in order to substantially reduce the number of infractions.

Based on the data presented, and with the aim of serving as a recommendation for the programming directors of the television networks that signed the code, we considered that the following practices are incompatible with the code:

- The application of the same criteria on the morning and later editions of news broadcasts, especially regarding the representation of violent images so common in the daily news, and the inclusion of sensationalist information.
- The inclusion of magazine shows and current affairs programmes in the hours of special protection, because these programmes are centred almost exclusively on the showbiz and events that repeatedly present inappropriate images for children.
- The inclusion of telenovelas in the hours of special protection, given that their scripts are loaded with improper conducts and harmful habits.

While it is true that the news or current affairs programmes cannot ignore reality - where there is violence and all sorts of problems –they must show it without vulgarity and sensationalism. It is obvious that a terrorist attack or any newsworthy event cannot be left outside the media agenda. However it is a different matter when news programmes engage in a competition to see who can display the rawest images. For examples, during the analysis we found that the tragic Spanair accident, the case of the girl called M^a Luz, and the recovery of Professor Neira were of public interest. However, the different approaches -reporting seriously or constantly repeating the most morbid details- are determinants.

It is also important to note that based on the low prevalence of sexual content in the hours of enhanced protection, programming directors seem to be very sensitive with regards to the inclusion of this type of content in view of the adverse effects they can have on children. However, this is not the case with contents of violence, which accounted for almost 50% of all the infractions.

Finally, from the comparison of our report with the one carried out by the Joint Commission we can highlight the under-representation of the complaints presented to this body in relation to the infractions detected in our study. Moreover, we observed a contrary tendency between the number of infractions detected since we started monitoring the networks' application of the code from at the Rey Juan Carlos University, and the willingness to report such infractions to the Joint Commission, which suggests that as time passes by the networks show less commitment to the agreement signed in December 2004, and less and less citizens decide to denounce the infractions, either because they got used to the general tone of a television focused on spectacle or because their complaints did not receive a positive response from the broadcasters.

It is recommended, therefore, to increase the advertising about the Code in accordance with the commitment that the operators acquired with the signing of it, since currently there is a lack of knowledge about the code among the general population that reduces its positive effects.

Finally, the obtained data necessarily lead us to recommend to the people responsible the reassessment of the effectiveness of this Code and the implementation of appropriate measures to overcome the lack of protection that still exists in children TV hours.

5. Bibliography

Armenteros Gallardo, M. (2006): "Primer cumpleaños del Código de Autorregulación" (The first anniversary of the Self-regulation Code), in Carcelén, S.; Rodríguez, C. and Villagra, N., *Propuestas para una comunicación de calidad* (Proposals for quality communication). Madrid, Comunicación 2000.

Bandura, A. (1973): *Agresión: A Social Learning Analysis*. Englewood Cliffs, NJ: Prentice-Hall.

Berkowitz, L. (1962): "Violence in the Mass Media", en Berkowitz L, *Aggression: a social psychological analysis*. New York: McGrawHill.

Convention on Children's rights: <http://www2.ohchr.org/spanish/law/crc.htm>

Council Directive 89/552/EEC (3 October 1989) on the coordination of certain legal, regulatory and administrative provisions of the EU Member States concerning television broadcasting. *Diario Oficial* n° L 298, 17/10/1989 p. 0023-0030: <http://www.mujeresjuristasthemis.org/Taller%20Iqualdad%2004%20mayo%2006/Directiva%2089%20552%20CEE.doc>

Faro, M. (2008): "Televisión e infancia: el respeto de la franja de protección reforzada" (Television and Children: respect for the hours of enhanced protection). *Sphera Pública, Revista de Ciencias Sociales y de la Comunicación*, n° 8, Murcia, pp. 213-229: www.ucam.edu/sphera/numeros/numero-8/sphera8.pdf

Fernández Beaumont, J. (2005): "La lucha contra la telebasura en España. Incumplimientos del código de autorregulación de la televisión generalista" (The fight against trash TV in Spain. Infringements to the Self-regulation code of mainstream television networks). *Telos, Cuadernos de Comunicación e innovación*, n° 64: <http://sociedadinformacion.Fundacion.Telefonica.com/Telos/articuloarticulo=5&Rev=64.htm>

Fishman, M. (1980): *Manufacturing the news*. Austin: University of Texas Press.

Gadow K D; Sprafkin J, (1989): "Field experiments of television violence with children: evidence for an environmental hazard?". *Pediatrics*. 83(3), pp. 399-405.

García Castillejo, A. (2008): *Autorregulación y deontología de la profesión periodística* (Self-regulation and deontology of the journalistic profession). Madrid, Ediciones GPS.

García Galera, M.C. (2006): "Proteger a la infancia: Los Códigos de Autorregulación a debate" (Protecting children: debating the self-regulation codes). *Icono 14*, no. 7: www.icono14.net/revista/num7/articulos/carmen_garcia_galera.pdf

Giddens, A. (2000): *Sociología* (Sociology), Madrid: Alianza. 3rd edition.

Iguarta, J.J. (2008): "La infancia construida: efectos pro-sociales y antisociales de los contenidos televisivos" (Constructed childhood: pro-social and anti-social effects of television contents). *Doxa Comunicación: revista interdisciplinar de estudios de comunicación y ciencias sociales*, no. 6, pp. 179-206: http://web.usal.es/~jigartua/pdfs/Igarta_Doxa_Comunicacion_2008.PDF

Levine, M. (1997). *La violencia en los medios de comunicación: cómo afecta al desarrollo de los niños y adolescentes* (Violence in the media: how it affects the development of children and teenagers). Bogotá: Norma.

Rice, F.P. (1997): *Desarrollo humano: el estudio del ciclo vital* (Human development: the study of the vital cycle). Mexico: Prentice-Hall.

Ruiz San Román, J.A. y Salguero, M. (2008a): "Tres años del Código de Autorregulación de Contenidos Televisivos e infancia en España (2004-2007)" (Three years of the Self-regulation Code of Television Content and Childhood in Spain). *Sphera Pública, Revista de Ciencias Sociales y de la Comunicación*, no 8, Murcia, pp. 65-81.

----- (2008b): "Responsabilidad social y autorregulación de las cadenas televisivas sobre la infancia" (The social responsibility and self-regulation of the television networks in relation to childhood). *Comunicar, Revista Científica de Comunicación y Educación*, volume XVIII, Issue: 30, pp. 113-117

Tannenbaum PH, Zillman, D. (1975): "Emotional arousal in the facilitation of aggression through communication", in L. Berkowitz (ed). *Avances in Experimental Social Psychology*. Vol. 8. New Cork: Academia Press.

Thompson, John B. (1998): *Los media y la modernidad* (Media and modernity). Barcelona: Paidós.

TurViñes, V., Lozano Oyola, M. y Romero Landa, L.B. (2008): "Contenidos programáticos audiovisuales: Experiencias internacionales en regulación" (Audiovisual contents: International experiences in regulation). *Sphera Pública, Revista de Ciencias Sociales y la Comunicación*, no 8, pp. 41-63: <http://web.ua.es/es/comunicacioneinfancia/.../tur-para-sphera-p-oblica-2008.pdf>

Williams TM, ed. (1989): *The Impact of Televisión: A Natural Experiment in Three Communities*. New York, Academic Press.

6. Notes

[1] The term accumulation refers to the ability of the media to create and sustain the importance of a topic for a period of time. The consonance goes together with the fact that in the productive processes of the information the common and similar features tend to be more significant and numerous than the differences. The concept of omnipresence refers not only the quantitative diffusion of the media, but also to the fact that that the messages they broadcast are publicly known.

[2] Anderson's review of the conclusions of the 67 studies carried out between 1956 and 1976 to study the impact of violence in children's propensity to aggressiveness found that 70% of the studies identified the existence of a positive relationship (Giddens, 2000); recently, in an exhaustive review of the latest research on the

same topic, Iguarta (2008) concluded that the contents of a violent nature can explain almost 10% of aggressive behaviours.

[3] This Convention is based on the need to provide children special protection which had already been recognized in the Geneva Declaration of 1924 on Children's Rights; the Declaration of Children's Rights adopted by the General Assembly on 20 November 1959; the Universal Declaration of Human Rights; the International Pact on Civil and Political Rights (in particular in articles 23 and 24), and the International Covenant on Economic, Social and Cultural Rights (in particular in article 10), among others.

[4] Retrieved on 1/13/2010 from: <http://www2.ohchr.org/spanish/law/crc.htm>.

[5] Directive 89/552/EEC (3 October 1989) on the coordination of certain legal, regulatory and administrative provisions of the EU Member States concerning television broadcasting. *Diario Oficial* n° L 298, 17/10/1989 p. 0023-0030: <http://www.mujeresjuristasthemis.org/Taller%20Igualdad%2004%20mayo%2006/Diractiva%2089%20552%20CEE.doc>

[6] [COM \(96\) 483](#) final - not published in the *Diario Oficial*. Protection of minors and human dignity in audiovisual and information services: Green paper. Retrieved on 12 December 2009 from: http://europa.eu/legislation_summaries/audiovisual_and_media/l24030_en.htm.

[7] *Diario Oficial* L 270 of 7/10/1998, p. 48. Council Recommendation n. 98/560/CE of 24 September, 1998. *Diario Oficial*, L 270 of 7 October 1998, retrieved on 14 December 2009 from: http://oddm.caib.es/www/web/ODDM/Publicacions/Publicacions%20ODDM/Derechos_del_Menor.pdf.

[8] Report on the Communication of the Commission. Study on the control exercised by parents about TV programmes. COM (1999) 371 final, retrieved on 12 December 2009 from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:1999:0371:FIN:ES:PDF>.

[9] COM(2004) 341 final. 2004/0117 (COD), retrieved on 12 December 2009 from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2004:0341:FIN:ES:PDF>.

[10] The ways in which the governments can protect children from the possible negative effects of television are: regulation (limiting or prohibiting the broadcast of certain contents), self-regulation (it is the television networks themselves which set the limits) and co-regulation (by creating a public-private instrument that sets the standards of behaviour).

[11] Agreement on the principles for the self-regulation of TV broadcasters in relation to the protection of children and youth, signed by the Ministry of Education and Science, the Autonomous Communities' Education Councils and the TV

networks, on March 1993. The agreement establishes a uniform system for signalling the classification of TV programmes according to their degree of suitability for minors, signed on 21 October 1999. Agreement signed on 13 June 2002, by Antena 3 Televisión, RTVE, Publiespaña-Tele 5, Sogecable, FORTA, *Autocontrol* (Association for the self-regulation of commercial communication), and the Spanish Association of Advertisers. Agreement of 19 December 2003 for the promotion of the self-regulation of the advertising activity on television (which acknowledges the Agreement mentioned in point 3), signed by the Secretary of State for Telecommunications and the Information Society and *Autocontrol*.

[12] As it has been indicated, this formula is co-regulation, in spite of the name of the code. TurViñez and others (2008), and García Castillejo (2008) offer an international perspective about the different measures aimed at the regulation of televisual audiovisual content aimed at children.

[13] 1.- Especially recommended for children (Green). 2. For all audiences (no symbol). 3.- Not recommended for children under 7 years of age (+ 7 on a yellow background). 4.- Not recommended for children under 13 years of age (+13 on a yellow background). 5.-Not recommended for people under 18 years of age (+18 on red background)

[14] The committee is integrated by a representative of Antena 3, Sogecable, Tele 5, TVE and FORTA; a representative of producers; a representative of the Federation of Press Associations, and the participation of representatives of other networks attached to the code, to deal with complaints regarding their programming. The committee decides on the admission or not of these complaints, and in case they are accepted it informs the network in question so that the appropriate measures are taken.

[15] The Joint Commission is integrated by four representatives of the television networks (Antena 3, Sogecable, Tele 5 and TVE) and four representatives of social organizations: parents of students (CEAPA and CONCAPA), children (POI) and consumers and users (CCU). It supervises the application of the code.

[16] The report "Televisión para los niños 2008" (Television for children 2008), directed by Professor Manuel Sánchez de Diego (from the Complutense University of Madrid) complements the analysis of the programming offer in the hours of enhanced protection in the national television networks broadcasting in open-to-air analogue signal with the analysis of programming broadcast in the hours of legal protection to the minor - 6 to 22 hours. This report is available online at: http://www.ceaccu.org/index.php?option=com_content&task=view&id=190&Itemid=93

[17] In 2009, Catalonia's TV Viewers Association published two studies that analysed the programming broadcast during the evening enhanced protection hours (17:00 to 20:00 hours), by TVE 1, TVE 2, TV3, K3, Antena 3, Telecinco, Cuatro, and La Sexta. These studies are: "Study on the application of the code in the summer season", which analyses the programming aired during July 2009, and the "Monitoring the application of the self-regulation code", which analyses

programming broadcast from 2 to 6 March 2009. These reports are available online at: http://www.taonline.net/articulos_estudis.asp?cmd=resetall

[18] So far the OCTA has published three reports on this subject: "Report on the application of the self-regulation code for television content and children", "Report on the application of the self-regulation code for TV contents and children (June 2005)", and "What do minors watch during the hours of super-protection? Evaluation on the implementation of the self-regulation code of television content and children in 2006". These reports are available online at: <http://www.octa.es/index.php?m=descargas&tipo=1>

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