



Canadian Broadcast Standards Council
Conseil canadien des normes de la radiotélévision

Submission of the
Canadian Broadcast Standards Council
To the
Standing Committee on Canadian Heritage
Regarding Bill C-327

March 6, 2008

The Canadian Broadcast Standards Council (CBSC) welcomes the opportunity to file this submission to the Standing Committee on Canadian Heritage as it examines Bill C-327, *An Act to amend the Broadcasting Act (reduction of violence in television broadcasts)*.

The CBSC is an independent, non-governmental organization created by the Canadian Association of Broadcasters (CAB) almost twenty years ago to administer standards established by its members, Canada's private broadcasters, and approved in every case by the Canadian Radio-television and Telecommunications Commission (CRTC). The Council's membership includes more than 625 private sector radio and television stations, specialty television services, satellite radio services, and networks from across Canada, programming in English, French and 42 other languages of comfort for Canadian ethnocultural communities.

As the Committee deliberates the provisions of the proposed legislation, the CBSC thought it would be useful to provide some context to the current policy structure within which the industry operates, in dealing with issues related to the portrayal of violence in television programming.

The CBSC respectfully suggests that the extensive array of policies and procedures currently in place to ensure that Canadian children are protected from the depiction of inappropriate violence in television programming already addresses the issues raised in the proposed legislation. Indeed, Canada is unique in terms of the diverse set of instruments used by private broadcasters, and readily available to parents, to accomplish that goal. In no other jurisdiction will you find a similar combination of tough industry codes, program classification systems, use of on-screen icons, encoding for v-chip technology, other digital blocking mechanisms, and an effective self-regulatory body, supplemented by media literacy initiatives.

The CBSC commends the Honourable Member for Rosemont-La Petite Patrie for his continuing interest in this issue, and applauds his concern, and that of other Committee members, for the welfare of Canadian children. After all, that interest and concern only mirror the interest, concern and *commitment* that Canada's private broadcasters have to Canadian families and to the objectives of both the

CAB Violence Code, approved by the Canadian Radio-television and Telecommunications Commission (CRTC) in 1993 *Voluntary Code Regarding Violence in Television Programming (Public Notice CRTC 1993-149)*, and the *Policy on Violence in Television Programming (Public Notice CRTC 1996-36)*, which the Commission implemented in the spring of 1996.

It will also be crucial to the Standing Committee to know that there are no recent relevant statistical studies indicating that there is any increasing problem *in the area of inappropriate violent content* on Canadian airwaves. More to the point, on the basis of all public complaints filed with both the CRTC and the CBSC (all of which end up in the hands of the CBSC for resolution), *there has been a decline of about 22% in television violence complaints between 2000 and the end of February 2008.*

1. The Policy Framework

Following extensive public consultations in 1995, the Commission determined that the best approach for Canada was to have a policy that would “*protect children from the harmful effects of television violence, while preserving freedom of expression for creators and choice for adult viewers.*”

It is important to note that the CRTC’s policy framed the issue not as a moral or societal one, but rather as one of children’s health. The decision made by the Commission after listening to Canadians from all regions of the country, from parents, educators, program producers and community groups was not about reducing or prohibiting programming containing depictions of violence, which could be subject to challenge on the grounds of constraints on freedom of expression. Rather, it was about ensuring that the content of programming would be suitable for the intended audience, with specific emphasis attached to ensuring that programming intended for children did not contain inappropriate content

The Commission accepted the premise put forward by the creative community that:

- a) not all violence is created equal; and

- b) depictions of violence have a role to play in the wide array of programming offered to the diverse viewing audiences served by stations and networks.

It was a sensible and realistic approach which was right at the time, and continues to serve Canadian families well today.

The Commission policy further instructed the broadcast industry to develop a range of tools for parents to use in determining what television programming would be safe and appropriate for their children. These tools would be incorporated into the rigorous code of conduct which the Commission had approved in 1993.

2. The Code Regarding Violence in Television Programming

The Code, to which all Canadian television broadcasters must adhere, is the strictest in the world. It contains a complete prohibition on the telecast of programming which contains gratuitous violence, or which sanctions, promotes or glamorizes violence. It also includes the principle that young children not be exposed to programming which is unsuitable for them; the establishment of a “watershed hour” of 9 pm; and an obligation to inform viewers about the content of programming they choose to watch.

The Code pays particular attention to the content of children’s programming by the inclusion of eight separate and specific clauses *restricting* the depiction of violent behaviour in programming intended for viewers 12 years of age and under (which is how the Commission itself defines “children”).

The “watershed hour” rule is that programming which contains scenes of violence intended for adult audiences shall not be telecast before the late evening viewing period, defined as 9 pm to 6 am, and must be accompanied by advisories about the content of the program at the beginning, and during the first hour, of the program to help families make informed viewing choices. Advisories are also required at the beginning of, and during, programming telecast outside of late evening hours which contains scenes of violence which, while not containing

violence intended for adult viewers, does have content that is not suitable for viewers 12 and under.

The Commission signalled the importance it attached to the issue of violence on television by stating that adherence to all these detailed provisions of the Code, including a program classification system, would be a *Condition of Licence* for all Canadian television programming services and *not just an expectation to be complied with voluntarily*, as has been stated by the Honourable Member for Rosemont-La Petite Patrie in the House and elsewhere on the subject of this proposed legislation. Using the authority for regulation assigned to it under the *Broadcasting Act*, the Commission, by mandating adherence to this code as a Condition of License, made it clear that the protection of children was, and continues to be, a top priority. Moreover, by making this Code a Condition of Licence, the CRTC has made it clear that it has *not relinquished any of its authority* over the text and administration of the Code. What the Honourable Member proposes to add, the CRTC already *has*.

3. The Canadian Programming Classification System

The Canadian English and French program classification systems have now been part of the television landscape for ten years. Developed by the industry, extensively field-tested and approved by the CRTC in the spring of 1997, the six-level English program rating system clearly defines the intended audience for a dramatic program or feature film, and certain types of reality programs, based on the portrayal of violence and other content. (News, sports, documentaries and other information programming; talk shows, music videos, and variety programming are exempt from ratings, although broadcasters often add such useful information of their own volition.) There are two separate classification systems for children's programming. That used by French language services mirrors the categories used by the Régie du cinéma, but with the addition of a second level for children's programming, synchronizing it with the two levels of children's classification in the English system. These classifications are communicated to viewers with on-screen icons, and accompanied when necessary by viewer advisories.

4. V-chip Technology

Since the spring of 2001, Canadian parents have had another tool at their disposal to ensure their children were not exposed to inappropriate programming. Broadcasters began encoding their programming with ratings information to work with v-chip technology in television sets. By setting a classification level appropriate for the age of their children, all programming above that level would be blocked, whether or not the parent was in the room with the children during the broadcast of the potential inappropriate material. *This is not a voluntary regime.* All broadcasters must encode their programming. It is a part of their Condition of Licence.

5. Effective Self-regulatory system

Administering these standards is the Canadian Broadcast Standards Council, which deals with complaints and queries from the public about Canada's private broadcasters' programming, and ensures that the high standards set out in the various Codes adopted by the private broadcasting sector are maintained. It has been twenty years since the self-regulatory concept of the CBSC was first endorsed by the CRTC, and seventeen years since the formal Commission endorsement of the responsibilities, policies and procedures of the Council. In that time, the CBSC has built up an impressive body of jurisprudence in its interpretation and application of industry codes, which has provided useful, ongoing guidance to its members as they work to ensure their programming complies with industry standards.

Unique in the context of countries with similar broadcast frameworks, the Canadian Broadcast Standards Council has proven the effectiveness of industry self-regulation with adjudications such as the finding in 1994 that the up-to-that-time most financially successful children's program of all time, the *Mighty Morphin Power Rangers* was in violation of the children's section of the Violence Code. The program was subsequently taken off the air by Canadian services, and since that time, no other children's programming has been challenged by the public and found to be in violation of the Code .

It is important to underscore that, while this self-regulatory body is an industry-funded undertaking, the public is centrally involved in the work of the CBSC. When complaints are dealt with by either national or regional Panels, at least half the membership of the Panel is comprised of *public* Adjudicators, all distinguished Canadians who are leaders in their communities. Their biographies are all transparently provided on the CBSC website. It should be noted, though, that the public Adjudicators now include (or have included) former CRTC Commissioners, former Members of Parliament and Cabinet Ministers, a former provincial Premier, a former Lieutenant-Governor, communications professors, the former head of the Vanier Institute of the Family, the head of CRARR, the former head of MediaWatch, and many other highly credible and committed Canadians.

Moreover, although the Honourable Member notes the importance of annual reporting, he has failed to mention that, as a part of the CBSC's responsibilities, the Council proudly files annual reports to the CRTC summarizing the issues and complaints it has dealt with over the previous twelve months, in the violence area, as well as all of the other areas of responsibility it exercises. The reports are freely available on its website, www.cbsc.ca. The substantive responses from the CRTC Chairpersons to the CBSC annual report are also published on the Council's site.

6. Media Literacy

In its *Policy on Violence in Television Programming (Public Notice CRTC 1996-36)* the CRTC underlined the reality that there was no single, magic answer to the question of how best to address issues connected with violence in television programming. It said:

The Commission's view, as echoed by members of the public and by educational organizations, continues to be that long-term public awareness and media literacy programs are paramount to changing attitudes about the acceptability of TV violence and to creating an understanding about the harmful effects of TV violence on children. The Commission also considers that, while industry codes, program classification and consumer-empowering technology will continue to play an essential role in addressing the issue, public awareness and

media literacy programs represent most of the solution to TV violence.

With that in mind, Canada's private broadcasters have been instrumental in the financial and operational support of the Media Awareness Network, www.media-awareness.ca, which is a Canadian non-profit organization that has been pioneering the development of media literacy programs since its incorporation in 1996. Its work is based on the belief that to be functionally literate in the world today – to be able to “read” the messages that inform, entertain and sell to us daily – young people need critical thinking skills. Private broadcasters have provided funding and board participation to this important organization which had its roots in the CRTC's initiatives on the violence on television file, but which now encompasses a diverse array of issues involving television, film, video games, newspapers, advertising, popular music and the Internet.

The CBSC contributes to the media literacy environment as well with a full archive of all its rulings available on its website. The Council's information brochure explains to audiences how it functions, how they may make a complaint, and provides details on the various Codes it administers. Hard copies in 42 languages, in addition to English and French, are provided to community associations and interested parties around the country, but they are also available for downloading on the CBSC website in all of those languages. Another section of the site provides information on how the v-chip works and provides a full description of the classification levels used by English and French programming services.

7. Summary Comments

The issue of violence as portrayed on the television screen is perhaps one of the most-researched societal issues of our time. There are literally mountains of studies, with as many differing points of view as there are programming channels available today to most Canadian homes. The debate is not yet over, and will continue as the impact of newer media platforms such as video games, wireless hand-held devices and the Internet is evaluated.

Even though there are divergent opinions as to whether the evidence is suggestive rather than conclusive, there is general consensus that violence in

television programming has negative effects on children. Educators, in particular, have remarked on an escalation of violent behaviour and desensitization to violence among children. The broadcast industry itself is on record as agreeing that its programming has an impact on behaviour, given that it sells commercial airtime hoping to influence consumer behaviour.

However, other factors such as poverty and abuse have also been identified as contributors to the broader problem of violence in society. While it is a worthwhile addition to the international pool of research, the study published by the Université Laval in 2004 (which includes no information more recent than 2002), which assessed depictions of violence by *volume* without considering them within the *context* of the programming does not, in our view, provide adequate evidence to support the amendment of the *Broadcasting Act* in the hope of eradicating overall violence in society. More to the point, *we are not aware of any other Canadian studies which would support the premise of the now dated Laval study.*

What we do have is evidence from the records of the CBSC, which maintains annual statistics on complaints from Canadians about what they have seen or heard on television and radio services. Our data shows that in the years from 2000 to 2008, viewer complaints about violence in television programming which were sent either directly to the CBSC, or to the Council from the CRTC, have, in fact, declined by 22%.

As we have outlined, the response by private broadcasters to the issue of television violence has been multifaceted and effective. Canada is a world leader in terms of dealing with this issue. The CBSC has been invited to conferences and colloquia around the world to talk about how Canada has dealt with these issues. The collaborative approach between the industry and the CRTC has proven to be an efficacious partnership which has resulted in the creation of a system that has greatly benefited Canadian families.

But Canadian parents, too, have a role to play in ensuring the system works well, and that families are able to benefit from all the initiatives which have been undertaken by the industry. Parents must familiarize themselves with the classification levels, decide which categories of programming are suitable for their children, and then use the on-screen icons, viewer advisories, and v-chip or

other digital blocking technology as tools to make certain the programming watched by their children is appropriate to their age and family values. For the system to be truly effective, all those involved must play their role.

Canadian private broadcasters daily carry out their responsibilities in protecting children from depictions of inappropriate violence in television programming. The licensing authority, the Canadian Radio-television and telecommunications Commission, has, through its regulatory power, imposed Conditions of Licence on all television programming services, which severely curtail violent content in programs intended for persons 12 years and under. For the rest of the viewing population, the tools provided by the broadcasters are available so that informed viewing choices can be made.

Through the reporting mechanisms in place at the CBSC, annual summaries are already available about how the public has responded to the governance systems which broadcasters have put in place to deal with the depiction of violence on television.

The Council is of the view that the policies and procedures currently in place do the best job possible, and that it is unnecessary to undertake changes to the *Broadcasting Act* as proposed in Bill C-327. The resources of the CBSC are available to provide any additional background information which the Committee would deem useful in its discussion of this proposed legislation.

Ronald I. Cohen
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Canadian Broadcast Standards Council
<http://www.cbsc.ca>

Appendix A

Groups Consulted in the Creation of the CAB Violence Code

The Canadian Broadcast Standards Council
The Canadian Film and Television Production Association
JLL Broadcast Group
Department of Communications
MediaWatch
Owl Centre for Children's Film and Television
Radio and Television News Directors Association
CBC
The Alliance for Children and Television (formerly the Children's Broadcast Institute)
Toronto Women in Film and Television
Canadian Women in Radio and Television
Canadians Concerned About Violence in Entertainment
Animal Alliance of Canada
CBC Newsworld
MUCHMUSIC
VISION TV
YTV Canada Inc.
The Family Channel Inc.
First Choice Canadian Communications Corporation
SUPER CHANNEL (Allarcom PAY Television Limited)
Canadian Cable Television Association
MUSIQUEPLUS
Météomédia Inc./The Weather Network
LE RÉSEAU DES SPORTS
Association nationale des téléspectateurs
Groupe de recherche sur les jeunes et les médias
Pour la coalition contre la violence dans les émissions pour enfants
Conseil du statut de la femme
Canal Famille
Premier Choix: TVEC Inc. (Super Écran et le Canal Famille)
Télé-Métropole Inc.

In addition, a number of meetings took place with senior staff and Commissioners of the Canadian Radio-television and Telecommunications Commission.

Appendix B

UCLA CENTER FOR COMMUNICATION POLICY

Television Violence Monitoring Project

(Report to Congress, September 1995)

(Some excerpts)

p. 11

Though our study seeks to address the problem of television violence, it also acknowledges the very real danger of making television into a scapegoat for violence in America. A focus on television violence must not divert attention from deadlier and more significant causes: inadequate parenting, drugs, underclass rage, unemployment and availability of weaponry. Compared to problems of this magnitude, television is a tempting target simply because it is so easy to attack.

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The rationale and methodology of this monitoring project are based on the belief that not all violence is created equal. While parents, critics and others complain about the problem of violence on television, it is not the mere presence of violence that is the problem. If violence alone was taken to be the problem and V-Chips or other methods did away with violent scenes or programs, viewers might never see a historical drama like **Roots** or such outstanding theatrical films as **Beauty and the Beast**, **The Lion King**, **Forrest Gump** and **Schindler's List**. In many instances, the use of violence may be critical to a story that actually sends an anti-violence message. Some important stories, such as Shakespeare's Hamlet, a history of World War II or a biography of Abraham Lincoln, would be impossible to convey accurately without the use of violence.

For centuries, violence has been an important element of storytelling and violent themes have been found in the Bible, The Iliad and The Odyssey, fairy tales, theater, literature, film and, of course, television. Descriptions of violence from the Bible have been important for teaching lessons and establishing a moral code. The lessons of brotherly love and responsibility are learned from the story of Cain and Abel. Early fairy tales were filled with violence and gruesomeness designed to frighten children into behaving and to teach them right from wrong. It was only when fairy tales were portrayed on the big screen by Walt Disney and others that the violence contained in the stories was substantially sanitized.

The issue is not the mere presence of violence but the nature of the violence and the context in which it occurs. Context is key to the determination of whether or not the use of violence is appropriate. If parents could preview all television, film and literature for their children, we do not believe they would remove all violence regardless of its nature or surrounding context. Parents know that violence can

be instructive in teaching their children important lessons about life. What parents would do if they could preview all content for their children is remove or modify the inappropriate or improper uses of violence. Examples of these are applications of violence which glorify the act or teach that violence is always the way to resolve conflict. Our discussions with parents indicate that they know violence is a part of storytelling, but that there are appropriate and inappropriate ways of depicting violence. For example, the consequences of violence should be shown and those using violence inappropriately should be punished. We would also note that when violence is used realistically, it is probably more desirable to accurately portray the consequences than to sanitize the violence in a manner designed to make it acceptable.

p. 24

In sum, all violence, in our view, is not created equal. The focus of the project is not on counting the number of acts of violence but on the contextual analysis of each of these acts. We examine acts of violence and the context in which they occur to distinguish between uses of violence which raise concern and those acts which, because of their nature and the context in which they occur, do not, in our view, raise similar concerns.