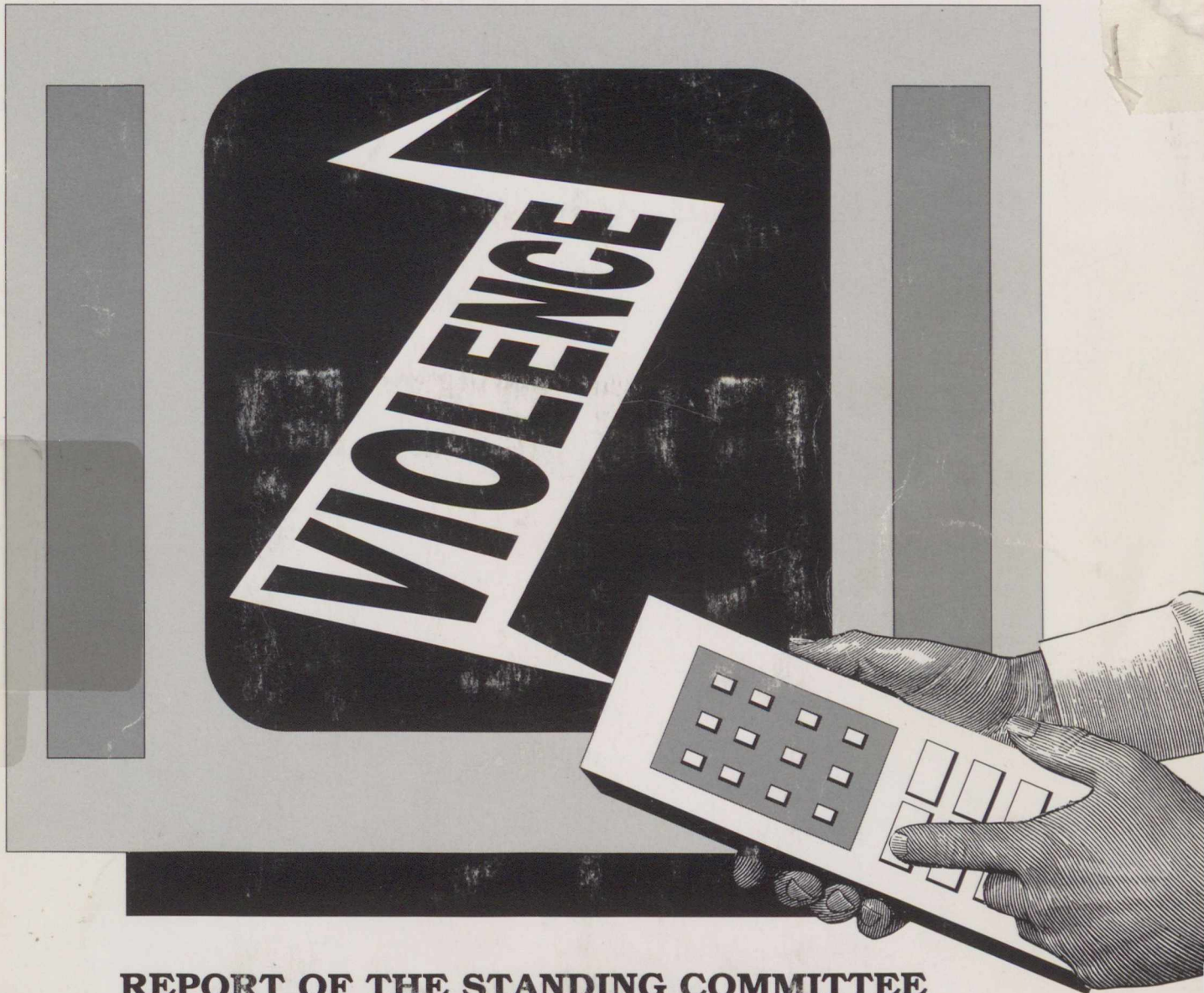




House of Commons  
Canada

# TELEVISION VIOLENCE: FRAYING OUR SOCIAL FABRIC



**REPORT OF THE STANDING COMMITTEE  
ON COMMUNICATIONS AND CULTURE**

**JUNE 1993**

**Jean-Pierre Hogue, M.P.**  
Vice-Chair

**Bud Bird, M.P.**  
Chairman

**Sheila Finestone, M.P.**  
Vice-Chair





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HOUSE OF COMMONS

CHAMBRE DES COMMUNES

Issue No. 86

Fascicule n° 86

Tuesday, April 20, 1993  
Tuesday, May 11, 1993  
Tuesday, May 25, 1993  
Thursday, May 27, 1993

Le mardi 20 avril 1993  
Le mardi 11 mai 1993  
Le mardi 25 mai 1993  
Le jeudi 27 mai 1993

Chairperson: Bud Bird

Président: Bud Bird

Minutes of Proceedings and Evidence of the Standing Committee on Communications and Culture / Procès-verbaux et témoignages du Comité permanent des communications et de la culture

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Communications  
and  
Culture

communications  
et de la  
Culture



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*Minutes of Proceedings and Evidence of the Standing Committee on*

*Procès-verbaux et témoignages du Comité permanent des*

## Communications and Culture

## Communications et de la Culture

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RESPECTING:

Order of Reference from the House of Commons dated November 18, 1992—a study of violence on television

INCLUDING:

The Third Report to the House

CONCERNANT:

Ordre de Renvoi de la Chambre des communes du 18 novembre 1992—une étude concernant la violence à la télévision

Y COMPRIS:

Le troisième rapport à la Chambre

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Third Session of the Thirty-fourth Parliament,  
1991-92-93

Troisième session de la trente-quatrième législature,  
1991-1992-1993

**Members of the Standing Committee on  
Communications and Culture  
and  
Members of the Sub-Committee on  
Violence on Television**

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**\* The Sub-Committee on Violence on Television of the Standing Committee on Communications and Culture was responsible for drafting this Report under the Chairmanship of Dr. Jean-Pierre Hogue, M.P.**



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# *The Standing Committee on Communications and Culture*

has the honour to present its

## **THIRD REPORT**

Pursuant to an Order of Reference from the House of Commons dated Wednesday, November 18, 1992 the Committee has considered the implications of violence on television. It also established a Sub-Committee on violence on television and assigned to it the responsibility of considering its draft report.

The Sub-Committee submitted its First Report to the Committee.

Your Committee has adopted this Report, as amended. It reads as follows:





# Order of Reference

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Extract from the Votes & Proceedings of the House of Commons of Wednesday, November 18, 1992 :

By unanimous consent, it was ordered, — That, notwithstanding Standing Order 36, the petition by Virginie Larivière on violence on TV be received by the House and referred to the Standing Committee on Communications and Culture for their consideration.

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## TELEVISION VIOLENCE: FRAYING OUR SOCIAL FABRIC

*Someone has to say, "Enough" —because this is disaster, we are destroying ourselves. Successive societies have destroyed themselves by the failure of their leadership to say, "I know in many respects that's what you'd like to see, but you know what? It's bad for us, we're damaging ourselves. We are untying the fabric of our society." — David Puttnam, former president of Columbia Pictures<sup>1</sup>*

*The historian Arnold Toynbee has pointed out that 19 out of 21 civilizations have died from within and not by conquests from without. He tells us that there were no bands playing or flags waving when these civilizations decayed. It happened slowly in the quiet and the dark when no one was aware of what was happening.*

*A democratic society carries no inborn guarantee that it will survive on its own merits. We have seen many such societies perish even in our time. A free society cannot be taken for granted. Truth and freedom must be guarded as precious treasures. The foundation to support the civil liberties we enjoy today is dependent upon the vigilance exercised by those who can recognize and who will protect and oppose invasion of their liberties by governments, national, provincial, or municipal. — The Honourable Emmett M. Hall, former justice of the Supreme Court of Canada<sup>2</sup>*





## FOREWORD

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During an interview with Bill Moyers on PBS, the American television network, David Puttnam described how the Roman circuses evolved over several hundred years from places of mild entertainment to places where hundreds of thousands of people died. According to Puttnam, the Roman circuses became “more and more bloody, more and more grotesque” as a result of the public’s demand for “more and more” violence.

The words of David Puttnam and Arnold Toynbee remind us that societies can disintegrate from within if the values that these societies cherish are allowed to decay by a slow, subtle attrition. Justice Hall reminds us that a society needs to be vigilant in opposing such an invasion of its democratic values.

The Committee believes that the problems of television violence, and the larger issue of societal violence, could lead to the fraying of the fabric of our modern civilization unless a comprehensive strategy is developed to arrest such insidious progress. The signatures of more than 1.3 million Canadians on Virginie Larivière’s petition in favour of legislation against television violence, and the reaction of the House of Commons and the Minister of Communications to this petition, lead us to believe that the past complacent attitude of this country’s population, institutions and government towards television violence is changing. As our review of previous Canadian efforts to address television violence demonstrates, and as an earlier reference from the House of Commons arising from a motion by Larry Schneider, M.P., calling for a full review of the media’s portrayal of violence also indicates, the current public concern over this issue is not a new phenomenon. What is needed is for government, the federal regulator and broadcasters to act.

The values that a society holds are constantly changing. This is not surprising given that our values are shaped by events occurring around us. Today, with instantaneous communications between cities, countries and continents, our values are shaped by a greater variety of factors than was the case in the not so distant past. With such means of communications, events taking place in other continents have the potential to shape our own values.

In this information age, television has quickly acquired a central place in our homes, both as a source of information and as a means of entertainment. Television offers the potential to shape our values, our beliefs, our knowledge and our attitudes. The power that television has to effect potential societal changes has received increased attention from researchers and governments over the last three decades. To a great extent, this attention has focussed on the effects of television violence on the attitudes and behaviour of the television audience, particularly on the effect television violence may have on children.

Hundreds of studies have shown that there is a positive correlation between television violence and aggressive and antisocial behaviour in individuals, although it is impossible to predict the precise effects on individuals at any given time and place. People who advocate government intervention argue that the scientific evidence is sufficiently sound to warrant the imposition of limits on the freedom of expression of broadcasters. Some even argue that the burden of proof should be shifted to the broadcasters, namely, that the broadcasters should be required to prove that their programming is



harmless to the viewers. After all, under section 3(1)(h) of the *Broadcasting Act*, broadcasters “*have a responsibility for the programs they broadcast.*” According to this thesis, government has a duty to protect the mental and physical health of Canadians given its role as guardian of societal values. In accordance with this principle, government must demand, through the regulatory body (the CRTC), and at the request of the latter, that broadcasters prove that television programming is a safe consumer product.

Parents have the moral responsibility to transmit their values, and those of the society around them, to their children. The Committee is aware that, notwithstanding the fact that parents must exercise a certain control over the audiovisual materials entering the home, they must not and cannot be solely held responsible for controlling television violence. In fact, the question of parental control raises a host of issues of a practical and enforcement nature, as well as socio-psychological ones.

Government, as responsible social guardian, has the responsibility to protect societal values. This responsibility is exercised frequently by our governments through existing legislation such as the *Criminal Code*. The Committee is also aware that the role of the legislator cannot be to control everything but that its duty is, first and foremost, to protect societal values. Faced with constantly changing values, governments have the difficult task of accurately assessing the pulse of the population on any given issue and, with the help of expert advice, public input and parliamentary scrutiny, adopting policies, programs and legislation which will best respond to the many conflicting factors involved.

In asking their government to legislate against television violence, the Canadians who have signed Virginie Larivière’s petition have exercised their democratic right of freedom of expression. However, by legislating against television violence, the government would be curtailing the freedom of expression of others, including broadcasters, advertisers, artists and television viewers. The challenge that our society faces is to recognize that television violence may be destroying the values which keep us together as a civilization, and to find a way to control it without violating our fundamental democratic right to freedom of expression. Confronted with these realities, the Committee has come to the conclusion that broadcasters must do more than simply broadcasting.

We believe that the overall approach we are recommending, as suggested by many of our experts and witnesses, will meet that challenge. The people of this country must be given the means to make their own well-informed choices. This approach carries with it the notion that individuals should have at their disposal the necessary information and the technical means to make appropriate television viewing choices, for themselves and for their children. A socially responsible and accountable broadcasting industry, cooperative federal and provincial governments, and the grass roots efforts of concerned citizens and groups will make this possible.

Helping individuals make well-informed television viewing choices will be one important step toward dealing with the larger problem of societal violence. It will also enhance our values and strengthen the ties that bind our social fabric.



# INTRODUCTION

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On 18 November 1992, the House of Commons referred the petition of Virginie Larivière on television violence to the consideration of the Standing Committee on Communications and Culture. The petition was initiated by Virginie Larivière following the robbery, sexual assault and murder of her 11-year-old-sister Marie-Ève. While grieving for her sister, Virginie came to be convinced that television violence may have been the cause of her sister's death. Over the next eight months, with the help of her family, she started a crusade to gather the signature of Canadians across the country who felt as she did. With more than 1.3 million signatures, the petition called for citizens to boycott violent television programming and for the government to pass legislation requiring television networks to make progressive reductions in the violent content of their programming over a ten-year period.

Earlier, on 12 February 1992, the House of Commons referred a motion by Larry Schneider, M.P., to the Committee calling for a full review of the media's portrayal of violence, particularly with respect to women and children, and seeking better ways to protect innocent Canadians from being exposed to such gratuitous violence without interfering unduly with artistic freedom or freedom of the press.

Members of the Committee met on 24 November and 3 December 1992 to discuss their approach to the subject referred by the House of Commons. It was agreed to begin the study with an initial series of briefings by experts on television violence and criminology and to follow these with public hearings. Given conflicting activities in its schedule, the Committee decided at the end of the public hearings to establish a Sub-Committee on Television Violence in order to concentrate on the drafting of its report. These efforts, and the review and approval later given by the Standing Committee on Communications and Culture, led to the present report.

The Committee recognized that this subject is complex and agreed that the report should consist of a preliminary survey of the facts, issues, and possible responses. The Committee was helped a great deal in the choice of its possible responses by the flurry of initiatives that took place during the course of the study. The subject came alive in many directions at the same time: initiatives were taken by the Minister of Communications, the Canadian Radio-television and Telecommunications Commission, the broadcasting industry, the television program production industry, and many associations and institutions concerned with violence in the entertainment industry. These actions and activities, along with others, are described in this report. The Committee wishes to thank these individuals, associations and institutions for their generosity in sharing their ideas and comments with us.

During the course of our study, the Committee reviewed a wide range of possible solutions to the problem of violence on television. We concluded, given the complexity of the problem, the variety of potential remedies, and the importance of safeguarding freedom of expression, that adopting a framework of innovative, co-ordinated, co-operative and graduated responses would be most appropriate. Some of the mechanisms considered included public forums, research, education, consumer action, cross-border collaboration, funding for Canadian productions, regulatory controls and amendments to legislation. The range of responses directed at individuals, the industry and



government reflects the Committee's conviction that everyone must play a role in reducing the amount and degree of violence on our television screens. Parents, teachers, consumers, researchers, broadcasters, artists, producers, advertisers, regulators and legislators must all participate.

The options we have considered are set out in this report in an ascending order of involvement on the part of government. They are presented this way in order to underline the Committee's preference for solutions that encourage individuals to make their own choices responsibly and to emphasize our reluctance to opt for government interventions that would impinge on personal freedoms.

It is our hope that this report will be the first step toward what we believe should be a priority initiative for the federal government. A comprehensive inquiry into all aspects of societal violence — interrelationships, causes, effects and remedies — is needed in our view. Television violence is only the tip of the iceberg; it must be addressed, but in an integrated approach to the larger issue of societal violence.



## CHAPTER ONE

### TELEVISION VIOLENCE:

### FRAYING OUR SOCIAL FABRIC

### Violence in Canadian Society

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*The foundation for violence is there and strong. Women won't be safe, children won't be safe, and to some extent senior citizens won't be safe, unless we say, this is a line this culture won't cross. — Alan Mirabelli, Chairman, Alliance for Children and Television*<sup>3</sup>

There is a perception among many people that Canadian society is becoming more violent and that this increased violence is due to some extent to the amount of violent programming shown on Canadian television screens. As Professor Vincent Sacco, a criminologist who testified before the Committee reminded us, “*it seems we've always been somewhat concerned about the leisure and cultural preferences of youth. We were concerned about feature films in the thirties, about comic books and rock and roll in the fifties, and about video games, fantasy-role games, rap music and heavy metal music in the seventies and eighties.*”<sup>4</sup> This part of the report is intended to shed some light on the issues of violence, on television and in Canadian society generally, through a review of the evidence given to the Committee and available research findings.

#### A. PUBLIC OPINION

*A few years ago it was possible to walk around anywhere on the streets of Montreal. Now, there are some neighbourhoods where women are afraid to walk alone after a certain time in the evening. This is not just because of violence on television. There are other problems as well. — Professor Florian Sauvageau, Director of Journalism Studies and Associate Fellow, “Institut québécois de recherche sur la culture” and University of Laval*<sup>5</sup>

The results of public opinion surveys are useful to assess the extent to which Canadians feel secure or threatened by violence; in effect, they provide a measure of the perception Canadians have of the level of violence in their society.

The most recent measure of the perception of violence in Canadian society was reported in the ninth annual Maclean's/Decima poll published on 4 January 1993.<sup>6</sup> According to the survey of 1,500 Canadian residents 18 years of age or older conducted in November 1992, 33% of Canadians are afraid to walk the streets of their community at night alone. Only 24% felt this way in 1989.

According to the Maclean's/Decima findings, 51% of respondents keep their doors locked at all times, even when they are at home, and 60% are taking more precautions to protect their personal and household safety than they did a few years ago. Other survey results show that:

- 66% of Canadians think that the amount of violent crime in their community in the past five years has become “much worse” or “somewhat worse”;



- 64% think that the behaviour of young people in their community is “much worse” or “somewhat worse” than five years ago;
- 30% think that racial or ethnic relations in their community are “much worse” or “somewhat worse” than five years ago; and
- 40% believe that their personal safety from crime in their community is “much worse” or “somewhat worse” than five years ago.

By contrast, Professor Florian Sauvageau told the Committee about a British public opinion survey on the causes of violence in society in which only 12% of the respondents attributed the increased level of violence in British society to television:

*The Broadcasting Standards Council of Great Britain conducted a study in 1990 in which it asked people about the causes of violence. While I don't place too much importance on surveys, it is interesting and important to note that only 12 percent of the respondents in Great Britain felt that the primary contributor to the increase in violence in society in general, only 12 percent felt that it was television; 46 percent felt that the problem lay with the lack of discipline in the home; 21 percent felt unemployment was the cause; and 14%, lack of discipline in schools.*

*I would be interested to know what Canadians generally think causes violence in society, and to what extent they think violence on television is the main reason for violence in society.<sup>7</sup>*

In March 1993 the media reported the results of an American public opinion survey conducted by the Washington, D.C., *Times Mirror Center for the People and the Press*, in which Americans were asked about violence in television newscasts and in televised entertainment:

*... The overwhelming majority of Americans—72 percent of those surveyed—said entertainment TV has too much violence. About 25 percent described it as a “reasonable amount” and the rest said there is “very little” violence on TV or had no opinion. The opinion breakdown was virtually the same as found by a national poll taken in 1971.*

*... 80 percent said entertainment violence is “harmful” to society, compared with 64 percent in 1983. The number who think it is “very harmful” increased to 47 percent from 26 percent.<sup>8</sup>*

The fear that people express for their personal and household safety is inevitably fuelled to some extent by the mass media. The current popularity of television programs that recreate criminal events demonstrates the interest and the concern that people have for their own safety. However, some people argue that the importance given to crime in dramatic programming, and in news and current affairs shows, distorts reality and may contribute to the creation of an unwarranted amount of fear. The next section of this report is designed to outline the dimensions of that reality by presenting some facts about crime in Canadian society.



## B. CRIME TRENDS IN CANADA, 1962-1990

*Yes, social violence is increasing. Criminological research shows us it's linked to various systemic factors of increasing poverty, unemployment and so on. The fact that social violence is increasing should not surprise us. What we need to grapple with is its reflection within television. — Professor Eileen Saunders, School of Journalism and Communications, Carleton University<sup>9</sup>*

Data released in 1992 by Statistics Canada attest to the increasing level of violence in Canada.<sup>10</sup> (See note of caution about the difficulties in comparing crime statistics over a long period of time.)<sup>11</sup> The Statistics Canada analysis of the Uniform Crime Reporting survey conducted by the Canadian Centre for Justice Statistics shows that violent offence rates increased three and one-half times between 1962 and 1990. (An offence rate is the number of offenses per 100,000 population.) During the same time period, property offence rates increased two-fold.

*Criminal Code* offenses include violent and property offenses. Violent offenses include homicide, sexual assault, other assaults and robbery. Property offenses include break and enter, theft of motor vehicle, theft of money, possession of stolen goods and fraud. Due to the proportionally higher increase in the violent offence rates over the three decades, particularly since the mid-1980s, violent offenses as a proportion of total *Criminal Code* offenses have increased from 8% in 1962 to 10% in 1990. It should be noted that homicides represent less than one percent of total *Criminal Code* offenses. Patterns of victimization also show that most violence involves people who know each other; only 30% of violent incidents involve strangers.

However, these statistics do not show the relatively small number of individuals who are responsible for violent offenses. In its November 1992 submission to the Standing Committee on Justice and the Solicitor General, in reference to the approximately 30,000 individuals incarcerated in Canadian federal and provincial prisons, CAVEAT (Canadians Against Violence Everywhere Advocating its Termination) postulated that “we are dealing with a very small segment of the population indeed — probably about 0.25 of 1 percent.”<sup>12</sup> CAVEAT concluded this analysis with the following statement:

*A somewhat sobering side of this analysis is the realization that we have allowed such a small number of people to significantly affect and restrict our daily lives and dictate in many cases what we can or cannot safely do.<sup>13</sup>*

In the context of our own study, this statement raises the question as to whether or not violence portrayed in television programming is partly responsible for the violent behaviour of this small number of people. The next sections of this report will outline the viewing habits of Canadians, before examining violence in television programming and in videos, and what effects television violence may have on individuals and society.







## CHAPTER TWO

### TELEVISION VIOLENCE:

#### FRAYING OUR SOCIAL FABRIC

### Violence on Television

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*In our society, violence is simply a symptom, in relation to television, of the inadequacy of television in dealing with real life. It's been an issue since we first had it. If you go back and review the literature, the criticism, and so on you'll find that, from the very beginning, this has been a major issue. . .*

*. . . television is not life, it is a highly artificial medium, it is deeply biased by the basic use we make of it and we treat it essentially as a merchandising system. . .*

*It works best in all of its genres when you have visually-identifiable opponents clashing violently, good guys versus bad guys. . . That's why sports, violence, and conflict of all kinds are the ideal programming.*

*What works on television is news, sports, action drama, the soaps, game shows, and all of those revel in violence of one kind or another. — Jack Gray, President, Writers Guild of Canada<sup>14</sup>*

#### A. TELEVISION AND VIDEO VIEWING IN CANADA

According to the 1990 Statistics Canada Family Expenditure Survey, Canadian families spend more on video cassette rentals than they do to go to the movies. The first year this was the case was in 1990, when each family spent an average of \$75 on video cassettes and \$72 to go to the movies. The survey also shows that nearly every home in Canada has at least one television set.<sup>15</sup> The 1992 Statistics Canada Household Facilities Survey reports that 74% of households have access to a VCR; this high penetration rate is up from only 52% in 1988, five years before.<sup>16</sup>

However, despite increases in ownership of VCRs, in the rental of videos, in the number of television services offered by conventional, specialty and pay television broadcasters, and in the number of households who subscribe to cable television, Statistics Canada surveys report that the time Canadians spend watching television and videos in their own home is decreasing, especially among children aged 2 to 11. (Television viewing figures include the viewing of television programming and videos).

The high point of the decade was 1984, when Canadians were watching an average of 24 hours per week of television at home. Since then, the trend has been steadily downward, reaching its lowest level in 1991; Canadians now spend an average of 23 hours per week in front of their own home television screens. Children aged 2 to 11 who were watching an average of 21 hours per week are now watching only 19 hours.<sup>17</sup>

In 1991, Canadians spent 4% of their overall weekly television viewing time using their VCR (those who use their VCR at least once per week spend four hours watching videos). Statistics for 1991 also show that on average younger Canadians, aged 2 to 17, use the home VCR 14% more than older Canadians.



Committee members were told that Canadian programming is generally perceived as non-violent and that violent television programming and videos originate primarily from the United States. For example, the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) and the Canadian Film and Television Production Association (CFTPA) expressed it as follows:

*We hope we do not seem naive in observing that we think Canada in general and our programming specifically is less violent than in other countries. "Street Legal", "E.N.G.", "North of 60", all these programs take a more sophisticated approach in our view to conflict than their American counter-parts. — ACTRA<sup>18</sup>*

*We also believe more must be done to ensure that there are positive alternatives to the fare which is presently available, and which, as you know, comes predominantly from the United States. Canadian children's programs are notably non-violent, and recognized around the world for that very quality. However, Canadian programs in the categories of drama, variety and children's programming represent a very small proportion of the choice available to Canadians at the flick of a switch. . .*

*We would argue that in terms of the representation of positive values, and the absence of gratuitous violence, Canadian entertainment and children's programming compares very well; that it is in fact part of the solution this committee is seeking. — CFTPA<sup>19</sup>*

The actual overall amount of violent programming watched by Canadians is unknown. Also unknown in actual numbers is whether violent programming originates from Canadian or American programs, from Canadian or American stations, from conventional, specialty or pay television broadcasters, via off-air or cable television, or from direct broadcast, time shifting (VCR playback) or videos. To our knowledge, unfortunately there has been no Canadian research in this area.

The figures quoted in the public media and in the research literature on the amount of television violence are derived from American studies. To obtain an approximation of the amount of violent programming watched by Canadians, it is useful to consider the available statistics on the overall viewing habits of Canadians. These can tell us about the proportion of time spent watching Canadian and foreign programs. It is also useful to consider the language of the viewer because the viewing habits of francophones and anglophones differ.

Overall, anglophone Canadians spend 73% of their viewing time watching foreign, mostly American, programs while francophone Canadians spend 37% of their viewing time watching foreign programs. The average for all Canadians is 64%. The CFTPA explained to the Committee why anglophone Canadians view so little Canadian dramatic programming and described what is in store for Canadians when direct broadcasting satellites start beaming their signals into Canada:

*The fact that only about 5 percent of Canadians' drama viewing is to Canadian dramatic programming is not a judgment on the inferior nature of Canadian programs; it is a reflection of the fact that there is so little Canadian drama aired in peak viewing times. Viewing patterns in recent years have shown that where the availability of Canadian dramatic programming increases, viewing also increases. . .*



*Most Canadians today have access to 40 or 50 channels of television, either coming in direct from the U.S. or Canadian channels programming predominantly U.S. programming in peak viewing periods. Next year, if we want to buy the handkerchief-sized dish, we can get a lot more than that. The border, as Professor Donnerstein reminded us, at the recent Hincks Institute Symposium on Violence, is just air.<sup>20</sup>*

There are significant differences in the viewing habits of younger and older people. For example, in 1991 men 18 years and over were watching an average of 22 hours per week; women 18 years and over, 27 hours; teenagers 12 to 17 years, 18 hours; and children 2 to 11 years, 19 hours. The population group devoting the most time to television is found among men and women aged 60 and over; they report watching television for 32 and 36 hours per week respectively.

Committee members were exhorted by some witnesses such as Alan Mirabelli of the Alliance for Children and Television and Rose Dyson of Canadians Concerned About Violence in Entertainment to make recommendations which would lead to the protection of children against the harmful effects of exposure to television violence. It is for this reason that we researched the viewing habits of children and teenagers.<sup>21</sup> We reported above that children 2 to 11 years of age spend 19 hours per week watching television. As can be expected, overall, half of this weekly viewing takes place during daytime (21% over the weekend and another 30% during the week).

However, what the Committee members found disturbing is that children spend another 30% of their viewing time during evening prime time hours, 7:00 p.m. to 11:00 p.m., Monday to Sunday, when generally more violent programming is shown on television. This relatively high amount of television viewing by children during prime time takes place even though an adequate amount of children's programming, but broadcasted outside prime time, is produced in Canada. The Committee was told that over \$100 million worth of children's programming was produced in Canada in 1989-90.<sup>22</sup> As voiced by Alan Mirabelli, Chairman of the Alliance for Children and Television, the question then arises:

*The problem is this: do those children ever get to see it? . . . once we saw the \$100 million figure, we felt that, yes, we still have to push and promote, but now there's a new issue, a new mission, a new direction that our organization has to devote itself to, and that is to pay attention to those who influence children. By that we don't necessarily mean children's television; we mean those who influence their behaviour.<sup>23</sup>*

Statistics also show that children, particularly teenagers, watch more foreign programming than older Canadians; anglophone teenagers watch foreign programs 83% of the time and francophone teenagers 48% of the time. The proportion of time for children was slightly less: 75% and 46% for anglophone and francophone children respectively. Speaking about violent programming watched by children during prime time, Professor Eileen Saunders said:

*Yes, and not even just news hour. Look at some of the reality programming, Rescue 911 and so on. They're seeing a lot of episodes of violence — domestic violence, street violence and so on — in a docudrama form, which they take as a real incidence of violence. That's on in the hours that children are watching.<sup>24</sup>*

As far as teenagers are concerned, they watch even more prime time television; 47% of the average teenager's weekly television viewing time is devoted to prime time programming.



## B. VIOLENCE IN TELEVISION PROGRAMMING

Professor Saunders also noted that:

*. . . our definition of what we mean by television violence is problematic. We need to ask what makes an image a violent image. This is a social judgment, which changes over time . . . how do we distinguish what people are watching on prime-time news every night at nine from the violence they see within television police drama? In fact it's interesting because the studies that have been done on children show that children are more frightened by the violence they see on television news than anything they ever see within police shows.<sup>25</sup>*

The media have often been described both as a mirror of society and as agenda-setters. In 1970, the Special Senate Committee on Mass Media issued its report, *The Uncertain Mirror*, in which it took the view that the mass media play an agenda-setting role: "They are not spectators. They control the presentation of the news, and therefore have a vast and perhaps disproportionate say in how our society defines itself."<sup>26</sup>

During our hearings, ACTRA summarized the role of the media with a slightly different accent:

*Often the media are described as mirroring society. We would go a step further. We believe we can do more than reflect. We can illuminate society and its injustices. Our members do this daily as writers, journalists and performers in the natural ethical discourse which accompanies every challenging issue in the production of information and entertainment programming.<sup>27</sup>*

Some people contend that violence in television programming is simply a reflection of violence in society. They argue that it is the role of the mass media to reflect society, including its violence. If this violence was not portrayed, they assert, television would in effect be presenting a distorted picture of society. Others claim that showing an unusually high number of acts of violence on television is in itself a distorted picture of society. In his book *Hollywood Vs. America*, Michael Medved gives the following example drawn from the research literature:

*In their indispensable research project *Watching America* (1991), Stanley Rothmann, Robert Lichter, and Linda Lichter reviewed more than 600 prime-time television shows, analysing TV's portrayal of the society it serves. When it comes to televised presentations of crime and violence, their conclusions are unequivocal: "Our studies show that an evening of prime time puts to shame a night at the station house. Violent crime is far more pervasive on television than in real life, and the disparity widens as the danger increases. For the most serious crime of all, the difference is most dramatic. Since 1955, television characters have been murdered at a rate 1,000 times higher than real-world victims". (sentence underlined by author)<sup>28</sup>*

The importance given to crime in the mass media far outweighs reality. However, the mass media are not always the main source of people's knowledge about crime, law and justice. For example, University of Toronto professor of criminology and sociology, Richard V. Ericson, who has studied the interrelationships between the mass media, crime, law and justice, has found that the



mass media are just another source interpreted along with others in terms of practical contexts and purposes. He believes that the mass media have a positive opinion-forming role in our modern society:

*The mass media do not distort reality, but rather provide a discourse — an institutional mode of classifying and interpreting reality — that helps people to construct their own organizational realities. Mass media stories are therefore not accepted by people directly and uncritically, but rather are part of people's strategies, struggles, and pleasures in the production of meaning in various contexts. Exposure to mass media is therefore not a source of distorted thoughts and bad behaviour, as the "evil causes evil" fallacy has it, but a means of constituting and articulating attitudes to and versions of crime, law, and justice.<sup>29</sup>*

If we are to measure violence in television programming the first requirement is to define television violence. Based on an accepted definition of violence, standards can be put in place and classification and monitoring systems can be established. Research into the definition, classification and measurement of violence in Canadian television programming is seriously lacking as Committee members learned during their public hearings. The lack of both a definition and a classification system was raised by many of our witnesses, amongst them Rose Dyson, Chair, Canadians Concerned About Violence in Entertainment:

*We should have a responsible classification system, which will be used by review boards, either at a provincial or at a national level, and developed to dovetail or harmonize with codes on violence, which the broadcasters come out with for television programming, or cable companies or pay-TV. All of those people should have to adhere to a universal code.<sup>30</sup>*

While American research into the measurement of television violence is plentiful, caution must be exercised in the application of American findings to the Canadian scene. Committee members were told that Americans are more preoccupied with insults to religion, coarse language and sexual themes in television programming, than they are with violence. Keith Spicer, Chairman of the Canadian Radio-television and Telecommunications Commission (CRTC), spoke of the differences between our two countries:

*We all know that the Americans don't perceive violence in quite the same way we do. The talks I've had with my friends at the FCC and the American broadcasting industry convince me that when you ask them about the violence problem, they will literally say, "What violence problem?" They are more concerned with what they call indecency, which means sex and bad language.<sup>31</sup>*

In the United States, the National Coalition on Television Violence (NCTV) has been monitoring television violence since 1980. NCTV has adopted both an objective and a subjective system to rate television programs. The objective system is used to rate television programs according to a violence numerical score. The subjective system, which recognizes that not all violence is harmful and which is based on the rating concepts of the Motion Picture Association of America, uses letters to rate movies, videos and television programs.



In order to give television programs an objective numerical score measuring violence, NCTV counts the actual number of physically violent or hostile acts per hour committed with the intention of hurting another person. NCTV's numerical violence scores incorporate a weighting scale in order to give greater importance to violence with serious consequences such as an attempted murder, murder and rape and less significance to minor acts of violence.

Recent statistics released by NCTV show that the average number of acts of violence per hour during prime time on the three major American networks reached its peak in the winter season of 1985 with 14 acts of violence per hour, and has since decreased steadily to an average of eight acts of violence per hour recorded in the fall of 1992. While the figures show a decrease since 1985, the average for the fall of 1992 is still higher than it was at the beginning of NCTV's monitoring in 1980; six acts of violence per hour in 1980 compared to eight in 1992.<sup>32</sup>

In its news release, NCTV highlights the trend towards a more intense and callous portrayal of television violence:

*On the positive side, the three major broadcast networks (ABC, CBS, and NBC) averaged 7.7 violent acts per hour in prime time, down from the 8.6 average registered last year. While the three major networks have made some improvement, the researchers say, violence levels are still significantly greater than the levels recorded in 1980, at the beginning of NCTV's monitoring project, and violence is portrayed in a much more intense and callous manner.<sup>33</sup>*

Based on the rating system used by NCTV (a violent program is defined as a program with a score of at least ten acts of violence per hour), 24% of all prime time programming hours during the fall 1992 season on the three major American networks were devoted to violent programs. Using the same rating system, the NCTV results indicate that 17% of the fall 1992 season prime time programs on these networks were violent.

In his comprehensive research report commissioned by Unesco, Professor George Gerbner, a leading international authority on television violence, summarized the research findings on television violence in children's programming:

*Children's programmes on American television have always been saturated with violence. Children in 1984-85 were entertained with 27 violent incidents per hour (the third highest on record). The 19-year average for children's programmes was 21 violent acts per hour.<sup>34</sup>*

Other research has shown that cartoons produced in the U.S. contain on the average 41 violent acts per hour.<sup>35</sup> However, Amos Crawley, the only child (12 years of age) to be heard by the Committee, did not see it in the same way:

*When it comes to violence on television, I think most kids know that it is make-believe. Sometimes the action is so unrealistic in Saturday morning cartoons like "Tom and Jerry" or even in films like "Batman", the violence is obviously a joke. In more realistic shows, the violence can often be boring so kids just change the channel, but in most cases I think there is a message. Usually the violence is used by the good guys in self-defence and, when it is action by the bad guys, they are usually very unsavoury characters, not the kind of people most of my friends want to be when they grow up.*



*I must admit, though, aside from adult movies, the worst television violence is in sports. I do sometimes see little kids, like six and seven-year-olds, copy things they see in wrestling and hockey.<sup>36</sup>*

### C. COMPLAINTS ABOUT TELEVISION VIOLENCE

If we postulate that the television programs watched by the majority of Canadians are nearly as violent as those watched by Americans, it is perplexing to find that Canadians seem to have little awareness and make little use of the national public bodies set up by Parliament and by private broadcasters to receive their complaints on broadcasting matters.

The Canadian Broadcast Standards Council (CBSC) is a self-regulatory council established by the private broadcasting industry to handle viewer and listener complaints about private sector radio and television programming. In its Annual Report for 1991-1992, the CBSC refers to the few complaints it received about television violence:

*While we know from general letters from interest groups of the continuing public concern about television violence, we were surprised to receive so few specific complaints regarding violence (10 out of 101 code-relevant complaints).<sup>37</sup>*

The other national public institution which is mandated to handle complaints about television violence is the CRTC. In its capacity as federal regulator for the broadcasting industry, the CRTC only received 40 complaints about television violence in 1991-1992.

The small number of complaints filed with these two institutions compared with over 1.3 million people who signed Virginie Larivière's petition is perplexing. On the positive side, it could be argued that Canadians have not become desensitized to violence, as evidenced by the large number of people who signed the petition. On the negative side, it is difficult to understand why so few Canadians complain to the appropriate bodies. We will have more to say on this subject later.

### D. VIOLENCE IN VIDEOS

Committee members were told that film producers, partly in an attempt to remain competitive with television, are making more and more violent movies. Sandra Macdonald, President of the Canadian Film and Television Production Association, agreed that movies are getting more violent:

*Now, I would say that it is certainly the case that movies have gotten more violent. . . in a way the more alarming thing is the stuff that is really very popular and aimed at a very large audience, and not the disgusting but narrowly targeted stuff. . . quite a range have been sort of running forward, from "Rambo" and "Texas Chainsaw Massacres" over the last decade and the body count has been getting higher year by year. That is certainly the case.<sup>38</sup>*

It is true that films are rated by provincial film review boards, that cinemas advertise this film rating, and that cinemas are required to forbid entry to persons under the age limit allowed by the film rating. However, most films made for release in cinemas eventually find their way into the video



format, for sale and for rental. As a result, a violent film which was restricted to an adult audience in its cinema version, becomes available to children and teenagers when it is released in video format. Children also have access to even more violent videos, as Keith Spicer said to Committee members:

*I'm thinking specifically of slasher movies, which consist mainly of torturing and mutilating women. If you've seen even a 10-second extract, you won't want to see any more. It's just wall-to-wall gore and cruelty, totally without justification. You can buy these things. Children can manage to buy these in their local neighbourhood video store. Nobody's doing anything.*<sup>39</sup>

The Coalition for the Safety of Our Daughters, established in the fall of 1992 to promote public awareness of the known links between televisual violence and assaults against women and girls, has published an information sheet on slasher movies. It includes the following details:

*Slasher movies have been available in North America since 1963. Back then, these movies were normally shown at cult festivals to adults. Now, for just a few dollars, you can walk into a neighbourhood video (or corner) store and pick up the latest slasher movie released to video.*

*These movies feature the graphic and brutal stalking and slaughter of young women.*

*...In addition to slasher movies, slasher video games are available. For example, the game Night Trap "has the sound and feel of a B-grade slasher flick." (Reported in the Globe and Mail, January 13, 1993, p. C3) This video game was one of the "fastest selling electronic games of the holiday season" and features "a cinematic CD-based adventure in which the player must protect a house full of scantily clad young women from a gang of zombies armed with big hooks."*<sup>40</sup>

With respect to video rentals and viewing habits, Statistics Canada estimates that the 1990-91 retail market for home video rental is approximately \$800 million to \$1 billion per year.<sup>41</sup> Furthermore, only 7% of the home video market revenues of Canadian film distributors come from the distribution of Canadian videos; the other revenues come from the distribution of American videos. The average Canadian plays a VCR 4% of the time (approximately one hour per week) but children and teenagers play the home VCR on average 14% more. Furthermore, the Committee was told that videos can be easily rented by children and teenagers. In the opinion of Committee members, these factors taken together with the explosion in home video rentals, the lack of content classification for videos in many provinces, the easy availability that children have of renting and watching violent videos, create the foundation for more violence in our society.

Committee members heard some familiar stories about another type of video — the music video. Music videos are shown on television primarily as a means to advertise an artist's recording and they are generally not produced for sale or rental to the public. Music videos are the staple of the Canadian specialty television services MuchMusic and "MusiquePlus." (MuchMusic is required by the CRTC to show "not less than 30%" Canadian music videos during each week and MusiquePlus, "30% or more.")<sup>42</sup> Relative to the sound recording industry to which it is closely linked, the music video production industry in Canada is quite small. Statistics Canada data for 1990-91 show that



only 217 music videos were produced in Canada at an average cost of \$25,000. In comparison, in the same year, the sound recording industry produced 4,665 new sound recordings and generated \$716.2 million in revenues.<sup>43</sup>

The Committee was told that music videos are quite violent and that the large majority of music videos played on Canadian television screens are American. A study quoted by Michael Medved in his book *Hollywood Vs. America* describes the number of violent acts per hour in American music videos:

*A November 1991 research study by the National Coalition on Television Violence examined 750 videos featured on cable and broadcast television, and found an astonishing average of twenty acts of violence per hour. On MTV, the most popular and influential of the major music networks, the situation proved even worse: the researchers for NCTV counted twenty-nine instances of violent imagery in an average hour of programming.*<sup>44</sup>

Another American study has found that 75% of American teenagers watch music videos on television at least twice a week. According to the researchers, 65% of these teenagers prefer watching music videos rather than listening to the same music on radio, and 90% said that they would like to watch MTV.<sup>45</sup>

The question of violence in music videos was raised with Brian Robertson, Executive Director of the Canadian Recording Industry Association. The problem, he said, is that in many cases the recording artists, not the recording companies, have total creative control over the production of a music video:

*So the record company has no input at all in terms of the content or the fact that they have to release it. So it is then left up to the broadcaster to make the judgment about whether it's broadcasted or not.*<sup>46</sup>

While it is a concern to the recording industry, he said that this situation is very rare given the large number of videos released in a year — approximately 2,600 (includes Canadian and American music videos). He believes that the situation has much improved over the last ten years due to the rising influence of recording companies over content:

*I can tell you there's a huge difference between now and what it was 10 years ago. . . you never, ever would have had a record company throwing an act off the label which they did with this "Ice Cube" situation because they disagreed not only with the music video but what was in the content of the recording. This potentially could have sold 5 million, 10 million copies. So, what I'm seeing there happening, I'm seeing a high degree of social responsibility.*<sup>47</sup>

## E. EFFECTS OF TELEVISION VIOLENCE

Jack Gray, President of the Writers Guild of Canada, noted that:

*Violence, moreover, is not a disease. It's not something you can cure. It seems to be a fundamental characteristic of human beings. It's a manifestation of the way we exist in the world. The world is a place of conflict, of struggle to survive and violence is an integral part, element in that. . .*



*To suggest you can extract that aspect of our character is madness. . . It's better to deal with it in our view, in terms of the imagination, than in doing it.*<sup>48</sup>

Another witness, Rose Dyson, Chair of Canadians Concerned About Violence in Entertainment, stated:

*I wouldn't for a moment suggest nor do I think any of the researchers I am familiar with suggest that media violence, whether it's television, film, video, computer games, is the only cause of violence in society. All responsible researchers recognize that there are many causal factors, many variables in how people are affected. Some people are more vulnerable than others, particularly children. And some children are more vulnerable than others, depending on their age, their demographics, their social, emotional and psychological stability, the family background, all of those things.*<sup>49</sup>

The experts who briefed the Committee referred to the hundreds of studies that have been carried out to determine what effects, if any, television violence may have upon individuals or social groups. The experts mentioned the contradictory results of these studies. Professor Vincent Sacco, a criminologist who gave evidence to the Committee, spoke of the difficult task of making sense of all these studies. A person attempting to do so, he said:

*. . . usually finds him or herself much in the position of a juror in a criminal trial who is asked to determine guilt or innocence based on what frequently appears to be inconsistent and fragmentary evidence.*

*The studies differ in terms of how they define violence. They differ in terms of the kind of effects that they look for and when you take all of those differences together it sometimes appears that the accumulated body of evidence can support a diverse set of views about how media violence affects people if it affects them at all.*<sup>50</sup>

Professor Sacco also raised a number of questions not yet explored by the researchers, such as what the "net effect" of violent media on violent crime might be. He posed the problem thus:

*If media affects offenders, does it also affect victims by teaching them for instance risk-reducing skills or does it affect witnesses by encouraging them to report crimes which they witness?*<sup>51</sup>

On the basis of his own review of the research literature, Professor Sacco concluded:

*. . . the weight of the evidence supports the conclusions that media violence contributes to crime levels but in a relative sense the effect may not be large and it may not be independent of other causal agents. Moreover, it's probably somewhat simplistic to speak of a media effect, as though only one type of effect is likely or possible. The effects which do exist in the real world, I think, are subtle and complicated and not at all gross or obvious.*<sup>52</sup>

Professor Eileen Saunders, School of Journalism and Communications, Carleton University, who briefed Committee members on the major problems in our knowledge of television violence, also referred to the limitations of the scientific evidence:



*... the first problem is that the scientific evidence of harm is at best uneven and more often inconclusive, weak and contradictory. You will notice, for example, in the CRTC research summaries that the best we can conclude when we look overall at these research projects is that there is a likelihood — and I underline likelihood — of a possible positive correlation to aggressive behaviour. Even that is found to exist only in the short term: it does not have a long-term effect.<sup>53</sup>*

Committee members have benefitted from the two reports published by the CRTC in May 1992, *Summary and Analysis of Various Studies on Violence and Television*<sup>54</sup> and *Scientific Knowledge About Television Violence*.<sup>55</sup> The latter report is an overview of more than 200 scientific studies about violence on television and its effects in terms of aggression and anti-social behaviour. In the news release issued at the time the reports were made public, Keith Spicer, Chairman of the CRTC, said of the effects of television violence:

*While our report indicates that there is a link, although not necessarily one of cause and effect, between television violence and violence in society, common sense also tells us that this must be true. Look at how television helps to set fashion trends, introduce new ideas and expressions into our everyday conversation, or change purchasing patterns throughout the marketplace. Why else do advertisers spend millions on television commercials, if there is no impact on our behaviour?<sup>56</sup>*

In his speech to the Toronto's C.M. Hincks Institute on 19 February 1993 and in his opening remarks before the Committee a few days later, Keith Spicer added:

*I would emphasize what I believe most fair-minded people accept: TV, although by its own publicity an extremely influential medium, is plainly not the only factor encouraging violence in our society. Deep-seated economic, social, cultural and family factors also play a role: massive economic dislocation; too-readily-tolerated mob violence; widespread family break-ups; latch-key children; overly permissive education systems; sports become blood-sports — these are just a few of many factors making violence more familiar, and thus less shocking. And TV is not the only medium to mirror and magnify violence: movies, magazines and newspapers all contribute. . .*

*... Of course, over-the-air Canadian TV is far from being all we call television: U.S. networks, pay and specialty services, satellite TV, video games, and movies on rented video are all there on Canadian TV screens. . .<sup>57</sup>*

The experts and other witnesses confirmed that indeed, if there is a correlation between television violence and violence in society, the cause and effect between these two factors remains the subject of much controversy. Both expert and lay witnesses also confirmed that many factors contribute to violence in society and that the part played by television violence can only be estimated and amounts to an unknown fraction. Sandra Macdonald, who appeared before the Committee as a representative of the CFTPA, and who was previously Director General of Television at the CRTC (in which capacity she commissioned the two CRTC reports on television violence), urged a cautious approach rather than a search for a scapegoat:



*So I think that we do have to be careful, and I must say I'm very pleased that the committee is being very cautious on this point. I think we have to be very careful that we don't use television violence as a convenient scapegoat for all the ills of society. I think that television should take its share of responsibility, but I don't think that we should think that if we manage to have a smaller number of TV murders or car chases that we're going to have a vast improvement in our social fabric.<sup>58</sup>*

Concern about the influence that television violence can have on public life, on children, on teenagers and on crime is a fairly recent phenomenon according to Professor George Gerbner, a leading international authority in this field. Transcending the methodological problems that researchers have experienced in their search to establish or disprove a cause and effect relationship, there remains public concern about the presence of violence on television. Whether the relationship between television violence and violence in society is simply a correlation and not one of cause and effect, it remains that the public is concerned about the presence of violence on television. This concern was heightened by the massacre of 14 women at the Montreal École Polytechnique and by the epic crusade of Virginie Larivière. Keith Spicer highlighted this in his presentation:

*I'd like to emphasize the deep debt all of us owe Ms Larivière for her moral leadership and for creating a sense of public urgency that has made it much easier for all of us who seek lasting solutions for combatting violence.<sup>59</sup>*

A witness from the Vanier Institute of the Family, speaking on behalf of the Alliance for Children and Television, emphasized that today's children are not obtaining "cues for appropriate behaviour" because too little time is left after the time spent in school, sleeping and watching television:

*Consequently, the diversified "lived" human experience that they can bring to tonight's television is reduced. . . The experience the child brings to tonight's television is last night's television. Therein lies the problem. . .*

*Children have to have cues for appropriate behaviour from somewhere. I got them from the community I lived in. Children now get them from television, because there is no community.*

*That is the bottom line. The living context children develop in will provide the cues for appropriate behaviour. In their absence, they will find them from somewhere.<sup>60</sup>*

Our brief study has led us to realize, as many of our witnesses have noted, that insufficient research exists in Canada on the amount of violence on Canadian screens, its origin, who watches it and when, and what are its effects on individuals and groups. If the ongoing initiatives to reduce the amount of violence on Canadian television screens should fail, and if a higher level of government action should subsequently be required, it seems to the Committee that the government would then need more Canadian evidence than presently exists. Professor Eileen Saunders argued that we need to know a lot more about the reception practices of viewers in order for an intervention strategy to succeed:



*Audiences do not receive that violent content in a vacuum. It is mediated by things such as education, class and gender, and we need to understand how those roles mediate the interpretation and understanding of violence. How that then enters into an intervention strategy depends on how we teach people, viewers, critical media literacy skills, organized around the question of violence, and the kinds of resources needed to teach that kind of media literacy.<sup>61</sup>*

The Canadian Association of Broadcasters (CAB) suggested that the research should be extended beyond television. In his appearance before the Committee, Al MacKay, CAB Vice-President and CJOH-TV Station Manager, said of video games:

*Video games were unheard of a generation ago. The penetration is now better than 25% of Canadian households. It's a \$243 million a year business in Canada for Nintendo alone. What are some of the titles these kids are playing? Final Fight and Bionic Commando are just a couple. Do the hours spent playing these games foster aggressive behaviour? There is very little research on that, and I think it's worth investigating.<sup>62</sup>*

Testifying before the Committee, Professor Vincent Sacco agreed that too little attention has been paid to video games and went on to paint another dimension of the violence in video games:

*... the concern there of course, it seems undeniable in the case of video games, as in the case of television aimed at teenagers and youth, that there's an extremely high level of violent content. What seems somewhat more frightening to people in the case of video games is the fact that those games are interactive, they are drawing people in. I don't think the jury is even out, let alone in, on the question of video games.<sup>63</sup>*

For his part, Michael McCabe, President and Chief Executive Officer of the CAB, suggested that more research on the effects of television violence would only give results proving or disproving the cause and effect relationship. He suggested there "should be studies on how we help solve the problem [of violence]."<sup>64</sup> Ken Stein, President of the Canadian Cable Television Association, echoed the belief that solutions were needed and that the time had come for all the industry members to participate in the provision of solutions. In his view, television itself was a solution:

*We must look to how television can provide solutions. Television is a powerful medium that communicates, teaches and influences many aspects of our lives. Those of us in the industry must consciously work to ensure that television is a positive medium.<sup>65</sup>*

The Committee took into serious consideration the words of advice given by Professor Eileen Saunders:

*Now I really think the committee needs to be very clear here about what the concern is and what the priority is. It will be difficult to construct a viable intervention strategy unless we take seriously the issue of why we are concerned about television violence and what it is we're trying to prevent. Once that is done, in terms of the problem, the question is the appropriate level of intervention.<sup>66</sup>*



At this time, given the evidence before us, the members of the Committee favour public education about the potential harmful effects of television violence in its many forms. The Committee also favours industry self-regulation over legislation. It is with this in mind that we review both Canadian and foreign initiatives against television violence in the next section of this report.



## CHAPTER THREE

TELEVISION VIOLENCE:  
FRAYING OUR SOCIAL FABRIC

### Canadian and Foreign Initiatives Against Violence on Television

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Public concern over television violence in Canada is not a new phenomenon. The following review shows that public efforts started 18 years ago in Canada, a clear indication of the ongoing nature of the subject. The review demonstrates how this country and others have dealt with this issue and is presented here to inform the search for possible responses. The review includes a description of the recent initiatives taken by the Minister of Communications, the CRTC and the industry in the last few months, as well as examples drawn from the Canadian provinces and other countries. The Canadian public inquiries outlined below are the only two which have dealt exclusively or in large part with the subject of violence on television. Other Canadian public inquiries, such as *Child at Risk*,<sup>67</sup> the 1980 Report of the Senate Standing Committee on Health, Welfare and Science, have considered the subject as a secondary theme and will not be reviewed here.

#### A. THE CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION SYMPOSIUM ON TELEVISION VIOLENCE

The first significant evidence of public concern over television violence was noted in 1975. In August of that year, the Canadian Radio-Television Commission<sup>68</sup> (CRTC) held a Symposium on Television Violence. The Symposium was not an official hearing and it did not lead to any changes in the CRTC's regulations or policies. Rather, the forum of assembled broadcasters, researchers, government officials, producers, writers, critics, members of the press, and concerned individuals was designed to enable an exchange of views on the complex aspects of television violence and the electronic media. The Symposium's purpose, as set out in the Report published in 1976, was to:

*... broaden traditional perspectives on a difficult issue, to search for neglected causes of television violence within the Canadian system of broadcasting, and to seek broader, more positive and constructive solutions in keeping with Canadian realities.*<sup>69</sup>

#### B. ONTARIO ROYAL COMMISSION ON VIOLENCE IN THE COMMUNICATIONS INDUSTRY

A few months earlier, in May 1975, the Ontario Royal Commission on Violence in the Communications Industry (the LaMarsh Commission) was appointed by the Government of Ontario to study the possible harm to the public interest of the increasing exploitation of violence in the communications industry. Its mandate was:

- 1) *to study the effects on society of the increasing exhibition of violence in the communications industry; [and]*



- 2) *to determine if there is any connection or a cause and effect relationship between this phenomenon and the incidence of violent crime in society.*<sup>70</sup>

The Royal Commission reviewed 4,000 research titles, initiated 28 research projects, held 61 public hearings across the province of Ontario, and received briefs, submissions or letters from more than 1,000 individuals and organizations and hundreds of oral presentations. The Royal Commission published an *Interim Report* in January 1976 and a final *Report* later the same year; the seven large volumes that made up the final *Report* contain 87 wide-ranging recommendations.

In its letter submitting the *Report* to Her Honour, the Lieutenant Governor of Ontario, the members of the Ontario Royal Commission wrote that they had "*studied the effects on society of the increasing exhibition of violence in the communications industry. We have determined a connection between this phenomenon and the incidence of violent crime in society.*"<sup>71</sup>

On the basis of "*the great weight of research into the effects of violent media content*", the Royal Commission found that television violence created "*potential harm to society*".<sup>72</sup> While the Royal Commission also found that the "*depiction of violence in the media is only one of the many social factors contributing to crime*", it concluded that "*it is the largest single variable most amenable to rectification*".<sup>73</sup>

The Royal Commission's most important suggestion to solve the problem of violence in the media was to ensure the provision of "*more and better alternatives for public entertainment, information and education*".<sup>74</sup> To achieve this, the Royal Commission believed that a "*revolution might be required to bring Canadian television back into the service of Canadians and under real Canadian control*"<sup>75</sup> and that, unlike the situation in the United States, it was not quite too late for a major reconstruction of the broadcasting system in Canada. Recommendation No. 3, which flowed from this belief, was indeed revolutionary:

*Consequently, the Commission recommends a radically altered television system, more sensitive to the needs of the public, including the diminution of depicted violence. The new system would eliminate existing Canadian broadcasting entities placing all Canadian television programming under public control of an organization to be called Television Canada/Télévision Canada to serve all Canadians with a multi-channel, publicly directed cable system to include U.S. and other imported programs, but with a stricter control of violent content.*<sup>76</sup>

The Royal Commission also made several practical recommendations which are still relevant today. For example, it recommended that until the broadcasting system's overhaul was completed, the CRTC "*be required to monitor program content, especially for violence and other anti-social acts, as part of its procedure for issuing or renewing licences to use the publicly owned airwaves.*"<sup>77</sup> It recommended that a classification system be established "*to determine the suitability of television programs for children's viewing . . .*"<sup>78</sup> and that this classification system "*be adopted by the Canadian Radio-television and Telecommunications Commission, which would require its implementation by all licensees and enforce its use by regular monitoring.*"<sup>79</sup>



### C. ESTABLISHMENT OF THE CANADIAN BROADCAST STANDARDS COUNCIL

Since the publication of the Ontario Royal Commission *Report*, violence in television programming has escalated in quantity and in visual explicitness. Paralleling this trend, individuals and associations who oppose television violence and racial and sexual stereotyping have mounted campaigns of protests and have brought their complaints to the attention of the media, politicians, the federal regulator and the broadcasters themselves.

In response to mounting pressure, the Canadian Association of Broadcasters (CAB) suggested to the CRTC the establishment of a self-regulatory council for private conventional broadcasters. The CRTC accepted the proposal in principle in September 1988, and endorsed the objective, principles and responsibilities of the Canadian Broadcast Standards Council (CBSC) in August 1991. The 1991-1992 Annual Report of the CBSC states that 97% of CAB members were part of the CBSC membership.

The CBSC administers three codes developed by the CAB: the Voluntary Code Regarding Violence in Television Programming adopted in January 1987, the Code of Ethics and the Sex-Role Portrayal Code. The Sex-Role Portrayal Code has been approved by the CRTC and membership in the CBSC requires adherence to it. As a result, the CRTC is "*willing to suspend, upon application, the condition of licence requiring adherence to the CAB's sex-role portrayal guidelines in the case of licensees that have been members in good standing of the CBSC for at least six months.*"<sup>80</sup> Previously, private licensees were without exception required by condition of licence to adhere to the Sex-Role Portrayal Code. In contrast, the Voluntary Code Regarding Violence in Television Programming has not been accepted by the CRTC and cannot be made a condition of licence.

While it endorsed the objective, principles and responsibilities of the CBSC, the CRTC cautioned in its August 1991 *Public Notice* that this endorsement was not an abrogation of its own responsibilities:

*... this initiative also reflects a new stage in the fulfilment of one of the CRTC's primary objectives: the streamlining of the regulatory process and increased reliance on a supervisory approach and self-regulation. Increased reliance on self-regulation, however, does not imply that the Commission is relinquishing its responsibilities. Any interested party may, at any time, choose to approach the Commission directly.*<sup>81</sup>

In its *Public Notice* of August 1991, the CRTC also noted that it was working with the CAB to update the industry's Voluntary Code Regarding Violence in Television Programming in order "*to ensure that public concerns on this issue are adequately addressed*".<sup>82</sup>

In a report dealing with the comments, inquiries and complaints received by the CRTC, the Commission's concerns about the voluntary industry code were addressed:

*While the CRTC supports industry initiatives in this area, it is not satisfied with the standards developed by the Canadian Association of Broadcasters (CAB) on behalf of private television stations, and has asked the CAB to give the highest priority to revising its code.*<sup>83</sup>



A new draft code on television violence was adopted by the Board of the CAB in January 1993 and was sent to the CRTC on 29 January. Within two weeks, the CRTC provided the CAB with its views on necessary improvements and also met with the President of the CAB to exchange views on the new draft code. The Chairman of the CRTC told Committee members during his presentation of 24 February 1993 that:

*We are pursuing this with a sense of urgency and determination so that, we hope, the public can see a final version in a few weeks, not months. We are seeking a strong, credible self-regulatory code with a credible monitoring system to function under our close surveillance.*<sup>84</sup>

As the Sub-Committee on Television Violence was finalizing its report, more than two months after Mr. Spicer's statement to the effect that the CRTC was pursuing this with a sense of urgency and determination, a code had still not been agreed upon. As stated in Recommendation No. 10, it is with a unanimous sense of urgency and determination of its own that the members of the Standing Committee urge Mr. Spicer to conclude his negotiations with the broadcasters in a few weeks, not in a few months.

#### D. THE CANADIAN BROADCASTING CORPORATION'S POLICIES

The Canadian Broadcasting Corporation (CBC) has its own policies regarding violence in radio and television programming (the Voluntary Code developed by the CAB applies only to private television broadcasters). The CBC policies reflect the view that, given the predominantly Canadian content broadcasted by the CBC during prime time viewing hours, it is able to reflect Canadian values — values which do not include or condone gratuitous violence. The three CBC policies on the treatment of violence in its programming deal with three different areas: *journalism*, *general programming* and *children's programming*.

The CBC's 1988 Journalistic Policy includes guidelines on the portrayal of violence and the following statement:

*Violence must not be exploited on radio and television. The CBC as a matter of general policy does not portray violence, except where its depiction is an essential fact of the reality being portrayed.*<sup>85</sup>

The 1984 Program Policy No. 14 on Violence in General Programming states that "*the CBC does not broadcast programs that unduly exploit violence, and restricts the number of program series built around themes of violent action*".<sup>86</sup> It also spells out some practical considerations to take into account when producers are considering program content.

The 1984 Program Policy No. 15 on Violence in Children's Programming was designed with the creative growth and development of Canadian children in mind:

*The CBC produces children's programs and selects films and TV series whose content and treatment are consistent with what is known about the creative growth and development of Canadian children. The Corporation does not consider that young people should be sheltered from the realities of life, but neither does it assume that children are prepared for adult entertainment from the beginning.*<sup>87</sup>



## E. CRTC INITIATIVES

While not directly related to the control of television violence, the standards promulgated by the CRTC in 1985 for the pay television services were a first regulatory step. Developed by the industry itself, these standards require that programming be classified according to the type of audience for whom the programming is intended; letters such as "G", "PG", "A" and "R" are used for that purpose, much in the same way that films are classified by various provincial film boards.

As mentioned earlier, in May 1992 the CRTC published two important reports on the subject of television violence; both were commissioned following the massacre of 14 women at the Montreal École Polytechnique. The CRTC's staff report, *Scientific Knowledge about Television Violence*, presents an overview of more than 200 scientific studies about violence on television and its effects in terms of aggression and anti-social behaviour.<sup>88</sup> The second report, *Summary and Analysis of Various Studies on Violence and Television*, summarizes the recommendations and policy initiatives of a number of public inquiries into media violence and examines the broadcasting standards developed in Australia, New Zealand, the United Kingdom and France.<sup>89</sup>

With modest financial help from the CRTC, and hosted by the "Institut québécois de recherche sur la culture," the International Symposium on Violence in Film and Television was held in Montreal in November 1992. A few months later, in February 1993, again with modest financial help from the CRTC, a second symposium on the theme "Reclaiming Childhood: Responsible Solutions to television Violence and our Children" took place in Toronto, hosted by the Hincks Institute.

In addition to its dialogue with the CAB on the revision to the Voluntary Code Regarding Violence in Television Programming, the CRTC has initiated discussions with key players such as the Canadian Cable Television Association, provincial ministers responsible for regulating video stores and cinemas, Canadian pay and specialty services, the American Federal Communications Commission, executives and producers at the U.S. studios and major networks, and representatives of the Canadian Teachers' Federation, the Canadian Home and School and Parent-Teacher Federation, the Canadian Advertising Foundation, the CBC and the Canadian production community. The CRTC has also launched an informal newsletter to encourage an ongoing dialogue and exchange of ideas with anti-violence groups and to keep them informed of the Commission's activities.

## F. RECENT PROPOSALS AND INITIATIVES FOR CO-OPERATIVE ACTION

Recently, separate proposals for co-operative action to deal with television violence were announced by the Minister of Communications, the Canadian television production industry, the CAB and the CRTC. They will be summarized in the order in which they were made.

On 19 February 1993, speaking to the delegates on the opening day of the C.M. Hincks Institute Conference, the Minister of Communications announced a five-part strategy to get at this issue.<sup>90</sup> Briefly, the five elements are:

- 1) *a strong and uniform code on television violence for all elements of the industry — the Minister will ask the CRTC to write and enforce one if the industry produces one that is not tough enough;*



- 2) *implementation of a number of important public education campaigns to raise public awareness against violence on television — in the same way that education was proven effective in the anti-smoking campaign;*
- 3) *advertising agencies should urge their clients, including the Federal Government who is the third largest client in the country, to place their ads within violence-free programming;*
- 4) *collaboration between Canada and the United States — because the majority of programs available to a Canadian full-service subscriber originate in the United States; and*
- 5) *the creation of the annual Virginie Larivière Television Awards to honour individuals and companies who promote quality children's programming which is non-violent — the Gemini Awards and "Les Prix Gémeaux" could be the forum for honouring the winners.*

On 22 February 1993, following the C.M. Hincks Institute Conference, the Canadian television industry announced the creation of the National Action Group (NAG) to address the problem of societal violence. An organizing committee headed by Dr. Laurier LaPierre, representing all sectors of the television industry, the CRTC and the federal Department of Communications was set up to develop an action plan, budget and framework.<sup>91</sup>

Appearing before the Committee on 23 February 1993, Michael McCabe, President of the CAB, declared that the CAB had played, and would continue to play, a leading and central role in the National Action Group. He announced that the first thing that the NAG would address is the "question of universally applicable codes and classification systems, but we'll go on to questions of education, public awareness and improved programming".<sup>92</sup>

With respect to the planning phase of the NAG, the Chairman of the CRTC told the Committee that he expected it to be completed by the end of April and that "some of the major national parent and teacher organizations, both French and English, have already expressed their interest in participating in the action group."<sup>93</sup>

The CAB gave Committee members an overview of the key features of the draft revised code regarding television violence, now under discussion with the CRTC. Some of these features are: *violent programming intended for a mature audience will not be scheduled or advertised prior to 9 p.m.; more viewer advisories will be used; programs with violence against women will not be encouraged, promoted or condoned; and particular emphasis will be put on applying the code guidelines for children's programming.*<sup>94</sup>

The Chairman of the CRTC appeared before the Committee to discuss the CRTC's initiatives to date (summarized above), the guiding principles underpinning effective long-term solutions and some practical ideas that the CRTC has received from citizens and groups.

The Chairman described the CRTC's approach as one "*based, fundamentally, on working to achieve a civilized balance between protecting freedom of expression and protecting our children from gratuitous and glamorized television violence*".<sup>95</sup> Using this approach, the CRTC's guiding principles outlined by the Chairman are:

- 1) *To raise the level of public and industry awareness through informed, serious discussion.*



- 2) *To press all sectors of the industry to put in place the strongest possible anti-violence codes in which the CRTC and public can have confidence.*
- 3) *To engage the industry in co-operative efforts with parents, teachers, community groups and others to implement concrete, long-term initiatives on a wide variety of fronts, including education and awareness, technology, advertising, citizen action and others.<sup>96</sup>*

He also informed the Committee that, as a result of the Hincks Conference:

*... a number of community groups and concerned individuals who were there are now working to form a national coalition of parents and anti-violence advocates.*

*... that the Hincks Institute is exploring the possibility of organizing a follow-up conference. The initial idea is to bring together the industry, teachers, child psychologists, programmers and producers for intensive workshops focused on identifying the factors which should be included in good television shows for young people of different age groups. It's not enough to reduce violence; we need many positive alternatives on our screens.<sup>97</sup>*

In the long list of practical ideas that the CRTC Chairman tabled with the Committee, he flagged a few of the immediate steps which the CRTC, the industry, parents and Parliament could take. One of the immediate steps that the CRTC could take he said, was to "review, at licence renewal hearings, the issue of violence with the same vigour with which the CRTC examines gender portrayal and employment equity".<sup>98</sup> The CRTC announced new policies on gender portrayal and employment equity for the broadcasting and cable television industries on 1 September 1992. Another immediate step that the CRTC could take, said the Chairman, was to:

*... exercise our range of powers to deal with those who repeatedly violate the industry codes once they are in place. This "graduated" response can range from calling the licensee to a special public hearing to account for its programming, imposing specific conditions of licence, to giving a very short-term licence during which its programming is closely monitored.<sup>99</sup>*

The CRTC Chairman concluded his presentation to the Committee with some ideas for the consideration of Parliament and the government. The first of these would be for Parliament to pass an all-party resolution which would lend support to all the groups involved in dealing with the issue of societal violence. In his view, an all-party resolution which would call:

*... on all federal departments, as well as provincial governments, the television industry, and others with power to make changes happen, to do whatever they can within their area of responsibility to combat gratuitous and glamorized violence. . . It could have considerable educational and symbolic value in demonstrating national leadership on this issue.<sup>100</sup>*

The Committee agrees with this suggestion and a resolution to that effect will be presented to the House of Commons when our report is tabled.

The last initiative of which the Committee is aware took place at the time our own Sub-Committee on Television Violence was reviewing this report. Organized by the National Action Group on Violence in Television and funded by the Minister of Communications, the International



Colloquium on Television Violence was held in Montreal on 28-29 April 1993. At the all-day session on the 29th, invited participants from France, the Commission of the European Communities, la Communauté française de Belgique, New Zealand, the United Kingdom and Australia, and a wide cross-section of Canadian representatives, including those of the Standing Committee on Communications and Culture, shared their varied perspectives, experience and knowledge in the presence of the Minister of Communications and his officials. The discussions focussed on the factors that led to the introduction of national measures in other countries, voluntary codes of conduct and classification systems for films, videos and television programs. A comparative summary analysis of the public measures adopted by other countries to address television violence, made public by the Minister of Communications at the Montreal International Colloquium, is appended to this report for reference purposes.<sup>101</sup>

## G. PROVINCIAL INITIATIVES — FILM AND VIDEO CLASSIFICATION

Due to time limitations, the Committee was unable to do a complete review of provincial initiatives in the classification of films and videos and in the regulation of their sale and rental. The classification and regulatory systems in place in the provinces of Quebec and Ontario have been summarized and included here because they were frequently mentioned during our hearings. This part of the report also contains an overview of a recent industry proposal made to the provinces with respect to a national classification program for film and video in Canada.

### 1. Province of Quebec

The Quebec “Régie du cinéma,” an administrative tribunal, operates pursuant to the provisions of the Quebec *Cinema Act*. It is mandated to classify films and videos intended to be exhibited, sold or rented to the public. Films and videos are rated on the basis of the probable effects they may have on viewers of various ages and are thus classified in one of the following categories: “General”, “13 years and over”, “16 years and over” and “18 years and over”. The “Régie” may add to this numerical rating one or more of the following content indications: “For Children”, “Vulgar Language”, “Eroticism”, “Violence”, “Horror” and “Explicit Sexuality”. The Act requires the “Régie” to hold periodic consultations on the classification of films; these consultations are intended to assess the current state of the population’s social consensus, particularly with respect to violence and explicit sex.

The rating given by the “Régie” appears on each copy of a video or film in the form of a stamp. The rating must also be shown on all public advertisements for films and videos. Video retailers are required by law to obtain an operating permit from the “Régie” and to enforce the law and relevant regulations, including the prohibition to sell or rent videos to persons under the age required by the rating. The Act provides for inspectors to oversee its application and for penalties to be levied against transgressors. In our view, the classification and regulatory system in place in the province of Quebec is a model that we would like to see other provinces emulate. It could also serve as the basis for a national film, video and television programs classification system.

In the province of Quebec, the pay television service “Super Écran,” has adopted the classification system used by the “Régie du cinéma” to rate the movies it broadcasts. While our study was still underway, “Super Écran” announced that it will superimpose on the television screen the



letter "V" inside a small red square when a violent movie is broadcast; the symbol will appear a number of times during the broadcast. The letter "V" will also be printed next to the title of the movie in its movie catalogue. However, this initiative will not affect the time of day at which violent movies are to be shown.

## 2. Province of Ontario<sup>102</sup>

The Ontario Film Review Board, also an administrative tribunal, operates pursuant to the provisions of the Ontario *Theatres Act*. The Board has the power to classify films in accordance with the following classifications set out in the Act: "Family", "Parental Guidance", "Adult Accompaniment" (restricted to persons 14 years of age and over or to younger persons who are accompanied by an adult), and "Restricted" (to persons 18 years of age or over). "Information pieces" about the contents of the film may be added to the film rating; these include "Brutal Violence", "Frightening Scenes", "Nudity", and "Not Recommended for Children".

In the Ontario *Theatres Act*, film is defined to include videotape. However, the Act does not provide for the marking or stamping of the ratings on the video cassettes themselves or on their boxes. The Act also makes no provisions to regulate the sale or rental of videos to persons under the age required by the rating. Instead, the ratings are consigned to a catalogue that each video store is required to keep.

## 3. Industry Proposal to the Provinces

At present, national film and video producers and distributors have to deal with seven provincial classification systems, three pay television systems and one American system. Getting a film or a video classified is a cumbersome, lengthy and costly process. To overcome this problem, five industry trade associations — Canadian Association of Video Distributors, National Association of Canadian Film and Video Distributors, The Canadian Motion Picture Distributors Association, The Motion Picture Theatres Association of Canada and Video Software Dealers Association — made a joint proposal to the provinces in November 1992 asking their governments "to support the creation of a single national classification facility which will classify all films and videos released in Canada."<sup>103</sup>

Under this proposal, provincial governments would continue to exercise their right to license the distribution, exhibition, sale and rental of films and videos in their provinces, to add "information pieces" to suit community standards, to offer a local appeal process for the handling of consumer complaints and to provide penalties for non-compliance.

The proposal calls for a non-profit National Classification Corporation empowered to carry out its classification work on behalf of the provinces. The Corporation's Board would consist of a representative from each participating province and a representative from each industry association, but with a majority of provincial representatives. The classification of films and videos would be conducted by a Review Board made up of professional classifiers reporting to the Corporation's Board. The classification of each film, video cassette and video box would be identified using an easily recognized, publicly acceptable set of symbols and "information pieces".

Asked about the reaction of the provinces to the industry proposal, Sandra Macdonald, President of the CFTPA, stated that "to this point, we haven't had any provinces agree to give up jurisdiction in this area."<sup>104</sup>



## H. FOREIGN CODES, STANDARDS AND CLASSIFICATION SYSTEMS

The Montreal International Colloquium on Television Violence took place in late April 1993 as the Sub-Committee on Television Violence was finalizing its report. At the Colloquium, the Minister of Communications released a comparative summary analysis of the public measures adopted by other countries to address television violence. This reference document, prepared by the Department of Communications, is an important and necessary companion to our brief analysis. It is appended to our report in order to make our report as complete as possible.<sup>105</sup>

### 1. The United States

On 11 December 1992, the three major American networks, ABC, CBS and NBC announced that they had agreed to joint Standards for the Depiction of Violence in Television Programs. The joint Standards were made possible under the Antitrust exemption granted by the *Television Violence Act* of 1990 which was introduced by U.S. Senator Paul Simon. When the Act was passed in 1990, representatives from the three major networks said that "*the legislation was not necessary and suggested it would not change their programming approach.*"<sup>106</sup> The development of the joint Standards in the interim suggests that the American networks have since reconsidered their position.

The Standards are intended to proscribe gratuitous or excessive portrayals of violence, according to the text released by the networks. They "*will provide the framework within which the acceptability of content will be determined by each network in the exercise of its own judgment.*"<sup>107</sup>

Senator Simon stated at the time that changes will be evident in the networks' Fall 1993 programming. He also announced that the three networks will convene an industry-wide conference on television violence in the Spring of 1993 to discuss further steps.

### 2. Great Britain (BBC)

The models cited most often by the experts and witnesses were those adopted by the BBC in Great Britain and by Australia. The BBC has established its own code, *Violence on Television; Guidelines for Production Staff - 1987*. Every five years, the BBC holds public hearings to reassess its guidelines on violence and programming in general. A review is currently underway to consider what changes may have occurred in public tastes, styles and expectations since 1987 and whether or not the current practice and guidelines reflect them adequately. In their conclusion, the authors of the CRTC report *Summary and Analysis of Various Studies on Violence and Television* endorsed the public hearings process used by the BBC as an enabling way "*to keep abreast of public opinion and also serve to reassure the public that the organization is performing in a responsible manner.*"<sup>108</sup>

### 3. Australia

Based on the *Broadcasting Act* of Australia, the Australian Broadcasting Tribunal has established Television Program Standards which include the criteria to be addressed when commercial television stations are classifying programs. The criteria include the type of audience, the times of day when certain classification categories may be shown and indicators of the level of violence appropriate or not appropriate for the various classification categories. The Tribunal's Television Program Standards formed the basis for the private broadcasters' code developed by the industry.



The code contains no penalties or policing mechanisms but the Tribunal can investigate complaints and conduct spot monitoring of certain programs which have drawn an unusual number of complaints. It can also review the practices of television stations at licence renewal times and can enforce its rules through a number of measures spelled out in the Standards. The enforceable rules regarding violence on television can either be made by the Tribunal as program standards or as licence conditions.

#### 4. Other Countries

New Zealand has adopted a system which in large part is based on the Australian model. France, Italy and Germany also use regulations to control violence on television.

The members of the Committee were surprised that violence on television is a recognized problem to which there is no real solution. Many of the witnesses appearing before the Committee made this observation, including Judith Campbell from Five Associates who said, "This is an incredibly complex problem that can't necessarily be solved by the imposition of legislation. It is one that has to be approached from the perspective of many options for a solution."

The complexity of the problem is compounded by the underlying conflict which it represents between constitutional values, asserted by those who favour regulation and censorship as solutions, and free speech values, asserted by those who oppose any censorship as a matter of principle. The Government walks a fine constitutional line in taking any actions to curb television violence. It is at least clear that any measure it adopts which might impinge upon the freedom of expression guaranteed in the Canadian Charter of Rights and Freedoms can be reasonably and defensibly justified within the context of our free and democratic society.

In the Committee's view, the sheer variety and range of possible measures highlighted by witnesses for addressing violence on television underlines the need for, and the wisdom of, a multifaceted approach to addressing television violence. The Committee finds it appropriate to undertake only a brief study of the issue, then the problem is said best to be addressed by a variety of innovative, coordinated, co-operative and graduated responses, accompanied by regular program review and constant vigilance with respect to freedom of expression concerns.

The options set out below do not represent a comprehensive plan, but new ideas and innovative approaches are being explored every day in this regard. In addition, the options listed here cannot realistically be categorized into self-oriented strategies. For efforts to curb violence to be effective, greater care must be taken among the various entities, such as research, public education, industry self-regulation and government regulation.

With respect to the layout of this part of the report, the Committee has opted to deal with the options in an ascending order of intervention. The approach reflects the Committee's belief that legislation and government action should not address the problem of television violence. The options to be explored were listed in the order of many — parents, teachers, researchers, broadcasters, artists, producers, advertisers, regulators, and legislators.







## CHAPTER FOUR

### TELEVISION VIOLENCE: FRAYING OUR SOCIAL FABRIC

### Options and Recommendations

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The remainder of this report will examine the main options which exist for treating the problem of television violence and present recommendations for dealing with the problem. The Committee believes that Canadians must seek specific solutions to combat the adverse effects of television violence, even though television violence is only a small part of a larger problem, that of violence in society.

The members of the Committee are convinced that violence on television is a complex problem to which there is no one solution. Many of the witnesses appearing before the Committee made this observation, including Sandra Campbell from Viva Associates who said, "*This is an incredibly complex problem that isn't amenable to a quick fix via one piece of legislation. It is one that has to be approached from the perspective of many options for a solution.*"<sup>109</sup>

The complexity of the problem is compounded by the underlying conflict which it inevitably invites between protectionist values, asserted by those who favour regulation and censorship as solutions, and free speech values, asserted by those who oppose any censorship as a matter of principle. The Government walks a fine constitutional line in taking any actions to curb television violence. It must ensure that any measures it adopts which might impinge upon the freedom of expression guarantee in the *Canadian Charter of Rights and Freedoms* can be reasonably and demonstrably justified within the context of our free and democratic society.

In the Committee's view, the sheer variety and range of possible measures highlighted by witnesses for addressing violence on television underline the need for, and the wisdom of, a multifaceted approach to addressing television violence. The Committee finds it apparent, even after only a brief study of the issue, that the problem would best be addressed systematically with a variety of innovative, co-ordinated, co-operative and graduated responses, accompanied by regular progress reviews and constant, vigilant sensitivity to freedom of expression concerns.

The options set out below do not represent a comprehensive plan, since new ideas and innovative approaches are being explored even as we write this report. In addition, the options listed here cannot realistically be compartmentalized into self-contained strategies. For efforts to curb violence to be effective, overlap and interplay must occur among the various options, such as research, public education, industry self-regulation and government regulation.

With respect to the layout of this part of the report, the Committee has tried to deal with the options in an ascending order of intervention. This approach reflects the Committee's belief that legislation and government action alone will not address the problem of television violence. The solutions to television violence lie in the hands of many — parents, teachers, consumers, researchers, broadcasters, artists, producers, advertisers, regulators, and legislators.



## A. PUBLIC DISCUSSIONS

The Committee is encouraged by the quality and growing quantity of public dialogue, particularly of late, surrounding the issue of television violence. We would like to see this vital activity continue with added vigour. In order for positive steps to be taken against violence on television, the free flow of information must be encouraged and must continue. Exchanges of information are essential to shape Canadians' understanding of violence on television and violence in general.

*Our understanding of what constitutes violence/violation is evolving. Regulators, educators, broadcasters, journalists and others need to be kept current in order to do their jobs effectively. The dimensions of the problem should be mapped out from philosophical, research, and practical perspectives, and made widely available.<sup>110</sup>*

The process of defining what constitutes unacceptable violence on television should not be a static one. Acceptability is governed by values, which are not themselves static, and require ongoing review. In the Committee's view, public debate of the social values determining the threshold of tolerable violence on television is healthy and important to the evolution of society's understanding and treatment of television violence. The Committee is mindful of the comments made in this regard in the CRTC's *Summary and Analysis of Various Studies on Violence and Television*:

*By debating the values involved, it will be possible to determine what is socially acceptable in terms of television violence and appropriate treatments for it. For this reason, debate should be encouraged. It is also appropriate that the debate be ongoing since values change over time. What was deemed acceptable thirty years ago, in the depiction on television of male/female relationships is not necessarily the same today. The same argument applies to violence.<sup>111</sup>*

The Committee recognizes that various public forums should be used to foster discussions of Canadians' values respecting television violence, as well as other forms of violence. The venues could range from community meetings and conferences on television violence to more formalized CRTC public hearings, parliamentary committee hearings, or government task forces, depending on the particular issues under discussion.

At this point, the Committee believes that more informal types of discussions, such as meetings and conferences, would be most beneficial rather than official hearings. The informality of a meeting or conference has the advantage of speed and freshness and should therefore facilitate the type of lively, timely, and interactive dialogue that is now needed. Furthermore, the Committee agrees with the Chairman of the CRTC, Keith Spicer, who stated recently *that we need to develop a permanent dialogue because the issue of television violence will never go away.*<sup>112</sup>

**RECOMMENDATION No. 1** — The Committee recommends, in view of the importance of maintaining current, open and widespread public dialogue on the subject of television violence, that the federal government encourage and facilitate a process of public meetings and conferences devoted to television violence and related issues.



The Committee recognizes, as virtually all witnesses pointed out, that violence on television is symptomatic of the larger problem of increasing violence in society. For instance, Florian Sauvageau of the University of Laval noted: "*No doubt violence on television is one of the causes of this broader phenomenon, but poverty, racism and unemployment are certainly just as important causes as violence on television.*"<sup>113</sup> An examination of the broader picture of violence is beyond the scope of this Committee's mandate, but members are convinced that there is a much larger and serious problem, which demands a comprehensive study in Canada.

**RECOMMENDATION No. 2 — In view of the fact that violence on television is symptomatic of the larger problem of violence in society, the Committee recommends that a joint federal-provincial task force be convened to inquire into all aspects of societal violence — interrelationships, causes, effects and remedies — including, but not limited to, media violence, domestic violence, and racial violence.**

**The Committee further recommends that the findings of the joint federal-provincial task force be set out in a White Paper.**

## **B. CANADIAN RESEARCH ON TELEVISION VIOLENCE**

The Committee recognizes that the information and ideas exchanged in public discussions about television violence must be based on sound, up-to-date research. In this vein, we note that although a wealth of American information exists on the subject of television violence, there are very few current reports from a Canadian perspective.

Witnesses who appeared before the Committee identified many unanswered questions. For example, they pointed out that Canadian society is generally considered to be less aggressive and violent than that of the United States, but most of the studies of violence in television to date are American. Accordingly, Canadians do not really know what their own attitudes and standards are with respect to violence on television, as distinct from their neighbours to the south. The Committee also heard that Canadians do not know enough about the effects of importing violent U.S. programs into the Canadian context. Certainly, we do not know how Canadians' values, culture, and behaviours are affected by imported, violent programming. One witness observed that Canadians do not know the truth about the market demand for violence. We are told by the industry and the media that people want to watch violent television, but we do not seem to hear this message from most Canadians, as evidenced by the over 1.3 million signatures on Virginie Larivière's petition. In another case, a witness emphasized that we need to know what programs Canadian children are watching; specifically, whether enough quality programming is being produced for our children and whether or not it is all being used. Finally, one witness suggested we need to know whether particularly impressionable members of our society are influenced more adversely by television violence — for example, whether children living in abusive families are more prone to be influenced by violent programming. These are just some of the questions witnesses have told the Committee that Canadians need researchers to answer.<sup>114</sup>

The Committee is impressed by the ground-breaking Canadian research that is now being done, such as that conducted by the Centre for Youth and Media Studies at the Université de Montréal, and we believe that it should be encouraged by governments. The Committee is also convinced that a better understanding of the Canadian situation is needed; to achieve this, a much larger pool of up-to-date knowledge about violence on Canadian television needs to be developed.



**RECOMMENDATION No. 3** — The Committee recommends that government funding bodies, such as the Social Sciences and Humanities Research Council, and government departments, such as Health and Welfare Canada and the Department of Communications, dedicate more of their financial and other resources to supporting original Canadian research into the causes, effects and control of television violence.

### C. PUBLIC ACTION GROUP ON TELEVISION VIOLENCE

The Committee members believe that positive and concerted action for dealing with television violence can develop out of the stronger research base and ongoing public debate that we have recommended. The Committee also recognizes that the formation of a co-ordinating body would be necessary in order to organize and channel such efforts. In fact, we note that this important step was initiated recently at the C. M. Hincks Institute Conference in Toronto when representatives of the Canadian television industry announced the creation of the National Action Group on violence.

The Committee has been informed that an organizing committee representing all sectors of the television industry, the CRTC, and the federal Department of Communications is now developing an action plan, budget and framework for the National Action Group. But, we have observed that at the time of inception, the organizing committee only included industry and government representatives.<sup>115</sup> We hope that the organizing committee for the National Action Group will eventually include parents', teachers', artists' and other community-based groups in its membership, so that they may introduce a popular, grass roots perspective to the Group's agenda.

In addition, it came to the Committee's attention during the hearing process that some key players in the television industry have not yet become members of the National Action Group. Brian Robertson, President of the Canadian Recording Industry Association (CRIA) and the Audio Video Licensing Agency (AVLA) whose members produce music videos, explained to the Committee, for example, that neither organization is involved in the Group because they have not been invited to join.<sup>116</sup> We note, as a further example, that the National Film Board is not yet listed among the National Action Group's membership. We believe the collective expertise and experience of these bodies, as well as others who are not yet members, would be an asset to the National Action Group, and we encourage the Group to make a comprehensive membership a priority in its forthcoming action plan. If it is to become a true alliance, it is imperative that all the parties interested in the problem of violence on television should become involved in the National Action Group's activities.

The Committee applauds the formation of the National Action Group. Indeed, we would very much like to be included as participants in the Group's initiatives.

The objectives of the Group suggest that it could play a major role in ensuring that the problem of television violence is ultimately controlled through private initiatives and grass roots efforts, rather than by direct government intervention and legislation:

*The action group has already identified a number of urgent initiatives, including tougher industry codes, classification systems, as well as media literacy and other projects to help empower parents, teachers and children to make the best*



*use of television, said organizing committee chairman Dr. Laurier LaPierre. The longer-term objective is to develop pathways and structures for ongoing initiatives in collaboration with parents, teachers and other community groups.<sup>117</sup>*

The Committee shares the view of the founders of the National Action Group that pursuing these types of undertakings is crucial to dealing responsibly with violence on television. The Committee wishes the National Action Group every success in achieving its commendable goals.

**RECOMMENDATION No. 4 — The Committee strongly endorses the recent establishment of the National Action Group on television violence and recommends that the Minister of Communications provide financial support to, and maintain close contact with, its progress.**

#### D. PUBLIC EDUCATION

Education was listed as the “*second great tool of change*” in the five-point strategy for dealing with television violence, announced by the Minister of Communications at the recent Hincks Institute Conference.<sup>118</sup> Public education would serve at least two important functions in combatting violent entertainment on television. Education would raise public awareness, thereby changing attitudes towards television violence, and it would encourage television audiences to make more responsible personal viewing choices.

With respect to changing attitudes by raising public awareness, a number of witnesses reminded the Committee of the important role which education has played in shifting public attitudes towards smoking and drunk driving. As well, Jan D’Arcy, Senior Policy Analyst for the National Film Board pointed out that education, backed by sound research, can lay the groundwork for any necessary legislative action:

*In the mid or late 1970s, when motions were passed in meetings by people asking that smoking not occur in the room during the meeting, the motions were inevitably defeated. Those motions were seen as being moved by people slightly off the wall, by marginal social activists. Twenty years later, all sorts of legislation has occurred regarding smoking in public places. I think several things occurred in that period to have that major shift. The first was public education in a large way, which was both co-ordinated and well resourced, and the second was major research. It was after attitudes changed that legislation became very easy.<sup>119</sup>*

Professor Vincent Sacco explained to the Committee that education should do more than deal with the narrow issue of violence on television:

*When I say “education”, I don’t mean education in a narrow and specific sense. I don’t think it is simply a matter of teaching people that violence on television is the thing you shouldn’t be interested in. I think it has much more to do with teaching a kind of unacceptability of violence in society much more generally. I think schools are one obvious place where that kind of agenda can be pursued.*



*I think we need to recognize that all too frequently our stereotype of violence misleads us. We tend to think of most violence as involving people who are strangers to each other — someone jumps out of the bushes and robs or assaults or sexually assaults a victim. What we know with a considerable degree of confidence is that most violence involves people who know each other, not people who don't know each other.*

*...What that suggests to me is that violence is all too frequently a kind of problem-solving behaviour in which people attempt to manage conflicts with others to their satisfaction. Lacking other means, or not appreciating the desirability of using other means, they resort to violence.*

*I think you begin at a level of substructure. You attempt to educate people about the inappropriateness of violence in its many forms as a way of dealing with and resolving conflict. I think a distaste for and lack of appreciation for violence in media, would, hopefully, flow quite logically from that.<sup>120</sup>*

Witnesses strongly recommended using a variety of educational tools, including public service announcements which advise viewers about the harmful effects of violence, public awareness campaigns prepared by anti-violence advocates, media literacy programs and documentary films about violence in society, such as those produced by the National Film Board. Of these suggestions, media literacy programs were highlighted most often as an essential educational tool.

Explaining to the Committee what media literacy should mean, the Chairman of the CRTC, Keith Spicer, said it should include explaining to children the positive potential of television as a cultural instrument, how to recognize good programs and be discriminating about what they watch. In other words, “*we want to make every child, by the time they get to be an early teenager, a pretty good self-censor.*”<sup>121</sup>

For some strategists, public education and media literacy programs seem to offer considerable promise for dealing with the problem of television violence. For example, in his address to the Hincks Institute Conference, the Minister of Communications stated that “*the key to success in this issue is not in governments running our lives for us. It is the educated choice of viewers and parents that will make the difference.*”<sup>122</sup> Others, such as Alan Mirabelli, from the Alliance for Children and Television (ACT), were less optimistic about the potential influence of media literacy programs. He stated “*that media literacy can deal with only from five to ten percent of the problem, given the nature of our schooling, so we must be realistic about our expectations.*”<sup>123</sup>

The Committee finds the wide range of expectations for media literacy programs somewhat disconcerting. In addition, we were not made aware of any formal evaluations of the actual effectiveness of any existing media literacy programs. Nevertheless, we found a consensus in the academic literature and among the witnesses that media literacy programs which include components on television violence should be developed and become part of the educational agenda for both children and adults.

**RECOMMENDATION No. 5** — The Committee recommends that the federal government take action to encourage provincial governments to survey their media literacy policies and programs to determine whether they specifically address the issue of violence on television and reach groups outside the educational system such as parents, other adults, and pre-school children.



The Committee believes that the responsibility for public education about television violence cannot be placed entirely on the provinces. Since the federal government has a responsibility under the Constitution for matters related to television broadcasting, it too should play an active role in promoting television literacy. In particular, it should encourage the development of industry and federal initiatives that use the television itself to make viewers television literate. Public service announcements (PSAs) are one approach with tremendous creative potential. Imagine the impact of the following scenario, outlined in a recent report on the effects of media violence on children:

*Having actors associated with violent roles stress the fact that their characters are fictitious rather than real and disavow their violent actions in short spots [during or] following programs [to] help children place what they have seen in a more realistic perspective and limit how much they identify with violent characters.<sup>124</sup>*

With respect to PSA projects, the Committee notes that the Canadian Association of Broadcasters has made violence the subject of a \$10 million public service announcement campaign for 1993.<sup>125</sup> The CAB told the Committee that it is working with the Department of Communications and other government departments to make this PSA campaign a reality.<sup>126</sup> The Committee applauds this initiative and the private-public sector collaboration.

**RECOMMENDATION No. 6 — The Committee recommends that the federal government foster creative initiatives which inform viewers about television violence and make them more television literate, using television itself as the educational tool.**

The Committee was interested to learn from Barbara Merriam, representing the National Clearing House on Family Violence, Health and Welfare Canada, that her department is working with the National Film Board on reaching an agreement to produce a media literacy guide which could be used in schools across the country.<sup>127</sup> The Committee congratulates these two agencies on this initiative and hopes that television violence will form a major component of their proposed media literacy project. The Committee urges the Minister of Health and Welfare to lend support and encouragement to this project by ensuring that the production agreement is concluded as quickly as possible, thereby enabling the project to move ahead.

Finally, the Committee was struck by the powerful messages which documentary films can convey about the culture of violence. The NFB's presentation to the Committee of video clips from *Not a Love Story*, *Still Killing Us Softly* and *Toying With Their Future* made this point very dramatically. The Film Board indicated that it has been confronting and questioning attitudes about violence in our society for over ten years, using the film medium as a catalyst for public debate:

*Since 1980 the National Film Board has produced several important films that have looked at attitudes towards sexuality and violence in our culture. We've looked at childhood sexual abuse, pornography, violence and abuse to the elderly, male violence in the home, and we've also looked at social violence. Many of these films continue to be well used a decade after their release into the marketplace. As a group of films, they have advanced public discussion and reflection on these important social issues facing Canadians.<sup>128</sup>*



**RECOMMENDATION No. 7** — The Committee urges the Department of Health and Welfare to conclude an agreement with the National Film Board to produce, in co-operation with provincial educational authorities, a media literacy guide which would provide children with the tools to understand the positive potential of television and help them become discerning television viewers. The Committee recommends that television violence form an important component of the proposed media literacy guide.

## E. INDIVIDUAL ACTION

This section of our report deals with actions that individuals may take on their own, or with government assistance, so that they may personally control their exposure to violence on television. The Committee firmly believes that with user-friendly technological controls and effective public complaints systems, Canadians would be better equipped to control television violence themselves.

### 1. Consumer Choice

Those who completely oppose any government regulation of television violence maintain that consumers, who are properly educated (media literate) and who have access to technological aids which can help them to regulate the programming viewed in their homes, would be able to act as their own personal censor boards. Even those who hold more moderate views on government regulation, such as Chairman Keith Spicer of the CRTC, believe providing television consumers with technology and education is 90% of the solution to television violence.<sup>129</sup>

Many witnesses echoed Mr. Spicer's opinion that parents have a responsibility to take charge of television viewing in their homes by watching television with their children, limiting viewing times, and explaining how television works to their children.<sup>130</sup> Other witnesses and experts, however, were less inclined to place the onus of regulation on parents. Falling into the trap of blaming parents is too easy, according to Alan Mirabelli<sup>131</sup>, who noted that the role of socializing children belongs to the community, not just parents.<sup>132</sup>

The Committee has concluded that expecting parents to serve as models, gatekeepers, and television interpreters for their children, without adequate media literacy training and technological assistance, would not be realistic. It would probably only serve to maintain the status quo, which has been found to be unsatisfactory. "*A number of studies have indicated that direct parent intervention to prevent children from watching programs with violent or other inappropriate content is infrequent.*"<sup>133</sup>

The Committee does believe in principle that parents should be responsible for regulating the viewing habits of their children. But in practice this may be an unfair expectation to make of working parents, even those who are media literate, because they simply cannot be television watchdogs around the clock. Witnesses who appeared before the Committee described a number of recent technological developments, including channel blockers (blacking out undesirable channels), program filters (blacking out unacceptable programs), and television or remote control locks (preventing unattended children from turning on the television set). The Committee considers it a top priority to have new, home-viewing technological controls widely available to parents at affordable prices as soon as possible.



**RECOMMENDATION No. 8 — The Committee recommends that the Minister of Communications give priority to fostering research and development of screening devices for televisions and VCRs.**

## 2. Public Pressure on Industry

Besides regulating their own viewing choices, members of the public can put pressure on the television industry — broadcasters, advertisers, producers — to choose non-violent programming. The public, as consumers of television programs, have the power to influence the industry by boycotting violent programs or the products of advertisers who sponsor them, writing letters to broadcasters and production companies denouncing their offensive activities, and filing formal complaints about violent programming with the appropriate regulatory bodies.

According to Professor Sacco, if consumers exercise their choice, en masse, not to watch excessively violent programming, they could attack the demand side of the equation and a reduction in the supply of such programming would follow:

*The notion of controlling media conceptualizes the issue as a supply-side problem rather than a demand-side problem. In other words, we have to stop the content from being disseminated as the appropriate policy focus. Ideally of course, we would work on the other end of that equation and attempt to discourage the demand for such content, particularly in the context of commercial media, if demand is reduced you can be fairly certain that supply will fall in line fairly sharply.*

*... My preference... is to attempt, through education and like sorts of measures, to reduce the demand for that content rather than put in place structures to control the supply of it.<sup>134</sup>*

Speaking at a 1975 Symposium on Television Violence, Northrop Frye remarked upon the need for public pressure to promote change: “Producers of irresponsible programs, like producers of motor-cars which are death traps, will not improve what they are doing, so long as it is profitable, until they are forced to do so by the general pressure of society.”<sup>135</sup>

Pressuring advertisers to withdraw their commercials from violent television programs is an indirect way of forcing broadcasters to improve upon their programming content. MediaWatch outlined some of its successful campaigns to have sexist ads removed from television, including a beer commercial called “The Long-Haired Fox.”<sup>136</sup> MediaWatch’s examples illustrate that grass roots campaigns targeted at advertisers who buy time on violent programs can be effective, especially with advertisers for whom it is important to be associated with family values.

The Committee notes that Victoria’s Working Group on Violence Against Women, Children and the Elderly recently advocated a national campaign to boycott advertisers whose commercials appear on programs exploiting violence:

*We endorse the suggestion of the Times-Colonist of a public boycott and letter-writing campaign against advertisers on programs exploiting violence. We would encourage concerned Victorians to work with other Canadians on such a campaign.<sup>137</sup>*



Television viewers can also complain about unacceptably violent programs by contacting either the CRTC or the Canadian Broadcast Standards Council. The Chairman of the CRTC emphasized the important contribution viewers can make:

*Television viewers can act against gratuitous and glamorized violence in a very democratic way, by letting stations and networks know they object to it, and by alerting the CRTC when they see shows with unacceptable violence. The Commission doesn't have the resources to monitor every program every day, and we don't intend ever to become censors, but this type of consumer movement would help us in assessing licensees' performance.<sup>138</sup>*

The Committee recognizes that all of these public pressure tactics are viable and available means for exerting influence upon broadcasters, advertisers and producers. The Committee is particularly concerned, however, that the low number of yearly complaints over violent programming (for example, 40 made to the CRTC in 1991-92) may not be an accurate reflection of public sentiments about violent programming. More citizens should be encouraged to use the complaint process.

We understand that in the interests of fairness to broadcasters, a serious complaint by a viewer about the content of a program which has been aired should be made in writing. This practice formalizes the complaint and provides the regulators, whether public or private, and the broadcasters with something specific to which they can respond.

On the other hand, the Committee believes that a television viewer's access to the CRTC or the Canadian Broadcast Standards Council (CBSC) to voice a general concern or to obtain specific information about registering a complaint could be improved. Widely publicizing the complaints process and introducing toll-free phone lines for viewers to contact the regulators are two measures which might help make the complaints process more accessible to the public. For example, we note that many government bodies which regularly receive complaints or public inquiries, such as passport, tax appeal and human rights offices, now list 1-800 numbers in the blue pages of telephone directories.

In order to ensure that the public has an adequate opportunity to speak its mind about violence on television, the Committee makes the following recommendation:

**RECOMMENDATION No. 9 — The Committee recommends that both the Canadian Radio-television and Telecommunications Commission and the Canadian Broadcast Standards Council regularly inform the viewing public, during prime time viewing hours, about the procedures which they may follow to communicate their views or to complain about violent television programming.**

## F. INDUSTRY ACTION

In a society such as Canada that greatly values freedom of expression, government-imposed controls over the mass media, whether print or broadcast, are naturally unwelcome. This Committee recognizes and respects the right of broadcasters to freedom of expression as guaranteed by the *Canadian Charter of Rights and Freedoms* and affirmed by the *Broadcasting Act*, section 2(3), which states:



*This Act shall be construed and applied in a manner that is consistent with the freedom of expression and journalistic, creative and programming independence enjoyed by broadcasting undertakings.<sup>139</sup>*

On the other hand, this Committee believes that freedom of expression is not an absolute and unconditional right. Along with every right also comes the social responsibility not to abuse that right to the detriment of others in society. In the case of television broadcasters, this means that along with the right to determine the nature, content and scheduling of their programs also comes the duty to do so responsibly. The *Broadcasting Act* underlines this responsibility by stating that “*all persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast*” (section 3(1)(h)) and “*the programming originated by broadcasting undertakings should be of high standard*” (section 3(1)(g)).

The Committee notes that practical as well as legal reasons exist for broadcasters to assume responsibility for the quality of their programming. As stated by Sandra Macdonald, President of the Canadian Film and Television Production Association, broadcasters are part of the community which they serve and they cannot afford to lose their audiences by offending them. In other words, broadcasters have a stake in successful self-regulation:

*One of the reasons why self-regulation is preferable to Commission [CRTC] regulation, aside from the logistical factors, is that the community standards may differ. The broadcaster is much closer to the community and depends much more on not antagonizing his community than bureaucrats in Hull. . . [T]he saving grace of letting broadcasters do certain kinds of things for themselves, and not drop it on the Commission to do, is that when they offend their audiences, their audiences go away.<sup>140</sup>*

As the regulator of Canadian broadcasting, the CRTC has made it clear to private, conventional broadcasters that they must take responsibility for television violence in at least three ways: with responsible program scheduling, responsible program purchases, and responsible, effective industry codes regulating television violence. In a November 1992 speech to the Canadian Association of Broadcasters, the Chairman of the CRTC, Keith Spicer, told the broadcasters:

*Television is not responsible for every act of violence in our society. . . [b]ut you do make the decisions about how much violence there is on our airwaves. That makes your role in helping to deal with gratuitous and excessive violence extremely important to the country. [Virginie Larivière] has become a powerful rallying point for, and expression of, the depth of concern Canadians feel about violence. I urge you to listen to her and to the echoes everywhere in Canada of her cry for less violence on TV. You do have a choice: you don't have to buy and air shows which parade and exploit violence. . . [Y]ou can make a major contribution and show your commitment by putting in place a tough, realistic industry code on violence which the Commission and the public can support and have confidence in.<sup>141</sup>*

In his appearance before the Committee, Mr. Spicer reiterated the ways in which broadcasters can assume responsibility for violence on television, but this time his comments encompassed a broader spectrum of broadcasters — private and public conventional broadcasters, pay television and specialty services. He called on these broadcasters to:



- *immediately instruct their staff who purchase foreign programs to exercise extreme sensitivity to the violent content of shows they buy . . .;*
- *immediately begin scheduling programs with violence late in the evening, when children are not likely to be watching . . .;*
- *[and] move without delay on the revision of self-regulatory codes.*<sup>142</sup>

This Committee concurs that broadcasters must be prudent in the purchase and scheduling of programs involving violent content. Broadcasters must also develop effective self-regulatory codes to govern the broadcast of violent programs. Taking these three steps is fundamental to responsible self-regulation.

**RECOMMENDATION No. 10** — **The Committee recommends that the Canadian Radio-television and Telecommunications Commission continue to press broadcasters to be responsible in purchasing and scheduling violent programming and that those who do not demonstrate the requisite measure of responsibility be held accountable and subject to the Commission's sanctions.**

**Further, the Committee recommends that the Canadian Radio-television and Telecommunications Commission continue to press the industry for an effective self-regulatory code (or codes) governing violence on television and to intensify its efforts to achieve this goal as quickly as possible.**

The Committee notes that the recommendation for an effective voluntary broadcasters' code on violence is consistent with the first element of the Minister of Communications' five-point strategy for dealing with television violence. In a speech delivered at the Hincks Institute Conference the Minister stated: "*The first element [of the five-part strategy] is a strong uniform code on television violence for all elements of the industry.*"<sup>143</sup>

Since most witnesses addressed the issue of voluntary codes and key features of these codes in some detail, the Committee will now focus on some of the issues raised. Essentially, these codes establish a set of uniform guidelines on the portrayal of violence which broadcasters must follow in their programming. A violence code for all Canadian broadcasters would provide the industry with guidelines on the acceptable limits and standards to be applied to violent programs. For example, as is the case in Australia, a code could set different standards for different types of programming — perhaps a more relaxed standard for news (reality) reporting and a more stringent standard for children's entertainment. Codes can require broadcasters to adopt certain classification and program warning systems, to advise viewers ahead of time about the violent content of programs. They also can set basic scheduling requirements, for example, reserving certain hours of the day for children's, family and adult-only programs.

The advantage of codes is their flexibility. Well-designed codes can respond to the concerns and standards of the community, while setting guidelines with sufficient elasticity to allow programming decisions to be made in context. For example, well-designed codes allow broadcasters to take a variety of factors into account in selecting and scheduling programs including the type of program, the time of day it would be broadcast, its likely audience, the prevailing community attitudes and values about the subject portrayed, the public interest in receiving this program, and whether the portrayal of violence is integral to the plot or sensationalizes violence gratuitously.



It is the Committee's opinion that the flexibility achievable in these codes would be difficult to duplicate using legislative instruments. Since the law must be fairly certain, the broad language and wide discretion contained in these codes would be unacceptable in legislation. To illustrate, a code developed by the industry could describe programming that is not fit for television as programming containing "the glamorization of violence," as is the case in Australia; but, if this same language were employed in regulations produced by the government to ban the broadcast of certain programs, it could be struck down for being too vague to be a reasonable and justifiable limit on the guarantee of freedom of expression under the *Charter*.

The Committee notes that the Canadian Association of Broadcasters (CAB) is currently in the process of revising its self-regulatory code on violence, but this code only applies to conventional, private broadcasters; not to the CBC, pay television, specialty services, or cable operators. In its presentation to the Committee the CAB strongly emphasized the need for a code to apply to all parts of Canadian television, since all broadcasters have a role to play in any approach to dealing with the violence problem.<sup>144</sup> The Committee agrees that an equitable approach to self-regulation must be taken. It can see no logic or fairness in requiring voluntary codes in some areas of broadcasting but not in others. The Committee believes that even if different services — public, private, pay, specialty and cable — devise different but parallel codes, they must all be required to put such effective codes in place.

The President of the Canadian Cable Television Association, Ken Stein, reported to the Committee that the cable industry does not envision cable operators subscribing to a voluntary code governing violence on television, such as the one now being revised by the CAB. As distributors, not originators, of broadcast signals, cable operators feel the responsibility for implementing a code on violence should rest with the broadcasters:

*I think fundamentally, the broadcasters, have to develop their code. I would hate to give them advice on that. I'm sure they're quite up to the task. . .*

*...it's for them to sort out exactly what kind of a code they will have and how they will apply it.<sup>145</sup>*

The cable industry seemed to suggest, therefore, that the onus need only be put on broadcasters to implement self-regulatory codes on violent programming, not cable distributors. This response, in the Committee's view conveniently ignores the fact that much of the violent programming that comes into Canadian homes enters as cable transmissions of American broadcasts. It also conveniently ignores the provisions of section 3(1)(h) of the *Broadcasting Act* that "all persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast."

**RECOMMENDATION No. 11** — The Committee recommends that the Canadian Radio-television and Telecommunications Commission inquire into whether one universal code about television violence can be devised for all elements of the industry or whether separate but parallel codes would be more appropriate, and accordingly, direct both broadcasters and cable companies to develop either one common code or parallel codes in tandem.



The Committee found that two features of self-regulatory codes were of particular interest to the witnesses from whom we heard: *a classification system* for television programs and, related to classification systems, the imposition of *time-of-day restrictions* on programs classified as adult-only.

Professor Jacques de Guise from the Department of Communications Studies at the University of Laval suggested that television programs should be classified according to the level of violence they contain, in a manner similar to the approach used for sexually explicit programs:

*It would be relatively simple to classify programs not only on the basis of nudity, as we already do, but also on the basis of violence. It wouldn't be difficult and I don't know why it hasn't been done yet. Therein lies the solution. This might prevent some programs from being aired at certain hours of the day. Some programs might even never be aired, simply because they are too violent. Under this system, we could ensure that type 5 or 6 programs, for example, would not be aired at certain times of the day. This might also, perhaps in the medium but undoubtedly in the long term, affect producers. A producer would not like to see his film classified as a 4, 5 or 6. If his program couldn't be aired during prime-time viewing hours, he might cut some scenes.<sup>146</sup>*

Program classification systems are integral to self-regulatory codes on broadcasting violence, as described in the CRTC's *Summary and Analysis of Various Studies on Violence and Television*:

*All codes classify programs on the basis of the intended audience. Distinctions are made between programs targeted to adults, adolescents and children.*

*Since the actual viewing audience for a particular program does not necessarily coincide with that to which it is targeted, program classification systems generally also refer to the time of day that the program is scheduled, as a means of determining the make-up of the viewing audiences.*

*Thus, most of the codes require a three-part classification:*

- *classification by program type;*
- *classification of program content by target audience;*
- *classification by time, according to the likely viewing audience.*

*While the first of these classifications is based on whether the violence depicted is real or fictitious, the other two are intended to protect the young viewer from content that is considered inappropriate.<sup>147</sup>*

The Canadian Association of Broadcasters highlighted to the Committee the need to determine what type of classification system should be developed for Canadian television audiences and who should take on the daunting task of assessing programs:

*We need to determine with some original research what Canadian viewers want a classification system to do in helping them make viewing choices and, if so, how detailed a system it should be. We also need to determine who should create and administer this new rating system, which will have to assess close to a million hours of program in a year.<sup>148</sup>*



Even though, ideally, a program classification system would be developed to be incorporated in broadcasters' self-regulating codes, and developing a classification system is now an urgent priority for the National Action Group coalition, the Committee believes that the CRTC should not distance or remove itself from the development process. We feel that the CRTC should play a facilitative role in the development of the system, to ensure that, in the public interest, a useful and user-friendly classification system is created for television viewers.

To achieve a useful and user-friendly classification system, the CRTC needs to consider at least three of our earlier observations. First, we noted that seven provincial film and video classification systems are in use today. Second, we indicated that the Quebec film and video classification system has potential as the basis for an integrated film, video and television programming classification system. Third, we reported that the film and video industry submitted a proposal to the provinces for the creation of a single national classification system for all films and videos released in Canada.

**RECOMMENDATION No. 12 — The Committee recommends that the Canadian Radio-television and Telecommunications Commission determine the type of classification system appropriate for Canadian television programs and that it design the framework for such a television program classification system, including responsibilities for implementation and administration of it, bearing in mind the possible integration with provincial film and video classification systems.**

Under television violence codes and regulations established in other jurisdictions, the Committee learned that time-of-day broadcast restrictions are often attached to programs designated for adult-only audiences. For example, in New Zealand, it was reported that programs classified as "adults only" are not recommended for anyone under 18 years of age and may only be broadcast between noon and 3:00 p.m. on school days and between 8:30 p.m. and 5:00 a.m. every day; in Britain any program broadcast before 9:00 p.m. must be suitable for viewing by children; and in France films unsuitable for viewing by children under the age of 13 cannot be broadcast before 10:30 in the evening.<sup>149</sup>

Most witnesses felt common sense would have to prevail in determining time-of-day restrictions for adult programming. Sandra Macdonald of the Canadian Film and Television Production Association, for example, advocated a moderate approach:

*Generally speaking, codes have to conform, to some degree, to reality and to patterns of behaviour that a reasonably large number of people can live with, otherwise they are bypassed and fall into disuse. . . Even though we may know that there are eight- and nine-year-olds who may be up until 11:30 p.m. every night, I don't think we can afford to make all our rules based on the fact that some people don't send their kids to bed. Parents do have some responsibilities.<sup>150</sup>*

The Canadian Association of Broadcasters expressed a preference for 9:00 p.m. as the start time for daily adult programming. CAB's rationalization seemed to be twofold: *first, it felt it is fair to assume that by 9:00 p.m. most parents are home, settled for the evening and in a position to supervise the television viewing of their children; secondly, Canadian networks do the largest portion of their simultaneous broadcasting (simul-casts) of American network programming after 9:00 p.m. and they would lose the benefit of advertising revenues from simul-casts if a later start time prevented them from simul-casting.*<sup>151</sup>



Given the contrasting business and public interests involved in deciding on the appropriate start time of adult-only programming each day, the Committee believes the question of the appropriate start time ought to be studied and determined by the CRTC as an impartial body.

**RECOMMENDATION No. 13 — The Committee recommends that the Canadian Radio-television and Telecommunications Commission determine the most suitable time for adult-only programs.**

Before leaving the subject of voluntary codes, the Committee would like to comment on the question of whether the television industry can succeed in regulating television violence through voluntary codes. Not all the witnesses who appeared before us were optimistic about the potential for these codes to solve the problem of rampant television violence. They referred to the broadcasters' voluntary guidelines to regulate sex-role stereotyping as historical proof that voluntary violence codes probably would be ineffective. Meg Hogarth, the Executive Director of MediaWatch told the Committee:

*Our personal experience over the issue of sexual stereotyping was that when the broadcasters were left to do that in a voluntary way, they didn't do very much. It took the imposition of guidelines, as a condition of licence, to make them look seriously at the proposal, that they really had to deal with sex-role stereotyping.<sup>152</sup>*

Likewise, Professor Eileen Saunders from Carleton University's School of Journalism and Communications commented:

*I think you need only refer to the sex-role stereotyping guidelines and whether or not they have had any success in initiating social change about women. I would argue no, that they have fallen victim to compromise positions between the CRTC and the industry, on what is an acceptable level or tasteful image when it comes to women. . . . [I]ndustry guidelines are basically public relations devices, which are there to stop further government intervention.<sup>153</sup>*

Sandra Macdonald, from the Canadian Film and Television Production Association, suggested that industry self-regulation clearly would not succeed without instituting proper training programs:

*One of the things that has to go with any form of self-regulation, . . . if you're going to do it and not find your self-regulation taken back by the regulator, is that you have to institute a training process for your members so that they understand what are their obligations under the code and what the norms mean.<sup>154</sup>*

Since some broadcasters might not take the voluntary regulation of television violence seriously enough, the Committee commends the CRTC for putting the Canadian Association of Broadcasters, and indirectly other broadcasters too, on notice last November that self-regulation, with respect to television violence, must succeed or else the Commission will intervene:

*[T]he Commission's reliance on self-regulatory codes and the [Canadian Broadcasting Standards] Council is a substitute for intrusive government intervention. We are not abdicating our responsibilities; we are giving you the chance you wanted to prove that you can meet the Broadcasting Act's goals more certainly, promptly and flexibly by doing it your way. We want you to succeed.<sup>155</sup>*



To ensure that voluntary codes on violence are effective, the Committee believes that compliance with the codes must be made conditions of licence. Without such terms attached to their licences, broadcasters have only a moral incentive—not a practical incentive—to comply with a code.

**RECOMMENDATION No. 14 — The Committee recommends that the Canadian Radio-television and Telecommunications Commission require that any voluntary codes on violence be formally approved by the Commission and that compliance with the codes be made a condition of licence.**

The Committee sincerely shares the desire that broadcasters will successfully self-regulate the problems of television violence. If this strategy is not effective, the government will have no choice but to intervene to the extent possible, while remaining faithful to the *Charter* or human rights provisions.

## G. NON-LEGISLATIVE ACTION BY THE FEDERAL GOVERNMENT

The Committee believes that the federal government can, in its policy-making capacity, play a key role in combatting excessive television violence, even without legislation or regulations.

### 1. Policy Development and Implementation

The basic framework for the federal government's broadcasting policy is actually entrenched in legislation, specifically section 3 of the *Broadcasting Act*. In addition to this legislated policy, both the Minister of Communications and Parliament, from time to time, formulate more detailed policy and provide guidance to the CRTC on its implementation. Such steps were taken very recently with respect to the problem of television violence when the Minister of Communications released the government's five-part strategy to address the issue.

The five elements of the strategy are outlined in the section of this report describing recent proposals for co-operative action and they will not be described again here.<sup>156</sup> The Committee simply wishes to comment, at this point, upon two elements of the strategy.

First, the Committee clearly supports in principle the initial part of the strategy, "*a strong uniform code on television violence for all elements of the industry.*" We agree with the Minister that a violence code must be "*strong*" to be effective and pertain to "*all elements of the industry*" to be fair, but we are not certain that "*a uniform code*" can or should be formulated for all types of broadcasters.

Given the different mandate and programming activities of cable operators, for example, they may not be able to follow the same code as conventional broadcasters. If a uniform code required all elements of the industry to classify pre-recorded programming, how would a cable operator classify a program before it enters Canada for distribution on cable? As the Canadian Film and Television Production Association pointed out, the cable operator would require co-operation from the U.S. source to do so.<sup>157</sup>

Furthermore, a uniform code may not be appropriate for all types of broadcasting services, since some are universally available while others, like pay television, must be purchased separately. The Canadian Film and Television Production Association stated:



*[D]ifferent degrees of access to television services . . . argue for different thresholds in terms of what can appropriately be aired at what hours. For example, no pay movie service enters a Canadian home unless a Canadian adult takes deliberate steps to have it brought in, and continues to pay quite a high premium every month to keep it. These services already have quite restricted access to Canadian homes, and should probably be subject to a different standard [code] from that imposed on conventional, over-the-air broadcasters.<sup>158</sup>*

The Committee believes that uniformity is critical in developing a *classification system* for television programs but that parallel codes, rather than one multi-purpose code, may be more appropriate. In addition, the Committee believes that the question of whether one code or parallel codes would be appropriate is a complicated one that should be investigated and decided by the CRTC. This concern is addressed by Recommendation No. 11 above.

With respect to advertising, the third element of the Minister's five-part plan, the Committee would like to raise the issue of the federal government's own role as an advertiser. When he presented his five-part plan, the Minister noted that the federal government is the third largest advertiser in the country. He also noted that the government has developed guidelines about gender and racial stereotyping in ads. He then commented, "*It may well be time to use our clout as a major, national advertising force by pulling our ads from violent programs and placing them in ones more consistent with the values we want to impart to our kids.*"<sup>159</sup>

This suggestion places the federal government in an interesting moral quandary: should the government try to maximize its advertising dollar by placing ads in prime-time, even if the commercial time slots that it purchases coincide with violent programming, or should the government refuse to support violent programs by boycotting these time slots? The Committee believes the government needs to address this question directly by formulating guidelines with respect to advertising during programs containing violence. This policy could set an example for major advertisers in the private sector.

**RECOMMENDATION No. 15 — The Committee recommends that the federal government formulate guidelines for its own advertising during television programs containing violence, and thereby set a positive example for other leading advertisers in the country.**

The other three elements of the five-point plan — *education, collaborating on the problem with the U.S., and recognizing positive contributions* — are dealt with elsewhere in this report, so the Committee will not examine these options here.<sup>160</sup> We would simply conclude our comments on the Minister of Communications' five-point plan by congratulating him on its timely release; his views certainly made a useful contribution to this Committee's study of how to deal with television violence.

Turning from the Minister's role in general policy development to specific measures for policy implementation, the Committee would like to address the memorandum of understanding (MOU) between the Minister of Communications and Telefilm Canada which provides direction to the latter on the administration of the Broadcast Program Development Fund. The Committee believes that this instrument could be particularly useful in promoting the federal government's policy of encouraging the production of non-violent Canadian programs.



The Broadcast Fund was created in 1983 to operate on the basis of an MOU or contract between the Minister and Telefilm, rather than under a legislative mandate from Parliament, because the MOU provides for flexibility.<sup>161</sup> The MOU is amended about every two years in response to changing conditions in the marketplace and in the thrust of government policies. But the fund's basic objectives, eligibility criteria and apportionment guidelines have been retained.<sup>162</sup> According to the Task Force on the Economic Status of Canadian Television, four main criteria are applied by Telefilm to qualify projects for assistance from the Broadcast Fund:

- *their intrinsic value;*
- *Telefilm's investment recovery potential;*
- *the eligibility of the producer; and*
- *the ability of the broadcaster to meet Telefilm's licence fee requirement.*<sup>163</sup>

The Committee believes that, as part of the funding selection process, a production's use and treatment of violence can be considered by Telefilm Canada in the analysis of the production's intrinsic value. The Committee is satisfied that the criterion "intrinsic value", applied by Telefilm Canada to qualify projects for assistance from the Broadcast Program Development Fund, addresses our concerns with respect to a proposed television production's use and treatment of violence. Therefore, the Committee feels that revisions to the Broadcast Fund MOU are not necessary at this time.

Finally, under the category of policy implementation, the Committee would like to comment on the important role being played by the CRTC. As the regulatory body charged with supervising the Canadian broadcasting system and implementing the federal government's broadcasting policy,<sup>164</sup> the CRTC has competently exercised its persuasive influence and also been a catalyst for several praiseworthy initiatives related to television violence. The Committee need only mention the recent Hincks Institute Conference in Toronto and the two reports on television violence issued by the CRTC in 1992, to illustrate those points.<sup>165</sup>

The CRTC can use strong moral suasion to deal with violent television programming, even in the absence of specific regulations, under the auspices of its licence renewal powers.<sup>166</sup> The remarks of the President of the Canadian Association of Broadcasters are especially appropriate to illustrate the broad scope of the CRTC's powers of moral suasion.

*Short of very specific regulation in this area, which may be very difficult to write without creating problems under the Charter of Rights and Freedoms, the CRTC is now in a position to say to a broadcaster who they think is performing badly to clean up, and the next time they are around for a [licence] renewal, to give a one-year renewal instead of a five- or seven-year renewal. They've done that before to people, although not on this subject matter [i.e., violent programming]. Do you know what that means to a company? It costs \$250,000 to do another renewal application a year later, and they love that.*

*Secondly, they can tell them they can't run commercials for the next weekend. They've done that on other issues. Third, many of these companies would like to buy another station when it's available or have their conditions of licence*



*amended because the market gets tougher for them. The CRTC is not going to be too friendly to them on issues like that. The CRTC works pretty effectively by moral suasion.*<sup>167</sup>

Of course, the exercise of such moral suasion is fortified by conditions of licence; therefore, the Committee repeats its position stated earlier in Recommendation No. 14 that the Canadian Radio-television and Telecommunications Commission should require that any voluntary codes on violence be formally approved by the Commission and that compliance with the codes be made a condition of licence.

**RECOMMENDATION No. 16 — The Committee recommends that the Canadian Radio-television and Telecommunications Commission, as the body charged with implementing the federal government's broadcasting policy, continue to take full advantage of its powers of moral suasion and continue to pioneer initiatives to deal with television violence.**

## 2. Cross-Border Collaboration

A report on *Violence and Terror in the Mass Media*, prepared for Unesco in 1988 indicated that "programs imported from the United States are significantly more violent than programs produced in other countries."<sup>168</sup> This finding probably would come as no surprise to Canadian television viewers. Many witnesses who appeared before the Committee observed, based simply on personal experience, that made-in-Canada television was not responsible for the bulk of violent programming. Rather, American films and television programs were the source. Mr. Spicer's comparison of Canadian and American television is illustrative:

*[T]here is a somewhat gentler style of Canadian television. There is violence, of course, but there is relatively little wall-to-wall gratuitous brutality that glamorizes violence in this country.*

*There is a tradition in the United States that accepts, tolerates and encourages such kinds of depiction on the screen much more readily than we do here. It's apparent if you meet two groups of producers from the U.S. and Canada; you'll see that they have quite different values on the question of violence.*<sup>169</sup>

In Canada where so much of our television programming is American, the fact that American programming is generally more violent is a problem for all parties in the television production-consumption chain. The preferences of Canadian audiences, producers and broadcasters for less violent programming, have no real influence over the American film and television industries. Al MacKay, the Vice-President and Station Manager of CJOH-TV, indicated that Canadian broadcasters' hands are tied:

*Accept it or not, we live next door to the largest and most powerful media and entertainment machine in the world. It's a fact of life for all of us. We can't shut the product out of the country. As a consuming market of relatively minor population size, we have really minimal influence on its content. As Canadian private broadcasters, we have to compete with it.*<sup>170</sup>



Sandy Crawley, speaking for ACTRA, noted that Canadian writers and actors are just as powerless to single-handedly change the violent content of programs produced for Americans:

*You know that the problem, of course, is that we're workers. . . We're basically writing or performing to a formula. . . [A] major part of our industry here . . . is engaged in servicing that American television industry. We either accept the job with the car chase and the exaggerated beat-up fight or we don't work.<sup>171</sup>*

The Committee recognizes that as long as the American television industry is not part of the solution, it will continue to be a large part of the problem. Therefore, we are somewhat heartened by Senator Paul Simon's legislative initiative in the United States to encourage the three major networks to develop joint standards on television violence, and which recently caused the networks to take their first steps toward devising industry-wide standards to reduce television violence. The three networks will be convening an industry-wide conference on television violence in Los Angeles later this year to discuss further steps.

As the fourth element of his five-part television violence strategy, the Minister of Communications recently announced that he plans to capitalize on this new spirit of co-operation and commitment to reducing television violence by the American networks. He said "*he would be meeting with Senator Simon in the near future to discuss means by which Canadians and Americans can co-operate on the television violence problem*".<sup>172</sup> At the recent Montreal International Colloquium on Television Violence, he added "*that it is imperative that neighbouring countries work together to address the problems of violence on television in transfrontier broadcasting*".<sup>173</sup>

The President of the Canadian Association of Broadcasters noted that at first he was sceptical about the Minister's cross-border initiative. But upon reflection, he concluded that Canadians (politicians, broadcasters and citizens) have to talk to the Americans about television violence, if we can ever hope to reduce the violence on our own television screens. Participating in a cross-border dialogue, in his view, holds more promise for results than does expecting Canadians who purchase American programs to influence American producers through their modest program acquisitions:

*I think that's one of the things we have to think about doing. I do think that with the Clinton administration there is a real possibility we can find some common understanding with them. . . [T]o think that we can somehow go down there and make all those producers and studios do this just for our market, which is 5% of their world market, maximum, and all of a sudden turn it all around, I'm doubtful. But I do think there is a chance through concerned American politicians and citizens and broadcasters.<sup>174</sup>*

As Sandy Crawley observed:

*It's one of those things where you have to achieve critical mass, as with any awareness campaign. Certainly, I think that if that awareness is raised amongst [American] regulators and producers, and at the same time by performers and artists, eventually one would hope that we could make some progress. . .<sup>175</sup>*

The Committee supports the Minister's cross-border initiative and hopes that it will serve as an example to others who should also take up the dialogue with their respective American counterparts, such as American parent-teacher associations, consumers groups, educators, unions, broadcasters,



and broadcast regulators. The Committee is pleased to note that the CRTC is already involved in a number of constructive exchanges with American producers, networks, and regulators and it is committed to continuing this effort.<sup>176</sup>

We hope that one of the issues that the Minister, the CRTC and other advocates will raise in discussions with their American counterparts is the possibility raised at the Montreal International Colloquium on Television Violence of developing a joint Canada-U.S. program classification system, so that imported American programs would use the same rating system as domestic programs in Canada. Such co-operation and uniformity could make program classification much more feasible and effective as a potential instrument for dealing with violence on television.

**RECOMMENDATION No. 17 — The Committee recommends that the Minister of Communications, the Canadian Radio-television and Telecommunications Commission and others continue to engage in cross-border discussions on television violence, in an effort to promote a collaborative and unified response to this problem.**

### 3. Recognition of Positive Contributions

At the Hincks Institute Conference the Minister of Communications commented that the solution to violence on television will not only be found in stricter laws and regulations. He noted that positive, creative and constructive actions by individuals and corporations, such as Virginie Larivière's petition to Parliament, will also make a significant difference and their value ought to be recognized:

*Behind every significant change in our history lies the belief that change is possible. When Virginie Larivière walked into my office last fall, that kind of belief was visible.*

*A 13-year old girl in her pain and personal agony had decided that one destructive aspect of our culture must be changed and she believed she would and could get the process moving. Her action was a practical one, but more than that, it also had an educational value beyond measure.*

*Virginie is watching to see what we do next. And so is every friend and relative of every victim of violence in this country. Day by day, we have the opportunity to continue building a society that is compassionate and respectful or watch that society decay as we entertain ourselves to death.*

*Some of the solutions will obviously be found by toughening laws and forcing stricter measures. But there is another side to all this. . . Most change comes through positive forces, through creative acts with inspiration and hope as their basis. It's very important for us to do more to recognize and applaud these acts.<sup>177</sup>*

To ensure that positive efforts receive the recognition which they deserve, the Minister announced that his department will create an award to be given every year to honour those who make a difference:



*Virginie Larivière has kindly agreed to lend her name to the awards to be known as the Virginie Larivière Television Awards. From this year forward, these honours will recognize members of the Canadian public and the Canadian corporate community who, like Virginie, have gone to special effort to promote quality children's programming which is non-violent.*<sup>178</sup>

The Committee agrees that it is important to recognize the efforts of those who are a positive force in dealing with the problem of television violence. Therefore, we support the Minister's television awards initiative.

#### 4. Production Funding

It was noted earlier in this report that Canadian programs are less violent than American programs. A solution to reducing the amount of imported violent programs shown on Canadian television screens would be to produce more Canadian programs. As Sandra Macdonald, President of the Canadian Film and Television Production Association pointed out:

*We believe that the best defence is a good offence. We make good programs in this country, when we can afford to. One mechanism Parliament has in its hands, if it's really serious about this problem, is the ability to commit resources to programming, rather than cutting them, which is what we face today. We hope you'll give that some thought.*<sup>179</sup>

Every public inquiry into the problems facing the Canadian broadcasting industry has had to deal with the economics of television program production. In a nutshell, these studies all agree that if a Canadian television program is to be successful and watched by Canadians, its production quality must be as high as those of imported American programs. A program with high production values is expensive to produce and must be financed through the sale of the program to Canadian conventional broadcasters, specialty broadcasters or pay television and possibly through foreign sales.

It is an economic reality that the Canadian market is too small to generate enough revenue from domestic sales to cover production costs. Thus, high-quality Canadian television program production must be assisted with public funding if it is to happen at all. Without public funding, the production of high-quality television programming in Canada could not take place. Without public funding, the Canadian programs that would be produced would be so unappealing that the television audience would switch from Canadian channels to American channels.

Sandra Macdonald described the realities of financing Canadian productions:

*Basically, the more Canadian a program is, the more likely it is to be dependent on some form of government assistance. . .*

*If you want to make a program that is at all distinctively Canadian, you have to try to finance it in the Canadian market. The only way to do that, generally, . . . you really depend to a large degree, like maybe 50 percent, on being able to benefit from some of the government programs that are there to assist Canadian production. So, every time one of those programs is cut, it's another hour, or two, or ten or twenty, or a hundred of programming that can't get made.*<sup>180</sup>



On the one hand, broadcasters have an economic incentive to purchase cheaper American programming, and on the other, broadcasters have obligations imposed by the *Broadcasting Act*. The broadcasting policy for Canada, which is part of the Act, states at section 3(1)(d)(i) that the "Canadian broadcasting system should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada." The Canadian broadcasting system cannot possibly meet this objective unless Canadian programs are produced, broadcast, and viewed by Canadians. Consequently, the Committee members believe that additional production of less violent, high quality Canadian programs is in the public interest.

Canadian governments have long recognized the need to support television program production in this country. The creation of the CBC and Telefilm Canada are typical examples of government initiatives in this area. Over the years, government task forces, parliamentary committees and industry groups or associations have made recommendations regarding the level of government support to the television program production industry. Before making our own recommendations on production funding, we wish to review briefly the recommendations made earlier by the Task Force on the Economic Status of Canadian Television and by our own Committee.

In its report, *The Economic Status of Canadian Television: Report of the Task Force*,<sup>181</sup> submitted to the Minister of Communications in May 1991, the Task Force made two recommendations which are relevant to the work of this Committee. The Task Force came to the conclusion that more private funds had to be generated to achieve the necessary production goals for Canadian television. To encourage private investment, the Task Force favoured a tax credit or other fiscal incentive and to this end, made the following recommendation:

*The government should consider tax incentives in the form of a tax credit to stimulate private investment, including investment by private broadcasters, in the production of Canadian programming.*<sup>182</sup>

The Task Force also came to the conclusion that Telefilm Canada's Broadcast Program Development Fund had successfully contributed to audience development for Canadian programs. The report states that "*fund-assisted programs captured an increasing share of the audience for Canadian programs in prime time*" and that "*without the Broadcast Fund, it is unlikely that Canadian programs would have achieved as high a level of prime time viewing.*"<sup>183</sup> The Task Force described how prime time viewing of Canadian programs rose from 20% in 1984-85 to 25% in 1988-89 on English-language television. On French-language television, prime time viewing of Canadian programs rose from 59 to 76% over the same period. Having concluded that the Fund had met its goals and that further production support was needed, the Task Force recommended:

*Considering the Broadcast Fund has been successful in achieving its original purpose and increasing the audience for Canadian programs, the government should consider enriching the Fund over the years. Any reduction of budget or fundamental change in the Broadcast Fund program would jeopardize federal government policies on Canadian television.*<sup>184</sup>

In an earlier report, *Culture and Communications: The Ties That Bind*,<sup>185</sup> the Standing Committee on Communications and Culture highlighted the imminent threat that American direct broadcasting satellites pose for Canadian broadcasting. The Committee agreed that "*the only sure*



way of maintaining the demand and availability of Canadian broadcast programming in domestic markets would be through an intense emphasis on niche marketing with high quality domestic productions."<sup>186</sup>

To make this possible, the Committee agreed at the time that there was a need for innovative incentives to attract production financing, as proposed by the industry:

*The Committee recommends that, in recognition of the priority for standards of excellence in programming and production, and the need for innovative marketing of Canadian cultural products and services, the Government of Canada introduce an industrial strategy to attract investment in Canada's cultural industries, and to include such considerations as an investment tax credit like that proposed by the Canadian Film and Television Production Association.*<sup>187</sup>

Since the publication of our report in April 1992, neither the ability of Telefilm to encourage additional production nor the financial foundation of producers and broadcasters has improved. In addition, the Government's recently released response to the *Ties That Bind* provides no concrete assurances that the Government plans seriously to consider additional support or incentives for Canadian television productions in the near future.<sup>188</sup> The Committee finds this response short-sighted and counterproductive in view of the bleak future now facing the Canadian television production industry, as outlined by its representatives to the Committee and in view of the large business opportunities that can be generated by the increasing demand for television programming. According to the CFTPA the industry is under siege and, to a greater degree than before, Canadian producers must produce programs similar to American programs in order to make a sale in that market:

*At the moment, Canadian production is under siege on all sides. Broadcasters are reducing their licence fees or opting for cheaper reality-type programming, preferably pre-sold to a U.S. network, so they can simulcast it. Budgets to government support programs, including the CBC and Telefilm, have been cut. The CRTC is under pressure to reduce conditions of licence for broadcasters and to abandon "the formula".*

*Canadian producers are being forced to depend more and more on foreign markets to finance production. We are now in the ironic position of usually needing a sale in the U.S. to finance a Canadian show. The greater the percentage of the budget coming from the U.S. buyer, the greater the pressure to make the kind of show the U.S. broadcaster prefers.*<sup>189</sup>

In the opinion of the Committee, making shows that are similar to American programs is not the most effective way to achieve the objective of the *Broadcasting Act* which states that "the broadcasting system should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada." Quite the contrary, to paraphrase the words of David Puttnam at the beginning of this report, we believe that this brings us one step closer to untying the distinguishing values and characteristics that make up the fabric of our society.



**RECOMMENDATION No. 18** — The Committee favours continued federal government investment in the production of Canadian television programs which would reflect the concerns of this Committee regarding television violence and the objective of the *Broadcasting Act* to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada.

## H. LEGISLATIVE ACTION BY GOVERNMENT

The Committee views legislative activity, whether by way of statutory amendment or regulation, as an option of last resort to be pursued only when less intrusive, non-legislative measures have failed or when the most forceful types of measures are appropriate. For example, if the industry's attempts at self-regulation fail, the government will have to devise its own regulatory response or, in some cases, the brand of violence produced for television viewing may be so socially abhorrent — slasher videos for example — that a legislative response is needed to eliminate the scourge. The issues of what types of legislative responses might be appropriate, and under what circumstances, will be discussed in this final part of our report, preceded by a brief discussion of how the *Charter* influences these matters.

### 1. Freedom of Expression

Section 2(b) of the *Charter* guarantees “*freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.*” Section 1 of the *Charter*, on the other hand, qualifies the guarantee of freedom of expression by stating that the freedoms guaranteed in the *Charter* are subject to “*such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*” In other words, freedom of expression is not an absolute right.

Consequently, in cases where the infringement can be reasonably justified, the government may limit freedom of expression. Witnesses brought to the Committee's attention a few cases where the Supreme Court of Canada has indeed found that the impugned legislative encroachments upon freedom of expression were tolerable, namely the *Irwin Toy* case, dealing with advertising directed at children, and the *Butler* case, dealing with the *Criminal Code*'s obscenity provision.<sup>190</sup>

The Committee recognizes that legislative action taken by Parliament or regulatory measures imposed by the CRTC to control violence on television would clearly infringe the freedom of expression. The debatable question arising from this scenario is whether such intrusions could be allowed under section 1 of the *Charter*.

The Committee believes that, if necessary, legislation or regulation could be carefully crafted, so that it would not be struck down by the courts for infringing the *Charter*. For the purposes of this report, which is a preliminary survey of possible responses to violence on television, the Committee does not think it would be appropriate to consider the question of *Charter* infringements in any further detail.

### 2. Federal Broadcasting Regulations

The *Broadcasting Act* provides the CRTC with the authority to make regulations in furtherance of its objectives, including regulations respecting standards of programs and the allocation of broadcast time (section 10(1)(c)). Under the current *Broadcasting Act*, therefore, it would appear



that the CRTC has sufficient statutory authority to make regulations governing unnecessarily violent programming. On the other hand, any regulations made by the Commission could be declared invalid and be of no force and effect if they violate the *Charter*.

The *Charter* decision of the Supreme Court of Canada in the *Butler* case, makes it clear that a law (or regulation), which violates freedom of expression and which is so vague that it cannot be understood with any degree of precision using the ordinary tools of interpretation, cannot be saved by section 1 of the *Charter*. Put another way, a law has to provide “*an intelligible standard according to which the judiciary must do its work.*”<sup>191</sup> This ruling underlines, to this Committee, the need for precision and clarity in any regulations that might be devised to control violent programming on television. For example, a clear explanation of what constitutes violent programming, for the purposes of the regulations, would have to be spelled out in the regulations.

Some of the studies consulted by the Committee in the preparation of this report discussed the necessity for and difficulty of producing sufficiently clear regulations:

*When regulations are imposed on media, it is imperative that the rules of the game be clearly defined. In order to regulate “stereotyping” or “violence” there must be clear definitions of what these are.*<sup>192</sup>

*Because it is as impossible to distinguish clearly between actions that are or are not violent, to dictate which violent acts are tolerable, as it is to distinguish between pornography and eroticism, governments have been reluctant to craft regulations. In any event, it would be difficult for government to succeed where both social scientists and the public have failed — namely, to come up with a clear definition of violence.*<sup>193</sup>

In view of the need for regulatory precision, the Committee believes that a government-generated mandatory code for broadcasters on television violence, as proposed by MediaWatch,<sup>194</sup> would be less flexible and effective than the voluntary models now being developed. In other words, a mandatory code for broadcasters likely would have to be a more blunt and less flexible instrument and, as a result, would be less versatile.

Nevertheless, the Committee has a responsibility, given our mandate, to consider what regulatory options are open to the government, in the event that industry self-regulation fails. Pursuant to its mandate, the Committee has also considered whether any regulations should be promulgated now to compliment the industry’s voluntary efforts.

**RECOMMENDATION No. 19** — In terms of an overall strategy for addressing violent programming on television, the Committee recommends a graduated approach. The Canadian Radio-television and Telecommunications Commission should begin by immediately making a few key regulations to complement the self-regulatory efforts of the industry and to symbolize the need for programming reform and, in the event that industry self-regulation proves ineffective, the Commission should then move to produce stricter regulations, giving due consideration to the rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*.



With respect to devising regulations that would complement the voluntary efforts of the industry and have symbolic value, the Committee supports the CRTC's suggestion that it add a rule against abusive violence (excessive, gratuitous or glamorized violence) to its programming content regulations.<sup>195</sup>

The relevant portions of the *Television Broadcasting Regulations*, for example, currently state:

5. (1) *A licensee shall not broadcast*
  - (a) *anything in contravention of the law;*
  - (b) *any abusive comment or abusive pictorial representation that, when taken in context, tends or is likely to expose an individual or a group of class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;*
  - (c) *any obscene or profane language or pictorial representation; . . .*<sup>196</sup>

A rule against abusive violence could be added to the programming content regulations, as the Commission suggested, to recognize that contemporary attitudes oppose this type of violence and to encourage broadcasters to show less violent programming. Such a rule would be intended to have a "beacon effect".<sup>197</sup>

**RECOMMENDATION No. 20 — The Committee recommends that the Canadian Radio-television and Telecommunications Commission pursue its proposal to add a rule against abusive violence to the programming content regulations, as a beacon to broadcasters, and as a symbolic, legislative gesture denouncing excessive, gratuitous, or glamorized violence on television.**

This Committee would also like to suggest that at least one other regulatory step be taken, as soon as possible, to complement the industry's voluntary efforts. We believe that, in order for the industry's proposed program classification system to succeed, the Commission should require program classifications for pre-recorded programs to be broadcast, particularly those for adult-only programs.

In this regard, the Committee notes that in other jurisdictions program content advisories (or warnings) are used.<sup>198</sup> For example, announcements are made before a program is broadcast. The Committee's preference in program content advisory systems, however, is the one whereby symbols designating the classification of the program appear directly on viewers' television screens at periodic intervals. With the latter system in place, parents who turn on a program already in progress, can still determine whether or not it is suitable for their children to watch. Although the Committee leaves it to the Commission's expertise to decide how best to institute such a system — whether as a general condition of licence, a regulation or otherwise — we believe such a system ought to be made mandatory, once a universal classification system is in place.

**RECOMMENDATION No. 21 — The Committee recommends that, once a universal classification system is in place, the Canadian Radio-television and Telecommunications Commission require all television broadcasters to adopt a program content advisory system which would broadcast the program's designated classification directly onto viewers' television screens.**



At the Hincks Institute Conference the Chairman of the CRTC predicted: "If we cannot make progress by the voluntary, co-operative route, it's clear that pressure on politicians for legislative or other legal solutions may become overwhelming."<sup>199</sup> In the event that this situation develops, the Committee has also considered options related to full-fledged, government regulation of violence on television.

The Committee believes that under a mandatory scheme of regulation, in lieu of voluntary codes, the central feature should still be a *universal classification system*. The classification system could require, among other things, the broadcast of on-screen program classification codes and the designation of certain hours for children's and adult-only programs. Furthermore, the scheme might impose ceilings on the hours of violent programming that a broadcaster can air on a daily, weekly, or monthly basis. The violence ceilings could be modelled roughly after the quota system now in place for Canadian content, but it would work in reverse by setting an allowable maximum rather than a required minimum. Violent content quotas, to limit violence, were originally proposed by the Ontario Royal Commission on Violence in the Communications Industry.<sup>200</sup>

The Committee also expects that a government-designed regulatory scheme would include severe and graduated penalties for contravening the regulations. We suggest, for example, a steep and compulsory fine for a broadcaster's first contravention of the regulations, a higher fine or the discretion to remove the broadcaster's licence upon the second infraction, and the mandatory removal of the broadcaster's licence upon the third offence. The Committee notes that in France a private broadcaster was fined 5.5 million francs for airing a violent film before 10:30 p.m., another was fined 5 million francs.<sup>201</sup> We believe similarly strong penalties would be justified in Canada, if the problem of television violence continues to accelerate and self-regulation has been tried and proven ineffective.

**RECOMMENDATION No. 22** — The Committee recommends that, in the event industry self-regulation is unsuccessful, the Canadian Radio-television and Telecommunications Commission, giving due regard to the rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*, should devise a regulatory scheme to govern the broadcast of programs with violent content, including a universal television program classification system and strict penalties for violating the regulatory scheme.

**RECOMMENDATION No. 23** — The Committee recommends that, if industry self-regulation is unsuccessful, and if the Canadian Radio-television and Telecommunications Commission does not respond effectively within a reasonable period of time, the Minister of Communications introduce legislation to achieve the same effect as proposed in Recommendation No. 22.

The Committee thinks that cable broadcasting presents unique regulatory problems, given the nature of the service. Cable networks transmitting American signals cannot control the program selections of their foreign sources. Essentially, they take what they are sent, although they do practice simultaneous substitution for the economic benefit of local Canadian networks. But, if a non-legislative solution to cable television violence cannot be found, the CRTC could be faced with the difficult logistical problem of regulating the foreign programs transmitted by cable companies.



Compounding this problem would be the fact that cable companies may soon find themselves in competition with direct broadcast satellite services (DBS) which the CRTC may not be able to regulate with respect to violent programs or any other matters. Therefore, the level playing field that would be created for all Canadian broadcasters by the government's imposition of anti-violence regulations might harm the competitive position of cable networks vis-à-vis DBS services. Consumers who want access to the violent programming could decide to switch from Canadian cable services to foreign DBS services, as legal counsel for the CAB pointed out to this Committee.<sup>202</sup>

The Committee is simply raising these cable-specific issues at this time. We believe that suggestions on how to handle the cable problem cannot be made without further, detailed study. We also note that the CRTC is currently conducting a major cable-related study. It is holding a structural hearing to consider the regulatory framework for the distribution and packaging of programming services, including cable television services, in light of new technologies such as DBS and the competitive pressures which they create.<sup>203</sup> For example, the Commission is considering: "What is an appropriate regulatory response to non-Canadian DTH/DBS services, taking into account the Commission's jurisdictional authority and its enforcement options?"<sup>204</sup>

**RECOMMENDATION No. 24 — Given the complexity of the regulatory and competitive issues associated with controlling cable distribution of violent U.S. programming, the Committee recommends that these issues be specifically addressed by the Canadian Radio-television and Telecommunications Commission with the objective of moderating violent content wherever possible.**

Finally, with respect to government-imposed regulations against violent programming, the Committee recognizes that the CRTC's Chairman could be correct in his view that regulations would provide only 10% of the solution, the other 90% depending on public education and promoting new technologies to *help parents control* access to violent television programs and videos.<sup>205</sup> However, the Committee views television violence as a problem that will only be resolved by a systematic and multi-faceted approach, and our recommendations with respect to government regulation are consonant with such an approach.

### 3. A Universal Classification System

The Standing Committee on Communications and Culture was mandated to study violence on television which, as the Canadian Association of Broadcasters pointed out, comes from at least five different sources:

*There are video games, video rental movies, signals from American television stations, the programming that's provided by cable-only services, both basic and discretionary, and signals from over-the-air Canadian private broadcasters.*<sup>206</sup>

Since television programs and video entertainment are watched on the same set, the lines separating the various sources of television violence become blurred. Also, having heard repeated testimony to the effect that videos tend to be more violent than television programming and that children have easy access to all kinds of videos, the Committee members feel strongly that our study of television violence would not be complete without some consideration of video violence. Al MacKay, CAB Vice-President and Station Manager of CJOH-TV, provided compelling reasons for including videos in our consideration of violence on television:



VCR penetration in this country now stands at 73% nationally. The movie rental outlet is a fixture in every neighbourhood, whether it's a giant movie rental store, the corner convenience store, or even now a plain old vending machine with nobody involved. What's available to rent, to bring home and watch on your television set or your neighbour's are thousands upon thousands of titles. Some of them are family fare, but a great deal of them are not. There are no enforceable controls or guidelines in terms of classification or age limitation for movie rentals.

I know when I was growing up, if a film at the theatre was classified 18 years or over you didn't get in to see it unless you managed to borrow your older brother's driver's licence and bluff your way past the ticket taker at the front door. Today these theatrical films that are produced for an adult audience are in the video store within months of a movie house run. Other feature films which used to be on the drive-in circuit, the old B movie films some of us might remember, are now made solely for the video rental market.

Michael Valpy of the *Globe and Mail* wrote an interesting column last fall when he was covering a conference in Toronto that was exploring the issue of violence in society. Some grade 4 teachers asked their students who had seen *Silence of the Lambs*. All the hands in this classroom of eight- and nine-year-old kids went up. *Silence of the Lambs* has not been on conventional television. It has been available on pay-TV, but given the limited penetration of that service into Canadian households, one can only assume they watched this movie at home on their VCRs.

That example echoes the findings of a BBC analysis which observed that the increase in the amount of violent material watched on television appears to be due not so much to the programs presented by the broadcast networks, but rather to a new use of television, the viewing of video cassettes.

As a parent, I'm curious that here in Canada impending federal legislation will create a \$50,000 fine for selling cigarettes to children under 18. Yet that same under 18-year-old can rent a [slasher] movie called *Three on a Meat Hook* or any other film of that genre with no apparent restrictions.<sup>207</sup>

The Committee members realize that the classification, exhibition, sale and rental of films and videos generally fall under provincial jurisdiction. On the other hand, the Committee is also aware that a film classified for theatrical distribution as "18 years and over" will eventually appear on television screens. Indeed, after its initial theatrical run in movie houses, a box office success will likely be shown on conventional television (probably without a formal classification) or on pay-television (assigned a pay system rating) before appearing on the shelves of neighbourhood video stores. Upon reaching the video stores, the same movie that was rated "18 and over" for the theatre may or may not have to be classified under provincial laws and, even if it does have to be classified, its adult-only rating probably will not be enforced by retailers or policed.

The Committee is convinced that the current multiplicity of classification systems for films, videos and television programs is inefficient and impractical. We also feel that efforts at most provincial levels to regulate violent videos need to be intensified, as was done recently by



Quebec.<sup>208</sup> Finally, we feel that efforts at the federal level to deal with television violence by introducing a program classification system should be co-ordinated with film and video classification efforts at the provincial levels and, eventually, with efforts to establish a joint Canada-USA system. In this spirit, the Committee urges all governments and the National Action Group to consider carefully the proposal for a *uniform classification program for film and video* made to the provinces by the five film industry trade associations in November 1992.<sup>209</sup>

The National Action Group should assess the feasibility of adopting the proposed system for television programming, at least for pre-recorded programs. It should also track the provincial governments' responses to the proposal and the evolution of the proposal, which is now at the discussion stage, by inviting the responsible film industry trade associations to join the National Action Group's alliance.

In order for a uniform film and video classification system to be adopted and implemented by all the provinces, the relevant provincial film and video classification laws would have to be made uniform. The Committee recognizes that community standards can vary provincially and regionally across Canada; therefore, a centralized classification body, as proposed by the film industry, may be difficult to operate, assuming that provincial consensus and the legislative amendments to centralize the system could be achieved in the first place. Nevertheless, we believe the benefits that a uniform system would provide, such as more consistent, useful and efficient videotape classifications, demand that this proposition be considered and discussed seriously.

Ideally, the Committee would like to see a national television program classification system developed to link with a uniform film and video classification system. The ultimate goal would be to have this universal classification system adopted in the United States, so that American programming transmitted across the border would apply the same rating system. In addition to the benefits of greater consistency, utility, and efficiency, which justify striving for a universal classification system, strong technical reasons also exist for doing so. As Roger Poirier, Senior Vice-President of the CCTA explained, the electronic screening devices which are being designed to assist viewers with self-censorship require a standard classification system to function properly:

*All of these schemes still depend on the development of a classification system. So, assuming you have in place a common classification for programming, for movies, or whatever video material, you can then encode that classification and transmit it as part of the video information.*

*In other words, you simply send an electronic code along with the program involved. At the received location, in the consumer's home there are various methods to decode that electronic code to determine exactly what the programming content may be.*

*Carrying that a little further, you can then develop a sort of interdiction approach, whereby you can preset a device which would simply filter out anything which is below or above a certain code level. In other words, if you have a classification for violence based on a scale of 1 to 10, and anything over 7 is extremely violent, you could set a device just below that. It would simply filter out anything above that level.*

*These devices are not particularly complicated. They depend more only on the availability of some sort of classification.<sup>210</sup>*



Given the advantages of developing a universal classification system, the Committee believes that it is imperative for the federal Minister of Communications to invite the provincial ministers responsible for film and video classification to participate in formal discussions towards developing a universal film, video and television program classification system, which might use the consolidation of existing provincial film and video classification systems as its foundation.

**RECOMMENDATION No. 25** — The Committee recommends that the federal Minister of Communications convene a round table discussion with the provincial ministers responsible for film and video classification on the subject of developing a universal film, video and television program classification system.

#### 4. *Criminal Code*

The Committee recognizes that the *Criminal Code* is a severe legislative instrument; it completely prohibits all those acts which Parliament has determined are criminal and punishes transgressors with severe penalties including imprisonment. The members are also aware that resorting to the criminal law to deal with social ills can impose heavy costs on individuals' freedoms. For example, when the *Criminal Code* is used to prohibit a person from distributing, circulating or selling an obscene video, it violates freedom of expression. If a person ignores the prohibition and is charged and convicted, it can lead to a term of imprisonment and impair that person's liberty. Given these characteristics, the Committee believes that criminal law should only be adopted as a means for controlling violence viewed on television if and when the harm which the law seeks to prevent is so substantial that the severity of using the *Criminal Code* is warranted.

Several witnesses who appeared before the Committee identified video cassettes intended for home-viewing as the main source of extreme television violence. In particular, they identified slasher movies as potentially harmful to society. The Chairman of the CRTC, for instance, observed: "Slasher movies are probably the most horrificly (sic) violent movies made today. They are freely imported and made available in neighbourhood video stores."<sup>211</sup>

According to Dorothy Christian, Chairperson of the Ontario Film Review Board, "slasher movies" essentially are a sub-genre of horror film; in the movie trade they are called "gore" films. They feature a lot of graphic and grotesque killing scenes, with women making up the majority of the victims, but they do not necessarily combine the gore with sex.<sup>212</sup>

Some witnesses also identified "snuff movies" as a public menace. The Coalition for the Safety of Our Daughters explains in its literature that snuff movies derived from slasher movies. In the 1970s a movie titled *Snuff* was released in the U.S. along with the trailer "rumor has it that a woman was actually killed in the filming of this picture. WAS SHE?"<sup>213</sup>

*The final scene in Snuff features a woman who is pinned while her fingers are clipped off with a metal clipper and her hand is sawed off with a jig-saw. Her murderer says "Scream. That's it. Scream." He then disembowels her and holds a piece of intestine up to the camera, victoriously.*

*Note that no one has ever been able to prove that a woman was actually killed during the filming, but this movie, Snuff, provided the actual name for another genre of film which features the real death of real girls and women.<sup>214</sup>*



We note that in the *Butler* case, which challenged the *Criminal Code*'s obscenity provision under the *Charter*, the Supreme Court of Canada found that the obscenity provision addressed a substantial public concern and its consequent infringement of freedom of expression was therefore justified. In the *Butler* case the Court also found that a direct link between obscenity and harm to society did not have to be established in order for the legislation to be saved by section 1 of the *Charter*. It was sufficient that Parliament had a "reasonable basis" to presume that exposure to the types of images proscribed by the *Code* bears a causal relationship to anti-social changes in attitudes and beliefs.<sup>215</sup>

The Committee acknowledges that not all witnesses favoured censorship of hard-core violence. Jack Gray, President of the Writers Guild of Canada, spoke out strongly against censorship under all circumstances:

*I urge you not to deal in legislation, not to try to legislate violence out of our lives. It won't work.*

*I don't want to dignify certain kinds of films that I don't particularly like, but in fairness they are a kind of, what I call it —The analogy would be to the ballet. They are a ritual examination in extreme and totally unbelievable terms, if you wish. Nobody believes what is happening in those films, or if people do believe what is happening in those films, the problems they are facing are problems that they will have in all aspects of society. It is not the films that induce that problem.<sup>216</sup>*

On the subject of outlawing slasher and snuff movies, the Committee concurs with the sentiments expressed by David Puttnam, at the beginning of this report, and the Chairman of the CRTC:

*I don't need to tell you that there are some limits. We have a Charter that says that the limits are what is reasonable in a free and democratic society and so on. Is this justified or not? The countervailing protection of the public, particularly children and women, makes a very strong case for banning snuff movies and slasher movies, but it has to be done with great care.<sup>217</sup>*

Given the demonstrated need for such legislation, Parliament could, for example, proscribe the distribution, sale, and possession of materials that dominantly feature the undue exploitation of violence, by building upon the current prohibition of obscenity in section 163 of the *Criminal Code*. The *Code* specifically defines obscene materials in subsection 163(8) as "any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene."<sup>218</sup> It is because of this wording that violence is now only criminally obscene when it is depicted in conjunction with sex. Materials featuring the undue exploitation of violence, by itself, could become obscene, however, by amending this definition of obscenity in the *Code*. The Committee presents this example simply as one possible legislative route, not as the only one.

Another approach which could be advocated, as has been done in the case of pornographic films, would be to amend the *Criminal Code* provision prohibiting the wilful promotion of hatred against "any identifiable group" to include the wilful promotion of hatred against women.<sup>219</sup> Identifiable groups currently only include groups distinguished by "colour, race, religion or ethnic origin" but not their sex or gender.<sup>220</sup>



With respect to the two options identified above, the Committee notes that Parliament did take the obscenity clause approach in 1984 with Bill C-19, an omnibus bill amending the *Criminal Code*. The bill only received first reading in the House of Commons, before dying on the *Order Paper*. Clause 36 of the bill expanded the definition of obscenity for the purposes of the *Criminal Code* to include the "undue exploitation of violence."<sup>221</sup> Under this amendment, violence no longer would have had to occur in conjunction with sexual acts for the *Criminal Code*'s obscenity prohibition to apply. Its effect would have been to outlaw depictions of extreme violence, just as the obscenity provision, unamended, banned the most deplorable or hard-core forms of pornography.

Since the definition of obscenity, amended to include the undue exploitation of violence alone, would limit freedom of expression, the amendment might also have to include a clear indication of the types of violence that would be captured by the new definition. In other words, unduly exploitative violence might have to be defined in the amending bill. (Bill C-19 did not include a definition of violence.) The Committee realizes that the task of legally defining criminally obscene violence would not be an easy one and would require careful consideration of *Charter* implications, but we are confident that the job could be done, if it were deemed necessary.

**RECOMMENDATION No. 26** — The Committee recommends that the federal Minister of Justice, in collaboration with his provincial counterparts, study the matter of extremely violent forms of entertainment, such as slasher and snuff films, to determine the criminal legislative measures needed to control them and to design such legislation to conform to the *Canadian Charter of Rights and Freedoms*.

## 5. Federal Import Regulations

"Because media violence often originates outside Canada, border controls could be a device to limit the importation of violent media content into Canada."<sup>222</sup> This suggestion to use import controls to regulate the flow of violent film and video materials into Canada was advanced by Ontario's Royal Commission on Violence in the Communications Industry in 1976. The Royal Commission noted, in support of its proposal, that "Mexico screens the importation of violent television programs from the U.S. and routinely rejects a number of 'popular' series."<sup>223</sup> It also pointed out that in Canada, "customs provisions are already in force to deal with material deemed obscene for reasons of sex and violence."<sup>224</sup>

The customs provisions alluded to by the Ontario Royal Commission continue to exist today and, although amended in the interim, continue to block the entry of obscene materials into Canada. Today the import regulations governing obscene material are tied directly to the obscenity provision of the *Criminal Code*. Section 114 of the *Customs Tariff* states: "The importation into Canada of any goods enumerated or referred to in Schedule VII is prohibited."<sup>225</sup> Tariff code 9956 of Schedule VII then lists as prohibited goods: "Books, printed paper, drawings, paintings, prints, photographs or representations of any kind that . . . are deemed to be obscene under subsection 163(8) [the obscenity definition] of the *Criminal Code*."<sup>226</sup> Tariff code 9956 is interpreted broadly by customs officials to encompass movie film and videotapes.<sup>227</sup> As a result, the importation of films and videos that would be considered obscene under the *Criminal Code* is prohibited by this tariff code.

The Committee has already recommended in this report amending the *Criminal Code* to control extremely violent films and videos. If the amendment expands the definition of obscenity in section 163(8) of the *Code* to include violence by itself (not necessarily in conjunction with sex), then tariff



code 9956 would not require any amendment to prohibit the importation of criminally obscene violence. Its scope would be amended automatically by the amendment to the obscenity provision of the *Code*. On the other hand, if Parliament decided to outlaw extremely violent materials under the *Criminal Code* in some other manner, then tariff code 9956 would also have to be amended or a new tariff code introduced, in order to ban the import of such materials. In either case, the purpose of the tariff code would be to ban violent materials newly proscribed under the *Criminal Code* from entering the country.

Under current federal obscenity laws, customs officials who apply tariff code 9956 related to obscene materials, effectively constitute the first level of review for pornographic films and videotapes entering Canada. If pornographic material is rejected for importation it never reaches the provincial review boards for assessment. The Ontario Law Reform Commission outlined the interplay of the federal and provincial regulatory processes with respect to pornography in its *Report on the Powers of the Ontario Film Review Board*:

*Because such a large percentage of pornographic material in Canada is manufactured outside the country, the legislation governing importation of such material plays a significant role in its overall regulation. Customs legislation is of direct significance to film boards as it is customs officials who are the first to encounter material on its way into the country. Thus, Customs has responsibility for clearing material into the country before the provincial boards get a chance to review, classify and, where applicable, alter the films.*

*One criticism of customs regulation is that it gives too much discretion to individual Customs officers. This is particularly evident in situations in which the same material is treated differently at different border crossings.<sup>228</sup>*

The Committee believes that this two-fold review is justified in the case of hard-core or criminal pornography. It would be similarly justified with extremely violent television programs imported into Canada in a video cassette format.

**RECOMMENDATION No. 27** — As the Minister of Justice ultimately introduces criminal legislation to control extremely violent forms of entertainment, such as slasher and snuff films, and proceeds to amend the *Criminal Code* accordingly, the Committee recommends that the Minister of Finance review and, if necessary, revise Schedule VII of the *Customs Tariff* to ensure that it complements the necessary amendments to the *Criminal Code*.



## CHAPTER FIVE

### TELEVISION VIOLENCE: FRAYING OUR SOCIAL FABRIC

### Conclusions and List of Recommendations

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#### A. CONCLUSIONS

The Committee has carefully considered the oral testimony of experts and witnesses and the written evidence submitted. On that basis, the Committee has come to a number of fundamental conclusions.

The Committee concludes that Canadian children, teenagers and adults who watch a large number of American television programs are exposed to a high level of televisual violence. This conclusion is based on the following findings:

- 1) *American research has shown that American television programs tend to be violent (eight acts of violence per hour during prime time on the three major American television networks);*
- 2) *overall, Canadians watch a large number of American television programs (73% and 37% of the time for anglophone and francophone Canadians respectively); and*
- 3) *children and teenagers watch relatively more American television programs than adults (75% and 83% of the time for English-speaking children and teenagers respectively; 46% and 48% for French-speaking children and teenagers respectively).*

The Committee considered the advice of experts on whether television violence causes aggressive tendencies and antisocial behaviour in individuals. The Committee agrees with the conclusions of social scientists that there are many, complex, and sometimes interdependent causes of societal violence. However, the scientific evidence on the effects of television violence, we were told, is at best uneven and more often inconclusive, weak and contradictory. Faced with the difficult task of determining which evidence to believe, we have adopted the prudent view that television violence is one of the many risk factors which may contribute to aggressive tendencies and antisocial behaviour. We have clearly found that the violence portrayed on television reflects and shapes unhealthy social attitudes. The extent of its effects and the precise nature of the causal relationship between the violence viewed on television and the violence perpetrated in Canadians' daily lives are not clear and need further study.

The Committee has concluded that, although the risk may be small that television violence causes aggressive tendencies and antisocial behaviour in certain individuals and may never be proven conclusively, it cannot be ignored. The inconclusiveness of this risk has led us away from recommending that the government legislate outright against television violence at this time. Instead, we have come to the conclusion that the problem of violence on television should be



addressed co-operatively, by all the players, including the industry, parents and governments, and with minimal legislative intervention. Simply legislating generally against all television violence would be a draconian approach to dealing with what is only a small part of a much larger problem — the problem of pervasive violence in our society.

In our opinion, most Canadians would object to blanket restrictions on the freedom of expression of broadcasters and on their own personal viewing choices. We believe, nevertheless, that freedom of expression is not an absolute and unconditional right, that *the industry* has a social responsibility to respond to the concerns of the audiences which it serves, and that the industry must be given the chance to do so, independently and in lieu of legislation, wherever possible.

We also believe that *Canadian parents* should share the responsibility for what their children and teenagers watch on television, but that they need to be better equipped to properly exercise their freedom of choice.

We believe that a uniform classification system for television programs, strengthened and enforceable broadcasters' codes on television violence, media literacy education, heightened public awareness, and new electronic devices which can filter or block programs or channels, will be necessary to assist parents in their task.

We have concluded that the federal government has an important leadership role to play, primarily in its policy-making capacity. For example, the government must formulate policy for itself on advertising during violent programs, provide greater financial support or incentives to non-violent Canadian productions, and seriously discuss the problem of excessive television violence with our American neighbours. Lastly, we have come to the conclusion that an amendment to the *Criminal Code* is needed to control extremely violent forms of entertainment, such as slasher and snuff films and videos.

In the Foreword to this report, we expressed the view that the problems of television violence, and the larger issue of societal violence, could lead to the fraying of the fabric of our modern civilization unless a comprehensive strategy is developed. The task of dealing with societal violence is a challenging one under any circumstance. The task of dealing with television violence is also challenging, as it must be undertaken without violating our fundamental democratic right to freedom of expression. We believe that the overall approach recommended in this report will meet these challenges. This approach is reflected in the following list of recommendations.



## B. LIST OF RECOMMENDATIONS

### PUBLIC DISCUSSIONS

**RECOMMENDATION No. 1** — The Committee recommends, in view of the importance of maintaining current, open and widespread public dialogue on the subject of television violence, that the federal government encourage and facilitate a process of public meetings and conferences devoted to television violence and related issues. (Page 34)

**RECOMMENDATION No. 2** — In view of the fact that violence on television is symptomatic of the larger problem of violence in society, the Committee recommends that a **joint federal-provincial task force** be convened to inquire into all aspects of societal violence — interrelationships, causes, effects and remedies — including, but not limited to, media violence, domestic violence, and racial violence. (Page 35)

The Committee further recommends that the findings of the joint federal-provincial task force be set out in a White Paper. (Page 35)

### CANADIAN RESEARCH ON TELEVISION VIOLENCE

**RECOMMENDATION No. 3** — The Committee recommends that government funding bodies, such as the Social Sciences and Humanities Research Council, and government departments, such as Health and Welfare Canada and the Department of Communications, dedicate more of their financial and other resources to supporting original Canadian research into the causes, effects and control of television violence. (Page 36)

### PUBLIC ACTION GROUP ON TELEVISION VIOLENCE

**RECOMMENDATION No. 4** — The Committee strongly endorses the recent establishment of the National Action Group on television violence and recommends that the Minister of Communications provide financial support to, and maintain close contact with, its progress. (Page 37)

### PUBLIC EDUCATION

**RECOMMENDATION No. 5** — The Committee recommends that the federal government take action to encourage provincial governments to survey their media literacy policies and programs to determine whether they specifically address the issue of violence on television and reach groups outside the educational system such as parents, other adults, and pre-school children. (Page 38)

**RECOMMENDATION No. 6** — The Committee recommends that the federal government foster creative initiatives which inform viewers about television violence and make them more television literate, using television itself as the educational tool. (Page 39)



**RECOMMENDATION No. 7** — The Committee urges the Department of Health and Welfare to conclude an agreement with the National Film Board to produce, in co-operation with provincial educational authorities, a media literacy guide which would provide children with the tools to understand the positive potential of television and help them become discerning television viewers. The Committee recommends that television violence form an important component of the proposed media literacy guide. (Page 40)

#### **INDIVIDUAL ACTION**

**RECOMMENDATION No. 8** — The Committee recommends that the Minister of Communications give priority to fostering research and development of screening devices for televisions and VCRs. (Page 41)

**RECOMMENDATION No. 9** — The Committee recommends that both the Canadian Radio-television and Telecommunications Commission and the Canadian Broadcast Standards Council regularly inform the viewing public, during prime time viewing hours, about the procedures which they may follow to communicate their views or to complain about violent television programming. (Page 42)

#### **INDUSTRY ACTION**

**RECOMMENDATION No. 10** — The Committee recommends that the Canadian Radio-television and Telecommunications Commission continue to press broadcasters to be responsible in purchasing and scheduling violent programming and that those who do not demonstrate the requisite measure of responsibility be held accountable and subject to the Commission's sanctions. (Page 44)

Further, the Committee recommends that the Canadian Radio-television and Telecommunications Commission continue to press the industry for an effective **self-regulatory code (or codes)** governing violence on television and to intensify its efforts to achieve this goal as quickly as possible. (Page 44)

**RECOMMENDATION No. 11** — The Committee recommends that the Canadian Radio-television and Telecommunications Commission inquire into whether one universal code about television violence can be devised for all elements of the industry or whether separate but parallel codes would be more appropriate, and accordingly, direct both broadcasters and cable companies to develop either one common code or parallel codes in tandem. (Page 45)

**RECOMMENDATION No. 12** — The Committee recommends that the Canadian Radio-television and Telecommunications Commission determine the type of **classification system** appropriate for Canadian television programs and that it design the framework for such a television program classification system, including responsibilities for implementation and administration of it, bearing in mind the possible integration with provincial film and video classification systems. (Page 47)

**RECOMMENDATION No. 13** — The Committee recommends that the Canadian Radio-television and Telecommunications Commission determine the most suitable time for adult-only programs. (Page 48)



**RECOMMENDATION No. 14** — The Committee recommends that the Canadian Radio-television and Telecommunications Commission require that any voluntary codes on violence be formally approved by the Commission and that compliance with the codes be made a condition of licence. (Page 49)

#### **NON-LEGISLATIVE ACTION BY THE FEDERAL GOVERNMENT**

**RECOMMENDATION No. 15** — The Committee recommends that the federal government formulate guidelines for its own advertising during television programs containing violence, and thereby set a positive example for other leading advertisers in the country. (Page 50)

**RECOMMENDATION No. 16** — The Committee recommends that the Canadian Radio-television and Telecommunications Commission, as the body charged with implementing the federal government's broadcasting policy, continue to take full advantage of its powers of moral suasion and continue to pioneer initiatives to deal with television violence. (Page 52)

**RECOMMENDATION No. 17** — The Committee recommends that the Minister of Communications, the Canadian Radio-television and Telecommunications Commission and others continue to engage in cross-border discussions on television violence, in an effort to promote a collaborative and unified response to this problem. (Page 54)

**RECOMMENDATION No. 18** — The Committee favours continued federal government investment in the production of Canadian television programs which would reflect the concerns of this Committee regarding television violence and the objective of the *Broadcasting Act* to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada. (Page 58)

#### **LEGISLATIVE ACTION BY GOVERNMENT**

**RECOMMENDATION No. 19** — In terms of an overall strategy for addressing violent programming on television, the Committee recommends a graduated approach. The Canadian Radio-television and Telecommunications Commission should begin by immediately making a few key regulations to complement the self-regulatory efforts of the industry and to symbolize the need for programming reform and, in the event that industry self-regulation proves ineffective, the Commission should then move to produce stricter regulations, giving due consideration to the rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*. (Page 59)

**RECOMMENDATION No. 20** — The Committee recommends that the Canadian Radio-television and Telecommunications Commission pursue its proposal to add a rule against abusive violence to the programming content regulations, as a beacon to broadcasters, and as a symbolic, legislative gesture denouncing excessive, gratuitous, or glamorized violence on television. (Page 60)



RECOMMENDATION No. 21 — The Committee recommends that, once a universal classification system is in place, the Canadian Radio-television and Telecommunications Commission require all television broadcasters to adopt a program content advisory system which would broadcast the program's designated classification directly onto viewers' television screens. (Page 60)

RECOMMENDATION No. 22 — The Committee recommends that, in the event industry self-regulation is unsuccessful, the Canadian Radio-television and Telecommunications Commission, giving due regard to the rights and freedoms guaranteed by the *Canadian Charter of Rights and Freedoms*, should devise a regulatory scheme to govern the broadcast of programs with violent content, including a universal television program classification system and strict penalties for violating the regulatory scheme. (Page 61)

RECOMMENDATION No. 23 — The Committee recommends that, if industry self-regulation is unsuccessful, and if the Canadian Radio-television and Telecommunications Commission does not respond effectively within a reasonable period of time, the Minister of Communications introduce legislation to achieve the same effect as proposed in Recommendation No. 22. (Page 61)

RECOMMENDATION No. 24 — Given the complexity of the regulatory and competitive issues associated with controlling cable distribution of violent U.S. programming, the Committee recommends that these issues be specifically addressed by the Canadian Radio-television and Telecommunications Commission with the objective of moderating violent content wherever possible. (Page 62)

RECOMMENDATION No. 25 — The Committee recommends that the federal Minister of Communications convene a round table discussion with the provincial ministers responsible for film and video classification on the subject of developing a universal film, video and television program classification system. (Page 65)

RECOMMENDATION No. 26 — The Committee recommends that the federal Minister of Justice, in collaboration with his provincial counterparts, study the matter of extremely violent forms of entertainment, such as slasher and snuff films, to determine the criminal legislative measures needed to control them and to design such legislation to conform to the *Canadian Charter of Rights and Freedoms*. (Page 67)

RECOMMENDATION No. 27 — As the Minister of Justice ultimately introduces criminal legislation to control extremely violent forms of entertainment, such as slasher and snuff films, and proceeds to amend the *Criminal Code* accordingly, the Committee recommends that the Minister of Finance review and, if necessary, revise Schedule VII of the *Customs Tariff* to ensure that it complements the necessary amendments to the *Criminal Code*. (Page 68)



## ENDNOTES

1. Source: Michael Medved, *Hollywood Vs. America, Popular Culture and the War on Traditional Values*, Harper Collins, New York, 1992, p. 200.
2. Quoted in the Foreword to A. Alan Borovoy, *The Fundamentals of Our Fundamental Freedoms, A Primer on Civil Liberties and Democracy*, 2nd Edition, Canadian Civil Liberties Education Trust, Toronto, 1978.
3. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 25 February 1993, 59:27.
4. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 23 March 1993, 64:6.
5. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 10 February 1993, 52:18.
6. Maclean's Magazine, 4 January 1993, p. 25.
7. House of Commons (10 February 1993), 52:18.
8. *Montreal Gazette*, 25 March 1993, p. D7.
9. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 9 February 1993, 51:19.
10. Statistics Canada, *Juristat*, Service Bulletin, Catalogue 85-002, Vol. 12, No. 7, Canadian Centre for Justice Statistics, Ottawa, March 1992.
11. Statistics Canada advises that police reporting practices may not have been consistent across jurisdictions and across years in the early years of the survey; that there may have been an under-reporting of some crimes in the early years due to changes in values, priorities and the justice system; and that some crime trends may have been affected by changes to legislation. Furthermore, a 1987 Statistics Canada survey has revealed that only 40 percent of crimes are reported to the police.
12. Canadians Against Violence Everywhere Advocating its Termination, "Submission to the Standing Committee on Justice and the Solicitor General," 11 November 1992, p. 2-6.
13. *Ibid.*, p. 2-6.
14. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 11 March 1993, 61:5.
15. Statistics Canada, *Focus on Culture*, Catalogue 87-004, Vol. 4, No. 4, Winter 1992, p. 1-2.
16. Source: information obtained by telephone from Statistics Canada.



17. Note: advanced, preliminary statistics for 1991 were generously provided to the Committee by Statistics Canada. Source: Statistics Canada, *Television Viewing 1991*, Culture Statistics, Catalogue 87-208 Annual.
18. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 18 March 1993, 63:5.
19. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 16 March 1993, 62:6.
20. *Ibid.*, 62:6,8.
21. Note: statistics on the viewing habits of children and teenagers are based on the 1991 Fall BBM Sweep Survey provided to the Committee by Statistics Canada.
22. The exact amount for 1989-90 is \$111,631,033. Source: Pascal Boutroy and Connie Tadros, *Quantifying Production for Children - The Canadian Situation: 1988-89 and 1989-90*, Communications Canada, March 1992, p. 5.
23. House of Commons (25 February 1993), 59:21.
24. House of Commons (9 February 1993), 51:18.
25. *Ibid.*, 51:10.
26. Special Senate Committee on Mass Media, *The Uncertain Mirror*, Vol. I, Queen's Printer for Canada, Ottawa, 1970, p. 8.
27. House of Commons (18 March 1993), 63:5.
28. Medved (1992), p. 196-197.
29. Richard V. Ericson, "Mass Media, Crime, Law, and Justice," *The British Journal of Criminology*, Vol. 31, No. 3, Summer 1991, p. 242.
30. House of Commons (25 February 1993), 59:14.
31. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 24 February 1993, 58:19.
32. National Coalition on Television Violence, News Release, "Prime Time TV Violence and Homicide Increase Fox at Record Levels," Champaign, Illinois, 10 February 1993.
33. *Ibid.*
34. George Gerbner and Nancy Signorielli, *Violence and Terror in the Mass Media*, Reports and Papers on Mass Communication, No. 102, Unesco, Paris, 1988, p. 17.
35. Andrea Martinez, *Scientific Knowledge about Television Violence*, Canadian Radio-television and Telecommunications Commission, Hull, 1992, p. 4.



36. House of Commons (18 March 1993), 63:5.
37. Canadian Broadcast Standards Council, *Annual Report, 1991-1992*, Ottawa, 1992, [part of Chair's Message].
38. House of Commons (16 March 1993), 62:21.
39. House of Commons (24 February 1993), 58:13.
40. Coalition for the Safety of Our Daughters, Information Sheet on Slasher Movies, Guelph, Ontario, undated.
41. Statistics Canada (Winter 1992), p. 2.
42. Canadian Radio-television and Telecommunications Commission, *CRTC Decision 88-777*, Hull, October 1988, p. ii, and *CRTC Decision 87-897*, Hull, November 1987, p. i.
43. Statistics Canada, *Film and Video 1990-91*, Culture Statistics, Catalogue 87-204 and *Sound Recording 1990-91*, Culture Statistics, Catalogue 87-202.
44. Medved (1992), p. 192.
45. L.E. Greeson and R.A. Williams, "Social Implications of Music Videos for Youth. An Analysis of the Content and Effects of MTV," *Youth and Society*, Vol. 18, No. 2, 1987, p. 177-189, quoted in Micheline Frenette, André H. Caron and Brigitte Vallée, *La télévision et le développement international avec les jeunes*, Groupe de recherche sur les jeunes et les médias, Université de Montréal, Montreal, 1993, p. 57.
46. House of Commons (18 March 1993), 63:29.
47. *Ibid.*, 63:30.
48. House of Commons (11 March 1993), 61:6.
49. House of Commons (25 February 1993), 59:13.
50. House of Commons (23 March 1993), 64:4.
51. *Ibid.*, 64:5.
52. *Ibid.*, 64:6.
53. House of Commons (9 February 1993), 51:9.
54. Dave Atkinson, Marc Gourdeau and Florian Sauvageau, *Summary and Analysis of Various Studies on Violence and Television*, Canadian Radio-television and Telecommunications Commission, Hull, 1991.
55. Martinez (1992).
56. Canadian Radio-television and Telecommunications Commission, News Release, "CRTC Takes Proactive Approach to Addressing Television Violence," Ottawa/Hull, 27 May 1992, p. 1.



57. House of Commons (24 February 1993), 58:5.
58. House of Commons (16 March 1993), 62:15.
59. House of Commons (24 February 1993), 58:8.
60. House of Commons (25 February 1993), 59:23, 25.
61. House of Commons (9 February 1993), 51:12.
62. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 23 February 1993, 57:7,8.
63. House of Commons (23 March 1993), 64:9.
64. House of Commons (23 February 1993), 57:24.
65. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 24 March 1993, 65:5.
66. House of Commons (1993), 51:11.
67. Senate, Standing Committee on Health, Welfare and Science, *Child at Risk*, Minister of Supply and Services, Ottawa, 1980.
68. The Commission changed its name to Canadian Radio-television and Telecommunications Commission on 1 April 1976.
69. Canadian Radio-Television Commission, Research Branch, *Symposium on Television Violence*, Canadian Radio-television and Telecommunications Commission, Ottawa, 1976, p. vii.
70. Royal Commission on Violence in the Communications Industry, *Report*, Vol. 1, Toronto, 1976, (in letter of transmittal to Her Honour, The Lieutenant Governor of Ontario).
71. *Ibid.*, (in letter of transmission to Her Honour, The Lieutenant Governor of Ontario).
72. *Ibid.*, p. 53.
73. *Ibid.*, p. 53.
74. *Ibid.*, p. 53.
75. *Ibid.*, p. 55.
76. *Ibid.*, p. 56.
77. *Ibid.*, p. 57.
78. *Ibid.*, p. 57.



79. *Ibid.*, p. 57.
80. Canadian Radio-television and Telecommunications Commission, *CRTC Public Notice 1992-58*, Hull, September 1992, p. 10-11.
81. Canadian Radio-television and Telecommunications Commission, *CRTC Public Notice 1991-90*, Hull, 30 August 1991, p. 2.
82. *Ibid.*, p. 5.
83. Canadian Radio-television and Telecommunications Commission, *Tête-à-Tête, CRTC Comments, Inquiries and Complaints, 1990-1991*, CRTC, Ottawa, 1991, p. 7.
84. House of Commons (24 February 1993), 58:9.
85. Canadian Broadcasting Corporation, "Journalistic Policy - 1988."
86. Canadian Broadcasting Corporation, "Violence in General Programming, Program Policy No. 14."
87. Canadian Broadcasting Corporation, "Violence in Children's Programming, Program Policy No. 15."
88. Andrea Martinez (1992).
89. Atkinson *et al.* (1991).
90. Hon. Perrin Beatty, Speaking Notes, "Entertaining Ourselves to Death," Toronto, 19 February 1993.
91. C.M. Hincks Training, Research and Resource Institute, News Release, "Television Industry Announces National Action Group on Violence," Toronto, 22 February 1993, p. 2.
92. House of Commons (23 February 1993), 57:7.
93. House of Commons (24 February 1993), 58:9.
94. House of Commons (23 February 1993), 57:12,13.
95. House of Commons (24 February 1993), 58:6.
96. *Ibid.*, 58:6.
97. *Ibid.*, 58:9,10.
98. *Ibid.*, 58:10.
99. *Ibid.*, 58:10.
100. *Ibid.*, 58:12.



101. Department of Communications, *Public Efforts to Address TV Violence in Other Countries*, Ottawa, April 1993.
102. Source: Ontario Law Reform Commission, *Report on the Powers of the Ontario Film Review Board*, Toronto, 1992.
103. Canadian Association of Video Distributors, *et al.*, *A National Classification Program for Film and Video in Canada: A Proposal to the Provinces*, November 1992, p. 1.
104. House of Commons (16 March 1993), 62:9.
105. Department of Communications (April 1993).
106. K. Jost, ed., *Congressional Quarterly Almanac*, Vol. XLVI, Congressional Quarterly Inc., Washington, 1990, p. 374.
107. ABC, CBS and NBC, Joint Release, "Standards for the Depiction of Violence in Television Programs," December 1992, p. 1.
108. Atkinson *et al.* (1991), p. 13.
109. House of Commons (10 February 1993), 52:22.
110. G. Spears and K. Seydegart, *Gender and Violence in the Mass Media - A Report Prepared for the Family Violence Prevention Division of Health and Welfare Canada*, Erin Research, Erin, Ontario, 1993, p. 86.
111. Atkinson *et al.* (1991), p. 15.
112. House of Commons (23 February 1993), 57A:13.
113. House of Commons (10 February 1993), 52:7.
114. Additional questions are discussed in the section of this report dealing with the "Effects of Television Violence," p. 15-20.
115. C.M. Hincks (22 February 1993), p. 3.
116. House of Commons (18 March 1993), 63:23.
117. C.M. Hincks Institute (22 February 1993), p. 2.
118. House of Commons (23 February 1993), 57A:4.
119. House of Commons; Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 18 February 1993, 56:6.
120. House of Commons (23 March 1993), 64:12, 13.
121. House of Commons (24 February 1993), 58:17.



122. House of Commons (23 February 1993), 57A:3.
123. House of Commons (25 February 1993), 59:42.
124. J. E. Ledingham *et al.*, *The Effects of Media Violence on Children*, (Report prepared for the Family Violence Prevention Division of Health and Welfare Canada), Ottawa, 1993, p. 40-41.
125. House of Commons (23 February 1993), 57:14.
126. *Ibid.*
127. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 17 February 1993, 55:9.
128. House of Commons (18 February 1993), 56:5.
129. V. Smith, "Violence on TV Targeted by Tories," *Globe and Mail*, 19 February 1993.
130. House of Commons (24 February 1993), 58:12.
131. House of Commons (25 February 1993), 59:25.
132. *Ibid.*
133. Ledingham *et al.* (1993), p. 26.
134. House of Commons (23 March 1993), 64:10.
135. Canadian Radio-Television Commission (1976), p. 209.
136. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 16 February 1993, 54:5.
137. Working Group on Violence Against Women, Children and the Elderly, *Victoria Speaks Out: "Let's Blow the Whistle on Violence Against Women,"* John Brewin, M.P., Victoria, February 1993, p. 17.
138. House of Commons (24 February 1993), 58:12.
139. *Broadcasting Act*, S.C. 1991, c. 11, s. 2(3).
140. House of Commons (16 March 1993), 62:19.
141. Keith Spicer, "Keeping Canada on the Air: New Times, New Opportunities, New Freedoms," *Speech to the Annual Convention of Broadcasters*, Canadian Radio-television and Telecommunications Commission, Ottawa, 2 November 1992, p. 9-10.
142. House of Commons (24 February 1993), 58:11.
143. House of Commons (23 February 1993), 57A:4.



144. *Ibid.*, 57:7, 57:11 and 57:14.
145. House of Commons (24 March 1993), 65:9 and 65:21.
146. House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence*, 3rd Session, 34th Parliament, 11 February 1993, 53:19.
147. Atkinson *et al.* (1991), p. 11.
148. House of Commons (23 February 1993), 57:14.
149. Atkinson *et al.* (1991), p. 38, 45 and 50.
150. House of Commons (16 March 1993), 62:17.
151. House of Commons (23 February 1993), 57:28 - 57:30.
152. House of Commons (16 February 1993), 54:10.
153. House of Commons (9 February 1993), 51:12.
154. House of Commons (16 March 1993), 62:19.
155. Spicer (2 November 1992), p. 10.
156. See page 36 of this report for the discussion of the Minister's five-part strategy.
157. House of Commons (16 March 1993), 62:17.
158. *Ibid.*, 62:5.
159. House of Commons (23 February 1993), 57A:4.
160. On education, see p. 37 of this report; on collaborating with the U.S., see p. 52 of this report; and on recognizing positive contributions, see p. 54 of this report.
161. Task Force on the Economic Status of Canadian Television, *The Economic Status of Canadian Television - Report of the Task Force*, Department of Communications, Ottawa, 1991, p. 137-138.
162. *Ibid.*, p. 137.
163. *Ibid.*
164. *Broadcasting Act*, s. 5(1).
165. See p. 25 of this report.
166. *Broadcasting Act*, s. 9(1)(d).
167. House of Commons (23 February 1993), 57:19.



168. Gerbner and Signorielli (1988), p. 17.
169. House of Commons (24 February 1993), 58:44.
170. House of Commons (23 February 1993), 57:9.
171. House of Commons (18 March 1993), 63:12.
172. House of Commons (23 February 1993), 57A:5.
173. Hon. Perrin Beatty, Speaking Notes, "To the International Colloquium on Television Violence", Montreal, 29 April, p. 5.
174. House of Commons (23 February 1993), 57:38.
175. House of Commons (18 March 1993), 63:13.
176. House of Commons (24 February 1993), 58:8 and 58:10.
177. House of Commons (23 February 1993), 57A:5.
178. *Ibid.*
179. House of Commons (16 March 1993), 62:8.
180. *Ibid.*, 62:29, 62:30.
181. Task Force on the Economic Status of Canadian Television, *The Economic Status of Canadian Television: Report of the Task Force*, Minister of Supply and Services, Ottawa, 1991.
182. *Ibid.*, p. 112.
183. *Ibid.*, p. 119, 121.
184. *Ibid.*, p. 121.
185. House of Commons, Standing Committee on Communications and Culture, *Culture and Communications: The Ties That Bind*, 3rd Session, 34th Parliament, April 1992.
186. *Ibid.*, p. 68.
187. *Ibid.*, p. 74.
188. Communications Canada, *Unique Among Nations — A Response by the Government of Canada to the Recommendations of the Standing Committee on Communications and Culture as Presented in the Report, The Ties That Bind*, Minister of Supply and Services, Ottawa, April 1993, p. 25–26 and 34–35.
189. House of Commons (16 March 1993), 62:7.
190. *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927; *R. v. Butler*, [1992] 1 S.C.R. 452 [hereafter Butler].



191. *Butler*, 452 at 490.
192. Spears (1993), p. 68.
193. Atkinson *et al.* (1991), p. 12.
194. House of Commons (16 March 1993), 54:19.
195. CRTC, *TV Violence: Possible Action List*, Hull, 24 February 1993, p. 1.
196. *Television Broadcasting Regulations, 1987*, SOR/87-49, as amended by SOR/91-587. Parallel provisions were in place for Pay TV and Specialty Services; see: *Pay Television Regulations, 1990*, SOR/90-105, S.3, as amended by SOR/91-588 and *Specialty Services Regulations, 1990*, SOR/90-106, S.3, as amended by SOR/91-589.
197. CRTC (24 February 1993), p. 1.
198. Atkinson *et al.* (1991), p. 11.
199. House of Commons (23 February 1993), 57A:13.
200. Ontario Royal Commission on Violence in the Communications Industry, *Interim Report*, January 1976, p. III-31.
201. Atkinson *et al.* (1991), p. 50.
202. House of Commons (23 February 1993), 57:40.
203. CRTC, *CRTC - Notice of Public Hearing 1992-13*, Ottawa, 3 September 1992, p. 4.
204. *Ibid.*, p. 10.
205. V. Smith (1993).
206. House of Commons (23 February 1993), 57:7.
207. House of Commons (1993), 57:8.
208. See p. 28 of this report.
209. See p. 29 of this report.
210. House of Commons (24 March 1993), 65:11.
211. House of Commons (24 February 1993), 58:13.
212. Information obtained through a telephone conversation with Dorothy Christian, Chairperson of the Ontario Film Review Board, 10 March 1993.
213. Coalition for the Safety of Our Daughters (undated).



APPENDIX A

List of Witnesses

214. *Ibid.*
215. *Butler*, 452 at 491-499 and 501-504.
216. House of Commons (11 March 1993), 61:7 and 61:14.
217. House of Commons (24 February 1993), 58:26.
218. *Criminal Code*, R.S.C. 1985, c. C-46.
219. Ontario Law Reform Commission (1992), p. 49.
220. *Criminal Code*, ss. 318 and 319.
221. Bill C-19, *An Act to Amend the Criminal Code*, 2nd Session, 32nd Parliament, 1983-84.
222. Royal Commission on Violence in the Communications Industry, *Interim Report*, Toronto, January 1976, p. III-31. (The final report, however, did not contain a recommendation on this subject.)
223. *Ibid.*
224. *Ibid.*
225. *Customs Tariff*, R.S.C. 1985, c. C-54.01, s. 114.
226. *Customs Tariff*, R.S.C. 1985, c. C-54.01, s. 138 and Schedule VII, as amended.
227. Revenue Canada Customs and Excise, *Interpretive Policy and Procedures for the Administration of Tariff Code 9956*, Ottawa, 12 June 1991, p. 1.
228. Ontario Law Reform Commission (1992), p. 63 and 65.







## APPENDIX A

### List of Witnesses

ORGANIZATIONS AND/OR INDIVIDUALS	ISSUE	DATE
<b>Alliance for Children and Television</b> Alan Mirabelli, Chairman	59	February 25, 1993
<b>Alliance of Canadian Cinema, Television and Radio Artists</b> Sandy Crawley, President Amos Crawley, Member	63	March 18, 1993
<b>Canadian Association of Broadcasters</b> Michael McCabe, President and Chief Executive Officer Al MacKay, Vice-President and Station Manager CJOH-TV Peter O'Neill, Corporate Secretary, Director of Public Affairs and Strategic Planning, CTV Television Network Ltd. Peter Miller, Legal Counsel	57	February 23, 1993
<b>Canadian Cable Television Association</b> Ken Stein, President Roger Poirier, Senior Vice-President, Technology Elizabeth Roscoe, Senior Vice-President, Regulatory Development and Public Affairs	65	March 24, 1993
<b>Canadian Film and Television Production Association</b> Sandra Macdonald, President	62	March 16, 1993
<b>Canadian Radio-television and Telecommunications Commission (CRTC)</b> Keith Spicer, Chairman David Colville, Commissioner	58	February 24, 1993
<b>Canadian Recording Industry Association</b> Brian Robertson, Executive Director	63	March 18, 1993
<b>Canadians Concerned About Violence in Entertainment</b> Rose Dyson, Chair Doris Epstein, Media Director	59	February 25, 1993
<b>Carleton University</b> Professor Eileen Saunders, School of Journalism and Communications	51	February 9, 1993



ORGANIZATIONS AND/OR INDIVIDUALS	ISSUE	DATE
<b>Health and Welfare Canada</b> Barbara Merriam, Manager, National Clearinghouse on Family Violence, Family Violence Prevention Division, Social Services Programs Branch	55	February 17, 1993
<b>MediaWatch</b> Meg Hogarth, Executive Director Sylvia Spring, Founder MediaWatch Madonna Labri, Elected Member of the National Committee	54	February 16, 1993
<b>National Film Board</b> Michèle d'Auray, Director of Corporate Affairs Jan D'Arcy, Senior Policy Analyst	56	February 18, 1993
<b>Queen's University</b> <b>Dr. Vincent Sacco</b> , Department Head, Department of Sociology	64	March 23, 1993
<b>University Laval</b> <b>Florian Sauvageau</b> , Director of Journalism Studies and Associate Fellow, Institut québécois de recherche sur la culture	52	February 10, 1993
<b>University Laval</b> <b>Professor Jacques de Guise</b> , Department of Communications Studies	53	February 11, 1993
<b>Viva Associates</b> Sandra Campbell, Executive Director	52	February 10, 1993
<b>Writers Guild of Canada</b> Jack Gray, President	61	March 11, 1993



## APPENDIX B

### List of Submissions

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- Alliance for Children and Television
- Alliance of Canadian Cinema, Television and Radio Artists
- Campbell, Sandra, Viva Associates
- Canadian Association of Broadcasters
- Canadian Cable Television Association
- Canadian Film and Television Production Association
- Canadian Recording Industry Association
- Canadians Against Violence Everywhere Advocating its Termination
- Canadians Concerned About Violence in Entertainment
- Catholic Women's League of Our Lady of Perpetual Help Church, Halifax, Nova Scotia
- Coalition for Gun control
- de Guise, Professor Jacques, University Laval,  
Department of Communications Studies
- Health and Welfare Canada, National Clearing-house on Family Violence
- Inuit Broadcasting Corporation
- Martinez Andrea, Canadian Radio-television and Telecommunications Commission
- MediaWatch
- National Film Board
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Writers Guild of Canada

February 17, 1993



## APPENDIX C

### *Public Efforts to Address TV Violence in Other Countries*

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#### **INTERNATIONAL COLLOQUIUM ON TELEVISION VIOLENCE**

##### *Public Efforts to Address TV Violence in Other Countries*

**DEPARTMENT OF COMMUNICATIONS  
INTERNATIONAL RELATIONS BRANCH  
INTERNATIONAL COMPARATIVE POLICY GROUP  
APRIL 1993**



# PUBLIC EFFORTS TO ADDRESS TV VIOLENCE IN OTHER COUNTRIES

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## Public Measures to Address Violence on Television: Comparative Summary Analysis

### Growing International Concern Over TV Violence

A nation is an association of reasonable beings united in a peaceful sharing of the things they cherish; therefore, to determine the quality of a nation, you must consider what those things are.

Massey Report, 1951, p.xxii

The recent stream of interest directed at violent television programming in Canada is not a unique phenomenon. The popularity of television viewing, combined with increased choice through commercialization of broadcasting cable and satellite distribution and the high portion of imported programming has fueled discussion and action around the world. Television, as social commentator of the twentieth century, increasingly illustrates a disturbing reality that violence is a global problem which leaves policy makers with an ideological battle. Essentially, whether or not the technology created violence or fuels the existing conflict in society, television is simply "an assembly line into everyone's home leaving policy makers to tread a thin line between censorship and sensitivity". (EBU, p.3)

Trends in scientific research, particularly in the United States and the United Kingdom, demonstrate a progression through various stages of thought since the 1960's. Numerous studies have attempted to show direct links between the effects of television violence and the development of children. Over the years research, which has offered a range of psychological and social rationalizations, has sometimes been challenged as inconclusive. Concurrently there has been a recent surge of public interest to curb the excessive portrayal of violence on television as the cause of an increase of violence in society.

It is often the marked increase of violent acts that has precipitated calls for public action to regulate violence on television. In Canada, an anti-violence campaign was initiated last fall by 14 year old Virginie Lariviere following the brutal rape and murder of her sister. Canadian authorities and industry have responded by initiating strategies which would ultimately introduce measures to address violence on television. Similarly in Britain policy-makers have been reexamining the issue of TV violence following the abduction and horrific murder of two year old James Bulger. In cooperation with public authorities, private and public broadcasters alike have begun to introduce voluntary codes of conduct as an alternative to regulatory action.



## Recent Approaches: Balancing Responsibilities

Recognizing the rising demand for government intervention, authorities in New Zealand, Australia and the United Kingdom undertook extensive public opinion surveys evaluating the perceptions of and tolerance levels for violence in the media. Furthermore, broadcasting authorities from these countries sponsored detailed content analysis of violence in television programming over a specified period of time (usually one or two weeks) and initiated national inquiries facilitating government-industry cooperation. These consultations, held every five years, have become an integral part of the democratic tradition in the UK. The broadcasting authority in Australia is obligated to seek public comment on a regular basis while retaining control over determining program standards. Regulators in Belgium and in France receive advice on a continual basis from their Conseil superieur de l'audiovisuel, permanent consultative boards in each country, which exercise significant influence on the development of broadcasting standards.

Within the past four years, public authorities from Australia, Belgium, European Community, Council of Europe, France, New Zealand, United Kingdom and the United States, have introduced general principles supporting community and moral standards obliging public and private broadcasters to respect these values when developing and applying their own codes of conduct. Classification systems, viewer warnings and/or specified programming periods have been the most common measures adopted to date. Australia and New Zealand have developed specific classification systems categorizing children's television programming according to program type, age group and time of day. Other countries such as France and Belgium have on-screen warning symbols as tools for parents to use when selecting and evaluating programs for their children. The Council of Europe considers these types of warning signals as "an incentive for young persons to watch [restricted programs] and it was felt that prevention in this area was mainly a question of parental responsibility". (CoE, p28)

Despite the various measures adopted by each of these countries, there is a growing trend around the world to respect a safe harbour period for family viewing. Watersheds may range from 20h30 in Australia, Belgium, New Zealand and the United Kingdom to 22h30 in France and 24h00 in the United States. Care in the scheduling of programs has become a preoccupation which has inspired the creation of "family viewing policies". Adopted in the United Kingdom and France, this approach obligates broadcasters and parents to share in the responsibility for protecting children from explicit and implicit violent programming following a designated safeharbour period.

Recognizing that freedom of speech is paramount in open democratic societies, the majority of efforts to reduce violence on television are strictly voluntary. Accordingly, it is difficult for regulators to discipline and take action including the imposition of penalties on broadcasters who do not abide by these "voluntary" standards. Some countries have, however, decided that such measures are required. Authorities in France, the United Kingdom and New Zealand have legislated the imposition of fines on private broadcasters in breach of the fundamental principles safeguarding children against violent programming. In other countries, a range of disciplinary



measures exist including the condition, suspension, and/or denial of a broadcast license in Australia, Belgium and the United States respectively.

### **Application to Canada**

Canada is faced with an increasing amount of imported violent programming. The establishment of a minimum set of standards for television programming would provide broadcasters with a common legal framework encouraging the free flow of audiovisual products suitable for adolescent viewing. The harmonization of standards governing violence on television requires considerable commitment from all parties involved as they consent to interpret a minimum set of principles into national legislation. Some broader issues arising from a transfrontier model to address violence on television include - conflict amongst existing national legislations; care in the scheduling of program classifications especially when there is a time difference between countries and; a range of diverse cultural and social values. The Commission of the European Community and the Council of Europe have been challenged to overcome these difficulties. Acknowledging that neither have a jurisdiction to enforce legislation, they have established general codes of conduct harmonizing guidelines for member states to translate into national regulation.



### Public Measures to Address Violence on Television in Selected Countries

	Recent Legislation/Regulation	General Principles and Voluntary Codes	Classification System	Program Scheduling	Viewer Warnings	Penalties
Australia	Australian Broadcasting Authority (ABA) Broadcasting Services Act 1992, Children's Television Standards 1990	to reflect community standards	(P) preschool (C) primary school age G, PGR, AO, MA	appropriate viewing for children P,C,G: 20h30	none	condition of license renewal
Belgium	Conseil Supérieur de l'Audiovisuel (CSA) - le décret du 19 juillet 1991	to avoid harming the mental and moral development of minors	none	20h30	"carré blanc" (for films only)	suspend brdcast license for up to 12 mnths
Council of Europe	Convention on trans-frontier brdcasting (drafted - 1989; entered into force Mar. 1993)	issues resp. to brdcasters to create prog. standards (to be respected by all member states)	none	brdcasters to respect children's viewing hours	none	none
European Community	Directive "Television Without Frontiers" (tabled - 1989; adopted - 1991)	protection of mental & moral development of minors (to be respected by all member states)	none	brdcasters to respect children's viewing hours	none	none
France	Conseil Supérieur de l'Audiovisuel (CSA) directive relative à la protection de l'enfance... May 1989	family viewing emphasized	none	22h30	acceptable: green light caution: orange light adult: red light	fines
New Zealand	New Zealand Broadcasting Standards Authority (NZBSA) Code 1993	to develop safeguards against explicit or implied violence	G, (suitable for kids under 14 yrs) PGR, AO (suitable for over 18 yrs)	20h30	onscreen written warnings	fines, suspension of brdcasting up to 24 hrs
United Kingdom	Broadcasting Standards Council Code of Practice 1989, Broadcasting Act 1990	creation of a family viewing policy	none	20h30-21h00	none	fines, condition of license renewal, on-air apologies
United States	TV Violence Act 1990 Children's Television Act 1990	no gratuitous violence; no violent scenes inviting child imitation	none for television however Motion Picture Association of America (MPAA) film classifications exist	voluntary obligation to take care in the scheduling of programs; Federal Communications Commission (FCC) proposal to prohibit brdcast of indecent material from 6h00 to 24h00	none	proposal for denial of license renewal if voluntary standards are not applied



## AUSTRALIA

### *Australian Broadcasting Authority (ABA)*

The ABA is the regulatory body responsible for commercial, community and subscription television and radio broadcasters. In consultation with industry and the public, the ABA sets standards suitable for broadcast programmes. The two national broadcasters, the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS) are also required, through their own legislation, to develop codes of practice and to notify the ABA of their efforts.

The ABA was created on 5 October 1992 by the Broadcasting Services Act. The new Act sets out explicit policy objectives in addition to determining the functions and powers of the ABA. The purpose of the Act is to encourage broadcasters to respect community values and to ensure that they place a high priority on the protection of children from exposure to material which may be harmful to their development.

The primary functions of the ABA include conducting and/or commissioning research into community attitudes related to issues portrayed on television; to assist broadcasters to develop codes of practice that are in accordance with community standards; to develop program standards for Australian content on television, children's television and areas where codes have been demonstrated to fail or where codes do not exist; and to monitor compliance with codes and standards. These standards are voluntarily adopted by independent television stations as benchmarks for applying their own guidelines.

### *Broadcasting Services Act: Creating Standards for Children's Programming*

Under the new legislation the primary responsibility for ensuring that programs reflect community standards has shifted to broadcasters themselves. The former system of the Australian Broadcasting Tribunal (ABT) has been replaced with a system of industry developed codes of practice. These industry codes use ABA standards as reference points in defining specific tolerance levels for violent material on television.

According to article 123.(1), of the new *Broadcasting Services Act*, industry groups representing commercial, community, subscription, subscription narrowcasting and open narrowcasting programming, must develop, in consultation with the ABA and public interest groups, codes of practice ensuring the protection of children from exposure to program material which may be harmful to their development. The ABA retains the authority to determine program standards when industry codes are inadequate or where no code of practice is developed. Before determining a standard, the ABA must seek public comment. Broadcasting industry groups representing commercial television, commercial radio and community radio are currently in the



process of developing codes of practice, in consultation with the ABA, related industries and the public. The ABA standards which were developed through a public inquiry process remain in force during this process and are forming the basis for code development.

According to part three, five and six of this Act, commercial, community and subscription broadcasters must comply with a series of program standards in order to qualify for licensing. Included in the list of requisites is a clause that "the licensee will not broadcast a program that has been refused classification, or has been classified as "X", by the Office of Film and Literature Classification". Subscription television broadcasters must also adhere to a proviso ensuring "that access to programs classified as "R" by the Office of Film and Literature Classification are restricted by disabling devices acceptable to the ABA and will not broadcast such an "R" classified program until the ABA has completed extensive, Australia-wide qualitative and quantitative research on **community standards of taste and decency** in relation to classifications for pay television and on what levels of violence and depiction of sex should be allowed, and the ABA has approved the broadcast of such programs".

#### *ABA's Children's Television Standards - January 1990*

The ABA's children's television standards were introduced in January 1990 after a public inquiry process which was initiated in February 1987 to review the existing standards that had been in force since 1984. Children's programs are categorized according to pre-school (P) or primary (C) school age. These programmes are shown between 16h30 and 20h30 on weekdays and 7h00 and 20h30 on the weekends. "P" programmes may also be shown 8h30 to 16h30 on weekdays. Unsuitable material includes the "depiction of images or events in a way which is unduly frightening or unduly distressing to children". Broadcasters are obligated to provide at least 390 hours of children's programming each year, including at least 130 hours of "P" programs and 260 hours of "C" programs.

The criteria for classification cover the representation of such things as violence, sex, nudity, use of offensive language and drugs. The standards set out the criteria by which television stations classify programs as G (general), PGR (parental guidance recommended), AO (adults only) and not suitable for television and determine specific viewing hours. The General viewing (G) code which is not necessarily directed towards children, prohibits programmes which contain materials unsuitable for children without the supervision of an adult. These programmes may be broadcast between the hours of 6h00 and 8h30 and between 16h00 and 19h30 on weekdays and between 6h00 and 19h30 on weekends.

Parental Guidance Recommended (PGR) programmes may contain adult themes or concepts but are considered suitable for children under the guidance of an adult. These programmes may be broadcast between 5h00 and 6h00, 8h30 and 12h00, 15h00 and 19h30 and onwards on weekdays and between 5h00 and 6h00 and after 19h30 on weekends. Implicit and discreet representations of violence may be presented if appropriate to the storyline or programme context.



### **Additional Classification Guidelines**

Adult Only (AO) programmes are suitable for viewing by persons 18 years old and over. Violence may be realistically depicted if appropriate to the story line or programme context, but should not be unduly bloody or horrific and must not be presented as desirable in its own right. Intimate sexual behaviour may only be discreetly implied or simulated and must be relevant to the story line or programme context. The portrayal of nudity is permitted if relevant to the story line.

### **Industry Classification Codes**

A public inquiry by the ABT into the issue of the portrayal of violence on television led to the introduction, in 1991, of an industry code of practice which operates in conjunction with the standards. Both the standards and the violence code will be replaced, within the next few months, by the codes of practice currently being developed by the commercial television industry.

According to the codes, television broadcasters are required to introduce a new classification, MA (mature adult audience), for programmes portraying higher levels of violence which will be restricted to viewing between 21h00 and 5h00. The new MA classification will also be introduced in May 1993 to the film and video classification system which is administered by the Office of Film and Literature Classification (OFLC). They will restrict "MA" films and videos to persons over the age of 15 unless accompanied by an adult.

### **Penalties**

Policing mechanisms and penalties have not been included in the code. Industry is, however, subject to review by the ABA.



## BELGIUM (FRENCH COMMUNITY)

With the federalization of the Belgian state, legislative responsibilities for radio and television (including commercial advertising) were transferred to the three Belgian communities (French, Flemish and German). The following pertains to the efforts of the Communauté française de Belgique which first promulgated degrees with respect to the audio-visual sector in 1977.

### Radio-Télévision belge de la Communauté française (RTBF)

The RTBF is a public institute created by decree of the Conseil de la Communauté française on December 12, 1977. This institute is responsible for public radio and television services in this Community, as well as for public television programming which must meet the legal dispositions regarding violence described below.

### Conseil supérieur de l'Audiovisuel (CSA) en Communauté française de Belgique

The CSA was created in 1987 to replace three commissions which had been given specific mandates. The Ministère de la Communauté française de Belgique seeks the advice of the CSA to determine its regulatory options. While the CSA has no regulatory authority it emits opinions which are:

[Fr] mandatory and must be given prior to the authorization or recognition of private radio and television services, pay TV services, cable networks, local and community television stations or any other service, as well as the suspension and/or withdrawal of that authorization or recognition.

The Ministère de la Communauté française de Belgique requested the opinion of the CSA regarding violence in television programs and asked that this organization examine the possibility of developing a *voluntary code of ethics*. As a result, a working group was established to examine problems concerning the presentation of violence on television and to look for possible solutions. Believing that strict regulations would not solve existing problems, the following recommendations were made:

1. *Educate viewers, especially teachers, children and adolescents.*
2. *Establish a code of ethics pertaining to the portrayal of violence.*

The CSA recommended the adoption of a code of ethics aimed at harmonizing preventive attitudes with respect to the broadcasting of violent programs by determining criteria that the networks would agree to respect. The CSA proposed that this code be based on the following principles:



- The public must be warned in advance of any program or film containing scenes of violence.
  - Details should be given regarding the content of violent scenes.
  - Violent scenes must not be emphasized and the public must be informed of the real nature of any program containing violent scenes. In addition, trailers may not include scenes of violence likely to shock viewers.
3. *Broadcasters must be responsible for the distribution of information on the content of programs to the media.*

Broadcasters must ensure that the press is given the information it needs to warn the public regarding the content of programs and enable parents and educators to assume their responsibilities with respect to programs containing scenes of violence.

### **Legal provisions regarding violence on television**

Since 1991, the legal provision (Article 24 of the 1987 decree, amended in 1991) which applies to all television organizations under the authority of the French Community stipulates that the following may not be broadcast:

- programs which attack human dignity or promote hatred based on race, sex, religion or nationality; or
- programs likely to have a negative impact on the physical, mental or moral development of minors - particularly programs (including trailers) containing pornographic scenes or gratuitous violence unless steps are taken to ensure that minors do not normally watch these programs.

Broadcasters will ensure that authors and directors of fiction programs avoid the use of scenes likely to shock a significant portion of the audience. Violence must not be included unless it is absolutely necessary for the main action in the production and violence which is gratuitous or is used to compensate for a weak script is to be prohibited.

Broadcasters must commit themselves to making the authors, adapters, producers and directors with whom they enter into contracts aware of these provisions and to ensuring that they respect the spirit of these provisions and make their co-contractors aware of them.

Broadcasters must also commit themselves to not acquiring productions which cannot be adapted to the requirements set out in these provisions.

In response to the recommendations of the CSA, the French Community's television broadcasters (RTBF, RTL-TVI, Canal Plus TVCF, and the local and community television stations) adopted



a code of ethics regarding the broadcasting of television programs containing scenes of violence.

### **Classification system**

The Ministère de la Communauté française does not use a system of classification.

### **Program scheduling for children**

Broadcasters must take into account the content of a program in deciding when to schedule it. A very large number of children watch the news at 8 pm, as well as the programs shown at 8:30 pm. More flexible criteria may be applied with regard to programs shown at the end of the evening, although broadcasters must be particularly careful with respect to programs shown in the evening on Wednesdays and Saturdays, as well as during school holidays.

### **Warning signals**

The following warning signals are used to inform the public of the content of programs:

- Implicit reservations: Advertisements must inform the public of content susceptible of shocking the viewer such as violent or erotic images or situations, the use of rough language, particularly pessimistic treatment of given subjects, etc.
- Explicit reservations: Advertisements are of the same nature although emphasis is placed on concerns if the content of the program can be justified by its artistic or informative nature.
- White square: This signal is used to emphasize explicit reservations. It has only been used a dozen times in the past 5 years as it may act as an enticement rather than as a warning.

### **Penalties**

Should provisions outlined in Article 24 regarding the broadcasting of violent programming at unsuitable times:

[Fr]The Executive may suspend the distribution authorization of the broadcasting bodies which are the subject of Article 22 of the same decree (networks whose programming is distributed via cable) if these bodies violate, on two occasions over a period of twelve months, in an obvious and serious manner, Article 24 of this decree.

If no solution has been found within fifteen days of the notification, and the violation continues, the Executive may decide, in accordance with the terms and conditions it determines, to suspend the broadcasting body's distribution authorization.



## COUNCIL OF EUROPE

Established in 1949 with its headquarters in Strasbourg, the Council of Europe is an intergovernmental organisation which brings together 26 European countries committed to respecting human rights, democracy and the rule of law. The number of member States of the Council of Europe will shortly increase so as to embrace a number of Central and East European countries which show the same commitment to respecting the forementioned values. The Council of Europe is to be seen as an Organisation distinct from the European Community, although the 12 EEC states are members of the former. The Council of Europe includes among its missions protecting and strengthening human rights, pluralist democracy and the rule of law. It is mandated to work out at the European level solutions to a wide range of problems affecting European society. Particular prominence is given to the media and cultural sector.

The responsible intergovernmental body for matters of media law and policy, including the television sector, is the Steering Committee on the Mass Media (CDMM). This intergovernmental body is serviced by the Media Section which is located within the Directorate of Human Rights. The CDMM has the particular responsibility to work out, at the European level, solutions for a whole series of different issues arising in the media sector including media concentration and pluralism, copyright and neighbouring rights, transfrontier broadcasting, the legal protection of television services, audio-visual piracy, exclusivity rights, etc. The Steering Committee, together with its subordinate committees and other bodies, places particular emphasis on the need to seek the views of professional and other bodies concerned by the issues arising in the media sector. For example, an institutionalised dialogue exists between the Steering Committee (as well as other bodies within the Council of Europe dealing with aspects of cinematographic audio-visual policy) and the representatives of the European Cinema and Television Office. Moreover, the Steering Committee consults the professionals through the instrumentality of hearings, contact meetings and granting observer status to certain professional bodies.

The policies worked out by the CDMM in the area of the media may take the form of legal instruments, either non-binding legal instruments such as Recommendations, or binding legal instruments in the form of Conventions. An example of the latter is provided by the elaboration and adoption of the European Convention on Transfrontier Television. This key legal instrument is intended to provide a harmonised framework in Europe for the transfrontier broadcasting of programme services. The Convention has now been ratified by 8 European states and will enter into force on 1 May 1993. A considerable number of other European countries have signed the Convention. As each member state signs the Convention they are assuming responsibility for applying these terms within national legislation. As a protectionist mechanism, article 32 stipulates that at the time of signature, all states reserve the right to declare a "reservation" withdrawing their commitment to honor the terms and conditions of any clause they feel is inappropriate.



## *The Convention of Transfrontier Television*

The Convention, which was elaborated within the Steering Committee on the Mass Media, is similar in many respects to the EC Directive "Television without Frontiers". It was open to signature on 5 May 1989 and, as noted above, will enter into force on 1 May 1993. The Convention is also open to signature and accession by non-member States of the Council of Europe which are States party to the European Cultural Convention. It is also open for signature by the European Community. After the entry into force of the Convention, any other State may be invited to accede to the Convention in accordance with the procedure indicated in Article 30 thereof.

The Television Convention may be seen as the concrete application of Article 10 of the European Convention on Human Rights in the specific context of transfrontier broadcasting. The objective of the Convention is to ensure freedom of reception and retransmission in the context of transfrontier broadcasting, which may be seen as a technological reflection of the freedom of expression and information as guaranteed by Article 10 of the Human Rights Convention. Furthermore, it seeks to reinforce the free exchange of information and ideas throughout the European region by encouraging the circulation of television programmes on the basis of a certain number of general standards. The Convention provides a set of minimum standards which must be respected by broadcasters within the responsibility of Contracting Parties whenever their programmes are transmitted to the territories of other Contracting Parties.

### *Programming Standards*

The provisions of the Convention specifically address the following matters:

- the protection of certain individual rights and values;
- the responsibility of broadcasters in regard to programming;
- advertising and sponsorship

As regards the responsibilities of broadcasters, Article 7 of the Convention provides as follows:

1. All items of programme services, as concerns their presentation and content, shall respect the dignity of the human being and the fundamental rights of others.

In particular, they shall not:

- a. be indecent and in particular contain pornography
- b. give undue prominence to violence or be likely to incite to racial hatred

2. The broadcaster shall ensure that news fairly represents facts and events and encourage the free formation of opinions.

A Committee bringing together the representatives of the Contracting Parties to the Convention is entrusted with its application and interpretation. In addition, this Standing Committee is also



competent to place itself at the disposal of contracting parties with a view to seeking solutions to possible disputes arising out of the implementation of the provision of the Convention.

The Single European Act of 1986... The Treaty of Maastricht signed in 1992... Article 127 of the Treaty... to date of the EC's efforts towards harmonization in the cultural and television sectors.

According to the EC's principle of subsidiarity... the Commission and the Council of Ministers... Directive of 2 October 1989

On 2 October 1989 the Council of Ministers of the European Community approved the Commission's proposal to promote the free transmission of television programmes throughout the Community. The "Television without frontiers" directive, adopted October 1991, allows individual programmes to circulate throughout the Community providing that programmes comply with national legislation of the broadcasting member state. Minimum rules of conduct, including advertising, protection of minors and the right of reply have been established by the Commission to provide a common legal framework for Community broadcasters.

Article III, the EC's Internal Market and Industrial Affairs Directorate General, was initially responsible for the creation of this directive. Once the Treaty of Maastricht is ratified, DG X, the Directorate General within the Commission responsible for audiovisual and cultural affairs, information and communication, will administer to the member states the terms and conditions of the directive, particularly ensuring that specific measures are introduced to protect the physical, mental and moral development of minors in programmes and in television advertising.

In general, the purpose of a "directive" is to allow for increased flexibility between member states when applying its terms and conditions. This approach requires national governments with the responsibility of translating these principles into state legislation.

### Children's Television Classifications

The Commission does not have the jurisdiction to impose a system of classification on "community broadcasters". They have, however, transferred this responsibility to national



## EUROPEAN COMMUNITY

The Single European Act of 1986 facilitated the economic harmonization and integration of the twelve European states. The Treaty of Maastricht adopted in 1991 extends competence of the European Community to administer and introduce legislation to political, social and cultural areas. Article 128 of this Treaty, which has yet to be ratified, extends a limited cultural mandate to the EC to develop guidelines for the cultural industries and the circulation of cultural goods and services. As an industrial/economic activity, broadcasting has been the focal point to date of the EC's efforts towards harmonization in the cultural and communication sectors.

According to the EC's principle of subsidiarity, responsibility for the development and promotion of culture remains within the jurisdiction of each member state which acknowledges the diversity and distinctiveness of national, regional and local cultures. The Treaty is expected to be ratified by the Fall 1993.

### *"Television Without Frontiers" - Directive of 3 October 1989*

On 3 October 1989 the Council of Ministers of the European Community approved the Commission's proposal to promote the free transmission of television programmes throughout the Community. The "Television without frontiers" directive, adopted October 1991, allows audiovisual programmes to circulate throughout the Community providing that programmes comply with national legislation of the broadcasting member state. Minimum rules of conduct, including advertising, protection of minors and the right of reply have been established by the Commission to provide a common legal framework for Community broadcasters.

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In general, the purpose of a "directive" is to allow for increased flexibility between member states when applying its terms and conditions. This approach imparts national governments with the responsibility of translating these principles into state legislation.

### *Children's Television Classifications*

The Commission does not have the jurisdiction to imposed a system of classification on "community broadcasters". They have, however, transferred this responsibility to national



governments in chapter five, article 22 of their directive. All member states are therefore obligated to:

**"take appropriate measures** to ensure that television broadcasts by broadcasters under their jurisdiction do not include programmes which might seriously impair the physical, mental or moral development of minors in particular those that involve pornography or gratuitous violence. This provision shall extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, **by selecting the time of the broadcast or by any technical measure**, that minors in the area of transmission will not normally hear or see such broadcasts".

### *Disciplinary Action*

Fundamentally, the Commission does not have the authority or capacity to police broadcasters throughout the twelve member states. Consequently, they rely on national governments to employ measures against broadcasters who repeatedly transmit programmes bringing serious harm to the physical, mental or moral development of minors as outlined in article 22.



## THE EUROPEAN INSTITUTE FOR THE MEDIA

The European Institute for the Media (EIM) is an international centre for policy-oriented research and development in the fields of radio, television, the press and related issues in mass communications. It was established in January 1983 by the European Cultural Foundation in conjunction with the University of Manchester. In 1987, the EIM and the European Cultural Foundation appointed a Task Force to explore the changing environment of European television given technological developments, trends toward deregulation throughout Europe and the globalization of broadcasting. A significant recommendation from the Task Force's report, "Europe 2000: What Kind of Television", was the establishment of a European Forum to promote the harmonious and coherent development of television in Europe. It was suggested that the Forum, to be called the "European Television and Film Forum", be comprised of non-governmental officials representing an array of interests.

In 1989, the European Television and Film Forum held its first meeting where it established four working groups concerned with a variety of audiovisual issues. The Regulatory Agencies Working Group is comprised of twenty or more senior representatives from European regulatory agencies, the European Commission and the Council of Europe representing national and regional interests. To date, the Working Group, chaired by Anthony Pragnell, has given close attention to the provisions regarding the protection of minors in the Council of Europe's Convention, article 7, and the EC Directive, article 22 as well as individual national measures. At this point, the working group is of the opinion that:

"however desirable some minimum framework of international consensus might be, it was not going to be easy for countries to abandon their traditional cultural, social, religious and legal approaches to classification (or censorship).... and

views about public taste and morality had changed so much over the last twenty years or so that it was difficult to find any agreement even within one country, much less across a number of countries".

Nevertheless, efforts continue towards recommending a solution which can be applied across borders. In this regard, questions currently under consideration by the Working Group include:

1. Does the regulatory or self-regulatory machinery exist at the national level to consider what should or should not be broadcast? If not, is there a feasible alternative?
2. Should the same rules apply to encoded services as to openly available ones, and should the same rules apply throughout the day or can they vary according to the time of transmission? How are disputes to be resolved?
3. Does any control sought to be exercised over programme material conflict with any constitutionally guaranteed rights to freedom of expression?



## FRANCE

### *Commission nationale pour la communication et les libertés (CNCL)*

The 1986 *Broadcasting Act*, made specific provisions for the establishment of la Commission nationale pour la communication et les libertés (CNCL), to ensure that principals governing the protection of children and adolescents are respected.

In the late 1980's the CNCL became concerned with the significant increase in violent and erotic films and telefilms broadcast during the earlier part of the evening and established a code which forbids the broadcasting of violent or erotic programmes before 22h30. The CNCL restricted programs which had previously been rated "Adult" for theatrical release by the now defunct television station *La Cinq*. Fines of up to one million FF were imposed on broadcasters who did not respect this scheduling period.

Despite the CNCL's efforts the levels of violent and erotic programming continued to increase, with the number of films rated Adult broadcast before 22h30 growing from 20 in 1985 to 93 in 1988. In response to criticism from the CNCL, broadcasters sought to establish their own guidelines which were published in 1989. Unfortunately, these guidelines were not followed by private broadcasters and were not endorsed by the various television stations.

### *Conseil Supérieur de l'Audiovisuel (CSA)*

In response to the level of violence on television, and the CNCL's limited ability to impose standards, the 1986 *Broadcasting Act* was modified in 1989 to create an independent body, the Conseil Supérieur de l'Audiovisuel (CSA), to amend amongst other responsibilities existing guidelines governing freedom of expression in television and radio programming. The CSA's guidelines include provisions for the protection of children and adolescents, under the age of 13, in the broadcasting of programmes by all public and private services.

As a result of the increase of gratuitous violence in regularly scheduled programming, the CSA introduced measures within the framework of a directive which would allow the CSA to impose penalties for non-compliance. More specifically, the CSA elaborated guidelines which support fundamental objectives for the protection of children and adolescents.

### *CSA Directive Concerning the Protection of Children and Young People in the Scheduling of Programs Broadcast by Public and Private Television Services*

Published on 5 May 1989, the CSA's directive outlined scheduling guidelines to protect children and adolescents from violent and erotic programming. The philosophy underpinning the CSA's guidelines is the recognition of television as an activity used in a "family context" which further obligates broadcasters to ensure that programmes transmitted before 22h30 are suitable for



"family viewing". Specifically, these guidelines stipulate that erotic or violent films are not to be broadcast "between 6h00 and 22h30 and the promotions of these films will not be broadcast prior to 20h30".

### ***CSA Warning Signals***

In the event of the portrayal of violent content during peak viewing hours which would affect the sensibilities of young people, broadcasters are required to provide appropriate signals to warn viewers. A visual symbol whose colour indicates a CSA rating will precede such a program. A green signal is used to flag programming considered suitable for all audiences, orange is used to caution audiences and a red is used to indicate adult-only programming.

Under the terms of the CSA directive, all public and private broadcasters are required to establish a viewing committee within their organization to ensure that their programmes comply with the CSA guidelines. The names of the viewing committee members must be presented to the CSA.

### ***Classification System***

A classification system rating television programmes does not exist in France.

### ***Penalties***

The CSA has the power to enforce its guidelines by serving written notice of any transgressions to broadcasters, by the imposition of fines or demanding the broadcast of announcements for which the CSA sets the terms and conditions. In the case of public broadcasters, however, the CSA's power is limited to serving written notice. The CSA normally intervenes in a less formal and on a more frequent basis by informing broadcasters of any problems and by compiling files on individual broadcasters.

In the case of private broadcasters, the CSA has the authority to impose fines on companies which do not comply with the terms and conditions of the Directive. In 1990, La Cinq and M6 were fined 5 million FF and 5.5 million FF respectively for broadcasting violent films before 22h30.



## NEW ZEALAND

### *The New Zealand Broadcasting Standards Authority (NZBSA)*

The NZBSA, founded in 1989 in conjunction with the restructuring of broadcasting in New Zealand, is responsible for establishing and maintaining acceptable standards of programming within the context of current social values. The primary goals of the Authority are to promote self-regulation by broadcasters and the principles of natural justice, openness, fairness and partnership.

The 1989 Broadcasting Act identified the protection of children, the portrayal of violence and the creation of a classification system of programmes as priority areas for action for the New Broadcasting Standards Authority. According to this Act, the NZBSA is responsible for cooperating with broadcasters in the development and observance of codes; publishing codes of conduct and information regarding complaint procedures; and developing expertise on standards issues primarily through research.

In 1991, the Authority organised a national seminar to examine the portrayal of violence on television. The seminar, which heard from a variety of experts, enabled the Authority to identify "inadequacies in the New Zealand Code" and suggest recommendations for the creation and implementation of a new code of conduct for broadcasters. Inspired by the British philosophy that "a society which delights in or encourages cruelty or brutality for its own sake is an ugly society, set on a path of self-destruction", the Authority adopted their model as the foundation for their new code which came into effect January 1 1993.

### *January 1993 Codes of Broadcasting Practice: Free-to-Air Television Programme Standards*

The new comprehensive code on the portrayal of violence was developed in cooperation with public and private broadcasters and the Broadcasting Standards Authority (BSA). Its main objective is to provide broadcasters with guidance dealing with violent or distressing material when producing, compiling or presenting television programmes.

Furthermore, broadcasters are required to develop classifications safeguarding programmes from all forms of gratuitous violence, whether explicit or implied. They are urged to consider programme type, audience, time of day, community attitudes and values when developing their codes of conduct which are subject to approval by the Authority.

Eleven general standards of the code preamble a series of specific standards on reducing violence in children's programs. These guidelines oblige broadcasters ensure that any violence shown is justifiable and essential within a given context. Broadcasters are required to issue warnings at the beginning of such programmes.



## ***NZBSA's Children's Television Classifications***

The generally accepted viewing period for children extends to 20h30. Programmes classified as **general (G)** exclude material likely unsuitable for children under 14 years of age. "G" type programmes may be screened by anyone at any time. In this case, unacceptable violence include any physical, emotional or verbal act which is likely to disturb, alarm or distress children.

Programmes containing material more suited to adult audiences, but not necessarily unsuitable for child viewers when subject to the guidance of a parent or adult, are classified as **parental guidance recommended (PGR)**. These programmes are aired between 9h00 and 14h00 and after 19h00 until 6h00. Unacceptable portrayals of violence include acts which are realistic and "particularly horrific" and scenes depicting gross ill-treatment of people, especially children, and animals.

**Adults only (AO)** are programmes classified as unsuitable for persons under 18 years of age as a result of "adult themes". These programmes are restricted to screening between 12h00 and 15h00 on weekdays (except during school and public holidays) and after 20h30 until 5h00. Scenes of gratuitous violence, sexual assault, realistic accounts of physical, psychological or verbal violence are permitted provided they are not unduly prolonged or explicitly depicted.

Inevitably there are programmes which fall outside of the adult only guidelines. In these cases the appropriate viewing period is after 21h30. On-screen warnings identifying violent content are required.

### ***Other Considerations***

While guidelines have proven to be effective tools for classification, not every programme or situation falls directly within the boundaries laid out by the Authority. Accordingly, the Authority has developed a "public interest" test to be applied during times of uncertainty. Programmes may be evaluated based on the following questions:

- Is the material centrally relevant?
- Is violence used for heightened impact or shock value, i.e. gratuitously?
- Who is watching and what is the likely impact?
- What is the cumulative impact? Is there a repetition of violence?
- What are the audience's expectations?

### ***Penalties***

The 1989 Broadcasting Act provides the Authority with sanctions for breaches of code ranging from requiring a statement, correction or apology from a broadcaster to taking his/her advertising or all broadcasting off the air for up to 24 hours. According to section 13 (1) (b) (i) and article 14 of the Act, a fine not exceeding \$100,000 will be imposed if a broadcaster fails to comply with the terms issued by the Authority.



## UNITED KINGDOM

### ***British Broadcasting***

British television broadcasting consists of a public-service sector, of which the British Broadcasting Corporation (BBC) is the sole embodiment, and a commercially-funded sector, regulated since 1991 by the Independent Television Commission (ITC). The commercial sector is governed by statute while the BBC retains its original constitution operating under a Royal Charter due for renewal at the end of 1996. Originally, the presence of the Royal Charter vanquished the question of any specific standards in British broadcasting. It was not until the Television Act of 1954 that concern over the possible effects of television was raised. At this time the Government added a clause which stated that "nothing should be included in programmes which offended against good taste or decency or might encourage or incite crime or lead to disorder or be offensive to public feeling". The spirit of this clause has been repeated in subsequent legislation, most recently in the *1990 Broadcasting Act*.

### ***1990 Broadcasting Act***

The 1990 Act established the British Broadcasting Standards Council (BSC), an advisory body of eight members appointed by the Secretary of State for National Heritage, who has an overall responsibility for broadcasting. Ultimately the BSC has limited regulatory authority. The Council is, however, required to produce a Code of Practice on the matters within its remit including violence, sexual conduct and matters of taste and decency. The 1990 Act requires the broadcasters to take account of the Council's Code in preparing their own codes and guidelines.

In December 1992, the Broadcasting Standards Council released a study entitled "The Future of Children's Television in Britain: An Enquiry for the British Standards Council" which made recommendations to the ITC in the following areas.

- scheduling considerations
- the creation of a British Broadcasting Corporation (BBC) and Independent Television (ITV) system-wide set of standards for children's programming
- recommends the creation of a joint BBC-ITV advisory Children's Television Council and a voluntary body with public support
- a study to profile the viewing habits of children in Britain and identify problems categorizing children's programs

### ***Family Viewing Policy***

The ITC (Independent Television Commission) is responsible for the elaboration of a programme



code which interprets the intentions of the 1990 Act with respect to programme standards. More specifically, the programme code sets family viewing hours, between 6h00 and 20h30, eliminating the broadcast of material unsuitable for children during times when the largest numbers of children are expected to be watching television. Programme trailers promoting "adult" films transmitted later on in the evening must ensure that the trailer is suitable for family viewing.

Since the 1950's both the BBC and the ITV (Independent Television) have observed a Family Viewing Policy, with a 21h00 watershed, in their regulations. After 21h00 a "gradual and progressive move towards adult programming" which is considered less suitable for children is permitted. Consequently, the majority of "Adult Programmes" are frequently scheduled after 22h00. According to their policy, after 21h00 and until 5h30, parents are expected to share with them the responsibility of protecting children from violent programming.

### *Standards for Cable and Satellite Operators*

The standards established by the ITC for terrestrial broadcasters apply equally to cable and satellite operators, with one exception. The watershed hour for programmes considered unsuitable for children during the "family viewing hours" is 20h00 as opposed to 21h00. The cable operators claimed that if they were unable to begin a 15-rated film (see classification section below) before 21h00 their profitability margins decreased.

### *Classifications Systems*

According to the "family viewing policy" unsuitable programmes for children are those which contain explicit sexual content, bad language and gratuitous violence, including concealing, minimizing and presenting the consequences of violence in a ritualistic way. In the UK, a classification system for television does not yet exist. They do however have a system in place to evaluate film and video content. The British Board of Film Classification (BBFC) is responsible for creating these voluntary classifications.

The BBFC operates a voluntary system for feature-films for cinema showings. Its classification are generally accepted throughout the country by local authorities responsible for cinemas. This board also has a statutory responsibility for classifying videos, applying standards different from those for the cinema and being subject to an appeals procedure.

Those films which are classified as "U" where "no theme, scene, action, or dialogue that could be construed as disturbing, harmful or offensive" are suitable for audiences of all ages. A separate "Ue" category for videos denotes "particular suitability for younger children". Parental Guidance or "PG" films are appropriate for a general viewing audience however some scenes may be unsuitable for younger children as a result of "mild violence, some nudity (even full frontal in some contexts) and language. The BBFC also applies classification in relation to "suitability-for-age-group" including:



- No. 12 rating - Films containing use of strong language, implications of sex within a relationship and realistic images of violence. These films are considered appropriate for persons twelve years of age and over.
- No. 15 rating - Films containing themes requiring a mature understanding due to the presence of impressionistic sex, mildly graphic violence and horror. These films are considered appropriate for persons fifteen years of age and over.
- No. 18 rating - Films requiring adult understanding as a result of explicit sex scenes, nudity in a sexual context and graphic violence. These films are considered appropriate for persons eighteen years of age and over.
- No. 18-R rating - Films containing sexual explicitness limited only by the law

### **Penalties**

The ITC does not police programming content but rather relies on broadcasters themselves to determine whether they are operating within the boundaries of the programme code. However, the ITC does have a mandate to impose penalties on broadcasters in breach of this code including, on-air apologies, fines up to millions of pounds, and the shortening or cancellation of a license to broadcast. Such actions would be subject to judicial review if an application to the Courts succeeded.



## UNITED STATES

### *Federal Communications Commission*

Although, the Federal Communications Commission regulates broadcasting and issues licences, it exercises a limited policy role. They have not shown a predilection for examining the issue of violence in the media, for two reasons: the strong, overriding concern in the United States for free speech and freedom from censorship; and the certain knowledge that U.S. films and programming sell around the world, accounting for a significant portion of their trade surplus.

The measures to restrict violence, advertising in children's television programming, and pornography in the United States have been raised in Congress by particular Congressmen or Senators who have been lobbied by their constituents or by lobby groups such as the National Coalition on Television Violence. Such measures are viewed as acceptable, despite free speech concerns, when considered as meeting particular "community standards". Recently, however, the tide of public and academic opinion has been rising steadily against the present levels of violence in film and programming, with the result that several legislative and self-regulatory initiatives are afoot.

### *The Children's Television Act of 1990*

Precursors of this Act had been vetoed by President Reagan, on the grounds that they were an unconstitutional infringement of free speech. President Bush did not sign this bill, but neither did he veto it, so the Act became law in 1990. It provides for two things: the regulation of children's television, and an endowment for the production of quality programming. In the first case, advertising shall be limited to not more than 10.5 minutes on weekends, and 12 minutes on weekdays; program length commercials, or cartoons based on popular toys shall be restricted; and stations shall be judged, at the time of renewal of their licences, on whether or not they have made efforts to serve the educational and informational needs of children, starting January 1, 1993. In the second case, a fund of two million in 1991 and four million in 1992 was set up, to be administered in consultation with the Advisory Council on Children's Educational Television in support of the generation of quality educational television programming.

The FCC has been reviewing the track record of stations as they come up for licence renewal, and they have now opened a proceeding to get comments on what constitutes quality programming for children (FCC Notice of Inquiry 93-123). The closing date for comments is May 7, for reply comments June 7. Should the FCC issue a report and order after this proceeding, it would be the first "guidelines" to appear from the regulatory agency.



## *The Television Violence Act of 1990*

This Act, sponsored by Senator Paul Simon in the Senate, was passed in order to provide a mechanism for the networks to collaborate and develop voluntary guidelines to discipline the degree of violent material aired during times of children's viewing. Such a mechanism was necessary to avoid anti-trust legislation which prevented this type of cooperative effort, and this bill therefore has only a three year life span. The networks complied by issuing a set of voluntary guidelines in December 1992. It remains to be seen how effective these guidelines will be, since there is no oversight mechanism.

Key elements in the Standards issued by ABC, CBS, and NBC are:

- \* totally voluntary, with no suggested quantifiers
- \* depictions of violence must be necessary to the plot, not gratuitous, glamorous, or calculated to stimulate or shock the audience
- \* care is to be taken in the depiction of dangerous behaviour which could be imitated by children
- \* extreme caution must be used in scenes which mix sex and violence
- \* scheduling of programs and promotional material alike must take into account the composition of the intended audience
- \* exceptions to these standards may be acceptable, as in the presentation of material whose overall theme is clearly and unambiguously anti-violent.

## *The National Telecommunications and Information Administration (NTIA) of the Department of Commerce*

The NTIA is the Executive Branch agency principally responsible for development and articulation of domestic and international communications and information policy. They play a role in the allocation of the funds provided for programming in the Children's Television Act, and they have an overall policy role. In March 1993, they released a Notice of Inquiry requesting comment on the use of telecommunications, including broadcasting, in crimes of hate and violent acts against individuals based on ethnicity, religion, race, and sexual preference. While this is quite separate from the issue of violent television programming in its main thrust, it is likely that there will be comment on this aspect of the issue. It is also significant that the NTIA is exploring content issues more thoroughly than hitherto.

### *Program Scheduling*

Complying with the terms of Senator Simon's Television Violence Act, industry has recently developed voluntary guidelines sensitive to, amongst other issues, the scheduling of programs. The FCC has tried to establish through regulation a "safeharbour period" prohibiting the broadcast of indecent material from 6h00 to 24h00, but this is currently being contested in the Courts. Furthermore, broadcasters are questioning the FCC's definition of indecent material in



the Courts.

### **Classification System**

The United States has not developed a classification system for television programmes, however, the Motion Picture Association of America (MPAA) has developed a system which classifies films.

### **Penalties**

The FCC is empowered to deny a license to broadcasters who do not comply with their regulations; since January 1993, this now would include the ability to refuse renewal of licence to broadcasters who had not made efforts to comply with the Children's Television Act, although how this this compliance would be measured is rather vague.



## BIBLIOGRAPHY

### AUSTRALIA

- Australian Broadcasting Authority. The Authority's Standards Criteria for Children's Program. Australia: Australian Broadcasting Authority, 1993.
- Australian Broadcasting Tribunal. Kidz TV: An Inquiry into Children's and Preschool Children's Television Standards. Volume One. Sydney: Commonwealth of Australia, 1991.
- Australian Broadcasting Tribunal. Kidz TV: An Inquiry into Children's and Preschool Children's Television Standards. Volume Two. Sydney: Commonwealth of Australia, 1991.
- Australian Broadcasting Tribunal. TV Violence in Australia - Volume One: Decisions and Reasons. *Report to the Minister for Transport and Communications*. Sydney: Commonwealth of Australia, January, 1990.
- Australian Broadcasting Tribunal. TV Violence in Australia - Volume Two: Research and Findings. *Report to the Minister for Transport and Communications*. Sydney: Commonwealth of Australia, January, 1990.
- Australian Broadcasting Tribunal. TV Violence in Australia - Volume Three: Summary of Submissions. *Report to the Minister for Transport and Communications*. Sydney: Commonwealth of Australia, January, 1990.
- Australian Broadcasting Tribunal. TV Violence in Australia - Volume Four: Conference and Technical Papers. *Report to the Minister for Transport and Communications*. Sydney: Commonwealth of Australia, January, 1990.
- Australian Broadcasting Tribunal. Children's Television Standards. Sydney: Commonwealth of Australia, 1990.
- Australian Broadcasting Tribunal. Television Program Standards. Sydney: Commonwealth of Australia, 1990.
- Aisbett, K. and Herd, N. and Borthwick, O. Community Views on Broadcasting Regulation (monograph 1). Australia: Australian Broadcasting Tribunal, 1991.
- Aisbett, K. and Paterson, K. and Loncar, M. Who Complains? (monograph 3). Australia: Australian Broadcasting Tribunal, 1992.



Commonwealth of Australia. Broadcasting Services Act. No. 110. 1992.

Federation of Australian Commercial Television Stations. The Portrayal of Violence on Television: A Code of Industry Practice. Australia: 1991.

Jacka, L. "The Public Interest in Broadcasting Under Attack" in FilmNews. Australia. (April 1992):3.

Nugent, S. and Sheldon, L. What We Want From Our TV's (monograph 4). Australia: Australian Broadcasting Tribunal, 1992.

Paterson, K. and Hellmers, R. Classification Issues: Film, Video and Television (monograph 1). Australia: Australian Broadcasting Authority, 1993.

Paterson, K. and Loncar, M. Sex, Violence and Offensive Language: Community Views on Classification of TV Programs (monograph 2). Australia: Australian Broadcasting Tribunal, 1991.

Sheldon, L. and Aisbett, K. and Herd, N. Living with Television (monograph 2). Australia: Australian Broadcasting Authority, 1993.

Stuart, J. "Drawing the Lines in the Australian Sand" in Intermedia. Volume 20/No.3 (May-June 1992):32-33.

## **BELGIUM**

Conseil supérieur de l'Audiovisuel de la Communauté française de Belgique. Le problème de la violence dans les programmes télévisés. avis no.82 du 25 octobre 1990.

Conseil supérieur de l'Audiovisuel de la Communauté française de Belgique. Etablissement d'un code de déontologie en matière de violence à la télévision. Bruxelles: 1991.

Radio-télévision belge de la Communauté française. Code déontologie relatif à la diffusion d'émissions télévisées comprenant des scènes de violence. 1993.

Radio-télévision belge de la Communauté française. Procédures d'avertissements aux téléspectateurs en vigueur à la RTBF. 1990.



**COUNCIL OF EUROPE, EUROPEAN COMMUNITY, EUROPEAN INSTITUTE OF THE MEDIA, EUROPEAN BROADCASTING UNION**

Commission for the European Communities. "Television without frontiers" Directive. background paper. Brussels: October 1991.

Council of Europe. European Convention on Transfrontier Television. *European Treaty Series, No. 132.* France: Council of Europe Press, 1990.

Council of Europe. Transfrontier television: Explanatory Report on the European Convention. France: Council of Europe Press, 1992.

Council of Europe. Council of Europe activities in the media field. Strasbourg: Directorate of Human Rights, 1991.

Council of Europe. Recommendations and resolutions adopted by the Parliamentary Assembly of the Council of Europe in the media field. Strasbourg: Directorate of Human Rights, 1991.

Council of Europe. Recommendations adopted by the Committee of Ministers of the Council of Europe in the media field. Strasbourg: Directorate of Human Rights, 1991.

European Broadcasting Union. The Portrayal of Violence on Television. Geneva: 1992.

Maggiore, Matteo. Audiovisual production in the single market. Luxembourg: Commission of the European Communities. 1990.

Official Journal of the European Communities. Council Directive on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuits of television activities. Luxembourg: Commission of the European Communities. 3 October 1989.

Shaughnessy, H. Cultural obligations of cross-frontier television services in Europe. *prepared at the request of the working group on culture and communications, Committee of Directors of Cultural Cooperation of the Council of Europe.* Manchester: European Institute for the Media, 1988.

**FRANCE**

Conseil supérieur de l'Audiovisuel. Mesures de Protection. Paris: 1993.



Conseil supérieur de l'Audiovisuel. Directive du 5 mai 1989 relative à la protection de l'enfance et de l'adolescence dans la programmation des émissions diffusées par les services de télévision public et privés. Paris: Service de la documentation et des publications, 1989.

Conseil supérieur de l'Audiovisuel. Loi no.86-1067 du 30 septembre 1986 relative à la liberté de communication modifiée et complétée. Paris: Service de la documentation et des publications, 1986.

Conseil supérieur de l'Audiovisuel. Sommaire. Paris: Service de la documentation et des publications, février 1993.

Conseil supérieur de l'Audiovisuel. Dispositions d'ordre déontologie relatives à la représentation de la violence élaborées par les sociétés de programme de télévision. Paris: janvier 1989.

Conseil supérieur de l'Audiovisuel. Les programmes pour la jeunesse. Paris: 1992.

## NEW ZEALAND

Clane, G. "Era of Change: Broadcasting in New Zealand" in World Broadcast News. March 1989.

New Zealand Broadcasting Standards Authority. Excerpts from the Codes of Broadcasting Practice: Free-to-Air Television Programme Standards and Television Programme Classifications. Wellington: 1 January 1993.

New Zealand Broadcasting Standards Authority. Development of the New Zealand Code for the Portrayal of Violence on Television. Wellington: 25 March 1993.

New Zealand Broadcasting Standards Authority. Codes of Broadcasting Practice for Radio and Television. Wellington: December 1989.

Parliament of New Zealand. Broadcasting Act 1989. 27 May 1989.

Parliament of New Zealand. An Act to Amend the Broadcasting Act 1989. 25 September 1989.

Parliament of New Zealand. An Act to Amend the Broadcasting Act 1989. 9 March 1990.



## UNITED KINGDOM

- Blumber, Jay. The Future of Children's Television in Britain: An Enquiry for the Broadcasting Standards Council. London: December 1992.
- British Board of Film Classification. BBFC Classification Policy; Broad Guidelines. London: 1990.
- British Broadcasting Corporation. Violence on Television: The Report of the Wyatt Committee. London: 1987.
- Broadcasting Standards Council. A Code of Practice. London: Battley Brother Limited, 1989.
- Broadcasting Standards Council. Complaints Bulletin No. 15. London: April 1992.
- British Broadcasting Corporation. Violence on Television: Guidelines for Production Staff. England: Forrana Ltd, 1987.
- Docherty, D. Violence in Television Fiction. a report prepared for the BSC Annual Review 1990: Public Opinion and Broadcasting Standards: 1. London: John Libbey and Company, 1990.
- Duval, R. "Not Before 9 O'Clock". Intermedia. Volume 20/No.3 (May-June 1992):28-31.
- Grade, Michael. "Leave the TV code as it is". The Times. London: (4 July 1989).
- Gunter, B and Svennevig, M. Attitudes to Broadcasting Over the Years. prepared for the Independent Broadcasting Authority. London: John Libbey and Company 1988.
- Independent Broadcasting Authority. Violence on Television: What the Viewers Think: A New IBA Study. NewsRelease. London: 1988.
- Reference Services. Broadcasting in Britain: Recent Developments. prepared for the Foreign and Commonwealth Office. London: 1991.
- Author not identified. "Television called dangerous: Youth crime in Britain revives debate about effects of violence". Globe and Mail. (3 March 1993):A11.
- Author not identified "British TV: Major raps TV violence" London Free Press (9 March 1993):C2.



## UNITED STATES

ABC and CBS and NBC. Standards for the Depiction of Violence in Television Programmes. New York: 1992.

Centerwall, B. "Television and violence: the scale of the problem and where to go from here". The Journal of the American Medical Association. 267(10 June 1992):3059-65

Gerbner, George. Violence and Terror in the Mass Media. a report prepared for UNESCO. Paris: 1988.

Federal Communications Commission. "In the Matter of Policies and Rules Concerning Children's Television Programming". Notice of Inquiry. Washington: 2 March 1993.

Rosenberg, M. "Let's be clear: violence is a public health problem". The Journal of the American Medical Association. 267 (10 June 1992):3071-2.

United States of America in Congress. Children's Television Act of 1990. *Public Law 101-437*, 101st Congress Washington: 18 October 1990.

United States of America in Congress. Television Violence Act of 1989. *A Bill, 101st Congress* Washington: 7 July 1989.

United States Department of Commerce. NTIA Notice of Inquiry on the Role of Telecommunications in Hate Crimes. Washington: 25 March 1993.

Valenti, J. The Voluntary Movie Rating System. California: Motion Picture Association of America, 1991.

Author not identified. "Going Dark at 10" in Broadcasting. (6 May 1991):20-21.



A copy of the relevant Minutes of Proceedings and Evidence (*Issue No. 1 of the Sub-Committee on violence on Television and Issues Nos. 51 to 65, and Issue No. 66, of the Standing Committee on Communications and Culture which includes this report*), is tabled.

Respectfully submitted,

**BUD BIRD, M.P.,**  
Chairman.



UNITED STATES

A copy of the relevant Minutes of Proceedings and Evidence (Volume No. 1 of the Committee on Violence on Television and Radio, Vol. 31 to 35, and Issue No. 66 of the Senate Committee on Governmental Operations, Vol. 100, Part 1, 1991-1992) is available from the Library of Congress, 10540 NE 4th Street, Washington, DC 20540, USA. New York: 1992.

Respectfully submitted,

Canwell, A. "Violence and television: the state of the problem and ways to go from here". *The Journal of the American Medical Association*, 267 (16 June 1992):3059-65.

Gurbis, George. *Violence and Terror in the Mass Media*. - report prepared for UNESCO, Paris: 1988.

BUD BIRD, M.L.

Federal Communications Commission. "Order of Policy and Rules Concerning Children's Television Programming". *Public Notice*. Washington: 7 March 1993.

Rosenberg, M. "Let's be clear: violence is a public health problem". *The Journal of the American Medical Association*, 267 (19 June 1992):3071-2.

United States of America in Congress. *Children's Television Act of 1990*. Public Law 101-437, 101st Congress. Washington: 16 October 1990.

United States of America in Congress. *Television Violence Act of 1989*. A Bill, 101st Congress. Washington: 7 July 1989.

United States Department of Commerce. *White Paper of Inquiry on the Role of Telecommunications in Violence*. Washington: 25 March 1993.

Ward, J. *The Violence of Television*. Edited by Motion Picture Association of America, 1991.

Ward, J. "Violence on TV" in *Television*, 6 (May 1991):20-31.



## Minutes of Proceedings

TUESDAY, APRIL 20, 1993

(99)

The Standing Committee on Communications and Culture met *in camera* at 4:10 o'clock p.m. this day, in Room 307, West Block, the Chairman, Bud Bird, presiding.

*Members of the Committee present:* Bud Bird, Sheila Finestone, Denis Pronovost, Nicole Roy-Arcelin.

*Acting Members present:* Don Blenkarn for Geoff Scott (*Hamilton—Wentworth*), Gaby Larrivée for Jean-Pierre Hogue and Sid Parker for Lyle MacWilliam.

*Other Member present:* Beth Phinney.

*In attendance: From the Research Branch of the Library of Parliament:* René Lemieux and Susan Alter, Research Officers.

The Committee resumed consideration of its Order of Reference dated Wednesday, November 18, 1992, relating to a study of violence on television. (*See Minutes of Proceedings and Evidence, Wednesday, February 3, 1993, Issue No. 51*).

The Committee proceeded to the consideration of a Draft Report.

After debate, it was agreed,—That the group of constituents from Sheila Finestone's riding be permitted to attend this *in camera* meeting.

It was moved,—That the Committee create 2 sub-committees as follows:

1. Pursuant to an Order of Reference of the House dated Tuesday, April 20, 1993, a Sub-Committee on Bill C-62, An Act respecting Telecommunications, the Chairman to be Bud Bird and the Vice-Chairman, Sheila Finestone with 6 other members (1 New Democrat, 1 Liberal and 4 Progressive Conservatives) to be named by the Chairman after the usual consultations and filed with the Clerk; that the Sub-Committee be granted all the powers of a Standing Committee pursuant to Standing Order 108(1).
2. A Sub-Committee to continue this Committee's study of television violence, the Chairman to be Bud Bird and the Vice-Chairman to be Jean-Pierre Hogue, with 6 other members (1 New Democrat, 2 Liberals and 3 Progressive Conservatives) to be named by the Chairman after the usual consultations and filed with the Clerk; that the Sub-Committee be granted all the powers of a Standing Committee pursuant to Standing Order 108(1) except the power to report directly to the House.

After debate, to the question being put on the motion was, by a show of hands, agreed: YEAS: 5; NAYS: 1.

After debate, it was agreed,—That the Sub-Committee on Bill C-62 meet at 3:15 p.m. on Wednesday, April 21, 1993 to hear the Minister of Communications and Officials of the Department and the Sub-Committee on Violence on Television meet on Wednesday, April 21, 1993 at 3:30 p.m. to consider the Draft Report.



It was agreed,—That the Committee adopt as its budget for the fiscal year 1993-94 the sum of \$50,000.00 which is granted as the interim budget for each standing committee and that the Chair inform the Liaison Committee accordingly.

At 5:01 o'clock p.m., the Committee adjourned to the call of the Chair.

**TUESDAY, MAY 11, 1993**

(100)

[Text]

The Standing Committee on Communications and Culture met *in camera* at 12:28 o'clock p.m. this day, in Room 112-N, Centre Block, the Chairman, Bud Bird, presiding.

*Member(s) of the Committee present:* Bud Bird, Sheila Finestone, Jean-Pierre Hogue, Denis Pronovost.

*Acting Members present:* Simon de Jong for Lyle MacWilliam; Larry Schneider for Geoff Scott (Hamilton—Wentworth).

*Other Member present:* Beth Phinney.

*In attendance: From the Research Branch of the Library of Parliament:* René Lemieux and Susan Alter, Research Officers.

The Committee resumed consideration of its Order of Reference dated Wednesday, November 18, 1992, relating to a study of violence on television. (*See Minutes of Proceedings and Evidence, Wednesday, February 3, 1993, Issue No. 51*).

The Committee resumed consideration of its Draft Report as adopted by the Sub-Committee on Violence on Television on May 5, 1993.

After debate, it was agreed,—That the Committee meet on Tuesday, May 25, 1993 to consider its Draft Report.

After debate, it was agreed,—That the argumentation read by Dr. Hogue on May 5, 1993 be modified and distributed to the Members of the Committee and that it be considered at the next meeting.

At 2:02 o'clock p.m., the Committee adjourned to the call of the Chair.

**TUESDAY, MAY 25, 1993**

(101)

The Standing Committee on Communications and Culture met *in camera* at 12:22 o'clock p.m. this day, in Room 112-N, Centre Block, the Chairman, Bud Bird, presiding.

*Member(s) of the Committee present:* Bud Bird, Sheila Finestone, Jean-Pierre Hogue, Denis Pronovost.



*Acting Member present:* Simon de Jong for Lyle MacWilliam.

*Other Member present:* Larry Schneider.

*In attendance: From the Research Branch of the Library of Parliament:* René Lemieux and Susan Alter, Research Officers.

The Committee resumed consideration of its Order of Reference dated Wednesday, November 18, 1992, relating to a study of violence on television. (*See Minutes of Proceedings and Evidence, Wednesday, February 3, 1993, Issue No. 51*).

The Committee resumed consideration of its Draft Report as adopted by the Sub-Committee on Violence on Television on May 5, 1993.

After debate, it was agreed,—That, subject to final review and editorial revisions by Members, the First Report of the Sub-Committee on Violence on Television, as amended, be adopted in principle as the Third Report of the Committee.

It was agreed,—That the Committee meet on Thursday, May 27, 1993 to resume consideration of its Draft Report.

At 1:59 o'clock p.m., the Committee adjourned to the call of the Chair.

#### **THURSDAY, MAY 27, 1993**

(102)

The Standing Committee on Communications and Culture met *in camera* at 7:40 o'clock p.m. this day, in Room 112-N, Centre Block, the Chairman, Bud Bird, presiding.

*Members of the Committee present:* Bud Bird, Sheila Finestone, Jean-Pierre Hogue.

*Acting Members present:* Simon de Jong for Lyle MacWilliam; Larry Schneider for Geoff Scott (Hamilton—Wentworth).

*In attendance: From the Research Branch of the Library of Parliament:* René Lemieux, Research Officer.

The Committee resumed consideration of its Order of Reference dated Wednesday, November 18, 1992, relating to a study of violence on television. (*See Minutes of Proceedings and Evidence, Wednesday, February 3, 1993, Issue No. 51*).

The Committee resumed consideration of its Report as adopted by the Committee on May 25, 1993.

By unanimous consent, it was agreed,—That the said Report be entitled: Television Violence—Fraying our Social Fabric and that the Chairman present it to the House on Wednesday, June 2, 1993.

By unanimous consent, it was agreed,—That the art work for the cover be adopted (as amended).



By unanimous consent, it was agreed,—That in addition to the 550 copies printed by the House, the Committee print 2,500 copies of its Report in tumble format.

By unanimous consent, it was agreed,—That the Chair of the Committee seek the approval of the House Leaders for the presentation of the following motion to the House:

Whereas this House received a petition on November 18, 1992 from Ms. Virginie Larivière of St-Polycarpe, Quebec, containing 1.3 million signatures expressing serious concerns about violence on television in Canada and calling for government action to address the moderation of such violence, and

Whereas such petition was referred to the Standing Committee on Communications and Culture for study and report which has been tabled in this House today.

Now therefore be it resolved that this House, as one important measure to contribute to the overall reduction of violence in Canadian society, calls on all Canadians to exercise their utmost influence in all reasonable ways to control and diminish the portrayal of violence on Canadian television screens, and further

Be it resolved, that this House calls for immediate initiatives to be taken jointly by the federal and provincial governments and the industry to develop a universal film, video and television program classification system for Canada.

At 10:02 o'clock p.m., the Committee adjourned to the call of the Chair.

Diane Diotte  
*Clerk of the Committee*



## *Minutes of Proceedings*

**TUESDAY, APRIL 27, 1993**

(1)

[Text]

The Sub-Committee on Violence on Television of the Standing Committee on Communications and Culture met *in camera* at 9:46 o'clock a.m. this day, in Room 705, La Promenade, the Vice-Chairman, Jean-Pierre Hogue, presiding.

*Members of the Sub-Committee present:* Mary Clancy, Simon de Jong, Jean-Pierre Hogue, Denis Pronovost, Larry Schneider.

*In attendance: From the Research Branch of the Library of Parliament:* René Lemieux, Research Officer.

Pursuant to an Order of Reference from the House of Commons dated November 18, 1992 and the motion adopted by the Standing Committee on April 20, 1993, the Sub-Committee proceeded to resume consideration of the study of violence on television. (*See Minutes of Proceedings and Evidence, Issues Nos. 51 to 66*).

The Sub-Committee proceeded to discuss its business.

The Sub-Committee proceeded to consider the Draft Report.

At 11:50 o'clock a.m., the Sub-Committee adjourned to the call of the Chair.

**WEDNESDAY, APRIL 28, 1993**

(2)

The Sub-Committee on Violence on Television of the Standing Committee on Communications and Culture met *in camera* at 3:42 o'clock p.m. this day, in Room 306, West Block, the Vice-Chairman, Jean-Pierre Hogue, presiding.

*Members of the Sub-Committee present:* Bud Bird, Simon de Jong, Jean-Pierre Hogue, Beth Phinney, Denis Pronovost, Larry Schneider, Geoff Scott (*Hamilton—Wentworth*).

*In attendance: From the Research Branch of the Library of Parliament:* René Lemieux, Research Officer.

The Sub-Committee resumed consideration of its study of violence on television pursuant to an Order of Reference from the House of Commons dated November 18, 1992. (*See Minutes of Proceedings and Evidence, Tuesday, April 27, 1993, Issue No. 1*).

On motion of Beth Phinney, it was agreed,—That the Sub-Committee's Research Officer from the Library of Parliament attend the International Colloquium on television violence sponsored by the Department of Communications in Montreal on April 29, 1993 and that the expenses incurred be paid by the Sub-Committee.



The Sub-Committee resumed consideration of the Draft Report.

At 6:01 o'clock p.m., the Sub-Committee adjourned to the call of the Chair.

### **EVENING SITTING**

(3)

The Sub-Committee on Violence on Television of the Standing Committee on Communications and Culture met *in camera* at 6:26 o'clock p.m. this day, in Room 237-C, Centre Block, the Vice-Chairman, Jean-Pierre Hogue, presiding.

*Members of the Sub-Committee present:* Simon de Jong, Jean-Pierre Hogue, Beth Phinney, Denis Pronovost, Larry Schneider.

*In attendance: From the Research Branch of the Library of Parliament:* René Lemieux, Research Officer.

The Sub-Committee resumed consideration of its study of violence on television pursuant to an Order of Reference from the House of Commons dated November 18, 1992. (*See Minutes of Proceedings and Evidence, Tuesday, April 27, 1993, Issue No. 1*).

The Sub-Committee resumed consideration of the Draft Report.

At 6:57 o'clock p.m., the sitting was suspended.

At 8:26 o'clock p.m., the sitting resumed.

It was agreed,—That the meeting scheduled for Thursday, April 29, 1993 at 9:30 o'clock a.m. be cancelled.

At 9:40 o'clock p.m., the Sub-Committee adjourned to the call of the Chair.

### **WEDNESDAY, MAY 5, 1993**

(4)

The Sub-Committee on Violence on Television of the Standing Committee on Communications and Culture met *in camera* at 6:15 o'clock p.m. this day, in Room 269, West Block, the Vice-Chairman, Jean-Pierre Hogue, presiding.

*Members of the Sub-Committee present:* Mary Clancy, Simon de Jong, Jean-Pierre Hogue, Denis Pronovost, Larry Schneider.

*Acting Member present:* Gabrielle Bertrand for Denis Pronovost.

*In attendance: From the Research Branch of the Library of Parliament:* René Lemieux, Research Officer.

The Sub-Committee resumed consideration of its study of violence on television pursuant to an Order of Reference from the House of Commons, dated November 18, 1992. (*See Minutes of Proceedings and Evidence, Tuesday, April 27, 1993, Issue No. 1*).



The Sub-Committee resumed consideration of the Draft Report.

It was agreed,—That the said Report be entitled: “Television Violence: Destroying our Social Fabric”; “La violence à la télévision : Destruction du tissu social”.

By unanimous consent, it was agreed,—That the letter from the Catholic Women’s League of our Lady of Perpetual Help Church of Halifax be included in the list of submissions printed as an appendix to the Report.

It was agreed,—That the Draft Report, as amended, subject to editorial revision, be adopted as the Sub-Committee’s First Report and that the Chair be authorized to present the report to the Standing Committee on Communications and Culture.

At 6:39 o’clock p.m., the sitting was suspended.

At 6:51 o’clock p.m., the sitting resumed.

It was agreed,—That the document entitled *Public Efforts to Address TV Violence in Other Countries* presented to the International Colloquium on Television Violence in Montreal in April 1993 by the Department of Communications, International Relations Branch, International Comparative Policy Group be printed as an appendix to the Report.

It was agreed,—That the argumentation read by Dr. Hogue be translated and distributed to the members of the Standing Committee for their consideration.

At 8:19 o’clock p.m., the Sub-Committee adjourned to the call of the Chair.

Diane Diotte  
*Clerk of the Sub-Committee*



The Sub-Committee...

It was agreed that the...

EVENING SITTING

By unanimous consent, it was agreed...

It was agreed that the Draft Report...

The Sub-Committee's First Report...

At 6:30 o'clock p.m., the sitting was suspended.

At 6:51 o'clock p.m., the sitting resumed.

It was agreed that the document...

Comparative Policy Group...

It was agreed that the presentation...

At 8:19 o'clock p.m., the Sub-Committee...

At 8:30 o'clock p.m., the Sub-Committee...

At 8:45 o'clock p.m., the Sub-Committee...

Chairman: Denis Provençal

Members of the Sub-Committee...

Members of the Sub-Committee...

Members of the Sub-Committee...

Members of the Sub-Committee...

The Sub-Committee...



