[BE] New Council to Guarantee the Protection of Minors

IRIS 1999-4:1/13

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On 17 March 1999 the Flemish Parliament has voted for a modification of the Flemish Broadcasting decree in order to institute effective control over the programmes mentioned in Article 22 of the Television Without Frontiers Directive (protection of minors). Until now the Flemish Government was the competent body to ensure that no television programmes contained harmful content with regard to minors. It had become obvious, however, that in practice the Government was not able to fulfil this task. According to Article 22 of the Television Without Frontiers Directive, the Member States must take appropriate measures in order to guarantee the protection of minors. For this reason, it was decided that a new council should be established, the Flemish Viewing and Listening Council for Radio and Television (Vlaamse Kijk- en Luisterraad voor radio en televisie). The new Council's unique competence is to ensure the application of Article 78, par. 1 of the Flemish Broadcasting decree. This Article prohibits the broadcasting of television programmes that can seriously harm the development of minors, especially those containing pornographic scenes and images of gratuitous violence. Other programmes which might also damage the development of minors have to be encoded or broadcast late in the evening and only after an acoustic warning.

The new Council can take decisions on its own initiative or following a complaint. If the Council is of the opinion that Article 78, par. 1 of the Broadcasting decree is being observed by a television broadcaster, the Council is in a position to take measures against the broadcasting organisation. The Council can issue a warning and is also competent to impose penalties of an administrative fine of maximum 5.000.000 Fr. (approximately 125.000 Euro). Under certain conditions the Council can also propose that distribution of the programme be suspended. The Viewing and Listening Council will be composed of nine members, to be appointed by the Flemish Parliament. Three members will be experienced in the field of child psychology or pedagogy, three experts will be recruited on the basis of their experience with family and children's interests, two members must be lawyers, specialised in media law or youth law and one member is to be an academic expert in the field of communication sciences.

In the near future three councils will be active in the Flemish community, all with different competencies with regard to broadcasting. Apart from the new Council there is already the Flemish Council for Disputes on Radio and Television which has competence regarding issues of ethics, non-discrimination and prohibition on

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incitement to hatred because of race, gender, religion or nationality (Vlaamse Geschillenraad voor radio en televisie, see e.g. IRIS 1999-1: 13). The Flemish Media Authority has general competence to oversee the application of broadcasting regulations in the Flemish Community (Vlaams Commissariaat voor de Media, see e.g. IRIS 1999-3: 11).

Decreet houdende wijziging van de artikelen 78 en 79 van de decreten betreffende de radio-omroep en de televisie, gecoördineerd op 25 januari 1995, 1997-1998, nr. 828.

Flemish Parliament 17 March 1999: Decreet houdende wijziging van de artikelen 78 en 79 van de decreten betreffende de radio-omroep en de televisie, gecoördineerd op 25 januari 1995, 1997-1998, nr. 828.

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