[SI] Survey of Complaints in the Slovenian Audiovisual Sector in the Year 2007

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This survey is based on the reports and the available data of the four regulatory and/or inspecting bodies for the period of one year. It includes all complaints related to contents, which might (seriously) impair the physical, mental and moral development of minors directly via the Internet or via mobile phones, via broadcasting and advertising in the audiovisual sector, as well as via advertising for Internet content in print.

The report of the Inspectorate for Culture and Media includes a complaint that questioned gratuitous violence content in a broadcast, and another complaint against the allegedly illegal broadcasting of pornography. Article 84 of the *Zakon o medijih* (Media Act) on the protection of children and minors stipulates that pornography is, depending on the genre, either prohibited or should be inaccessible to minors; minors should be protected by the watershed, by acoustic and visual warnings or technical devices. The Inspector for Culture and Media decided that the cable operator Telemach UPC, who violated the law, should use a technical device for the broadcasts in question. The reason for the low number of complaints related to Article 84 of the Media Act seems to be that the Minister of Culture has not stipulated the promotion plan for pictograms indicating harmful contents, and has not yet determined the modes of their application (defined in regulation guidelines for TV programme scheduling), which is his duty according to Article 84 para. 6 of the Media Act.

The Market Inspectorate received a few complaints regarding allegedly illegitimate advertisements for “erotic” or “porno chic” contents on the Internet, accessed via mobile phones, and aimed at children. The exact number of such advertisements is not known because there is no official evidence. The advertisements were published in weeklies, radio and television programme publications, and broadcast by one of the commercial broadcasters. As it is stipulated by Article 15 of the *Zakon o varstvu potrošnikov* (Consumer Protection Act) advertising should not contain any element that could impair the physical and mental condition of children or could harm them in some other way, or exploit either their trust or lack of experience. The complaint about a television advertisement, which promoted the “erotic” pictures of teenage girls was dealt with by a Market Inspector and the offence provision was applied. The complaints

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concerning providers of “sexy” contents on mobile web portals, which were advertised in printed media, were not dealt with. The Chief Market Inspector did not consult the Slovenian Advertising Chamber, which is determined by law as the respective expert body (Article 13 of the Consumer Protection Act). The Advertising Arbitration Court, a part of the Slovenian Advertising Chamber that offers expert statements on request, did not receive any complaint regarding supposedly illegal or illegitimate advertising of so called erotic or porno chic Internet contents accessed via mobile phones aimed at children in the year 2007.

The Ministry for Internal Affairs reported 36 complaints related to Article 187 of the *Kazenski zakonik republike Slovenije* (Criminal Code of the Republic of Slovenia). The provision penalises: selling, exhibiting or in other ways exposing minors under fourteen years of age in pornography or porno shows (para. 1); exploitation of minors in pornographic productions or in porno shows (para. 2); production, distribution, selling, import-export or in other ways disseminating child pornography, or the possession of child pornography with the aim of producing, distributing, selling, importing-exporting or in other ways disseminating child pornography (para. 3). Regarding the illegal dissemination of child pornography via the Internet all complaint cases were regarded as being suspicious. Nine complaints were processed as indictments by the District Prosecutor Office, eight complaints were reported to the District Prosecutor Office as lacking in evidence, and 19 are still in the process of police investigation.

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