[SI] Amended Code of Advertising Practice and the Protection of Minors

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The amended self-regulation document of advertisers passed the *Slovenska oglasevalska zbornica* (Slovenian Advertising Chamber - SOZ) on 19 March 2009.

The Article titled “Children and Minors” has been transposed to the section “Special Rules” and some substantial changes have been made; the provision has been expanded in accordance with the new media and information and communication technology related risks, and the age limit was lowered.

In the first two paragraphs of Article 18 of the Code it is claimed that it is foremost the responsibility of parents or guardians to protect children against potentially harmful contents or related practices, and that minors under the age of 16 are considered by this provision.

The fourth paragraph provides that advertising should not contain any “scenes of physical or psychological violence and other contents which might impair the integrity of the development of children and minors”.

Under paragraph five it is prohibited to obtain children’s personal information and those of their relatives by advertising.

The new code of advertisers will come into force on 1October 2009. Its function as an autonomous advertisers’ Regulation is sustained. The only sanction measure will still be the concealing of the illegitimate advertisement or promoting practice. All decisions related to the code are passed by the *Oglaševalsko razsodišče* (Advertising Arbitration Court) and they cannot be doubted or denied by any other institution.

The Slovenian Code of Advertising Practice is the referential document in the Slovenian jurisdiction. In the introduction it is stated that the legitimacy of the Code should not be questioned in principle but if there are stipulations which appear to be ambiguous their congruity with the Slovenian law could be surveyed.

When the Code was published by the Slovenian Advertising Chamber the expert analysis was done by the Ljubljana Graduate School of Humanities in the context of the research project ”Slovenia: Towards the complex protection of minors in the field of audio-visual services and products”, which is supported by the

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Embassy of the Netherlands in Ljubljana. The stipulation included in the provision on children and minors according to which only persons under the age of 16 are considered is not deemed right. It opposes the *Kazenski zakonik KZ-1* (Slovenian Penal Code) which in Article 176 criminalises the abuse of a minor (under eighteen) in the production of porn or other sexual contents (cf. para 2) and the production and dissemination of porn or other sexual material, which involves minors or their realistic images (cf. para 3). It is argued that these illegal activities could be involved in advertising as the production and dissemination of porno chic advertisements for commercial sexuality (telephone hot lines and contents on mobile portals) often allude to under-aged commercial sexual services.

Novi Slovenski oglaševalski kodeks

http://www.soz.si/oglasevalsko_razsodisce/novi_slovenski_oglasevalski_kodeks/

New Slovenian Code of Advertising Practice

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