[DE] Discussion on Measures for the Protection of Young People in Respect of Television

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In a decision on 18 September 1997 the board of the Hamburg regional media authority (Hamburgische Landesmedienanstalt - HAM) prohibited the pay-TV broadcaster Premiere from broadcasting five allegedly pornographic films on the grounds of infringement of Section 3, paragraph 1, point 4 of the Agreement between the federal States on Broadcasting (Rundfunkstaatsvertrag - RFStV). In doing so, the HAM feels it has achieved its aim to stop Premiere broadcasting any more films which contradict the ban on pornography. The company broadcast a number of films of this type in January and February 1997.

HAM had at first considered that Premiere should have to suspend broadcasting for hours, but in the end it relented.

If the broadcaster does not keep to its assurance that it will not broadcast any films of this kind, there would still be the possibility of suspending broadcasting off for several hours.

Premiere held the opinion that the films concerned were not pornographic.

The proceedings led to far-reaching debates on the concept of pornography. Thus Premiere is calling for an up-todate definition of pornography in order to align the true purpose of the law, namely the protection of young people, with the Basic Law protecting the freedom of adults to choose what they want to watch on television, particularly encrypted pay-TV.

The digital pay-TV broadcaster DF1 will be calling for a graduated ban on pornography for different types of television such as pay-TV, free-TV, analogue and digital television. Indeed the new digital television offers completely new possibilities for protecting young people, such as encrypting all picture and sound signals or completely barring access to various channels and programmes at specific times.

Unified measures for protecting young people are also being discussed within the regional media authorities. The conference of directors of regional media authorities (Direktorenkonferenz der Landesmedienanstalter - DLM) has nevertheless turned down the introduction of so-called V-chips, as at present these are not a suitable means of guaranteeing the protection of young people as

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regards television.

The DLM's reason for rejecting the chip was that its compulsory introduction required a common systematic classification of all television programmes broadcast. This was not feasible at present, particularly at European level.

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