

The governing principles of the legal practice applicable to the age rating classification of media content, the signals applicable prior to and during the broadcasting of the individual programmes and the manner of communicating the rating

Recommendation of the Media Council,

accepted by Decision no. 1037/2011. (VII. 19.) made on 19 July 2011.

On the basis of Article 9 Paragraph 8 of Act CLXXV of 2010 on Media Services and Mass Media (hereinafter referred to as the Media Act), the National Media and Infocommunications Authority publishes the present Recommendation on the basic principles of the practice of the application of the law in respect of the detailed rules of the age rating of programmes in the interest of the protection of minors, the signals applicable prior to and during the broadcasting of the various programmes and communicating the rating.

Part I.

The purpose of the recommendation

The purpose of classifying programmes is to ensure the protection of children and young people from programmes that could jeopardise the formation of responsible personalities capable of social co-existence. As the law provides no comprehensive list of the possible harms, besides those quoted as examples, such harms include programmes that support behavioural patterns, world-views or value systems that are contrary to the norms accepted by society, especially to fundamental constitutional values. The protection of minors, however, does not mean that certain topics are to be treated as taboo; it is based instead on the assessment of the message within its full context with respect to the mental and processing abilities related to the various life-stages of minors. Accordingly, it is a given for all categories that the subject and the manner of the depiction of the media content should conform to the stage of development of the given age-group and the representation of the subject should be comprehensible and clear for the members of that age-group. In respect of the message conveyed, it is important to stress that, during classification, judgment may be contingent upon whether the given programme depicts a critical item of content as attractive or reprehensible. Since minors are required to master the general social norms while passing through the various phases of learning fitting their age-groups, classification, in general, is not a technical issue; it would only be such if the criteria for classifying the various programmes were to go beyond the general value system of society.

It is not the purpose of the present recommendation to lay down strict and rigidly interpreted rules in respect of the various categories. During the decades that have passed since the introduction of the classification system, certain criteria have crystallised and these are able to orient content providers with regard to classification. The assessment of the various programmes is first and foremost related to the question of whether they contain elements that are detrimental to the physical, mental or moral development of minors. Although, due to the extremely complex mechanisms and conditions involved, which vary from individual to individual, no clear-cut answer may be given to this question, the set of considerations presented below nevertheless attempts to conform to the widespread assumptions common to the practice of the protection of children and young people in respect of what may be considered as possible negative and socially undesirable effects. At the same time, it should be stressed that the enumeration presented can be neither

comprehensive nor final, since practice constantly demands the revision and amendment of these considerations, as well as the inclusion of new ones.

Part II.

The guiding principles of the classification of media content

The reason for the special protection of minors is that, in their case, a realistic value-judgement by the recipient cannot be assumed; that is, it may not be assumed that minors will analyse and assess what they see on the basis of an appropriate scale of values, since minors are in the process of the formation of such a final scale of values. This is what renders the development of their personality vulnerable and this forms the grounds for their special protection (Supreme Court Kfv. III. 37507/2001/ 5.). Due to the special protection of minors, during classification content, service providers are always required to proceed restrictively rather than permissively. When assessing the harmful effects, the interests of the child enjoy primacy. In this respect, it has to be borne in mind that the mental and emotional development level of minors may differ, even within the same age-group, and that their television consumption habits and parental (guardian) control over them may also be different due to differences in their social, welfare and family circumstances. Accordingly, if the comprehension of a given content by the minor requires active cooperation by their parents/guardians, such protection cannot be regarded as given. If only a single element/scene of the published work meets the criteria of a higher classification category, that category must be applied during classification. Since the classification extends over the entire programme, if certain elements or scenes belong to a higher category, this will affect the classification of the whole of the programme. For programmes which consist of discrete parts, the more severe classification of a single segment may result in the more severe classification of the entire programme. The individual episodes of programme series must be classified separately, as practice shows that there may be marked differences between the individual parts in respect of aggression, fear or sexuality.

When establishing the principles of classification, the legislator strove to protect minors, to the maximum possible extent, from any negative influences from the media that may have a harmful effect on their physical, mental and moral development. There are no exact criteria for age rating; the Act therefore does not provide for every minute detail in respect of the classification of content. Violence, sexuality or the violent resolution of conflicts, all of which could have a negative effect on the development of minors, are not the only possible sources of damage; the Act only highlights these as the most significant of such sources. In respect of other considerations, it is primarily the prevailing public opinion and the values and objectives preferred and set by the various institutions of society (healthcare, education, etc.) that govern.

When classifying the individual programmes, a "thematic presentation" test must be applied. During the course of this, it should be examined whether any harmful content appears in the given programme, and, if so, with what weight. The next issue to be examined is the manner in which the given programme presents the harmful theme. It should also be examined whether the given programme contains any elements that help children within the protected age group to distance themselves from what they see and to decode and re-assess the violence, sexuality or other harmful content presented. Furthermore, the imagery, the music and the other sound effects that may reinforce or mitigate the effects of the dramaturgic events also must be taken into account. *As such, the overall categorisation of programmes is a function of the number, extent, quality, text, imagery, musical score, intended message and explanation, or lack thereof, of the scenes that give rise to the protection of minors, i.e. their comprehensive effect on minors.*

The classification of the National Film Office, on the basis of the Film Act as well as other national classification systems, may serve as orientation for the media service providers, but does not relieve them from any legal violations established on the basis of the Media Act, since the television genre is entirely different, both in respect of effect and viewership.

Finally, it is important to note that the "artistic" value of a production has no relevance in respect of whether such a production constitutes a danger to minors. In certain cases, it is this precise feature that renders minors incapable of interpreting what they see.

The criteria of the category classification are based on the following considerations. When describing the various age rating categories, it is necessary to follow a gradual approach, reflecting the nature of the classification system, i.e. the recommendation takes into account the category under examination and the one level higher category when describing the content presented and the form of presentation suitable for a given age, and the recommended mode of presentation and context of topics for that age. Taking into account the characteristics of the effective classification system, the approach applied by the recommendation takes off from the basic assumption that, at the start of the classification process, the media service provider already has a notion of what age-group is targeted by the media content to be classified. Next, it is on the basis of the classification criteria for this age-group that the media service provider examines whether the given content contains any possibly harmful elements that would call for a higher age-rating category. The logic of the text of the recommendation – diverging from the logic of the formulation of the Act present in the different category titles – is therefore that it lists the psychological characteristics and media comprehension competencies of the age-groups under the various age-rating categories, then presents a non-comprehensive outline of what elements may appear in the given category and what elements call for a higher category in respect of the individual issues (e.g. genres, groups of harmful elements, etc.).

Category I.: Programmes that may be viewed by persons of any age

According to the theory of cognitive development, the states of the mental development of a child roughly correspond to certain periods in the child's life. The period between the ages of 2 and 7 is the pre-operational stage, characterised by intuition-controlled thinking and a still large degree of egocentrism. The child is already able to mentally map the world and to perform mental actions; however, within the given cognitive framework, it is still not able to correctly interpret a wide range of new experiences. During the kindergarten period, visual representation is what is most characteristic of the child's thought, i.e. the objects, people and events of the world are mentally recorded by the child in the form of visual symbols. At a later stage of the kindergarten phase, the differentiation between concept and specific image starts; however, due to the lack of conceptual thinking, visual experiences may very easily disturb the thought processes. Kindergarten-age children are easily misled by what they see: their judgments and interpretations are instinctive and impressionistic; they are hardly capable of abstraction from sensory information and their experiences are directly defined by what they see and hear (perceptual domination). The limitations of this age are evident when the child attributes feelings, thoughts or intentions to inanimate objects or animals. Due to the lack of conceptual thinking, the young child is unable to distinguish between the possible and the impossible; in its eyes the laws of physics (not only known to, but also profoundly experienced by, adults), do not exist as yet. Due to the magical thinking of children, in the eyes of a kindergarten-age child the world is a place of magic where anything can happen if one thinks of and craves it. Objective reality, dreams and fantasies are still mixed up; the boundary between objective and subjective reality may be crossed. As they apply the interpretative models available to them to the media representations seen, young

kindergarten children look upon television as a magic window through which contact may be made with the creatures living in the box. The other important trait of this age is that, when assessing something, the child always concentrates on a very prominent, characteristic aspect (*centration*), namely, in the case of cinematographic works too, it is only the especially prominent moments that are able to grasp its attention. It is also a result of *centration* that the child is only able to view the world and its events from its own perspective and is not able to adopt the perspectives of others. At this age, therefore, the child is primarily able to follow events that are depicted from a single perspective; if action, space, perspective and time are broken up and depicted in a changing manner this causes difficulties in comprehension. If this happens, the child only experiences the set of scenes, but not the relationship between actions and their causes. On the other hand, pronounced phenomena and characters can have a forceful effect on the child and may result in strong identification. Being unable to assess several aspects and to classify things and persons on the basis of diverse criteria, in the eyes of a child a character cannot be beautiful and evil at the same time: to the child, only one grouping of (external and internal) positive and negative characteristics is possible. When the child is able to follow the action, it assesses acts and actions on the basis of their consequences (consequentialism); it is unable to take into account intentions which are not visible. This is significant because cinematography depicts characters primarily through their actions; references to internal events are usually indirect and incomprehensible to small children. For example, the child is unable to assess whether the violent deeds of the central character arise from evil intentions or self-defence and the protection of law and order. To the child, negative deeds that go unpunished are not considered to be evil, since they have no visible consequences. Stories without an explicit moral may therefore carry misleading messages.

Such programmes are intended for general audiences. The question of comprehension should be examined if the element of potential damage is present. If a programme is not intended especially for children, the basis of assessment should be that members of the youngest age-group may be part of the audience and so the viewing of the programme should cause no damage even to them.

Hence, the programmes recommended for classification as category I are

- programmes not especially intended for children, but which do not contain potentially harmful elements that children under the age of 6 are unable to process properly,
- programmes that are directed at kindergarten-age children and are, therefore, comprehensible to them.

If a programme is intended for children, both its subject matter and the depiction thereof should match the age-group characteristics of children under the age of 6, taking into account that the comprehension of television programmes – similarly to other mental processes – is active intellectual work for young children. As with many other abilities, the scope of the child's attention changes as a function of its age, so a continuous burst of stimuli is bound to wear down the child prematurely, and this has an adverse effect on its processing ability. In order to maintain attention, elements should be used that do not flood or rush upon the child and do not wear out its processing ability prematurely, i.e. less noise, a slower pace, child-oriented language and a number of other formal elements are necessary that concentrate on processing, contemplating and comprehending the information. Accordingly, dark and shadowy scenes, fast cuts or loud threatening background noises should be avoided as these lead to agitation or fear in younger children. Aggressive or threatening background music also reinforces negative emotional effects.

According to the view generally accepted by the authorities, children are not able to distinguish between fiction and reality up to the age of 6. Accordingly, the exposure of a kindergarten-age child to frightening or violent cartoons is no different from exposure to

realistic media content. Special caution should therefore, be taken when depicting violence. No realistic violence may be shown in this category, as situations played by live actors appear to be especially real for children of this age. Aggressive behaviour may be depicted at times, but only if it is obviously fictitious and not realistic in character and if it is wholly justified by the action or the subject matter. The fact that, at this age, children tend to identify strongly with the characters depicted should be taken into account during classification. That is, they experience similar emotions to those experienced by the characters; if a character is afraid or hurt, the child, too, will experience fear and suffering. Transference is especially direct in the case of threatening situations; that is, violence – and chases and emotional conflicts too – may generate fear in the child, and it is not able to dispel this fear on its own. Extreme circumspection is therefore necessary with regard to subjects that are capable of threatening the sense of security of children under the age of 6, such as family conflicts, the death of parents or close relatives, the abandonment of children or the injury or death of animals, since the ability to interpret what they see as fictional only develops later on in children. Although it is extremely difficult to define with precision just what elements are capable of arousing fear in children, it is certain that sudden scary events, terrifying ghosts, fairy tale figures or threatening animals may lead to adverse emotional reactions in kindergarten-age children.

Gestures expressing tenderness, such as kisses, hugs and walking hand-in-hand, are acceptable if their depiction is not gratuitous, overly detailed or presented in a context incomprehensible to smaller children and if their intention is clearly the expression of tenderness, love (e.g. between parents or between the parents and the child), togetherness and sympathy. Pregnancy and the issue of giving birth (e.g. the arrival of a small sibling) do not constitute a taboo topic in themselves; however, due to their limited biological knowledge, primarily verbal references are recommended rather than the depiction of the process of birth for children under the age of six.

In this category, irrespective of the level of realistic detail (and, therefore, in cartoons, too) actors may not display conduct that is not exemplary to children, may present them with a source of danger or is expressly contrary to the admonishment of the parents and furthers the adoption of vulgar, uncultured behaviour. Accordingly, linguistic usage is also a significant factor in the assessment of programmes. Some degree of inoffensive slang may be admissible, but obscenities and swear-words may not be used.

Examples of programmes classified as Category I:

- programmes especially produced for smaller children that contain no violence, or only contain a minimal level, such as the Adventures of Winnie the Pooh, the Hungarian *Süsü Dragon*, *Meister Eder und sein Pumuckl*, The Smurfs, Thomas the Tank Engine, Bob the Builder, The Adventures of Rupert Bear, the Hungarian Pom Pom Tales, Dora the Explorer, the Young Princess, etc.;
- animal tales and classic tales of fairies and magic, the structure of which is simple enough to suit the age of the child, to further the child's identification with the Good and the rejection of Evil and (in a symbolic form) to provide the child with examples for overcoming its fears and problems;
- programmes produced for adult audiences that do not contain elements that are harmful to children under the age of 6, such as traditional quiz shows (Who Wants to Be a Millionaire), programmes about travel and the countryside (Hungarian examples: *Főtér*, *MeneTrend*), environmental magazines (*Talpalatnyi zöld*) and cooking shows (*Stahl konyhája*), etc.

Category II.: Not recommended for audiences under the age of six

Following the hierarchical logic of the categories, when examining the considerations governing this age rating, we shall start off by examining the characteristics of the 6-12 age group. At the age of 6 or 7, when the child starts going to school, dramatic changes occur. The brain undergoes significant growth, the operation of the cerebral hemispheres becomes more specific, and all this plays an important role in cognitive development. Memory span increases significantly; the capacity of both short-term and long-term memory grows and mechanical memorisation is gradually replaced by intelligent memory. A new quality of thought emerges, enabling the child to perform logical mental operations in the presence of specific objects and events (concrete operational stage); thought processes become more logical, more conscious and more coherent. At the age of 8-9, magical thinking is, to a great extent, replaced by intensive interest in the extraordinary events of the real world. It is at this age (7 - 9) that children start to comprehend that the television is not a “magic window” and, for the most part, the images shown on TV are figments of the imagination of other human beings. The egocentric nature of the child’s thinking gradually recedes and the ability to shift perspective emerges, which makes it possible to better understand the thoughts and emotions of others. All this helps in comprehending the mass of information emanating from the television set, but it does not, by any means, enable the child to interpret such information correctly in every case.

The following programmes are thus recommended for classification as category II:

- programmes that do not contain scenes that generate levels of fear and aggression that a child between the ages of 6 and 12 cannot process,
- programmes that do not convey behavioural patterns depicting violence in an uncritical way, which the given age-group is not able to interpret as fictitious,
- programmes that are directed at children between the ages of 6 - 12 and are, therefore, comprehensible to them.

In the assessment of the possible negative effects of the programme, the ability to distinguish fiction from reality plays a crucial role. Junior elementary (primary) school children begin to better understand the conventions of presentation used in media content, they gradually develop the ability of parallel processing, they start to grasp the relationships between a part and the whole and their attention span becomes longer; however, the relationship between their thinking and direct experience still remains close for a long time, albeit with less emotional involvement. It is only around the age of 9 when they become able to distinguish between reality and fiction with greater reliability; at the age of 6 they do not recognise that the reality of media content differs according to the various genres. In general, it can be said that the more realistic their perception of the programme is, the greater the effect it will have on their thinking and it may also influence the nature and force of the emotions evoked. In the case of content that appears to be realistic, it is much easier for the child to imagine itself in the place of the characters than when the content is interpreted as obviously fictitious. At this age, children believe that a majority of non-animated programmes are “real”, while they are able to interpret cartoons as fiction, the formal features of which are already more easily identifiable when school-age is reached and so the chance of the emergence of negative effects is lower. In animated programmes targeting children aged 6-12, the non-realistic depiction of violence is admissible as these works consist of a stylised form of narrative; however, such violence may not be overly frequent or overly intensive/drastring and the imagery may not increase tension and anxiety.

A decisive factor in the assessment of the level of aggression present in films and programmes produced for children between 6 and 12 years of age may be the frequency of the opportunity of release from the tension caused by the violent scenes, in order to render the violence and its negative consequences comprehensible for the child. The absence of any possibility of periodic release of the accumulated tension results in a heightened

emotional state in the viewer, the effect of which on the given age-group is problematic. The insertion of more tranquil sequences and, perhaps, humour is therefore an important element of programmes targeting this age-group. Although humour may be used to moderate the violent effect and help the child realise that the violence depicted has no tragic consequences, it must not create the impression that destructive, anti-social behavioural patterns are acceptable, may not idealise violent conduct and may not generate unsympathetic, cynical, or jaded attitudes towards the suffering of others.

When they reach school-age, children's thinking about moral issues changes. When assessing what is "right" and what is "wrong", they increasingly start to take into account the intention and the motivation behind the violent act as well as the consequences of aggressive behaviour. The fast pace of movies, however, often presents an obstacle to this. The basis of consideration should be that, until the age of 10, children are unable to follow complex plots which include changes of scenes and viewpoints; they understand the programme as a set of independent events that coexist alongside each other. The link between the complex plot and the resulting consequences remains hidden to them, whereby the pent-up negative emotions are not necessarily released via a happy ending and the aggression-decreasing potential of the moral of the story (good vanquishes evil) does not necessarily achieve its goal either. In general, the more or less accurate recognition of the motives behind the actions starts after the age of ten. Accordingly, those works whose moral classification is not quite evident to the child may be deemed to be problematic, since the thinking of children between the ages of 6 and 10 is dominated by simple pairs of opposites.

Realistically depicted violence that downplays or glosses over the effect of violence or does not show its consequences may not be featured in programmes targeting children between 6 to 12 years of age. This, however, does not mean that graphic depictions of the effects of violence on the victim are advisable for this age group either. Although identification with the victim of violence is conducive to the formation of a negative attitude towards violence, it may also lead to substantial anxiety in the child. In this age group, their relationship with animals is still definitive; however, children of this age are able to comprehend the realistic depiction of the death of an animal, for example.

During pre-adolescence, boys' responsiveness towards violent content increases and this is coupled with the broadening and intensification of their interests and an increasing desire for more autonomy. This latter, however, does not necessarily conform to their actual abilities and so the events seen on the screen must not encourage them to imitate dangerous acts and forms of conduct and must not depict such without also depicting the consequences.

So-called adult topics, such as crime, death, severe illnesses, marital problems, etc. are not recommended for the 6-12 age group. The recommended topics for the various programmes are those that directly relate to the events and experiences of the child's world. At this age children become conscious of family as a safe haven and so they are extremely sensitive to such family conflicts as the divorce of parents or family quarrels. In programmes classified as suitable for this age-group, great circumspection is required when dealing with issues that might threaten the child's sense of security, and a positive conclusion is indispensable in every case.

Sexuality-related media content may have an adverse effect on the psycho-sexual development of children, if they are exposed to such content too early on in life. At the same time, we have to point out that the start of puberty, i.e. sexual maturity, shows great variation and can affect certain higher age-groups (10-12) in this generation. As the age rating of programmes is unable to take account of these individual variances completely, special circumspection is required with regard to sexual education-related information and images in order to ensure that these create no problems, for example they must not generate disgust or fear among less mature children either. During linguistic usage, it should be borne in mind that the multitude of types of situations depicted and the related linguistic expressions are

paradigmatic for the child. For the given age-group, the use of interjections expressing surprise or bewilderment as well as some mild, funny expletives and non-obscene gestures is acceptable; however, aggressive linguistic patterns must be avoided.

Examples of programmes classified as Category II:

- full-feature cartoon movies intended for children, such as *The Little Mermaid*, *The Lion King*, *The Hunchback of Notre Dame*, and such family movies as *Beethoven* and *Lassie Come Home*, given their protracted length and the depiction of sensitive topics that could be upsetting for children under the age of 6;
- the so-called classic cartoons, such as *Tom and Jerry*, *Road Runner*, etc., as the 6-12 age group already perceives the burlesque-like violence in these films as not realistic;
- child and sports anime films such as *Pokémon* and *Captain Tsubasa*. Circumspection is necessary in respect of realistic or even naturalistic anime films. These often refer to cultural values that are fundamentally different from the set of norms of the society in which the child is being raised and may, therefore, be hard to comprehend or disturbing for the given age-group. This is especially true of those types which glorify struggle and competition, and should, therefore, be classified at least under category III.
- documentaries that show animals displaying threatening behaviour or creatures that appear to be fearsome or that depict predators realistically, and thus may generate fear in kindergarten-age children.

Category III.: category: programmes not recommended for audiences under the age of twelve

Following the hierarchical logic of the categories, when examining the considerations governing this age rating we shall start off by examining the characteristics of the 12-16 age group. Besides the important biological (corporeal, neurological and hormonal) changes brought about by puberty, adolescents reach a new milestone in mental development and acquire a pattern of thinking based on a new logical structure. They start to perform formal operations, i.e. they become capable of methodically thinking through all logical relationships within a given problem. Due to their emotional instability, their comprehension and processing capacity is still in a state of flux. Their emotional lives become even more unstable, impulsive and ambivalent than previously, which is partly due to the sudden physical-physiological changes and the transformation of their social space. All this is coupled with a weakening of self-control and their ability to delay. Sexual maturity is accompanied by emotional distancing from the parents, the increased significance of peer groups, the struggle for independence and the recognition of the sexuality of the opposite gender. Their activities are governed by a craving for freedom that often embodies a revolt against conventional values and taking risks without a sense of danger. They are attracted by all things exceptional, unique, unexpected or surprising. The will for autonomy plays an important role in friendships, too; maintaining and successfully defending their position in conversations with peers without damaging the emotional relationship becomes important to them. Besides the transformation of social relationships, a number of biological processes, such as sexual maturity, the change of the body and the image of the body and the self also have a significant effect on the adaptation of adolescents. Gender roles and social behaviours are, to large part, learnt by observation and practice.

Identity formation gains central importance during adolescence, it is during this period that the views, abilities and desires of children first have to come to terms with the norms of adult society, and children have to decide who they are, what identity they desire for themselves and what commitments they are willing to undertake. If the formation of an

identity conforming to the generally accepted norms is not successful, this leads to deviancy and conflicts. Identity formation is a protracted process; in some respects (e.g. the formation of occupational identity), it extends well into young adulthood. Adolescents become increasingly conscious of the fact that they are subject to evaluation by others; acceptance by others (especially their peers) becomes extremely important. Peer acceptance has a major effect on self-evaluation and self-esteem. Another important source of self-esteem is physical appeal (i.e. satisfaction with their body). In parallel with this, extreme, idolised external reference groups also play a major role. Adolescents are in the phase of the formation of norms; they are extremely sensitive to ethical issues, but only at the highest level of generality, i.e. usually they are not able to apply moral principles to their own conduct. At this age susceptibility to ideals and ideologies is dominated by a radical attitude of revolt, as well as a particularity for appearances, so young people inevitably drift towards extremist, stereotypical and prejudicial judgements and behaviour.

The following programmes are thus recommended for classification as category III:

- programmes that do not present content that a child between the ages of 12 and 16 cannot process,
- programmes expressly targeting adolescent audiences.

From the age of twelve, children are able to follow the scenario development of films and to discharge pent-up tension (depending on its extent) if the ending of the story is positive. They already have some knowledge of and expectations towards the various television genres; to some extent they rely on the typical management of the plot and the release of tension at the end of the story. From the age of ten, the development of children's capacity for abstract thinking accelerates. Gradually they become able to understand more abstract forms of humour, such as parody, irony and satire, and to recognise the application of discrepant elements in what they see and to treat them as such.

Children of this age are able to tolerate higher levels of excitement, such as those caused by science-fiction, fantasy or disaster films; the sense of threat and anguish plays a lesser role in the 12+ age-group. They are not alarmed by immediately recognisable threats and are able to distance themselves better from the pent-up tension if they receive sufficient indication that what they see is not real. From the aspect of evoking fear, works that are related to the realistic, everyday world, i.e. where the level of reference to reality is high, may be problematic. If the situations depicted cannot be regarded as fictitious, fear reactions may be stronger and more persistent in children. Danger is often depicted though the fear apparent from the faces and behaviour of the actors. In this case, the actual threat does not have to be explicit; the fear felt by the central character is sufficient to fill the viewer with anguish. For the 12-16 age group, works containing especially frightening scenes, in which characters in extreme anguish play important roles or the suffering of the victims is presented in detail or where the continuous sense of threat achieved by visual and audio means is not dissolved by the end of the film, should be avoided.

Media service providers must bear in mind that adolescence plays a definitive role in the development of the child, as this is the period of the formation of the child's outlook on the world and system of values. Young people are looking for ideals to follow, and television heroes are able to achieve that viewers wish to identify with them. Accordingly, programmes classified in this category may not promote identification with characters whose behaviour is anti-social, destructive or violent or who use illegal methods to achieve their ends, and such programmes may not suggest a double set of values that may result in a conflict of identity and moral uncertainty in children. Furthermore, it is important that any violence applied by the hero, with whom the viewer identifies, should be morally justifiable, and that the hero should not automatically or proactively apply violence as a tried and tested method of conflict resolution; the work should not suggest that such use of violence is socially acceptable.

Another guiding principle in the classification of programmes is that scenes containing violence should be downplayed, both in respect of the number of occurrences and the manner of depiction, so as to avoid viewers becoming indifferent to violence. The highlighted or detailed cinematographic representation of the results of violent acts (e.g. injuries, corpses) is not recommended either. The depiction of dangerous forms of behaviour, such as dangerous stunts that appear as tests of courage and encourage imitation, as well as the direct depiction of suicide or attempted suicide, should be avoided.

In respect of the permissible level of sexuality in programmes, media service providers should be aware that adolescents' relationship with sexuality is full of contradictory notions, frustrations, uncertainty and inexperience. At this age, the disposition towards sexuality is still often burdened with anxiety and negative attitudes. Adolescents are not always prepared to interpret and manage the tensions caused by the direct or raw representation of sexuality appropriately and so the direct – graphic or verbal – depiction of sexuality is definitely not recommended for this age-group. Adolescents also seek role models from whom they can learn about sexual roles, and the media may become an important source of such learning. Programmes that propagate negative clichés related to sexual roles, set distorted behavioural examples, do not profess the principle of equality in partner relationships or depict relationships based only on sexuality or promiscuity as socially acceptable should therefore be avoided in particular. The lifestyle models presented in media content have a strong effect on adolescents and so sexual information easily available via television may be considered as benign, if it provides such information in a manner befitting the developmental level of the minor viewer. Adolescents between the ages of 12 and 16 should be granted the freedom to decide for themselves, in possession of the necessary physical and mental maturity, when first to enter into a sexual relationship; that is, media content should not exert pressure on them by suggesting that they must gain sexual experience in order to be equal to their peers or to reinforce their self-worth. In respect of this age-group, especially problematic is the practice, mainly characteristic of tabloid shows, which presents nude modelling and stripping as easy ways of making a living and avenues to a bright future, without mentioning the potential dangers of such a lifestyle.

Media service providers should take extreme care to ensure that the topics of programmes in this category and the manner of their presentation are appropriate for the developmental level of the 12-16 age group. It is important that young people be informed about potential dangers affecting them; however, when depicting these, special circumspection is required due to the possibility of identification based on the similarity of age. Appropriate sensitivity is especially called for with regard to those, mainly verbal, programmes, such as daytime talk shows, which, as experience shows, are fond of focusing on even the most extreme forms of violence and sexuality. Given the strong reference to reality in programmes of this genre, the discussion of adult topics is permissible in this age rating category if it is done with appropriate circumspection and sensitivity. It is not acceptable if no mention is made of negative consequences, such as criminal law penalties, effects detrimental to health or social and human relationships, or if anti-social forms of behaviour are presented as desirable and socially accepted, or are depicted in great detail and which may incite imitation. It is also important to make mention of possible solutions to conflicts and deviancies. Discriminatory content capable of reinforcing various negative prejudices is also undesirable, unless it is presented in a clearly condemnatory manner or set against positive counter-examples.

The role-models offered by the media are widely accepted and popular; young fans of media stars look upon these figures as examples of special values such as physical strength, affluence or success. Adolescents tend to adopt the value preferences, lifestyles and success strategies of such stars, which may lead to problems in their assessment of their own selves and generate a feeling of inferiority. Research into attitudes towards health has shown that nutrition, sexual activity, alcohol consumption, smoking and drug abuse correlate

with the examples presented in the media. The media also have a major effect on young people's perception of their own body, especially since members of this generation pay more attention to their changing looks anyway. The media plays a special role in how today's accepted and ideal image of the body is presented to adolescents. The thematization and public display of plastic surgery is problematic from the aspect of the protection of children and youth as it sets ideals before adolescents that may hinder the formation of a positive image of the body and stable self-worth. Such programmes also have nothing to say about the risks of surgical intervention, and present an image of its consequences that is not realistic. This latter consideration, however, may not be construed as suggesting that emphasis should be placed on the shocking details of the operation, as this could generate fear of any surgery in children. Due to the above considerations, in this age rating group, programmes that present ideals, or characters that adolescents can identify with, engaging in some sort of risky conduct should be avoided. The depiction of psychiatric illnesses or instability is not recommended for this age-group, since, due to their predilection for non-conformism, they may be attracted by bizarre and pathological behaviours. Realistically depicted, but scientifically unfounded (i.e. pseudo-scientific) fiction (e.g. The X Files) should definitely be avoided in this age rating category. Adolescents tend to assess the reality of what is presented in the media on the basis of asking "is it possible?", rather than "is it probable?", and are susceptible to experiences and explanations that go beyond everyday reality. Such content that appear to be credible may influence their sense of reality and significantly modify their conception of the world.

Besides the erotic innuendos and mandatory tasks creating situations ripe with sexuality and the permanent presence of inappropriate forms of behaviour, reality shows are also problematic as they may create the impression that human beings can be degraded to the status of tools. In the hope of fame and wealth, players undertake to participate in degrading situations before the public, and viewers also become accomplices by voting on such situations. The message of all this may have a detrimental effect on the development of adolescents. Those parts of talent scout shows that depict the process of selecting participants, when amateurs perform before a professional panel of experts and make fun of the would-be participants, are also problematic, as they suggest that ridiculing the appearance, oddity or different way of thinking of another human being or forcing another human being into awkward situations without respecting their disability or altered state of consciousness is socially acceptable. Another important element of reality shows (e.g. dating-based competitions) is hostility and exclusion, the overly emphatic presence of which may be problematic because it might exert a negative influence of the development of adolescents' social personality, and also because, due to their emotional instability, young people are more vulnerable to the sense of being excluded.

Concerning coarse and vulgar language, the proliferation of offensive expressions, the mention of the genital organs and obscene swearing are not permissible in this age rating category.

Examples of programmes classified as Category III:

- in general, western, adventure or period films and historical movies that are set in the past and are distanced from the everyday world, and therefore carry no danger potential (e.g. Zorro, Robin Hood); disaster movies presenting exaggerated situations removed from reality and where the leading characters are saved in the end (e.g. Twister), and fantasy and science-fiction pieces that are obviously fictional (e.g. Star Wars, episodes I-III.). The consideration of genres, however, is only a rule of thumb for the assessment of the works' reference to reality; the extent and the nature of the violence presented, the intensity of the verbal and visual representations of sexuality and the role models represented by the main characters must always be assessed on a case-by-case basis;

- the above guidelines apply to the rating of certain types of animated films, especially realistic/naturalistic action cartoons operating with strong light and sound effects (e.g. Avatar), which also belong into this category;
- although violent content is less characteristic of most soap operas, these works often deal with adult topics and often depict family conflicts and machinations that younger children are not able to interpret with appropriate assurance. Such programmes are proposed to be placed into category III if the depiction of and verbal allusions to sexual behaviour is moderate;
- crime series, if the detective hero only applies reactive and morally justified violence, if the moral of the story is positive, frightening images are not presented as an end in themselves and violence is depicted in a distanced manner. In the case of serialisations, however, the classification of individual episodes may differ and so it is advisable to consider each episode separately;
- tabloid shows, if the topics, the manner of depiction and the message conveyed do not have a detrimental effect on the development of the 12-16 age group;
- talk-shows, if the problematic topics are treated sensitively and violence and sexuality are not presented in a direct manner either verbally or visually;
- reality and talent scout shows, if they present no sexual or violent content directly and if the role and behavioural models conveyed are appropriate for adolescents;
- teen series expressly targeting the 12-16 age group (e.g. Heartbreak High, Beverly Hills 90210).

Category IV.: programmes not recommended for audiences under the age of sixteen

Following the hierarchical logic of the categories, when examining the considerations governing this age rating we shall start off by examining the characteristics of the 16-18 age group. Although the frequency of extreme emotional states and behaviours starts to decrease during the 16-18 period, internal conflicts most often related to the problems of rivalry and commitment are still capable of creating emotional thunderstorms. The relationship with, and the position within, the family is constantly changing as adolescents of this age start to break off from their families amidst conflicting fears and desires. Older adolescents still attach importance to their peer group; however, their need for partnership and the intimacy it provides is much stronger. Often they seek a master, an ideal, a guiding light outside of the family; the significance of role models is substantial at this age, too.

In keeping with the developmental phase of formal logical thinking, adolescents between 16 and 18 passionately try to tackle ideological problems and discover general relationships, but this often leads to self-gratifying sophism. Often their thinking is not flexible enough; once adopted, ideas can easily turn into dogmatic ideals. They still seek dangerous situations and examine the reactions of their bodies, minds and emotions to them. During the later phase of adolescence, young people are extremely sensitive to the in-depth discussion of ethical issues and the practical consequences and morals to be learned from it. They start to develop their own, autonomous moral position, which reflects their individual, internal set of rules beside the norms of the group. They perceive almost everything they encounter in the context of, and with reference to, their own selves; all human stories are their possible story, all actors are their possible alter ego, and this includes not only the roles with which they identify, but counter-roles, too; this is the period of trying on roles. Under favourable conditions, it is at this age that they learn to accept the ambivalent relationship between their own traits which do not, in themselves, necessarily conform to the characteristics of the ego-ideal; however, this process goes well beyond the age of 18.

The 16-18 generation has significant media experience and is usually easily able to identify those genres in which the violent resolution of conflicts plays a major role. Such, for example, are action movies, full of exaggerated visuals of gunfights and chases, or whodunits where the crime is unravelled in minute detail. This generation regards these as a sort of modern fairy tale. Due to their experience with genres, disaster movies set in everyday situations that depict panic, illnesses and wounds in detail or thrillers concentrating on the psychological background of crime, which build on the parallel *angst*-generating and gratifying potential of tension, present no problem to this generation. Although such films often present everyday characters in lethal, most often criminal situations and depict mortal danger as a monstrosity intruding into the realm of the everyday that was thought to be safe, (thereby inducing strong identification with the threatened leading character), this generation is usually able to treat such works as fiction removed from everyday reality. Since historical and war movies have limited reference to the actual world, more drastic representations of violence in their case are tolerable. However, within this age rating group rawer and coarser depictions of violence in a more realistic context are not tolerable, as the successful processing of these depends on the life, rather than the media experience, of the viewer. Special circumspection is recommended for works which depict everyday situations in the life of the age-group and suggest that problems may be resolved using violence, or in which violent events are too closely related to their own reality and therefore may cause undue fear. The detailed depiction of physical torture or mutilation and the shocking presentation of wounds in brutal detail is not recommended in this age rating category. Depiction of violent acts committed in cold blood or with extreme brutality should be avoided, as should sadistic scenes emphasising the joy or pleasure evoked by the act of violence or the victim's suffering. Consequently, "slasher" movies, in which the characters are brutally butchered in a variety of forms using various implements of death, and where the ending of the film brings no real release for the viewer, belong to a higher age rating category. Works where the above described depiction of violence is embedded in scenes that are intended to be funny and, therefore, serve to cover up the true weight of aggression and promote the sheer entertainment to be gained from watching the various forms of death, are also recommended for a higher age rating category. Due to the emotional instability and the resulting vulnerability of adolescents, the detailed depiction of suicide or attempted suicide may also be objectionable in this age rating category.

Given the fact that the majority of 16-year-olds already possess some sexual experience, the low-key depiction of and verbal references to sexual activities are permissible in this age rating category. In respect of the acceptable extent of the visual depiction of sexuality, an important consideration is that it may only be simulated and not presented in detail, as naturalistic representation requires a higher age rating. Adolescents often use the media to gather information about sexuality and sexual relationships; however, the content they encounter is very often not conducive to the formation of realistic impressions and expectations. Even more circumspection is recommended in respect of unusual sexual practices and aberrations and atypical, extreme forms of sex, as these must not create the impression that extremes are mundane and go without saying, nor may they promote sexual experimentation. Scenes openly depicting intimacy without emotional bonding or sexual responsibility may be harmful to the moral development of the 16-18 age group.

If sexuality is coupled with violence, the protracted and direct representation of this is not acceptable in this age rating category. Exploitative or non-consensual sexual relationships may not be depicted in a manner suggesting that these are actually desirable for the victim or that the behaviour of the victim is the root cause of the aggression suffered.

For the 16-18 age group, there are no restrictions as regards the topics presented; however, due to their limited life experience, special attention must be paid to the message conveyed. In this respect, programmes glorifying or depicting violence as an acceptable or

desirable form of conduct may be harmful. Besides such films, certain non-fiction entertainment formats require a higher age rating category, for example those talk shows where the host provokes open violence between the invited guests, e.g. members of a family, and it is rewarded with loud applause.

Special circumspection is recommended in the field of value orientation, for example in respect of drug abuse, political radicalism or xenophobia, especially with regard to films that do not make a clear distinction between morally positive and negative characters, where the moral message is conveyed less directly or where attractive subcultures are presented within today's settings. The work, in its entirety, may not promote discriminatory attitudes or forms of behaviour towards individuals, genders or ethnic, religious or any other social groups.

Since adolescents are especially prone to be attracted by dangerous forms of conduct, as they wish to experiment with a lot of things while searching for their identity, the detailed and uncritical presentation of such is not recommended. In respect of the direct visual representation of drug abuse, details on the method of usage are not recommended for the 16-18 age group if this presentation is lenient regarding the dangers of drug consumption or defends or promotes it. Similar rules apply to media content which depicts easily accessible substances, such as alcohol, tranquilisers or solvents, uncritically or in a positive light.

In respect of coarse language, the especially aggressive use of obscene words related to the genitals and the sexual act is not acceptable.

Examples of programmes classified as Category IV:

- action movies, crime films and thrillers that are clearly fictitious as well as those horror movies now regarded as classic that do not directly depict the consequences of aggression in naturalistic detail;
- those anime films specifically intended for older age groups that depict violence as a set of recurring brutal actions committed in cold blood (e.g. Inuyasha);
- crime series which, besides maintaining a protracted and increasing atmosphere of suspense, depict murders or autopsies in a drastic, exaggerated manner, where the positive heroes (policemen, coroners) make sarcastic statements about the corpses, where taking justice in one's own hand is depicted in a positive light or where the crimes are directly related to the world of children (e.g. Crossing Jordan, CSI, Medium);
- those historical or war movies that mainly differ from the representatives of the genre in that their coarse violence lends them much greater realism and the wounds inflicted during battle and duel scenes are presented in brutal detail (e.g. Gladiator, Stalingrad);
- certain teen comedies that depict the efforts of adolescents to gain initiation into the world of sex (e.g. American Pie) or series where the depiction of sexuality is coupled with vulgar language, inappropriate role models and revolt against traditional moral values (e.g. Sex and the City).

Category V.: programmes not recommended for audiences under the age of eighteen

This category includes those programmes that do not meet the criteria of the lower categories, but do not belong under category VI either. In respect of violence, these programmes depict crude, brutal and especially cruel acts of violence; violence is depicted

openly in a detailed and protracted manner. On the whole, it is not only the frequency, but mostly the quality of scenes that call for the protection of minors and the imagery and message of the work that may form the basis of the classification of a programme as category V. In the case of genres focusing on violence, those action movies, thrillers and crime series where the artistic effect of the work depends, to a large extent, on the naturalistic depiction of violence belong under this category. The harmful nature of the message conveyed by the work is an important aspect to be examined, since, in the above mentioned genres, the positive figures are often related to the popularisation of the arbitrary dispense of justice (as in some of the "Death Wish"-type revenge movies) or the glorification of violence (as in certain films about serial killers), which are not always condemned or counter-balanced, even at the end of the film; viewers under the age of eighteen cannot be considered to be able to interpret such works correctly. In general, the damage is not mitigated by mixing elements of comedy with the above-mentioned content, as scenes intended to be humorous cover up the real gravity of the aggression shown. The majority of horror movies, where the joy of film watching is tied to the thrill caused by the darker side of humanity, demonic forces or the extermination of the human race, belong under this age rating category, especially those films that depict a psychotic individual committing recurring acts of murder using stabbing or slashing instruments or where the focus of the action is on the naturalistic presentation of the methods of doing away with the victims.

In respect of the permissible level of sexuality, those works that depict sexuality in a direct and natural manner, but do not meet the criteria of category VI belong under this category. Hence, films of the *erotica* genre, focusing on the more or less explicit depiction of sexual acts, clearly belong under this category. According to jurisprudence, *erotica* consists of the sensual, often artistic, depiction of the human body and sexuality that gives the viewer aesthetic pleasure and concentrates on the human body and its beauty rather than the physical act of coitus. Although some of these works depict sexual acts in a detailed and naturalistic manner, such scenes that could, in themselves, be considered pornographic, are not self-gratifying, but play a dramatic role in the film; i.e. the open depiction of sexuality does not, or does not only serve the arousal and satisfaction of the viewer's desires. This category also contains those, not necessarily fictional, works that depict extreme forms and practices of sexuality or provide role models for having sex without emotions, perhaps depict promiscuity in a favourable light (only stressing its enjoyment value and not mentioning its dangers), since the thinking of the under-eighteen age group is not mature enough to correctly interpret the images and feelings experienced.

Furthermore, this age group category contains works that present discriminatory views without disapproval, in a simplified manner and sometimes humorously, via characters that have become icons of popular culture, as do the episodes of South Park or the movie "Torrente, the Dumb Arm of the Law". Aggression depicted as harmless or justified is not permissible against persons who suffer violence due to their external appearance, cultural or social self-definition, habits or different ways of thinking.

Those programmes that depict dangerous forms of conduct involving severe risk as desirable and, even indirectly, as worthy of imitation, and glorify the "guts" of persons performing such stunts, as do, for example, the episodes of Jackass may also be classified here. Works that depict drug abuse as an attractive lifestyle and, via their light tone, trivialise the consequences of the consumption of and trafficking in drugs, and may therefore arouse curiosity to experiment with such substances belong under this age rating category.

Examples of programmes classified as Category V:

- action films (e.g. Soldier, Out for Justice, Lethal Weapon 4), thrillers (e.g. Cape Fear, Crimson Rivers, Hannibal), crime series (e.g. Criminal Minds) and horror films (e.g. The Exorcist, Halloween, Scream, Dawn of the Dead), where violence is the central topic and is depicted naturalistically, but the presentation does no breach the limit

beyond which the work may stimulate gloating over the violent acts seen and may desensitise the viewer towards violence;

- works capable of glorifying or promoting the uncritical acceptance of violence (e.g. A Clockwork Orange, Natural Born Killers, Fight Club);
- erotic films where the definitive element is the more or less explicit depiction of sexual activities (e.g. 9½Weeks, Basic Instinct, Emmanuelle);
- those episodes of reality shows that depict the sexual activities of the participants directly, although not with open lewdness, erotic talk shows where sexual subjects are discussed openly and in excruciating detail, or where the invited guests and the film inserts shown may serve as sexual stimuli;
- works capable of reinforcing or adopting an uncritical stance towards discriminatory, prejudicial attitudes (e.g. American History X, Torrente, the Dumb Arm of the Law, South Park);
- works promoting the consumption of drugs or the uncritical acceptance of such consumption (e.g. Half Baked);
- talk shows that incite the participants to apply violence and reward such behaviour (e.g. The Jerry Springer Show);
- shows that depict dangerous and risky activities as attractive and worthy of imitation (e.g. Jackass).

Category VI.: Programmes severely harmful to minors

Programmes which, due to their content or the manner of the presentation of the topic, cannot be assigned to category V or any of the lower categories may not be broadcasted in linear audiovisual media services. Within the limits of criminal law, however, they may be published in on-demand media services as well as linear audiovisual media services where it is guaranteed that such programmes can only be accessed by viewers over the age of eighteen. Because even content that is severely harmful to the personality development of minors may be made accessible if the appropriate precautionary measures are in place, it is important to distinguish between services where the content is otherwise legal and freely accessible to adults and illegal content that is banned entirely, irrespective of from the age of the consumer or the manner of access. These latter violate human dignity, are capable of inciting hatred or discrimination against religious, ethnic or similar groups or depict child pornography.

As the programmes classified under category VI are severely harmful to the personality development of minors, access to such by audiences under 18 must be barred. The total prohibition of the publication of such programmes in linear media services is necessary precisely because even if we presume the most thorough parental care, minors' late night TV watching cannot be precluded with full certainty, and, furthermore, due to the danger involved, the protection of minors from these damaging influences must be ensured even if the diligence of the parents is wanting.

When defining the works classified as category VI as “programmes which may seriously impair the physical, mental or moral development of minors, particularly because they involve pornography or scenes of extreme and/or unjustified violence,” the term “particularly because” is not to be understood as “exclusively” and the description following it is not exhaustive. As such, the category is not limited to the cases expressly mentioned in the text of the Act (“pornography or scenes of extreme and/or unjustified violence”); other content, too, may be deemed to be capable of impairing the physical, mental or moral development of minors.

Given the criteria formulated in the Act, on the basis of the presence of extreme or unjustified violence, the following programmes may be classified as category VI.

- where violent actions are depicted in a length and detail that goes well beyond what is required by the development of the plot;
- where the violence depicted is not integral to the plot or the exposition of the characters or the theme, or where it is depicted without any perceptible justification and in an exaggerated and gratuitous manner, on the basis of the assumption that violence attracts and captures the attention of audiences and thereby guarantees higher ratings.

To assess whether the depiction of violence is justified or not, important factors to consider may be the genre of the programme (e.g. news, documentary, light entertainment), as well as the context of the depiction of violence (information, education, call for charity, social criticism, high art, entertainment, sensationalism/attention-grabbing). While the inclusion of actual footage of a massacre may, perhaps, be justified in an information programme, it is unacceptable to present a criminal lifestyle treating the extinction of human life as a way of making a living in a light entertainment programme such as a talk show, for example. The latter case may therefore only be classified under category VI.

Category VI also includes those programmes that are capable of severely impairing the physical, mental or moral development of minors by depicting acts of violence in a sadistic manner, i.e. where the enjoyment or pleasure generated by the violent act or the suffering of the victim is dramaturgically highlighted and its depiction may lead to or reinforce a desensitised, cynical and uncaring attitude towards the fate and suffering of others. It is characteristic of such works that the extreme brutality of violence is depicted in such detail that it serves not to arouse fear, but delectation at the scene. This most brutal variant of the horror genre focuses on the perverse urge and bizarre behaviour of the leading character; the presentation of the victims is perfunctory as they are degraded to mere objects intended only to demonstrate brutal suffering and death. The majority of these works presents the audience with no intellectual challenge whatsoever; their only purpose is to arouse visceral feelings. Horrific credibility is achieved by the hyperrealism of the imagery; viewers are not spared from even the most revolting details of mutilations and eviscerations.

The law provides no definition for the concept of pornography; on the basis of the study of the applicable legal provisions as well as linguistic interpretation, judicial practice has therefore distinguished two basic conceptual elements of pornography:

- a) the open depiction of sexuality and carnal acts;
- b) sexual stimulation.

Since neither definition is sufficiently exact to draw the line clearly between *erotica* and pornography, according to the guidance of the Supreme Court if a programme depicts a sex scene directly, the question whether this constitutes pornography or not or whether it is able to exert a severely negative influence on the moral development of minors may only be answered on the basis of the consideration of the specific programme and scene.

In respect of the definition of pornography, the position of the legal predecessor of the Media Council was that there may be several degrees of the manifestation of pornography. In respect of the open depiction of sexuality, the use of the English terms “hard porn” and “soft porn” has become commonplace. The most prominent characteristic of hard porn is that it depicts male and female genitals in a state fit for the act, i.e. that it displays the primary genital orals ready for coitus and the act of coitus in detail, using close-ups. As opposed to this, soft porn may be characterized as a manner of depiction focusing merely on the physical act of coitus, its process and the depiction of the satisfaction of the instincts where – as opposed to hard porn – the presentation of the primary genitals is not particularly emphasized; they only appear for a couple of moments; however, focus is on the coitus-centric depiction of the sexual act devoid of any human emotions.

In works of pornography, the human body is depicted as a technical tool serving only the achievement of maximum pleasure. Viewers may witness details they would not notice in reality, and this visual offering directly targets the instincts. The sexual socialisation of adolescents, however, is incomplete and unstable, while it is characteristic of the age group that boys experience stronger sexual urges and the members of both genders are intensely interested in sex. For this age group, pornographic representations have similar effects to those of their first actual experiences; however, these are extremely misleading. Pornography may lead adolescents to believe that partnerships and sexual relationships operate in this way in real life, too, which endangers their future ability to initiate relationships as well as the formation of their personalities. Although at first the state of arousal stimulated by the images is pleasant, frequent repetition leads to weariness, even at this early age. To prevent the loss of excitement potential, newer and newer stimuli are sought and so the interest in erotic materials begins to take increasingly unusual directions. Accordingly, the consumption of pornography at an early age may alter the course of the sexual development of adolescents in an undesirable manner.

A characteristic of pornographic works exclusively or primarily directed at the sexual arousal of the viewer is that they are devoid of any representation of the human or emotional aspects of sexuality and that they suggest moral attitudes in respect of sex that debase human dignity. If it is impossible to decide whether a specific representation depicting sexuality in a manner degrading human dignity and emotions in itself constitutes pornography or not, the primary factor to be considered is whether elements jeopardising the healthy psychosexual development of children are present, such as:

- the presentation of physical sexuality as isolated from interpersonal relationships, i.e. without any credible emotional context,
- the presentation of sexual pleasure as absolute, i.e. the depiction of sexuality as the exclusive manifestation of the notion of life,
- the degrading of the human being to the level of an object replaceable at any time, which only serves the satisfaction of sexual desire and is presented as a mere stimulus-response organism.

An important general consideration is that the above-mentioned characteristics are not only present in various individual scenes, but the work's entire direction is pornographic, as the message it conveys is that depersonalised sexuality is desirable and normal, i.e. it promotes a distorted image of humanity. Accordingly, it is highly probable that those works which consist of a set of unrelated sex scenes or which do contain a minimal story line, but this only serves to provide the otherwise wholly unrelated characters with opportunities to have sex with each other, are pornographic. This is especially so the more frequently the couples change and the more participants engage in sex with each other. If any motivation other than physical gratification is credibly present, be it love, friendship or even disappointment or revenge, the work is probably not pornographic. A further indication of pornography may be if most of the work consists of sex scenes, sexual acts are depicted in detail and the events are shown in slow motion or real time. It is characteristic of such products that the foreground of the frame usually displays the lower parts of the actors or these are shown in close-ups in a coarsely prominent manner. Focusing on the genitals does not, in itself, entail that the work is pornographic; however, the opposite of this is also true: the fact that genitals are not over-prominent or over-emphasised does not, in itself, preclude pornography (e.g. soft porn). Finally, the language used may also orient the rating: together with the presence of other elements indicative of pornography, the high proportion of obscene expressions and sound effects suggesting sexual pleasure, such as sighs and groans during the sex scenes, may also suggest that classification as category VI is called for.

Those works, however, where the naturalistic depiction of nudity and sexual activities serve artistic expression, or the depiction of the human body is for purposes of research, learning or education, are not pornographic. In these cases, the representation cannot be

considered to be pornographic even if the genitals are shown and sexual acts are depicted. For this, however, it is indispensable that the primary purpose of the action be other than just sexual arousal. The environment of the presentation may help in deciding this (e.g. sex educational websites, educational materials, canonised works of art, etc.).

In certain cases, the presence of a single explicit sex scene may have a severely harmful effect on minors. Reality shows are expressly directed at capturing the attention of the younger generations; however, as a result of the very nature of the genre, they convey a distorted image of reality and so they may be required to meet more stringent conditions in respect of the presentation of open sexual content. According to the position of the Supreme Court, sexual acts performed in the presence of the other participants and in public before television audiences constitute such a violation of good taste, decency and morals that they are capable of causing severe harm to the moral development of minors.

Besides the above, the healthy psychosexual development of adolescents may be severely endangered if the depiction of sexuality suggests an approval of the use of physical or other violence to assert sexual interests, if rape is depicted as pleasurable for the victim, or if the media content as a whole treats one of the sexes in a debasing manner, violating the human dignity of the members of that sex.

Severe damage, however, may not only be caused by extreme depictions of sexuality and violence, but by any content that results in minors causing harm to themselves, for example by glorifying or promoting suicide and providing specific instructions on the methods thereof in such a way that may be reasonably regarded as carrying the risk of imitation or by obviously promoting the consumption of drugs.

Part III.

Classification signs, pictograms

According to Article 10 Paragraph 2 of the Media Act, a programme may only be aired in compliance with its rating, subject to the exceptions provided by the Act, and the rating of the programme must be communicated upon its start.

On television, the rating has to be communicated both via image and voice-over. The minimum 3-second on-screen text advising of the rating must be clearly legible and distinguished from the background and must cover at least 50% of the screen. During the display of the text on the screen the rating must be uttered clearly in Hungarian. On the radio, a minimum 3 seconds of information about the rating must be uttered clearly in Hungarian.

According to Article 10 Paragraph 4 of the Media Act, in linear audiovisual media services, at the time the specific programme is aired, a sign corresponding to the rating of the programme is to be displayed as well in the form of a pictogram in one of the corners of the screen so that it is clearly visible throughout the entire course of the programme.

The pictogram has to be positioned on the screen so that the distance of the lower part of the perimeter of the circle from the lower side of the useful image area is 7% of the vertical size of the useful image area (vertical position) while the distance of its side from the closer side of the useful image area is 18% of the horizontal size of the useful image area (horizontal position).

The useful image area within the screen raster (e.g. 720x576, 1280x720, 1920x1080) is defined according to the following:

- the entire raster in the case of SD and true 4:3 content,

- the area without the two pillar boxes in the case of HD and true 4:3 content, identical to the useful area in the case of AFD control,
- in the case of 4:3 letterbox (pseudo-widescreen content) the area corresponding to 16:9 without the pillar boxes (corresponding to a raster size of roughly 720x432),
- the entire raster in the case of 16:9 (SD anamorphic or HD transmitted) image content,
- in the case of HD or anamorphic 16:9 transmission, if the format of the content is Cinemascope (approx. 21:9) the media service providers may select at their discretion either the 16:9 or the 21:9 screen area (or any intermediate states).

The external diameter of the pictograms should be 7% of the vertical size of the useful image area.

Pictograms consist of a coloured circular perimeter with a number in the middle, their transparency is 60%. The original image should be visible on the area not covered by the circular perimeter or the number.

The pictogram of category II as defined by Article 9 Paragraph 3 of the Media Act is the number 6 inside a yellow circle. The colour of the number is white (R 200, G 200, B 200); the typeface is Vogue; the letter height is 38% of the external diameter of the pictogram. The colour coordinates of the circle are R 230, G 200, B 50. The weight of the circle is 12% of its external diameter.

The pictogram of category III as defined by Article 9 Paragraph 4 of the Media Act is the number 12 inside a yellow circle. The colour of the number is white (R 200, G 200, B 200); the typeface is Vogue; the letter height is 38% of the external diameter of the pictogram. The colour coordinates of the circle are R 230, G 200, B 50. The weight of the circle is 12% of its external diameter.

The pictogram of category IV as defined by Article 9 Paragraph 5 of the Media Act is the number 16 inside a yellow circle. The colour of the number is white (R 200, G 200, B 200); the typeface is Vogue; the letter height is 38% of the external diameter of the pictogram. The colour coordinates of the circle are R 230, G 200, B 50. The weight of the circle is 12% of its external diameter.

The pictogram of category V as defined by Article 9 Paragraph 6 of the Media Act is the number 18 inside a yellow circle. The colour of the number is white (R 200, G 200, B 200); the typeface is Vogue; the letter height is 38% of the external diameter of the pictogram. The colour coordinates of the circle are R 255, G 50, B 50. The weight of the circle is 12% of its external diameter.

On the basis of Article 10 Paragraph 5 of the Media Act the sign corresponding to the rating of the programme is to be displayed by the media service provider when the programme begins and when the programme is continued following the commercial break.

In keeping with the rating obligation provided for by Article 11 Paragraph 1 of the Media Act, the providers of on-demand media content are advised to use the following signs for content corresponding to rating categories V. and VI:

Category V: the number 18 inside a red circle

Category VI: the legend “Adults only” delimited from its surroundings by a frame

Part IV.

Child-friendly pictograms

Although the Media Act does not expressly require that programmes targeting children be distinguished with pictograms, besides the importance of protecting minors from harmful media content it is also important to ensure that positive effects influence the personality development of children and that the media strive to convey moral values and constructive information befitting their age. Media service providers may therefore designate category I programmes expressly produced for kindergarten children (under the age of six) with a newly-introduced so-called “child-friendly” pictogram. This not only enables the provision of information about the minimum age required for understanding a given programme, but it can also convey the message that the programme is expressly recommended for a certain age group. This enables the media service provider to offer substantial additional information to parents and teachers to support the selection of programmes appropriate for smaller children.

The use of the following pictogram is recommended to identify programmes that convey such values:



The recommended placement of the pictogram for the identification of child-friendly programmes is identical to the placement of the age rating signs. Its size should not be smaller than the size of the age rating pictograms. Its colour is green; the colour coordinates are the following: R 120, G 170, B 0, 60% transparency.

The rating of a programme as “child-friendly” should be communicated both visually and verbally. The recommended text of the notice is “Child-friendly programme.” The minimum 3-second on-screen text advising of the rating must be clearly legible and distinguished from the background and must cover at least 50% of the screen. During the display of the text on the screen the rating must be uttered clearly in Hungarian. For radio, a minimum of 3 seconds of information about the rating must be uttered clearly in Hungarian.

Part V.

The signs and pictograms applicable in press products, websites, teletext and non-interactive teletext transmissions publishing the programme schedules of media service providers

In the interest of the implementation of the provisions of Article 10 Paragraph 7 of the Media Act, the Media Council formulates the following recommendation on the uniform usage of signs in printed or electronic press products publishing the programme schedule of the media service provider as well as on the website and in the teletext and noninteractive teletext service of the media service provider:

In the case of multicolour printed press products and on the website of the media service provider, the signs used in the television transmission are recommended for use beside the title of the programme.

Category I: no sign, except for the pictogram used to designate expressly child-friendly programmes

Category II: the number 6 inside a yellow circle

Category III: the number 12 inside a yellow circle

Category IV: the number 16 inside a yellow circle

Category V: the number 18 inside a red circle

Category VI: the legend “Adults only” delimited from its surroundings by a frame

The sign indicating the rating of the programme and the size of the numbers and characters may not be smaller than the font size of the title of the rated programme. The weight of the circle is a uniform 12% of their external diameters. The encircled number must be clearly legible.

In the case of two-colour printed press products, the provisions on the colour of the pictograms are not applicable.

If the circle cannot be displayed, the rating may be communicated by displaying the number corresponding to the category of the programme in parentheses. In the case of category VI, the warning legend “Adults only” has to be used. The interpretation of the abbreviations must use the appropriate qualification text used in the act.

Category II – not recommended for audiences under the age of 6 = (6)

Category III – not recommended for audiences under the age of 12 = (12)

Category IV – not recommended for audiences under the age of 16 = (16)

Category V – not recommended for audiences under the age of 18 = (18)

The size of the numbers indicating the age rating category may not be smaller than the font size of the title of the rated programme.

In the interest of the uniform designation of child-friendly programmes, the use of the string “Gy” [i.e. “**G**yermekebarát”, Hungarian for “child-friendly”] is recommended.