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Television, the Fragile Virtual Shelter?

Lilia Raycheva*

SUMMARY

Nearly two decades of political, economic and social upheavals in Bulgaria directly conditions the profound changes in the TV system and the trends of its development. Currently the number of the registered TV broadcasters in the country exceeds 100 (among them four with national terrestrial coverage).

Bulgarian children spend on the average three hours a day watching television. However, the approach of the Bulgarian television stations as a whole towards the children's audience is subordinated mainly to the entertainment function. Television channels offer far less cognitive and educational issues. A disturbing tendency is the limited production of quality children's programs. The technical methods for filtering TV programs with harmful contents are not yet popular in the country and the culture of preventing the children from harmful TV influence is still at an embryonic stage. In this situation of major importance are the activities in the area of regulation and self-regulation, as well as of citizens' control on children's TV programming.

The article examines the current developments of the Bulgarian national terrestrial TV programming with respect to protection of minors from harmful and inappropriate content. The analysis is linked to the media effects and especially – to the public interest being served by TV performance. Regulatory practices of the Bulgarian Council for Electronic Media are also examined, as are their sources in the pan-European broadcasting media instruments such as the European Convention on Transfrontier Television of the Council of Europe and the Audiovisual Media Services Directive of the European Union as well as on the international regulatory practices of European Platform of Regulatory Authorities.

* Lilia Raycheva, Associate Professor, Radio and TV Department, Faculty of Journalism and Mass Communication, St. Kliment Ohridski Sofia University, 49, Moskovska str., Sofia 1000, Bulgaria, e-mail: lraycheva@yahoo.com

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Introduction

Although contemporary children spend a substantial part of their time surfing in the Internet, chatting and SMS-ing via mobile phones, various studies show that they still remain dedicated TV watchers. The products and services offered by the new information and communication technologies strongly compete with family values and school knowledge and quite often even challenge them. Undoubtedly, information derived from these products and services affects the formation of the intellect, psyche and behaviour of children. It has been proved that virtual world is rich in positive and negative behaviouristic models, which children, due to the peculiarities of their psychological development, transfer into the real environment too quickly. Their preferences for certain types of models change with the progress of their maturity and it is exactly during the puberty that they become extremely vulnerable and unpredictable in respect to their choice. Quite often children apprehend the audio-visual and cybernetic space as a shelter, where they feel free from the daily stress, fear and loneliness. The TV set, the computer or even the mobile phone display provide them with opportunities for dialogue and social contacts, which they are missing or which are insufficient to them in the real world. However, audiovisual and cyber space is not yet a safe shelter for the minors.

This brings to the fore the issue of positive and negative aspects offered by virtual reality and especially by television: does it broaden the mental outlook, or is it just an escape of a kind from the unfriendly social environment? The proposed text aims to examine the current developments of the Bulgarian national terrestrial TV programming with respect to protection of minors from harmful and inappropriate content. The analysis is linked to the public interest being served by TV performances. The paper also covers some of the regulatory practices of the Bulgarian Council for electronic media in line with the pan-European broadcasting media regulatory instruments.

Public interest

The broad-scale advent of the information and communication technologies into all spheres of contemporary society has outlined some robust trends towards quality alterations in the media systems. Convergence of telecommunications creates global conglomerations with powerful economic structures which exercise an

ever-stronger all-round impact on the sociopolitical processes. Various studies offer comparative analyses of the contemporary media systems as well as focused research in different media areas such as structure (concentration trends), content (diversity of sources and pluralism of opinions), and policies (regulatory, self-regulatory and co-regulatory). Although similar institutional arrangements for broadcast governance are implemented in different countries, these arrangements often produce different results (Hallin & Mancini, 2004). Equally important, therefore, are the political, legal, administrative and societal practices in different cultures. (Jakubowicz and Sükösd, 2008).

Whatever the systems differences and specificities may be, the issues related to the social usefulness of media performance are still important in protecting the public interest. Irrespective of the nature of these trends and their development, the media remain bound to society, owing to the content supplied to all its groups. In this context, Tv programming of broadcasts suitable for the underage and juvenile audience is of particular importance.

The launch of a number of private broadcasters in the 1980s was enhanced by the rapid technological developments in the TV and radio broadcasting. This was an expression of the need for setting up some minimum standards applicable in all European Member States for regulation of the rigorously developing TV and radio market. Thus, since 1989, within the framework of merely two decades, the TV market in Europe spiraled up from deregulation to regulation and into further liberalization. So in the year of the Berlin Wall fall the intensive TV network expansion gave rise to the emergence of the two major European regulation instruments of the broadcasting of TV programmes (terrestrially, and via cable and satellite): the European Convention on Transfrontier television of the Council of Europe and the Directive on Television without Frontiers of the European Union (CoE, 1989, EC, 1989). In less than a decade though, the development of the information and telecommunication technologies and the stable trends toward strengthening of the private sector have caused a profound revision of these two instruments in order to strengthen the protection of public interest.

In another five years after the TVWF Directive and the ECTT were amended, the European audiovisual sector has dramatically changed. Thus, taking into account the objective of creating a pro-competitive, technologically driven and growth-oriented environment for the development of the audiovisual sector, a need of further revision of the regulatory instruments was felt. The digital compression of the spectrum already has opened up access to the widest possible range of programs (DVB-T, DVB-C, DVB-S, DVB-H) through the offer of many commercial and public services. Broadband (IPTV, xDSL), which enhances the individual selection of the programs, is now on the agenda. Thus, the television actively moves

towards diversification of the services on offer. It is becoming a service itself. These technological and market developments predestined a further revision of the European media instruments. The new Audiovisual Media Service Directive adopted in 2007, which replaced the Directive on Television without Frontiers, should become part of the national media legislation in each of the EU Member States until the end of 2009 (EU, 2007). By the end of 2009 the 27 EU Member States should submit their strategies for mastering the digital dividend available from the released analogue frequency spectrum. The type and pace of these substantial changes and intensive developments may pose various challenges before the EU citizens.

The principal mission of the public service broadcasters' programming is to serve the general public. However, especially in the still frail democracies, their activities often intertwine with the interests of the ruling political power. Commercial broadcasters follow their own economic market interests. That is why the protection of public interest by a strong, independent and accountable broadcasting regulator, supported by the professional guild and the non-governmental sector, is very important in the contemporary highly competitive environment.

Although the concept of "public interest" is widely used by the professional media-makers, regulators and researchers, no firmly acknowledged definition of the term seems to exist. Depending on the circumstances, public interest may be supported by such arguments as broadcasting of information which is important to a greater part of the audience, or justified by media encroachments on privacy under certain circumstances, or regarded as defending the need for inclusion of different viewpoints and sources on a specific issue, or be associated with the degree of participation of the audience itself, or with supplying information meeting the interests of different groups of society, etc. Such specific group is the underage and juvenile audience.

Television vs. children

Widely spread is the television's dubbing as the third parent, owing to its educative and instructive function, on the one hand, and on the other, for a number of socioeconomic reasons, owing to the replacement of the physical presence of parents in the daily routine of the child by TV programmes.

Although the impact of television is widely recognized as most influential of all media on children, there is no broad consensus on its effects on the behaviour of adolescents. A basic reason for that is that TV channels broadcast various kinds of programmes, which might be educational and inspiring, or cruel and depressing. There is an ongoing debate concerning the interdependence between the exposure to violent TV content and the consequent behaviour of children.

Teachers express concern that contemporary school children spend more time in front of the TV sets and of the computer monitors than in the classroom. Thus they are exposed to a flood of violence: murders, robberies, arson, shootouts, mugging, torture, smuggling. Children in primary school seem much more exposed to the impact of these scenes: some kind of violence, however amusing, happens on the average every minute in the animated cartoons. Twenty years ago Albert Bandura from the Stanford University carried out laboratory experiments (with his famous Bobo doll) intended to establish to what degree the school children tend to imitate audiovisual violence (Bandura, 1989). An unrepresentative study of about thirty Bulgarian 3rd-graders and their attitude to animated cartoons proved very interesting. Two-thirds of them preferred the ever warring *Tom and Jerry* to the peaceful *Bananas in Pajamas*. Moreover, almost all children seemed to like Jerry rather for his confidence, quick reaction and aggressiveness. The inventiveness of the little mouse was never mentioned in the first place (L. Raycheva, 1998).

Television violence is particularly topical in media research. One controversy is prompted chiefly by the major dilemma: could violence on the TV screen turn into a significant social threat, or is it an insignificant phenomenon artificially charged with alleged problems? In other words: does violence shown on the TV screen encourage aggression in younger viewers, or does it have no impact on their behaviour whatsoever. In his paper on media violence written for the Council of Europe, Guy Cumberbatch pointed out more than a decade ago that over three-fourths of the studies claim that a direct connection exists between the crimes shown on the TV screen and aggression in real life (G. Cumberbatch, 1995). Many scientists still cite the 1982 publication of the National Institute of Mental Health of the USA (based on a 10-year investigation), which states in conclusion that violence on TV pushes the children and adolescents who watch these programmes to aggressive behaviour (National..., 1982). The researchers who support this allegation maintain that excessive watching of TV in general (not only of programmes with violence) has a negative effect on the entire audience. Discord between children and parents, conflicts at school, and clashes on the street, according to them, relate particularly to excessive TV watching. Furthermore, the impact of screen brutality depends also on a number of factors as, for example, the organisation of film editing and dramaturgical escalation of action, the context of visual, verbal and musical parameters of communication, the personal characteristics of the viewers, and the conditions under which the programme is watched.

Quite contrary a stand is sustained by another group of researchers of this problem, who are convinced that the allegations that TV violence increases the aggressiveness of viewers in real life are extreme, as well as the statements that the Television could replace parents in the upbringing of children. Neil Postman, for in-

stance, is adamant that violence shown on the TV has nothing to do with the increased aggressiveness in recipients (Postman, 1993). True, the atrocities of the two world wars could not be linked to any TV impact, for Television then had simply not been a media fact.

Another group of studies underlines that an overdose of TV violence may leave the viewer indifferent to crime in the real world. According to these researchers, intensive TV watching inculcates fear and mistrust of surrounding reality. The viewer gets used to the feeling that any moment now he can become a victim of some type of violence and his intolerance of aggression in real life becomes dulled (Lopiparo, 1977).

More than quarter of a century ago, George Gerbner pointed out that the television's major impact is not so much in its ability to transmit information than ideas of social structures, norms and behaviour. Overexposure to scenes of violence on the TV screen may convey to viewers the idea that we live in a hostile world that is difficult to regulate (Gerbner et al., 1980). This may consolidate the position of the children as objects, victims of the circumstances, and not as subjects of the society, enjoying full rights. On the other hand, minors and adolescents have no rights whatsoever either in the domain of media regulation, or in self-regulation or programming. They can choose neither their family, nor their curricula, or the society they are living in. On the contrary, they are obliged to conform with their parents' choice or with the choice of those who are taking care of them. The easiest and most promising way out of their victimization seems in adopting some aggressive and asocial behavioural models. Contemporary audio vision has proved a conductor of such type of behaviour.

Of all media, television influences the strongest children since their early age. Video centrism has almost abolished the language barriers. A crime action or a thriller film, let alone a porno film, could be made solely with the help of editing the picture, sound and specific effects. Speech simply elucidates a little the action and facilitates the viewer, who either turns into a crime investigator (as in the action movies), or into a victim (as in the thrillers) of the screen narration. Tension builds up chiefly by means of visuality and paraverbalism. The intensive development of audio-visual structures, and especially of the television on a world scale, seems to mark an increase in the number of violent plots parallel to the multiplication of channels and extension of air time.

However, although license requirements for the children's and youth programming are not very harsh, they often seem difficult to be met by the broadcasters. Children-related topics are unattractive for advertisers and, hence, for the TV broadcasters too. In addition to that, daytime programmes very often include inappropriate content (including cruelty and violence) for adolescents.

European policies in protection of minors

Conventions and Recommendations

Protection of the best interests of the child holds priority in the UN Convention on the Rights of the Child (UN Convention, 1989). It has since been ratified by all governments except the richest, the United States of America, and one of the poorest, Somalia. According to Article 17 of the Convention, “*States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health*”. In the media context, among other issues, the Convention also spells that:

- the child shall have a right to expression on any medium of its choice;
- the child shall have an access to information and materials from diverse national and international sources;
- along with this, the child must be protected from informational and material harm.

The European community is continuously paying thorough attention to the protection of children in various areas. It was the Green Paper on the protection of minors and human dignity in audiovisual and information services that marked the beginning of a debate, at pan-European level, on the ethical parameters of the Information society and audiovisual services provided by the new information and communication technologies. Nowadays, the linear TV programmes are challenged by new hybrid audiovisual forms, bringing together games, advertising or information. The editorial model with the increased personal choice for selection from a wide range of TV programmes shifts towards the individual communication model in the on-line services. The implementation of measures to protect minors requires new solutions for material labelling through increased parental control, both in television and in on-line environments using new digital methods (personal codes, filtering software or control chips). The encouragement of cooperation between the interested parties, such as government, industry, public authorities, service and access providers, and consumers is important for the member states in the process of establishing, implementing and evaluating national measures in the area of regulation, self-regulation and public awareness of the audiovisual services concerning protection of minors (Green paper, 1996).

The Council Recommendation of 1998 (98/560/EC) on the protection of minors and human dignity becomes the first legal instrument relating to the regulation and self-regulation of the content of audiovisual services and on-line information broadcast on the Internet that follows on from the 1996 Green paper. It aims at

providing guidelines for national legislation in this area (CoE, 1998). The scope of this document is extended by the new Recommendation on the Protection of Minors and Human Dignity and on the Right of Reply in relation to the competitiveness of the European audiovisual and on-line information services industry (2006/952/EC), adopted on 20 December 2006 by the European Parliament and the Council. This includes media literacy, cooperation and sharing of experience and good practices between self-, co- and regulatory bodies, action against discrimination in all media, and the right of reply concerning online media (EC, 2006).

The main instruments on European level in the fields of TV broadcasting dealing internationally with the protection of minors and adolescents – The European Convention on Transfrontier Television and the The Audiovisual Media Services Directive, stipulate mainly that parties to the agreements should protect minors against exposure to pornography or gratuitous violence.

Particularly important in The European Convention on Transfrontier Television is the “good Morals” category or, in other words, the public morals. The norm of Article 7 (2) of the ECTT states that “*All items of programme services which are likely to impair the physical, mental or moral development of children and adolescents shall not be scheduled*”. The provisions of the Convention on the Protection of Minors and Adolescents also extend to advertising and teleshopping, setting the general standards in Article 11 (3): “*Advertising and teleshopping addressed to or using children shall avoid anything likely to harm their interests and shall have regard to their special susceptibilities*” and (4): “*Teleshopping shall not extort minors to contract for the sale or rental of goods and services*”.

These texts are supplemented by a number of recommendations of the Parliamentary Assembly and the Committee of Ministers of the Council of Europe related to the protection of minors and adolescents from any harmful content of the electronic media¹.

The ECTT and the amending Protocol of the Council of Europe, on the one hand, and the Audiovisual Media Services Directive of the European Commission, on the other, have similar objectives. The AVMS Directive aims at ensuring the free movement of broadcasting services within the internal market and, at the same time, at preserving certain objectives of public interest, such as cultural diversity, the right to reply, protection of consumers and protection of minors. In particular, it underlines the importance of promoting media literacy, development of which can help people “*exercise informed choices, understand the nature of content and services and take advantage of the full range of opportunities offered by new communication technologies*”. Thus, they will be better able to protect themselves and their families from harmful or offensive material (37).

It is stressed in the AVMS that “*measures taken to protect the physical, mental and moral developments of minors and human dignity should be carefully balanced with the fundamental right to freedom of expression as laid down in the Charter on Fundamental Rights of the European Union. The aim of those measures, such as the use of personal identification numbers (PIN codes), filtering systems or labelling, should thus be to ensure an adequate level of protection of the physical, mental and moral developments of minors and human dignity, especially with regard to on-demand audiovisual media services*”(46).

A special provision concerning the influences of commercial communication on children is included in Article 3g. It states namely that:

(e) audiovisual commercial communications for alcoholic beverages must not be aimed specifically at minors and shall not encourage immoderate consumption of such beverages;

(g) audiovisual commercial communications must not cause moral or physical detriment to minors. Therefore they shall not directly exhort minors to buy or hire a product or service by exploiting their inexperience or credibility, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust minors place in parents, teachers or other persons, or unreasonably show minors in dangerous situations.

Also this article states that:

(2) Member States and the Commission should encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communication, accompanying or included in children's programmes, of foods and beverages containing nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.

A separate chapter in the AVMSD is dedicated to the protection of minors and public order (Chapter V). In particular, Article 22 states that:

“1. Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental and moral

development of minors, in particular programmes that involve pornography or gratuitous violence.

3. Furthermore, when such programmes are broadcast in unencoded form, Member States shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration”.

The need in a still closer cooperation between the regulatory bodies of the different countries in implementation of the European media policies was determined by the ever faster developing processes of transfrontier globalisation and convergence. The European Platform of Regulatory Authorities, set up in 1995, provides twice a year a forum for the regulatory authorities – members of the Platform. It encourages exchange of information about common issues of national and European broadcasting regulation, as well as informal discussions of practical solutions to legal problems regarding the interpretation and application of broadcasting regulation. The European Commission and the Council of Europe are standing observers of the Platform, in which 52 regulators from 44 countries in Europe are holding membership (EPRA, 2009).

The issue of the protection of minors as part of the TV performances, serving the public interest, has very often been discussed at EPRA meetings. Some of the topics included:

- Violence on TV (7th meeting in Fredrikstad, Norway – 1998);
- Sex on Screen, the Parameters of Permissible (9th meeting in Vevey, Switzerland – 1999);
- Working group on the Protection of Minors (14th meeting in Malta – 2001);
- Self-regulation of TV-content with Respect to Protection of Minors and Violence (main plenary session at the 17th EPRA meeting in Naples, Italy – 2003),
- The Need of a Uniform Rating System at European Level (18th meeting in Nicosia, Cyprus – 2003);
- Practical examples of cases and current issues of concern (19th meeting in Stockholm, Sweden – 2004).
- Media Literacy as a Regulatory Function (27th meeting in Riga, Latvia – 2008)
- Baby TV and Pornographic Content on Satellite and Cooperation between Regulators (29th meeting in Tallin, Estonia-2009)

The rapid change of the audiovisual market requires thorough refining of the existing norms in the ECTT and the AVMSD under a broad consensus. The chal-

lenge is whether the regulatory changes should anticipate or follow the media practices.

Bulgaria's case

The Bulgarian children

Bulgaria's accession to the European Union has not resolved yet some important social challenges of the period of transition, especially in the domain of real incomes, health care, education, care for children. There is a steady downslide in the number of children and an increase in the number of retired people, who are already twice as many as the adolescents. In these indices Bulgaria equals and even outstrips the most advanced European countries (NSI, 2009).

In spite of Bulgaria's traditions in education, the negative natural growth of the population and the low living standard are responsible for the reduced number of students in the schools. Another alarming trend is the growing index of children who do not attend school, as well as the neglected communication between school authorities and parents. The endless reforms and never-ending changing of the rules further discourage the children's trust in the education system.

Family foundations also falter. There are an ever growing number of parentless children. The patriarchal type of relationship still dominates in Bulgaria, where children are regarded by adults rather as objects, instead of as equal subjects in the family interrelations.

The use of alcoholic drinks and narcotic drugs, widening spread of HIV/AIDS and sexually transmitted diseases, early pregnancies and growing number of abortions occur ever more frequently among the adolescents. There is a discouraging pattern of juvenile delinquency, as well as of children suffering from violence (rape, incitement for soliciting and mendicancy, ill treatment in the family, pornography, etc.).

The social problems of the Bulgarian society from the period of transition seem to reflect most distinctly on the crisis of values. This gives rise to some grave deficiencies in the social behaviour of the children. Quite unnoticed, a whole generation has grown up with gravely impaired status and rights. Apparently, the society has failed to ensure a safe environment that would encourage the development of children.

Legislature

Legislation relating to the protection of children is comparatively well developed in the country. In 1991 Bulgaria ratified the UN Convention of the Rights of the

Child. In 2000, the Child Protection Act was adopted. In its Article 11, a general framework on child protection against violence, presumably originating from the media has been introduced by Bulgarian legislation (Child..., 2000). Bulgarian criminal legislation criminalises certain acts which are recognised as socially dangerous for minors. These acts are specified in Article 159 of the Penal Code (Penal..., 1968). The provision concerning the creation, publication in any form and dissemination of pornographic material applies to all types of media (print media, radio, television, information agencies, the Internet). This text is in conformity with the constitutional norm of Article 40 [2] of the Bulgarian Constitution (Bulgarian..., 1991). Pursuant to Article 37 (4) of the Film Industry Act, the National Film Classification Committee at the Agency classifies films in rating categories (Film, 2004).

There also exist a number of programmes in charge of the children's welfare: The National Integrated Plan for Implementation of the UN Convention on the Rights of the Child/2006-2009 (SACP, 2006); The Operational Programme "Regional Development"/2007-2013 (2007), a number of inter-institutional programmes; programmes and initiatives of the non-government sector, etc.

The Radio and Television Act also contains texts relating to the protection of children. Thus, for instance, under the provisions of Art. 17, subpara 2 of RTA, "*The radio and TV operators must refrain from the creation or distribution of broadcasts in violation of the principles under Art. 10, as well as of broadcasts inciting national, political, ethnic, religious, and racial intolerance, extolling or justifying cruelty or violence, or aimed at impairing the physical, mental or moral development of the minors and adolescents.*" The mechanisms designed to protect infants and minors provide for a specific measure – introduction of restrictions by time of day, indicating that the broadcasting in any form of programs that may impair the development of children are inadmissible within a specified time period (between 6:00 and 23:00 hours). Article 76 of RTA normatively provides special requirements for the advertisements broadcast by the radio and TV operators and addressing the minors (RTA, 2001).

Within the framework of self-regulation, the adopted ethical rules obligate the radio and TV operators to pay in their work particular professional attention to the specificity of the child audience (Code of Ethics, 2004). Regarding the protection of infants and minors it stipulates that:

2.4.1 We shall demonstrate special responsibility in respecting the rights of children, including their right to be heard.

2.4.2 We shall not take advantage of the children's innocence and trust.

2.4.3 We shall not publish information or photographs about the private life of a child unless there is an overriding public interest.

2.4.4 We shall protect the identity of children involved in or affected by tragedy or criminal activity, in case it might turn out to be harmful.

2.4.5 We shall seek to avoid interviewing children without the consent of an appropriate adult.

In 2005, the Foundation National Council for Journalistic Ethics was registered with the major aim to establish a system for self-regulation of the media by implementing the Code of Ethics and resolving arguments between the media outlets and the audience. Co-founders of the foundation were the Association of the Bulgarian Radio and television operators ABRO, the Union of Publishers in Bulgaria, the Union of Bulgarian Journalists, the Bulgarian Media Coalition, and the foundation Media Development Centre. The foundation has two standing bodies – an Ethics Commission in the print media sector and an Ethics Commission in the electronic media sector, which deal with complaints lodged against infringement of the Ethics Code. (National Council..., 2004).

Television and children

Bulgarian children spend on the average three hours a day watching television. Usually this happens at home and as far as a small part of the families may afford a second TV set, children share TV watching with their family. This, however, does not mean that a parent or an elderly family member controls every programme choice that the child watches. Due to parents' work schedule, children spend a great part of the day alone at home, which makes them free to watch whatever they wish no matter what effect that will have on them. The technical methods for filtering TV programmes with inappropriate contents are not widely popular in Bulgaria and the culture of preventing the children from harmful TV influence is still at an embryonic stage. In this sense, of interest remain the issues what exactly the children prefer to watch and whether the programmes of the TV broadcasters guarantee the protection of their interests.

Liberalization of the Bulgarian audiovisual market gives the children who live in a household with cable TV the chance to watch apart from the four terrestrial programmes with national coverage (BNT, bTV, Nova televizia and Pro.BG) a variety of foreign satellite and Bulgarian cable television programmes. At present, a total of 453 programme services (324 radio and 129 TV) are being created on the territory of the country (CEM, 2009). The problem, however, is whether this supply guarantees the possibility of a wide choice. It rather does not, because the va-

riety of genres is reduced to a minimum, which can hardly satisfy the cultural, aesthetic and informational needs of the audience. Once again, the typical paradox of the Bulgarian contemporary society is observed: quantitative supply, reduced quality, lack of variety, and limited choice. In the context of TV productions for children, such a mixed situation speaks of at least two disturbing tendencies: reduction of the children audience's possibilities for educational and personal development through television and its transformation into a consumer and a consumer commodity. The problem worsens further when it gets to children with intellectual, mental and physical impairments. They are not included in any audience frame and no TV station produces programmes designed especially to satisfy their specific needs. The quality of the children's TV productions is also a topical issue (Raycheva, 2006).

Currently, the approach of Bulgarian television stations as a whole to the children's audience is subordinated mainly to entertainment. The insufficient production of educational programmes in the country raises the issue of extreme commercialization of the TV landscape. Television programmes include much less cognitive and educational issues. In the absence of good quality content appropriate for their age, plus the lack of sufficient control in the family, children are subject to the risks brought by the spectacular cheap film productions full of eroticism and violence, which account for the major part of the movie programme of the Bulgarian television stations, especially distributed by cable. The under-age population that is in the process of building up its personal identity is notable for its greater suggestibility and susceptibility to these screen risks, higher psychic vulnerability, higher credulousness, higher curiosity, and activity as consumers of the audio-visual media.

Specific broadcasts for the children's audience are mainly cartoons. Specialized programming for children, or programs with children's participation are offered predominantly by the Bulgarian National Television: the public service broadcaster.

In addition to all that, it is obvious that regarding the current practices of TV broadcasters no clear statutory requirements exist, which would guarantee the children's protection from inappropriate content as well as their right to watch programmes designed for them, thus stimulating their development and provoking their talents. All this combined with the disharmonic actions of the institutions, the civil sector and the media in Bulgaria confirms the child's position as a victim of circumstances, not as a member of the society, enjoying equal rights of choice and protected interests.

The Practices of the Council for Electronic Media

as an independent and specialized regulatory body, the Council for Electronic Media enforces the Radio and Television Act. It registers and issues licenses for radio and TV broadcasting and, guided by the interests of society, monitors the observance of the Act by the operators and safeguards the freedom and pluralism of speech and information, as well as independence of the radio and TV operators in Bulgaria.

The regulator has imposed numerous property sanctions on a number of operators for infringing Art. 76 of RTA (advertisements violating the generally accepted moral norms), of Art. 17, subpara 2 of RTA (broadcasts aimed at impairing the physical, mental and moral development of minors and adolescents), and of the principles under Art. 10, subpara 1, point 6 of RTA relating to the “good morals” category.

Guided by its obligation for protection of minors from any media content unsuitable for them, the Council regularly holds discussions with the non-governmental sector and the professional organisations of the radio and TV broadcasters.

A successful move to fight the disturbing prevalence of cheap transatlantic programmes with content inappropriate for children was triggered in 2002 by the Parents’ Association against broadcasting the ‘Raw Force’ and ‘Smack Down’ wrestling shows in the daytime programmes of the largest private TV broadcaster – bTV. The Council for Electronic Media organized public discussion and following it, adopted a decision, ascertaining that airing broadcasts of WWF matches containing violence before 23:00 contravenes the law, and ordered the Balkan News Corporation to comply with the requirements of its licence and to terminate those broadcasts before 23:00 hours. The CEM rested its decision on the grounds that the broadcasts ‘*affect adversely the psyche and behaviour of children and teenagers, and have led to a drastic increase in traumas and injuries as a result of imitation of the fights between WWF wrestlers shown on bTV*’. The regulatory authority’s decision was appealed by the private television broadcaster on the grounds of censorship on broadcasting. The Supreme Administrative Court (SAC) found that the CEM decision was a ‘*precautionary coercive administrative measure intended to protect the physical, mental and moral development of infants and minors*’. As a result the shows were withdrawn from the daytime programme.

Another case is related to obscene chat postings featured in a video clip, broadcasted by MM – a musical channel. The Sofia Regional Court upheld the penalty decree issued by the Chairperson of CEM, pointing out that the broadcasting of the video clip constituted an administrative violation of Art. 17 (1) of the RTA. The court held that children and adolescents ‘*are more vulnerable, their world-*

view is still unstable, their value system is in the process of formation, and the protection of their health, mental and psychical development, as well as the creation of normal conditions for their moral development is in the interest of the whole society and the State. In this sense, broadcasting obscene and indecent expressions in a broadcast addressed to infants and minors contravenes the principles of upbringing of adolescents and of the formation of a correct worldview, moral principles and value system. This is so because children and adolescents are most susceptible to the negative effects of the uncontrolled dissemination of information and they usually cannot make a free and informed choice of radio or television programme services.’ In a Judgement dated 8 April 2003, the Sofia City Court upheld the Sofia Regional Court act, agreeing with its conclusions that ‘*the television broadcaster had the technical possibility to restrict and even to cut the broadcast postings without interrupting the programme service or the broadcast video clip’.*

The Council for Electronic Media is persistent in its support to the co-regulation. Following the concerted efforts of the three broadcasting televisions with national coverage (BHT, bTV and Nova TV), CEM adopted a decision by which it recommends to the operators to prepare and introduce a unified marking system on the so-called principle of “controlled access” (Bulletin, 2002). This is one of the major achievements in the process of media co-regulation.

Taking into consideration the increasing distribution of songs containing indecent wording and vulgar gestures, CEM adopted a special Statement on the Need in Protection of Minors and Adolescents during Broadcasting of Songs in the Radio and TV Programmes (Bulletin, 2003). The CEM adopted also several documents of preventive nature: a Declaration on the Increasing Cases of Alcohol Poisoning among Minors; a Declaration on the Big Brother Programme; and a Freedom of the Speech Charter in the Republic of Bulgaria (2004). Since the international acts and national legislation lack a juridical definition of the “good morals” concept, The Council for Electronic Media, in partnership with the UNICEF National Office in Bulgaria, organised in 2005 a round table, where numerous aspects of the protection of minors and adolescents from the adverse effect of some radio and TV programmes were discussed. Following the discussion, CEM voted a standpoint on the application of the “good morals” concept in respect of protecting minors. However, this standpoint was not met friendly by the broadcasters and the media and CEM had to withdraw it.

Furthermore, in compliance with liberalization of the TV market, in the beginning of 2009 the Council for electronic media abolished a special requirement for licensing the commercial operators with national coverage (bTV, Nova TV and Pro.BG) with a general (polythematic) profile to guarantee a minimum percentage

time of broadcasts addressing the children's and adolescent audience. Thus only in the license of BNT – the public service broadcaster – remained a requirement for broadcasts addressing the children's and adolescent audience amounting to 7.6% of the weekly programming time.

The Council's policy for prevention and professional dialogue with operators on the challenges before the moral aspects of some show programmes and reality formats, such as *the Big Brother* and *Fear Factor*, is a telling example of the further development of co-regulation principles in recent years.

Irrespective of the diversity of sources and media pluralism in Bulgaria, children are still not protected from harmful media content. Although according to the RTA, the “*radio and TV operators shall be held responsible for the content of the programmes they offer for distribution*”, within the framework of self-regulation these operators do not yet apply effectively the professional standards, while covering scenes of violence and cruelty.

Deficiencies in the protection of the interests of children in the domain of the mass media generally find expression in the lack of: technical means for programme filtering; programmes for children with impairments; programmes for children in risk; access of the children to the media; quality children's programmes; media pedagogy. It still depends on the adults' efforts what the Third parent (the television) of their children will offer: teaching the positive, or escaping from the negative.

Conclusion

The relationship between ‘virtual space’ and ‘real space’ requires greater thoroughness, especially when children stand between the two spheres. The analysis usually concentrates on the answers to the questions why and how do children and teenagers turn to and use the virtual space and what is stronger: the interactive cybernetic world, which skilfully applies manipulative techniques to its young users, or the choice of the children, who through the challenges of TV programmes, computer games or mere chatting, create their own virtual universe, thus gaining their best from the offer of the contemporary information and communication technologies. The answer by all means contains arguments for the benefit of both sides as well as examples of temporary victories of each of them.

Undoubtedly, the information, which children receive from TV or from the Internet, increases their average intelligence coefficient. Despite the allegations that illiteracy abounds, that children do not read books, that they are killing their time and this is bad for their health, the surveys show explicitly that in the cyber era children are much more practical, know more and adapt to their environment

much easier. Furthermore, being acquainted with the virtual world (which to a great extent is an imaginary projection of the everyday life) makes children feel as an important and integrated subject of the real world.

Contemporary television is a convergent phenomenon, combining the intellectual product with technological potential, market mechanisms, regulatory practices, and response of the audiences. Along with this, the television is both a reflection and an embodiment of the post-modern concept, with its key characteristics of fragmentation, intertextuality, simulation, plurality.

A prevailing trend in contemporary society is the growing number of TV channels which carry out the external (structural and market) pluralism. In this case, regulatory measures may be directed at organizing such relations between the various media companies, so as to ensure a degree of autonomy between them. The combination of terrestrial broadcasts with cable and satellite TV towards the households on EU territory is expected to grow into a strongly competitive environment, allowing for programme, technical and financial backup. Digital compression of the spectrum already has opened up access to the widest possible range of programmes.

Practices have demonstrated considerable progress in the creation of common EU information space: telecommunication providers are already offering broadcasting services and content providers – communication services. The goal is for the consumers to be able to watch audiovisual content anytime, anywhere, and on all technical platforms (TV set, computer, mobile phone, personal digital assistant, etc.). Broadband, triple play and quadruple play, fixed-mobile convergence, fibre rollouts, and mobile TV are the new challenges to the media markets. Next-generation networks capable of offering speeds that can support Internet and high definition TV (IPTV, VOIP, mobile TV, Web 2.0) are on the way. All this exiting variety of technological options and services needs a regulatory stability of the developing common domestic market for electronic communications (Reding, 2007). From the viewpoint of content, guaranteeing of media diversity and internal, program pluralism merits special attention. Already for many years, one of the constant objectives in achieving sustainable democratic environment on pan-European level has been the persistent protection of children from inappropriate media content. Both the *Council of Europe* and the *European Union* have been very active and productive in discussing the issue through a number of recommendations, resolutions, declarations, opinions, communications, research papers, etc. prepared to reflect the rapidly changing media sector.

Television is still the most significant source of information and entertainment for 98% of the European households, watching television on the average more than 3 hours per day. However, bearing in mind the rapid technological developments in

a highly competitive market, a major concern about the vitality of the new regulatory rules maybe is how long the pillars of Europe's audiovisual model, serving the public interest (cultural diversity, protection of minors, consumer protection, media pluralism, and intolerance against racial and religious hatred) will be protected and whether the TV performances will be a safe shelter for the adolescents.

ENDNOTES:

- ¹ The Recommendations of PACE: No 963 (1983) on cultural and educational means of reducing violence; No 1276 (1995) of PACE on the power of the visual image; No 1165 (1998) of PACE on the right to privacy; No 1466 (2000) of PACE on media education.
The Recommendations of the Committee of Ministers to the Member States: No R (89) 7 concerning the principles of distribution of video programmes having a violent, brutal or pornographic content and its Explanatory memorandum; No R (90) 10 on cinema for children and adolescents; No R (92) 19 on video games with a racist content; No R (97) 19 on the portrayal of violence in the electronic media and its Explanatory memorandum; No R (97) 20 on "hate speech" and its Explanatory memorandum; No R (97) 21 on the media and the promotion of a culture of tolerance and its Explanatory memorandum; Rec (2001) 8 on self-regulation concerning the cyber-content; Rec 2006 (12) on empowering children in the new information and communications environment.
The Recommendation on the protection of minors from pornographic programmes (adopted by the Standing Committee on Transfrontier Television at its 37th meeting on 11-12 October 2004).
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Televizija – krhki virtualni zaklon?

Lilia Raycheva

SAŽETAK

Gotovo dva desetljeća političkih, ekonomskih i socijalnih nemira u Bugarskoj direktno uvjetuju duboke promjene u televizijskom sustavu i trendovima televizijskog razvoja. Trenutno broj registriranih TV kanala u zemlji prelazi 100 (među njima četiri s nacionalnim dosegom.)

Bugarska djeca provedu u prosjeku tri sata dnevno gledajući televiziju. No ipak, pristup bugarskih televizijskih kanala kao cjeline prema dječjoj publici podređen je većinom funkciji zabave. Televizijski kanali nude znatno manje spoznajnog i edukacijskog programa. Uznemirujuća je tendencija ograničene proizvodnje kvalitetnih dječjih programa. Tehnike metode filtriranja televizijskog programa sa štetnim sadržajima još nisu poznate u zemlji i kultura zaštite djece od štetnog utjecaja televizije je još u stadiju nastajanja. U ovoj situaciji od velike su važnosti aktivnosti na području regulacije i samoregulacije, kao i kontrola građana nad dječjim televizijskim programom.

Članak ispituje trenutni razvoj bugarskog nacionalnog televizijskog programa u odnosu na zaštitu maloljetnika od štetnog i neprikladnog sadržaja. Analiza je povezana s učincima medija i posebice s interesom javnosti kojoj je namijenjen televizijski program. Članak analizira i regulatorne prakse bugarskog Vijeća za medije te izvore njegovih načela u paneuropskim instrumentima televizijskog emitiranja – Europskoj konvenciji o televiziji bez granica Vijeća Europe, Direktivi Europske Unije o Audiovizualnim medijskim uslugama. praksi Europske platforme regulatornih tijela (EPRA).

Ključne riječi: televizija, javni interes, djeca, medijska politika, regulatorna praksa