

Exercising care and discretion in relation to the portrayal of Violence

Background

Under section 21(1)(e)(ii) of the Broadcasting Act 1989, the BSA is required to encourage the development and observance by broadcasters of codes of broadcasting practice in relation to the portrayal of violence. This requirement is included in the three main broadcasting codes as follows:

Free-to-Air Television Code

Standard 10

In the preparation and presentation of programmes, broadcasters are required to exercise care and discretion when dealing with the issue of violence.

Guidelines

- 10a** Broadcasters should ensure that any violence shown is not gratuitous and is justified by the context.
- 10b** Broadcasters should be mindful of the cumulative effect of violent incidents and themes and should avoid any impression that violence is dominating a single programme, a programme series, or a line-up of programmes screened back-to-back.
- 10c** When compiling promos (trailers), broadcasters should be mindful that scenes containing incidents of violence or other explicit material which may be acceptable when seen in the total context of a programme may, when extracted and shown out of context for promotional purposes, be unacceptable in terms of both the standards and the time-band in question.
- 10d** Programmes in which rape or sexual violence is a theme should be treated with the utmost care. Explicit detail and prolonged focus on sexually violent contact should be avoided. Any programme in which rape is depicted should be preceded by a warning.
- 10e** The combination of violence and sexuality in a way designed to titillate should not be shown.
- 10f** When real or fictitious killings, including executions and assassinations, are shown, the coverage should not be explicit, prolonged, or repeated gratuitously.
- 10g** News, current affairs and factual programmes will, by their nature, often contain violent, disturbing or alarming material. Broadcasters should not falsify, by omission, a world in which much violence and brutality occurs. When such scenes are necessarily included to serve the public interest, the fact that violence has painful and bloody consequences should be made clear. However, editors and producers must use judgement and discretion in deciding the degree of graphic detail to be included in news programmes when children are likely to be watching. Warnings within news programmes must be used as appropriate.
- 10h** In sports programmes, care should be taken to ensure that violent incidents during or surrounding play are not repeated gratuitously.
- 10i** Sports announcers and commentators should avoid making comments which appear to approve of, or glamorise, any dangerous or violent behaviour, on or off the field, that is not in accordance with the rules of the particular sport.

Pay Television Code

Standard P4

Violent content should be appropriate to the context of the programme and classified carefully in accordance with Standard P1.

(P1 governs content classification, warning and filtering)

Guidelines

- [a]** Content featuring violence should be appropriately classified, with warnings if necessary, in accordance with standard P1.
- [b]** Content should not include any combination of violence and sex designed to titillate.
- [c]** Rape as a theme in any content should be treated with utmost care. Explicit detail and prolonged focus on sexually violent contact should be avoided.
- [d]** Devices and methods of inflicting pain or injury, particularly when capable of easy imitation, should not screen without the most careful consideration by the broadcaster.
- [e]** Violent incidents during or surrounding play in sporting coverage should not be gratuitously repeated.

Although the **Radio Code** does not contain a separate standard governing violence, it is referred to in guideline 7c to the Social Responsibility standard:

Principle 7 Social Responsibility

In programmes and their presentation, broadcasters are required to be socially responsible.

Guideline 7c

The time of transmission is an important consideration in the scheduling of programmes which contain violent themes.

The purpose of this Practice Note is to provide guidance to complainants and broadcasters about the usual way the violence standard is interpreted by the BSA.

Comment

While the BSA receives comparatively few violence complaints, this area continues to be of major concern to the viewing public. A national survey by the BSA showed that violence was the most frequently mentioned concern when survey participants were asked to spontaneously list their concerns about television content¹. This finding was reinforced by a 2007 study of children's media use, exposure and response where both children and their caregivers mentioned violence and crime as their greatest concern regarding television².

BSA Decisions

The following summary explains the BSA's approach in its decisions released between 2002 and 2007³ on complaints that Standard 10 of the Free-to-Air Code was breached. The BSA has not determined any violence complaints under the current Radio or Pay TV Codes during that period.

What amounts to 'violence'?

Standard 10 does not include a definition of violence. The BSA has found that the violence standard applies to:

- footage of real violent attacks and killings shown in news programmes (2003-092; 2006-125; 2007-053; 2007-022)
- reported violence, or the aftermath of violence, shown in news programmes (2003-124; 2004-120; 2005-116; 2006-033)
- autopsy photos shown in a news programme (2007-111)
- footage of a woman in a snuff movie shown in a news programme (2006-062)
- footage of real violent acts shown in programmes other than news (2003-018)
- violence in a fictitious context, including hitting (2005-020; 2005-006), beating (2005-102), killing (2003-046; 2002-120), rape/sexual violence (2004-167) and terrorist attacks (2003-046)
- re-enactments of murders in documentaries (2005-055; 2004-074)
- implied violence in fictitious contexts (2006-036; 2007-064)
- tackles or scuffles in rugby or rugby league (2007-022; 2007-107)
- footage of a rap artist flinging a 14-year-old girl around a stage and simulating sex with her during a concert (2007-058).

Context

The context in which violence is shown is an important consideration when the BSA determines a complaint under Standard 10. Guideline 10a states that broadcasters should ensure that any violence shown is not gratuitous and is justified by the context.

The contextual factors normally considered by the BSA include:

- time of broadcast
- classification of programme (if applicable . news and current affairs programmes are not classified)
- any pre-broadcast warning
- whether a series has a well-established reputation
- audience expectations.

The BSA has found that the violence was justified by the context in the following complaints:

- low-level violence . striking with the hand . against a female soldier in the context of a fictional programme about recruiting for the SAS; scene was important to the story (2005-020)
- homosexual rape scene in the context of an AO drama; scene was integral to the story; the broadcaster showed sufficient care by using a warning (2004-167)
- violence, including throwing hand grenade into an occupied restaurant, was brutally realistic but not gratuitous in the context of a film based on the life of a terrorist (2003-046)
- brief and relatively innocuous violence . one man striking another . in a promo for an AO programme (2005-006).

Warnings

The use of warnings is a significant factor when the BSA determines whether a broadcaster exercised sufficient care and discretion in dealing with the issue of violence.

The BSA upheld the following complaints where the broadcaster failed to use a warning, or used an inadequate warning:

- news item about children kidnapped by the Lord's Resistance Army in Uganda described crippling injuries and sexual violence inflicted on the children; included a young boy's graphic account of being forced to kill people; did not contain a warning, upheld by majority (2003-124)
- footage of teenage boys attacking an intellectually disabled girl; showed the boys taunting the girl and setting fire to her hair; did not contain a warning (2006-125)
- footage of a rap artist flinging a 14-year-old girl around a stage and simulating sex with her during a concert; lack of appropriate introduction and warning meant that viewers could have thought they were viewing something more disturbing than simulated sex (2007-058).

Guideline 10g: News, Current Affairs and Factual Programmes

Guideline 10g is also nominated frequently in complaints about early evening news programmes.

The BSA found that the following broadcasts were unacceptable in the context of unclassified news broadcasts:

- short clip from a snuff movie; showed an injured and distressed woman with a gun to her head begging not to be filmed; the sound of a gunshot was heard; clip was repeated gratuitously (2006-062)
- news item about children kidnapped by the Lord's Resistance Army in Uganda described crippling injuries and sexual violence inflicted on the children; included a young boy's

graphic account of being forced to kill people; did not contain a warning, upheld by majority (2003-124)

- footage of teenage boys attack on an intellectually disabled girl; showed the boys taunting the girl and setting fire to her hair; did not contain a warning (2006-125).

The BSA considered that the following news broadcasts did not breach Standard 10:

- news update during general programming showed brief still images of captured soldiers; did not show actual physical violence being carried out; item did not refer to abuse or torture; story was of international importance and interest (2004-120)
- previously unseen pictures of prisoner abuse in Iraq; not gratuitous or sensational; images were not graphic, and showed the aftermath of the abuse rather than the abuse itself; progression of images was relatively swift (2006-033)
- footage of vicious racist attack was repeated five times; not gratuitous as it emphasised the random, unprovoked and vicious nature of the attack; strong verbal warning (2007-053)
- footage of nine soldiers being shot by snipers; strong warning; repetition was not gratuitous as it illustrated that the killings were not a rare event (2007-002)
- footage showing the aftermath of a massacre in northern Kenya included scenes of blood and the lower part of a man's body; not sensational or gratuitous; item reflected the extent and brutality of the event (2005-116).

Other Standard 10 guidelines

The BSA has also considered a number of complaints which specifically referred to other Standard 10 guidelines:

Guideline 10b: Cumulative Effect

Guideline 10b provides that broadcasters should be mindful of the cumulative effect of violent incidents and themes.

The BSA did not uphold a complaint about a teen horror movie which included ongoing depictions of violence, finding that this was both expected and fundamental to the storyline in a horror film. It noted that the violence contained elements of parody and was highly unrealistic (2002-120).

Guideline 10c: Promos

The BSA declined to uphold the following complaints about violent content in promos:

- promo showing woman interrogating beaten and bound man . violence was implied . promo was appropriately classified and screened at an appropriate time (2007-064, majority decision)
- man being slapped in the face by two different women was slapstick comedy, the character was not physically hurt, and the promo was broadcast during a PGR-rated programme (2007-127).

Guideline 10d: Themes of Rape or Sexual Violence

Guideline 10d acknowledges that programmes in which rape or sexual violence is a theme should be treated with the utmost care.

The BSA did not uphold a complaint about a homosexual rape scene in an AO drama. It said the scene was integral to the story and the broadcaster showed sufficient care by using a warning (2004-167).

Under Standard S29 of the previous Pay Television Code, which was almost identical to guideline 10d, the Authority upheld a complaint about sexual violence in an R18 adult movie on SKY Television. It found that the eroticised presentation of a rape scene was not suitable for broadcast (2004-007).

Guideline 10f: Real/Fictitious killings should not be gratuitously repeated or prolonged

The BSA did not uphold a complaint about a programme which included repeated murder reconstructions. It said that the repeated re-enactments of the murders were not gratuitous as they were used to show how the crime might have been committed by different suspects. The BSA also noted that the murder scenes were presented in a factual manner, and were not sensationalised (2005-055).

Guideline 10h: Violence in Sport

Guideline 10h provides that, in sports programmes, care should be taken to ensure that violent incidents during or surrounding play are not repeated gratuitously. The BSA did not uphold the following complaints about violence in sport:

- repetition of high tackle 12 times was acceptable as it allowed viewers to make their own decision about a controversial outcome of a sporting incident (2007-107)
- brief scuffles between players in a very physical sport did not amount to gratuitous violence (2007-022).

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Disclaimer: Nothing in this Practice Note binds the BSA in determining the outcome of any future complaint. Each complaint is determined on the particular facts surrounding a broadcast.

¹ *Freedoms and Fetters: Broadcasting Standards in New Zealand* (Broadcasting Standards Authority and Dunmore Publishing Ltd (2006)) at page 92.

² *Seen and Heard: Children's media use, exposure and response* (Broadcasting Standards Authority (2008)) at pages 55 and 74.

³ Cited by year and number of the complaint. Decisions can be viewed on the BSA website www.bsa.govt.nz