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**Barcelona - 25-27 May 2016**  
**Working Group 2**  
**Case Study on the Protection of Minors: Reality and Talent Shows**

**Background Document<sup>1</sup>**  
**WG Summary of NRA Responses to EPRA Questionnaire**  
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INTRODUCTION:

The spring session of the yearly working group *Case Studies in Editorial Content Regulation* is dedicated to one issue of continued relevance for all EPRA members – the protection of minors - with a special focus on reality and talent shows.

Why this specific programme format? Reality television is a broad term. It is generally applied to a range of television styles, not a specific genre. It is usually, though not necessarily, considered as entertainment, it takes numerous different forms across different genres, and it constantly evolves and, most of all, enjoys large popularity. Apart from the fact that it is more or less based on real life and real people, it is impossible to define and pigeonhole, yet something about it signals the need to approach it in a special way. The experience of many countries shows that the protection of minors represents a genuine concern in relation to these programmes, as well as the broader issues of human dignity and protection of privacy. There are many other concerns related to reality television that raise deeper issues of fundamental beliefs, civic values and societal norms. Many of these issues fall outside the scope of regulation, but are nevertheless important and should be open to discussion.

In preparation of this working group session, EPRA members were invited to respond to the questionnaire with the purpose of gathering an overview of approaches to regulation of reality and talent shows, the main issues at stake as well as experiences in relation to these specific programme formats. The present paper is based on the responses to the questionnaire<sup>2</sup> provided by 31 EPRA members: Audiovisual Media Authority (AL); KommAustria (AT); Communications Regulatory Agency (BA); Flemish Regulatory Authority for the Media (VRM - BE); Council for Electronic Media (BG); Federal Office of Communications (CH); Cyprus Radio-Television Authority (CY); Directors' Conference of the Länder Media Authorities (DE); Radio and Television Board (DK); Technical Surveillance Authority (EE); Audiovisual Council of Catalonia (CAC - ES); National Authority for Markets and Competition (CNMC-ES); Conseil Supérieur de l'Audiovisuel (FR); Ofcom (GB); National Council for Radio and Television (GR); Agency for Electronic Media of the Republic of Croatia (HR); Broadcasting Authority of Ireland (IE); 2nd Authority for Television and Radio (IL); Icelandic Media Commission (IS); Autorité Luxembourgeoise

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<sup>1</sup> Disclaimer: This document has been produced by EPRA, an informal network of 52 regulatory authorities in the field of broadcasting. It is not a fully comprehensive overview of the issues, nor does it purport to represent the views or the official position of EPRA or of any member within the EPRA network.

<sup>2</sup> <http://www.epra.org/surveys/wg2-barcelona-questionnaire-on-reality-and-talent-shows>

Indépendante de l'Audiovisuel (LU); Radio and Television Commission of Lithuania (LT); Agency for Electronic Media (ME); Agency for Audio and Audiovisual Media Services (MK); Malta Broadcasting Authority (MT); Commissariaat voor de Media (NL); Norwegian Media Authority (NO); National Broadcasting Council (PL); Regulatory Authority of Electronic Media (RS); National Audiovisual Council (RO); Agency for Communication Networks and Services (SI) and Council for Broadcasting and Retransmission of the Slovak Republic (SK).

## I: PROTECTION OF MINORS FROM CONTENT IN REALITY AND TALENT SHOWS

### 1. REGULATORY FRAMEWORK

The vast majority of EPRA members replied that reality and talent shows are covered by general provisions on protection of minors from harmful content that apply to any other audiovisual programmes, and that there are no special provisions that would target this specific content. This, evidently, means that reality and talent shows are well covered by an array of requirements with the final aim to ensure that minors are not exposed to content that might seriously impair their moral, mental and physical development, as well as to ensure protection from content that is unsuitable for them such as violence and dangerous behaviour, nudity and sexual material, offensive language, alcohol abuse, smoking etc. Those same elements are indeed often present in many forms of reality television forms.

In addition to the “usual suspects” that are considered as likely to impair the development of minors, reality shows may bring about additional concerns. As the German DLM pointed out, the issues at stake in reality and talent shows usually concern human dignity or their harmful effect in particular on minors. In Germany, this is dealt with the Interstate Treaty on Human Dignity and the Protection of Minors in Broadcasting and in Telemedia. In terms of the assessment of reality and talent shows, a relevant provision of this Treaty provides that “*any content which might impair the development of children and adolescents into self responsible and socially competent members of society... while not harming minors, is assumed to present a risk in its effects as regards the protection of minors*”. Such content may be distributed if children or adolescents of the age group cannot see or hear it.

A few members, in addition to the general rules, either have some more specific provisions on reality/talent shows or take into account certain specific features of these programmes. Some replies point to an important aspect that will be explored later on in the paper, i.e. they identify the concept of distinction based on the perception of reality. For instance, in Romania, there is an obligation to mark any reality show with a script based on facts or on real situations with a clearly visible statement “*This programme is a fiction*”, at the beginning and at the end, as well as after each advertising break.

In Bosnia and Herzegovina, Serbia and Montenegro, the provisions targeting reality shows are even more specific. CRA (BA) has introduced a restriction in the time of their broadcasting stating that reality and “pseudoreality” programmes may be broadcast only between 24:00 and 06:00 hours, unless they are broadcast in encoded form, which is the watershed applied to programmes labeled as 18+. However, this restriction applies only to certain types of reality programmes, according to definitions given in the Code on Audiovisual and Radio Media Services: “*For the purpose of this provision, the definition of reality programmes has been limited to ostensibly unscripted versions of this television genre that show the life of a group of participants in an isolated space who are permanently in the zone of video cameras and microphones, and who are trying to win or are competing for a prize. Pseudoreality programmes are defined as scripted programmes that display either reconstructions of authentic events*”

*or entirely fictional but real life-like situations whose focus is on drama and conflicts, for example adultery, criminal acts, difficult life situations etc.”*

A similar watershed applies in Montenegro: reality shows and their announcements must be labelled as not suitable for the audience under the age of 18 and broadcast between 23:00 and 06:00 hours, and pseudo-reality shows must be labelled as not suitable for the audience under the age of 16 and can be broadcast between 22:00 and 06:00 only. They as well defined the terms for the purpose of this watershed provision: *“Reality shows are defined as the content that depicts, primarily for the purposes of entertainment, how one or more participants behave, in natural or artificially created environment, in concrete life situations (e.g. cohabitation in a certain community, mutual communication, work, leisure, solving certain defined or unpredicted concrete problems, etc.) that have been anticipated, spontaneous or created in another way, over a certain period of time, the participants take part in, as a rule, in order to obtain certain material or non-material gain”, whereas “pseudo-reality shows are defined as the content depicting certain authentic or fictitious life situations, according to previously prepared script”.*

In Serbia, the REM adopted a Rulebook on the protection of minors` rights in terms of media service provision which sets forth detailed requirements for reality programme content:

*“Reality programme content is considered unsuitable for minors under the age of 16 years, if it shows rude behaviour that is not used as an act of aggression, or offending someone or showing consumption of alcoholic beverages, except if it is omitted from the recording or completely covered using a high-frequency tone (beep sound), clouding the picture or other similar method.*

*Reality programme content is considered unsuitable for persons under the age of 18 years, if it shows violence, rude expression taken as an act of aggression, i.e. for the purpose of insulting; smoking, excessive consumption of alcoholic drinks or naked human body.*

*Reality programme content cannot display serious violence, sexuality, drug abuse, as well as any conduct that constitutes hate speech or which offends human dignity or other human right.*

*If an escalation of violence or indecency undertaken in order to insult occurs in the course of reality programming which is broadcast directly (live), the media service provider is obliged to immediately terminate its broadcasting, if it cannot otherwise avoid showing such behaviour (e.g. mute, change of staff, etc.).”*

Just as it is the case with legally binding provisions, the majority of EPRA members have not produced any **non-binding documents** such as guidelines or recommendations that would specifically concern reality and talent shows. Some members mentioned general recommendations or guidelines on various aspects of protection of minors, such as age classification, scheduling, labeling, or potentially harmful elements such as violence, offensive language, fear etc., which apply to all content.

There are two notable exceptions:

In Germany, in 2014, the Media Authorities together with the German association of commercial broadcasters VPRT developed guidelines on the identification of scripted reality programmes<sup>3</sup>. The commercial broadcasters agreed to insert messages at the end of such programmes that are intended to make clear that the filmed scenes did not happen in reality (e.g. "all the characters in this programme are fictional", or "the events portrayed are retold").

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<sup>3</sup> <http://www.vprt.de/Leitlinien-Scripted-Reality>

In Serbia, due to the accumulated number of reality shows in the programmes of national broadcasters, the REM enacted a Recommendation of the suitable time frame for broadcasting “forced/confined environment” reality programmes in November 2015. The recommended period in which reality programmes should be broadcast is from 11 pm to 6 am, with an age label -18.

## 2. OTHER CONCERNS REGARDING THE CONTENT OF REALITY SHOWS

Protection of minors is obviously the most important item on the list of priorities when it comes to regulation of content of reality and talent shows.

However, the responses to the EPRA questionnaire prove that there are numerous other concerns connected to this particular type of programmes. For example, in Estonia there have been public concerns regarding reality shows about **families from a “complicated social environment”**. CRA (BA) reported the issues of **human dignity, alcohol abuse, sexism and decency**, as well as elements of **hate speech** amongst the participants in a reality show. Violations of human dignity and **communication ethic** in reality shows have also been reported in Albania. The French CSA had addressed other issues such as the **protection of public order** (incitements to delinquency, dangerous or uncivil behavior), discriminating statements, or **behaviour that could endanger participants’ health**. The CSA also dealt with issues concerning **human dignity and people’s rights** (honour, reputation, privacy, image), as well as the **portrayal of women** in these programmes. In Malta, there seems to be concern regarding issues such as the **hypersexualisation of children**, use of alcohol or gambling, **privacy issues, decency and bad taste**. In Lithuania, the main issues regarding the inappropriate content for the wider audience are **vulgar behaviour**, language and gestures, even showing real (not staged) **sexual intercourse** acts between reality show participants.

Some members did not specify any particular concerns, but there seems to be a general agreement on the controversial character of some of these shows, at least judging by the discussions in the general public and the media.

Last but not least, several members (NL, OFCOM-CH, FR, LT, MK) pointed out issues concerning **commercial communications** (too much commercial exposure, surreptitious advertising, violations of advertising, sponsorship and product placement rules). This certainly comes as no surprise and might be an issue in many other countries, too, given the popularity of some of these shows, their audience shares and their highly commercial nature, especially in case of popular talent shows, competitions, culinary shows etc.

## II. PARTICIPATION OF MINORS IN REALITY AND TALENT SHOWS

### Regulatory framework

With the rise in popularity of various talent shows and the format expanding to include competitions with children and minors as participants, there has been a growing concern about the adequate protection of minors as participants in these programmes. The EPRA members’ responses to the questionnaire only confirm this concern, as many members mention precisely this aspect of regulation of this type of content.

Indeed, most respondents state that in their legal and/or regulatory frameworks, there are rules in place regarding the participation of minors in programme content<sup>4</sup>. For the majority of EPRA members, there are no specific rules or recommendations dealing with the participation of minors in reality and talent shows, but considering the nature of these shows, the general rules have broad applicability in these programmes. The reported rules include:

- general obligation to respect **human dignity** (CH-OFCOM, LT, PL);
- prohibition of any **abuse** of minors, their **physical and emotional welfare and dignity**; or causing of **unnecessary distress or anxiety** (UK, BA, GR, BG, RS, PL, ME); special care in case of involvement of particularly **vulnerable categories** of minors (RS);
- obligation to obtain **consent** of parents/ guardian/other legal representative for any participation (CY, GR, BA, RO, LU, ES - CAC, ES -CNMC, RS, ME) and the minor him/herself (IE, FR); obligation to **present all the facts** that are important for making a decision on approval for participation in the programme (RS)
- protection of **privacy**: particular care in case of a child under 16, their privacy should never be unreasonably encroached upon (IE); minors shall not be questioned on private family matters, nor on topics that may be beyond their judgement (BA); prohibition to broadcast the name, image or other information identifying minors in a criminal context, or for broadcasts to dispute their custody or paternity (ES-CAC);
- minimizing **dramatization or irony** avoiding that the involvement of the minor would damage his/her future and **preserve his/her perspectives of personal growth** (FR) ; participation possible only when is considered to be **in favour** of the minor (CY); prohibition of using **family conflicts to entertain the audience** (ME);
- **production requirements**, rules on **hosting** of child participants, ensuring that **shooting conditions and the questions** are adapted to the age of the minor (FR); paying special attention to **language and communication ethics** in entertainment programmes or in shows organized by children and for children (AL).

In some countries, the issue of participation of minors in particular with relation to reality or talent shows has been dealt with more prominently. France, for example, in addition the general rules on participation of minors in television broadcasting, has rules that apply specifically to reality television shows and were developed by the CSA after the first shows of this type arose in 2001. The CSA then issued a recommendation addressing all the services broadcasting “Loft Story” or planning to air reality TV shows, setting the requirement that people participating in these shows must be given **the possibility to shelter from the eyes of the audience** at some moments of the day. The CSA also required the channels **not to praise the eviction of the participants**. A provision concerning **alcohol and tobacco exposure** in reality TV shows was inserted in 2008.

On top of these written provisions, the CSA led a series of hearings on the topic of reality shows in 2011, during which the French regulator met with production companies, TV channels, family associations, researchers. At the end of this cycle, the CSA issued several recommendations. They concern the **recruitment and the medical and psychological care** provided to the participants, as well as the protection of the young audience. In 2013, following several cases that highlighted difficulties to apply some provisions concerning the participation of minors, the CSA carried out a new series of hearings in order to discuss with all the stakeholders the evolution of reality TV programmes and their regulation, with a conclusion to consider issuing an ad-hoc recommendation and/or a good practice charter.

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<sup>4</sup> 9 respondents (CH, DK, EE, NO, MT, IS, HR, MK, AT and SK) claim there are no rules concerning the participation of minors. The author notes that the wording of the question may be ambiguous, and that the respondents may have understood it as pertaining exclusively to reality/talent shows.

The Serbian REM reports about some additional requirements that are interesting in the context of reality and talent shows: *“Minors under 14 years cannot participate in the programme **content broadcast live after 22:00**. Minors under the age of 14 cannot participate in the programme content which relates to the **reconstruction of the crime, violence or dramatic tragic events**. Minors cannot participate in the programme content that relates to **family conflict** in which he/she is directly or indirectly involved. When it comes to awards in programme content given to the minors, such as talent shows, the Rulebook determines the **appropriateness of awards**, their nature, form, quality and other characteristics which must be appropriate to the minor’s age.”*

As far as **non-binding documents** are concerned, the Greek NCRTV has issued a recommendation which, among other things, provides in particular for reality and talent shows that special care should be taken by AVMS providers that minors participating in such programmes are presented in a way which is in accordance with their **emotional and cognitive development**. AVMS providers should not promote behaviour patterns that are not in accordance with the age of the minors participating in a programme.

In Cyprus, the Commissioner for the Protection of Children’s Rights issued guidelines concerning the participation of minors in talent shows (August 2015).

Some other members have also produced non-binding documents in this regard. CAC (ES), CRA (BA) and Ofcom (GB) have issued guidelines on the participation of minors in television programmes, again in general terms and not devoted exclusively to reality or talent shows.

Ofcom’s Guidance on Rules 1.28 and 1.29 - The involvement of people under eighteen in programmes is particularly detailed and sets out some best industry practice and recommended measures that cover all stages of production: **pre-production** (documented guidelines for in-house and independent production teams, background checks, risk assessments - physical and emotional/mental, consulting experts, record-keeping, communication with minor participants, parents and guardians); **during production** (single point of contact, expert support, impact of different formats (live, with studio audience, competitions) ; and **post-production** (monitoring of after-effects, professional support, advising on the impact of social media).

The Bulgarian Criteria<sup>5</sup> also stipulate that media services providers ensure that when the child is outside his/her usual environment, he/she may have **contacts with his/her family**, relatives, representative or other persons that take care of him/her, throughout all the period. The providers are also required to ensure a **healthy and safe environment** for the child, whenever it participates in a programme. The children must also be able to **leave the premises** of the studio.

On the other hand, some members such as VRM (BE) report that their legislation does not contain rules on participation of minors in TV programmes, as this is regulated under general labour and employment legislation. Similarly, in Israel, participation of minors in programme content is regulated under the law on youth employment.

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<sup>5</sup> Criteria for evaluation of content which may have adverse effect on children or may put at risk of harm their psychological, physical, moral or social development, adopted in partnership with the State Agency for Child Protection.

## Rules on child labour

And indeed, the existence of legal safeguards concerning issues of child labour is of utmost importance. Though this particular issue is not within the realm of regulation nor are NRAs responsible for its implementation, it is nevertheless crucial to mention this aspect when talking about regulation of participation of minors in programme content. Issues such as licencing of child work, rules on working hours and companionship are imperative to prevent any kind of abuse or exploitation, and have the final aim to ensure children's overall well-being and protection of their interests, which is precisely what the regulatory authorities are doing in their fields.

Many respondents answered that the issue of child performance is covered by relevant labour legislation in their countries. The answers below highlight the crucial issues that are covered by some of these provisions.

In the Netherlands, the basic principle is that children younger than 13 years are not entitled to work at all, but an exception is possible when they want to participate in a movie, TV programme, fashion show, musical or concert with the aim to safeguard the interests of both artistic talented children and the cultural (arts) sector. In this case, the producer has to submit a request for obtaining an exemption to the Inspectorate for Social Affairs and Labour, in a procedure including submitting evidence and elaboration on the **type of work** performed by the child, as well as the **risks associated** with them and the **measures to prevent these risks**; the **method of selection and participation** in the programme and the way rehearsals are organized; specific **work and rest periods**; exact **schedule and place** where the work is performed; the way **mentorship/companionship** is organized etc.

There are also **limits to duration and frequency of work** (yearly/weekly/daily), as well as rest hours according to the age of a child.

For children between 13 and 16 years old, there is no general prohibition on labour, but the working circumstances need to be aligned with their special situation. Here the Special Regulation for Children Labour will apply with specific rules safeguarding their interests.

In Germany, the Federal Young Persons Employment Act also provides for some **time restrictions** in terms of the participation of minors in programme content: children aged between 3 and 6 are allowed to participate in programme content for 2 hours between 8 a.m. and 5 p.m.; children aged 6 and above are allowed to participate in programme content up to 3 hours between 8 a.m. and 10 p.m. The enforcement of these provisions falls within the responsibility of the respective authority at the level of the different states (e.g. industrial inspectorate, trade supervisory authority).

Also in Ireland and the UK, relevant legislation dealing with children employment provides for the need to obtain relevant **licences**, as well as a range of requirements in respect of days and **hours of work and rest periods** appropriate to age groups. There is also a requirement that a child performer must be supervised at all times by a **chaperone**, unless they are under the direct supervision of either their parent or a teacher from their school or their home tutor. The function of the chaperone includes the care and control of the child with a view to securing his/her health, comfort, kind treatment and moral welfare<sup>6</sup>.

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<sup>6</sup> [https://www.workplacerelations.ie/en/Publications\\_Forms/Notes\\_on\\_Employing\\_Young\\_Persons\\_in\\_Film\\_TV.pdf](https://www.workplacerelations.ie/en/Publications_Forms/Notes_on_Employing_Young_Persons_in_Film_TV.pdf)

### III. EXPERIENCE

#### 1. FORMS

A part of the phenomenon of reality television certainly lies in the fact that it is ubiquitous, it takes many forms and keeps multiplying. Many of them are licensed formats and appear in several countries. For the sake of getting the feeling of their sheer volume and wide presence, below is a selection of currently broadcast reality and talent shows as reported by EPRA members:

CY: "The musical kids", "Dancing Junior"  
IL: "Survivors", "Bake of", "Backing show", "The amazing race"  
RO: "Romania's Got Talent", "The Voice Kids", "Next Star", "Master Chef", "Celebrity Farm", "Survivors", "X-Factor", "Game of Chefs"  
NO: "Paradise Hotel", "Idol", "Norway's toughest", "Swedish Hollywood wives", "71 degrees North" and "MasterChef"  
DK: "The X-Factor" and all sorts of talent shows  
EE: locally produced: "Ajujaht 2016" ("Brain hunt 2016"), "Parim pakkumine" (Best bid), "Kodutunne" ("Home feeling"), "Eesti halvim autojuht" ("Estonian worst driver"), "Klassikatähed" ("Stars of Classics"), "Naabrist parem" ("Better than Neighbor"), "Tütardega metsikus loodus" ("In Wild Nature with Daughters"), "Kaks kanget Indias" ("Two Strongs in India"); produced abroad: "Toddlers and Tiaras", "Bachelor", "My Naked Secret 2", "Masterchef", "America's Next Top Model 17", "Kitchen Nightmares", "Celebrity Wife Swap", "Vacation in Mexico"  
SK: "The Farm", "Shopping maniacs", "Masterchef"  
IE: "The Voice of Ireland", "Operation Transformation", "Dragon's Den"  
BA: "Big Brother", "The Farm", "Balkan Cheaters"  
BE (the Flemish Community): "X Factor", "Temptation Island", "The Voice", "Masterchef", "Mijn Popup Restaurant", and "Komen Eten" of Belgium.  
UK: "Britain's Got Talent", "The X-Factor", "Big Brother", "The Voice", "I'm A Celebrity...Get Me Out of Here!", "Made in Chelsea", "The Only Way is Essex".  
DE: "Berlin Tag und Nacht", "Köln 50667", "Shopping Queen", "Das perfekte Promi-Dinner", "Voice of Germany", "Deutschland sucht den Superstar", "Ich bin ein Star, holt mich hier raus", "Supertalent".  
BG: "Big Brother", "Master Chef", "Stellar Interns", "Bulgaria seeks talent", "Nightmares in the kitchen", "Your face sounds familiar"  
FR: "Les Anges de la télé-réalité", "Les Marseillais", "Koh Lanta", "The Island", "Bachelor le Gentleman Célibataire", "The Voice or La Nouvelle Star", "Super Kids".  
CH: "Switzerland seeks the Superstar", "The biggest Swiss talents", "The Voice of Switzerland", "The Bachelorette"  
HR: "Big Brother"  
AL: "Little Genius", "The Voice of Albania"  
RS: two standard reality programmes, five talent show programmes and 18 programmes that contain some of the characteristics of reality.  
MT: two reality programmes, one broadcast by a commercial station and the other by the public service broadcaster  
IS: "Biggest loser", "Iceland got talent", "The Voice"  
MK: music talent shows, "Exchanging the Wife" (social experiment show), "Hot Kitchen", "Labor Action" (home improvement), DNA (discovering fatherhood of children)  
AT: "Dancing Stars", "Wirt sucht Frau", "Teenager werden Mütter", "2 Minuten, 2 Millionen"  
ME: Reality: "Farm", "DNA", Talent: "Pink's Stars", "Pink's Little Stars", "Grand's Stars", "Your Face Sounds Familiar", "Some New Kids"  
SI: "Big Brother", "Once upon a time", "Battle of couples", "Masterchef", "Look who's cooking", "Mom is cooking better", "Slovenia's got talent" and "Famous face has its own voice"  
ES: "Masterchef", "X Factor", "Top Dance", "Got Talent", "Survivor"

No reality or talent shows are currently being broadcast in Greece and Catalonia. Luxembourg, Bosnia and Herzegovina and Ireland report that plenty of reality and talent shows from the neighbouring countries are receivable via cable, satellite and other platforms. It may be assumed that these shows produced and originally broadcast in neighbouring countries have large viewership given the language and cultural context.

The above list shows that the concept is varied and encompasses a broad range of programmes of different types and genres. In this sense, the Dutch CvdM raises a very relevant point: *"Reality TV" is a broad definition that can comprise a lot of different types of programmes. Some formats are based on a so called "closed or forced environment" such as programmes similar to "Big Brother" or "Temptation Island". In these types of programmes, people are forced to live together on a certain location and have to complete different challenges and/or can be voted out by the audience.*

*In addition you have also the more **scripted reality TV programmes**, such as:*

- Programmes portraying families emigrating to another country.
- Programmes closely following people trying to set up a new business.
- Shows in which people are being interviewed during a taxi ride without knowing they are filmed.
- Programmes situated at an airport, portraying people who are welcoming or saying farewell to their beloved ones.

*So the list of programmes belonging to the genre of reality TV is very long.*

The French CSA, following the brainstorming carried out in 2011, noticed that the concept of reality TV had a two-tiered definition:

- A limited approach that would include only shows **based on the principle of confinement**;
- A much larger approach, with **more blurred features** that could comprise "tutoring shows", the talent shows, reality documentaries, etc. Although the CSA acknowledged the existence of two tendencies, it did not give a formal and precise definition of reality TV.

The Serbian REM conducted a large study of reality shows in 2015 which came to the conclusion that there is a **standard form of reality show** (*"content which, for the sake of entertainment mainly, shows the manner how one or more participants behave in the natural or artificially created environment (e.g., artificially created a community of people in a limited physical space), in advance provided, spontaneously or otherwise incurred specific situations (e.g. the coexistence of people in a particular community, mutual communication, work, leisure, solve certain given or unforeseen practical problems of life etc.) in a certain period of time, and where the participants, as a rule, participate in order to obtain certain material or non-material benefits")*) **and other forms that use some of the features of standard forms**. The study suggests nine subtypes of this second group: the competitive reality, reality as a social experiment, a reality show about transformation of personality, reality on renovation of life or work space, a documentary reality, the reality of primary relationships, reality TV-game, pseudo-documentary reality and hidden cameras.

Also in Bosnia and Herzegovina and Montenegro, there has been observed an emergence of the so-called **"pseudoreality" programmes** that are in fact scripted programmes that even do not feature "real" people – but that display either reconstructions of authentic events or entirely fictional but real life-like situations and whose focus is on drama and conflicts. What is particularly remarkable about those programmes, besides their content, is the fact that they are presented as reality shows and perceived by the audience as such.

Ofcom also mentions the so-called "fly on the wall" documentaries (dealing with specific job sectors, social issues, social groups etc) and "staged reality" shows such as Made in Chelsea and The Only Way is Essex.

Based on the provided answers, it can be concluded that the term "reality programme" does not denote a genre but rather a wide range of programmes belonging to different genres (entertainment, games, documentaries, series...), often even mixed genres. The (non-exhaustive) list includes several types:

- closed or forced environment formats ("Big Brother" type)
- talent shows including song and dance contest shows
- competitions
- cooking shows
- makeovers, weight loss challenges etc.
- dating or match-making shows
- scripted or staged reality shows
- "fly on the wall" documentaries
- "pseudoreality" programmes
- etc.

They may differ a lot in terms of genre, production or target audience, can be scripted or not, staged or not, but what they typically have in common is that they depict or simulate real events and people, whether anonymous or famous, and present them to the audience as real life.

## 2. GENRE, FORMAT, CONTEXT

The question "Do you believe that defining the format/genre is a relevant approach when regulating reality shows?" aimed to gather opinions and perspectives on whether their specific format warranted a particular approach to regulation. In particular, the goal was to explore whether their characteristic features and contextual factors – such as scripted vs. non-scripted content, reality vs. perceived reality – are taken into account when regulating reality and talent shows.

The answers provided by EPRA members, in general, reflect the fact that this type of programme is treated as any other with regard to protection of minors, i.e. that regulators **do not have a specific approach to regulation** of reality and talent shows which would be based on the definition of the genre.

This view is clearly voiced by some members. As the Swiss OFCOM pointed out: "We are skeptical about a specific regulation of entertainment formats as the editorial and programming autonomy of broadcasters as well as media freedom is guaranteed in the Swiss Constitution. We are more of the opinion that, as it is now, there should be basic rules, basic pillars which are applicable to all programme formats, such as respect for human dignity, protection of minors, protection of internal and external security, the promotion of the free forming of opinion through comprehensive information and media diversity etc."

The Irish BAI, too, voiced a case against defining the genre as part of regulatory approach: "As part of its regulatory approach, the BAI does not define programme genres. It is our view that, other than statutory definitions, terms, for example 'reality/talent shows' should be interpreted in accordance with their natural and ordinary common meaning and/or their meaning in a broadcasting context. This approach is intended to reflect the flexible nature of programme content and formats and allows each programme to

*be considered on a case-by-case basis. We are not in favour of putting in place definitions in the context of regulating reality shows.”*

Genre or format, however, is for many respondents very relevant as a **contextual factor**, together with a range of other factors that are taken into account in assessing content<sup>7</sup>.

A significant contextual factor in relation to assessing the content of reality and talent shows seems to be whether the content is **fictional (scripted) or not**, and whether the audience perceives the content in question as **real or fictional**. For instance, in the Dutch NICAM *kijkwijzer* classification system, this is generally addressed as a relevant indicator.

One of the conclusions of the abovementioned study on reality shows conducted by the REM in Serbia stated that it is not particularly important whether it is a true or scripted (“pseudo”) reality programme, but it is relevant **whether the average viewer/listener perceives it as real**. In this context, the Bosnian CRA issued Guidelines for classification of television content created by a developmental psychologist. These guidelines contain the explanation as to how the minors perceive this particular type of programmes: *“According to the developmental psychology, children of a certain stage of development believe only what they see, since the perception is their dominant function. They are not able to perceive such types of programmes from a critical distance, which means that their basic judgment criteria is based on what they saw and how they experienced the content in question”*.

### 3. POPULARITY

If there is one general conclusion to be drawn from the answers of EPRA members to this part of the questionnaire, it is that reality and talent shows are – **hugely popular**. Since reality TV is a broad term, the popularity of these shows also differs a lot. In particular **talent shows seem to be having a moment**.

As the Dutch CvdM reports:

*““Utopia” broadcast by the largest commercial Dutch broadcaster, and similar to the “Big Brother” concept; a group of people locked up in a house, has since many years already a market share of close to 10%.*

*The talent shows and other programmes with an element of selection of candidates are in general quite popular. For instance “The Voice of Holland” attracted around 40% of the viewers at max. Another selection based show is “Wie is de Mol”: ‘Who is the Mole’... Through the years the TV show is aired, it has become immensely popular and gets also market shares of around 40%.”*

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<sup>7</sup> The Irish BAI, for example, enlists following contextual factors:

- *The time at which a programme is broadcast;*
- *The type of programme (i.e. content, genre, live, pre-recorded or repeat);*
- *The likely expectations of the audience as to the nature of the particular programme or broadcast service;*
- *The use of audience information and guidance and the degree to which the nature of the content was brought to the attention of the audience in advance (by means of an acoustic or other warning or through the inclusion of a visual symbol in the case of television programming) to allow a viewer or listener to make an informed choice;*
- *The likelihood of persons who are unaware of the nature of the content being unintentionally exposed, by their own actions, to that content;*
- *The type of channel or service on which the programme material was broadcast;*
- *Whether the inclusion of the programme material complained of was editorially justified; and*
- *The likely size and composition of the audience for that programme material.*

The Macedonian colleagues also shared the feeling that talent shows are reaching higher popularity, whereas the popularity of the “Big Brother” type is in decline.

In general, most of the reality and talent shows are very popular, reaching the highest viewer ratings. In Ireland, for example, finales of some of these shows are often placed in the top 25 most viewed shows of the year. In Poland, the most popular are the talent shows with ratings up to 18% (2.6 mil. people) followed by culinary shows with children, up to 15 % (2.1 mil. people).

Even if exact data on their ratings and consumption are not available, it is safe to say that these shows in general enjoy immense popularity, as well as they provoke quite a lot of controversy. This is confirmed by the fact that they are often largely **covered by the press and on-line media** which in turn even encourages their popularity. Another manifestation of their popularity may be the number of **complaints filed by the viewers about their content**, as pointed out by the French CSA: *“it must be noticed that reality shows are often the target of complaints filed by the viewers concerning vulgarisms, the conflicts between the participants, the “values” shown etc.”*

What is also interesting to note is that these shows seem to enjoy **large popularity amongst children and youth audience**. In Germany, the 2015 JIM Study put forward representative basis data on the media use of 12 to 19-years-olds in Germany. When asked about their favourite formats, adolescents mention scripted reality shows in fourth place (right after Sitcoms, cartoons and crime/mystery series). When asked for their most favourite television programme, three scripted reality shows seemed to be important: Berlin Tag und Nacht (Berlin Day and Night), Köln 50667 (Cologne 50667) and Shopping Queen. Scripted reality shows are much more popular among girls (22%) than boys (9%).

The talent show phenomenon and its popularity amongst children and young people was dealt with in two reports prepared by the European Audiovisual Observatory for the DG COMM of the European Commission<sup>8</sup>. The report on young people and media use completed in December 2012 revealed that talent shows featured in the top five watched programmes in 26 of the countries surveyed. For the child audiences the figure is 17 countries, a little bit less than for young people. In particular three formats prevail:

“The *Got Talent* format is also very popular in seven countries: Bulgaria and Romania (number 1); the United Kingdom, the Belgian Flemish community and Turkey (12-14) at number 2; Italy (number 3); Turkey (5-11) at number 4; the Netherlands (number 5).

*The Voice* reached the top five for the highest single audience in 2012 in six countries: the United Kingdom (1st place), the Netherlands (The Voice Kids and The Voice of Holland at number one and number 3); France and Slovakia (at number 4); Belgian Flemish Community and Finland (number 5).

The *X-Factor* is number one in Denmark, Hungary and Slovenia, and it is number 4 in the United Kingdom.”

#### 4. PUBLIC REACTIONS

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<sup>8</sup> Deirdre Kevin, André Lange and Agnes I. Schneeberger: “Audiovisual Media and Young Europeans - Status and Trends of Media Use” December 2012 (pp. 25-26)

Deirdre Kevin and Agnes I. Schneeberger: “Children and Audiovisual Services – Status and Trends of Media Use and Availability of Services”, April 2013 (pp. 71-72)

The popularity of reality and talent shows is inevitably linked with various controversies, commonly perpetuated in online and social media. They are extensively marketed and they are talked about, and some more than others are designed to push the boundaries and provoke reactions. However, just under a half of respondents to the questionnaire (14 out of 31) responded that there have not been significant public debates or reactions to reality and talent shows in their countries, except for occasional online discussions.

The other half of respondents cite certain reactions and public discussions, often regarding the issues of **human dignity, behaviour of the participants**, concerns over **potential damaging impact on the future** of child participants, and even the **use of animals** on television. Other notable issues include:

In Germany, "Germany's next top model" sparked a debate whether the requirements imposed on the (mostly female) participants who had to be ultra-slim, long-haired and matching a specific ideal of the modelling world **present an unrealistic ideal** which viewers tried to emulate, resulting in young adolescents exerting an excessive weight control, and even leading to cases of eating disorder. The German counterpart of the US beauty show "Nip and Tuck" was accused of conveying the idea that whatever a viewer did not like about his or her body could be remedied with some or other beauty surgery. **Methods of losing weight** in the show "Biggest loser" have also been criticized in Iceland.

In France, there has been a debate in the media concerning **unfortunate accidents linked to reality TV**. A candidate committed suicide after the show was broadcast, which raised a debate on the psychological care given to the participants. More recently, the decease of a candidate of "Koh-Lanta" (Survivor) was followed by the suicide of the doctor of the programme.

Concerns over **privacy issues** have been raised in Norway, in particular regarding the contracts between the participants and the production company or broadcaster, giving them a wide authorization to use their pictures and names for advertising purposes outside the programme.

In some countries, reality and talent shows have attracted the attention of relevant institutions or NGOs:

In Bosnia and Herzegovina, there has been much controversy around reality shows lately, with a massive public outcry and demands for firmer regulatory action and even calls for these programmes to be banned altogether. The CRA received a citizens' petition filed by one NGO demanding that one of the most controversial reality shows broadcast at that moment, should either be completely banished or allowed to be broadcast after midnight only. This finally resulted in the introduction of watersheds for broadcasting these programmes, which was met with a wide support from the general public as well as some institutions such as the Human Rights Ombudsman.

Also in Poland, in 2014 an NGO filed a petition to the Polish Parliament against the participation of children in reality shows.

Public debates on this issue are often organized in Serbia, the last event being a round table organized by the regulator, the OSCE and the EC Delegation in Serbia.

The issue of protection of children in general has received a lot of attention from the UK Government. In 2011, for example, it commissioned an independent report called "Commercialisation and Sexualisation

of Childhood” authored by Reg Bailey (“The Bailey Report”)<sup>9</sup> One of the findings of the parents’ survey presented in the report, was in relation to the volume and nature of sexualised content on television: *“(a) particular issue was highlighted around music performances in entertainment and talent shows during family viewing hours. There was a perception that such performances were heavily influenced by the sexualised and genderstereotyped content of music videos, and that they were more ‘raunchy’ than was appropriate for that type of viewing.”*

## 5. CASES

Below is the compilation of the most common issues dealt with by EPRA members in concrete cases of reality and/or talent shows, together with some highlighted notable examples.

### Issues of programme content

- Content likely to impair the development of minors: nudity and sexually explicit content, obscenity, indecency, offensive and sexually explicit language, inappropriate scheduling or labeling, alcohol abuse, violence, provocative performance inappropriate for family viewing (SK, IE, BA, UK, RS, DE, HR, LT)

In Bosnia and Herzegovina, the most extreme case so far was "The Balkan Cheaters" in 2015: *“...the so-called “pseudoreality” programme deals with investigations of alleged adultery and often includes “secretly” made footages, conflicts, insults and physical violence. The CRA processed the case of an episode broadcast at 14.00 hours which included scenes of a sexual intercourse with a minor, scenes of fertility ritual and scenes of sexual intercourse as a part of that ritual. The CRA consulted developmental psychology university professor to give the opinion on potential impact of this programme on minors. According to this expert opinion, this content should not have been broadcast since it was assessed as a content which might seriously impair the physical, mental or moral development of minors and understood as a content which justifies pedophilia. In this case the CRA issued a financial penalty.”*

- Violation of human dignity, humiliating behaviour of participants or humiliating commentary by the host was reported by several EPRA members (CY, SK, BG, FR)

In Germany, there were some prominent cases in this regard:

*“In several instances, the Commission for the protection of minors in the media (KJM) found that reality shows violated the provisions concerning the protection of minors. For several episodes of "Deutschland sucht den Superstar" (Germany’s got talent) a potentially impairing effect on children below the age of 12 years could not be excluded due to the pejorative attitude of the jury and the editorial design of the casting performances by the TV broadcaster RTL which was aimed at deliberately exposing candidates to ridicule. "Germany’s got Talent" continues to be under scrutiny for conveying disorienting attitudes. The main presenter together with the other two members of the jury frequently adopts an attitude towards candidates under which he comments / shows up / exposes them in a debasing or ridiculing fashion. This is exacerbated by post-production optical or acoustic measures underlining certain features of a particular candidate.*

*In 2011, an episode of the scripted reality show “Super Nanny” was assessed by the KJM as a breach of the provisions on human dignity. In this specific episode, the TV broadcaster RTL repeatedly showed scenes of a mother threatening, insulting and beating her children aged 3, 4, and 7. In 2014 the*

<sup>9</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/175418/Bailey\\_Review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175418/Bailey_Review.pdf)

administrative court of Hanover finally confirmed the assessment of the KJM arguing that this specific episode would violate the human dignity of the children.”

- Violation of human rights and discrimination, e.g. against women (FR), gay and lesbian community (IL)

- Unlawful activities, protection of public order, incitements to delinquency, behaviour able to endanger participants’ health (FR), incestuous relationship between two participants (CNMC-ES). An interesting example is also cited by the Romanian NAC:

*“The reality competition show Four Weddings and a Challenge (broadcast in September 2015) has produced the first-ever broadcast of a same-sex wedding from Romania. Same-sex marriages have no legal standing in Romania and over 2000 complaints were received. The Council decided to fine the broadcaster”.*

### **Issues regarding the participation of minors:**

- Protection of participants’ mental and physical health. The Greek NRCT reports about a case in this regard:

*“During 2008 a free to air AVMS provider was transmitting a programme named BABY DANCE from 22:00 to 23:45 hours. Children aged from six to eleven years were participating in the programme and they were competing in traditional and modern dances. The prize for the competitors was their right to participate in international competitions as well as an amount of money which would be deposited in an account under their name to be collected when reaching adulthood. NCRTV has monitored the programme for several weeks and finally reached to the decision that the particular programme due to its duration exposed minors participating in its different stages (qualifiers, quarterfinals, semifinals, finals) to dangers for their mental and physical health. The decision was annulled by the Council of the State (decision No 3634/2015) for not being adequately justified.”*

- Protection of the child’s welfare and dignity:

Another NCRTV’s case dealt with this aspect: *“With its decision no 586/2009 NCRTV has imposed a fine on a broadcaster for presenting during an adults’ talent show two girls aged 8 and 10 singing the song “My heart belongs to Daddy”. The judges of the programme have commented during the show that the presentation was good but not appropriate for their age (too implicit). NCRTV fined the broadcaster for exposing the girls to a situation inappropriate for their age that could threaten their mental and physical health. The broadcaster filed an appeal before the Council of the State which was overruled.”*

The following case was mentioned by Ofcom (GB)<sup>10</sup>:

*Blinging Up Baby, an observational documentary which observed mothers and daughters as they engaged in beauty treatments, glamorous clothing, or attending children’s beauty pageants. Ofcom received 11 complaints about the participation of a four year old girl wearing a Hooters themed outfit, made by her mother, and performing a dance routine which included some sexualised movements (such as leaning backwards on all fours and thrusting her hips backwards and forwards four times towards the audience).*

*Though fairly extensive steps had been taken to protect the child in terms of her involvement in the programme before production and during production, Ofcom noted that the broadcaster did not conduct*

<sup>10</sup> Source: [http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcastbulletins/obb288/Issue\\_288.pdf](http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcastbulletins/obb288/Issue_288.pdf)

*a risk assessment at the post-production stage to consider any risks associated with broadcasting the child's Hooters-themed performance and/or to seek additional expert advice.*

*Also, the broadcaster had unduly relied on the mother's consent rather than making its own considered and independent assessment of any adverse consequences arising from the broadcast of the images of the child wearing this outfit.*

*In this case, the broadcaster was found in breach of a relevant rule for not taking due care of the child's welfare and dignity, irrespective of the consent given by the child's mother.*

## **Other issues**

- Complaints about the casting process: in Luxembourg, family members of a potential candidate for a reality show asked the regulator to intervene with the broadcaster in order to bar her from the casting process because of the person's alleged mental instability. The regulator ruled that it cannot take action as long as a programme had not been broadcast and that it does not lie within its missions to stop a person from trying to participate in a reality show;

- Audience misled about the presentation of the winning act: in the case of a programme "Britain's Got Talent" in 31 May 2015, Ofcom received numerous complainants by viewers who were not aware that a central part of the winning act (dog agility act) was performed by a different animal, and it ruled that the licensee did not take sufficient steps to ensure that the broadcast was not materially misleading;

- Sponsorship and PP: as already mentioned, though this is not the theme of the present working group, a significant issue in relation to reality and especially talent shows regards the infringement of sponsorship and product placement rules. The Swiss OFCOM reports a case in which one of the jurors of "The Voice of Switzerland" wore a sweater whose label - a clothes company owned by the juror himself - has been clearly visible most of the time. This was regarded as promotional reference.

## **6. JURISDICTION ISSUES**

None of the total of 31 EPRA members who responded to the questionnaire reported any jurisdiction issues with regard to reality and talent shows.

In this regard, it is worth mentioning again at this point that in some countries, reality and talent shows from neighbouring countries have large viewership, given the same language and similar social and cultural context. This is an especially critical issue in Bosnia and Herzegovina, where popular reality shows almost exclusively have a regional character, i.e. are produced and broadcast simultaneously in the neighbouring Serbia, Croatia and Montenegro. Whereas local broadcasters from BiH have to comply with the watershed rules for reality programmes, those same programmes are available in cable/IPTV distribution in BiH. The CRA Council has therefore approved draft amendments to the Rule on Distribution on AVMS according to which all cable, IPTV and satellite distributors from BiH have an obligation to ensure that reality and pseudoreality programmes are broadcast only between 24:00 and 06:00 hours, unless they are broadcast in encoded form. The proposal is currently open for public consultations. Also in Montenegro, there has been a public debate that reality programmes available through regional channels are inappropriate for broadcasting before the watershed.

## **7. BEST PRACTICE EXAMPLES**

As far as **regulation** is concerned, some examples of good practice have already been mentioned in the first and second parts of this paper in relation to **guidelines** that NRAs have developed in order to assist the AVMS providers for a better application of relevant rules on protection of minors, both from harmful content and as participants in programmes.

## Co-regulation

In the Netherlands, there is a shared responsibility between CvdM and NICAM (Netherlands Institute for the Classification of Audiovisual Media). Primarily, the responsibility lies with NICAM, and the CvdM evaluates their work yearly and carries out meta-supervision. As CvdM suggests, it is important to increase the understanding of the stakeholders about principles or public policy goals and why they are worth safeguarding. In this way, they will easier accept and implement it internally. As an example, CvdM signed a covenant with the biggest national private broadcaster about a reality TV programme which is broadcast daily on national TV and is also shown 24/7 on the internet. The broadcaster takes the responsibility to intervene immediately if they observe a possible violation. They report to the regulator about their primary findings and actions taken accordingly, mainly in the area of the observance of advertising and sponsorship rules. Based on the findings and ad hoc random checks, the regulator then decides whether there is a need for further investigations.

As already mentioned, the German Media Authorities together with the German association of commercial broadcasters (VPRT) developed guidelines on the identification of scripted reality programmes. Further, the Media Authorities commissioned a study intended to assess problems arising for minors from participation in casting shows<sup>11</sup>. On the basis of this study, the Media Authorities started consultations with the two big broadcasting companies RTL and ProSiebenSat.1 in which the latter committed to taking appropriate measures to better protect minors in casting shows.

Another relevant example is reported by the Bulgarian CEM. In 2012, an Agreement for child protection from content which may have adverse effect on children or may put at risk of harm their psychological, physical, moral or social development, was signed by CEM, the State Agency for Child Protection and 85 media services providers. At the core of these documents are 38 rules for admissible content and obligations for children rights protection. The signatories agreed to make systematic efforts for ensuring safe and stable media environment for children.

## Self-regulation

Good examples of self-regulation in terms of protection of children as participants are shared by two members:

In France, two charters were enacted in 2010:

- A charter negotiated with the broadcasters in the presence of the CSA and co-signed by several production companies (Charte du SPECT), aiming to frame the participation of the candidates to TV shows (including the 'reality' ones) and to grant them some rights.
- A deontology charter applicable to every *Endemol* company programmes. This charter sets out some commitments concerning the participants. In order to track the application of this charter, the firm

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<sup>11</sup> The study has been published in the publication series of the State Media Authority of Northrhine-Westfalia, Issue 48 (see <http://www.lfm-nrw.de/foerderung/forschung/abgeschlosseneprojekte/lfm-dokumentationen/sprungbrett-oder-krise.html>).

created a Deontology committee made of psychiatrists, media professionals and regulation professionals.

In Ireland, the national public service broadcaster RTÉ has developed child protection guidelines<sup>12</sup> with the aim to create a safe and healthy environment for children they work with. The Polish KRRiT also mentions the existence of internal regulations about the preparations and work with children on the sets of reality shows, such as the required presence of parents or guardians and psychological assistance.

A somewhat older, but still very relevant example of self-regulation is the German Voluntary code of conduct for talk shows on day-time television developed by the commercial German TV broadcasters affiliated to the VPRT from 1998<sup>13</sup>.

### **Media literacy campaigns and similar activities**

In Poland, following the above-mentioned petition filed by an NGO to the Polish Parliament against the participation of children in reality shows, as well as some complaints, the regulator in collaboration with experts from the University of Warsaw produced a Study on the possible negative consequences of these programmes for the child's emotional balance (2015).

The Croatian AEM pointed out some activities that are aimed at improving the protection of minors in general, but are very relevant in the context of reality and talent shows as well. The AEM has signed a Memorandum of Understanding in order to support the development of media literacy of parents and children with UNICEF. The cooperation includes research on the television viewing habits, as well as consultations with the stakeholders for the purpose of improving the regulatory framework concerning the protection of children. The project outcome will be guidelines on the protection of minors in electronic media. Furthermore, a national campaign "Let's choose what we watch" was publicly presented in the second half of 2015, aiming to raise awareness about the importance of media literacy of parents, caregivers and children on the importance of careful selection of media content for children.

### **Regional cooperation**

Cooperation with other NRAs might also be a useful practice in tackling issues of regulation of reality and talent shows. As reported, a good example of regional cooperation is the cooperation between the regulators from Croatia, Serbia, Montenegro, Bosnia and Herzegovina and Macedonia, with the support of the Council of Europe. Two meetings were held in 2015 in order to exchange experience and compare approaches in regulation, especially with regard to regionally produced reality shows such as "Big Brother" which was broadcast in all five countries in the region.

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<sup>12</sup> Child Protection Policy and Procedures, <http://static.rasset.ie/documents/about/rte-child-protection-policy-2013-2.pdf>

<sup>13</sup> [http://fsf.de/data/hefte/ausgabe/06/vprt90\\_tvd06.pdf](http://fsf.de/data/hefte/ausgabe/06/vprt90_tvd06.pdf)

An unofficial translation in English kindly provided by Johanna Fell is available here:

<http://www.epra.org/attachments/barcelona-wg2-case-study-on-the-protection-of-minors-focus-on-reality-and-tv-shows-additional-background-document>

## CONCLUSION

Reality and talent shows have undoubtedly changed television, both in terms of production and the viewing experience. They have always been linked with controversies and much has been said about their appeal for the audience including voyeurism, personal identification and pure entertainment. Even as the format continued to evolve into many different forms, often scripted and based on a rather vague presentation of the “real”, they have not lost their appeal. The emergence of reality and talent shows featuring children and aimed at children has brought the debate to another level.

While the protection of the most vulnerable members of society – children – remains the most important issue, there is a range of other, often serious, concerns about the violation of fundamental rights such as the respect for a person’s privacy and dignity. A significant part of the debate concerns the issues of inappropriate, “trash” content, ethical and moral values, bad taste, sensationalism, promotion of destructive attitudes and beliefs.... Public perception and reactions to the content of reality shows will undoubtedly vary according to the sensibilities and cultural context of a particular society. As regulators, our job is to protect the public interest, but not to act as moral judges. Our job is to protect the fundamental rights, but also to take account of the provider’s and audience’s right to freedom of expression. The above concerns exist and are legitimate, but they are a part of the wider debate that demands involvement of different actors: institutions responsible for the well-being of child participants, the industry that can address the problem through self-regulation, parents who need better awareness and sometimes better judgment, civil society groups...

## WORKING GROUP STRUCTURE AND QUESTIONS FOR DEBATE

The working group session will work on a loose round-table format that will focus on three aspects in particular:

1. Protection of minors from content in reality shows
2. Protection of minors as participants
3. How to approach the regulation of reality and talent shows: best practice examples, self- and co-regulation, regional cooperation

A non-exhaustive list of suggested questions for debate includes:

- *Are there any particular concerns regarding the protection of minors in reality/talent shows that are not an issue in other types of programmes? What is the best way to approach them?*
- *What contextual factors do you take into account or believe are important when regulating reality/talent shows? How do they affect the perception of the audience?*
- *What tools seem to be most effective in ensuring the protection of minors as protagonists/participants in reality and talent shows?*
- *What are the effects of self-regulatory initiatives in relation to reality and talent shows?*
- *What mechanisms can be used in cases of reality or talent shows originating in another country?*
- *Besides doing their regular job, how can NRAs contribute to a wider understanding of the issue? Can we take a more pro-active approach?*