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UNDUE EXPLOITATION OF VIOLENCE

Consultation Paper

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Canada



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INTRODUCTION

Violence is a serious problem in our society, but there is much we still do not know about its nature and scope and what factors contribute to it. Substance abuse, poverty, low self-esteem, lack of employment opportunities, poor education, isolation, child neglect and early exposure to abuse in the home have all been noted as contributing to the risk of violence. Societal factors associated with violence include gender inequality, racial intolerance, social inequity and discrimination based on age, mental and physical ability, culture and religion.

Many Canadians believe that our society is becoming more violent. Whether or not this perception is accurate, it is true that graphic portrayals of violence, including sexual violence, have become numerous and increasingly accessible through a wide variety of media and communications technology. There is growing public concern about gratuitous and excessive portrayals of violence and the potential impact on Canadian society, particularly women and young persons.

The problem of violence in the media is not simple, and it cannot be seen in isolation. The purpose of this consultation paper is to gather as much information as possible on the voluntary and regulatory steps that have been taken so far, and to assess whether there are further steps, legislative or non-legislative, that the federal government should consider.

PART ONE - THE CURRENT SITUATION

What do we know now about the effects of exposure to media violence?

There is a large body of research on the effects of exposure to representations of violence, dating back as far as the 1920s in the United States, with respect to a variety of media which came under scrutiny as their popularity increased: motion pictures in the 1920s, horror comics in the 1950s, television in the 1960s, cable television and video cassette recorders in the 1980s. As we enter the 21st century, researchers will be turning their attention to the impact of exposure to violent materials via the Information Highway. Much of this research has examined the effects of exposure to representations of violence in the media on the behaviour of children.

Many studies have identified exposure to representations of violence as a contributing factor to violence in society, although not the only factor. The perceived strength of the link varies depending on a variety of factors, including the focus and methodology of the studies themselves. As with any body of research which has not resulted in overwhelming, conclusive results, such studies are often criticized on the basis of the methodology used, conclusions reached or proposals presented. Certain social scientists argue that any link between exposure to representations of violence and aggressive behaviour demands consideration of legal action to protect those who may potentially be harmed. On the other hand, some legal scholars would likely reply that while a correlation may exist between exposure to representations of violence and violent activity, this link would have to be very strong to justify state action in the form of legislation prohibiting such expression.

Are you aware of or involved in any current research study which examines the effects of exposure to media violence? If so, please identify the research and summarize any conclusions have been reached.

Do you believe that the research now available provides a basis for decision making or is further research required? If so, in what areas?

What voluntary activities are under way to address concern about violence in entertainment and media?

While considering whether legislative action might be necessary to address the most graphic and extreme expressions of violence, we should not forget that such action can only be part of the solution. Non-legislative steps are also an important part of any strategy to address the undue exploitation of violence.

Groups, such as the National Crime Prevention Council, have recommended that the emphasis be placed on practical methods that shift societal values away from violence to a more balanced, cooperative and harmonious world view. These would include media literacy for parents and children, public education, consumer choice, industry self-regulation, public pressure on industry, parental exercise of responsibility and societal exercise of responsibility for all children, especially those particularly at risk.

GOVERNMENT INITIATIVES

A variety of government initiatives support ongoing work and research to combat gratuitous violence in the media and on the Information Highway. Initiatives have been spearheaded or coordinated by a number of government departments concerned with media violence and media literacy. These initiatives are outlined in Appendix A to this paper.

THE INDUSTRY

Voluntary measures, including self-regulatory action, have already been taken by members of a number of entertainment industries to address the public's growing concern about violence in entertainment and media. Action which has been taken by members of the "media industry" and the bodies regulating them is outlined in Appendix B to this paper.

NON-GOVERNMENTAL ORGANIZATIONS, INSTITUTIONS AND COMMUNITY ACTION GROUPS

Public interest and community-based groups are actively involved in addressing concerns with respect to increased media violence. Examples of these activities are outlined in Appendix C to this paper.

EDUCATION

Media-literacy materials have been developed and made available to schools, libraries, community-based programs and parents to encourage media-literacy awareness and the need to recognize and deal with the effects of media violence. Specific action which has been taken in this area is outlined in Appendix D.

Do you agree with the approach and direction adopted by government, industry and non-governmental organizations to date?

What elements are the most helpful in your opinion? Are these sufficient?

Is there additional activity of a voluntary nature intended to address concerns with respect to violent content which you wish to bring to our attention or recommend?

PART TWO - THE LEGAL CONTEXT

What prohibitions exist in the law today in relation to the "undue exploitation of violence"?

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Canadians place a high value on freedom of expression, which is sometimes referred to as a cornerstone of democracy. This is reflected in the Charter which constitutionally entrenches a broad protection of freedom of expression in section 2(b). That subsection protects all expression which conveys or attempts to convey meaning. This is true regardless of the form of that expression, unless the expression is by itself physically violent. Any effort by the government to directly or indirectly regulate representations of violence will likely be met with the Charter guarantee of freedom of expression.

Where the purpose of a law or government action is to restrict the content of expression, to control access to certain expression or to limit a person's ability to express himself or herself, that purpose will infringe section 2(b). Even if the purpose is compatible with freedom of expression, the effect of a law or government action may be contrary to section 2(b) where the affected expression can be shown to further the purposes underlying section 2(b), including the pursuit of truth, participation in the community, individual self-fulfilment or human flourishing.

Where a law or government action is found to limit freedom of expression contrary to section 2(b), the law or government action may still be upheld under section 1 of the Charter if it is reasonable and demonstrably justified in a free and democratic society. Section 1 requires that the government establish that the limit on the Charter right is "prescribed by law" and is not vague. Section 1 also requires that a provision further a pressing and substantial objective. As well, the means chosen to attain that objective must be proportional to the end to be achieved.

Under section 1, courts will weigh other Charter rights and values that may be advanced by a challenged provision. Sections 15 (equality), 27 (protection of multicultural heritage) and 28 (rights guaranteed equally to both sexes) may be cited in defence of the regulation of representations of violence. Section 15, in particular, is designed to protect those groups who suffer social, political and legal disadvantage in our society. It, more than any other section of the Charter, "recognizes and cherishes the innate human dignity of every individual." These rights would take on even greater significance in the balancing under section 1 if the regulation of representations of violence were crafted specifically to protect vulnerable groups, such as women, children and people of colour.

THE CRIMINAL CODE

There is no specific prohibition in the *Criminal Code* to deal with materials which gratuitously or unduly exploit violence. The current *Criminal Code* definition of obscenity does not address the undue exploitation of violence in a non-sexual context. Subsection 163(8) defines "obscene" as follows:

For the purposes of this Act, any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene.

When this definition was challenged as contrary to the freedom of expression guarantee in section 2(b) of the Charter, it was upheld by the Supreme Court of Canada as justifiable under section 1 in that it prescribed an intelligible standard for the imposition of criminal liability.

This provision requires that to be obscene, a dominant characteristic of the work in question must be either an "undue exploitation of sex" or of sex combined with one or more of the subjects of crime, horror, cruelty or violence. Whether the depiction or description constitutes "undue exploitation" is based on the community standard of tolerance, as defined by the courts.

With respect to determining the community standard of tolerance, the Supreme Court has indicated that:

What matters is not what Canadians think is right for themselves to see.
What matters is what Canadians would not abide other Canadians seeing because it would be beyond the contemporary standard of tolerance to allow them to see it.

The determination of what falls below the community standard of tolerance rests with the courts, and must be made objectively in accordance with contemporary standards of the Canadian community.

The present obscenity provisions make it illegal to produce, deal in, display or mail obscene materials and also to produce obscene performances. Possession of obscene materials is prohibited if it is for the purpose of producing or dealing in these materials. The present offences do not specifically address the display or sale of obscene materials to children.

The *Criminal Code* also includes separate statutory prohibitions against child pornography, defined in section 163.1, which provide that it is an offence to make, print, publish or possess for the purpose of publication, any child pornography or to import, distribute, sell or possess for the purpose of sale or distribution any child pornography.

Section 114 of the *Customs Tariff* and Tariff Code 9956 of Schedule VII to the *Customs Tariff* prohibit the importation into Canada of "obscene" materials and child pornography. The Tariff Code incorporates by reference the definitions in sections 163 and 163.1 of the *Criminal Code*.

What approaches are taken in other countries?

THE UNITED STATES

In the United States, an area of increasing concern is violence on television.

Radio and television broadcasting are governed by the *Communications Act of 1934*. The Act created the Federal Communications Commission (F.C.C.), the body charged with regulating and administering all facets of radio and television broadcasting. While the F.C.C. is expressly forbidden from censoring content or interfering with free speech, it does have authority to make content regulations with respect to obscene, indecent or profane materials. This authority does not extend to dealing with violent content.

To date, no federal government regulation of broadcasting violent content has been passed. There was little action on the part of the broadcasting industry before 1990, as anti-trust laws which prevented broadcasters from meeting served as a complete bar to industry self-regulation. The *Television Violence Act 1990* was enacted for the sole purpose of allowing broadcasters to meet and set violence standards and guidelines. The major networks and the cable industry have set voluntary violence standards and parental advisory plans, most of which became operative in 1993 and 1994.

As a next step, the United States Congress is considering proposed regulatory strategies to deal with violent programming, including requiring the installation of V-chips in all new televisions, "zoning" violent programming to certain time periods, requiring broadcasters to reduce violent content, and requiring audio and video warnings to accompany such programming.

The President of the United States has indicated his support for legislation that would require a screening device to be included in all new television sets so that parents are provided with additional tools to screen their children's exposure to violent programming. For such technology to operate effectively, broadcasters and/or cable operators would need to develop a self-rating system.

GREAT BRITAIN

In Great Britain, television and radio broadcasting are governed by the *Broadcast Act 1990*. As television networks are largely publicly owned and operated, violent content has not reached the same proportions as found in North America. The Act establishes an Independent Television Commission which develops codes for regulating violent content on independent television services, with special regard to children's viewing hours. Since 1993, all commercial broadcasters have been required to ensure that all programs comply with the Commission's code of program standards. Materials deemed to be unsuitable for children, such as those containing explicit sexual content, gratuitous violence and obscene language, may not be broadcast between 6:00 a.m. and 10:30 p.m. The Independent Television Commission has the power to impose sanctions for non-adherence. A Broadcasting Standards Council develops codes for regulating violence on programs broadcast by the BBC, but has no power of sanction and can only make recommendations.

The *Video Recordings Act 1984* established a system of compulsory classification for all video recordings and created offences relating to breaches in classification or supplying unclassified works, as a direct attempt to curtail the proliferation of "video nasties." Its purpose is twofold: to prohibit distribution of videos found unsuitable for classification and to inform consumers about the content of videos through classification. While exempting certain works from classification, such as those related to education, sports and religion, it requires classification of works which, to any significant extent, depict mutilation, torture or acts of gross violence toward humans or animals.

With respect to the criminal law, specific legislation, the *Children and Young Persons (Harmful Publications) Act 1955* was enacted to attempt to control violent content in materials aimed at children. It created offences for disseminating materials that portray crimes, acts of violence or cruelty, or incidents of a repulsive or horrible nature in such a way that the work as a whole would tend to corrupt a child or young person. Prosecutions require the consent of the Attorney General, however, and few have resulted from the legislation.

NEW ZEALAND

In New Zealand, there are several statutes which regulate the content of various modes of mass communication. The *Indecent Publications Act 1963*, the *Films Act 1983* and the *Video Recordings Act 1987* define "indecent" as "describing, depicting, expressing or otherwise dealing with matters of sex, horror, crime, cruelty or violence in a manner that is injurious to the public good." Materials falling under that definition can be prohibited.

A variety of criteria must be applied, along with the definition, in the classification of publications by the Indecent Publications Tribunal or of video recordings by the Video Recordings Authority. With respect to video recordings, in particular, consideration must be given to "the extent and degree to which and the manner in which the video recording depicts, includes or treats anti-social behaviour or offensive language and behaviour," the number of similar recordings available to the public, and the likely cumulative effect of the public viewing these recordings.

THE COUNCIL OF EUROPE

At the June 1995 session of the Parliamentary Assembly of the Council of Europe, 34 countries gave their unanimous backing to a report prepared for their consideration which calls upon the media to be alerted to the dangerous influence of excessive violence in the audiovisual media. Emphasis was placed on the responsibility of parents to monitor their children's television viewing and the need for more research to examine the possible links between violence on and off the screen. Basic principles were proposed for self-regulation by the media and policy makers, particularly in light of the development of new technologies.

Should Canada model its approach on the experience of any of the countries as described above?

PART THREE - CHANGING THE LAW

What legislative changes are under consideration?

The Standing Committee on Justice and Legal Affairs, in its report tabled in the House of Commons in November 1994 recommended that subsection 163(8) of the *Criminal Code*, which defines what is "obscene", be amended or that a stand-alone provision be created to prohibit the "undue exploitation or glorification of horror, cruelty or violence."

One of the major considerations with respect to criminal and other federal legislation is the *Canadian Charter of Rights and Freedoms*, as explained above. Any action which might be viewed as a curtailment of freedom of expression rights must be very carefully examined.

A prohibition on the importation, sale or distribution of goods or materials which have as a dominant characteristic "the undue exploitation or glorification of horror, cruelty or violence" would, in most circumstances, infringe section 2(b) of the Charter. If Parliament were to enact such legislation, the government would have to justify its action under section 1 of the Charter.

Under section 1, it would be necessary for the government to demonstrate on a balance of probabilities that Parliament had, on the basis of credible and persuasive evidence, a reasonable basis to conclude that harm will result to society as a whole from exposure to materials which unduly exploit violence, horror or cruelty. There should also be evidence to demonstrate the pressing and substantial need for such legislative measures.

Evidence supporting the precise objective to be achieved must be gathered, and the legislation must be carefully tailored to fit the evidence. Without such evidence, the courts may be unable to hold that the provision furthers its pressing and substantial objective in a manner proportionate to the nature of the problem. Expert evidence of a social science or other nature which demonstrates the harm caused by materials which exploit violence, horror or cruelty unduly may be needed.

Even if the causal relationship is not scientifically measurable, a court might still find a causal connection on the basis of reason or logic without insisting on direct proof. Nevertheless, since any limits on freedom of expression must be both reasonable and demonstrably justified, a conclusion not based on direct evidence would likely be challenged.

Any changes to the obscenity provisions that will affect freedom of expression must, as the Standing Committee noted, strike a delicate balance. The government would also need to show that it had considered less restrictive means for achieving the same objective. As a result, any amendment to the *Criminal Code* would likely not cover the whole spectrum of violent expression in the media. As a partial response, it would not address all the representations of violence in the media, entertainment and advertising industries that the Committee had in mind.

Should the criminal law be used to restrict certain forms of violent entertainment?

In 1982, the government issued a paper entitled *The Criminal Law in Canadian Society*. The aim of the paper was, in part, to "articulate a statement of principles and objectives for criminal law based on an analysis of its basic purpose and functions." *The Criminal Law in Canadian Society* states that the purpose of the criminal law should be achieved in accordance with a number of principles, including that "the criminal law should be employed to deal only with that conduct for which other means of social control are inadequate or inappropriate, and in a manner which interferes with individual rights and freedoms only to the extent necessary for the attainment of its purpose."

This principle, as well as the need to respect the Charter, will guide any consideration of amendments to the *Criminal Code*.

With respect to the Standing Committee's recommendation, some people argue that it would be preferable to amend the current obscenity definition to include the undue exploitation of violence because this would let the amendment adopt as the criminal standard for violent imagery the well-developed obscenity standard. Since it would not create a new concept in law, it would not be subject to re-interpretation and, possibly, new meaning; it would likely result in the application of the same considerations now applied by the courts to deal with the undue exploitation of sex, namely, a contemporary community standard of tolerance, not taste, based on risk of harm, which is a Canadian standard applied in an objective manner.

In considering an amendment to the *Criminal Code* to prohibit the undue exploitation of violence, we must also raise the question of enforcement. This concern has recently been highlighted by the Supreme Court of Canada decision in the *Jorgensen* case. In that case, which involved a retailer of adult videos, the Court ruled that in order to prove that a person was "knowingly" selling obscene materials, it must be established that the accused "knew of the presence of the ingredients of the subject matter which as a matter of law rendered the exploitation of sex undue" and not merely that the person was aware, in the general sense, that the materials involved the exploitation of sex. This poses an enforcement concern, as the burden of proof beyond a reasonable doubt in criminal matters rests with the Crown responsible for prosecuting the case.

Moreover, any legislative change to the obscenity provisions necessitates a consequential amendment to the *Customs Tariff*. The ability of police and Customs officials to properly enforce and administer changes to the Code and the Tariff, particularly with a broad definition, has been questioned. The rule of law is in danger of compromise where laws are introduced and not enforced. A particular concern in terms of enforcement rests with the difficulty in controlling content in a world of rapidly evolving communications technologies.

Bearing in mind that an amendment to the *Criminal Code* would likely not cover the whole spectrum of violent expression in the media, do you feel there is a need to take such legislative action?

Do you have suggestions for the wording of such an amendment?

Do you have any concerns or recommendations with respect to the enforcement of such an amendment?

How are we to manage violent content on the information highway?

While it has been established that offensive content such as pornography and hate propaganda is being communicated on the Information Highway through the Internet and computer bulletin board systems, the extent to which representations of violence are similarly available is unclear.

The Report of the Information Highway Advisory Council entitled *Connection, Community, Content: The Challenge of the Information Highway*, released in September 1995, examined proposals on controlling offensive and illegal material on the Information Highway. As the Report indicates, the Information Highway is far from being the lawless frontier so often depicted.

Communication that is illegal remains illegal, regardless of the medium through which it is communicated. Federal and provincial law apply on the Information Highway, as they do elsewhere. Canadian systems operators have been charged with distributing obscenity and child pornography under the current *Criminal Code* provisions.

The recommendations of the Council focus upon encouraging enforcement of the current *Criminal Code* provisions which apply to computer-generated communications. It is necessary to continue to inform the public and to educate stakeholders and law enforcement officials that current laws governing expression apply to the new technologies as well.

This, of course, does not address concerns about communications which unduly exploit violence in a non-sexual context and therefore are not prohibited. Despite the existence of a Canadian legal framework for the Highway, clearly there remain obvious social gaps. Parents and educators have indicated concern over the lack of means to protect children from exposure to inappropriate content on the Internet. Technical solutions, such as filters, screens and logs, along with organizational ones such as labelling and classification, are needed.

In the past six months, we have seen the introduction of a number of commercially available software solutions, some aimed at the home market and others aimed at schools and

institutions. In addition to software filters (such as Net Nanny, Cybersitter, Cyberpatrol, Internet Filter and Webtrack), broadbased organizational solutions are emerging, relying on software filters and industry codes of self-regulation. While much of this activity has predominantly originated in the United States, the implications of such solutions extend world-wide, in the same manner as the Internet.

An example of this industry-based activity is the Platform for Internet Content Selection (PICS). PICS is a cross-industry working group with a membership of more than three dozen leading software firms, publishers, telecommunications companies and online service providers which has been formed "to develop an easy-to-use Internet content labelling and selection platform that empowers people worldwide to selectively control online content they receive through personal computers." The working group was spearheaded by the Information Highway Parental Empowerment Group (formed by Microsoft, Netscape and Progressive Networks) and The Worldwide Web Consortium (located at the Massachusetts Institute of Technology's (MIT) Laboratory for Computer Science and at INRIA, the Institut National de Recherche en Informatique et Automatique in France).

The federal government intends to initiate a series of consultations with a view to bringing together online service providers, users, software and hardware developers, educators, parents and community organizations to begin the development of new mechanisms — technical, administrative and procedural — to protect the vulnerable while safeguarding our fundamental freedoms of expression and association.

The Information Highway Advisory Council has urged the federal government, in conjunction with the provinces and territories, owners, operators and users of bulletin boards, Internet and Usenet sites and law enforcement officials, to help develop a model code of ethics and practices reflecting community standards and to provide for community education programs. Along with the model code of conduct, the council recommended that participants develop guidelines for handling complaints and a resolution mechanism.

Given that the current laws governing expression continue to apply to the new technologies, is there further action, of a legislative or non-legislative nature, that you recommend be considered by the government to manage violent content on the Information Highway?

CONCLUSION

Reducing media violence in all forms is a key component of the federal strategy to reduce violence in society. This includes initiatives directly supported or funded by a number of government departments to combat gratuitous violence in the media, as well as recommendations to address the public's growing concern about violence in entertainment and media which have resulted in self-regulatory action by members of a number of entertainment industries.

As outlined above, non-governmental organizations, institutions and community action groups are actively involved in addressing concerns with respect to increased media violence, to a much greater degree that can be presented in a paper of this nature.

The question remains: Where do we go from here?

Your considered responses to the issues raised and questions posed in this paper will assist the government in determining whether additional legislative and non-legislative steps should be taken to address and diminish the effect of violence in the media, entertainment and advertising industries.

APPENDICES

APPENDIX A - GOVERNMENT INITIATIVES

A variety of government initiatives support ongoing work and research to combat gratuitous violence in the media and on the Information Highway. Initiatives spearheaded or coordinated by government departments include the following:

- The Department of Canadian Heritage is the lead department for media violence as part of the federal strategy on "Violence in Canadian Society." It coordinates federal participation in the Canadian Association of Broadcasters' Public Service Announcement Campaign "Speak Out Against Violence," a two-year campaign funded by six federal departments to the amount of \$555 million. Phase II is expected to be launched in early 1996. In addition, the Department has funded research on the effects of television violence on children, media awareness and education projects, and Phase I of the Action Group on Violence in Television study to develop a television classification system.

In the spring of 1995, Canadian Heritage released an academic review by Professor Wendy Josephson of the University of Winnipeg entitled *Television Violence: A Review of the Effects on Children of Different Ages*. The report is useful because it studies the effects of television violence on children at different ages and, at each age level, provides concrete suggestions for parents and the television industry.

- Health Canada, through the Family Violence Initiative, has sponsored the development of a monograph entitled *The Effects of Media Violence on Children* and a fact sheet on the effects on children of violence in the media. Both documents are being distributed nationally by the National Clearinghouse on Family Violence.

The Childhood and Youth Division and the Family Violence Prevention Division of Health Canada will participate in Phase II of the "Speak out Against Violence" campaign; the theme for the second phase will be controlling personal violence against women and children and controlling exposure to media violence.

A multi-media training package, consisting of a mix of print materials and videos, targeting parents of preschoolers has also been developed. The kit, which was funded by the Childhood and Youth and the Family Violence Prevention Divisions and produced by the Alliance for Children and Television and McLean Hunter, has been distributed to community organizations and will be re-produced to meet the high demand.

- A new national on-line organization, the Media Awareness Network/Réseau Éducation-Médias, was established in 1994 under the aegis of the National Film Board of Canada (NFB). The Network, which is presently setting up a comprehensive World Wide Web site, is dedicated to home and school-based media education and to public awareness about media issues affecting children. It will link educators, parent groups, academics, community and child-care workers, journalists, broadcasters and governments at all levels. A feature of the new site is the Media Awareness Video Catalogue, prepared in collaboration with the Canadian Teachers Federation, the Canadian Association of Media

Education Associations and the Centrale de l'enseignement du Québec. Funding for the development of the Network has come from the NFB and from the Departments of Justice, Industry (SchoolNet), Canadian Heritage, and Health (Children's Bureau). Substantial financial assistance has recently been provided by Bell Canada. The Network is currently in the process of incorporating as an independent Canadian service.

- The Department of Justice, as part of the National Strategy on Community Safety and Crime Prevention, was instrumental in funding the Media Awareness Network as well as providing a platform and a conference for the database on the Access to Justice Network on the World Wide Web.
 - A 1994 study prepared for Solicitor General Canada, *Weapons Use in Canadian Schools*, cites the media as influencing students' perceptions of weapons as "cool", and recommends media education to counter this influence. This finding was reiterated in two recent studies commissioned by the Department on school violence: a policy paper on the implications of a zero-tolerance approach to youth violence; and a paper on the role of the police in school-based prevention programs entitled *The Book and the Badge*.
 - Status of Women Canada is making a contribution in 1995-96 to the Canadian Association of Broadcasters' public awareness campaign on violence against women and children and media literacy. Program funding has been provided to MediaWatch since the mid-1980s and to MediaWatch and Erin Research for the Global Media Monitoring Project, which spans from 1993 to 1996, in order to address the portrayal of women in the media and media violence.
 - The Canadian Radio-television and Telecommunications Commission has worked with citizen's groups and the various sectors of the broadcasting industry for several years to address the issue of TV violence. In 1992, it commissioned two key studies on television violence. It has also hosted a number of meetings and working sessions with industry, anti-violence groups and educators, and provided financial and organizational support to conferences on television violence, including the 1993 Hincks Institute Conference, "Reclaiming Childhood: Responsible Solutions to Television Violence and Our Children."
 - The Government Advertising Management Group has instituted a policy to prevent government advertising from appearing with programs containing excessive violence, strong language or sexual content.
 - In the area of classification of films and videos by provincial film review boards, efforts are under way to create a national system of classification and symbols to which provinces would adhere. However, a national film and video classification system would involve legislative change, so it is not feasible right away.
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APPENDIX B - THE INDUSTRY

Voluntary measures, including self-regulatory action, have already been taken by members of a number of entertainment industries to address the public's growing concern about violence in entertainment and media. Action which has been taken by members of the "media industry" and the bodies regulating them includes the following:

- The Canadian Association of Broadcasters' (CAB) "Voluntary Code Regarding Violence in Television Programming" states that broadcasters are not to air programming which contains gratuitous violence in any form that sanctions, promotes or glamorizes violence, and that programming that contains scenes of violence intended for adults is not to be aired before 9:00 p.m. The Code also contains specific rules for children's programming. The CAB has also contributed \$10.6 million free air time for the "Speak Out Against Violence" campaign.
- Adherence to the CAB Broadcasting Codes, including the "Voluntary Code Regarding Violence in Television Programming", is overseen by the Canadian Broadcast Standards Council (CBSC), a self-regulatory body created by the industry. The influence of the CBSC on CAB members was demonstrated by the removal of "The Mighty Morphin Power Rangers" series in its original form from these Canadian services in the fall of 1994. The CRTC requires compliance with the CAB Violence Code as a condition for new licence or licence renewal.
- The Action Group on Violence on Television, formed to coordinate efforts of the Canadian broadcasting, cable, pay and specialty services, advertising and production industries, is currently developing a national classification system for television programming. A condition of the acceptance of the CAB Violence Code by the CRTC was the creation of such a classification system.
- The CBC has prepared a draft code on TV violence, which is being considered by the CRTC. In the meantime, the CBC adheres to the CAB code as a condition of licence.
- The CRTC oversees program content as it relates to specialty services, pay television and pay-per-view programming available through cable affiliates. The CRTC has approved "The Pay Television and Pay-Per-View Programming Code Regarding Violence," conditional upon the development and inclusion in the Code of a satisfactory system of program classification. For those specialty services, the CRTC now requires adherence to a violence code as a condition of licence or licence renewal. Most specialty services have also prepared draft codes for the CRTC's consideration. These codes are currently being reviewed.
- The Canadian Cable Television Association (CCTA) has prepared a draft violence code for the CRTC's consideration. In 1993, it developed a campaign, "Stop the Silence on Violence," to address issues with respect to violent programming. In September 1995,

the Association released a media literacy/media violence brochure, "Watch What Your Children Watch," in partnership with its member cable companies and the Department of Canadian Heritage, which is being distributed to all cable subscribers across Canada.

- CCTA members Shaw Communications Inc. and Rogers Cablesystems Limited are testing the use of a parental control device developed by Professor Tim Collings of Simon Fraser University, referred to as the "V-Chip," which interprets a coded rating system for levels of sex, violence and language and allows users to block out unacceptable programs.
 - The CRTC concluded its regional consultations and public hearings on the issue of violence in television programming in October 1995. This process gave members of the public and the industry the opportunity to comment on the approaches outlined above to deal with television violence, as well as to suggest alternatives or additional measures to address the issue. The hearings focused on how to establish and implement a national programming classification system, roll-out scenarios for parental control technologies and how to address the problem of the unequal application of restrictions on television violence between Canadian broadcasters and foreign and other services distributed via cable.
 - On March 14, 1996 the CRTC issued Public Notice CRTC 1996-36 which presents its policy on violence in television programming. The Commission continues to focus its attention in three areas: self-regulation by the broadcasting industry; a national programming classification system that is compatible with V-chip technology; and, media literacy and public awareness programs. By September 1996, Canadian broadcasters will be responsible for encoding a V-chip-based rating for violence in programs they broadcast. If American broadcasters have not begun similar encoding, effective and parent-friendly for Canada, by January 1997, Canadian cable, direct-to-home and multipoint distribution systems will be responsible for developing alternative methods to ensure that foreign signals they distribute are encoded with violence ratings acceptable to the CRTC.
 - YTV produces media-literacy units for the schools, which will be featured in the "Cable in the Classroom" program which was launched by the cable industry, in partnership with Canadian and American programming services in September 1995.
 - The Canadian Film and Home Video Industry, in cooperation with provincial and regional classification authorities, has designed the Canadian Video Rating System which was implemented in May 1995. All new video releases will be labelled with one of six classifications. These are derivative ratings based on an average of classifications as determined by the provinces. An information campaign will be launched to educate the public about the meaning of the classifications; a public opinion poll will be conducted to determine whether the public requires more information than that provided by labelling, classification and the information on cassette sleeves.
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- Members of the Canadian Recording Industry Association are involved in voluntary stickering which provides information concerning references in recordings to explicit sex, violence and the use of substances.
 - The Canadian Interactive Digital Software Association requires its members to submit all new products for rating by the Entertainment Software Rating Board, a fully independent North American rating facility which has implemented an industry-wide rating system for video games. Large rating symbols are displayed on the front cover of the package, and content information or descriptions, indicating whether material contains violence, sexual themes, language or other content that may concern consumers, are printed on the back of the package; education materials have been developed to outline the rating system, provide general guidelines with respect to age appropriateness and suggest responsible use habits.
 - In Public Notice CRTC 1995-5, which outlines the Commission's policy governing the distribution of video game services, the CRTC indicated its expectation that all such services provide child-protection features similar to the one proposed by Sega. In its submission to the Commission, Sega outlined its plans for a "Password for Parents' Initiative" which includes a special channel adaptor with a V-chip to allow parents to pre-select games and a personal identification number to set the appropriate rating level for the home. In addition, all such services must adhere to the CAB code on violence.
 - Phrase detection software is designed to monitor and block incoming or outgoing computer traffic according to a user-defined dictionary of words, phrases or Internet addresses. Canadian products, such as Net Nanny and Internet Filter, currently offer starter dictionaries and updated lists of objectionable or unsuitable newsgroups, file transfer protocol sites and World Wide Web pages. Assessments are under way to coordinate efforts with third-party rating systems that have begun to emerge in the United States.
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APPENDIX C - NON-GOVERNMENTAL ORGANIZATIONS, INSTITUTIONS AND COMMUNITY ACTION GROUPS

Public interest and community-based groups are actively involved in addressing concerns about increased media violence. For example:

- The Alliance for Children and Television has developed "Prime Time Parent," a television viewing workshop kit for use with parents of children aged 2 - 12, and an industrial strategy for television production for children.
 - MediaWatch has developed numerous resources on media violence and gender issues, including current elementary-level curriculum materials, in collaboration with the Ontario Ministry of Education and the Ontario Women's Directorate.
 - At the University of Montreal, the Groupe de Recherche sur les jeunes et les médias carries out a yearly critical view of television programming for youth.
 - The objectives of Travail de Réflexion pour des Ondes Pacifiques (TROP) are, through its media literacy and anti-violence activities, to sensitize children, their parents, teachers and communities in Quebec to the issue of media violence, and to press programmers to reduce the level of such violence. TROP channels its information throughout the province with the assistance of the Optimist Clubs of Quebec.
 - The Coalition for Responsible Television is taking steps to address violence on television, including a 1-900 line that allows adults to complain about particular displays of violence on television and have their complaints forwarded to the Canadian Broadcast Standards Council. The Coalition is supported by diverse groups, including the Canadian Medical Association, the Canadian Teachers Federation, the Canadian Association of Principals, the United Church of Canada, the Catholic Women's League and the Canadian Conference of Catholic Bishops, the Quebec Teachers' Union, TROP and a number of community-based groups.
 - The Information Highway Advisory Council has examined the question of whether controls should be placed on information that is put on the network to address concerns about illegal and offensive materials.
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APPENDIX D - EDUCATION

Media-literacy materials have been developed and made available to schools, libraries, community-based programs and parents to encourage media-literacy awareness and the need to recognize and deal with the effects of media violence. Specific action has included the following:

- The Canadian Teachers Federation has hosted a conference, "Nurturing Harmony in Our Schools," which included sessions on media violence, and has participated in the evaluation of videos by teachers for the National Film Board Media Awareness Video Collection.
 - The Canadian Association of Media Education Organizations is working to further education and collaboration between the seven provincial media literacy associations.
 - La Centrale des enseignants et enseignantes du Québec is active in addressing the problem of media violence and violence in schools.
 - The Violence Prevention Secretariat of the Ontario Ministry of Education and Training has co-funded three kits on gender issues and media violence for young children.
 - Media violence is high on the agenda of the Canadian Home and School and Parent-Teacher Association which has an active Media Violence subcommittee.
 - The Federation of Women Teachers of Ontario, which was involved in the Ontario "Say No to Violence" campaign, sponsors curriculum units on media violence and gender issues.
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