

Venezuela's Law of Social Responsibility in Radio and Television

Background

Prior to the elaboration of the Organic Telecommunications Law of 2000, legislation regarding the telecommunications sector was outdated, failing to adapt to the technological, social, and cultural changes witnessed in the latter half of the 20th century. In fact, until 2000, audiovisual broadcasts were regulated by the Telecommunications Law of 1940—a law established prior to the arrival of television to Venezuela. The 2000 law adapted to market realities and technological advancements, and, as part of this initiative, the *Law of Social Responsibility in Radio and Television* (LSR) was developed to update the regulation of radio and television broadcasts and communications. As a whole, these regulations would constitute a building block for the modernization of the country's communications sector.

In January 2003, Venezuelan lawmakers introduced the *Law of Social Responsibility in Radio and Television* intended to uphold freedom of expression and information, support parents by limiting daytime media content deemed inappropriate for children and adolescents, encourage the broadcast of more educational programming on TV and radio, guarantee citizen participation in the communications sector, and promote growth within the country's communications industry, among others.

Similar laws and regulations exist in most developed countries, including the United States, where laws prohibit inappropriate sexual content from being shown between the times of 6 a.m. and 10 p.m. Recently in the United States, CBS was fined over \$500,000 when Janet Jackson exposed herself during the Super Bowl.¹ Furthermore, the FCC proposed an indecency fine of \$1.2 million against Fox for broadcasting whipped-cream covered strippers and digitally obscured nudity during an April 2003 episode of "Married by America."² Also, Clear Channel Communications dropped radio show host Howard Stern earlier this year after receiving a \$495,000 fine for indecency, including "graphic sexual discussion and humor."³

In drafting the law, Venezuelan legislators held in-depth studies of other countries' communication laws, paying attention to the more representative and current regulations. Legislators analyzed Argentina's *Proyecto de Ley de Radiodifusión* (2000); Colombia's Laws 14 (1991), 182 (1995), 335 (1996), and Accord No. 017 (1997); Mexico's *Reglamento del Servicio de Televisión y Radio Restringidos* (2001); the United States' Communications Decency Act, Children's Television Act (1990), and Telecommunications Act (1996); Canada's Broadcasting Act (1991), Radio Regulations (1986), and various ethical codes; the European Community's Directives 89/552/CEE and 97/36/CEE (1997); Spain's Law 22 (1999); England's Broadcasting

¹ See "FCC Plans Record Fine for CBS," *Washington Post*, Saturday, September 4, 2004.

<http://www.washingtonpost.com/wp-dyn/articles/A60379-2004Sep3.html>

² See "FCC Proposes Indecency Fine Against Fox TV," *Washington Post*, October 13, 2004.

<http://www.washingtonpost.com/wp-dyn/articles/A28197-2004Oct12.html>

³ See "FCC Fine Prompts Clear Channel to Drop Stern," AP (in FOXNews.com), April 9, 2004.

<http://www.foxnews.com/story/0,2933,116594,00.html>

Act (1990); France's Law 86.1067 (1986) and 2000-719 (2000), and; Switzerland's Federal Law on Radio and Television (1992). Furthermore, the legislators closely considered the San José Pact (1969), the International pact on Civil and Political Rights (1976), and the Convention on Children Rights (1990), which protect, among other things, freedom of expression and children rights. Appendix A contains several tables comparing communications laws for a wide array of countries.

Prior to its submittal to Congress, the law went through a rigorous series of dissemination and critique, including popular comment and formalized working groups. Presentations on the law were offered in Venezuela's major cities, including Caracas, San Cristóbal, Maracaibo, Barquisimeto, Valencia, Puerto La Cruz, and Mérida. Citizen participation and input was then encouraged and administered through an electronic forum under CONATEL's, Venezuela's Telecommunications Commission, website (www.conatel.gov.ve), emails to participación@conatel.gov.ve, letters to CONATEL's headquarters in Caracas, and bilateral meetings with diverse parties interested in the law. The working groups took place in the Rómulo Gallegos Center for Latin American Studies (CELARG) with the participation of 145 representatives of 55 institutions, including 14 service providers, 7 chambers and associations, 10 community and civil society associations, 3 non-governmental organizations, 9 governmental organizations, and 7 universities, among others. Venevisión, RCTV, Globovisión, Televen, and CMT, the five main privately-owned stations, participated in these working groups and had the opportunity to influence the wording of the law. These groups met for 10 one-day sessions.

This pluralistic process echoes Reporters Without Borders position on such regulations. In an October 20th press release on the Venezuelan case, the organization states, it "is not opposed in principle to a law that determines the obligations of companies that are granted a radio or television broadcasting license and [welcomes] the information and communication's decision to consult many sectors of society."⁴

Likewise, Article 13 of the American Convention on Human Rights, which secures the freedom of expression and forbids any government actions to limit it, includes a provision stating that "public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence." Furthermore, Article 17 of the U.N. Convention on the Rights of the Child declares that states "shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health" and that the mass media should "disseminate information and material of social and cultural benefit to the child."

Although the law was initially met with some criticism that the legislation was not specific enough and could be interpreted to limit news coverage, lawmakers from both sides worked in the General Assembly to finalize a mutually acceptable version of the law. The revised version of the law was approved by Congress on November 24th, 2004, and will now be amended accordingly and signed into law by President Chávez. This is expected to occur before the year's end.

The Law of Social Responsibility

The objective of the proposed LSR is to define and "establish the social responsibility of radio and television service providers, related parties, national independent producers, and

⁴ See "Government Urged to amend radio and tv bill," Reporters Without Borders, October 20th, 2004. http://www.rsf.fr/article.php3?id_article=11642

users in the process of broadcasting and reception of messages, promoting a democratic equilibrium between their duties, rights, and interests, with the goal of seeking social justice and contributing to citizenship formation, democracy, peace, human rights, education, culture, public health, and the social and economic development of the Nation, in conformity with constitutional norms and principles, legislation for the holistic protection of boys, girls, and adolescents, education, social security, free competition, and the Organic Telecommunications Law.”

Specifically, the LSR’s guarantees:

- Judicial mechanisms for families and the population as a whole to adequately develop the role and social responsibility asked from them as an audience.
- Respect for freedom of expression and interpretation, without censorship.
- Effective exercise and respect for human rights.
- An increase in social and cultural information and material geared to children and adolescents that could lead the progressive and comprehensive development of their personality, aptitudes, mental and physical capacity, tolerance for others, and social conscience.
- The encouragement of domestic and domestic independent productions.
- Balance between the duties, rights, and interests of people, radio and television service providers, and related parties.
- Dissemination of Venezuelan cultural values.
- Needs of hearing-impaired individuals.
- Promotion of an active participation of the citizenry.

Application and Interpretation Principles

The LSR is based on the following principles for implementation and interpretation purposes: “freedom to express ideas, opinions, and thoughts, free and plural communication, the prohibition of prior censorship, responsibility, democratization, participation, social responsibility, social solidarity, sovereignty, national security, free competition, and the radio-electric spectrum as a public domain.”

Types of Programs

The LSR permits the transmission of five types of programs: 1) educational and cultural, geared toward comprehensive training that will allow viewers to exercise their rights as citizens and participate in society and with the State; 2) informational, focused on disseminating information of a local, regional, national, and international nature in an impartial, true, and opportune way; 3) opinion pieces; 4) recreational, and; 5) mixed, combining any of the aforementioned categories. Program categories will be announced by using a 1-to-5-numeration system.

Rating System & Restrictions

Program categories will be based on language, health, sex, and violence. A rating system ranging from A to E, with A being the mildest, will be set to monitor programming and inform viewers of the type of program being transmitted. Article 7 allows that violence be broadcast if it is indispensable for the comprehension of the information, it is used to protect the physical

integrity of individuals, or it arises without forewarning. As such, news broadcasts will not be forbidden from airing scenes depicting violence as some critics have claimed.

Table B on page 8 summarizes these categories.

Table A shows the presentation time blocks that determine television and radio broadcast content.

Table A – Presentation Blocks

Block	Time	User	Categories Not Allowed for Transmission
All-Users	7 a.m. to 7 p.m.	Children with out parental supervision	B (Language, Health, Sex) C, D, E
Supervised	5 a.m. to 7 a.m. and 7 p.m. to 11 p.m.	Children with parental supervision	C (Language) D (Sex, Health) E (Sex, Violence)
Adult	11 p.m. to 5 a.m.	Adults, older than 18 yrs.	E (Sex)

Advertisement & Related Restrictions

Advertisements may not exceed 15 minutes for every 60 minutes of broadcast; this time may be divided into a maximum of 5 sections during the 60 minutes, unless the format of the program requires a different interruption pattern.

Advertisements via insertion on the screen are only allowed for sporting or artistic events. These shall not exceed 5 minutes for every 60 minutes of diffusion and may not occupy more than 1/6 of the screen.

Advertisements of the following is not permitted: tobacco; alcoholic beverages; illegal drugs; professional services for individuals that do not obey with conditions or requisites established by the law; illegal goods, services, or activities; gambling; goods, services, or activities directed towards children and adolescents that use or contain violence, and; weapons, among others.

State's Access to Free and Obligatory Spaces

The government has limited access to the airwaves for announcements of national significance. These spaces shall not exceed 60 weekly minutes or 15 daily minutes. The organization in charge of communications and information will determine the time and frequency of these spaces, granting users 10 minutes out of the 60 weekly minutes as a guarantee of access to service providers.

Paid Subscription Services

Cable companies that charge a fee for their service must offer, free of charge, access to open television channels as long as these do not exceed 15 percent of the total channels offered to the user. Also, cable providers must incorporate State television channels into its service and correctly block channels that broadcast programs with an E sexual content.

On Democratization and Participation

This article (No. 12) allows users to organize legally to ensure the following rights:

- The ability to receive program information prior to their transmission.
- Responses from service providers within 15 days of the filing of a complaint.
- Promotion and defense of their communication rights and interests.
- Access to public records for messages disseminated by service providers.

- Participation in the process of formulation, execution, and evaluation of programs geared toward critical education.
- Participation in non-binding public consultations for the elaboration of this law's technical regulations.
- Solicitation of financing for critical education projects, as well as for the promotion and defense of users' rights and interests.
- Access to free airtime as specified by the law.
- Promotion of dialogue and exchange between service providers, users, and the State.

Organizations seeking such goals should be non-profit; have a membership of at least 20 individuals; its members must not have conflict of interests with service providers, and; members' properties or access to resources will not contribute to influence or inhibit their participation in the promotion and defense of the aforementioned rights.

Service providers must transmit a daily minimum of 3 hours of educational, informational, and/or opinion pieces geared towards children and adolescents.

Furthermore, these service providers must broadcast a daily minimum of 7 hours of programs produced domestically during the All-User Block. A minimum of 4 hours of this daily minimum must come from domestic independent producers. During the Supervised Block, broadcasting requirements are of a minimum of 3 hours of programs and advertisements produced domestically, 1.5 hours of these being domestic independent productions. Under no circumstances may a domestic independent producer occupy more than 20 percent of a service provider's daily domestic independent production requirement. 100 percent of advertisements must be produced domestically, unless specified by international treaties between Venezuela and other countries. 85 percent of advertisements aired by service providers must be domestically produced. Rebroadcasts may not exceed 30 percent of weekly transmission.

Television Programming Commission

In an effort to guarantee the democratization of the airwaves, the Law creates a Television Programming Commission and a Radio Programming Commission that will establish the mechanisms and conditions by which airtime is assigned to domestic independent producers. These Commissions will consist of a representative each from the ministry in charge of information and communication, the service providers, the domestic independent producers, and the users organizations.

On Democratization and Participation for Community Service Providers

Public and community non-profit channels must allocate a minimum of 70 percent of its daily transmission to community productions. The same community or independent producer may not hold more than 20 percent of the service provider's daily transmissions. Community production generated by a community operator may not hold more than 15 percent of its daily transmissions.

On Democratization and Participation for Cable Companies

Cable companies that charge a fee for their service will provide the State with a channel for educational and journalistic programs by national independent producers.

All television service providers are obligated to: 1) publish on a monthly basis printed program guides that indicate the name, type, time, and date of transmission, and; 2) announce prior to every transmission the name of, type, and warnings regarding the program.

Social Responsibility Directorate, Council, and Fund

The LSR proposes the creation of a Directorate and Council of Social Responsibility.

The Directorate will detail management duties as defined by CONATEL's General Director, a representative each from the Ministries of Information and Communication, Education and Culture, and Health, and a representative each from the National Women's Institute, the National Council for Children and Adolescent Rights, the religious sector, academia, and NGOs dealing with the protection of children and adolescents, and two representatives from the user organizations. The latter four representatives will be selected in an assembly convoked by CONATEL. The Directorate's duties will be to: 1) discuss and approve technical norms derived from the law; 2) establish and impose sanctions not assigned to CONATEL's Director or the Ministry of Telecommunications, and; 3) manage and effectuate all necessary actions to guarantee adherence to the Social Responsibility Fund and approve funds for more expensive projects.

The Council will consist of a representative of each the Ministries of Information and Communication, Education and Culture, and Health, and representatives from the National Women's Institute, the National Council for Children and Adolescent Rights, the religious sector, academia, the users, indigenous communities, NGOs dealing with the protection of children and adolescents, television and radio service providers, announcers, television and radio workers, youth councils, and NGOs dealing with culture, among others. This multi-sector Council will serve as a consultant for matters concerning the Directorate.

The Social Responsibility Fund will contribute to the principles of democratization, plurality, and social responsibility in television and radio by ensuring the resources to support, develop, and promote domestic production, training domestic producers, developing critical education for the media, and conducting research related to the broadcasting of messages in the country.

It will be financed by contributions from radio and television providers for the development of diffusion activities within the country. More specifically, service providers will contribute 2 percent of yearly revenues to the Fund. Service providers will receive a 25 percent discount when transmissions by domestic independent producers are greater than 50 percent of daily transmissions and a 25 percent penalty when program retransmissions, advertisements, and publicity campaigns exceed 20 percent of daily transmissions. Donations and interest payments from amassed contributions will also aid the Fund.

Penalties

Penalties vary from denial of spaces for broadcasts to suspension and revocation of license. Here are highlighted some of these penalties.

Denial of Spaces for Cultural or Educational Broadcasts

- Failure to identify program sources during the broadcasts.
- Transmission of inappropriate C-category language, health, sex, and violence elements under the supervised block.
- Disobeys time limitations imposed on advertisements as stipulated under Art. 8.

- Failure to turn in to CONATEL copies of the recordings and broadcasts as required by Art. 23.

Fine Consisting of 0.5 to 2 Percent of Service Providers' Previous Fiscal Period's Revenues

- Non-compliance with obligation to offer free and obligatory spaces to the State as specified in the law.
- Transmitting programs with a sexual content of category E.
- Transmitting propaganda or advertisements against what is decreed under Art. 16.
- Failure to broadcast programs developed by national and national-independent producers as specified in the law.
- Not submitting information required by the National Telecommunications Commission as specified by the law.
- Failure to comply with requirements on the broadcasting of domestic, domestic independent, and community-based productions.
- Not granting free spaces to the Executive Branch's entity in charge of communication and information.
- Transmitting messages that illegally promote, make an apology of, or incite disobeying the current judicial ordination.
- Transmitting messages that impede the actions of citizen security organisms and the judicial branch that are necessary to guarantee the right to life, health, and individuals' personal integrity.

Suspension and Revocation

- Suspension of license for up to 72 continuous hours when messages transmitted: 1) incite war, changes to public order, and crime; 2) are against National Security, or; 3) are anonymous. Suspension will also occur when the service provider receives 2 penalties amounting to 30,000 units each during a 3-year time period.
- Revocation of license for up to 5 years when a penalty is repeated following suspension and within 5 years of the first penalty.

The law provides a mechanism for service providers to appeal their case either in person or by writing. (Art. 31-35). A clear and fair process is in place to handle such issues. The following steps are in place: 1) oral or written complaint; 2) submittal of evidence against penalization; 3) investigation by CONATEL; 4) the Directorate will have between 30 and 45 days to reach a verdict, and; 5) depending on the outcome, the possibility to submit decision to the country's courts.

Venezuela's Law vs. Other Countries

The international laws used as the basis for the development of the LSR contain several elements that were also adopted by Venezuelan legislators. These elements include the protection of personal privacy; the promotion of national television and cinematography production; a regulatory agency conformed by a wide array of sectors; strict guidelines concerning advertisement; clearly outlined program categorization; special broadcasts geared towards minors; the protection of minors from vulgarity, sexuality, and other gross content; means by which the citizenry may participate in the regulation of television and radio

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broadcasts, and; the establishment of broadcasting blocks for all, supervised, and adult audiences.

Appendix A compares provisions from Venezuela and seven other countries.

Table B – Program

Categories

Category	A	B	C	D	E
Language	Sounds/images of common use that may be presented to minors with out parent supervision.	Sounds/images that are not obscene but are deemed gross.	Obscene sounds/images that describe sexual organs or practices o eschatological manifestations with out educational purposes.	NA	NA
Health	Educational sounds/images for alcohol, drug, tobacco, & gambling prevention, & other related activities, which may be viewed by children with out parent supervision.	Educational sounds/images for alcohol, drug, tobacco, & gambling prevention, & other related activities, which may be viewed by children with parent supervision.	Sounds/images that: 1) refer directly to the moderate use of alcohol & tobacco without explicitly expressing their negative health effects; 2) refer to the excessive use of alcohol, tobacco, & drugs, & gambling, explicitly expressing their negative health effects.	Sounds/images that: 1) refer directly to the excessive use of alcohol, tobacco, drugs, & gambling without explicitly expressing their negative health effects; 2) link the consumption of alcohol, tobacco, drugs, & gambling to economic, social, or sexual advantages; 3) refer negatively to sobriety or abstinence from engaging in listed activities.	NA
Sex	Sounds/images for sexual education purposes that may be viewed by children with out parent supervision.	Sounds/images for sexual education purposes that may be viewed by children with parent supervision.	Implicit sexual sounds/images with no educational purposes, or erotic manifestations that do not include explicit sexual acts or practices.	Images/sounds that include: 1) real or acted sexual practices that do not show sexual organs; 2) explicit sexual messages; 3) nudity, &; 4) acted sexual practices considered punishable by law.	Images/sounds that include: 1) real or acted sexual practices that do show sexual organs; 2) sexual practices that violate the right to life, health, & human integrity, &; 3) real sexual practices considered punishable by law.
Violence	Educational sounds/images on violence prevention & eradication that may be viewed by children with out parent supervision and are not explicit or detailed.	Images/sounds that portray acted violence or their consequences in a non-explicit manner.	Educational sounds/images on violence prevention & eradication that may be viewed by children with parent supervision as long as they are not explicit or graphic.	Non-explicit images/sounds that portray real violence or its consequences. Or acted violence and its consequences shown in an explicit but not detailed manner.	Sounds/images that show in explicit form physical, psychological, sexual, or verbal violence, or its consequences; is against the family, children, adolescents, and women; that promote suicide or self-harm.

Appendix A
Comparative Tables – Media Laws for a Select Number of Countries

	ARGENTINA	SPAIN	COLOMBIA	FRANCE	CHILE	USA	CANADA	VENEZUELA
REGULATING AGENCY	Federal Radio Broadcasting Committee. Under the current Radio Broadcasting Law it is the National Committee for Radio and TV (a dependency of the Executive Branch) and led by a 7-member directory.	Ministry of Science and Technology.	National TV Committee.	Superior Audiovisual Council, led by a college (9 members) appointed by the President, the Assembly, and Senate.	National TV Council, college (11 members) appointed by the President and Senate.	Federal Communications Commission (FCC), consisting of 5 members designated by the President and the Senate.	Canadian Radio Broadcasting and Telecommunications Commission, an independent agency made up of 19 members appointed by the President and the Council of Ministers.	National Telecommunications Commission (CONATEL). Social Responsibility Directorate, consisting of a multi-sector membership. Consulting agency: Social Responsibility Council, made up of a multi-sector membership.

<p>REGULATORY SCOPE</p>	<p>Content regulation for each time block for the protection of minors (language, sexuality, violence, alcohol, drugs, adult themes, ads.) -People's individual rights. -Freedom of information. -Regulation of educational programs. -Political partisanship. -Participation by minors. -Advertisement. -Gambling.</p> <p>In the current proposed law: -License system. -Programming. * Domestic production. * Inclusion of independent production. * Categorization of the time block for children. * Restrictions to content broadcasting. * Advertisement.</p>	<p>Principles: -Objectivity, veracity, and impartiality in broadcasts. -Respect to political, religious, social, cultural, and linguistic pluralism. -Respect to honor and fame. -Separation of information and opinion as established by the limits decreed under rubric 4 of Art. 20 of the Constitution.</p> <p>Regulated Areas: -Promotion, broadcasting, and production of certain TV programs. -Protection of minors with regards to programming and publicity. -Limits to publicity, sponsoring, and telemarketing. -Audiences' rights to information on programming.</p>	<p>- Right to rectification. -Spaces for political parties. -Government access to TV channels. -Domestic production. -Responsibility to inform about the content of broadcasts. -Freedom of information. -Classification of time blocks by audience.</p>	<p>-Guarantee the principle of freedom in audiovisual communication. -Guarantee respect for pluralism, and equality in the relation between operators and users. -Control publicity. -Protect children and adolescents. -Intervene in the provision of frequencies for radio and TV. -Grant permits for radio and TV, private or via satellite. -Regulate and control audiovisual communications, managing the radio-electric space.</p>	<p>- Grant, renew, modify, and end radio and TV concessions. - Establish schedules. -Set percentages for domestic TV and radio production. -Guarantee that service providers respect through their broadcasts the nation's moral and cultural values, personal dignity, family protection, pluralism, democracy, peace, environmental protection, spiritual formation, and children and adolescent intellectual formation. -Obligation to transmit at least one hour a week of cultural programs. -Prohibit broadcast of programs that contain excessive violence, truculence, pornography, or the participation of minors in acts against morality and good customs.</p>	<p>Regulatory system based on the moral classification of programs, warn users about its contents. -Law of Decency in Telecommunications Prohibits the broadcasting of obscene material in any time slot, and of indecent material between 6 am and 10 pm. -Law of Child TV: Federal Regulatory Code: assures the existence of educational and informational programs for children and the restriction of publicity during this time slot.</p>	<p>Establishes norms dealing with: -The broadcasting of domestic production, -Prohibition related to discrimination based on race, ethnic or racial origin, color, religion, gender or sexual orientation, age or mental or physical handicaps. -Obscene or profane language. -False news. -Lack of respect for people's privacy. -Publicity messages. -Political programming. -Ethnic programming. -Obligation to keep and provide information on the programming. It also contains the following codes: -Radio Broadcasting Code for the Broadcasting of Ads for Children: Establishes norms for the adequate elaboration of messages for a child audience. - Code of Ethics: It recognizes → *That programming cannot contain discriminatory material. *The need to design programming especially for children. *That ads must be shown taking into account child protection, maximum time duration, and their treatment in news and religious programming. -Voluntary Code on Violence in TV Programs.</p>	<p>Principles: freedom to express ideas, opinions, and thoughts, free and plural communication, prohibition of previous censorship, ulterior responsibility, democratization, participation, solidarity and social responsibility, sovereignty, domestic security, and free competition. Guarantees: -That families and individuals have judicial mechanisms and the social responsibility that they deserve as audiences. -Respect for freedom of expression and information. -Exercise and respect of human rights, particularly honor, privacy, intimacy, self-image, confidentiality and reputation, and the access to opportune, accurate and impartial information, without censorship. -Broadcasting of information and materials for minors that are of a social and cultural interest. -Broadcasting of domestic production and domestic independent production and promotion of the domestic audiovisual industry. -Balance between the duties, rights, and interests of individuals. -Broadcasting of Venezuelan cultural values. -Mechanisms to facilitate usage by handicapped individuals. -Promotion of active and protagonist participation of citizenry. Establishes the following types of programs: - Cultural and Educational. -Informational. -Opinion. -Recreational. Establishes schedule types, schedule blocks, and restrictions by schedule for service providers. Type of Schedule Blocks: -All User (7 am to 7 pm) -Supervised (5 am to 7 am and 7 pm to 11 pm) -Adult (11 pm to 5 am) Allows citizenry to organize into user committees for the protections of their communicational rights.</p>
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<p>SANCTIONING SYSTEM</p>	<p>Sanctions: Art. 18 a) For the owners: -Call their attention. -Warning. -Fine. -Suspension of ads. -Revoke license. b) Providers: -Warning. -Fine. -Suspension. -Disablement. The current proposed law establishes the following sanctions: a) For the owners: Warning, ad suspension, license revocation. b) For those who produce or emit the communication or exhibit images that motivate the sanction: Warning, 6-month suspension, disablement for a maximum of 1 year, cancellation of permit. Sanctioning Rights to the National Radio and TV Commission.</p>	<p>Serious sanctions correspond to the Ministry of Science and Technology and most serious infractions correspond to the Council of Ministers.</p>	<p>Sanctioning rights to the National TV Commission. -Inspect, monitor, and control the adequate provision of TV public services. Can initiate investigations and order visits. -Temporarily and preventatively suspend programming. -Sanction operators and concessionaries when they violate constitutional and legal dispositions that relate to family and children rights.</p>	<p>- Suspension. -Reduction to the duration of the authorization. -Pecuniary sanction. -Revoke authorization. -Obligation to insert certain messages in the programming.</p>	<p>Sanctions: -Fine between 20 and 200 tax units. - Suspension of broadcasts for a period of up to 7 days. -License revocation.</p>	<p>FCC can impose sanctions, including: -Notification of violation. -Warning letter. -Fines. -Suspensions. -License revocations.</p>	<p>The Law establishes applicable sanctions in case of transgressions.</p>	<p>The Law establishes: *Fines: -Denial of spaces for educational and cultural broadcasts. -0.5 to 1 percent of previous fiscal period's revenues. -1 to 2 percent of previous fiscal period's revenues. Range from not obeying to the incorporation of measures that guarantee the integration of handicapped individuals to the broadcasting of secret or private messages using codes. Will sanction respecting the principles delineated in the Venezuelan Penal Code, which allows it to increase or decrease the imposed sanction on a case-by-case basis.</p>
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	ARGENTINA	SPAIN	COLOMBIA	MEXICO	CANADA	VENEZUELA
DOMESTIC AND DOMESTIC INDEPENDENT PRODUCTION	<p>Radio Broadcasting Law N° 22.285 15 Art. 8 ...Maintain a minimum of domestic production in its broadcasts...A minimum of 40 % of daily emissions must be of domestic production Art. 51. The Federal Radio Broadcasting Committee will set up a directory for the subscription of agencies, organizations, and producers.</p> <p>Decree N° 286/81 (Modified by Decree 1005/99) 10 sep 1999 Art. 19. Programming must include, preferably, works by domestic authors and performances by Argentine artists.</p>	<p>Law 22/1999 July 7, 1999, which modifies Law 25/1994, June 12, 1994. Art. 5. TV operators must reserve 51 % of their annual broadcasting time to the broadcasting of European audiovisual productions. To comply with this requirement, they will have to invest, at minimum, 5 % of total revenues towards the production of movies for European TV.</p>	<p>Law 182 of 1995 Art. 55 Domestic Programming. Each provider of open access TV must comply with, on a monthly basis, the following %ages of required domestic production. A) National or Zonal Channels: From 19:00 to 22:30, (Triple A), 70% of programming must be produced domestically. From 00:00 to 10:00, 100% will be of any kind. From 10:00 to 14:00, 55% must be domestic production. From 14:00 to 19:00, 40% must be domestic production. From 22:30 to 00:00, 55% must be domestic production. Saturdays, Sundays and holidays, the Triple A block 60% must be domestic production. B) Regional and Local Channels: In regional and local stations, 50% of the broadcasts must be domestically produced.</p>	<p>TV and Restricted Audio Ruling for Service Providers Art. 25 ... within their broadcasts, they must transmit on a daily basis the following percentages of domestic production: - In terms of restricted TV services, at least 7% of daily programming must be domestic production. Federal Radio and TV Law D.O.F. January 19, 1960 Art. 73 Providers must promote and seek benefits from local and domestic artistic talent and expressions, dedicating as live programming the minimum established by the <i>Secretaría de Gobernación</i>.</p>	<p>Broadcasting Act 1991 Broadcasting policy for Canada. -Programming offered by the Canadian broadcasting service must include a significant contribution from Canada's independent production sectors.</p>	<p>Proposed Law of Social Responsibility in TV and Radio. Art. 13. Domestic productions are those programs, ads, or propaganda on TV or radio whose creation, direction, production and post-production included at least 70% of Venezuelan financing, locations, scripts, authors, directors, artistic and technical personnel. A database of domestic independent producers will be maintained by CONATEL. Service providers must comply with the required minimum of 10 hours of domestic production out of the 24 hours of broadcasting.</p>

	CHILE	FRANCE	COLOMBIA	MEXICO	SWITZERLAND	VENEZUELA
EXPLICIT DISPOSITIONS IN TERMS OF FREEDOM OF EXPRESSION	<p>General Norms on the Content of TV Broadcasts (Published in the <i>Diario Oficial</i>, August 20, 1993)</p> <p>Art. 3. In news or informational programs, service providers must avoid sensationalism in the presentation of occurrences or real life situations that involve excessive violence, truculence, explicit sexuality, or minors' participation in acts considered immoral or as bad manners.</p>	<p>Law N° 86-1067 September 30, 1986 modified in February 2003.</p> <p>Art. 13. The Superior Council of the audiovisual sector guarantees respect for the pluralistic expression of thoughts and opinions in radio and TV programs, particularly for those providers of political and general information.</p>	<p>Law 182 of 1995</p> <p>Art. 30 Right to rectification. The State guarantees the right to rectification to any person or group of people when their names or rights are publicly affected by information they deem inaccurate, false, or slanderous. The affected party or his legal representative, in cases where the affected party, his descendents, or their representatives pass away, may request his/her right to rectification.</p>	<p>Federal TV and Radio Law D.O.F. January 19, 1960</p> <p>Art. 58 The right to information, expression, and receipt in radio and TV is free and shall not be subjected to any judicial or administrative inquiry nor to any limitation or previous censorship. All will be executed according to the Constitution's terms and laws.</p>	<p>Federal Radio and TV Law (LRTV) 1991</p> <p>Art. 5 1. Providers freely conceive their programs and assume responsibility for them. Unless established by federal law, providers are not linked by any instruction coming from federal, regional, or communal authorities.</p> <p>Art. 6 1. Broadcasts that may threaten internal or external security of the Confederation or cantons, as well of Constitutional order, or that violate Swiss inter-domestic law are not permitted.</p>	<p>Proposed Law of Social Responsibility in TV and Radio.</p> <p>Art. 2. The Law's interpretation and application must comply with the following principles: Freedom to express ideas, opinions, and thoughts, free and plural communication, prohibition of previous censorship, ulterior responsibility, democratization, participation, among others. The Law defines violence, sexual, health, and language elements for the supervised and all user blocks.</p>

	CHILE	MEXICO	SPAIN	VENEZUELA
ADVERTISEMENT FOR ALCOHOLIC BEVERAGES	<p>General Norms on Content of TV Broadcasts (Published in <i>Diario Oficial</i>, August 20, 1993)</p> <p>Art. 4. The TV broadcast of ads for tobacco and alcoholic beverages can only occur from 22:00 to 06:00. In exceptional cases, providers may mention trademarks, but not the prohibited products, when these trademarks are part of the sponsoring of a cultural, sporting, or related event. All ads for the use of drugs are prohibited under article 11 of Law 18.043.</p>	<p>Federal Radio and TV Law D.O.F. January 19, 1960</p> <p>Art. 68 All commercial providers that broadcast ads for alcoholic beverages that exceed a 20% alcoholic content, must abstain from exaggerations and combine it or alternate it with educational or hygienic ads, or ads that promote nutritional improvement.</p>	<p>Law 22 / 1999, July 7, 1999, modified Law 25/1994, June 12, 1994.</p> <p>Art. 10. (2). Ads and telemarketing for alcoholic beverages shall respect the following principles:</p> <p>a) May not be directed specifically at people under the legal drinking age nor show minors consuming these beverages.</p> <p>b) May not associate the consumption of alcoholic beverages with improved physical condition or abilities to drive a vehicle, nor give the impression that its consumption leads to sexual or social success. It may not suggest that alcoholic beverages contain therapeutic or sedative values, or that it is a mechanism by which to solve conflicts.</p> <p>c) May not encourage excessive drinking or offer a negative image of abstaining from drinking or sobriety. It may not highlight positive qualities of its alcoholic beverages.</p>	<p>Proposed Law of Social Responsibility in TV and Radio.</p> <p>Art. 9. For public health, public order, and personal respect reasons, it is not allowed to broadcast ads on TV or radio for the following products:</p> <ol style="list-style-type: none"> 1. Cigarettes and tobacco derivatives. 2. Alcoholic beverages. 3. Drugs. 4. Services rendered by people that do not comply with requisites established by the law. 5. Goods, services, or activities whose broadcasts have been prohibited or restricted for public health or human rights reasons. 6. Gambling. 7. Goods or services for minors that show or use violence. 8. Weapons and explosives. <p>Anonymous advertising is not permitted. Ads per insertion are not allowed unless specified by the law.</p>