

Video Recordings Act Exemptions

New Classification requirements for music, sports, religious and educational videos: draft Statutory Instrument for Comment

Response from Mothers' Union

January 2014

Mothers' Union is a Christian membership organisation working in 83 countries to promote stable relationships, family life and the protection of children. Mothers' Union has been campaigning on the commercialisation and sexualisation of childhood since 2010 through our Bye Buy Childhood campaign.

Mothers' Union welcomes the Government's efforts to better protect children from sexualised and violent content through this amendment to the Video Recordings Act and in our response to the DCMS consultation in 2013, stated our preference for the option of removing the exemption out of all those proposed. We have a number of comments on the draft regulations in the context of ensuring that these proposals will help inform parents and carers, and protect children from age-inappropriate material.

Whilst we welcome the inclusion of 2 b) ("it depicts the immediate aftermath of violence on human or animal characters") into recordings that will need to be classified, we wonder if this would also apply to non-physical violence, for example emotional or psychological violence, such as that often experienced by victims of domestic abuse.

We welcome the term 'depiction' in relation to various themes and activities throughout the regulations as this will act as an earlier 'alert' to potentially unsuitable material than if there was reference only to the 'promotion' of such themes. However, we recognise that in relation to alcohol and tobacco it is helpful not to include 'depiction' as simple depiction may be necessary in educational videos for those under the age of 12.

Whilst we welcome the inclusion of 2 i) ("it depicts techniques likely to be useful in the commission of offences or, through its depiction of criminal activity, promotes the commission of offences"), we are unclear as to whether this will cover all offences, both criminal and civil, or whether only those considered more serious. For example, would the depiction of an owner failing to clear up after their dog fouling a pavement result in a recording needing to be classified?

In relation to the depiction of sexual messages and behaviour we are satisfied with the approach that content likely to be rated U or PG can remain exempted. Whilst we expect those producing recordings to understand what constitutes 'mild' sexual behaviour or activity, we note that guidelines on the BBFC website provide a clearer distinction than in the updated '*BBFC Guidelines: Age Ratings You Trust*'. The greater detail on the website might offer better guidance to parents and carers if they are concerned about the distinctions between 'mild' and 'moderate' and highlighting this resource as being more detailed would be helpful.

We do have some concerns about the practical out workings of 2 o) ("it includes words or images that are intended or likely (to any extent) to cause offence, whether on the grounds of race, gender, disability, religion or belief or sexual orientation, or otherwise") and whether this might lead to unintended consequences. In the context of the motivation behind this amendment to the Video Recordings Act, and of our own concerns, we welcome moves to age rate music videos that demean women and girls and portray them as sexual objects. However, 'offence' can be very subjective and the guidelines set a very low threshold ("likely (to any extent) to cause offence"), potentially meaning that a simple dislike of a phrase or terminology in a recording could warrant age rating. For example, if in a video recording about football a view was expressed that Manchester United was not a very good team, a Manchester United fan might take mild offence because they held a belief was that Manchester United was a very good team. Should this automatically result in the need for this video recording to receive an age rating? Similarly, a recording about a particular

religion may express views different to those of no faith or of a different faith who might find those views offensive, because they felt the views in the recording opposed their own. We would like to know *who* will be deciding what is likely to cause offence, through what *process or framework* they will be making their decision, and whether there will be an opportunity to 'appeal' against a decision that a recording warrants age classification because it may cause offence.

Whilst the regulations and guidelines robustly address violence, it is worthwhile noting that there are other forms of peril that may cause children distress, which wouldn't be classified as violence or an imitable dangerous activity, for example natural disaster. Whilst we believe that children need to learn about the realities of life and not be overprotected, it may be beneficial to indicate on the packaging that some scenes might concern younger or particularly sensitive children.

Overall, we believe that the changes to the regulations may help parents and carers feel better informed about the suitability of a recording for children, and for children themselves to be aware of what they are about to view. However, we are concerned that this change will do little to address the more pressing concern in the Bailey Review about online viewing, particularly in relation to promotional music videos (i.e. the short recordings that accompany songs) that feature violence or the sexualisation of women or men. These are viewed predominantly on view on demand television or on the internet (using a number of different devices) and this is where we believe the Government should be targeting its efforts. The Government has itself speculated in the impact assessment that this amendment to the Act will affect very few videos, and even less so music videos.

We hope that the Government will press ahead with tackling online and view on demand age rating and that it will monitor the effectiveness of this amendment to the Video Recordings Act in protecting children from unsuitable material and any unintended consequences that we have highlighted.

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