



***CHILDREN
IN THE MEDIA***
***A Guide to Media Policy
Affecting Children in Malaysia***



THE CONVENTION ON
THE RIGHTS OF THE CHILD



UNICEF would like to thank the following individuals for their contributions in producing this booklet:

Datuk Chamil Wariya

Charles Peters

Jeff Orr

Nik Radzi

Sabri Ab Rahman

Why do we need guidelines?

It is sometimes difficult to negotiate the fine balance between incorporating children into the media agenda and staying aware of the risk factors that accompany children's involvement in media production. Recognising children's rights – especially their right to be protected from harm – can seem irreconcilable with the idea that their inclusion and participation in media should be encouraged, particularly as there is no international regulatory framework for the global media industry to consult.



The Guiding Principles

- 1 The best interests of the child:** Protect the best interests of each child over any other consideration, including advocacy for children's issues and the promotion of child rights.
- 2 Respect the child:** The dignity and rights of every child are to be respected in every circumstance, including their right to privacy and confidentiality.
- 3 Give the child a voice:** Do not trivialise children's issues and concerns. They have a right to have their opinions heard and to participate in decisions affecting them. Give them space in the media to voice out their concerns.
- 4 Protect children from harm and retribution:** Change the name and obscure the visual identity of any child who may be placed at risk of retribution or stigmatisation. In the course of our work, be sensitive regarding their comfort as well as their physical and emotional security.
- 5 Ensure a safe environment:** Make child safety a priority and assess whether venues and situations as well as the timing of engagements are appropriate for children. The child/parent/guardian should understand and be made aware of the risks involved, and health and safety guidelines should be strictly adhered to.

The Guiding Principles - Continued

- 6 Vet people who will come in contact with the child:** Checks must be carried out to ensure that the media team in contact with the child are not inappropriate adults such as individuals with previous criminal convictions, particularly those convicted of sexual offences.
- 7 Always obtain informed consent:** A child and his or her parent/guardian must fully understand and agree to the terms and conditions of their participation in the media process for all interviews, filming or photography.
- 8 Do not discriminate:** Do not discriminate in choosing children for advertisements and interviews because of their sex, race, age, religion, status, educational background or physical abilities.
- 9 Do not stereotype:** Stay away from portrayals of children that enforce and propagate stereotypical perspectives.
- 10 Do not exploit:** Do not allow children to participate in any media process that might exploit their credulity, lack of experience or natural sense of loyalty. This includes the exploitation of a child's enthusiasm and being mindful of hours worked.

EXISTING GUIDELINES TO MALAYSIA

Extracts from Existing Guidelines in Malaysia

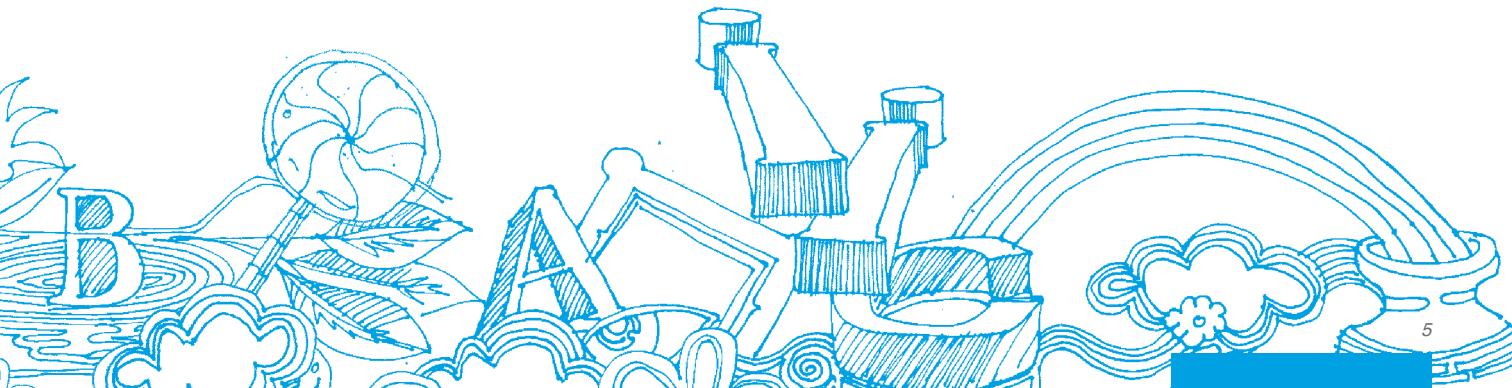
In Malaysia, there are existing Codes that serve as a point of reference for media professionals aiming to find a compromise between inclusion and protection, selective publicity and appropriate privacy, and address other debates that children's involvement in media can generate. Malaysia's Children and Young Persons (Employment) Act 1966 provides a legal framework that determines children and young people's employment, including for public entertainment.

The media – print, broadcast, advertising and film production are encouraged to refer to the following Act and Codes of Ethics when considering working with children.

CHILDREN AND YOUNG PERSONS (EMPLOYMENT) ACT 1966

Government of Malaysia

The Act defines a child as a person under 14 years of age and a young person as under 16. It sets forth the type of work children and young people can be engaged in, as well as days and hours of work. The Act forbids night work and any work that may harm a child or young person.



COMMUNICATIONS AND MULTIMEDIA CONTENT CODE (V 6)

Communications & Multimedia Content Forum of Malaysia

The Content Code sets out guidelines and procedures for good practice for the communications and multimedia industry in Malaysia. It has sections that regulate developing content suitable for children; as well as using children and women in advertising.

CODE OF ADVERTISING PRACTICE (2008)

Advertising Standards Authority Malaysia

The Code which aims to regulate commercial advertising carries a special section on advertising to children. It is a fundamental part of the system of control by which Malaysian advertising regulates its activities.

The following pages contain extracts of the relevant parts of the these documents.

For full texts, please refer to

http://www.unicef.org/malaysia/media_children_law-and-codes.html

APPENDIX 1

CHILDREN AND YOUNG PERSONS (EMPLOYMENT) ACT 1966

The Children and Young Persons (Employment) Act 1966 was enacted to regulate the employment of children and young persons. This Act applies only to the States of Peninsular Malaysia.

Interpretation of child and young person:

“child” means any person who has not completed his fourteenth year of age or of such age as the Yang di-Pertuan Agong may by notification in the Gazette prescribe;

“young person” means any person who, not being a child, has not completed his sixteenth year of age.

Other interpretations:

“employ” and **“employment”** mean employment in any labour exercised by way of a trade or for the purposes of gain, whether the gain be to a child, young person or to any other person;

“entertainment” includes any exhibition or performance; and a person is deemed to take part in an entertainment when such person is employed in or connected with such entertainment whether as a performer, stage-hand or musician;

“public entertainment” means entertainment to which the public or any section of the public is admitted or in connection with which any charge, whether for admission or not, is made or at which any collection or subscription is received and includes performances for the making of films for public exhibition other than news films but does not include any entertainment given by the pupils of any school registered under the Education Act 1961 [Act 43 of 1961] at or under the auspices of such school, or any entertainment promoted by a voluntary, social or welfare body which has been approved by the Director General.

4. Number of days of work

No child or young person engaged in any employment shall in any period of seven consecutive days be required or permitted to work for more than six days.

5. Hours of work of children

- (1) No child engaged in any employment shall be required or permitted—
 - a. to work between the hours of 8 o'clock in the evening and 7 o'clock in the morning;
 - b. to work for more than three consecutive hours without a period of rest of at least thirty minutes;
 - c. to work for more than six hours in a day or, if the child is attending school, for a period which together with the time he spends attending school, exceeds seven hours; or
 - d. to commence work on any day without having had a period of not less than fourteen consecutive hours free from work.
- (2) Paragraph (1)(a) shall not apply to any child engaged in employment in any public entertainment.

6. Hours of work of young persons

- (1) No young person engaged in any employment shall be required or permitted—
 - a. to work between the hours of 8 o'clock in the evening and 6 o'clock in the morning;
 - b. to work for more than four consecutive hours without a period of rest of at least thirty minutes;
 - c. to work for more than seven hours in any one day or, if the young person is attending school, for a period which together with the time he spends attending school, exceeds eight hours: Provided that if the young person is an apprentice under paragraph 2(2) the period of work in any one day shall not exceed eight hours; or
 - d. to commence work on any day without having had a period of not less than twelve consecutive hours free from work.
- (2) Paragraph (1)(a) shall not apply to any young person engaged in employment in an agricultural undertaking or any employment in a public entertainment or on any vessel under paragraph 2(3)(e).

PUBLIC ENTERTAINMENT

7. Employment connected with public entertainment

1. No child or young person shall take part or be required or permitted to take part in any public entertainment unless there has been issued by the Director General of Labour or by such other Director General as may be authorized in writing in that behalf by the Director General of Labour to the person employing such child or young person a licence in that behalf; and the Director General may, in addition to such conditions or restrictions as may be prescribed from time to time under section 15, impose in respect of such licence (whether at the time the licence is issued or thereafter from time to time) such conditions as he deems fit.
2. No licence under subsection (1) shall be granted by the Director General to any person where he is of the opinion that the employment is dangerous to the life, limb, health or morals of the child or young person aforesaid.
3. The Director General may cancel any licence issued under this section on any ground for which he could refuse to issue a licence or on breach of any condition thereof, and such cancellation shall take effect forthwith until and unless set aside on appeal.
4. Any child or young person or the parent or guardian of such child or young person or any other person aggrieved by the decision of the Director General aforesaid may within fourteen days of the making of that decision appeal to the Minister, and the decision of the Minister shall be final.
5. In the event of an appeal, the child or young person or the parent or guardian of such child or young person shall be entitled to be supplied by the Director General the reasons in writing for the cancellation of or refusal to issue a licence or for the imposition of conditions on a licence.

NOTE:

The Act also covers Inquiry into wages; administration and enforcement; jurisdiction; prosecutions and right of audience; certificate of medical officer as to age; contractual capacity; penalty and regulations.

APPENDIX 2

THE MALAYSIAN COMMUNICATIONS AND MULTIMEDIA COMMISSION CONTENT CODE (V6)

(Communications & Multimedia Content Forum of Malaysia)

PART 1: INTRODUCTION

2.0 General Principles

2.6 Particular attention shall be given to Content that is created for children and to Content in which children are portrayed.

PART 2: GUIDELINES ON CONTENT

3.0 Obscene Content

3.1

i. Child Pornography

Child pornography, including the depiction of any part of the body of a minor in what might be reasonably considered a sexual context, and any written material or visual and/or audio representation that reflects sexual activity, whether explicit or not, with a minor is strictly prohibited.

ii. Sexual Degradation

The portrayal of women, men or children as mere sexual objects or to demean them in such manner is prohibited.

4.0 Violence

4.3 Violence, psychological but especially physical or incitement to violence should be portrayed responsibly, and not exploitatively. Presentation of violence must avoid the excessive, the gratuitous, the humiliating, and the instructional. The use of violence for its own sake and the detailed dwelling upon brutality or physical agony, by sight or sound is to be avoided. Programs involving violence should venture to present the consequences to its victims and perpetrators. Particular care should be exercised where children may see, or be involved in, the depiction of violent behaviour.

Specific considerations are as follows:

(i) Offensive violence

- a. The portrayal of violence, whether physical, verbal or psychological, can upset, alarm and offend viewers. It can cause undue fear among the audience and encourage imitation.
- b. Such public concerns require due consideration whenever violence, real or simulated, is portrayed. The treatment of violence must be appropriate to the context and audience expectations.
- c. Gratuitous and wanton presentation of sadistic practices and torture, explicit and excessive imageries of injury and aggression, and of blood, are to be avoided.
- d. The portrayal of violence is permitted to the extent of news reporting, discussion or analysis and in the context of recognised sports events in the following instances :
 - i. Use of appropriate editorial judgment in the reporting of audio and visual representation of violence, aggression or destruction within their content.
 - ii. Exercise of caution and discretion in the selection of, and repetition of Content, which depicts violence.
 - iii. Viewers to be cautioned in advance of showing scenes of extraordinary violence, or graphic reporting on delicate subject matter with appropriate warnings to audiences in the case of gore or actual scenes of executions or of people clearly being killed.

(ii) Imitable violence

Due consideration must be given to the fact that violence portrayed visually may be imitated in real life. The presentation of dangerous behaviour, which is easily imitated, must be justified, and ideally excluded.

(iii) Sexual violence

Graphic representations of sexual violence, such as rape or attempted rape or other non-consensual sex, or violent sexual behaviour are not allowed.

(iv) Violence and young, vulnerable audiences

The susceptibility of younger audiences, particularly those with impressionable minds must be considered.

8.0 Children's Content

8.1 Content designed specifically for children of and below 14 years reaches impressionable minds and influences social attitudes and aptitudes. Code Subjects must closely supervise and monitor the selection, control of material, characterisations and plot. Nothing in the foregoing shall mean that the vigour and vitality common to children's imaginations and love of adventure need be removed. Specific attention must be paid to the aspects stated below.

(i) Violence

- a. In children's content portrayed by real-life characters, violence should only be portrayed when it is essential to the development of character and plot.
- b. Animated Content for children, while accepted as a stylised form of storytelling, which can contain non-realistic violence, shall not depict violence as its central theme, and shall not invite dangerous imitation.
- c. Content for children must not contain scenes of violence, which minimise or gloss over the effects of violent acts. Any depiction of such violence must portray in human terms, the consequences of such violence to its victims and its perpetrators.

(ii) Safety, Security and Imitable Acts

- a. Content for children must deal carefully with themes which can threaten their sense of security, when portraying, for example; domestic conflict, the death of parents or close relatives, or the death or injury of their pets, street crime or the use of drugs.
- b. Content for children must deal carefully with themes which could invite children to imitate acts which they see on screen, such as the use of plastic bags as toys, use of matches, the use of dangerous household products as playthings, or dangerous physical acts such as climbing apartment balconies or rooftops.

9.0 Family Values

- 9.1 The principles of intellectual and emotional equality of both sexes and the dignity of all individuals are to be respected. Despite societal discrimination, content should reflect an awareness of the need to avoid and overcome biased portrayals on the basis of gender. Women and men should be portrayed as equals both economically and emotionally, and in both public and private spheres.
- 9.2 Content should portray all persons as supporting participants in the family unit, home management and household tasks. They should be portrayed as equal beneficiaries of family or single-person life, in both work and leisure activities and, as far as possible, under all types of thematic circumstances.
- 9.3 In the acquisition of or involvement in non-Malaysian Content, Code Subjects should make every effort to evaluate Content with regard to family values in relation to this Code.

PART 3: ADVERTISEMENT

7.0 The Use Of People In Advertising

7.2 Children And Advertising

Special care and attention is to be paid to children in advertisements. This requires a need to comply with requirements set out below:

- a. The use of children is not encouraged unless the products advertised are relevant to them and/or except in the context of promoting safety for the children as depicted within paragraph (d).
- b. Advertisements addressed to children or young people or likely to be seen by them, shall not contain anything whether an illustration or otherwise, which result in harming them physically, mentally or morally or which exploits their credulity, their lack of experience or natural sense of loyalty.
- c. Advertisements pertaining to activities of a society or club for children must be that of a club or society that is properly supervised.
- d. In any situation where children are projected, careful consideration must be given for their safety.

Illustrations

- i. Children must not be seen leaning on a window or a bridge railing or climbing a steep cliff in a dangerous manner.
- ii. Small children must not be shown climbing a high rack or to reach for something on a table higher than their head level.
- iii. Medicines, disinfectants, antiseptics, caustic substances, pesticides and all aerosol preparations must not be shown within reach of children without close parental supervision or neither can they be shown using them.
- iv. Children must not be shown using matches or any gas, petrol, paraffin, electrical or mechanical appliances which could cause them suffering burns, electric shocks or other injuries.

- v. Children must not be shown driving or riding agricultural machines (including tractor-drawn carts) or any other heavy machines.
- vi. Children are not allowed to be exposed to any form of fire without being observed by adults.
- vii. Children must not be shown playing with firecrackers or fireworks which are banned in Malaysia.

PART 4: SPECIFIC BROADCASTING

3.0 Specific Guidelines

Classification

3.2 Viewers need adequate information about content to make informed viewing choices based on their personal tastes and standards. As such, Broadcasters (excluding radio operators) will provide an indication as to the type of Content shown by adopting the following classifications. The Broadcasters shall endeavour to display the said classifications at regular intervals of the programme:

U

The programme is intended for broad general audience and is suitable for viewers of all ages. The programme contains little or no violence, no strong language and little or no sexual dialogue or situation.

PG-14

Parental Guidance when allowing children below 14 to view this programme. The programme may contain mild physical violence, comedic violence, comic horror, special effects, fantasy, supernatural elements or animated violence. It may also contain some suggestive dialogue and mild sexual situations and innuendo, but depictions will be infrequent, discreet and of low intensity.

PG-18

Parents/Guardians are strongly cautioned to exercise discretion in permitting young persons below the age of 18 to view this programme without supervision. The programme may contain sophisticated themes, some sexual Content, discreet sexual references, suggestive language and in some instances strong and coarse language and violence which are dominant elements of the storyline and justifiable within the context of theme and character development. The programme may also contain and deal with mature themes and societal issues in a realistic and candid manner.

18 & above

For those above 18. The programme is intended for adult viewing and may contain one or more of the following which is considered integral to the development of the plot, character or themes: intense violence and depictions of violence, graphic horror images, graphic language, mature themes, intense sexual situations and suggestive dialogue.

Scheduling

3.3 The scheduling of programmes that have been classified is applicable to free-to-air broadcasters (excluding radio operators) as follows:

U and PG-14 – Can be shown any time of day

PG-18 – Can be shown any time after 7.30 p.m

18 – Can only be shown after 10.00 p.m

3.4 Promotion Content which contains scenes of excessive violence, or adult material intended for adult audiences must not be transmitted before 10.00 p.m. Broadcasters are required to endeavour to have their own Content Control Unit tasked with the responsibility of the classifications and scheduling.

Exploitation

- 3.17 No audio and visual Content should condone the exploitation of women, men and children. Negative or degrading Content on the role and nature of women, men or children in society must be avoided.

PART 6: SPECIFIC AUDIOTEXT HOSTING SERVICES GUIDELINES

Content Designed for Children and Young Persons or Dependent Persons

- 2.5 Audiotext Hosting Services designed for, either wholly or mainly, and aimed at an audience of children, young persons or dependent persons must not:
- a. Include references to sexual practices, language or materials that are offensive to the standards of decency prevailing among those likely to be exposed to them;
 - b. Involve any information or noise or sound effect likely to alarm any child or young person, or of other dependent person, having regard to special protection for such dependent persons; and
 - c. Force or unfairly cause any of the above persons, mentioned in this paragraph to dial additional telephone numbers.
- 2.6 Advertisement of services aimed at young persons/children, must carry the following warning messages: “This call costs RMX.XX per minute/per call. Callers under 18 must seek parent’s or guardian’s approval before calling”.

APPENDIX 3

MALYSIAN CODE OF ADVERTISING PRACTICE (2008)

(Advertising Standards Authority Malaysia)

Appendix A – Children And Young People

1. Advertisements addressed to children and young people or likely to be seen by them, should not contain anything which might result in harming them physically, mentally or morally or which might exploit their credulity, lack of experience or natural sense of loyalty.
2. The way in which children perceive and react to advertisements is influenced by their age, experience and the context in which the message is delivered. ASA will take these factors into account when assessing advertisements.
3. Children are not a homogeneous group but have varying levels of maturity and understanding. Care needs to be taken that the product advertised and style of advertisements are appropriate for the audience to whom it is primarily directed.
4. Advertisements targeted at children must be clearly recognizable as such and separated from editorial, programs or other non-advertising material. If there is any reasonable likelihood of advertisements being confused with editorial or programme content, they should be clearly labelled “advertisement” or otherwise identified in a clear manner.
5. Advertisements addressed to, targeted at or featuring children should contain nothing that is likely to result in their physical, mental or moral harm, in particular:-
 - i. They should not be encouraged to enter strange places or talk to strangers. Care is needed when they are asked to make collections, enter schemes or gather labels, wrappers, coupons and the like
 - ii. They should not be shown in hazardous situations or behaving dangerously in the home or outside except to promote safety. They should not be shown unattended in street scenes unless they are old enough to take responsibility for their own safety. Pedestrians and any cyclists should be seen to observe the Highway Code

- iii. They should not be shown using or in close proximity to dangerous substances or equipment without direct adult supervision
- iv. They should not be encouraged to copy any practice that might be unsafe for a child
- v. Advertisements should not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive children, abuse the trust of or exploit the lack of knowledge of children, exploit the superstitious or without justifiable reason play on fear
- vi. They should not be made to feel inferior or unpopular for not buying the advertised product
- vii. They should not be made to feel that they are lacking in courage, duty or loyalty if they do not buy or do not encourage others to buy a particular product
- viii. It should be made easy for them to judge the size, characteristics and performance of any product advertised and to distinguish between real-life situations and fantasy
- ix. Parental permission should be obtained before they are committed to purchasing complex and costly goods and services
- x. They should not be encouraged to make a nuisance of themselves to parents or others and Advertisements should also not undermine the role of parents in educating children to be healthy and socially responsible individuals
- xi. Persons, characters or groups who have achieved particular celebrity status with children shall not be used in advertisements to promote food or drinks in such a way so as to undermine the need for a healthy diet, taking into account Food and Nutrition Guidelines for children

- xii. Advertisements should not make a direct appeal to purchase unless the product is one that would be likely to interest children and that they could reasonably afford. Mail order advertisers should take care not to promote products that are unsuitable for children
 - xiii. Advertisements should not exaggerate what is attainable by an ordinary child using the product being advertised or promoted
 - xiv. Advertisements should not actively encourage children to eat excessively throughout the day or to replace main meals with confectionery or snack foods
 - xv. Advertisements should not exploit children's susceptibility to charitable appeals and should explain the extent to which their participation will help in any charity-linked promotions
 - xvi. All advertisements related to children should not encourage excessive purchases in order to participate in events. If there is reference to a competition for children in the advertisement, the value of prizes and the chances of winning one must not be exaggerated
 - xvii. Advertisements soliciting responses incurring a fee to telephone or text should state, "children ask your parents first" or similar words
 - xviii. Extreme care should be taken in requesting or recording the names, addresses and other personal details of children to ensure that children's privacy rights are fully protected and the information is not used in an inappropriate manner
6. All advertisements must bear in mind and comply with Food, Nutrition and other Guidelines for children issued by the Government of Malaysia or Industry Bodies within the country.



Editorial by
Salt Media Consultancy Sdn Bhd

Creatives Sponsored by



MALAYSIA

**United Nations Children's Fund
Malaysia Country Office**

Wisma UN, Level 2, Block C
Kompleks Pejabat Damansara
Off Jalan Dungun, Damansara Heights
50490 Kuala Lumpur, Malaysia

Tel (+603) 2095 9154

Fax (+603) 2093 0582

email: kualalumpur@unicef.org

URL: www.unicef.org/malaysia

