



RULES ON CONTENT

BHUTAN INFOCOMM AND MEDIA AUTHORITY

Royal Government of Bhutan
Thimphu : Bhutan

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BHUTAN INFOCOMM & MEDIA AUTHORITY

Royal Government of Bhutan



Chairperson

31st May 2010

FOREWORD

In accordance with Chapter III Section 21 (2:d) and Chapter VI Section 105 to 114 of the Bhutan Information Communications and Media Act 2006, the Bhutan InfoComm and Media Authority is mandated to regulate and implement rules and guidelines governing the examination and certification of the cinematographic films in the kingdom.

These rules and guidelines form the basis for a self-regulatory system and provide the film industry with a set of principles to guide it, as well as a clear framework for the Authority to address any complaints from members of the general public.

These rules and guidelines are aimed at ensuring that the content of films intended for public exhibition in Bhutan conforms to local sensitivities and to the social and cultural values of the Bhutanese people.

Towards this end, and in accordance with the powers conferred by Section 27 (3) (s) and (t) of the Act, the Authority hereby issue the “*Rules on Content*” to certify and examine films.

These Rules should be read in conjunction with all other existing codes of practice and regulations established by the relevant Government agencies to promote the healthy development of the media.

(Chairperson)

BHUTAN INFOCOMM & MEDIA AUTHORITY

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CHAPTER 1
PRELIMINARY

1.1 Legal basis

These Rules are issued in accordance with Section 34(1) of the Bhutan Information Communications and Media Act 2006 (“the Act”) to ensure good practice and standards of content disseminated by the Bhutanese ICT and Media service providers to the society.

1.2 Title and commencement

These Rules shall be called the “*Rules on Content*”, and shall come into effect on the 28th Day of December Month 2009 corresponding to the 12th Day of the 11th Month of the Bhutanese Earth Female Ox Year.

1.3 Scope of application

These Rules shall apply to all contents made available by the ICT and media industry within the kingdom of Bhutan. These Rules shall be read in conjunction with all other existing codes of practice and regulations established by the relevant Government agencies to promote the healthy development of the media.

1.4 Amendments

These Rules are subject to amendment and changes when required. Such amendment and changes shall be made in accordance with the needs and changes in national priorities, Government policies and industry trends. Amendment of this Code by way of addition, variation or repeal may be effected by the Authority as and when required, after a two thirds majority of votes of the Members.

1.5 Interpretation

The power to interpret these Rules shall vest with the Authority who may issue such instructions as may be necessary to give effect to and implement the provisions of these Rules.

1.6 Rules of construction

In these Rules, unless the context indicates otherwise, the masculine gender shall include the feminine gender and the singular shall include the plural and vice versa.

1.7 Definitions

In addition to the following terms, or unless the context requires otherwise, the words and terms used in these Rules shall have the same meaning as assigned in the Act.

“Act” means the Bhutan Information Communications and Media Act, 2006.

“Advertisement” means an announcement of a public nature promoting the sale or purchase or provision of goods or services or constituting of an invitation to participate in an activity and conveyed by or through any signage, image or sound disseminated through any medium. Any communication which in the normal course would be recognized as an advertisement by the general public, would be included in this definition even if it is carried free-of-charge for any reason.

“Advertiser” means any person who utilizes the print or electronic medium to advertise their products or services.

“Applications service provider” means a person or company who provides applications service, such as voice services, data services, content-based services, electronic commerce and other transmission services.

“Authority” means the Bhutan InfoComm and Media Authority.

“Content” means any sound, text, still pictures, moving pictures or other audio-visual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically.

“Consumer” means any person who might be exposed to an advertisement whether as an end user of the product advertised or as a user who is doing business or as a purchaser of the product advertised.

“Context” means (but is not limited to):

- the editorial content of the film;
- the service on which the material is broadcast;
- the degree of harm or offence likely to be caused by the inclusion of any particular sort of material in film and music videos generally;
- the likely size and composition of the potential audience and likely expectation of the audience;
- the extent to which the nature of the content can be brought to the attention of the potential audience, for example, by giving information; and
- the effect of the material on viewers or listeners who may come across it unawares.

“Explicit sexual activity” means the depiction or description of sexual conduct in a patently offensive way and the work taken as a whole is meant to appeal to the prurient interest.

“Media” means as defined in the Act.

“Member” mean Members of the Authority appointed as per the provisions of the Act by the Minister for Information and Communications on the advice of the Royal Civil Service Commission.

“Minor” means any person who is under 18 years of age.

“Online” means a network environment, which is available through a connection to a network service where content, is available to the public for access for a fee or otherwise.

“Publication” means any of the following other than a film:

- a) any book, magazine or periodical, whether in manuscript or final form;
- b) any sound recording;
- c) any picture or drawing, whether made by computer-graphics or otherwise howsoever;
- d) any photograph, photographic negative, photographic plate or photographic slide; or
- e) any paper, model, sculpture, tape, disc, article or thing:
 - i) that has printed or impressed upon it any word, statement, sign or representation; or
 - ii) on which is recorded or stored for immediate or future retrieval any information that, by the use of any computer or other electronic device, is capable of being reproduced or shown as any picture, photograph, word, statement, sign or representation, and includes a copy of any publication;

“Prohibited content” means such content as is expressed to be prohibited under these Rules.

“Promotional reference” includes, but is not limited to, references that encourage, or are intended to encourage, the purchase or rental of a product or service.

“Sponsor” is any public or private undertaking (other than the broadcaster or programme producer), who is sponsoring the programme or programming in question with a view to promoting their or another’s name, trademark, image, activities, services, products or any other direct or indirect interest. This meaning extends to those who are otherwise supplying or funding the programme.

“Sponsored programme” means a programme has had some or all of its costs met by a sponsor with a view to promoting its own or another’s name, trademark, image, activities, services, products or any other direct or indirect interest.

“Undue prominence” may result from:

- * the presence of, or reference to, a product or service (including company names, brand names, logos) in a programme where there is no editorial justification; or
- * the manner in which a product or service (including company names, brand names, logos) appears or is referred to in a programme.

“Vulnerable person” includes those with special needs, those with mental health problems, the bereaved, and people with brain damage or forms of dementia, people who have been traumatized or who are sick or terminally ill. This meaning shall extend to the vulnerable communities also.

CHAPTER 2
GENERAL RULES ON CONTENT

2.1 Objective

- a) Ensure high standards of content production in Bhutan's media through self-regulation in accordance with the sensitivities and expectations of Bhutanese viewers, listeners, readers, media users and internationally recognized good practice governing media content.
- b) Ensure that standards are set to protect the national sanctity and values of Tsa-Wa-Sum while enabling the media to be creative and to express a full range of views necessary to raise the level of discourse in a democracy
- c) Serve as a guide towards upholding the standards expected of Bhutanese media in a practical and feasible manner and, at the same time, foster, promote and encourage the development of media in Bhutan.

2.2 Principles

- a) Media contents should be prepared with a sense of responsibility to citizens and society.
- b) Content providers should protect people's privacy, uphold social values and acknowledge the need for transparency and accountability.
- c) Content providers should uphold national harmony, and Bhutan's priorities such as a balanced development and the development philosophy of Gross National Happiness.
- d) Media contents should empower Bhutanese citizens to achieve well-being and quality of life and not become a passive audience for consumerism.
- e) Content providers should ensure equitable treatment of political parties and politicians particularly during the election periods.

2.3 National priorities

- a) Contents that are prejudicial to the sovereignty, security, unity and integrity of Bhutan, the interest of peace, the stability and well-being of the nation, or the interests of friendly relations with foreign States are not permissible.
- b) Contents that might incite religious, ethnic, regional or communal conflicts are not permissible.

- c) Content should not encourage or in any way lead to discrimination against any section of the community on account of gender, age, disability or occupational status.

2.4 General requirements

- a) Any material disseminated which includes anything which offends good taste or decency; is offensive to public feeling, is likely to encourage crime or lead to disorder, or is abusive or threatening in nature, shall be prohibited.
- b) These Rules shall ensure that the type of content is measured, given the requirements, in the context of the country's social, religious, political and educational attitudes and observances, as well as the need to accommodate global diversity in a borderless world.

2.5 Language

- a) Dzongkha and English shall be used as the medium of communications. Any other local dialects shall only be permitted after seeking prior approval from the Authority.
- b) Use of offensive or abusive words which could be considered to offend an individual or group of persons is not permitted.

2.6 Violence

- a) Violence, psychological but especially physical or incitement to violence, shall be portrayed responsibly, and not exploitatively.
- b) The portrayal of violence shall be permitted in the media under the following instances:
 - i) Use of appropriate editorial judgment in the reporting of print, audio and visual representation of violence, aggression or destruction within the 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 matters with appropriate warnings to audiences in the case of gore, or actual scenes of executions, or of people clearly being killed.
- c) Contents shall not include material which, taking into account the context, condones or glamorizes violent, dangerous or seriously antisocial behavior

and is likely to encourage others to copy such behavior.

- d) Demonstrations of exorcism, black magic, the occult, the paranormal, divination, or practices related to any of these that purport to be real (as opposed to entertainment) must be treated with due objectivity. If such a demonstration is for entertainment purposes, then this must be made clear to viewers and listeners.
- e) Content shall ensure that:
 - i) appropriate discretion in the use of explicit or graphic language related to stories of destruction, accidents or sexual violence, which could be disturbing for family viewing, is exercised duly.
 - ii) violence shall not be depicted solely for its own sake, or for the gratuitous exploitation of sadistic or other perverted practices. Scenes with excessive violence or suffering such as close-up shots of persons being brutally tortured and killed, and visual depictions of rape scenes should be minimized. Gratuitous and graphic portrayals of violence should be avoided.
 - iii) caution shall be exercised in handling themes, plots or scenes which depict sex and violence, including rape or other sexual assaults.
 - iv) suicide shall be handled with discretion and care, and shall not be glamorized. Detailed demonstration or detail description of the means or method of suicide must be avoided.

2.7 Crime

- a) Any content shall not be made to encourage or incite the commissioning of crime or lead to disorder.
- b) Descriptions or demonstrations of criminal techniques which contain essential details which could enable the commissioning of crime shall not be broadcast unless editorially justified.
- c) Content providers shall make no payment or promise of payment, directly or indirectly, to any witness or any person who may reasonably be expected to be called as a witness in a court proceeding.
- d) Content providers shall not broadcast material that could endanger lives or prejudice the success of attempts to deal with a hijack or kidnapping.

2.8 Harm and offence content

- a) Hate propaganda which advocates or promotes hatred against an identified group or individual, shall not be portrayed.

- b) Any content that portrays (words, speech, pictures, etc.) and which denigrates, defames, or otherwise devalues any individuals or group of person is prohibited.

2.9 Nudity and sexual content

- a) Indecent content which includes explicit nudity and sex, shall not be shown under any circumstances unless approved by the authorized authority.
- b) Pornographic content, under any circumstances, shall not be permitted.
- c) No explicit sexual activity shall be depicted.

2.10 Religion

- a) Buddhism is the spiritual heritage of Bhutan which promotes among others, the principles and values of peace, non-violence, compassion and tolerance. Content providers must recognize this while respecting the constitutional rights to freedom of religion of all other communities.
- b) Sensitivity and responsibility must be exercised while providing contents on religion.
- c) Contents should be aimed at respecting and promoting spiritual harmony.

2.11 Children's content

- a) Content designated specifically for children shall be closely supervised and the selection, control of material, characterizations and plot must also be closely monitored.
- b) 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.
- c) Animated content for children, while accepted as a stylized form of storytelling, which can contain no-realistic violence, shall not depict violence as its central theme, and shall not invite dangerous imitation.
- d) Content for children shall not contain scenes of violence, which minimize 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.
- e) Due care shall be taken over the physical and emotional welfare and the dignity of minors who take part or are otherwise involved in programmes. This is

irrespective of any consent given by the participants or by a parent, guardian or other persons over the age of eighteen in loco parentis, or in place of a parent.

- f) The children's content shall be on pro-social message with general concept designed to impart a broader knowledge.
- g) Content that might seriously impair the physical, mental or moral development of the children shall not be allowed.

2.12 Advertisements¹

- a) Advertisements shall not be allowed to mislead or deceive consumers.
- b) Advertisements shall not be allowed to cause serious or widespread offence to any individual or group of persons.
- c) Advertisements on the promotion of alcohol, tobacco, drugs and other intoxicating materials shall not be allowed.
- d) No commercial advertising posters shall be allowed to be placed on or in front of any places of spiritual and heritage significance.
- e) All foreign advertisements shall be translated or dubbed into the national language or English.
- f) Any political advertisements shall follow the Election Advertising Regulation of the Kingdom of Bhutan.
- g) Advertisements on medicine, health, food products shall be subjected to the Narcotic Drugs, Psychotropic Substances and Substance Abuse Act 2005, Medicines Act 2003, the Draft Consumer Protection Bill and any other relevant rules and regulations.
- h) Bhutan's breastfeeding policy encourages exclusive breastfeeding for the first three months of a baby's life. Public health authorities promote the use of natural, home prepared foods for infants and children, and discourage milk formulas and processed foods for children. There will be no advertisements of such food substitutes for children under-five years of age.

¹ The present Section on Advertisement shall be applicable to all advertisers until the 'Advertisement Code of Practice' has been endorsed by the Authority.