

A Comparative Analysis of Ratings, Classification and Censorship in Selected Countries around the World

Dr. Jeff Brand, Co-Director
Centre for New Media Research and Education



Introduction

Challenges face those who seek to control the flow of entertainment media content. These challenges are not unique to a continent, a country or a community. Yet evolving media matched with rapid social and political change make understanding the global challenges of rating and classification very difficult indeed demonstrating that the challenges may not be unique in time, except for the media involved.

The need to document, compare, contrast and debate ratings and classification schemes from around the world seems self-evident. This short report compares and contrasts ratings and classification schemes in selected countries around the world.

Following explanations and a description of the country sample, the report is organised into five sections. The first explores ratings, classification and censorship on key indicators. The second section explores important trends and similarities in approaches to content regulation across countries and the third section highlights key differences. The fourth section presents issues and challenges that appear to be facing ratings organisations, classifiers, and censors. The fifth section makes recommendations for further investigations in this area.

Continents and Countries

The analyses herein are based on a modest and time-limited examination of the content regulation systems from among 22 nations on six continents:

North America	Europe	Oceania
USA	Spain	Australia
Canada	Portugal	New Zealand
Latin America	Great Britain	Asia
Mexico	Finland	Hong Kong
Argentina	Germany	Singapore
Chile	Netherlands	Korea
Peru	Norway	Brunei
Africa	Sweden	
South Africa	France	

Information about these countries' ratings, classification or censorship systems was obtained first by searching the World Wide Web and then by writing to embassy staff in Australia for those countries for which Web-based information was not forthcoming. The original aim was to represent approximately two to four countries from each major continent or region for this analysis.

It becomes immediately apparent that Africa is a continent from which finding information on the Web and in a short period presents a challenge. European

nations, on the other hand, provide remarkable detail about the systems used there.

To the extent that content regulation is predicated on a religious or cultural moral code, it would be ideal too, to represent dominant religio-cultural regions. Unfortunately, either as a function of availability or language limitations, only one dominantly Islamic nation, Brunei, is part of this analysis. Similarly, linguistic traditions ought to be accounted for in an international study of this nature. The research team for the project was populated in such a way as to cover Germanic and Romance languages, however Arabic was a linguistic tradition clearly missing from skills of the research group.

Media regulation, including content regulation, is predicated on the economic and political system in which it operates. No consideration was given to this factor in the present analysis.

Thus, the convenience sample of nations is examined here on the strict basis ontological factors without consideration for many underlying structural elements. This was a function of time and intended scope of this study. IN the longer term and with appropriate resources, a more full account and analysis of content regulation likely will reveal new avenues of understanding that may be used to better prepare policy-makers and policy practitioners to operate in an increasingly dynamic media environment.

Selected Indicators

Sixteen indicators were applied to the analysis of ratings, classification or censorship in the 22 nations. The intended purpose for using these was 1) to establish a standard with which to make comparisons and 2) to explore the most central elements that appeared to the research team to define most content regulatory regimes.

Explanations

The following list explains the 16 indicators used and provides a brief explanation of each.

Scheme Type:	Ratings, Classification or Censorship?
Governing Body/ies:	Responsible Organisation?
Funding:	How is the body funded?
Type of Body:	Industry, Self-regulated, Government, Community Group?
Media/um:	Medium or media covered by the scheme?
Policy Source:	Act of Government, Industry Code, Voluntary?
Key Principles or Code:	What principles, if any, are stated as the basis of the scheme?
Guidelines or Decision Tools:	What guidelines or rules, if any, are used as a basis of decision?
Key Tests:	What classifiable elements enter as the basis for classification tests (such as harm or offence and how are these manifest in violence, sex, substance abuse)?

Review Mechanism:	What processes for review are allowed by the scheme?
Input Factors:	Does decision-making include input from industry, community or other sources?
Categories & Symbols:	What categories and symbols are used for the scheme?
Additional Consumer Advice:	What additional consumer advice is either a) required or b) suggested?
Placement of Markings:	Where are markings to be placed and in what elements such as package, product, advertising, news releases, catalogues and so on?
Advertising Rules:	When and how can the product be advertised?
Enforcement:	How are decisions enforced?

The following sections highlight characteristics of the approaches taken in a selection of the 22 nations used in this short study. Some countries are not included in this analysis. Omission was decided for brevity only. Omitted from the analysis are Korea, , New Zealand, Argentina, Chile, Peru, Finland, Spain, Portugal, and Netherlands. Some countries not explicitly covered for other media, however, are covered for computer games by the Pan European Game Indicator scheme included below.

Scheme Type

Rating

- United States (ESRB)
- United States (MPAA)
- Pan European Game Indicator (PEGI)
 - Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, UK

Classification

- Hong Kong
- Singapore
- Germany (FSK)
- France
- Norway
- South Africa
- Great Britain (BBFC)
- Canada—Alberta
- Mexico
- Australia (OFLC)

Censorship

- Sweden (Censorship and Classification)
- Brunei

Others

- Indexing (Youth and media protection—Germany)

Governing Body/Bodies

General Government Licensing Authorities

- Hong Kong (Film and Obscenity Authorities)
- Singapore (Media Development Authority)
- Germany (Commission for Youth-Media-Protection [Rough Translation])
- France (Centre National de la Cinématographie)
- Norway (Norwegian Board of Film Classification)
- Sweden (SBB—Swedish National Board of Film Censors)
- South Africa (FBB—Film and Publication Board)
- Great Britain (BBFC—British Board of Film Classification)
- Canada—Alberta (Alberta Film Classification, Ministry of Community Development)
- Mexico (Radio, Television, and Cinematography Directorate in Ministry of Interior)
- Australia (Office of Film and Literature Classification)
- Brunei (Government of Brunei, Censorship Ministry)

Industry Body/Organisation

- Germany (SFK—Translated roughly: Film Industry Self-Control)
- United States (ESRB—Entertainment Software Rating Board)
- United States (Motion Picture Association of America)

Funding

Private/Industry

- Germany (SFK)
- United States (ESRB)
- United States (MPAA)

Government/Tax

- Mexico
- Australia (OFLC)
- Brunei

Fees/Licenses

- Sweden (Fees paid by distributors)
- Great Britain (BBFC)
- Pan European Game Indicator (PEGI)
- Australia (OFLC)
- Brunei (As directed by the Minister)

Unclear/Not Specified

- Hong Kong
- Singapore
- Germany (Indexing Scheme)
- France
- Norway
- South Africa
- Canada—Alberta
- Canada—Alberta
- Pan European Game Indicator (PEGI)

Type of Body

Industry/Self-regulated

- Singapore (Publications, although under the MDA Act)
- Germany (SFK)
- United States (ESRB)
- United States (MPAA)
- Pan European Game Indicator (PEGI)

Government

- Hong Kong (Legislative Council)
- Singapore (However, publishers self-regulate)
- Germany (Indexing Scheme)
- France
- Sweden
- South Africa
- Mexico
- Australia (OFLC—Reporting to the Commonwealth Attorney General)
- Brunei (Censorship Ministry)

Community / Independent

- Norway (Independent body reporting to Ministry of Cultural Affairs)
- Great Britain (BBFC)

Media/um Covered

Television

- Hong Kong
- Singapore
- Germany (Indexing Scheme)
- Mexico

Film

- Hong Kong
- Singapore
- Germany (Indexing Scheme; Only that not covered by SFK)
- Germany (SFK)
- France
- Norway
- Sweden
- South Africa
- United States (MPAA)
- Great Britain (BBFC)
- Canada—Alberta
- Mexico
- Australia (OFLC)
- Brunei

Video/DVD

- Hong Kong
- Singapore
- Germany (Indexing Scheme)
- Norway
- Sweden
- South Africa
- Great Britain (BBFC)
- Mexico
- Australia (OFLC)

Computer Game

- Hong Kong?
- Singapore
- Germany (Indexing Scheme)
- South Africa
- United States (ESRB)
- Great Britain (BBFC)
- Pan European Game Indicator (PEGI)
- Australia (OFLC)

Internet

- Singapore
- Germany (Indexing Scheme)

Audio Recordings

- Singapore
- Germany (Indexing Scheme)
- Mexico

Publications

- Singapore
- South Africa (Selected publications)
- Australia (Some publications)

Others

- Hong Kong (Obscenity Ordinance, appears to include exhibitions such as street performances)
- Singapore (Includes arts entertainment and radio broadcasting)
- Mexico (Radio)

Policy Source

Act, Law or Decree of Government

- Hong Kong (Ordinances for Obscenity, Broadcasting and Film)
- Singapore (Media Development Authority of Singapore Act 2002 and additional acts)
- Germany (Indexing Scheme)
- Germany (SFK; Legislation for the Protection of Minors)
- France (Decree n°90-174 of February 23, 1990; modified by the decree n°2001-618 of July 12, 2001)
- Norway (Act for Film and Video, 1987)
- Sweden (Statute, Examination and Control of Films and Videos, 1990)
- South Africa (Films and Publications Act of 1996)
- Great Britain (BBFC—Video Recordings Act, 1984 and earlier Acts.)
- Canada—Alberta (Amusements Act)
- Mexico (Federal Cinematography Law, 1992; Federal Radio and Television Law, 1960)
- Australia (OFLC—Commonwealth Classifications Act, 1995)
- Brunei (Censorship of Films and Public Entertainments Act)

Industry Code

- United States (ESRB)
- United States (MPAA)
- Pan European Game Indicator (ISFE—Interactive Software Federation of Europe)

Key Principles or Code

Protecting Children / Age-based System

- Hong Kong
- Singapore
- Germany (Indexing Scheme)
- Germany (SFK)

- Norway
- Sweden
- South Africa
- United States (ESRB—To make age recommendations)
- Canada—Alberta
- Pan European Game Indicator (PEGI)
- Australia (OFLC)

Allowing Adult Exposure/Freedom of the Press and of Expression

- Hong Kong
- Singapore
- Germany (SFK)
- South Africa
- Great Britain (BBFC)
- Australia (OFLC)

Providing for Community Standards/ Morals or Interests of the General Public/Diversity

- Hong Kong (Obscene Ordinance only)
- Singapore
- Germany (SFK, where religious insult may occur)
- South Africa
- Great Britain (BBFC)
- Canada—Alberta
- Pan European Game Indicator (PEGI)
- Australia (OFLC)

Educating/Informing Public or Parents

- Germany (Indexing Scheme)
- Norway
- South Africa
- United States (MPAA)
- Canada—Alberta
- Pan European Game Indicator (PEGI)

Subordinated to an Authority of Culture

- France
- Brunei (Determined by The Secretary)

Guidelines or Decision Tools

Provision of Guidelines

- Hong Kong (Obscene Ordinance only, providing for community standards, dominant effect of article, age of intended audience, venue)
- Singapore (Particularly for Internet and Video on Demand, Industry Guidelines)

- Germany (SFK—Guidelines for the Examination of Films and Image-based Media)
- Sweden (Examination, Criteria and Age Limits, Register of Distributors)
- South Africa (General characteristics of the Act)
- Great Britain (BBFC—Associated with classification and symbols)
- Pan European Game Indicator (PEGI)
- Australia (OFLC)

Provision of Key Decision Rules

- Hong Kong

No Guidelines Specified (or Generalised)

- Germany (Indexing Scheme)
- France
- Norway
- United States (ESRB)
- United States (MPAA)
- Canada—Alberta
- Mexico (Unclear from our available translation)
- Brunei

Key Tests and Classifiable Elements

Violence

- Hong Kong (Film ordinance)
- France (Violence Glorification can be determined by Minister for Culture)
- Sweden
- United States (MPAA)
- Great Britain (BBFC)
- Canada—Alberta
- Australia (OFLC)

Imitability

- Great Britain (BBFC)

Cruelty/Brutality

- Hong Kong (Film ordinance)
- Sweden
- South Africa

Torture

- Hong Kong (Film ordinance)
- Great Britain (BBFC)

Crime

- Hong Kong (Film ordinance)

Horror

- Hong Kong (Film ordinance)
- Great Britain (BBFC)

Disability

- Hong Kong (Film ordinance)

Sex

- Hong Kong (Film ordinance)
- France (Pornographic can be determined by Minister for Culture)
- United States (MPAA—Nudity and Sensuality)
- Great Britain (BBFC)
- Canada—Alberta
- Australia (OFLC—Sex and Nudity)

Sexualised Violence

- Germany (SFK)
- Great Britain (BBFC)

Language

- Hong Kong (Film ordinance)
- United States (MPAA)
- Great Britain (BBFC)
- Canada—Alberta
- Australia (OFLC)

Indecency

- Hong Kong (Film ordinance)

Religious Offence or Blasphemy

- Germany (SFK)

Threaten Civil Society

- Germany (SFK)

Child Pornography

- South Africa
- Great Britain (BBFC)

Racial Vilification

- South Africa
- Great Britain (BBFC)

Drug Abuse / Illicit Drug Use

- United States (MPAA)
- Great Britain (BBFC)
- Australia (OFLC)

None Specified/Singled-out

- Singapore
- Germany (Indexing Scheme)
- France
- Norway
- United States (ESRB)
- Mexico (Unclear from our available translation)
- Brunei

Review/Appeals Mechanism

Review Boards

- Hong Kong (On request, 10 members, Film ordinance)
- Germany (SFK—Working Committee to the Main Committee)
- Norway (Board of Complaints)
- South Africa (Appellant driven Review Board)
- Pan European Game Indicator (PEGI—Complaints Board)
- Australia (OFLC—Appellant driven Classification Review Board)
- Brunei (Board of Review)

Appeals Tribunals

- Hong Kong (Obscenity ordinance)
- Singapore (Films Appeal Committee for Distributors; Broadcasting Appeals Advisory Committee for penalties)
- Sweden (Stockholm Administrative Court of Appeal)
- United States (MPAA—Appeals Board)
- Great Britain (BBFC—Video Appeals Committee)

None Specified

- Germany (Indexing Scheme)
- France
- United States (ESRB)
- Canada—Alberta
- Mexico

Input Factors

Community Advisory Groups

- Hong Kong (Members of society invited to feedback, both ordinances)
- Hong Kong (250+ members for 1-year terms, meeting fortnightly)

- Singapore (Films Advisory Panel; Drama Review Committee for plays; Parents Advisory Group for Internet)
- Germany (SFK—All examinations of content are paid by applicant, negotiation and decisions are not public)
- Norway
- Great Britain (BBFC)
- Canada—Alberta
- Pan European Game Indicator (PEGI)
- Australia (OFLC—Community Assessment Panels or CAPS)

Industry Advisory Groups

- Hong Kong (Distributors/producers have unspecified input, both ordinances)
- Singapore (Film Commission; National Internet Advisory Committee)
- Germany (SFK—Industry member of questioned content)
- Norway
- Canada—Alberta
- Pan European Game Indicator (PEGI)

No Input Factors Specified

- Germany (Indexing Scheme)
- France
- Sweden
- South Africa
- United States (ESRB)
- United States (MPAA)
- Mexico
- Brunei

Categories & Symbols

Use of Letters or Numbers

- Hong Kong (FILM: Categories I, IIa & b, III-legally restricted)
- Hong Kong (Obscenity: Classes I (Neither obscene nor indecent), II (indecent), III (obscene, prohibited))
- Singapore (AL, AD, RA for Plays)
- Germany (Indexing Scheme—Prohibited/Not Prohibited)
- Mexico (AA, A, B, C, D)

Age-based, Including Symbols

- Singapore (G, PG, NC-16 and R(A) for Films and Computer games)
- Germany (SFK)
 - Approved without age restriction
 - Approved, from six years
 - Approved from 12 years
 - Approved from 16 years

- No youth release
- France (12+, 16+, 18+, Prohibited)
- Norway
 - Admit All
 - 7+ (Children 4+ With Guardian)
 - 11+ (Children 8+ With Guardian)
 - 15+ (Children 12+ With Guardian)
 - 18+
- Sweden (7, 11 and 15)
- United States (ESRB—Letter Symbols: eC, E, T, M, Ao, RP, K-A)
- United States (MPAA—G, PG, PG-13, R, NC-17)
- Great Britain (BBFC, Letters, shapes and colours including Uc, U, 12, 12A, 15, 18, PG, R18)
- Canada—Alberta (Letters, shapes and colours including G, PG, 14A, 18A, R, A)
- Pan European Game Indicator (+3, +7, +12, +16, +18)
- Australia (OFLC—Symbols and some numbers with shapes)

No Categories or Symbols Specified

- South Africa
- Brunei (Censorship Mark)

Additional Consumer Advice

Required Advice

- Hong Kong (Both ordinances, Use of Chinese characters next to block letter symbols)
- Hong Kong (Obscenity ordinance includes warning for Class II).
- United States (ESRB—30 content descriptors)
- Canada—Alberta (More than 30 content descriptors)
- Pan European Game Indicator (PEGI) (Six pictograms indicating specific alerts)
- Australia (OFLC—Six themes)

Recommended Advice

- Great Britain (BBFC—May be made available)

No Additional Advice Specified

- Singapore
- Germany (Indexing Scheme)
- Germany (SFK)
- France
- Norway
- Sweden
- South Africa
- United States (MPAA)
- Brunei

Placement of Markings

Specified Requirements

- Hong Kong (Obscenity ordinance, detailed rules requiring wrapping and 20% coverage requirement)
- United States (ESRB—Front and back of box)
- Pan European Game Indicator (PEGI) (Indicated)
- Australia (OFLC)

Generalised Requirements

- Germany (SFK)
- Sweden
- United States (MPAA—Packaging and film/cassette)
- Canada—Alberta

Not Specified

- Hong Kong (Film ordinance)
- Germany (Indexing Scheme)
- France
- Norway
- South Africa
- Great Britain (BBFC)
- Brunei

Advertising Rules

Advertising Rules Specified

- Hong Kong (Film ordinance, advertising related to Category III films must be approved by FCA before public exhibition.)
- Hong Kong (Obscenity ordinance, compliance with placement requirements)
- Germany (SFK—ads for similar age group content in a film classified into an age group)
- United States (MPAA)
- Great Britain (BBFC—General with respect to more strict tests than content)
- Canada—Alberta
- Pan European Game Indicator (PEGI)
- Australia (OFLC)
- Brunei

No Advertising Rules Specified

- Singapore (Only TV advertising/sponsorship code)
- Germany (Indexing Scheme)
- France
- Norway
- Sweden

- South Africa
- United States (ESRB)

Enforcement

Police Enforcement

- Hong Kong (Obscenity ordinance)
- Singapore
- Germany (Indexing Scheme)
- Germany (SFK)
- Great Britain (BBFC—Statements of evidence to police and customs)
- Australia (OFLC)
- Brunei

Fines or Sanctions

- Singapore
- United States (ESRB)
- Pan European Game Indicator (PEGI—Enforcement Committee and Unspecified Sanctions)
- Brunei (Fines and/or Imprisonment)

Inspections

- Hong Kong (Film and Obscenity ordinances)
- Sweden

Enforcement Not Specified

- France
- Norway
- South Africa
- United States (MPAA)
- Canada—Alberta

Trends and Similarities

The vast majority of schemes in this brief analysis are designed to classify or rate rather than censor. However, most schemes (particularly those that are based in government control—and this is the majority) make provision for prohibition of content in unique circumstances. In most cases funding mechanisms are not made clear in publicly available documents.

With growing multinational roles for ratings, classification and censorship schemes, it may be fruitful in future to attend particularly to combined and supra-national approaches. One trend that becomes immediately clear is that the unification of many European states under the European Union has begun to include media content classification. The PEGI System includes 16 nations and clearly provides for efficiency and competitiveness in the European games industry.

Another major trend to note is that classification systems have often been modernised to account for newer media like computer games. These newly introduced systems (the PEGI is clearly one example and the ESRB in the US is another) tend toward the use of pictograms or pictogram/letter combinations more often than systems which tend to use only letters and numbers.

Most systems have isolated film as the medium of choice, although many countries in the brief analysis used multiple systems so that television is often covered under a distinct scheme. With the exception of particular and usually adult magazines, print media are excluded from content rating schemes owing, perhaps to their generally lower levels of graphic verisimilitude.

Most often, protecting children is the explicitly stated rationale for operating content regulation schemes, providing for community tastes and interests is second and provision of education and information is third.

Sex and violence dominate the key tests or concerns of classifiers and rating panels. In many cases particular classifiable elements are not specified. This appeared to occur in a way unrelated to other factors such as policy source. Most systems use age-based markers to indicate their assigned classifications or ratings. Fewer schemes require additional content advice for consumers than specify no such requirement.

Surprisingly, the placement of markings is more often unclear or unspecified than unequivocally communicated. However, advertising rules, while quite variable from scheme to scheme, are more often specified (if sometimes in general terms) than not.

Enforcement of classification schemes is more often based on police interdiction or the imposition fines.

Key Differences

The most striking distinction amongst ratings and classification systems is whether they are government or industry self-regulated schemes. Interestingly there is a trend to avoid the word “classification” in the labelling of industry-based schemes, although the Singaporean MDA and the German SFK are exceptions.

Roughly half of the schemes examined specify guidelines, the other half do not with industry self-regulatory approaches tending not to specify guidelines. This dichotomy is surprising given that guidelines provide producers, distributors and the consuming public with clear expectations about how decisions are made by the rating or classifying body. One explanation for why guidelines are most often not specified in self-regulatory systems resides in the apparent “inside” knowledge that may come from producing, distributing and adjudicating self-regulation. The down-side is that inside knowledge may not be forthcoming for new entrants in the market place and may disadvantage the consumer where decision rules aren’t obvious in package and content markings.

Input factors are evenly split between community, industry and no specified input provisions. Moreover, whilst review boards and appeals tribunals are available in most countries, many have schemes in which no appeal mechanism is specified. However, there is no evidence that an appeals or review process is proscribed in these countries. Nearly as many systems have no external sources of input into the classification process as have either industry, public or both sources of input.

Canada is particularly unusual in its provincial scheme. Only Alberta was included in the database and this short analysis. Canadian provinces each have their own system. There appears to be a move, however, to unify these under a national scheme.

Pressing Issues

Online content is clearly most troublesome for content regulators. In the main, as Singapore's MDA notes, this is a function of one key factor: The internet is "global and borderless." As (or if) traditionally distinct media content converges and is deliverable online, individual states may find it nearly impossible to regulate that content. Singapore adopts a "three-pronged approach" that establishes a "light-touch" framework, pursues self-regulation, and promotes education. More than any other factor, the internet may force states to do two things:

1. Unify their approach
2. Move from content classification and control to education activities.

Related to media convergence and universal distribution is the role of international bodies including trade and political organisations such as the World Trade Organisation and the United Nations division UNESCO. These could, and perhaps may need to be, instrumental in driving for unified approaches to content regulation. This said, a two clear recommendations emerge from this modest analysis.

Recommendations

One: More commonality across schemes and nation-states would assist the increasingly global entertainment industry and mobile public. Given the intractability of many moral codes, commonalities need not necessarily apply to principles and specific tests. Rather, procedural matters, markings, advertising, review processes and so on could be more unified and therefore streamlined to assist both consumers and content distributors.

Two: A much more precise and certainly more global study of contemporary states and changes in content regulation is needed urgently. The function of such a study would be to establish a baseline of knowledge to assist policy makers to adopt common and best practices. In this way, such research may be instrumental in assisting international organisations and individual states in finding common ground for adopting more coherent and similar content regulation schemes.