



FILMING GUIDELINES

AND

CODE OF PRACTICE

BHUTAN INFOCOMM AND MEDIA AUTHORITY

Royal Government of Bhutan
Thimphu : Bhutan

First Edition	2008
Second Edition	2010

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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 "*Filming Guidelines and Code of Practice*" 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

In accordance with Chapter 6, Section 106 (3) of the Bhutan Information Communications and Media Act 2006, the Bhutan InfoComm and Media Authority (“the Authority”) hereby issues this “Filming Guidelines and Code of Practice” to ensure 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.

1.2 Title and commencement

These Rules shall be called the *Filming Guidelines and Code of Practice* and shall come into effect on the 7th Day of August 2009 corresponding to the 16th Day of the 6th Month of the Bhutanese Earth Female Ox Year.

1.3 Scope of application

These Rules shall apply to all the members of the film makers and producers. 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.

1.4 Amendment

The Authority may revise or update these Rules from time to time as required, to ensure relevance and current practices after two third majority votes of the Members. Amendments shall be made according to the needs and changes in the national priorities, policies and industry trends.

1.5 Interpretation

The Authority under the powers conferred by Section 27 (3) (s) and (t) of the Act shall have the power to interpret these Rules and 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, the words importing the masculine gender shall include the feminine gender and words in singular shall include the plural and vice versa.

1.7 Definitions

For the purposes of these Rules, unless the context otherwise requires, the following words and terms shall have the following meanings:

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

“Authority” means the Bhutan InfoComm and Media Authority.

“Context” includes but is not limited to the:

- a) editorial content of programmes or series;
- b) service on which the material is broadcast;
- c) time of broadcast;
- d) scheduling of what other programmes are before and after the programmes are concerned;
- e) degree of harm or offence likely to be caused by the inclusion of any particular sort of material in programmes generally or programmes of a particular description;
- f) likely size and composition of the potential audience and likely expectation of the audience;
- g) extent to which the nature of the content can be brought to the attention of the potential audience, for example by giving information; and
- h) effect of the material on viewers or listeners who may come across it unawares.

“Children” means any person who is under eighteen years of age.

“Film” refers to all forms of moving image production including feature films, drama, documentaries, television serials, advertisements and music videos that are meant for commercial and public screening.

“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.

“Vulnerable person” includes those with special needs, those with mental health problems, the bereaved, 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

FILMING GUIDELINES AND CODE OF PRACTICE

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 viewers 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. If the right standards are set, the media will grow with self regulation and minimum interference by the Government.
- 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) All filming should be prepared with a sense of responsibility to citizens and society.
- b) All filming should protect people's privacy, uphold social values and acknowledge the need for transparency and accountability.
- c) Films should uphold national harmony, and Bhutan's priorities such as a balanced development and the development philosophy of Gross National Happiness.
- d) Media content should empower Bhutanese citizens to achieve well-being and quality of life and not become a passive audience for consumerism.

2.3 Guidelines

Guidelines under this section are designed to ensure that generally accepted standards are applied to contents of films and music videos to provide protection for adults and people under eighteen from harmful and offensive material. The guidelines also promote socially positive values.

In applying generally accepted standards, film makers and producers must

ensure that material which may offend is justified by the context. Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example, on the grounds of age, disability, gender, race, religion, beliefs).

- a) Any content that is indecent, obscene, or menacing in character is prohibited.
- b) Material disseminated which includes anything that 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, is prohibited.
- c) These guidelines seek to ensure that the type of content is measured in the context of the country's social, religious, political and educational attitudes and beliefs, as well as the need to accommodate global diversity in a borderless world.

2.4 National priorities

- a) Films should not undermine public security or public confidence in the law and its enforcement in Bhutan.
- b) National symbols and emblems should only be shown in accordance with the existing rules of the Royal Government.
- c) Dress codes and national language shall be adhered to as opportunities for film producers to contribute towards the larger interest of promoting our national identity.
- d) Scenes that might incite religious, ethnic, regional or communal conflicts are not permitted.
- e) 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.
- f) Endangering the national interest and public order.
- g) Scenes that might strain the friendly relations with foreign states must be avoided.

2.5 Social values

- a) Filmmakers should bear in mind the importance of the family as the basic unit of society.
- b) Information, themes and subplots on sexual orientations such as homosexuality, lesbianism, as well as incest should be treated with utmost caution. Their treatment should not in anyway promote, justify or glamorize such lifestyles. Explicit depictions of the above should be avoided.
- c) Taking into consideration the sensitivity of Bhutanese society, film makers should refrain from depicting nudity and scenes that are obscene, depraved or vulgar. Child pornography, including depiction of any part of the body of a minor which might be reasonably considered as sexual content, is prohibited.

2.6 Religion

- a) Buddhism is the spiritual heritage of Bhutan, which promotes among others the principles and values of peace, non-violence, compassion and tolerance. Filmmakers and producers must recognize this while respecting the constitutional rights to freedom.
- b) Filmmakers must exercise sensitivity and responsibility when producing films on religion.
- c) Filmmakers must aim at respecting and promoting spiritual harmony.
- d) Filmmakers should avoid content that is fanatical, critical and which denigrates any religion.

2.7 Harm and offence

- a) Films must not include material which, taking into account the context condones or glamorizes violent, dangerous or seriously antisocial behaviour (e.g. hooliganism, vandalism, juvenile delinquency, substance abuse) and is likely to encourage others to copy such behaviour.
- b) The act of criminals, other visuals or words likely to incite the commission of any offence should not be depicted.
- c) Film makers should be sensitive while depicting scenes that show cruelty to, or abuse of animals.

- d) Scenes that show abuse or ridicule physically and mentally handicapped persons need not be presented unnecessarily.
- e) Flashing lights and certain types of regular visual patterns may cause problems for some viewers suffering from photosensitive epilepsy or other related conditions. Care must be taken to minimize these risks in all programmes, but especially programmes where young persons are likely to be watching as they could be more susceptible.

2.8 The involvement of people under eighteen in films

- a) Due care must be taken over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in films and music videos. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in place of a parent.
- b) People under eighteen must not be caused unnecessary distress or anxiety by their involvement in films and music videos, or by their screenings.
- c) Involvement of children in violence as victims or perpetrators or as forced witnesses to violence, or children shown as being subjected to any form of child abuse should not be shown needlessly.
- d) When covering any pre-trial investigation into an alleged criminal offence, film-makers should pay particular regard to the potentially vulnerable position of any person who is not yet adult and who is involved as a witness or victim, before using their name, address, identity of school or other educational establishment, place of work, or any still or moving picture of them.

Particular justification is also required for the filming of such material relating to the identity of any person who is not yet adult and who is involved in the defense as a defendant or potential defendant.

- e) Film makers should pay particular attention to the privacy of people under eighteen. They do not lose their rights to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.

2.9 Violence and dangerous behaviour in children's films

- a) Children may not be able to distinguish real life from fiction and are likely to be disturbed by realistic portrayal of violence, horror etc. They are also

more pre-disposed to imitative behaviour. As such, no advantage should be taken of children's natural credulity.

- b) Violence, whether verbal or physical, that is easily imitable by children in a manner that is harmful or dangerous must not be featured in films made primarily for children unless there is strong justification.
- c) Dangerous behaviour, or the portrayal of dangerous behaviour, that is likely to be easily imitable by children in a manner that is harmful must not be featured in films made primarily for children.
- d) Abusive behaviour should not be depicted needlessly in children's films: e.g. physically and mentally disabled persons being abused and ridiculed, and cruelty towards and abuse of animals.

2.10 Violence

- a) Scenes of violence, cruelty and horror primarily intended to provide entertainment that may have the effect of de-sensitizing or de-humanizing people should not be shown.
- b) Violence must not be depicted solely for its own sake, and must be placed in an appropriate perspective and be sensitively handled keeping in mind the Bhutanese audience.

Scenes with excessive violence or suffering such as close-up shots of persons being brutally tortured and killed, and visual depictions of sexual assault or rape scenes should be avoided.

2.11 Use of alcohol, drugs and tobacco

- a) Scenes which glamorize and glorify the habit of drinking alcohol are not permitted.
- b) Scenes tending to encourage, justify or glamorize drug addiction are not permitted.
- c) Scenes tending to encourage, justify or glamorize the consumption of tobacco or smoking are not permitted.

2.12 Exploitation

- a) Films and music videos should not condone the exploitation of women, men and children. Any negative or degrading content on the role and nature

of women, men or children in the society must be avoided all time.

- b) Films and music videos should not degrade either gender by negative portrayal such as implied lewd conduct through modes of dress or camera focus on areas of the body.

2.13 Privacy

Film makers should respect the right to privacy of any individual and should not project scenes that have visuals or words involving defamation of an individual or a body of individuals.

2.14 Consent

- a) When filming or recording in institutions, organizations or other agencies, permission should be obtained from the relevant authority or management. Individual consent of employees or others whose appearance is incidental or where they are essentially anonymous members of the general public will not normally be required.
 - i) However, in potentially sensitive places such as ambulances, hospitals, schools, prisons or police stations, separate consent should normally be obtained before filming or recording and for screening/ broadcast from those in sensitive situations. If the individual will not be identifiable in the programme, then separate consent for broadcast will not be required.
- b) If a contributor is under eighteen, consent should normally be obtained from a parent or guardian, or other person of eighteen or over in place of a parent. In particular, persons under eighteen should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.
- c) Where a film features an individual under eighteen or a vulnerable person in a way that infringes privacy, consent must be obtained from:
 - i) a parent, guardian or other person of over eighteen in place of a parent; and
 - ii) wherever possible, the individual concerned, unless the subject matter is trivial or uncontroversial and the participation minor, or it is warranted to proceed without consent.

2.15 Gathering information, sound or images and the re-use of material

Film-makers should ensure that the reuse of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create an unwarranted infringement of privacy.

This applies both to material obtained from others and the filmmaker's own material.

2.16 Prohibited and restricted sponsors

- a) Betting and gaming companies must not sponsor films.
- b) Sponsorship on films and music videos must comply with both the advertising content and scheduling rules that apply to that medium.