[RO] Regulations for the Protection of Minors Amended Again

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Mariana Stoican
Journalist, Bucharest

15 August 2004 saw the entry into force in Romania of new regulations to protect minors with respect to broadcast programmes. One of the most important new provisions introduced by Decision No. 249 of the National Audiovisual Council (CNA) (Decizia CNA Nr. 249 privind prote a copiilor în cadrul serviciilor de programe) is that c ti in the evening slot between 8 and 10 pm the only feature films that can be shown are those in which there are no violent scenes or only a few such scenes. The Decision also imposes a ban on all commercials containing scenes of violence, sexual innuendeo or bad language between 6 o'clock in the morning and 10 o'clock at night.

Horror films and thrillers featuring very violent scenes may only be shown between 11 at night at 6 in the morning. The same applies to entertainment programmes involving sex scenes and to the transmission of full-contact fights.

The new Decision shows that, as Romania's only regulatory body for electronic media, the CNA is taking its responsibility to defend public interests seriously. Children are in particular need of protection and need to be raised in accordance with the democratic values and ideals enshrined in the UN Convention on the Rights of the Child and the European Convention on Human Rights. This is a responsibility also entrusted to the CNA by regulations stemming from the Audiovisual Act No. 504/2002 (Legea audiovizualului) and the Protection and Rights of the Child Act No. 272/2004 (Legea Nr. 272/2004). Insofar as minors are recognised as having a right to protection of their own appearance in public and to protection of their own private and family life, the publication of compromising pictures, photographs, interviews and statements involving minors is prohibited, along with the publication of any pictures, photographs, interviews and statements that could endanger them in any way. There is also a ban on publishing any reports that could be damaging to the personalities of children under 14 who in the past have been the victims of physical, mental or sexual abuse or any other crime with the exception of kidnapping. Similarly, it is against the law to include under-14 year-olds in television programmes involving reconstructions of crimes or tragic events. The broadcasting of pictures and photographs of juvenile delinquents without prior notification to the youngsters concerned, their parents or legal guardians is also prohibited.

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The new regulations that came into force on 15 August 2004 prohibit all television programmes whose main theme is the physical exploitation of young people or that show young people in situations incompatible with their age. Other regulations for the protection of minors continue to apply. For example, it is still illegal to broadcast children's programmes that make any reference to tobacco products or alcoholic beverages, include offensive behaviour, bad language, or sexual innuendo, or make fun of physical disabilities of any sort.

According to Decision No. 249 of the CNA of 1 July 2004, it is also forbidden to give detailed descriptions of suicide methods in news bulletins and broadcast debates. The CNA has also amended the criteria used to classify TV content by rating programmes according to how many scenes of violence and how many nude scenes they contain, the nature of such scenes, who the main characters are and what they are trying to achieve, the nature of any scenes where women are portrayed in degrading situations, and, lastly, the vocabulary used by the main characters or programme producers.

Decizia CNA Nr. 249 privind protect ia copiilor în cadrul serviciilor de programe, Monitorul Oficial al României, Partea I, No. 668/26.VII.2004

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