[BG] Media Legislation and Child Protection

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On 14 May 2010, a bill for the amendment of the Radio and Television Act (RTA) was introduced in the National Assembly. The amendments were provoked by programmes on the private national terrestrial television “Nova”, in the format “Big Brother Family”, in which children of some of the families were admitted into the house. The participation of juveniles in those programmes was the subject of harsh criticism by the National Assembly Commission for Education, Science and the Issues of Children, Youth and Sports.

A proposal for the introduction of a new clause into the RTA has been made: “Article 17a. Media service providers are obliged to prevent the participation of children in programmes that are adverse to their physical, psychological, moral, intellectual and social development”. The violation of that clause shall lead to a severe sanction: the provider shall be penalised by a fine of an amount ranging from BGN 15,000 (EUR 7,500) to BGN 30,000 (EUR 15,000); in case of repeated violation the fine is of BGN 40,000 (EUR 20,000) to BGN 60,000 (EUR 30,000).

The motives of the initiators of the amendments are: “[...] the necessity for a swift and adequate response to the negative social reactions caused by the participation of children in programmes that raise the question whether the rights and interests of children are protected and how that participation influences their normal physical, psychological and mental development. It is precisely the participation of children in TV programmes, in particular in the so-called reality programmes, which motivated the UN Committee on the Rights of the Child in their report of 2008 to emphasise explicitly that the involvement of children in such programmes may be regarded as an illegal interference in their personal lives. In relation to this a recommendation has been addressed to the States, parties to the Convention on the Rights of the Child, to regulate the participation of children in reality programmes in order to eliminate that risk and guard their rights. From that point of view, it is compulsory to create a specific clause according to which media service providers are obliged to prevent the participation of children in such programmes. This is the aim of the bill, to preclude any arbitrary or illegal interference into children’s personal lives and create conditions for the protection of their rights, interests and proper development in the utmost degree.” On 2 June 2010, the Commission for Culture, Civil Society and Media approved the bill on its first reading.

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On 8 June 2010, the chairman of the Commission for Education, Science and the Issues of Children, Youth and Sports introduced a bill for the amendment of the Radio and Television Act by which the Council for Electronic Media (CEM) acquires a new competence: the authority to order the immediate termination of the broadcast of a programme that damages or exposes to the danger of being damaged the physical, psychological, moral, intellectual or social development of children, following a motivated proposal of the Chairman of the State Agency for Child Protection. The appeal against this kind of decision does not suspend its enforcement. The CEM and the National Agency for Child Protection shall develop criteria for evaluating content that damages or exposes to the danger of being damaged the physical, psychological, moral, intellectual or social development of children, which are to be adopted within 6 months of the coming into effect of the law.

On 16 June 2010, the Parliamentary Commissions for Education, Science and the Issues of Children, Youth and Sports and for Culture, Civil Society and Media approved the text.

Законопроект за изменение и допълнение на Закона за радиото и телевизията

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Bill amending the Law on Radio and Television

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