

PROTECTION OF CHILDREN IN MEDIA SERVICES

**LEGAL FRAMEWORK FOR PROTECTION OF CHILDREN AND ITS EFFECTIVE
IMPLEMENTATION IN THE REPUBLIC OF MOLDOVA**

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AUDIOVISUAL MEDIA SERVICES CODE

- Art. 15: Protection of minors (in linear services)
- (1) Media service providers are obliged to respect the principle of the best interests of the minor.
- (2) The minor has the right to protection of his or her image and privacy.
- (3) In determining the conditions for the participation of a minor in an audiovisual program, account shall be taken of the sensitivity and vulnerability specific to the age of the minor in general and the personality type of the minor in particular.
- (4) The right of the minor to respect for private life and his or her own image shall prevail over the need for information, including in the case of minors in difficult situations.

AUDIOVISUAL MEDIA SERVICES CODE

- (5) In audiovisual programs, the minor may not be used or exposed by parents, relatives, legal representatives, lawyers or other persons responsible for the upbringing and care of the minor, in order to obtain advantages of any kind or to influence the decisions of public authorities.
- (6) In linear audiovisual media services, the broadcasting of audiovisual programs likely to impair the physical, mental or moral development of minors, in particular those containing pornography or unjustified violence, is prohibited.

AUDIOVISUAL MEDIA SERVICES CODE

- (7) Audiovisual programs likely to impair the physical, mental or moral development of minors may be broadcast within linear audiovisual media services if: a) they are broadcast within the time slot established according to the classification of audiovisual programs; b) their viewing is restricted by a conditional access system.
- (8) In non-linear audiovisual media services, audiovisual programs which might impair the physical, mental or moral development of minors may be made available with the compulsory provision of access restriction measures so that minors cannot normally see or hear such programs.

AUDIOVISUAL MEDIA SERVICES CODE

- (10) The Audiovisual Council shall establish additional requirements for media service providers regarding the protection of minors in linear audiovisual media services.

Article 61:

- (1) Providers of non-linear audiovisual media services shall comply with:
 - a) the requirements for the protection of minors laid down in this Code;
 - b) the obligations to promote European audiovisual works laid down in this Code;
 - c) the requirements for audiovisual commercial communications laid down in this Code.

LAW NO. 30/2013 ON PROTECTION OF CHILDREN AGAINST NEGATIVE IMPACT OF INFORMATION

Article 3 (1) Information with a negative impact on children is considered to be publicly accessible information:

- a) about violence, which encourages aggression and contempt for life;
- b) which approves the damage or destruction of property;
- c) which brings to the fore the corpse or body of a person in agony or a mutilated body as a result of cruel treatment, except in cases where such presentation is necessary for the identification of the person;
- d) of a pornographic nature;
- e) which invites children to participate in gambling or other games that give the impression of easy winning;
- f) which positively assesses addiction to narcotic, toxic, psychotropic substances, tobacco, alcohol, as well as to other substances that are or can be used as narcotics, and which encourages their consumption, production, distribution or procurement;

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- g) which incites the infliction of bodily harm or suicide, which describes the means or circumstances of suicide;
- h) that positively appreciates a crime or idealizes criminals;
- i) that encourages behaviours that offend human dignity;
- j) that reports the mockery or humiliation of a person or a group of people in relation to ethnic origin, national, racial, sexual affiliation, in relation to illness, social status, spoken language, practiced religion, shared beliefs or opinions;
- k) that presents paranormal phenomena staged in such a way as to produce the impression of reality;
- l) that encourages violence and sexual exploitation, sexual abuse committed against children, sexual relations between children;

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m) that uses licentious language and indecent gestures;

n) that contains advice on the production, procurement or use of explosives, narcotic or psychotropic substances, other objects dangerous to life and health;

o) that encourages poor eating habits, hygiene and physical inactivity;

p) which demonstrates a mass hypnosis session, the subject of which is the audience of the mass media.

(2) The dissemination of information with a negative impact on children is prohibited or limited under the terms of this law.

(3) The dissemination of information specified in paragraph (1) letter j), as well as information of a pornographic nature that encourages violence and sexual exploitation of children or that aims to demonstrate violence, is prohibited.

LAW NO. 30/2013 ON PROTECTION OF CHILDREN AGAINST NEGATIVE IMPACT OF INFORMATION

- Article 5 - Limiting the spread of information with a negative impact on children:
- (1) In order to enable parents (guardians, curators) of children to make the right choice, all broadcasters are obliged to make available to the public sufficient information regarding the broadcasting time slot, recommendations and audio and visual warnings, so that the programmes watched or listened to in the family or only by children do not affect their physical, mental, spiritual or moral development. The same obligations apply to the programme services retransmitted by broadcasters.

LAW NO. 30/2013 ON PROTECTION OF CHILDREN AGAINST NEGATIVE IMPACT OF INFORMATION

- (5) Audiovisual programmes which may affect the physical, mental, spiritual or moral development of children may be broadcast only if viewing is restricted by a conditional access system. In the absence of a conditional access system, the broadcasting of the programmes concerned may only be carried out during the permitted time slot, according to the classification of the programme according to its content. The responsibility for classifying these audiovisual productions lies with the broadcasting license holders.

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(6) The categories of audiovisual productions that may affect the physical, mental or moral development of children are as follows:

- a) audiovisual productions prohibited for children under 18 years of age – are broadcasted only between 24:00 and 6:00 and shall be permanently accompanied by a warning sign representing a red circle, and inside it, on a transparent background, the number 18 in white;
- b) audiovisual productions prohibited for children under 15 years of age – are broadcasted only between 22:00 and 6:00 and shall be permanently accompanied by a warning sign representing a red circle, and inside it, on a transparent background, the number 15 in white;
- c) audiovisual productions prohibited for children under 12 years of age – are broadcasted only after 8:00 p.m. and will be accompanied by a warning sign representing a red circle, and inside it, on a transparent background, the number 12 in white;

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d) audiovisual productions prohibited for children under 7 years of age – are broadcast only after 8:00 p.m. and will be accompanied by a warning sign representing a red circle, and inside it, on a transparent background, the number 7 in white;

e) audiovisual productions that can be viewed by children under 12 years of age only with the consent of or together with their parents or family – are broadcasted accompanied by a warning sign representing a red circle, and inside it, on a transparent background, the capital letters AP (parental consent) in white.

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(7) In classifying cinematographic productions, broadcasters shall also be guided by the classification established by the producer or, as the case may be, by the classification under which the production was broadcasted in other countries.

(8) Internet access service providers shall offer end users the possibility of installing applications for filtering Internet content with a negative impact on children, and shall also introduce a section dedicated to information on Internet safety in the main menu of their official websites.


(9) Producers and/or broadcasters of computer games shall mark computer games with an age rating in the manner established by the Government.

(10) Restrictions on the dissemination of information with a negative impact on children shall also apply to advertising, self-promotion, trademarks, computer games and other publicly accessible information.

LAW NO. 62/2022 ON ADVERTISEMENT

- **Article 22: Protection of minors in the field of commercial advertising:**

Is prohibited the commercial advertising which:

- a) contains elements that are physically, morally, intellectually or psychologically harmful to minors;
 - b) encourages minors to buy goods or services by taking advantage of their lack of experience or credulity;
 - c) suggests that the possession or use of a product will give the minor a physical or social advantage over other children of his or her age or that the absence of that product will have the opposite effect;
 - d) affects the special relationships that exist between minors, on the one hand, and parents or teachers, on the other hand;
 - e) contains statements or representations that risk causing minors physical, psychological or moral harm or pushing them towards situations or activities that could endanger their health or safety, or encouraging them to frequent dangerous or unknown people or places;
 - f) unjustifiably presents minors in dangerous situations.
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THE REGULATION ON AUDIOVISUAL CONTENTS

The **Regulation on audiovisual contents** lists the types of information that are considered with negative impact on minors.

Audiovisual content with a negative impact on minors is prohibited or limited/restricted for broadcast/distribution.

On 5 May 2024, the new Regulation on audiovisual contents, approved by the AC Decision No. 61 of 1 March 2024 entered into force. It was developed in cooperation with civil society and Council of Europe support.

THE REGULATION ON AUDIOVISUAL CONTENTS

- The document establishes requirements for the classification of audiovisual programs to protect minors, for airing commercial audiovisual communications, as well as sponsorship and product placement, advertising and teleshopping for alcoholic beverages, drugs, and medical treatments.
- It also defines the conditions for broadcasting advertising via a shared screen designed for people with visual or hearing disabilities, as well as the ways to exercise the right to reply and rectification.

THANK YOU
FOR YOUR ATTENTION!

