

## Child Protection, Identity Construction and Media. The Regulation of Audiovisual Content for Minors in Spain

### Protección de la infancia, construcción de la identidad y medios de comunicación. La regulación de los contenidos audiovisuales para menores en España

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## Summary

Childhood is a key stage in the assimilation of values and behavioural patterns that shape identity. Among the socializing agents that influence this complex process are the audiovisual media. Therefore, the products that are made available to children and the protection of the child from harmful contents are essential to complete the training process in such a sensitive period of cognitive development. In this research we analyze the influence of television content in the process of constructing the identity of the child as well as the regulatory framework of audiovisual protection applied in Spain. A decade after the entry into force of Law 7/2010 of 31 March, General of Audiovisual Communication (LGCA), many of the challenges posed remain unresolved. As main conclusions we stress the need to respect the special protection schedule, the incorporation of thematic descriptors in the signalling of audiovisual products and a complete legislative categorization of harmful contents to children's and young people's development.

**Keywords:** Childhood, Identity, Regulation, Protection, Minor.

## Resumen

La infancia es una etapa clave en la asimilación de valores y patrones de comportamiento que conforman la identidad. Entre los agentes socializadores que influyen en este complejo proceso se encuentran cada vez más presentes los medios audiovisuales. Por ello, los productos que se ponen a disposición de los niños y niñas y la protección del menor respecto a los contenidos considerados nocivos o perjudiciales resultan esenciales para completar el proceso formativo en un período tan sensible del desarrollo cognitivo. En el presente artículo analizamos la influencia de los contenidos televisivos en el proceso de construcción identitaria del menor, así como el marco regulatorio de protección audiovisual de aplicación en España. Una década después de la entrada en vigor de la Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual (LGCA), muchos de los retos planteados continúan sin resolverse. Como principales conclusiones destacamos la necesidad de respetar el horario de protección especial, la incorporación de descriptores temáticos en la señalización de los productos audiovisuales y una categorización legislativa completa de los contenidos nocivos para el desarrollo infantil y juvenil.

**Palabras clave:** Infancia, Identidad, Regulación, Protección, Menor.

## Introduction

The protection of minors in the field of mass communication has been a constant concern for parents, educators and public authorities since the appearance of the audiovisual media. The defense of minors as "vulnerable citizens" (Perales, 2017) has become in our societies a territory of consensus around which both public and private resources and efforts are distributed. An important part of this protection is aimed at the control of products broadcast by the media, while restricting the exposure of children to content considered harmful to them is a cornerstone of the legal system for minors in audiovisual matters. In this regulatory context, the classification of audiovisual products, their categorization and their classification by age have been a frequent issue in the legal system since the second half of the 20th century (Ortiz Sobrino, Fuente Cobo & Martínez Otero, 2015; Pérez-Ugena & Coromina, 2008).

There are many researches that have focused on the multi-faceted approach to the protection of minors in the face of audiovisual contents (Fejoo, 2015; Navarro, 2014; Carniel, 2012), either from the purely legal field of analysis (Boix, Martínez & Montiel, 2017; Linde, Vidal & Medina, 2013; Carrillo & Martínez, 2012; Darnaculleta i Gardella, 2010) or from a perspective more focused on mass communication (Ortiz Sobrino, Fuente Cobo & Martínez Otero, 2015; Nogales Bocio, 2013). In this sense, the educommunicative approach proposed by

authors such as Aguaded (2005; 1999) or the analytical multiperspectivism with which the role of screens in the emotional development of minors is investigated (Ortiz, Marta & Gabelas, 2019; Marta Lazo, 2007) is very interesting. The works of Kimmel and Weiner (1998), Sell-Trujillo (2013) and Guerrero and Reig (2013) are along similar lines, as they approach the power of media messages in adolescence and childhood from the perspective of educational psychology.

Starting from a multidisciplinary approach, we consider that the normative framework plays a crucial role in the regulation of the media sector, especially taking into account the relevance of the contents in the transmission of values that are key in the identity construction of minors. Childhood is one of the periods of greatest cognitive and affective flexibility (Igartua, 2008), taking into account that it is during this stage that many of the attitudinal and behavioural patterns in society are established. In this process of constructing childhood, various agents of socialization intervene, among which the media stand out. Television mediation strategies (Valkenburg, Kcmar, Peeters & Marseille, 1999), such as establishing rules to restrict the consumption of television content, are used to try to stop the antisocial effects of certain content, such as those related to violence (Gómez Tagle, 2019; Rodríguez & Quiles, 2007; Dagnaud, 2007).

The consumption of content considered harmful or prejudicial can be translated into an imitation of these negative behaviors, although different types of effects can also be caused, such as "the influence on the formation of the imagination of younger audiences or on their emotional education, and that may come to modify their attitudes and model their values" (Muñoz García, 2009). In this context, both professionals in the field and parents, educators and spectators can demand that a series of values be protected by law, especially if they are fundamental to the formation of children and young people (Pérez Tornero, 2003).

From the age of 9-10, children begin to develop their autonomous morality according to the principles of cognitive and moral development (Sell-Trujillo, 2013). The narratives used in children's programming influence how children understand reality, as the characters who play them affect how our young people and children model their behaviour (Núñez & Loscertales, 2008). The media offers discursive resources that can be used to "create truths" (Carbonell, 2005), truths that become part of the identity reality of the child. In audiovisual production aimed at children's audiences, the line between the real and the unreal is consciously blurred. This is one of the key issues in child psychology, given that in most cases the protagonist of children's programming is located in everyday contexts but becomes involved in adventures or dramatic situations. The detection by the child of the real component and the burden of fiction in content depends on the level of maturity and cognitive development of the child in question, but also on the family and social environment of reception (Sell-Trujillo, 2013). In most cases, television consumption is a way of being connected to their reality, to their peer context (Guerrero & Reig, 2013). Hence the relevance of the contents they consume in the construction of their individual and group identity.

In this research we try to articulate the process of construction of the identity of the minor with the influence of the audiovisual messages and the normative framework that protects children from certain media contents that can be harmful to their moral and emotional development. We intend to know the degree of strength and adequacy of the regulatory system in the case of Spain, taking into account that the impact of content considered harmful can be influential in the assimilation of roles, values and patterns of behavior.

### **Identity, minors and audiovisual content**

In audiovisual perception, a series of parallel processes are set in motion and articulated. The visual and auditory, the sensory, the symbolic, the aesthetic, the emotional and the rational are put into play forming "a cognitive-affective-significant process, at the same time multimediated from other sources, but distinguishable as such in what it has of polychromatic interaction with

television, its mediatic, its institutionality, its technicality and its language" (Orozco, 2001, p. 47). The audience is defining in its own way the meanings of various television programs, even if they contravene the meanings given by the producers and networks. However, the knowledge that can be had today of the patterns of media consumption as well as the repetition of successful formats minimizes the risks of failure for the broadcasters.

The identity of the receiving subjects in the individual and those of the audiences as a collective constitute one of the most important mediations of the processes of television viewing. Martín Serrano has emphasized that while the personal perception of individuality is experienced as subjectivity, the collective representation of that experience is the subject concept: "social representations are generated in communication and in it they are maintained and through communication they are transmitted and shared, until generally accepted conceptions are made. They are the visions of being and non-being, which can be called with all relevance, collective representations" (Martín Serrano & Velarde, 2015).

Here it is also pertinent the reflection that the theoretician Martin Barbero (1994) makes on the matter when he affirms that the contemporary identities, particularly reconstituted from the audio-visual thing, are more and more agglutinating or amalgamating. In this sense, "precarious or momentary identities, or "fashionable" identities, are fostered by television and other media, where they acquire their meaning, while at the same time making it possible to appreciate certain convulsions of audiences" (Orozco, 2001, p. 46). The profound identities of the audiences are thus present in some way in television viewing, reaffirming or reconfiguring themselves from them and reconfiguring them.

These deep latent identities "emerge in diverse and unexpected ways in the interactions and appropriations of television referents, mediating them and channeling the possible uses that their audiences make of television" (Orozco, 2001, p. 47). The rescue of this type of mediated identity fragments constitutes one of the main challenges, both for research and for the education of audiences.

In this line, Frances and Llorca have detected different dimensions of identification on the part of the receiver: "cognitive empathy (I have tried to see things from the point of view of the protagonists), emotional empathy (I myself have experienced the emotional reactions), attraction towards the characters, the sensation of becoming the character" (Frances and Llorca, 2012, p. 137). To this last variant we could call it aspirational, fanatical or mythical empathy. Authors as Zillmann (2006) consider that the empathic reactions of emulator or aspirational cut that are established with respect to the protagonists of a film fiction constitute part of the entertainment and justify the enjoyment experienced during the vision. The identification and feeling of belonging to the group would be other relevant factors.

The multiplication of mediated experiences must necessarily influence the notions of the self that are forged by individuals (Gergen, 1991). We are therefore faced with an unstable self, "a nomadic self that is both reader and writer of texts, somewhat saturated with images and symbols. And with all this material he elaborates subjectivity" (Pindado, 2006, p. 12). While the modern text required slowness and calm, "the postmodern one needs speed and variability of emotions and stimuli, a multitude of exciting signals appealing to subjectivity (...) it is a plural, varied, disproportionate self" (Pindado, 2006, p. 14). The media constitute a deposit of symbols and values with which the linkage is certainly complex, to the point that in many occasions it transcends the realistic nature of many of them. The reality presented and the realities re-presented are situated in different dimensions but can refer to the same content.

As for the role assigned to the media in the construction of youth identity, this differs from one specialist to another. There are those who place themselves in a radical position by attributing to them a symbolic power that substitutes for real experiences, such as Thompson (1998) or Hartley (1999). Others, on the other hand, recognize the importance that they have in

the elaboration of the identity but they are located in a more prudent perspective, considering that their contribution is "complementary of the real experiences" (Pindado, 2006, p. 19).

The young person constructs his own subjectivity (oriented on the force of vectors such as presentism and relativism) in a dialectic process between direct and mediated experience, with the media being an integral part of this mediated experience (Pindado, 2006). In this context of strong macromediations, the infantile or adolescent subjectivity can erode in the heterogeneous discursive amalgam. All this leads us to the observation that in an environment of liquid identities (Baumann, 2009), the permeability of the process of forging the self is increasingly greater and, therefore, the influence of audiovisual stimuli (increasingly present in number of minutes, supports and formats) more intense.

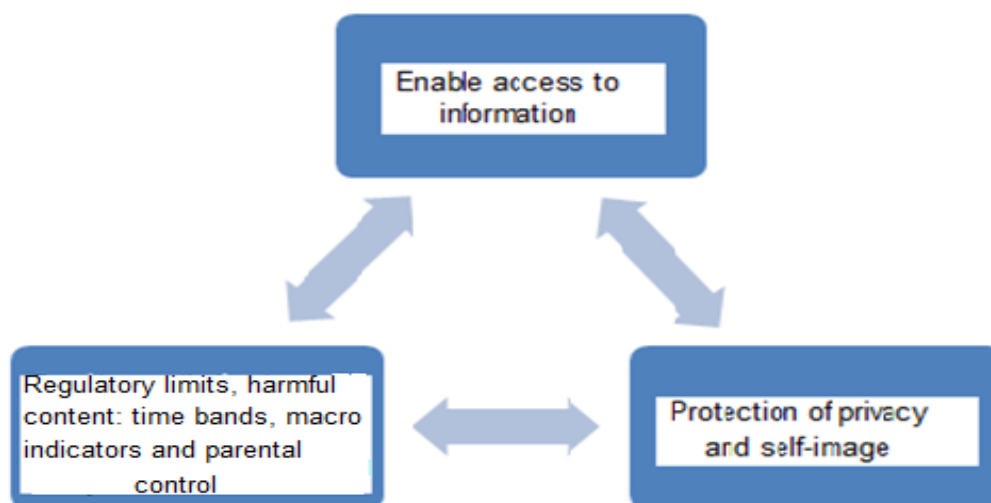
## Method

As a methodology of analysis, a review of the scientific literature related to research on the control mechanisms of audiovisual content and child protection schedules applicable in Spain has been carried out. Similarly, the criteria established in the Self-Regulation Code on television content and children have been analysed. In addition, the role of the bodies responsible for guaranteeing the adaptation of content to the programming schedules of child consumption slots was also examined. Subsequently, an exhaustive search and analysis of all the applicable legislation in Spain (therefore, of a European and national nature) for the protection of minors in audiovisual matters has been carried out. The research contributes to the advancement of knowledge in the area since it goes beyond the legislative compilation and proceeds to a critical interpretation of this complex specific regulatory framework.

With regard to national and international regulations, a screening has been carried out, taking into account both the temporal criterion for the enactment of laws and their general nature (selecting those regulations that are applicable throughout Spain and therefore excluding regional legislation) and the regulatory status, i.e. the nature of the body promoting said regulation, thus distinguishing between regulation and self-regulation proposals.

### **Regulation of the audiovisual sector: protection of minors and harmful content**

For more than three decades, the protection of minors in relation to audiovisual media from the legislative point of view has focused on three fundamental dimensions: on the one hand, the area of access to information by minors; on the other hand, and more generally, respect for the minor's own image and privacy; and, finally, the regulatory limits of those contents that are contraindicated for the correct development of children and young people. This third dimension includes both the establishment of special protection schedules and the regulation of content considered harmful or prejudicial, and the implementation of parental control mechanisms. This is illustrated in Figure 1.



**Figure 1.** Action dimensions of the regulatory framework for the protection of minors in audiovisual matters

### **The international regulatory framework**

The Convention on the Rights of the Child, adopted by the General Assembly of the United Nations in November 1989, was ratified by Spain just one year later and was enshrined in law in 1994. The UN text already stipulates the protection of minors with regard to media content considered harmful. Numerous agreements have been adopted at the supranational level to try to manage the relationship of minors with audiovisual content: the European Code of Ethics for Journalists (approved by the General Assembly of the Council of Europe in 1993), the document on Children's Rights and the Media (1998), the UNICEF document on Ethical Principles for Reporting on Children, or the ITU Child Online Protection initiative (2009), which focuses on child protection on the Internet.

At the European level, it should be noted that although the EU has no general competence in the field of fundamental rights, it can take action to protect and promote children's rights on the basis of its specific competences under the EU Treaties. In particular, "it can do so through legislation, soft law, project funding or political dialogue" (Nogales Bocio, 2013, p. 276). In this sense, the Community framework project is made up of the Television without Frontiers Directive (TVWF), first published in 1989 and amended twice with a ten-year interval between both versions (in 1997 and 2007, respectively), before being repealed and replaced in 2010 by the current Audiovisual Communication Services Directive (Directive 2010/13/EU), recently revised in 2018.

### **From the DTSF to the Audiovisual Media Services Directive**

The dynamics of deregulation and re-regulation have played a leading role in the evolution of the TV without Frontiers Directive. The first version of the regulation, which dates from 1989 (89/552/EC), already provides for the prohibition of "any program which might seriously impair the physical, mental or moral development of minors", such as those of a "pornographic or extremely violent nature". A ban that "is extended to any program likely to harm minors, unless it meets time criteria or is subject to technical protection measures". In 1997, efforts to protect minors were stepped up (97/36/EC). In fact, it is laid down that content which may be harmful to children's development must incorporate visual and/or acoustic parental warning signals. A decade later, the Directive is undergoing its latest revision, which provides for the broadcasting



of audiovisual content that may "seriously" affect minors, establishing the distinction between content considered "harmful" and "very harmful" (Callejon, 2013).

In 2010, the Audiovisual Media Services Directive (2010/13/EU) once again emphasizes the restriction of violent or pornographic content and the need for appropriate acoustic and/or visual signage for such program. In addition, all technical measures are conditioned by a series of requirements regarding broadcasting times, establishing specific slots for certain types of content, such as those corresponding to games of chance or gambling.

The new amendment proposed in 2018 (PE-CONS 33/18) aims to adapt to the changes in the digital society and "limits its influence on on-demand audiovisual media services" (Beceiro & Mejón, 2019). The main amendments incorporated in this new Directive relate to social media services, which "must be protected against incitement to hatred, violence and terrorism for minors and all citizens". Likewise, in the field of data protection, the rule provides for special attention to the personal data of minors on the Internet.

In general terms, Community regulations usually establish minimum laws that the Member States must adapt to their particular national reality. In recent years, European regulation has been oriented towards online data protection and safe surfing. However, with regard to content that may be harmful to minors, successive Directives have been lukewarm and remain in the field of deregulation. While they do sanction explicit violence or pornography content, we do not find in this regulatory framework specific appeals to other types of contents that could also harm the psychic and emotional development of childhood.

### **The Spanish case**

With regard to national legislation, there are several texts that focus on the legal protection of minors in Spain. In view of their regulatory status, we must first highlight the Spanish Constitution. Article 10.2 EC provides that "the rules relating to fundamental rights and freedoms recognized by the Constitution shall be interpreted in accordance with the Universal Declaration of Human Rights and the international treaties and agreements on the same subject matter ratified by Spain". Spanish legislation must therefore respect and comply with international treaties, as set out in the Constitution. Article 20.4 states that the right to information has its limits "in the right to honour, privacy, self-image and protection of youth and children". And finally, Article 39.4 specifies that "children shall enjoy the protection provided for in international agreements that safeguard their rights".

On the basis of the constitutional framework, a number of laws were promulgated, such as Law 25/1994 on the coordination of the legal, regulatory and administrative provisions of the Member States concerning the pursuit of television broadcasting activities (of the State 1994), which transposed the Television without Frontiers Directive into Spanish law. Article 17(1) provides for a general ban on the broadcasting of program, scenes or messages of any kind likely to cause serious harm to minors, but specifies that scenes of pornography or gratuitous violence "may only be broadcast between 22.00 and 6.00 hours and must be the subject of acoustic and optical warnings regarding their content". In an innovative way, Additional Provision 4 of this law proposes the progressive installation of parental control mechanisms in television receivers.

Article 5.3 of Organic Law 1/1996, of 15 January, on the Legal Protection of Minors, partially modifying the Civil Code and the Law on Civil Procedure, establishes that:

The Public Administrations shall encourage the production and dissemination of information materials and others aimed at minors, which respect the criteria set out (...). In particular, they shall ensure that the media, in their messages aimed at minors, promote the values of equality, solidarity, diversity and respect for others, avoid images of violence, exploitation in interpersonal relations, or which reflect degrading or sexist

treatment, or discriminatory treatment towards persons with disabilities. In the area of self-regulation, the competent authorities and bodies will encourage the media to generate and supervise compliance with codes of conduct aimed at safeguarding the promotion of the values described above, limiting access to images and digital content that are harmful to minors, in accordance with the provisions of the approved self-regulation content codes.

Subsequently, sections 1 and 3 of this law were modified by article 1.2 of Law 26/2015, of 28 July, which emphasizes, for the first time, the importance of digital and media literacy:

Minors have the right to seek, receive and use information appropriate to their development. Special attention will be paid to digital and media literacy, in a manner adapted to each developmental stage, enabling minors to act online safely and responsibly and, in particular, to identify risk situations arising from the use of new information and communication technologies as well as the tools and strategies to cope with and protect themselves from such risks (Rodríguez, 2015).

Years before, Royal Decree 410/2002, which develops section 3 of article 17 of Law 25/1994, of 12 July, modified by Law 22/1999, of 7 June, established uniform criteria for the classification and signalling of television programs: 1. A classification that has been broadly maintained in the subsequent classification.

### **The Self-Regulation Code on Television Content and Children**

The communication sector is very much in favour of self-regulation (Carrillo Donaire, 2012; Darnacutella, 2010; Boix Palop, 2017). Between 2004 and 2006, the majority of television operators in Spain (Radiotelevisión Española, Antena 3 de Televisión S.A., Gestevisión Telecinco S.A., Sogecable S.A., La Sexta, Net TV, Veo TV and the Federation of Autonomous Radio and Television Organisations) adhered to the Self-Regulation Code on Television Content and Children. This code establishes the so-called "reinforced protection schedule" (Nogales Bocio, 2013, p. 284), which applies to free-to-air broadcasts and establishes the following protection time slots, in which no content considered harmful may be broadcast

1. From 08:00 to 9:00 and from 17:00 to 20:00, Monday to Friday.
2. From 9:00 to 12:00 on Saturdays, Sundays and certain national holidays: 1 and 6 January; Good Friday; 1 May; 12 October; 1 November; 6, 8 and 25 December.

In the area of thematic indicators, the Code also includes an annex with the criteria to be used by operators when classifying programme content: social behaviour, conflict issues, violence and sex. Along these lines, it is worth adding the gradation of thematic macro-indicators, also adopted by the Institute of Cinematography and Audiovisual Arts (ICAA) for the classification of films, which is based on the Code and covers a wide range of themes: violence; sex; fear/anguish; drugs and toxic substances; discrimination against persons, countries, beliefs; imitable behaviour (behaviour that infringes on the rights of others, institutional corruption, acts of vandalism, habits of life that are harmful to health); language (violent, offensive, obscene, intolerant or discriminatory expressions).

### **A decade of the General Law of Audiovisual Communication**

Article 12.3 of Law 7/2010 of 31 March, General of Audiovisual Communication (LGCA) states that " the audiovisual authorities must ensure compliance with the codes and, among these, the Code of Self-Regulation of Television Content and Children. In fact, the articles of the LGCA endorse by law the establishment of the reinforced protection schedule set forth in the Self-Regulation Code (Quadra-Salcedo, 2011).



With regard to content, Article 7.2 recognizes the prohibition of "the broadcasting of audiovisual content that may seriously harm the physical, mental or moral development of minors and in particular those programs that include scenes of pornography, abuse, gender violence or gratuitous violence". Similarly, the law establishes the need for acoustic and visual warning mechanisms, as well as parental control systems. A restrictive schedule is also established for programmes devoted to gambling, betting, esotericism and paracism.

It also establishes that, during hours of protection for minors, audiovisual media service providers may not insert advertising that "promotes body worship and the rejection of self-image, such as slimming products, surgical operations or aesthetic treatments, which appeal to social rejection due to physical condition, or success due to weight or aesthetic factors" (Article 7.4). It is also made explicit that commercial communications should not cause moral or physical detriment to minors. In this sense, the LGCA is clearly inspired by articles 2.1 and 30 of Law 29/2009, of December 30, General of Advertising, in relation to illicit advertising and aggressive practices in relation to minors.

In August 2012, Law 6/2012 modified sections 2 and 5 of Article 7 of the LGCA and established: the obligation to incorporate the parental control system when harmful content is also broadcast using a limited access system; and the requirement to draw up a separate catalogue for programmes that may harm minors. This last legislative premise is not put into practice by audiovisual operators (Cutanda, 2012).

The main thrust of this LGCA also provided for the establishment of a State Audiovisual Council (CEMA) but Law 3/2013 abolished it and divided its functions between the Ministry of the Presidency, the Ministry of Industry and the CNMC (National Commission for Markets and Competition). It is this last entity that carries out tasks in Spain regarding the control of content comparable to those of specific bodies in other European countries. However, the appointment of its members depends directly on the government, so its independent character is weak.

According to Law 7/2010, LGCA, issues related to content control are transferred to an independent authority, but not the granting of licenses for radio and television hertzian (which remain under the authority of the executive). As Boix (2017) points out, this situation is comparable to that of other European Union Member States, such as France, Germany, Belgium, Italy, the United Kingdom and Portugal. In Spain, and despite the provisions of the 2010 LGCA, the implementation of a specialized body of these characteristics has never taken place. Thus, what was envisaged as a normative transition from the LGCA to the constitution of the national audiovisual council has become a paralysed situation a decade after the law came into force. In regional terms, between 1996 and 2010 the autonomous communities of Catalonia, Andalusia and the Balearic Islands did create their own Audiovisual Councils.

However, a regulatory framework proves its effectiveness to the extent that sanctions are imposed on those who fail to comply with their obligations. In this sense, Martínez Otero (2017) highlights how the CNMC has proved to be more effective than SETSI (State Secretariat for Telecommunications and Information Society), the previous competent body, and both in sanctioning infringements and in proceedings and the amount of fines imposed. In spite of this, the regulatory system for the protection of minors protected by this Law presents, as has been shown, gaps and repeated non-compliance by audiovisual operators.

## Conclusions

The legislative framework plays an essential role in the field of research on minors and audiovisual media, since it constitutes the reference for action in a state governed by the rule of law. There is a remarkable normative production for the protection of children's rights at the Community, national and regional levels. In fact, we can find references to this both in specifically audiovisual laws (the LGCA or the General Law on Advertising) and in more general laws

focused on minors (such as Organic Law 1/1996 on the Legal Protection of Minors) (Gonzalez-Beilfuss, 1996).

Despite the media sector's tendency to self-regulation, it should be noted that although legislative regulations are compulsory, self-regulation codes only force their subscribers deontologically, so their effectiveness is a priori lesser. Therefore, the range of protection that they offer to their subscribers is always less decisive. With regard to national regulations and the Self-Regulation Code on television content and children, it is possible to find repeated breaches and a low level of commitment in practice in the Spanish case. A very notable example is that of infringements of explicit violence content during reinforced protection hours, as well as the fact that this category does not explicitly include cases of verbal or symbolic violence, in addition to physical violence. In addition, most of the channels fail to indicate their programme offerings in terms of age ratings, despite the fact that they are required to do so by law.

In the area of content considered harmful to children's physical, moral and psychological development, the prevailing situation is one of normative indefiniteness and legislative anomie. There is, for example, no clear categorization of content considered harmful, with the exception of mentions of violence, sex, abuse or discrimination. The only exception would be the classification contained in the Self-Regulation Code on Television Content and Children, also adopted by the ICAA. However, as has been concluded, this Code is not of a legislative nature. Therefore, such harmful content is presented as a recommendation without the possibility of exhorting audiovisual operators to comply with it.

Protection against audiovisual content considered harmful to children is often restricted to very specific fields of action. There is a situation of anomie with regard to other discursive elements which affect the development of minors (as a construction of their identity, assumption of values and patterns of behaviour) in a more subtle or less specific way. This is the case of the consumerist, competitive and hypernarcissistic logic of the individual in today's society or the lack of an adequate gender perspective.

The situation of risk in which minors find themselves before audiovisual programming is remarkable, especially in a digital society like the one we live in, where audiovisual contents reach minors through multiple media and constitute a sign of identity and belonging to the group. In this context, protection mechanisms require more than ever the cooperation of all the agents involved in the children's educational process. Similarly, we note with concern the indefinite delay in the creation of the National Audiovisual Council, a necessary independent entity which, a decade after the enactment of the LGCA, has still not been set in motion.

Organic Law 1/1996, of 15 January, on the Legal Protection of Minors, is the most specific of all national regulations with regard to content considered harmful to the identity development of minors, despite not being a specific audiovisual law. From this text and despite the apparent innovative impulse of the 2010 LGCA, we find a tendency towards deregulation, since the articles that explain the content considered harmful are more unspecific than in the previous regulations. Not in vain have several authors criticised the commercialist conception of the audiovisual sector present in the LGCA (Linde Paniagua, Vidal Beltrán and Medina González, 2013; Zallo, 2010).

The set of rules that make up the Spanish legal system is insufficient for a comprehensive protection of minors in audiovisual matters. The regulation of harmful or noxious television content necessarily goes one step further than classification by age group, and the thematic aspects that categorise the product must also be specified. There should also be effective standardisation of parental control mechanisms, which is provided for by law on a case-by-case basis.

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