[RO] Protection of Image Rights in Electronic Media

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At a public session held on 13 August 2002, the Consiliul National al Audiovizualului (National Audiovisual Council - CNA) adopted a resolution concerning the protection of human dignity and personal image rights.

The document is based on the concept that everyone has the right to freedom of expression, as long as such expression does not infringe another person's dignity or public image. As the resolution states, a democratic society can take measures to protect national security, territorial integrity and public order, to protect public health and morals and to safeguard the good reputation and rights of others. In this regard, issues or events of local or national importance are defined as "matters or events of public interest" for the life of the community, provided they harm neither public morals nor the basic rights and freedoms of the individual. Such general matters and events of public interest may be reported without restriction in the electronic media. However, the resolution prohibits the transmission of picture or sound recordings without the consent of the persons concerned if the subject dealt with is not of public interest and if the recording was made "off the record".

In such cases, the content of telephone conversations should not be made public, bearing in mind the individual's right to privacy in personal and family life. If reports in the electronic media contain accusations of illegal or immoral conduct against certain individuals, evidence must also be given. Anti-Semitic and xenophobic material is banned, along with any discriminatory statements, whether based on race, religion, nationality, gender, sexual orientation or ethnic origin. Degrading, condescending or demeaning remarks about elderly or disabled people are also prohibited. People suspected of committing a crime shall be presumed innocent until the court reaches a final verdict. The CNA resolution also forbids the transmission - without the consent of the people concerned - of images of "victims", since the right to privacy must also be granted to people in exceptionally difficult circumstances. Regarding the portrayal of human suffering, natural disasters, accidents or crimes, programme providers must strike a balance between their desire to give accurate information and the danger that they might infringe the privacy of the people involved.

Failure to comply with these provisions may be penalised with fines ranging from ROL 25 to 500 million or the withdrawal of broadcasting licences, depending on

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the seriousness of the infringement.

The resolution will enter into force when it is published in the Monitorul Oficial al Romania.

Decizia CNA din 13 august 2002 privind protectia demnitatii umane si a dreptului la propria imagine a persoanei

CNA Resolution of 13 August 2002 concerning the protection of human dignity and personal image rights

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