[RO] Measures to Protect Human Dignity and Personal Image Rights

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On 21 August 2002, Decision no.80 of the Consiliul Na tional al Audiovizualului (National Audiovisual Council

- CNA) concerning the protection of human dignity and personal image rights entered into force.

According to this Decision, freedom of opinion is a fundamental right in any democratic society; however, the exercise of the right of freedom of expression must not infringe personal dignity, honour or privacy, nor personal image rights.

On the other hand, the exercise of these rights should not be used to justify the concealment of information that is in the public interest. Matters of public interest, which are listed in Article 3, include facts or events at local or national level that affect the life of the community. When reporting these matters, journalists must always be careful not to violate basic human rights and freedoms.

Article 5 of the Decision stipulates that any person accused of committing a crime shall be presumed innocent until a final court decision is reached. Every audiovisual programme must therefore respect this principle.

The CNA Decision goes on to state that everyone has the right to respect for their private and family life; unless the person concerned gives their consent, the transmission of news, debates and surveys concerning a person's private life is prohibited under the terms of Article 6.

Article 7 forbids the broadcast of recordings of people made without their consent on private property, unless the recording might (a) help prevent a crime, (b) prove that a crime took place, or (c) protect public health.

According to Article 8, recordings may not be made using hidden microphones or cameras. Article 9 states that recordings made with hidden cameras for entertainment purposes should not humiliate the persons being filmed and may only be broadcast if those persons give their consent after the recording is made.

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Article 13 of CNA Decision no.80 bans the broadcast of anti-Semitic or xenophobic programme content and any kind of discrimination on grounds of race, religion, nationality, gender or ethnic origin.

Under Article 14, broadcasters may not show pictures of the victims of crimes or accidents. Witnesses to crimes may only be filmed if their identity is fully protected.

Consiliul National al Audiovizualului, Decizia Nr. 80 privind protectia demnitatii umane si a dreptului la propria imagine, Monitorul Oficial al României No.619, 21 August 2002

Decision no.80 of 13 August 2002 concerning the protection of human dignity and personal image rights, Monitorul Oficial al României No.619, 21 August 2002

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