[RU] Two decisions on privacy protection by the Judicial Chamber on Information Disputes

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On 22 September 1995 and on 19 October 1995, the Russian President's Judicial Chamber on Information Disputes took a decision in regards to the protection of the privacy of the individual against the media. The first decision concerned a complaint by a Member of Parliament regarding the broadcasting of inaccurate information by the television broadcaster ORT.

ORT had broadcast information on a fight in the halls of a State Duma session. In its report on the fight, ORT only mentioned the surname of the MP involved in the fight. The problem was that there are two MPs with the same surname. The one who was not involved in the fight therefore asked ORT to mention in its reports also the first name of the MP involved in the fight, because he feared that the public might confuse him with the fight participant. However, despite repeated request-s, ORT continued to mention only the surname. The President's Judicial Chamber on Information Disputes firstly decided that it is within its competence to order prompt correction of factual errors disseminated by the mass media in cases of social interest. It ordered rectification and recommended the editors of mass media to use the full name and other identifying characteristics in their references to people with the same surnames and use a picture of the person under discussion.

In the second case, the Judicial Chamber received complaints of imprisoned women on the basis of Articles 23 and 24 of the Constitution of the Russian Federation which grants everyone the right to inviolability of private life and does not permit the collection, storage, use and dissemination of information related to an individual's private life without his or her consent. In addition, Article 49 part 1 par. 5 of the Mass Media Act stipulates that a journalist must obtain the consent of the citizen for dissemination in the mass media of information related to the private life of that citizen.

The complaint was against the broadcasting by `Russian Public Television' of a programme on the daily life of convicts imprisoned in a general regime colony. It devoted special attention to the distinctive features of the sexual behaviour of women prisoners. The claimants portrayed in the programme had not given their consent and, in fact, had made it clear that they did not wish to be the object of such journalistic attention. The Judicial Chamber, whilst explicitly recognizing the journalistic freedom and public interest to inform and be informed on issues like

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the ones covered by the television programmes, decided that these rights were no excuse for infringing the constitutional rights of citizens.

The President's Judicial Chamber for Information Disputes, Decision of 19 October 1995, No 32(69). published in Russian in Rossiiskaia Gazetaof 31 October 1995, p 6. Published in English in the Post-Soviet Media Law & Policy Newsletter, Issue 23, 27 November 1995, pp 9-10.

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The President's Judicial Chamber for Information Disputes, Decisions of 22 September 1995, No 27(64). Published in Russian in Rossiiskaia Gazeta of 30 September 1995, p 4. Published in English in the Post-Soviet Media Law & Policy Newsletter, Issue 23, 27 November 1995, pp 9-10.

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