[RO] CNA-Sanctions for the Huidu-Case

IRIS 2012-1:1/38

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The *Consiliul Naţional al Audiovizualului* (National Council for Electronic Media - CNA) issued on 3 November 2011 public warnings to five Romanian commercial television stations (Antena 1, Antena 3, B1 TV, Realitatea TV and OTV) due to the way they covered a car accident caused on 16 October 2011 by the Romanian TV-star Şerban Huidu. The CNA monitored twelve TV stations on this matter.

The CNA considered that the accident was covered excessively and that the stations breached legal provisions on dignity, the right to one's own image and the observance of privacy in a difficult moment of a person's life. Several articles (30, 33 (2), 40 (3), 41 (1) and 45 (1), (2)) of the *Codul Audiovizualului - Decizia nr. 220/2011 privind Codul de reglementare a conţinutului audiovizual, cu modificările şi completările ulterioare* (Audiovisual Code - Decision no. 220/2011; see IRIS 2010-8/42, IRIS 2010-10/38, and IRIS 2011-1/44) were infringed.

Art. 30 provides that audiovisual media service providers are obliged to observe fundamental human rights and liberties, private life, honour and reputation, as well as the right to one's own image. According to Art. 33 (2) information on the address or telephone number of a person or his/her family may not be disclosed without permission; the use of personal data is only allowed under special law. Art. 40 (3) states that moderators of shows are prohibited from using or allowing their guests to use insulting language or to instigate violence. Art. 41 (1) rules that audiovisual media service providers shall not broadcast a) images of victims without their permission; b) images of a deceased person without the family's permission; c) images that exploit or highlight the trauma or wounds of a person. Art. 45 (1) says that every person has the right to the observance of his/her privacy in difficult moments, such as a bereavement or misfortune, and Art. 45 (2) rules that in case of human suffering, natural disasters, accidents or acts of violence media service providers are obliged to observe the dignity of persons in such situations.

The Council requested on 18 October 2011 that the TV stations should stop exploiting the psychological trauma of several persons and interfering in their private lives in news and debate programmes. On the other hand, 70% of the respondents to a nationwide relevant study issued one week after the accident considered the TV stations acted wrongly by their massive coverage of the case. The study was conducted by IRES (Institutul Român pentru Evaluare şi Strategie -

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Romanian Institute for Evaluation and Strategy).

The accident, which occurred 150 kilometres north of Bucharest in a popular mountain tourist destination, resulted in the death of three persons and had a huge impact in mass-media and society. In 2010 Huidu was in the centre of public attention when he came very close to death due to a severe skiing accident in Austria. Huidu became famous because of the long-lasting blockbuster TV satirical show Cârcotaşii (The Grumpies) broadcast by Prima TV.

Extras din procesul verbal al şedinţei de joi, 3 noiembrie 2011

http://www.cna.ro/Extras-din-procesul-verbal-al,4587.html

Excerpt form the minutes of the meeting of 3 November 2011

Decizia nr. 623 din 03.11.2011 privind somarea a S.C. ANTENA TV GROUP S.A. pentru postul de televiziune ANTENA 1

http://www.cna.ro/Decizia-nr-623-din-03-11-2011.html

Decision no. 623 of 3 November 2011 with regard to S.C. ANTENA TV GROUP S.A.

Decizia nr. 624 din 03.11.2011 privind somarea S.C. ANTENA 3 S.A. pentru postul de televiziune ANTENA 3-NEWS & CURRENT AFFAIRS

http://www.cna.ro/Decizia-nr-624-din-03-11-2011.html

Decision no. 624 of 3 November 2011 with regard to S.C. ANTENA 3 S.A.

Decizia nr. 632 din 03.11.2011 privind somarea S.C. B1 TV CHANNEL S.R.L. pentru postul B1 TV

http://www.cna.ro/Decizia-nr-632-din-03-11-2011.html

Decision no. 632 of 3 November 2011 with regard to S.C. B1 TV CHANNEL S.R.L.

Decizia nr. 633 din 03.11.2011 privind somarea S.C. OCRAM TELEVIZIUNE S.R.L. pentru postul de televiziune OTV

http://www.cna.ro/Decizia-nr-633-din-03-11-2011.html

Decision no. 633 of 3 November 2011 with regard to S.C. OCRAM TELEVIZIUNE S.R.L.

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Decizia nr. 634 din 03.11.2011 privind somarea S.C. REALITATEA MEDIA S.A. pentru postul de televiziune REALITATEA TV

http://www.cna.ro/Decizia-nr-634-din-03-11-2011.html

Decision no. 634 of 3 November 2011 with regard to S.C. REALITATEA MEDIA S.A.

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