

Romania

General Situation

The situation of media freedom in Romania improved during the last years during the EU accession process. On 1 January 2007 the country joined the European Union.

However, according to different sources from the country, the flow of funds for public advertising in media both on national and regional levels still lacks transparency. It is feared that public money is used to support government friendly media.

The independence of the public service broadcaster also remains to be an issue of concern.

In the last years there have been a number of interventions by the OSCE Representative on Freedom of the Media (reporting period 01/2005 to 12/2007):

Interventions

- On **7 March 2006**, RFOM sent a letter to the Foreign Minister of Romania regarding two journalists under criminal investigation in a breach of secrecy case. The case was opened despite the fact that the journalists recognized the character of the leaked information, returned the data to the Ministry of Defence, informed it about the leak amongst its ranks, and did not publish any of the material.

In his answer, Foreign Minister Ungureanu wrote that "the Romanian law does not distinguish between persons that are compelled to keep confidential information and the other citizens." He assures that during an upcoming revision of the legal framework concerning national security "appropriate attention will be paid to increasing the guarantees afforded for the full respect of the freedom of expression."

In an open letter to the RFOM Office on 28 June 2006 by the Convention of the Media Organizations of Romania, RFOM was notified that the journalists concerned continue to be called to the prosecutor's office for interrogations, even six months after the events. RFOM considers the action by Romanian authorities as having a chilling effect on journalism in Romania and called upon the Government to suspend this practice and to initiate legislative changes to remedy the situation as proposed by the Foreign Minister in his letter.

- RFOM is concerned by the decision of the Constitutional Court of Romania of **18 January 2007**, which annulled the decriminalization of defamation, an amendment which was passed by Parliament in 2006. The Court found that the repeal of libel and insult articles from the Criminal Code produced a legal situation inconsistent with the Constitution.

In addition to the Office's longstanding efforts towards decriminalisation, this decision also goes against the May 2006 call by Mr. Terry Davis, Secretary General

of the Council of Europe, addressed to all CoE Member States, to move the handling of defamation offences from the criminal to the civil-law domain. RFOM views the ruling as a setback in achieving a free and a more favourable working environment for the Romanian media.

Nevertheless, RFOM hopes that the Parliament will consider other measures to address the 'protection of dignity' concerns stated by the Constitutional Court, rather than restoring the old articles of the Criminal Code. The Office will continue to monitor the developments.