

Implementation in Romania of the General Assembly Resolution 72/175 on the Safety of Journalists and the Issue of Impunity (2017 – 2019)

General considerations: As a democratic society, Romania cherishes freedom of media and the safety of journalists and has constantly considered these two elements a part of its untouchable and inviolable national values.

Legal framework (art. 11 (a) from GA RES 72/175): The Romanian legislation, in full compliance with all international standards and commitments, ensures protection of all fundamental rights and freedoms, including the freedom of expression, which covers the freedom of the press. Romania has an independent justice system that guarantees that national legislation is enforced and any abuse, including by employees of public institutions, is punished.

Respecting and promoting the right to freely hold opinions and to seek, receive and impart information and ideas in Romania is enshrined in Article 30 of the Romanian Constitution, entitled "Freedom of expression". At the same time, the Constitution explicitly provides for respect for the right to information; Article 31, para. 1, recognizes "the right of the person to have access to any information of public interest cannot be restricted". This principle is reinforced by the special provisions on the access of the mass media to the information of public interest, found in Law no. 544/2001 on free access to information of public interest, which, in Article 15, states: "(1) The access of ~~the~~ mass media to ~~the~~ public interest information is guaranteed; (2) The activity of collecting and disseminating information of public interest, carried out by ~~the~~ mass media, constitutes an embodiment of citizens' right to have access to any information of public interest". Moreover, Article 16 requires public authorities and institutions "to designate a spokesperson, usually within [*their* –n.n.] ~~the~~ information and public relations departments".

The National Audiovisual Council (NAC): In Romania, NAC is the guarantor of the public interest and the sole national authority in the field of regulation of the audio-visual programs that run throughout the territory. In support of freedom of expression and in relation to the issue of impunity, the measures and actions carried out by NAC are regulated by Art. 6 of the Audiovisual Law no. 504/2002 and these refer to the ban on censorship and, at the same time, to the ban of interference in the editorial policy of broadcasters.

Accountability (art. 10 from GA RES 72/175): The Romanian Government considers violence against national and international journalists unacceptable and unjustifiable. The Romanian legal framework contains procedural safeguards guaranteeing that, where an individual makes a credible assertion that he has suffered treatment infringing the prohibition of ill treatment at the hands of an agent of the State or a third party, an effective official investigation will take place, investigation that must be thorough and capable of leading to the establishment of the facts of the case and, if the allegations prove to be true, to the identification and punishment of those responsible¹.

¹ As an example, following a major protest at Victoria Square in Bucharest on August 10th, 2018 (which attracted roughly 100,000 protesters), where several Romanian and foreign journalists were assaulted, the Military section

Safety of journalists (art. 7 from GA RES 72/175, art 11 (b) from GA RES 72/175):

The Romanian Police is also handling cases that regard the safety of journalists both online and offline. In most of the instances, the crimes involved regard threats towards the journalists on social media platforms (in 2017, after the Paris attacks, one journalist received a threatening message hinting to the attacks on the Charlie Hebdo headquarters), threats on the official blogs of newspapers, insults on social media platforms, threats to the family of a journalist in 2019 also on social media.

Likewise, the Romanian Gendarmerie's Public Information Centre will developed a program for accredited journalists in Romania to include a 48 hours training course through which journalists will be familiarized with the main intervention techniques and work procedures in special situations that regard mass gatherings or large demonstrations.

Condemning violence and attacks (art. 11 (e) from GA RES 72/175): On the occasion of the Bucharest protests of August 10th, 2018, assaults against Romanian and foreign journalists occurred. Through a message posted on Facebook, the Romanian Minister of Foreign Affairs regretted the occurrence of violence against journalists.

within the Prosecutor's Office attached to the High Court of Cassation and Justice is handling a criminal investigation on the alleged perpetration of crimes of abusive behavior, abuse in office and professional negligence.