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ROMANIA

Restrictions on Freedom of the Press in Romania

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Introduction

Since the overthrow of Nicolae Ceauşescu in December 1989, Romania has made great progress toward the development of a free and independent press. Today, a multitude of newspapers and periodicals representing a variety of viewpoints are free to publish without fear of censorship. The Romanian Constitution guarantees freedom of expression, prohibits censorship and bans the suppression of any publication.[1]

Despite the progress that has been made to ensure an independent press both in practice and in law, there is troubling evidence of official harassment of journalists whose views are critical of the ruling

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[1] Article 30 of the Constitution of Romania, adopted November 21, 1991, states in pertinent part:

1. The freedom to express ideas, opinions, and beliefs and the freedom of creation of any kind--orally, in writing, through images, by means of sound, or by any other means of public communication--are inviolable.
2. Censorship of any kind is prohibited.
3. Freedom of the press also implies the freedom to establish publications.
4. No publication may be banned."

However, Article 30 of the Constitution also states that:

7. The law prohibits defamation of the country and the nation; provocation to war or aggression, and to ethnic, racial, class, or religious hatred; incitement to discrimination, territorial separatism, or public violence; and obscene acts, contrary to good morals.

powers, ranging from selective denial of press credentials to the imprisonment of a journalist who wrote an allegory that was considered defamatory of the President of Romania. Legislation is also pending in Parliament that would increase criminal sanctions to up to seven years of imprisonment for defamation of a public official by a journalist.

Far less progress has been made with regard to the broadcast media than regarding the written press. Despite the 1992 passage of the Audio-Visual Law, which was designed to regulate and encourage the creation of private television and radio stations, the government still maintains a monopoly on nationwide radio and television broadcasting. Human Rights Watch/Helsinki has received numerous complaints of biased news broadcasting and censorship of programming presented on state television, and in particular on Channel One, the most influential television station in Romania and the only station with nationwide coverage. There were also allegations of political bias in the awarding of private television broadcast licenses and complaints about the secrecy of the licensing process. By contrast, there were no serious allegations of bias against Romanian public radio.

Because of the high cost of television and, to a lesser extent, radio transmitters, and substantial limitations on the broadcast reach of licenses awarded to private operators, there are few, if any, meaningful, independent alternatives to public television and radio. Not only do private broadcasters reach vastly smaller audiences, but many have permission to broadcast only during certain hours and some television stations are limited to times when few people are watching. As a result, the control of the most powerful medium in the country, television, remains firmly in the hands of the state.

This newsletter documents restrictions on both the print and the broadcast media in Romania, based on a mission conducted by a Human Rights Watch/Helsinki representative in the fall of 1993. Interviews were conducted with journalists, editors, management and staff of the state-owned Romanian Television and Radio, as well as representatives from the Romanian government and the Parliament who are responsible for media policy.

Restrictions on the Print Media

In the four years since the fall of the Ceauşescu regime, hundreds of privately owned newspapers and periodicals representing a broad spectrum of political and social viewpoints have sprung up in Romania, replacing the heavily censored government-controlled press. One specialist estimates that there are as many as 2,000 such publications, compared to about one hundred in 1989.[2] Some are distributed nationally, while others have only a local or regional audience. There are also a number of publications serving ethnic minorities and printed in languages such as Hungarian, German and Serbian.

Despite the proliferation of newspapers, press readership in Romania is relatively low and appears to have declined steeply since the early days of the revolution. In 1990 Romanian newspapers were said to have had a combined circulation of over three million readers, out of a total population of

[2] Human Rights Watch/Helsinki interview with Richard Virden, Press and Information Officer, United States Embassy in Bucharest, September 15, 1993, (hereinafter "Virden interview").

twenty-two million.[3] Today, readership is estimated at less than half that much.[4] At the same time, confidence in the press is extremely low. According to a poll commissioned by the U.S. Information Agency between May 15 and May 29, 1993, "half the public express little or no confidence"[5] in the press.

In interviews with Human Rights Watch/Helsinki, a number of journalists attributed this loss of confidence in the press to at least two factors. First, although the press was in the forefront of the fight for a new society after the fall of communism, it still bears the scars of its long history of censorship. During the Ceauşescu regime, journalists lacked the freedom to report the news or exposure to professional standards of journalism. As a consequence, many publications are struggling to attain a level of professionalism would build public confidence in the reliability of their reporting.

Second, many experienced journalists at some of the most important dailies and weeklies were professionally active before the revolution and have compromised communist pasts. As one editor observed, "it was impossible to work in Romania at that time without compromise." The aroma of complicity that these journalists bring with them to their new publications has further eroded public confidence in the press. "They used to be the voice of the dictatorship," observed Pavel Câmpeanu, a well-known dissident during the Ceauşescu era who has studied the Romanian media closely. "Now, from one day to the next, they have changed their views without explanation, giving the impression that, since they lied before, why would they not sell their profession and lie again?"

The most widely read publication in Romania is *Evenimentul Zilei*, a daily tabloid that began printing in 1992 and now boasts a circulation of 600,000,[6] followed by *România Liberă*, *Tineretul Liber* and *Adevărul*, with an estimated circulation of about 100,000 each, approximately one-tenth as much as in 1990. There are also a number of smaller publications, some of which cater to ethnic or regional audiences. For example, the national German-language newspaper, *Deutsche Zeitung*, has a circulation of 5,000, down from 22,000 in 1990.[7] *Naša Reč*, a Serbian weekly in Timişoara, counts only 2,300 readers from among a population of some 30,000 Serbs in the Romanian Banat.[8] The Hungarian weekly in Baia Mare, *Új Szó*, has a circulation of 4,500, but, based on its estimate that four people read each edition, places its true readership at closer to 18,000.[9]

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[3] Human Rights Watch/Helsinki interview with John Doe ("a pseudonym"), an editor who commissioned a survey of Romanian newspaper readers, Bucharest, September 21, 1993.

[4] Human Rights Watch/Helsinki interview with Ilie Şerbănescu, former editor of *Tineretul Liber*, Bucharest, September 15, 1993, (hereinafter "Şerbănescu interview"). (*Tineretul Liber* was bought by *Evenimentul Zilei* in early 1994.)

[5] U.S. Information Agency, "Opinion Research Memorandum," July 23, 1993, p. 2.

[6] Virden interview.

[7] Human Rights Watch/Helsinki interview with Emmerich Reichrack, editor-in-chief of *Deutsche Zeitung*, Bucharest, September 15, 1993, (hereinafter "Reichrack interview").

[8] Human Rights Watch/Helsinki interview with Mišković Srboljub, editor of *Naša Reč*, Timişoara, September 17, 1993, (hereinafter "Srboljub interview").

[9] Human Rights Watch/Helsinki interview with Mária Szilveszter, editor-in-chief, and Anna Coltz, president, of *Új Szó*,

In interviews conducted in September 1993, a cross-section of independent journalists, editors and publishers stated categorically that they enjoyed unfettered freedom to print what they wish without fear of censorship. One editor told Human Rights Watch/ Helsinki, "Freedom of the press is the real victory of the revolution -- perhaps the only one. It is an island in an undemocratic sea."[10] Many journalists attribute their relative freedom from harassment to the government's preoccupation with television, a medium with broader reach and impact in Romania.

Although there have been no reported prior restraints of publications, several newspapers have been denied access to official press conferences or have seen their credentials revoked because of unflattering articles they published about the government. For example, the editor of ***Cotidianul, a daily published in Bucharest,*** complained that Parliament once suspended the newspaper's press credentials for four weeks in retaliation for the publication in November 1991 of a cartoon that criticized members of Parliament. ***România Liberă, a daily published in Bucharest,*** reported similar, but less lengthy, sanctions. ***Evenimentul Zilei,*** a daily published in Bucharest, has been barred from presidential and parliamentary press conferences on a number of occasions because its reporting displeased the government. At the time of our mission, the newspaper was forbidden to attend presidential press conferences because it had allegedly published inaccurate news articles critical of President Ion Iliescu.

Reactions among members of the press to this form of retaliation ranged from outrage to disdain. Officials at both ***Evenimentul Zilei*** and ***România Liberă*** said that their exclusion from official press functions had little effect on their ability to gather news and, in some cases, even enhanced their reputations as aggressive journalists. ***Evenimentul Zilei,*** for example, proudly proclaimed on page one that it was "subject to presidential sanctions," and its editor Ion Cristoiu dismissed the sanctions as childish bad form, rather than serious human rights violations: "In fairness, we must distinguish between political oppression with fascist tendencies and daily chicaneries that happen to everyone. This is not an attack on the freedom of the press, just a lack of common sense and proper behavior." [11]

Others, however, viewed these sanctions as serious attempts to punish the press for expressing opinions critical of the ruling party and to create an atmosphere in which journalists will censor themselves. Subsequent events appear to bear out some of these fears. For example, according to a report broadcast by Radio Bucharest on February 17, 1994, Nicolae Andrei, a journalist from the town of Craiova, was arrested on February 14, 1994, for having published two allegorical stories that were considered insulting to President Ion Iliescu. He was subsequently released and is currently awaiting trial. In addition, legislative efforts are underway to increase criminal sanctions against the press for the crime of defaming public officials. Finally, a number of government agencies and the Supreme Court in Bucharest have banned its employees from giving news to journalists by telephone, as part of the government's policy of barring journalists from access to government information.[12] Human Rights Watch/Helsinki is

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Baia Mare, September 20, 1993.

[10] Şerbănescu interview.

[11] Human Rights Watch/Helsinki interview with Ion Cristoiu, Bucharest, September 22, 1993.

[12] International Freedom of Expression Exchange Clearing House, Communique Vol. 3 #13, Toronto, March 28, 1994.

concerned that these actions may have a chilling effect on the independence of the press.

Another form of harassment is the official leaking of information to discredit journalists who have exposed corruption or offended a member of the government. Pavel Câmpeanu, a former dissident who is now a writer and a professional observer of the media, cited the example of two journalists at *România Liberă* who once wrote an article that displeased the head of the new security police. In retaliation, the official released documents to other journalists showing that the reporters had been members of the infamous Securitate, or secret police, under Ceauşescu. The message, Câmpeanu said, is clear: "The government can hurt you if you step out of line."[13]

Câmpeanu and others consider such incidents the inevitable consequences of a compromised press, where many journalists who now control the most important dailies and weeklies previously acted as the voice of the dictatorship. "Although the press is free in its relations to the authorities," noted Câmpeanu, "it is not free from its past."[14]

Most journalists agreed, however, that, for the moment, the most significant external pressure on the press is economic, not political. In the words of one editor:

> Everyone can criticize [President] Iliescu. Everybody is independent from this point of view. But money is the issue in Romania. Newspapers are owned by businessmen who need to survive, get telephones, find offices and so forth. It is impossible to be independent of the power in Romania."[15]

Compounding this problem is the absolute monopoly that the government held over printing presses, newspaper supplies and means of distribution during the communist era. In a country where few publications can afford their own presses or distribution networks, most are still dependent on the government to provide them. The exceptions are the stronger newspapers, like *Evenimentul Zilei*, which has a largely independent printing and distribution operation. During the first year after the revolution, the press accused the government printers of discrimination. In 1990, if the typographers did not like the politics of a particular paper, they charged it more or delayed publication.[16] There were no such accusations during our recent mission.

Instead, complaints arose largely at the local level and centered around the distribution system. Several minority language and opposition newspapers charged that hostile local postal and distribution authorities have periodically damaged their circulation by delivering their newspapers significantly later than those of their more conservative, pro-government rivals, which in some cases destroyed them. In Timişoara, for example, the Serb weekly *Naša Reč* and the opposition daily *Timişoara* accused local

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[13] Human Rights Watch/Helsinki interview with Pavel Câmpeanu, Bucharest, September 18, 1993.

[14] *Ibid.*

[15] Şerbănescu interview.

[16] Virden interview.

officials of impeding the papers' distribution outside the county (*judeţ*) and delaying delivery for as many as two or three days after the arrival of the more conservative *Renaşterea*, so that the articles had ceased to be newsworthy.

The editors of the newspaper *Timişoara* informed Human Rights Watch/Helsinki that it had lost about 2,000 subscribers as a result of such delays and further charged that Rodipet (the government distribution system) displays right-wing papers such as *Renaşterea*, *Europa* and *România Mare* prominently in government kiosks while relegating *Timişoara* to the back. A Hungarian- language publication complained that bundles of its newspapers containing information that displeased employees of Rodipet had occasionally been dumped from trains under the control of Rodipet and were found days later in fields beside the railroad tracks. At other times, the papers were reportedly taken to the wrong destination and delivered very late, with a letter of apology.[17] By contrast, *Új Szó*, the independent, Hungarian-language weekly published in Baia Mare, with a circulation of 4,500, did not report such problems.

At present, the government is still the sole producer of newsprint, because of the high cost of starting a paper factory. Publishers complain that government supplies are costly. Although some suspect that the government maintains these prices artificially high to pressure private, opposition newspapers, no one reported any recent, verifiable instances of political manipulation of the means of production to favor or punish any publication. As one editor said, "This is an economic problem that is not directed against any paper but against privatization. The government says it wants to privatize, but it is doing it slowly, with high taxes and bureaucratic hurdles and is not helping businesses take over government functions."[18]

Amendments to the Penal Code: The Crime of Defamation

Human Rights Watch/Helsinki is troubled by draft amendments to the Penal Code (hereinafter "draft amendments") related to the crime of defamation ("*insultă*" "*calomnie*" and "*ultraj*"), which were approved by the Romanian Senate on November 11, 1993 and are currently under consideration in the Chamber of Deputies.

Articles 205 and 206 of the draft amendments, which aim to protect the honor and reputation of private citizens, provide increased penalties when the defamatory statements occur in the press. For example, under Article 205, defamation that would ordinarily be punished by "a prison term from one month to one year, or a fine" increases to "a prison term from three months to three years, or a fine" when the press is involved.

The amendment to Article 239 is especially troublesome. Its aim is to protect public officials while they are carrying out their official duties. Under Article 239, the punishment for crimes set out in Articles 205 and 206 is increased to "a prison term from six months to four years" when the victim is a public

[17] Human Rights Watch/Helsinki interview with Román Győző of *Orient Express*, Bucharest, September 24, 1994.

[18] Reichrack interview.

official. If the victim is "the President, a member of the Parliament, a member of the government, a magistrate, a judge of the Constitutional Court or a member of the Financial Court (Curtea de Conturi), a police officer, the gendarmerie, or another military person," the maximum prison term increases to seven years.

The draft amendment to Article 239 represents a serious threat to freedom of expression generally, and to freedom of the press specifically. If adopted, it is likely to have a negative impact on the right of journalists to impart information and ideas without government interference, and on the right of the Romanian public to receive such information and ideas.

Restrictions on the Broadcast Media

Television

Television is the single dominant communications medium in Romania. More Romanians obtain their news from television than from any other source.[19] By far the most influential broadcaster is the state-controlled Romanian Television's (RTV) Channel One, the country's only truly nationwide television station.[20] Whereas the press and private television stations often do not reach the small villages in the Romanian countryside, Channel One covers the entire nation. Although Romania was one of the first countries in Eastern Europe to pass a broadcast law[21] and has issued forty-one television licenses, none of the fourteen private television stations actually in operation is in a position to compete with Channel One.[22] There are no private television stations with nationwide coverage. By order of the Ministry of Telecommunications, each private local station has low power and a restricted broadcast range.[23]

Despite television's dominance, a survey conducted by the United States Information Agency found that less than 50 percent of the population has confidence in what it sees on RTV.[24] The problems

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[19] For example, a survey conducted by RTV between August 17 and August 23, 1992, found that 40 percent of those polled reported that their main source of information about the national electoral campaign was television, compared to 8.2 percent for the press and 4.5 percent for radio. Media Monitoring Unit of the European Institute for the Media (hereinafter "EIM"), *The 1992 National Elections in Romania: Coverage by Radio and Television*, Manchester-Dusseldorf, November 1992, p. 20.

[20] Although Channel Two operates on a nationwide frequency, it covered substantially less than 40 percent of the country at the time of our mission.

[21] *Legea Audiovizualului*, enacted May 25, 1992.

[22] The Audio-Visual Commission has also issued eighty-two radio licenses, of which twenty-nine stations are actually on the air, and 196 cable television licenses. All of the private radio and cable licenses are for limited geographic areas. Romanian Radio, operated by the state, has three national radio stations which cover the country but lack the influence of Channel One.

[23] Current licenses for private television stations are restricted to one kilowatt of transmission power or less.

[24] According the survey, conducted for the USIA between May 15 and 29, 1993, 48 percent of the Romanian public

with public television stem in large part from the government's virtual monopoly of the medium and are compounded by national television's perennial debt, which reduces it to the role of supplicant, always on the brink of bankruptcy and dependent on the goodwill of the authorities. Unlike the press or radio, Channel One appears to be the focus of usually subtle, but in some cases overt political pressures that result in unbalanced news programs and occasional instances of censorship and harassment of reporters because of the political content of their work. In addition, the Director-General of RTV at the time of our mission, Paul Everac,[25] was a man known for his extreme political views and his inappropriate use of national television to propagate them.[26]

Human Rights Watch/Helsinki received numerous reports of bias in RTV's reporting of political events. Reports of bias surrounding RTV's coverage of the presidential and parliamentary elections held in September 1992, for example, were especially troublesome.[27] Pro-Democraţia, an independent civic rights monitoring and educational organization, recorded and analyzed RTV's news coverage of the six presidential candidates and the percentages of time each received during the week of August 31 to September 6, 1992, and found that President Iliescu appeared 42.7 percent of the time, while his chief rival Emil Constantinescu was not mentioned in any news programs.[28] As the European Institute for the Media (EIM) noted in its report on media coverage of the elections, "Such omission is unlikely to have been accidental."[29] Pro-Democraţia also noted that the ruling National Salvation Front received a disproportionate share of broadcast news time during the sample period from August 24 to August 30, 1992.[30] According to the EIM, RTV did not even cover what the Institute termed "probably the largest political demonstration of the electoral campaign,"[31] held in central Bucharest on September 23, 1992, by Mr. Constantinescu's party, the Democratic Convention. EIM reported that although the rally was well publicized beforehand, RTV did not send a cameraman and refused to accept a videotape provided by the

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lacked confidence in public television, compared to 45 percent who said they had confidence in it. U.S. Information Agency, "Opinion Research Memorandum," p. 1. By contrast, 69 percent of the public expressed confidence in public radio, while only 30 percent voiced confidence in the press.

[25] Mr. Everac was replaced in early 1994 by Dumitru Popa.

[26] Just prior to the evening news on Saturdays, when television audiences throughout the country were at their peak, Mr. Everac had his own broadcast. Using public television as a pulpit to expound his personal ideology, Mr. Everac frequently targeted foreigners and ethnic minorities for abuse, without allowing others the opportunity to present their opinions or to respond to his.

[27] Human Rights Watch/Helsinki interview with Gilda Lazar, reporter for the newspaper *România Liberă* and *Radio Free Europe*, Bucharest, September 1993.

[28] *Bucharest Spectator*, September 15, 1992.

[29] European Institute for the Media, "The 1992 National Elections in Romania," p. 31.

[30] *Revue de la Presse Roumaine* (published by the French Embassy), September 10, 1992. The Front received 15.5 percent of broadcast news time compared to 1.9 percent for the Democratic Convention, the party of President Iliescu's main rival.

[31] European Institute for the Media, "The 1992 National Elections in Romania," p. 35.

Democratic Convention.[32]

There were also many complaints that Channel One is biased in its coverage of Parliament. For example, when reporting on proceedings in the Senate, it was said that the evening news program frequently broadcasts actual excerpts from the speeches of certain senators with nationalistic tendencies.[33] However, the speeches of other senators, including leaders of the opposition, are generally summarized.[34]

Opposition members of Parliament charged that Channel One gives a biased view of parliamentary proceedings by filming seats occupied by the government before lunch, when they are filled, and those of the opposition at times when they are empty. They further claim that opposition members of Parliament are rarely identified by name or party. One member of the opposition stated:

> [State television] doesn't want members of Parliament to appear with their own personality or the Parliament to appear as an independent entity. It seeks to discredit Parliament in the eyes of the people. There will be fifteen minutes of news showing the president and his colleagues as an active, efficient government. But Parliament will be presented as a vague, chaotic body. This is done to people who are used to seeing strong leaders and unused to a democratic body, such as the Parliament.[35]

There have also been several reported instances of direct state interference with television programming as well as harassment of television reporters because of the political content of their work. One of the most serious incidents occurred in early 1993 when a high-ranking government official ordered the removal of a science program scheduled on Channel One to make way for a program criticizing the president of the court[36] that had ruled against President Iliescu in an electoral matter. Iliescu's lawyer,

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[32] In its summary, the European Institute for the Media concluded:

> "The incidents reported reveal some degree of imbalance and inference of bias in media coverage, but the cases were diverse in character and insufficient in number and direction to prove consistent interference. Nevertheless, there was a tendency for the newscasts to benefit the incumbents, but as we point out, such features are not unknown in recognized democratic political systems...."

Ibid., p. 43.

[33] Those interviewed reported, for example, that the speeches of Senator Corneliu Vadim Tudor and Senator Adrian Păunescu are often given airtime.

[34] Interview with Dumitru Iuga, president of the Independent Trade Union of the Television, Bucharest, September 1993, (hereinafter "Iuga interview").

[35] Human Rights Watch/Helsinki interview with Alexandru Sassu, member of the Chamber of Deputies, Democratic Party, Bucharest, September 13, 1993.

[36] The president of the court was Corneliu Turianu.

who had subsequently become the Minister of Justice, reportedly previewed the program more than once with then director-general of RTV, Paul Everac, in an effort to control its content.

In another incident in 1993, a number of sources reported that Channel One censored the second of a two-part series exposing corruption among the Financial Guards, a state entity that was said to have sold confiscated goods illegally. The program was simply never shown. Not long afterwards, the reporter who investigated the story was interrogated by the police about travel expenses she had claimed on another project.[37]

In a third instance, two television journalists[38] were disciplined for airing a program on the history of the Romanian monarchy after the visit to Romania of former King Mihai, a controversial figure unpopular with the government. Although neither was officially demoted, they were removed from the news division and transferred to other departments. This action was seen by many journalists as a warning to other employees, and the news commentary program on which the segment appeared was discontinued.

Minority language broadcasts on state-controlled television have been restricted during the past two years. On February 3, 1991, the then-president of Romanian Television and Radio, Răzvan Theodorescu, announced that the television program schedule would be reorganized, as a result of which the number of hours of minority programming would be reduced. The Hungarian programming was reduced from three hours and fifty minutes weekly to three hours. More important, however, Theodorescu announced a decision to transfer half of the Hungarian-language programming (ninety minutes) from Channel One, with nationwide reception, to Channel Two, which is not received in the areas where most ethnic Hungarians live.

Similarly, according to Directive 132, which was announced by the RTV leadership on January 29, 1993, news and current events were to be banned on minority-language broadcasts on Channel One. The directive restricted such programming to cultural and "traditional" themes with an "ethnographic or folklore" focus.[39] To date, this order has been largely ignored. However, it remains on the books and may be enforced at any time.

Many questions have been raised about the allocation of television broadcast licenses by the national Audio-Visual Council. The council generally makes its decisions in secret. Although required by law to give reasons for its licensing decisions, it rarely does so. Licenses, which are valid for seven years, may be issued with such stringent conditions that stations have difficulty surviving. For example, operators complain that their broadcast range is often so small that the license has little value. No local station is permitted more than one kilowatt of transmission power. In a large city like Bucharest this does not pose a great problem, because a thousand- watt transmitter can potentially reach one million

[37] Iuga interview.

[38] Gabriel Giurgiu, then the executive producer in charge of internal affairs for the news division of Channel One, and Radu Coşarcă, a television reporter.

[39] Human Rights Watch/Helsinki interview with Ildiko Schiffhauser, director of German programming at RTV, Bucharest, September 22, 1993.

households.[40] Some operators, however, complain that they cannot attract enough investors or advertisers to survive because their stations are too weak and their markets too small. For example, according to the International Media Fund, the license for the city of Arad restricts the operator to one-half kilowatt of power and a thirty-five-meter antenna, and as a result the station cannot reach half of the city's inhabitants.[41] Because of their limited broadcast range, private television channels pose little threat to the government's dominance of broadcasting.[42]

Further questions surround the licensing decisions themselves, where there is substantial room for political influence. For example, the Audio-Visual Council denied a license to a station in Oradea that had been broadcasting for three years, had expressed an anti-government bias and appeared sympathetic to Hungarians. Instead, it awarded a license to a group from Bucharest with no ties to the local community, despite a preference in the Audio-Visual Law for licensees with local involvement. There were additional allegations that a candidate was awarded a license for a television station in Constanţa because it promised to carry a patriotic program entitled "Pro Patria."[43]

Radio

Romanian public radio, (Radiodifuziunea Română or "RDF"), has three stations that broadcast nationwide, one with primarily news programming, a second with cultural programming and the third broadcasting a mixture of the two. There are also a number of regional public radio stations. Minority-language programming is broadcast on both national and regional stations. At the time of our mission, RDF was hoping for the passage of legislation that would make clear its independence from RTV. Currently Romanian Radio and Television are part of the same entity. Public radio in Romania is supported by a subscription fee of 180 *Lei* per household (approximately US 11¢), however only two million of the seven million households in Romania pay the monthly charge. RDF has more credibility in Romania than public television. Most of the journalists and media watchers interviewed told Human Rights Watch/Helsinki that RDF's news programming is reasonably balanced. There were no complaints of overt censorship or ethnic provocation. In the words of one observer, "Romanian radio tried and succeeded after the revolution to earn a reputation for honest, unbiased journalism."[44] Eugen Preda, the director-general of Romanian

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[40] Human Rights Watch/Helsinki interview with Adrian Sârbu, Bucharest, September 15, 1993. Mr. Sârbu is an owner of Media Pro, an independent television and radio operator which, among other things, has a license to operate a television station in Bucharest, where he hopes to put in place a one-thousand-kilowatt transmitter for the transmission of CNN news.

[41] Human Rights Watch/Helsinki interview with Cristian Constantinescu, International Media Fund, Bucharest, September 24, 1993.

[42] Like the private press, private radio and television broadcasters report that they are free to voice their opinions without interference from the government.

[43] Human Rights Watch/Helsinki interview with Ionel David, Soros Foundation, Bucharest, September 18, 1993, (hereinafter "David interview").

[44] Human Rights Watch/Helsinki telephone interview with Yolanda Staniloiu, former member of the National Audio-Visual Council, Ithaca, September 12, 1993.

Radio, explained that because radio is less visible than television, it presents less of a target for political influence and pressure. However, Mr. Preda has instituted a policy of avoiding controversial issues in an effort to maintain his independence: "I agree with Bismarck: 'In political life I believe in turning angles into curves.'"[45] For example, Mr. Preda has a standing policy forbidding the broadcasting of controversial programs about the Romanian army, any ethnic group, or Romanian foreign policy.

Private broadcasters similarly reported no interference with the content of their programming. Because the cost of starting a small station is low -- approximately US $5,000[46] -- eighty-two small stations have been granted licenses, and twenty-nine have actually begun operation.[47] There are, however, no national, private radio stations, because the cost is prohibitive. One station manager who is familiar with the economics of radio estimated that it would take one hundred three-kilowatt transmitters to establish national coverage. "No one has the money. It would take years to get back the return on the investment, because radio is not profitable. We pay western prices for the technology and receive Romanian revenues."[48]

Because few cities[49] have the commercial base to support a local television station,[50] some observers believe that the future of independent broadcasting, even on a regional level, lies with private radio.[51]

Conclusions

Romania has made significant progress over the past four years toward establishing free and independent media. The print media, including numerous publications that are critical of the government, operate free of governmental interference. However, on occasion, there have been efforts by the Romanian government to restrict journalists' access to information, and occasionally, journalists critical of the government have been targeted for harassment. Of special concern is legislation currently pending in Parliament that would increase criminal penalties to up to seven years of imprisonment for defamation of a public official by a journalist.

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[45] Human Rights Watch/Helsinki interview with Eugen Preda, director-general of RDF, Bucharest, September 16, 1994.

[46] Human Rights Watch/Helsinki interview with Daniel Klinger, manager of Uni Plus radio station in Bucharest, Bucharest, September 24, 1994.

[47] Virden interview.

[48] *Ibid.*

[49] According to Ionel David, those cities include Bucharest, Braşov, Timişoara and possibly Baia Mare.

[50] A less expensive alternative to traditional broadcast television is cable television. According to Richard Virden of the U.S. Embassy in Bucharest, some 196 cable television licenses have been issued in Romania.

[51] David interview. ("With $15,000 you can have a super radio station.")

Romanian broadcast media have been a greater target of government control and restrictions than have the print media. In part, this is due to the nationwide reach of Romanian Television's Channel One. The decrease in newspaper readership and the corresponding increase in the television audience make the state-owned RTV a powerful tool of the government.

Although Channel One presents a range of viewpoints, it favors the government in its broadcasts and it uses a variety of techniques to portray opponents of the government in a negative light. Channel One has also been used as a forum for highly nationalistic and anti-minority propaganda.

Local television stations are being established in Romania, but licensing conditions and economic obstacles make it difficult for them to survive. Due to their limited broadcast range, these stations present little threat to the government's virtual monopoly of the broadcast media.

Recommendations

Human Rights Watch/Helsinki calls on the Romanian government to take an affirmative position in support of freedom of the press. This support includes, by definition, press that is critical of members of the government and of Romania. Human Rights Watch/Helsinki urges the government to take positive steps to foster the free exchange of different views. Specifically, Human Rights Watch/Helsinki calls on the Romanian government to:

- propose legislation to repeal laws that penalize the press, particularly those laws that make it a crime to criticize government officials and the Romanian state;

- propose legislation that guarantees the non-discriminatory allocation of private broadcast frequencies;

- guarantee access of journalists to government press conferences and other sources of press information such as press releases and public position papers, on a non-discriminatory basis;

- enforce the Audio-Visual Law requirement that the Audio-Visual Council make public its reasons for licensing decisions.

In those situations in which the state still has a virtual monopoly on nationwide television broadcasting, such as is the case in Romania, it is particularly incumbent upon the state to:

- guarantee that a wide variety of points of view are given equal access to state television and that such views are freely and fairly aired;

- ensure that state resources are allocated in a manner that does not discriminate on the basis of political opinion;

- propose legislation and regulations that assure the editorial independence of state-funded media.

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This report was written by Rob Levy, Senior Lawyer for New York Lawyers for the Public Interest, and is based largely on information gathered during a Human Rights Watch/Helsinki mission to Romania in the fall of 1993. The report was edited by Holly
Cartner, Counsel to Human Rights Watch/Helsinki.

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