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**Development Contextual Factors of
the System of Media Responsibility in Romania**

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Abstract: The present study represents a research in incipient stage with the purpose of discovering certain contextual aspects in the Romanian media. The starting point is represented by the analysis of several reports drafted at national and international level regarding the actual state of the instruments used to raise the awareness of the media in Romania. The action of raising awareness involves a precursory process of investigating the rights, duties, actions and behavior norms in their professional activity. The journalist has to shape his opinion according to a set of ethical and deontological values so that the responsibility towards the public and its interest is situated first. The objectives of this study will point at aspects regarding the determination of the features of a context that is opportune and favorable for the implementation of a system of media responsibility in Romania; establishing a degree of active involvement of the media organisms in Romania in the elaboration and implementation of a system of media responsibility; the identification of the activities that can ensure the optimization of implementing a system of media responsibility in Romania; the highlight of the effects of creating a context favorable for the implementation of a system of media responsibility in Romania.

Keywords: professionalism; self regulation; ethics; quality of the journalism

The purpose of this study is to perform an investigation that would reflect the context favorable for the development of a system of media responsibility in Romania.

The observatory- investigative research will start from the following *hypothesis*: the current context for the performance of the activities of the media is opportune for the development and implementation of a system of responsibility of the media in Romania.

In the present study, the content of the collocation *system of media responsibility* underlines a series of undertakings targeting the supervision of the professional journalistic act involving at the same time a moral conduct in the performance of the professional activities but also an organism specialized in ensuring the respect of this conduct.

In order to complete this theoretical frame that is necessary for our research, we will analyze some studies at national and international level on which the description of the current tableau of the Romanian media will be based upon, necessary to underline the context of the research.

Profile of Romania – introspective scene

In what concerns the media context in Romania, the latter is distinguished by a primary problem of this region, respectively the *media patrons* as in Romania are five major media actors, each of them manifesting a low interest for the quality journalism.

In one of studies¹ what is relevant is the situation of the media in Romania where all the indicators that have been measured have dropped (see table). This drop is associated by the researchers to the

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elections, given the *polarization of the media editorial offices* and the *open conflict* between the president Traian Basescu and most of the media patrons (MSI, 2011, p. 99).

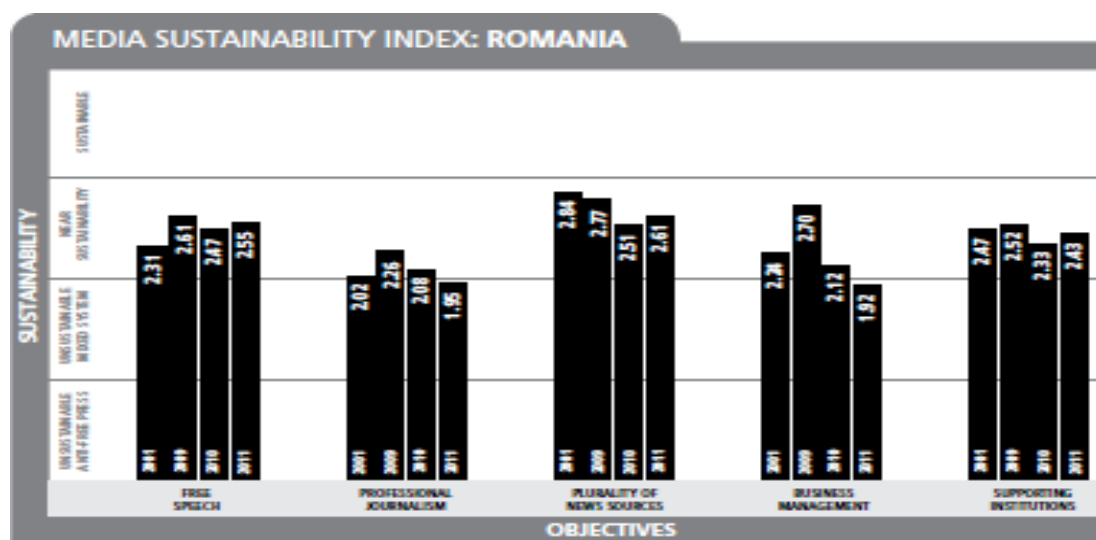


Figure 1 The objectives and indicators resulting from the study in Romania (MSI, 2011, p. 100)

In order to determine the characteristics of a global context suitable for the implementation of the self regulation system, we have to mention certain aspects that concern *a context of the human values protected in Romania*.

At a first glance, the media scene in Romania seems to be a vibrant one, with multiple options, with a high level of foreign investments and *media legislation according to the requirements of the European Union*. However, the Romanian reality of the media is dominated by five trusts led by contestant media owners, out of which at least two have legal issues.

The two major threats for the quality of the Romanian journalism are considered to be, according to the two CIMA reports² the *government control and involvement in the public audio-visual* (Hume, 2011, p.56).

The independence of the media, ethics and legal frame in Romania has been involved in a vicious circle from the beginning of the post communist era. *The freedom of the press* has been a subject of debate between the European Union even from the adhesion. However, beginning with 2008, the Romanian media continued to become more and more concentrated in the hands of the five major media owners³ which control 45% on the television market (the public television owns 22%) and 90% from the national circulation (Hume, 2011, p.57). without trying to understand why, they exert, through their own instruments, the interest for politics and profit. These politically ambitious owners in comparison to the severe impact of the financial crisis and the use of the politicians to use the political media channels *have devastated the independence and quality of journalism in Romania* (Hume, 2011, p.59).

Out of the desire to get reelected, president Traian Basescu promised in December 2009 that he will support the legislation against the patron concentration of the media. The trust of the Romanian

¹ *The Media Sustainability Index 2011* titles *The Development of Sustainable Independent Media in Europe and Eurasia*, performed by IREX, available online <http://www.irex.org/>, accessed on 14.03.2012

² *Caught in the Middle: Central and Eastern European Journalism at a Crossroads*, a report of the Center for International Media Assistance (CIMA), author Ellen Hume, January 20, 2011, available online: <http://cima.ned.org/publications/research-reports/caught-middle-central-and-eastern-european-journalism-crossroads>, accessed on 14.03.2012

³ The five groups that control the media in Romania are: Adrian Sărbu (CME), Ringier, Voiculescu (Intact), Patriciu (Adevărul Holding) and Vântu (Realitatea, Catavencu).

citizens in the television has dropped before the elections from 70% in June 2008 to 61% during the 2009 campaign, according to the eurobarometer ordered by the European Commission.

Another significant case to exemplify the erosion of the trust of the citizens in the media products is the case debated at national level¹ regarding the promotion campaign of the paper “Gazeta Sporturilor” (GSP) in which the GSP personnel sent the leaders in football anonymous letters with the campaign slogan (“We care about sports. Maybe too much”) with letters cut off from newspapers and the recipients Dumitru Dragomir and Mircea Sandu have interpreted them as being death threats, which generated a large number of news in the press. Moreover, the journalists have written, still anonymously, messages with washable paint on the cars of a few football players and have launched the rumor that GSP has been hacked in. After the press took the information as being real, the truth regarding the facts came to: all has been a set-up organized through the guerrilla campaign of “Gazeta sporturilor” (AMP, 2010, p.40).

In this situation, the message which was meant to be sent, a campaign against sports corruption was affected by the poorly chosen procedure to promote the publication at the same time (AMP, 2010, p.40). The role of a publication is to inform on real facts when subjects are invented for publicity reasons and it is not announced as being done so, fact which leads to the diminish of the credibility of that publication. The effect of this campaign wasn't the one expected, the criticism and accusations acting like a boomerang over the publication.

The excessive polarization of the discourse and the involvement of the great press trusts in the presidential campaign seem to have led to a loss of trust capital for these media channels as asserted by a study² (OSCE, 2010). To the same extent, the same hostility is found among the journalists to the extent in which many of them have been involved in the electoral battle.

The political fight in 2009 to occupy the most important positions in the Romanian state has divided the journalists according to their political opinions or the electoral line imposed by the owners of the media trusts. The politicians have made unprecedented pressures, many times directly through the owners of the media and the latter have proven to be involved in sustaining one candidate or another. The media patrons have imposed editorial policies and have placed in the front line of visibility and decision obedient journalists, willing to break the rules of the job in order to influence the debate frame (AMP, 2010).

This is a case in which if there would have been a system of media self regulation, it would have been useful and would have proven to be efficient. The instances of self regulation should have performed a rigorous observation of the journalistic activity in the election years and, most of the times it should have been more rigorous in self appraising concerning the electoral slips.

Romania is the only state in this study whose media sector was difficult to monitor by the IREX MSI. The MSI report in 2009 concluded that the access in the European Union did not lead to great differences in what concerns the *freedom of the media* in Romania and that there is no process of normalization in this sector. Low drops have been registered in comparison to 2008 in what concerns the freedom of the press, plurality of the news sources, business management, support given to the institutions, with just a slight improvement of the professionalism in journalism. The main problems are the *lack of ethics, tabloid character, abusive ownership and lacking confidence*.

¹ Feeex Report *Libertatea presei în România/ Liberty of the Press in Romania*, Active-Watch Press Monitoring Agency, May 3, 2010, available online <http://www.activewatch.ro/uploads/FreeEx%20Publicatii%20Raport%20Freeex%20%203%20mai%202010.pdf>, accessed on 14.03.2012

² The OSCE/ODIHR Report, *România. Alegerile prezidențiale/ Romania. Presidential elections*, February 17, 2010, available online <http://www.osce.org/ro/odihr/elections/romania/41532>, accessed on 14.03.2012

Legal Framework

The human rights are the most important to protect in performing a professional journalistic activity¹ and in all activities in general. This principle of “not harming” is the source of journalistic values same as the respect of the truth and correctitude, whose breach could determine the annulment of the journalistic privilege of the journalists. The respect of the human rights is guaranteed, according to article 20 in the Constitution of Romania, both by the later as well as by the international treaties Romania is signatory to².

The respect of the right to life, dignity and truth is considered both from a deontological perspective as well as from judicial perspective. The journalists have to get to the truth, produce it and express it and the public has to receive the truth correctly and, possibly, support it. Moreover, the Deontological Code of the Journalists begins with the duty of the journalists to tell the truth³, the credible language being crucial in the process of communication. The respect we owe to the truth imposes the fair reconsideration of the perspectives regarding the efficiency of the communication process and the necessity that the information is easier to be defended (Friedman, 1991, p.42). Miruna Runcan (2002, p.96) sustains *the role of the journalist to tell the truth*, not the role of a theoretical truth or a prophetic truth, but the truth discovered and as much as it can be interpreted by the journalist, in order for it to become intelligible for its recipient. The commitment to the truth entails the respect of the points of view of everyone involved, without discrimination and using equidistance.

From the perspective of the unwritten laws, *the editorial influences* most of the times activate the responsibility of the journalist, by accepting points of view that are contrary to their own beliefs and the breach of the *clause of conscience*⁴ which is constitutionally regulated. In all these cases, the results of the facts fall under the responsibility of the journalist.

According to the exposure of motives for the draft for the law of the press, the Romanian press undertakes permanent *political and economic pressures* and this is the reason why we have to encourage freedom, professionalization and self regulation of the press⁵.

The legal frame in Romania is considered to be a shiny stain in a media scene that is filled with problems. *The written press in Romania is not regulated* by a specific law and the *audio-visual sector* is typical to the one in Central and Eastern Europe, namely *regulated through government control of a politically controlled council*, characterized by favoritism and inefficient in applying the rules, as asserted by the CIMA study (Hume, 2011, p.59).

The process of self regulation of the media is a process through which the ethics of the media is supported, raising the awareness of the journalists towards their public and supporting at the same time the freedom of speech. This process cannot be accomplished other than through *a frame in which the freedom of speech and right to information are guaranteed*. The obligation of the Romanian state to ensure the material and judicial frame necessary for the accomplishment of free access to any information of public interest was fulfilled by the adoption of Law no.544/2001 on the *free access to information of public interest*. Therefore, by ensuring the right of the citizen to information also results in the right to request that the information disseminated by the journalists is real, honest, without external interventions from the public or private authorities.

¹ In art. 2.1 in the Deontological Code of the Journalist elaborated by the Convention of Media Organizations in Romania, the following are stated: In exerting its role as guarantor of democracy, the press has the primary duty to respect the human rights.

² The Universal Declaration of Human Rights, European Convention of Human Rights, United Organization Convention etc.

³ In art. 1.2 in the Deontological Code of the Journalist elaborated at the Convention of the Media Organizations in Romania the following are stipulated: “ The journalist has the duty to search, respect and communicate the facts- such as they can be known through reasonable verifications- in the virtue of the right of the public to be informed”.

⁴ The clause of conscience is defended from constitutional point of view in article 29, paragraph 2: “The freedom of conscience is guaranteed; it has to be manifested in a spirit of tolerance and mutual respect”.

⁵ The exposure of motives for the draft of the press law coming as an answer to the request of the Commission for human rights, cults and minorities in the Romanian Senate, addressed to the professional media organizations to present proposals for regulating the profession of journalist until Mai 3, 2011, <http://www2.cji.ro>

In what concerns the freedom of speech, Damian Tambini (2009, p.67) mentions that self regulation has benefited, in many states, from a substantial public and political support and the supporters have argued that self regulation ensures a safer way *to protect the freedom of speech*. In order to prevent the abuse of law and in order to ensure the balance in society, the Constitution of Romania imposes the guarantee of the freedom of speech, its limitations and the responsibility of the people that breach them. The guarantees of the freedom of the press consist in the freedom of establishing publications, in forbidding the censorship and cancellation of publications but also in the possibility that the authorities impose, in the virtue of the law, the obligation of the means of mass communication to make the sources of the financing public (Cercescu, C.M., 2002, p.20).

According to the study *Media Sustainability Index* (MSI, 2011, p.101) there are no threat regarding the *freedom of speech* in Romania and the legislation is generally considered to be in line with the democratic principles, even if some consider that there are significant legislative gaps in the media.

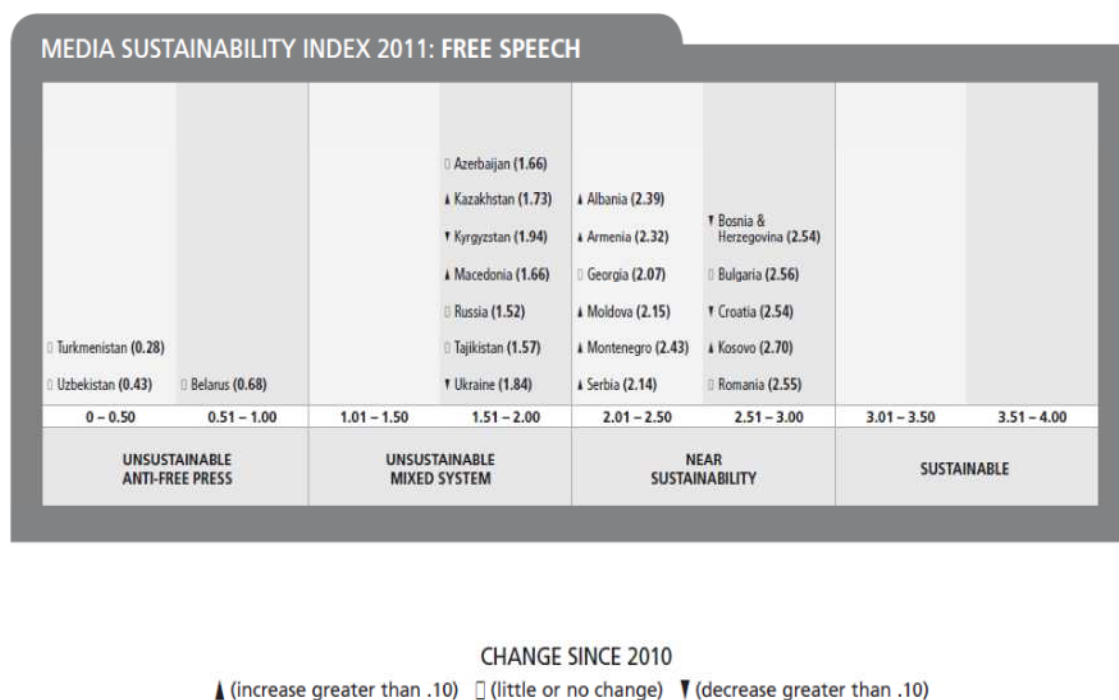


Figure 2. The freedom speech indicator in Romania in comparison to the other states (MSI, 2011)

The freedom of speech gains a special statute as it is being included in the preamble of the Universal Declaration of Human Rights¹ with the title of the highest aspiration of humans: “The establishment of a world in which the human beings will enjoy the freedom of speech and their convictions and will be freed of fear and misery, was proclaimed as being the highest aspiration of humans”². Therefore, this right is conceived as being a condition for the exertion of other fundamental rights and liberties³.

¹ Through article 20, the *Romanian Constitution* expressly acknowledges this document, as a reference point in the interpretation and application of the norms regarding the human rights: “The constitutional dispositions regarding the rights and liberties of the citizens will be interpreted and applied in accordance to the pacts and the other international treaties Romania is signatory at”.

² *The Universal Declaration of Human Rights*, adopted by the UN on December 10, 1948, Preamble, paragraph 2.

³ The limitations regarding the exertion of the freedom of speech, established by the Constitution, refers to the protection of the persons by forbidding the prejudice of the dignity, honor, private life and right to personal image of that person (article 30, paragraph 6), protection of the society by forbidding the calumny of the country and nation, instigation to war and aggression, national, class or religious hatred, instigation to discrimination, territorial separatism or public violence, as well as forbidding obscene manifestations, against moral values (article 30, paragraph 7). The breach of these limitations involves the prejudice of the rights and liberties of the others, fact which attracts the responsibility of the journalist.

The present legal frame in Romania is *favorable to the freedom of speech* but it is unstable from the perspective of legal protection. From time to time, the members of the government propose laws that regulate the media sector (MSI, 2011, p.101).

Concerning the sector of granting the free licenses by the CAN, according to the study it has been concluded that in Romania, this activity is not performed in a concrete, competitive and apolitical manner. The criteria of granting the licenses are vague and the sustainability is superficial. The researchers all consider that the CAN should have a stronger policy for granting the audio-visual licenses (MSI, 2011, p.201).

Another legislative aspect is represented by the attempt to *eliminate the insult crimes and calumny* in the Romanian criminal code and the attempt to adopt a law for the internet (Hume, 2011, p.60). Also, some journalists¹ believe that the insult and calumny have become a common practice without judicial consequences in the Romanian media (MSI, 2011, p.101).

Regarding the acute issue of *insult and calumny*, many practitioners have solved the cases of insult without classifying them as being crimes, this belonging only to common practices and not a legal norm. This was clarified, according to the study (MSI, 2011, p.104) when the Supreme Court has decided that insult should not be trialed according to the criminal regulations but by applying the provisions of civil law.

In Romania there are no restrictions regarding the practice of the profession of journalism and here we refer to certain conditions of entering in the circle of the profession. However, the quality of journalism, perceived by the researchers of the study as being fairly weak, raises the regret in some practitioners that there are no such restrictions. Some institutions are still reticent to the collaboration with the freelancers or even with bloggers (MSI, 2011, p.105).

Public Culture and Ethics in Journalism

Both the Romanian specialists as well as the foreign researchers have reached to the conclusion that there are no values that are associated to the freedom of speech and *the Romanians never had a free press*². The study performed by the Press Monitoring Agency and the Center for Independent Journalism, concerning the self regulation in press, underlines that half of the journalists that have been interviewed agree with the fact that *there are not people sufficiently credible to be elected in an self regulation organism for the sector* and that *would judge the breach* of the deontological norms. Less skeptical regarding the existence of such credible persons that would lead an organism for self regulation are the journalists in the written press. *With the adoption of a law* for the press that would improve the quality of the journalistic act agreed 70% of the subjects that answered. Depending on the professional position of the respondents, the journalists without leadership positions declare this in a higher percentage than the heads of departments and managers. At the same time, 35% of the respondents agree, to a higher or very high degree, that *a law of the press would lead to an enclosure of the freedom of the press*³ (AMP, A. d., 2009).

The journalists fail most of the times when they approach relevant matters. Instead of investigating and look for original subjects, addressing questions to the officials, the journalists in the written press often seek to write the news sitting in an office, taking over the information presented on news channels instead of encouraging public debates by presenting information different from those disseminated by other channels or papers (Hume, 2011, p. 61).

¹ Dan Tapalagă, interview for the *Report Media Sustainability Index 2011* titled *The Development of Sustainable Independent Media in Europe and Eurasia*, performed by IREX, available online <http://www.irex.org/>, accessed on 14.03.2012

² As stated by Patric Butler, vice-president of the International Committee for Journalists.

³ *Autoreglementarea presei în România/ The self regulation of the press in Romania*, ActiveWatch, October 2009, available online <http://www.activewatch.ro/uploads/FreeEx%20Publicatii%20/Autoreglementarea%20presei%20din%20Romania.pdf>, accessed on 14.03.2012

The efforts to *establish journalistic associations* have not provided results. The journalists are skeptical to the idea of joining a union that would help them sustain and maintain high journalistic standards. This reticence was caused by the communist period that caused problems concerning the freedom of the press in Romania¹ (Hume, 2011, p.61).

We do not have to forget the importance of the existence of influential union organizations of the journalists that could prevent, by collective force, the attempts of the politicians and employers to control the media through the unjustified commercial pressures etc. to this end, in Romania, the MediaSind Federation of Journalists is the most important union organization with results in protecting the work relations of the Romanian journalists by drafting, negotiating and annual extension of the Collective Work Contract at the level of the media sector.

The Impact of the Financial Crisis

The media market in Romania has been dramatically affected by the financial crisis that hit exactly in the middle of an investment frenzy. The parliament and presidential elections in 2008-2009 did nothing more than affect things more by *pushing* the media affected by the crisis *towards different political interests*. The healthiest for the public are the tabloids and apolitical media. *The online journalism has to become a serious force* having a percentage of 3-4% on the publicity market. As indicated in the study performed (Hume, 2011, p.62) together with the beginning of the crises, the important newspapers and televisions have vanished.

Even if the media criticized the reduction in public expenses, the media owners themselves have reduced their expenses in 2010. Our researchers have approximated a *cut back on the salaries of the journalists* with over 50% in 2010 in comparison with the pre crisis in 2008. Many editorials were closed especially those from the written press or transferred to the online media (MSI, 2011, p.99). This collapse has put some pressure on the journalists, affecting their standards and the ones that have been fired have been precisely those who had personality, character and had always something to say (Hume, 2011, p.58).

Romania has a media market that is developed for the niche publications and that has been affected by the economic crisis. There have been three business daily papers in Bucharest before the economic crisis and one of them was shut down in 2010. However, the market is too fragmented with two daily papers and there weekly papers, related to an underdeveloped economy. On the other hand, this lack of publications is found also in the social, education and health sector. Some foreign investors that have surpassed the media market because of the competition led by political interests have remained powerful on the glossy magazine market (MSI, 2011, p.108).

The Internet

Same as in states like The Czech Republic, Hungary, Latvia or Poland the Internet can represent *hope also for the Romanian journalists trying to perform their activity as independently as possible* (Hume, 2011, p.63). Leaving behind other central and eastern European countries, over 7 million out of approximately 22 million Romanians access press online, as noticed in the table.

One of the issues of the online press is that most of the times, the media websites offer the same content as the printed and viewed one and does not create materials that are specific for the online media. According to a study performed by the Center for Independent Journalism in Romania, 75% of the respondents have no training to work in the online sector and 50% do not have any training at all. Only 17% would be willing to pay for training and 22% for training in management (Hume, 2011, p.63).

¹ The Center for Independent Journalism, Agency for Press Monitoring and the Romanian Committee in Helsinki often plead for the problems regarding the freedom of the press in Romania.

Internet Usage ¹					
Country	Population (2010 est.)	Internet Users	Penetration (Percent of Population)	User Growth (2000-2010)	Percent of Users in Europe
Czech Republic	10,201,707	6,680,800	65.55	568.1%	1.4%
Hungary	9,992,339	6,176,400	61.8%	763.8%	1.3%
Latvia	2,217,969	1,503,400	67.8%	902.3%	0.3%
Poland	38,463,689	22,450,600	58.4%	701.8%	4.7%
Romania	21,959,278	7,786,700	35.5%	873.3%	1.6%

1) Information provided by the Internet World Stats, (<http://www.internetworldstats.com/>), September 6, 2010.

Figure 3 Number of internet users, CIMA Report (Hume, 2011, p.63)

Professionalism in Journalism

The responsible press is free, professional and able to self regulation. The journalistic standards cannot be established and left in the hands of the editorialists because they would create the appropriate context for commercial or political manipulations. Even if many times the employers pretend to be in favor of the freedom of the press, the ethical considerations are almost always undermined by the financial interests. If every time the journalists would participate by vote to the election of the editor of the media institution he works in, an important step in raising the awareness of the journalistic act in Romania would be made. The common opinion of those involved in the study performed by IREX on the professionalism in the Romanian journalism is that *the current media is less professional than the one in the 1990s* (MSI, 2011, p.150). The study (MSI, 2011, p.105) argues that the Romanian media is not preoccupied with the respect, exactness, fact verification, accuracy, efforts to obtain as many points of view and actual research. The ethical behavior in the Romanian media is nothing more than a matter of *free will* and is a personal choice. There are journalists whose opinion is that to be ethical is a luxury and the Romanian citizens are too poor to be honest (MSI, 2011, p.107).

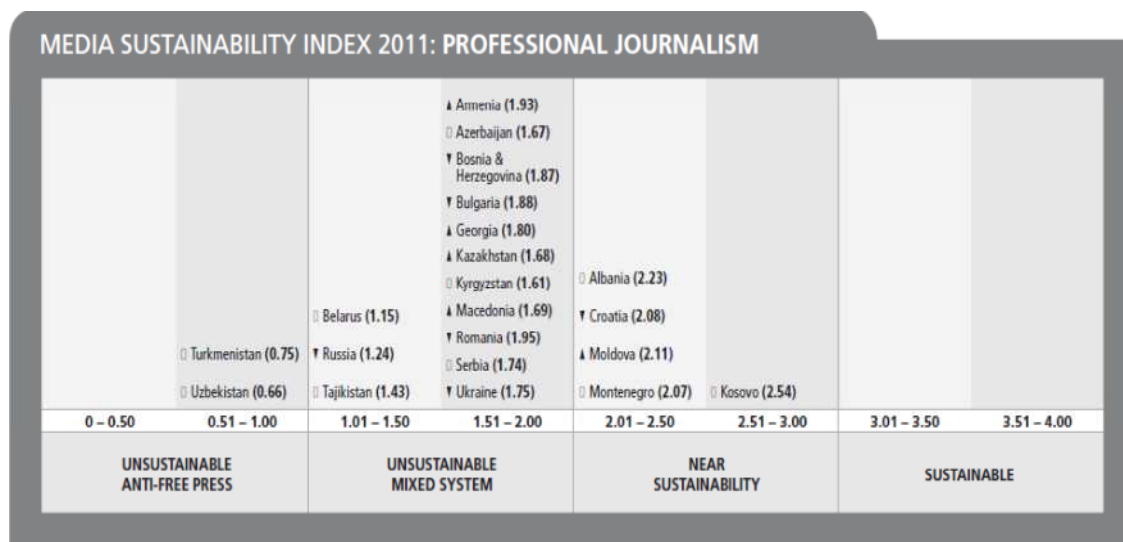


Figure 4. Professional journalism indicator in Romania in comparison to the other states (MSI, 2011)

The main responsibility of the journalists is to respect the norms contained by the code of professional conduct. What is being recommended is that the latter would exist in a unique form at national level.

The provisions of the international codes can be considered but they cannot be directly applied due to the heterogeneous character of the media cultures existent at international level. In Romania, the provisions contained by the Deontological Code of the Journalist concentrated the professional standards that are generally accepted at national level, by unifying the existent professional codes.

While there are a few ethical codes for the media in Romania, none of these has the mechanisms for implementation and self regulation is practically inexistent. Both the employers' media organizations as well as the union ones have their own codes of conduct but lack the capacity or the will to implement them. The ethical rules are not implemented yet because there is a need for codes of ethics first, implemented at management and employers' level (MSI, 2011, p.106). The researchers have noticed in Romania that there is a tendency to blend the quality journalism with the nonprofessional journalism¹ (yellow journalism). It has been noticed that in Romania there is no truly professional publication but a mix between the two categories of journalism. There is a general tendency to treat the political subjects in a populist way, shadowing the difficult choices of public policy with scandal and hysteria (MSI, 2011, p.107). The owners of the great media companies are no longer interested in the informative values or in the application of the principles of objectivity, being rather submitted to pressures dictated by the mechanisms of trade, values of consumption and profit, depending on the relations in the world of great business. This is how it got to passing from the *traditional* journalism to the *corporate* journalism in Romania, centered on advantages and profit. This new type of journalism is manifested around groups of journalists that are well placed and are sustained from ideological and editorial perspective, who, by imposing the subjects of the moment, start and impose the tone for the other journalists in order to be followed. The respect of the rules of this game determines the alienation of the public from the true subjects that matter.

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¹ *Yellow journalism* or *yellow press* is the journalism practiced in a non legitimate way, without serious documentation, that uses titles that captivate attention or just for rating or circulation. It uses techniques such as the extraction of the events, scandal, sensational. It a term used today deprecatingly to categorize any journalist treating the news in an unprofessional or unethical manner. In this case, it can be associated with the term "otv-isation".