

Television interview of minor without parental consent: violation

In today's **Chamber judgment**¹ in the case of [I.V.T. v. Romania](#) (application no. 35582/15) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 8 (right to respect for private and family life).

The case concerned a television interview a minor, without parental consent or adequate measures to protect her identity. The interview, which concerned the death of a schoolmate, had resulted in her being bullied and had caused her emotional stress.

The Court found in particular that the domestic appellate courts had only superficially balanced the question of the applicant's right to private life and the broadcaster's right to free expression, in particular that she had been a minor and had been interviewed without parental consent.

Principal facts

The applicant, I.V.T., is a Romanian national who was born in 2001 and lives in Bucharest.

In 2012 a schoolmate of I.V.T.'s died by falling out of a train on a school trip. A reporter for a Romanian television channel interviewed I.V.T., then aged 11, along with some other students about the death. The consent of her parents was not sought, and her teachers were not present.

The applicant stated, among other things, that she had heard that the deceased child had fallen out of a train without a teacher present. In particular, she said, regarding the presence of teachers, "there should have been better care for pupils to keep them safe".

The interview was broadcast that day. A transcript was posted on the channel's website with the title "Schoolmates of the girl who fell out of the train are shocked. The pupil was going to the toilet when the tragedy occurred".

According to the applicant, she suffered from the negative attitude of students, staff and the school authorities towards her following the interview.

In 2013 the applicant sued the holding company of the television channel for compensation. The Ploiești District Court found in her favour, ordering damages of 200,000 Romanian lei (approximately 40,436 euros) because of the lack of parental consent. In particular, it found that even if her face had been blurred, she still could have been recognised.

In 2014 the Prahova County Court overturned that decision, citing journalistic freedom and public interest, and holding that the company should not be liable for the behaviour of those in the school community.

An appeal on points of law by the applicant was dismissed by the Ploiești Court of Appeal in 2015, which upheld the County Court's reasoning, holding that parental consent would not have changed the situation.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Complaints, procedure and composition of the Court

The applicant complained under Article 8 (right to respect for private and family life) of the European Convention on Human Rights that she had been interviewed without parental consent and that no appropriate measures had been taken to protect her identity.

The application was lodged with the European Court of Human Rights on 9 July 2015.

Judgment was given by a Chamber of seven judges, composed as follows:

Yonko **Grozev** (Bulgaria), *President*,
Tim **Eicke** (the United Kingdom),
Faris **Vehabović** (Bosnia and Herzegovina),
Iulia Antoanella **Motoc** (Romania),
Armen **Harutyunyan** (Armenia),
Pere **Pastor Vilanova** (Andorra),
Jolien **Schukking** (the Netherlands),

and also Ilse **Freiwirth**, *Deputy Section Registrar*.

Decision of the Court

The Court reiterated that under the Convention, States were obliged to secure respect for private life even in the sphere of relations of individuals between themselves within their legal systems. This was particularly true concerning minors.

Concerning the interview itself, the Court was satisfied that it had been about a matter of public concern. However, the applicant had been a minor and so the requirement of parental consent – which had never been obtained – had to be weighed against that. It noted in particular that the relevant National Audiovisual Council regulations stated “the right of the minor to his or her private life and private image prevail[ed] over the need for information, especially in the case of a minor in a difficult position”. The Court observed that the domestic courts had found that the applicant had suffered from severe distress and anguish following the broadcast. Even where a news report made a contribution to a public debate, the disclosure of private information – such as the identity of a minor who had witnessed a dramatic event – had not to exceed editorial discretion, and had to be justified. These considerations were more important in the present case, where the Court expressed doubts as to the relevance to a debate of public interest of the opinions of a child who had not witnessed the event in question.

The Court concluded that the appellate courts in this case had only superficially balanced the question of the applicant’s right to private life and the broadcaster’s right to free expression. They had not properly taken into account the fact that she had been a minor, failing in their obligation to protect her right to private life, in violation of Article 8.

Just satisfaction (Article 41)

As the applicant did not submit a claim within the time-limit set by the Court, no award was made.

The judgment is available only in English.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court’s press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpress@echr.coe.int | tel.: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Neil Connolly (tel : + 33 3 90 21 48 05)

Tracey Turner-Tretz (tel : + 33 3 88 41 35 30)

Denis Lambert (tel : + 33 3 90 21 41 09)

Inci Ertekin (tel : + 33 3 90 21 55 30)

Jane Swift (tel : + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.