[NL] A Dutch court rules that the public broadcaster complied with journalistic standards when reporting on Polish migrant workers in the Netherlands

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On 31 December 2024, the District Court of Central Netherlands ruled that the Dutch public broadcaster *Nederlandse Omroep Stichting* (NOS) did not act unlawfully by reporting on the treatment of Polish migrant workers by the employment agency IFC Work. The court determined, in particular, that NOS did not overstep the boundaries of media freedom as it fully abided by journalistic standards. The ruling became publicly available on 4 February 2025.

The case revolved around a programme titled "Poolse Europarlementariër waarschuwt Polen voor werken in Nederland" (*Polish MEP warns Poles about working in the Netherlands*) published by NOS in June 2022. This article detailed the story of a Polish couple who were recruited to work in the Netherlands. However, upon arriving in the county, the couple discovered that their salary was lower than promised and the housing conditions were unsatisfactory. When the couple got in touch with Polish MEP Robert Biedroń, he launched a public campaign warning Poles about the risks of signing up for low-skilled working opportunities in the Netherlands.

Prior to publishing the article, NOS contacted IFC Work to provide its perspective on the story. IFC Work refused to acknowledge any negligence on its part. While it stated that it had worked with an external party responsible for recruiting workers in Poland, it also maintained that it had provided timely and adequate information about the type of work and salary to the couple in question and had promptly resolved the housing issue following their complaint. The position of IFC Work was duly reflected in the article. After publication, the article was amended twice to highlight additional details provided by IFC Work, including a link to its statement on the agency's website.

In December 2022, following IFC Work's complaint, the Netherlands Press Council (*Raad voor de Journalistiek* – RVDJ) found that NOS had acted carelessly by focusing its reporting on IFC Work rather than an external recruiter in Poland. Following this decision, NOS modified the article again, including a summary of the RVDJ's findings and a link to its full version.

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In court proceedings, IFC Work argued that NOS had infringed upon its reputation by mentioning the name alongside strong emotive terms, such as "modern slavery", and sought damages for the harm suffered as a result.

In analysing whether NOS's media freedom could be lawfully restricted, the court invoked Article 10 of the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECtHR) on journalists' rights, duties and responsibilities. The court emphasised that the article in question contributed to the public debate about the vulnerability of migrant workers in the Netherlands. It was also determined that all statements of fact made in the article were supported by relevant evidence, while the value judgments were not excessive. Furthermore, NOS ensured that IFC Work could exercise its right to reply both before and after publication. The court also emphasised that mentioning the name of the agency was appropriate as it ensured the verifiability of the reporting. Lastly, IFC Work failed to prove that the publication had damaged its reputation.

The judgment reflects the Dutch court's strong commitment to protecting media outlets in fulfilling their role as "public watchdogs".

District Court of Central Netherlands, judgment of 31 December 2024, ECLI:NL:RBMNE:2024:7291

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