[LU] Audiovisual media service failed to comply with due diligence obligation

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Luxembourg-based company CLT-UFA S.A., Hungarian Broadcasting Division, notified the on-demand audiovisual media service RTL+ (VOD) to the Luxembourg authorities, thereby granting jurisdiction to the country's regulator.

RTL+ broadcasts programmes in Hungary, including the scripted reality show Való Világ.

On 18 July 2024, RTL+ broadcast an episode of the Való Világ programme in which a male contestant engaged in unwanted physical touching, including of a female contestant's private parts, reflecting clear physical coercion of the female contestant. The male contestant, who persisted in his actions despite clear verbal protests from the victim, was subsequently excluded from the programme.

On 9 August 2024, the Media Council of the Hungarian media regulator (NMHH) lodged a complaint with the *Autorité Luxembourgeoise Indépendante de l'Audiovisuelle* (Luxembourg Independent Authority for Audiovisual Media – ALIA), alleging that, by broadcasting this episode of Való Világ, RTL+ had failed to comply with the Hungarian law on freedom of the press and basic rules governing media content.

As regards the provider's obligations, in particular with regard to respect for human dignity, Luxembourg law applies to the case since CLT-UFA S.A. and RTL+ are under the jurisdiction of the Luxembourg authorities. The programme in question was therefore examined under the Luxembourg law on electronic media, Article 26bis of which requires audiovisual media service providers to respect and protect human dignity, prohibiting any content that incites violence or hatred on any of the grounds set out in Article 21 of the EU Charter of Fundamental Rights.

RTL+ cited the fact that the female contestant had reacted playfully to the male contestant's actions and that the programme had been broadcast to a small audience (at 2am) of adult subscribers. Finally, it argued that the contestant's exclusion should not be interpreted as an implicit recognition of an infringement of human dignity, but rather as an internal sanction for the programme's failure to comply with its own rules.

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The ALIA handed down its decision on 17 March 2025. It stated that the incident amounted to degrading treatment within the meaning of Article 3 of the European Convention on Human Rights and Article 4 of the EU Charter of Fundamental Rights. Treatment is degrading when it is likely to arouse in the victim a feeling of fear, anguish and inferiority capable of humiliating and debasing the victim, which was the case here.

In addition, the episode conveyed an unhealthy image of relations between men and women. The broadcast trivialised such behaviour, reinforcing stereotypes that suggested that physical coercion and lack of consent were tolerable or harmless for women, who were reduced to the status of sexual objects.

RTL+ had breached its duty of care by failing to censor this scene, by broadcasting it and by making the episode available on its VOD service.

Consequently, the broadcast of this episode constituted an attack on human dignity within the meaning of Article 26bis of the Luxembourg law on electronic media. The ALIA ordered CLT-USA S.A. to pay a fine of EUR 25,000.

Décision DEC009/2025-P026/2024 du 17 mars 2025 du Conseil d'administration de l'Alia

https://alia.public.lu/wp-content/uploads/2025/03/D009-2025_P026-2024_RTL_ValoVilag12_ECsite.pdf

Decision DEC009/2025-P026/2024 of 17 March 2025 of the ALIA board of directors

https://alia.public.lu/wp-content/uploads/2025/03/D009-2025_P026-2024_RTL_ValoVilag12_ECsite.pdf

Loi du 27 juillet 1991 sur les médias électroniques

https://legilux.public.lu/eli/etat/leg/loi/1991/07/27/n1/consolide/20240805

Law of 27 July 1991 on electronic media

https://legilux.public.lu/eli/etat/leg/loi/1991/07/27/n1/consolide/20240805

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