[BE] Prohibition on Broadcasting of Election Debate Revoked

IRIS 2001-4:1/7

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The Flemish public broadcasting organisation VRT has refused to obey a decision of the President of the Brussels Court of First Instance ordering it not to broadcast a scheduled programme containing a political debate (Decision of 4 October 2000, Auteurs & Media, 2000/4, 470; see IRIS 2000-10: 4). The VRT argued that the ban imposed by the ex parte decision was a form of censorship in breach of the constitutional guarantees of freedom of expression.

In a new decision of 16 March 2001, this time after the VRT had been given the opportunity to defend itself ("tierce opposition/derden verzet"), the President of the Court reached the conclusion that the injunction was a disproportionate measure. In his decision, the judge recognised the right of a broadcasting organisation to develop a TV format in which only two politicians would participate in an election debate, although in principle, it is the duty of the VRT to guarantee access for all political parties to election programmes and to provide information in as unbiased a manner as possible. After balancing the interest of the VRT to broadcast the debate and the interest of a third candidate to prevent the broadcast of the programme, the President of the Court reached the conclusion that there was not sufficient reason to prohibit the broadcast of the scheduled election debate. The ex parte decision of 4 October 2000 was thereby revoked.

Président du tribunal de grande instance de Bruxelles, 16 mars 2001. Voir Auteurs & Media 2001/2

President of the Brussels Court of First Instance, 16 March 2001. See Auteurs & Media 2001/2

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