[CH] Violation of Programme Regulations

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Events should always be "correctly" presented. The diversity of events and viewpoints should be reported in an appropriate manner. Moreover, views and comment should always be made recognisable as such. Reports must remain objective and this requires that the listener and the viewer be able to have as reliable a picture of the facts as possible through the details and views portrayed and also be put into a position where he can come to his own conclusions. The principle of truthfulness obliges the broadcaster to present facts objectively. Controversial facts should be presented in such a way that the viewer is free to make up his own mind. Since an infringement of programme regulations always assumes an objective violation of the journalistic obligation for due care, this care taken when preparing and showing a topic constitutes a legal assessment criteria. Care should not be applied just generally but adapted to circumstances as well as the character and the particularities of the programme content.

The legal requirements for programmes do not preclude programme producers taking a position in a matter or criticising, nor do they preclude investigative journalism as long as transparency is maintained in such a way that the viewer can draw his own conclusions. For transparency to be assured a programme must, in the first instance, not have any manipulative effect as a whole. The producer can use any creative means in his programme on the condition that it does not undermine the obligation to give a true and fair report. The more delicate the subject, the greater the care which must be taken in choosing the style of presentation used.

Entscheidung des Bundesgerichts, II. öffentlichrechtliche Abteilung, 16. Januar 1995, Schweizerische Radio- und Fernsehgesellschaft g. X und die Unabhängige Beschwerdeinstanz für Radio und Fernsehen (UBI), Az. 2A.376/1993/lit.

Decision by the Federal Court, 2nd public legislation department, 16 January 1995, Swiss Radio and Television Company against X and the Independent Television and Radio Appeal Commission, Az. 2A.376/1993/lit.

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