[BE] Public Broadcaster VRT Admonished for Discriminating against a Political Party

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In a decision of 26 June 2007, the *Vlaamse Regulator voor de Media* (Flemish Regulator for the Media - VRM) is of the opinion that the public television broadcaster VRT has violated Article 111 *bis* § 1 and 2 of the *Decreten betreffende de radio-omroep en de televisie- Mediadecreet* (Broadcasting Act). This article obliges all broadcasters in the Flemish Community to observe ideological and philosophical impartiality in information programmes and provides that discrimination is to be avoided between ideological or philosophical ideas. Over and above this impartiality, the VRT is under an obligation to contribute to independent, objective and pluralistic opinions in Flanders and to play a leading role in the field of information (art. 6 § 2).

In the weeks and days before the federal elections of 10 June 2007, the VRT had organised several formats of television debates with politicians of all political parties represented in parliament. However, two debates, one on 20 May and one on 3 June 2007, were announced and organised as debates between potential Flemish prime ministers in which only the leaders of the Flemish Christian democratic party (CD&V), the Liberal party (VLD) and the Socialist Party (SPA) were invited and not the chairman of the Flemish nationalistic right-wing party *Vlaams Belang* (Flemish Interest).

The VRT argued that the obligation of non-discrimination and impartiality does not imply that all political parties need to be represented in all programmes and that the leader of *Vlaams Belang* could not be considered as a future prime minister. F. Vanhecke, the chairman and first candidate on the list for *Vlaams Belang* lodged a complaint before the VRM's Chamber for Impartiality and the Protection of Minors which can decide on cases with regard to alleged infringements on the provisions of editorial independence, impartiality and discrimination (art. 111 *bis*).

According to the Flemish Regulator for the Media, the VRT is not allowed to create an inaccurate perception of the elections in a way that "alters the nature" of these elections as being "completely personalised". The VRM underlines that in Belgium there are no elections of prime ministers, but elections for representatives in parliament. By organising two television debates with only the candidate prime ministers, the VRT created a distinction between persons that was not objective and reasonable. Because this distinction led to the exclusion of the leader of one political formation from these particular debates, the VRT did

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not conform to its duty to contribute to objective and pluralistic opinions in Flanders and its obligation not to discriminate. Hence the VRT has breached its obligations under art. 111 *bis* of the Broadcasting Act. The Flemish Regulator for the Media decided to sanction the VRT by way of an admonition.

Vlaamse Regulator voor de Media, Kamer voor Onpartijdigheid en Bescherming van Minderjarigen, F. Vanhecke t. NV VRT, Beslissing nr. 2007/32, 26 June 2007

http://www.vlaamseregulatormedia.be/beslissingen/2007-032.pdf

Flemish Regulator for the Media, chamber for impartiality and the protection of minors, F. Vanhecke v. NV VRT, Decision nr. 2007/32, 26 June 2007

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