[BE] VRT Coverage of 65th Anniversary of Liberation Auschwitz Found Not Discriminatory

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On 29 March 2010, the Kamer voor Onpartijdigheid en Bescherming van Minderjarigen (Chamber for Impartiality and the Protection of Minors) of the Vlaamse Regulator voor de Media (Flemish Regulator for the Media) considered a complaint regarding a teletext message on the public broadcaster VRT that covered the 65th anniversary of the liberation of the Nazi concentration camp Auschwitz-Birkenau. The message amongst others contained the phrase “In Auschwitz zijn zeker 1,1 miljoen mensen omgekomen” (freely translated, “In Auschwitz, at least 1,1 million human beings deceased”). According to the plaintiff, VRT had consciously failed to mention that most of the victims were Jews. Moreover, the use of the word ‘omgekomen’ (deceased) seems to refer to some sort of accident, while in reality all the victims had been liquidated (‘omgebracht’). For these reasons, the plaintiff held that false, consciously incomplete information had been spread and that VRT had displayed a lack of impartiality in its coverage on that teletext page. According to him, VRT therefore had violated Article 39 of the Flemish Media Decree, which stipulates that any form of discrimination must be avoided in all programmes and that news coverage must be presented in a spirit of political and ideological impartiality (The Decree explicitly adds that this Article also applies to teletext). VRT argued that most teletext messages are first extensively published on its website (www.deredactie.be) and afterwards summarised to fit the exigencies of the medium teletext. Because of the very nature of this medium, some aspects of the covered item must be described in a concise way. Furthermore, VRT held that the word ‘omgekomen’ (deceased) was replaced by ‘omgebracht’ (liquidated) immediately after the editorial staff received an email from the plaintiff. Finally, the public broadcaster stated that it had deliberately chosen not to distinguish between the different groups of Nazi victims. The Regulator considered that the initial use of the word ‘omgekomen’ (deceased) should be seen as a consequence of the way in which messages on the website are transformed into a teletext message. The Regulator observed that the coverage on the website did make mention of the fact that prisoners were gassed and cremated. In addition, the Regulator decided that the lack of mention of the fact that most victims were Jewish, an aspect that however was elaborated extensively upon on the website, could be ascribed to the need for brevity on teletext. As a result, the Regulator judged that VRT had not violated its obligation of impartiality and non-

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discrimination, as worded in Article 39 of the Media Decree.

ZAAK RUDI ROTH t. NV VLAAMSE RADIO- EN TELEVISIEOMROEP (dossier nr. 2010/0506) BESLISSING nr. 2010/022 29 maart 2010

http://www.evz.ro/detalii/stiri/razboiul-frecventelor-ajunge-la-curtea-europeana-de-justitie-893521.html

Rudi Roth v. NV VRT, 29 March 2010 (No 2010/022)

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