[BE] Flemish Public Broadcaster Maintains Too Low Standards of Protection of Minors

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In three recent decisions, the public broadcaster VRT has been rapped over the knuckles for repeatedly transmitting content that has been deemed unsuitable for minors.

The first decision (28 September 2010) was rendered by 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 - monitoring and enforcement of media regulation) and concerned the transmission of a trailer at around 7 pm, just after the popular family quiz programme “Blokken”. The trailer in question in particular displayed an image in close-up of a murder by way of a gunshot in the forehead. The Flemish Media Decree prohibits the broadcasting of any programmes which could cause serious detriment to the physical, mental or moral development of minors. However, the second clause of Article 42 refines this rule by clarifying that broadcasting such programmes is allowed where it is ensured, by the selection of the time of the broadcast or by any technical measure, that minors in the area covered by the service will not normally hear or see such broadcasts (with the exception of cases of pornography or unnecessary violence, for which there exists an absolute prohibition, see Article 42, 1st clause). The Decree explicitly adds that this provision is also applicable to trailers (Article 42, 4th clause). The Chamber considered that displaying such horrifying or shocking images at a time when the whole family, including children, are likely to be watching television can exert a negative influence on the physical, mental or moral development of minors and accordingly cautioned the VRT for breach of this provision (see also IRIS 2010-5/9).

The two other decisions (23 and 24 November 2010) were issued by the Belgian Jury voor Ethische Praktijken inzake Reclame (Jury for Ethical Practices Concerning Advertising), upon complaints lodged by members of the public. This Jury is the self-regulatory authority of the advertising and marketing sector in Belgium (for more information, see IRIS 2010-1/9). Both complaints concerned television ads promoting the youth radio station “Studio Brussel”. The first spot displayed a spacecraft speeding on the highway, with a loud scream at the moment that it seemed to hit a car that was driving against the traffic. According to the Jury, this spot attracts the attention of youngsters by comparing regular traffic with a video

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game, mixing up fiction with reality in a socially unacceptable way. Moreover, it violates Articles 73 and 74 of the Flemish Media Decree, which prohibit advertisements that are not created with the necessary sense of social responsibility or that are capable of eliciting feelings of fear or unease in children or young people. The Jury has requested that this ad not be transmitted any further. The second spot displayed several couples making love to promote the programme “One night stand”. Although little nudity is shown, the Jury decided that this ad is inappropriate to be seen by children and that transmitting it before 10 pm would be socially unacceptable. The VRT has accordingly ensured that the spot will only be broadcast after 10 pm.

VRM v NV VRT, 28/09/2010 (No. 2010/043)

http://www.vlaamseregulatormedia.be/media/13925/2010-043.pdf

VRM v. NV VRT, 28 September 2010 (No. 2010/043)

JEP, VRT Studio Brussel (23/11/2010)

http://www.jep.be/nl/beslissingen-van-de-jep/?decision=3052

Jury for Ethical Practices Concerning Advertising, complaint against VRT, 23 November 2010

JEP, VRT Studio Brussel (24/11/2010)

http://www.jep.be/nl/beslissingen-van-de-jep/?decision=3036

Jury for Ethical Practices Concerning Advertising, complaint against VRT, 24 November 2010

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