[DE] Hanover Administrative Court rules that 2011 Episode of “Die Super Nanny” breached human dignity

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In a decision of 8 July 2014 that is yet to be published in full (case no. 7 A 4679/12), the Verwaltungsgericht Hannover (Hanover Administrative Court - VG) ruled that an episode of the RTL television series “Die Super Nanny” broadcast in 2011 breached human dignity.

Both the programme itself and trailers for the series repeatedly showed several scenes of brutality in which a single mother shouted at, threatened and hit her children a number of times. In the programme, the “Super Nanny” persuaded the mother to stop treating her children with such extreme violence and to attend a suitable course of therapy.

After receiving numerous complaints from viewers, the Kommission für Jugendmedienschutz (Youth Protection Commission - KJM) decided that the transmission of the programme had breached human dignity and complained to the Niedersächsische Landesmedienanstalt (Lower Saxony media authority - NLM), which is responsible for RTL television programmes. On the basis of the KJM’s decision, the NLM in turn decided to lodge an official complaint.

The broadcaster RTL appealed to the VG against this decision and argued that the KJM’s decision, on which the NLM’s decision had been based, was ill-founded. RTL also claimed that the previous decision of the Freiwillige Selbstkontrolle Fernsehen e.V. (voluntary self-regulatory body for television - FSF), which had deemed the broadcast of the programme after 8 p.m. acceptable, meant that, from a legal point of view, an official complaint could not be made.

The VG dismissed RTL’s appeal against the NLM’s decision to lodge a complaint. It considered the programme a violation of the children’s human dignity under Article 1(1) of the Grundgesetz (Basic Law - GG), which could not be justified “by the programme’s obvious educational objective of changing the family’s situation for the better”. If Article 20(3)(1) of the Staatsvertrag über den Schutz der Menschenwürde und den Jugendschutz in Rundfunk und Telemedien (Inter-State Agreement on the Protection of Human Dignity and Minors in Broadcasting and Telemedia - JMStV) was interpreted in accordance with the Constitution, it was clear that the FSF’s decision did not prevent a complaint being lodged if human dignity had been breached. The KJM’s decision to complain about the programme

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was sufficiently well-founded, since the minutes of the relevant KJM meeting showed that it had been taken unanimously following a detailed discussion and a full assessment of the FSF's decision. According to the VG, in such circumstances, if there was unanimity, it was sufficient for the KJM members to adopt a draft decision at their meeting.

On account of the fundamental importance of this case, the VG decided that an appeal could be lodged with the Niedersächsische Oberverwaltungsgericht (Lower Saxony Administrative Court of Appeal - OVG).

Pressemitteilung des VG Hannover vom 8. Juli 2014

http://www.verwaltungsgericht-hannover.niedersachsen.de/portal/live.php?navigation_id=19421&article_id=126124&_psmand=126

Hanover Administrative Court press release, 8 July 2014

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