[CY] Broadcaster sanctioned for insults/profanities heard during live broadcast

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Christophoros Christophorou
Council of Europe expert in Media and Elections

The Administrative Court upheld a decision of the Cyprus Television Authority to sanction the Cyprus Telecommunications Authority (CYTA) for a broadcast in which insults and profanities were heard during the live coverage of a football match. The live transmission by the channel Cytavision-Sports1 took place between 7 pm and 9 pm, so during the family viewing zone. The Authority found that the broadcaster violated Rule 21.4 of the Normative Administrative Acts KDP 10/2000, which stipulates that broadcasters have the obligation to take measures to ensure that programmes adhere to the generally accepted rules of decency and taste in language and behaviour. They were sanctioned with a warning not to repeat this kind of breach of the law. CYTA based its defense on the argument that each programme should be judged on its true context, distinguishing obligations in respect of live broadcasts and of other programmes. It further argued that it was not given the right to defend itself on the charge related to the use of a delay unit - which could better neutralize external sounds/voices - or a device taking sounds from the speaker’s lips.

The Court found that CYTA's claim that the Authority did not take into account the nature of the broadcast, which was a live transmission, could not be supported by the law. The regulation stipulates the obligation to take measures so that programmes adhere to the accepted standards of decency and taste. The definition of the term “programmes” includes live broadcasts, and there is no exception made in the law in respect of that obligation; thus, this type of programme must also adhere to the rules on decency and taste. CYTA’s arguments show that they indirectly, albeit clearly accept that they took no measure to exclude insults and profanities from being heard. CYTA’s second defense, regarding the technical properties of devices to neutralize external sounds, also failed. The Court noted that there was no charge related to the use of one or other device; the charge was that they failed to respond to the obligation to take measures to ensure that their programmes adhere to the standards of decency and taste.

The court noted that in the present case, the broadcaster Cytavision-Sports1 had the opportunity to take measures in order to adhere to the accepted standards of decency and taste, in particular in programmes watched by minors. The court concluded that, on the basis of their -false - assumption that live broadcasts fell out of the scope of Rule 21.4, the broadcaster had failed to take any measures

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and had thus violated the law. For the above reasons, the recourse against the Radio Television Authority's decision was dismissed.

ΔΙΟΙΚΗΤΙΚΟ ΔΙΚΑΣΤΗΡΙΟ, Υπόθεση αρ. 5664/2013, 28 Ιουνίου, 2017

http://www.cylaw.org/cgi-bin/open.pl?file=/administrative/2017/201706-5664-13.html

Decision of the Administrative Court on Cyprus Telecommunications Authority vs Radio Television Authority, case 5664/2013, issued on 28 June 2017

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