[CH] `Jewish Money and Nazi Gold' Did not Infringe Programme Law

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In the opinion of the Independent Complaints Board for Radio and Television (Unabhängiger Beschwerde Instanz UBI), the Swiss television broadcaster DRS did not infringe programme law with the broadcast entitled `Jewish money and Nazi gold'. This was broadcast on 3 July 1997, and comprised three sections: in an introduction the editor dissociated himself to some extent from the film shown in the second section - a BBC documentary produced in conjunction with the Swiss television channel DRS - which was followed by a discussion. The film had already aroused considerable controversy in Switzerland when it was shown in England and the USA because of its representation of Switzerland's role in the Second World War. UBI examined the broadcast to see if it was in conformity with the cultural mandate and the principles of

The information. The performance instructions contained in Article 55 bis, para.2 of the Federal Constitution require organisers of radio and television broadcasts in particular to protect cultural values. While not every broadcast needs to make a positive contribution to raising these cultural values, it would not be permitted for a broadcast to be directly opposed to this requirement, and have precisely the opposite effect. In consideration of these principles the UBI held that the broadcast entitled `Jewish money and Nazi gold' was not diametrically opposed to its cultural mandate. `The discussion which followed the film mitigated to a considerable extent the harmful effect of the broadcast as a result of the BBC film in terms of conveying information to the citizen and Switzerland's reputation abroad.' Nor had the broadcast infringed the principles of information (cf Article 4 of the Radio and Television Act) or more specifically the requirement of objectivity. `Within the framework of programme autonomy it is possible to deal very critically with the history of Switzerland and challenge the previous view of history (...). The starting-point to be taken into account for `legalistic' journalism of this kind requires rather that greater journalistic care be taken in order to prevent the manipulation of viewers.' Since viewers had been given sufficient warning, and in particular since the BBC documentary was followed by an open discussion and interviews, the public was able to reach its own opinion despite the biased nature of the film, and was not being manipulated.

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Decision of the Independent Complaints Board for Radio and Television (UBI) of 24 October 1997

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