[BE] First Decision of Council for Journalism - No Infringement of Journalistic Ethics by Commercial Television

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In December 2002, the Council of Ethics of the Belgian Association of Professional Journalists was replaced, in the Flemish Community, by the Raad voor de Journalistiek (Council for Journalism). Journalists, publishers and broadcasting organisations are represented in the new Council. 6 of the 18 members have been co-opted from among judges and academics. The Council is a self-regulatory body without any disciplinary power. Its decisions are made public and are intended to encourage compliance with journalistic ethics.

The first case decided by the new Council for Journalism concerns an interview with Marc Dutroux by a journalist of the commercial broadcasting organisation VTM. The journalist, T. Van Hemeledonck, succeeded in sneaking "undercover" into the jail where M. Dutroux is held, as he was assumed to be accompanying a senator who had obtained authorisation to visit M. Dutroux in prison. VTM broadcasted the audio-tapes of the conversation with M. Dutroux both in the news and in an information programme.

The Council for Journalism is of the opinion that the VTM journalist did not infringe any rule of the codes of journalistic ethics. The Council recognizes the principle that keeping silent one's identity as a journalist ("undercover journalism") should only be an exceptional practice, confined to circumstances in which classical methods of newsgathering are not sufficient and only as far as the issue is related to facts that are relevant for society.

The Council considers that this represented an opportunity for the VTM journalist to talk to a person suspected of major crimes and that M. Dutroux is to be considered a public person, whose case has influenced public debate in Belgium. Because the journalist could in these circumstances have reason to believe that a conversation with Dutroux could lead to statements with an important societal value (" grote maatschappelijke betekenis "), the Council considers the conduct of T. Van Hemeledonck legitimate. The Council comes to the conclusion that the journalist acted correctly from the point of view of journalistic ethics.

Beslissing van de Raad voor de Journalistiek over de vraag van het bureau van de Algemene Vereniging van Beroepsjournalisten in België

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met betrekking tot Telefacts/VTM

Decision of 8 May 2003, Council for Journalism, case of Telefacts/VTM, upon referral by the Belgian Association of Professional Journalists in Belgium

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