[BE] Undercover Report on Public Broadcaster Violates Privacy

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As part of the television information programme “Panorama”, a report covering the illegal trade of antiques from Afghanistan, as well as how this trade is indirectly funding the Taliban, was transmitted on 6 September 2009 by the Flemish public broadcaster (VRT). For the report, a collector was videotaped with a hidden camera in his private home. This man owns a large collection of works of art, from Afghanistan and other places, and, while answering their questions, he revealed some of these to the journalists, who were impersonating interested students. The collector’s face had been blurred, but his voice had not been changed. Subsequent to the transmission, the collector lodged a complaint with the Vlaamse Raad voor de Journalistiek (Flemish Council for Journalism Ethics).

First of all, the collector complained that the report was not in conformity with the regulation on undercover journalism. According to the Ethical Directive on Undercover Journalism, which is now integrated into the new Flemish code on journalism ethics (see IRIS 2011-1/10), the conditions under which this type of journalism is allowed are fourfold: first, the information to be obtained should reflect a great societal importance. Second, it should not be possible to obtain the information via conventional journalistic methods. Third, the risks related to this method should be acceptable with a view to the results in mind. And fourth, the decision to use the undercover method and the realisation of the report should only occur after deliberation with and under the responsibility of the chief editors. In this case, the collector argued that the fact that antiques are smuggled from Afghanistan and that antiquaries might play a role in this could have a certain societal importance, but that the same is not true for the fact that collectors may purchase a certain smuggled antique. Moreover, he held that the information that these antiquities are purchased could easily be obtained from the police or experts, as also happened in the report, so there was simply no need to bring a hidden camera into his house. Hence in the complainant’s view, the conventional methods were sufficient to get the required result. The Council for Journalism Ethics did not however agree with this. It considered that the illegal export of antiques from Afghanistan and the fact that terrorist organisations are financed through this trade is undeniably a matter of great societal importance. The VRT wanted to show the integral chain starting from the excavations in Afghanistan up to the eventual sale to Belgian collectors. If the antiquaries and collectors would

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have been interviewed with a visible camera, their reactions would not have been the same, hence the use of the undercover method was justified. It was also necessary, in order to firmly support the report's theme, to interview the complainant at his home in front of his art collection. Consequently, the Council did not find a breach of the ethical rules concerning undercover journalism.

The collector further held that the facts had not been covered in a correct way, as he had unjustly been displayed as a person who consciously purchases stolen antiques, and that his privacy was severely violated. The Council on the contrary found that the coverage was correct and that the complainant's words had not been taken out of their context. However, the Council agreed that the VRT should have taken additional precautions to hide the complainant's identity. The front of his house was shown twice, which provided no added value to the quality of the report, and the Council could see no valuable argument that would justify not camouflaging the complainant's voice. As a consequence, the Council found a violation of the ethical principle that sufficient precautions should be taken in order to prevent that persons involved in a report that is created by way of a hidden camera can be identified (for a similar case, see IRIS 2009-10/5).

Beslissing 2011-01 van de Raad voor de Journalistiekover de klacht van de heer Thierry V. tegen de VRT

http://www.rvdj.be/sites/default/files/pdf/beslissing201101.pdf

Flemish Council for Journalism Ethics, Thierry V. v. NV VRT, 13 January 2011

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