
CANADIAN BROADCAST STANDARDS COUNCIL

QUEBEC REGIONAL PANEL

TQS re *Le Grand Journal* report (“Girl Assaulted Live”)

(CBSC Decision 06/07-0284)

Decided August 23, 2007

T. Rajan (Vice-Chair), L. Baillargeon, B. Kenemy, D. Meloul

THE FACTS

On November 2, 2006, during its 6:00 pm *Le Grand Journal* news program, TQS broadcast a report by journalist Isabelle Dubé entitled “Girl Assaulted Live”. Host Jean-Luc Mongrain introduced the report, which dealt with a case in Ontario in which an undercover police officer posed as an Internet consumer of child pornography. In an online chatroom, the officer encountered another man, who then sexually assaulted a young girl live on his webcam. The transcript of the report follows:

[translation]

Mongrain: A terrible situation arose for an on-duty police officer who was doing cyber-surveillance. It happened in Ontario. Isabelle, tell us what happened.

Dubé: Listen, it was a 34-year-old man having an Internet conversation with a police officer who was posing as, uh, a pedophile. [Image of a police officer sitting at a computer] You see the police officer there. So, during the conversation, the man said “Wait a minute, I’ll show you something.” And that’s when he began sexually assaulting a young girl and broadcasting the images of his act live on the Internet. So the police officer who had been investigating the man for several months and who saw this scene was obviously horrified. He quickly alerted the local police and in the two hours that followed, well, they were able to track down the man and arrest him in his home in St. Thomas, Ontario, a city located about two hundred kilometres south-west of Toronto.

[Images on a computer screen: blurred images of young women with bare breasts; the camera zoomed in on the blurred breasts twice. Blurred images of another Internet site with the title "Latin Teens Sex". Blurred images of young women in bras.]

So, all of this happened last Sunday and today the man appeared in court and was charged with sexual assault, pedophilia, and possession and distribution of child pornography. Toronto investigators who have worked on, well, numerous international cases of pedophilia said that this was the first time that they have seen live images of an assault. You will see the account of the police officer who was talking to the attacker on the Internet; he was very upset. He said that when he saw this, his heart started beating fast, he was sweating, he didn't know what to do, he felt like vomiting. He had to pull himself together to do, to tell himself, well, I've got to do something. Listen here.

[original English]

Police Officer: I just remember my heart started going and just sweating and, uh, feeling like I was going to throw up and getting up and actually walking around at first. And sort of going "okay, whoa, whoa, whoa". And then really getting focussed again and saying okay, I've got a job to do, let's go and, and go on from there.

[translation]

Mongrain: Well, he felt utterly powerless. He was at a distance, found out where the guy was and, well, you're there, you watch this happen, and you can do nothing more than call on the telephone.

Dubé: Exactly.

Mongrain: Good.

Dubé: And as far as the girl is concerned –

Mongrain: Yes?

Dubé: – well, obviously they cannot reveal her identity. We do not know her connection to the attacker either. And as for the man, he will have to return, uh, before the courts on November 7 and during that time, he will stay beyond bars, behind bars.

Mongrain: Ah, in Ontario he stays, he stays behind bars in Ontario. Thank you very much.

Dubé: Thank you.

Mongrain: It's interesting, it's interesting that. They stay behind bars in Ontario.

The CBSC received a complaint dated November 3 about the images used in the report. The complainant expressed her concerns in the following terms (the full text of all correspondence can be found in the Appendix):

[translation]

TQS broadcast yesterday, Thursday, November 2, 2006, during the 6:00 pm news with Mr. Mongrain, child pornography. Actually, during a report on the young girl who was sexually assaulted live on the Internet yesterday, TQS showed examples of child pornography. I was terribly shocked by having to see breasts of 11- to 12-year-old girls, images of young girls "spread out" on a bed (with genitals hidden), etc., etc., etc. These images were not necessary and seemed to promote child pornography more than denounce it. I felt sick and I found their sensationalist approach very pro-pedophilia.

Please accept my official complaint and make the people responsible for having chosen such explicit images sexualizing young girls receive severe reprimands.

TQS responded to the complainant on December 22 with the following:

[translation]

Le Grand Journal is an information program with a mandate to inform people on current events in all areas. It is always at the discretion of viewers to decide whether they wish to watch a newscast, knowing that it may contain [sic]. You emphasized that you were shocked to see "examples of child pornography. I was terribly shocked by having to see breasts of 11- to 12-year-old girls, images of young girls "spread out" on a bed (with genitals hidden), etc." We understand your indignation, but these images were shown to support the report of our journalist, Ms. Isabelle Dubé, on the investigation of a police officer engaged in cyber-surveillance. The officer came in contact on the Internet with a pedophile who sexually assaulted a girl live. The officer succeeded in having the man arrested despite the horror he felt at seeing the live images sent to him. To support this report, very blurred images of girls found on different Internet sites were shown in order to illustrate how easy it is for pedophiles to find this type of content. Since we are on television, not radio, images are always presented to accompany reports. In this case, the images were sufficiently blurred as required by the code of ethics. In conclusion, these images were not intended to promote pedophilia as you suggested in your letter, but rather to support a report that aimed to denounce this type of practice on the Internet.

The complainant was not satisfied with that response and filed her Ruling Request on February 16 indicating that "if they did obey the law, that law should perhaps be revised to protect victims of pedophilia."

THE DECISION

The Quebec Regional Panel examined the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) *Sex-Role Portrayal Code* and the *CAB Violence Code*:

CAB Sex-Role Portrayal Code, Article 4 - Exploitation

Television and radio programming shall refrain from the exploitation of women, men and children. Negative or degrading comments on the role and nature of women, men or children in society shall be avoided. Modes of dress, camera focus on areas of the body

and similar modes of portrayal should not be degrading to either sex. The sexualization of children through dress or behaviour is not acceptable.

CAB Violence Code, Article 6.0 – News & Public Affairs Programming

6.2 Caution shall be used in the selection of, and repetition of, video which depicts violence.

6.3 Broadcasters shall advise viewers in advance of showing scenes of extraordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates when children could be viewing.

6.4 Broadcasters shall employ discretion in the use of explicit or graphic language related to stories of destruction, accidents or sexual violence, which could disturb children and their families.

[...]

6.6 While broadcasters shall not exaggerate or exploit situations of aggression, conflict or confrontation, equal care shall be taken not to sanitize the reality of the human condition.

The Panel Adjudicators read all of the correspondence and reviewed a tape of the report in question. The Panel concludes that TQS did not violate Article 4 of the *CAB Sex-Role Portrayal Code*, nor Articles 6.2, 6.4 or 6.6 of the *CAB Violence Code*, but it did violate Article 6.3 of the *CAB Violence Code* for failing to advise viewers in advance of the explicit images and disturbing subject matter.

Treatment of Delicate Subject Matter

The Panel Adjudicators are as pained by the subject matter of this report as was the complainant, the investigating police officer, and, the Panel has no doubt, the reporter and the broadcaster. There are few subjects the media are called upon to bring to the attention of the populace that are as disturbing as child pornography. And there is, if anything, additional distress and outrage associated with the communication of a *live* assault.

There has been but one similar news report dealing with images of child pornography that the CBSC has encountered, namely, *CHAN-TV (BCTV) re News Item (Child Pornography)* (CBSC Decision 98/99-0249, October 14, 1999). The newscast in that matter began with a “teaser” stating: “Staggering news from the court which declares kiddie porn legal to own.” Four pictures representing child pornography were then shown as part of the short teaser: a young girl in fish-net stockings, a young girl showing her underwear, the bare legs of another young girl in a ballerina pose, and a young girl shown from the waist down, wearing only panties. The B.C. Regional Panel

grappled with the journalistic dilemma facing broadcasters in such matters. They face, observed the Panel, an

editorial balancing act [...] which is not free from difficulty and is no doubt the source of much pulling of hair and gnashing of teeth in newsrooms on a daily basis. It is also particularly concerning when the element of evil acts regarding children is added to the mix. Unless, though, the broadcaster's choices are egregiously insensitive to the public good, the Council cannot see why it ought to interfere with the choices it makes.

The conclusion of the B.C. Panel reflected the delicacy of the balancing act between the reporting of sexual crimes, particularly those involving children, and the need to avoid the sanitizing of the reality of the human condition.

After all, the goal of the broadcaster, the Council assumes, was not merely to report a *very* controversial story but to *underscore* the awful result of the judicial determination to authorize the possession of child pornography. Could it have accomplished its goal by simply *telling* the story and interviewing the accused? Probably. It could not, however, have succeeded in conveying the sense of public disgust with the practice *without* adding a visual element. And it does seem to the Council that the broadcaster's choices were tame, albeit unpleasant. There were undoubtedly far more explicit pictures available which would have brought the result to another utterly unacceptable level. [...] [T]he Council endorses the balance which BCTV applied to its news report on the issue.

The Quebec Panel acknowledges the revulsion of the complainant in having to come face to face with the issue of child pornography and the accompanying visual elements. The Panel's issue, though, is not the mere presence of such images, but the discretion associated with their use. The Panel considers that the broadcaster chose discreet, non-exploitative images which were entirely relevant, indeed useful to the awful story it was called upon to report. It does not find that the images were either explicit or sensationalist, as the complainant has contended. Moreover, the Panel does not consider that the reporting of such matters, to begin with, in any way perpetuates the recurrence of the criminal activity. If anything, the Panel believes that such news stories may have the effect of both alerting the public and dissuading child pornographers. Although the complainant did not raise the following issue, the Panel considers it useful to add that the broadcast in question did not *sexualize* children (a point anticipated in Article 4). In the Panel's view, the word "sexualization" in the Article suggests the gratuitous, pandering or inappropriate attribution of sexual characteristics to children; the cautious reporting of a sexual occurrence without any of the foregoing elements will not constitute a breach of the prohibition of sexualization of children provision of Article 4.

The Panel finds no breach of any of Article 4 of the *CAB Sex-Role Portrayal Code*, or Articles 6.2, 6.4 or 6.6 of the *CAB Violence Code*. It is, however, quite concerned that the broadcaster neglected to provide its audience with advance notice of the upcoming "graphic reporting on delicate subject matter such as sexual assault" that is anticipated by Article 6.3 of the *CAB Violence Code*. The fact that such disconcerting matter deserves broadcast does not obviate the need to alert viewers of the imminent

unpleasantness that will face them on their television screens. In order for audiences to be able to make informed viewing choices regarding disturbing news reports for themselves and their families, a viewer advisory is required by the Code. While the B.C. Panel did not conclude that a viewer advisory was required in the matter referred to above, whether because of the warning contained in the lengthier introduction to the subject in that news report or the nature of the pictures used, the Quebec Panel does consider that an advisory on the part either of the host or the reporter was necessary in the matter at hand, particularly considering the 6:00 pm broadcast of the challenged newscast. The failure of TQS to provide one constitutes a breach of Article 6.3 of the *CAB Violence Code*.

Broadcaster Responsiveness

The CBSC considers, as a part of every decision, whether the broadcaster has complied with its obligation to respond appropriately to the complainant's concerns. That dialogue is not only a part of every broadcaster's CBSC membership obligations, it also represents the public's sense of security in the process of self-regulation. While broadcasters are always involved with the reaction of their audiences to what they put on air, this dialogue with a viewer is the manifestation to the complainant of that involvement. In this case, the broadcaster replied thoughtfully to the complainant. The Panel considers that the response by the Vice-President of Communications at TQS was thorough and appropriate.

ANNOUNCEMENT OF THE DECISION

TQS is required to: 1) announce the decision, in the following terms, once during prime time within three days following the release of this decision and once more within seven days following the release of this decision during the time period in which *Le Grand Journal* was broadcast; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by TQS.

The Canadian Broadcast Standards Council has found that TQS violated the Canadian Association of Broadcasters' *Violence Code* in its broadcast of a story about the arrest of a child pornographer who had sexually assaulted a young girl live on the Internet. By including images, even discreetly blurred images, in its broadcast of the report on *Le Grand*

Journal on November 2, 2006, without providing a warning that viewers may have found the upcoming content disturbing, TQS violated Article 6.3 of the *Violence Code*.

This decision is a public document upon its release by the Canadian Broadcast Standards Council.

ANNEXE

Décision du CCNR 06/07-0284 TQS concernant un reportage diffusé dans le cadre de *Le Grand Journal* (« Fillette agressée en direct »)

La plainte

La plainte suivante en date du 3 novembre 2006 a été envoyée au CRTC et acheminée au CCNR :

Cette plainte s'adresse au Secrétaire général du CRTC.

TQS a diffusé hier, jeudi le 2 novembre 2006, lors des nouvelles de 6pm avec Monsieur Mongrain de la pornographie infantile [sic]. En effet, pendant un reportage sur la jeune fille qui a été agressée sexuellement en direct sur l'internet hier, TQS a montré des exemples de pornographie infantile [sic]. J'ai été terriblement choquée d'avoir eu à regarder des seins de fillettes de 11-12 ans, des images de jeunes filles « écartées » dans un lit (avec les organes génitaux cachés) etc etc etc. Ces images n'étaient pas nécessaires et semblaient promouvoir la pornographie infantile [sic] plus que de la dénoncer. J'en ai eu mal au cœur et j'ai trouvé leur approche sensationnaliste très pro-pédophilie.

SVP acceptez ma plainte officielle et faites que les personnes responsables d'avoir choisi de montrer tant d'images explicites sexualisant des fillettes soient sévèrement reprimandées.

La réponse du télédiffuseur

TQS a répondu à la plaignante le 22 décembre :

Madame,

Nous accusons réception de la lettre que vous nous avez fait parvenir par l'entremise du Conseil canadien des normes de la radiotélévision (CCNR) et dans laquelle vous nous faites part de votre insatisfaction face au bulletin d'information le *Grand Journal* diffusé sur nos ondes le 2 novembre dernier.

Le *Grand Journal* est une émission d'information, qui a pour mandat d'informer les gens sur les faits d'actualité, dans tous les domaines. Il est toujours réservé à la discrétion des téléspectateurs de décider s'ils désirent assister à un bulletin de nouvelles, sachant ce qu'il risque de contenir. Vous soulignez avoir « été choquée d'avoir à regarder des exemples de pornographie infantile [sic] ... et d'avoir été terriblement choquée d'avoir eu à regarder des seins de fillettes de 11-12 ans, des images de filles "écartées" dans un lit (avec les organes génitaux cachés), etc. » Nous comprenons votre indignation, mais ces images étaient montrées pour appuyer le reportage de notre journaliste M^{me} Isabelle Dubé sur l'enquête d'un policier affecté à la cyber-surveillance. Le policier était entré en contact sur Internet avec un pédophile qui a, en direct, agressé sexuellement une fillette. Le policier a réussi à faire arrêter l'homme malgré l'horreur ressentie devant les images en direct qui lui étaient adressées. Pour appuyer ce reportage, des images très brouillées de fillettes trouvées sur

différents sites Internet ont été montrées afin d'illustrer la facilité pour les pédophiles à trouver ce genre d'informations. Puisque nous sommes en télévision et non en radio, des images sont toujours présentées pour appuyer des reportages. Dans ce cas-ci, les images étaient assez brouillées tel que le veut le code de la déontologie. Pour terminer, ces images n'étaient pas destinées à promouvoir la pédophilie infantile comme vous le mentionnez dans votre lettre, mais plutôt à appuyer un reportage qui voulait dénoncer ce genre de pratique sur Internet.

Nous vous remercions de l'attention que vous portez au réseau TQS et vous prions d'agréer, nos sincères salutations.

Correspondance additionnelle

La plaignante a remis sa Demande de décision le 16 février avec la note suivante :

Je ne trouve pas leur réponse satisfaisante et je doute qu'ils aient respecté la loi comme ils le disent. Si jamais ils ont respecté la loi, cette loi devrait peut-être être révisée pour protéger les victimes de pédophilie.