

Hacked Off

Dear editors

I do not have confidence in the independence or effectiveness of IPSO and the Editors' Code Committee, on account of IPSO's failure to meet the standard of "Recognition" as assessed by the Press Recognition Panel.

Nonetheless, this submission highlights several areas where the Code is in urgent need of improvement and reform which I hope the Committee will consider.

Accuracy, disinformation and fake news

Too often, serious inaccuracies are dealt with by IPSO with a tiny adjudication. The code should specify that corrections should be of equivalent prominence to the breach, so that the same proportion of readers at risk of being misled by a false story also see the correction.

Specifically:

- 1. The code should specify in the preamble that corrections and adjudications should be published with equivalent prominence to the code-breach, not "due prominence".**
- 2. Clause 1.ii should specify that such corrections must be of equivalent prominence to the breach.**

The Accuracy clause in the Code on quotations has been seriously weakened by how IPSO has chosen to apply it; sometimes allowing it to be used to summarise peoples' comments even when the reported meaning was inaccurate.

The code should be amended to make clear that comments given within inverted commas as quotes should be fully accurate, and not depend on subjective interpretations of summaries of what was said.

Intrusion and abuse

The courts give equal right to free expression and privacy, yet IPSO's public interest guidance refers to the public interest in the freedom of expression on a standalone basis (subclause 2).

The Code should be amended so that the public interest guidance, like the courts, gives the same weight to the right to privacy as it gives to freedom of expression.

When an individual is the subject of a story, newspapers will often trawl the person's social media pages for images to publish. Sometimes these can even be very personal and intimate photographs.

The Code should be amended to require newspapers and their websites to stop stealing photos from Facebook and other social media without permission and without offering to buy the copyright.

There is no legal protection for the reputation of deceased people. A competent regulator ought to be able to act to remedy the libelling of the deceased, which can cause huge distress for families.

Clause 4 (Intrusion into grief of shock) should be amended to provide specific protection for the bereaved from attacks on the reputation of the deceased, especially when they are children, young people or not in the public eye.

There is a pattern of coverage around suicide deaths, where minor details of coroners' reports are misrepresented as major factors in a person's suicide.

Speculation over motives is considered dangerous, because it can assist individuals at risk of suicide in rationalising a decision to end their lives. Mental health charities and activists have called for reform in this area many times before.[1]

Clause 5 should be amended to require newspapers to avoid speculating over the motives of suicides except where in the public interest and, where reporting on the findings of a coroner, to give a proportionate and reasonably complete picture of the factors which may have led to a person's suicide.

Racism and discrimination

IPSO should have the power to require newspapers to apologise – particularly when they have subjected minorities groups to abusive reporting.

The code preamble should specify that the regulator has the power to

- a) require apologies where appropriate and**
- b) direct the size and placement (the prominence) of those apologies.**

The Code must permit discrimination complaints to be brought where groups of people have been affected by racist, sexist or otherwise abusive coverage.

Clause 12 (Discrimination) should be amended to provide protection from hate attacks and abuse from newspapers for groups which are vulnerable and already subject to discrimination.

Clause 12 must rely on specialist definitions of racism and other forms of prejudice, rather than leave interpretation entirely in the hands of IPSO.

Clause 12 should be amended to require editors to have regard to established definitions of anti-Semitism and Islamophobia, such as the APPG on British Muslims' definition of Islamophobia. The list of protected characteristics should be replaced with a direct reference to those characteristics which are protected in equality legislation.

It was dangerous and wrong that after the Christchurch attack in New Zealand several newspapers, in defiance of instructions from the NZ police, circulated extracts of the killer's livestream on their websites (Mirror, the Sun, and the Mail). The Daily Mail even published the killer's terrorist manifesto.

There are further examples of violent crime and terrorism being republished in some form. It is also increasingly common for photographs of the bodies of deceased victims from the scene of the incident being published.

Britain's most senior counter terrorism officer has said media coverage of deadly attacks could be exacerbating the problem and increasing the threat.[2]

The code should be amended with the following new clause:

When reporting on violent incidents the press should take care to avoid coverage which glamorises the perpetrator, their actions and motives.

The press should not publish photographs of the victims of attacks without first obtaining their consent. Images of deceased individuals taken from the scene of the incident should not be published, although this does not restrict the press' right to publish historic images of deceased victims within the law.

The press should not publish terrorist publicity material, including video recordings of terrorist acts and written terrorist propaganda.

Misogyny

Women continue to suffer undue sexualisation in the press, including women in public life.

The code should be amended with a new clause requiring the press to avoid sexualising women in public life, and to prohibit the publication of images of women where intimate parts of their body or underwear are visible without their consent.

The code should require publishers to refrain from sexualisation or objectification of all women which is both undue and overt, having regard for the context of any coverage, and unless explicit consent has been given to the contrary.

Guidelines on domestic violence reporting from advocacy group Level UP have been ignored by newspapers. These should be incorporated into the Code.

The code should be amended to add a new clause, which should state the following:

1. In cases where a woman has been killed by a partner, former partner or other family member, language which appears to justify the murder or otherwise blame the victim for her death should be avoided.
 2. Speculative references to factors which may have motivated the killing should be avoided, for example “reasons” or “triggers” or describing the crime as an uncharacteristic or random event.
- iii. Crimes involving death or injury perpetrated by a partner, former partner or family member should be referred to as domestic violence.
1. Avoid trivialising language, and invasive or graphic details that compromise the dignity of the deceased woman or her surviving family members.
 2. Avoid speculation about the sexual histories of the victims of domestic violence.

Defending quality journalism

The public should have a right to know whether articles are the product of journalistic inquiry, or the result of a financial agreement with a private company.

There should be a new clause on honesty and transparency which requires that newspapers must make clear where editorial content has been paid for or influenced by a third party, or where content has been omitted on the basis of deference to a third party, such as (but not limited to) an advertiser or sponsor.

There must be rules prohibiting plagiarism.

The Code should be amended to require newspapers and their websites to stop plagiarising the work of others. To re-publish a story published elsewhere, permission should be sought, credit given and – for online publication – a link to the original story. Any failure to do this should be apologised for with equal prominence and promptly.

[1] https://www.theguardian.com/society/2018/sep/09/celebrities-appeal-to-media-change-how-suicide-is-reported?CMP=share_btn_tw

[2] <https://www.telegraph.co.uk/news/2019/09/09/police-chief-said-media-shouldnt-publish-leaks-claims-terror/>