

I am pleased to respond to the consultation on the Editor's Code.

In my role as London Victims' Commissioner, I work to ensure that victims in the capital are protected and supported at times when they are at their most vulnerable. I regularly hear from victims and their families whose stories have been covered by the media. While the media can be a hugely important and constructive resource for victims to share their experiences and advocate for change, and can also aid police investigations, it can also seriously damage the ability to cope and recover. All too often I meet with victims who have been retraumatised by media coverage – either of their own story or relating reporting of similar incidents – and by poor practices of journalists and news outlets.

In this submission I have included a range of case studies, outlining the variety of issues that I have picked up from meeting with victims and the groups who support them. I want to be confident that editors and journalists are aware of the impact of their work on victims who continue to live with the impact of the crimes committed against them.

Recommended insertion to Editors' Code

I believe it is in the gift of the Editors' Code of Practice Committee to help prevent more victims suffering trauma when news is presented without regard to the impact it may have on them. I therefore urge that consideration is given to inserting a new clause to the Editors' Code of Practice to mitigate against this impact and have drafted the following suggested text:

"When reporting crime, to prevent undue harm and trauma to the victim and their family, care should be taken to ensure that agencies supporting the victims, such as Police, Victim Liaison Units and Victim Support, are informed prior to publication to allow time for alerting victims to the news story and ensure proper support is in place. This should be applied in cases where offenders are due for parole or sentencing outcome and all endeavours should be made to ensure victims have been notified by the appropriate channels."

Other recommendations:

- Independent Press Standards Organisation (IPSO) should work with the Ministry of Justice to develop guidelines on the reporting of sentencing outcomes
- The revised Editors Code should include guidance on reporting of violent and excessive details of crimes, particularly sexual violence
- IPSO should work with member organisations to provide trigger warnings and signposting to support services for victims
- IPSO should produce specific guidance around the reporting of rape and sexual violence, taking particular note of 'rape myths' and how language in articles may be reinforcing these damaging stereotypes
- IPSO to direct members to provide more support to bereaved family members and victims who decide to share their experiences with journalists. This includes transparency over how contact details can and will be shared. If numerous colleagues from an outlet will be touch – perhaps because they are running both print and broadcast – there must be a level of care and information provided.

- [For victims of terrorist attacks]: Media requests for victims should be made in a sensitive and trauma-informed manner, which adequately reflects the emotional upheaval that survivors are likely experiencing. Extra consideration should be made for giving survivors time to consider and respond and it is crucial they do not feel pressured to respond. Where possible, journalists should also ensure that survivors are not getting inundated with requests – although we acknowledge this can be hard to track across different publications – and contact points within one organisation (e.g. journalist, researcher, scheduler etc.) should be limited.
- IPSO to consider how footage of incidents is being shared and develop or strengthen guidelines to ensure that use of such footage does not retraumatise victims, family members or the bereaved
- IPSO to gain further insight in to how publications decide which social media materials to use in their reporting - especially when victims are deceased - and to develop guidance for best practice in this space

Victims code of Practice review: court reporting

Last year I published a review of compliance with the Victims Code of Practice. This involved engagement with over 2,000 victims of crime. The review, plus additional engagement with victims, has highlighted a number of ways in which media coverage and reporting practices can retraumatize victims and their families.

The conclusion of a trial – the verdict and sentencing – are vital points of closure for victims, and more must be done to ensure that victims are told about this, and that the outcome is explained. Timeliness, accuracy and consistency in official communication with victims is increasingly important in the age of social media and 24-hour news coverage, where court outcomes can be reported near instantaneously to a large audience. I recognise that the media will often be better placed to report a verdict more quickly than the justice service. However, it is crucial that victims are notified of sentencing outcomes before they are reported in the media. I believe there is an opportunity to ensure that these outcomes are reported in a trauma-informed way, minimising the risk of re-traumatisation to the victim in question and also signposting other people who may be affected by the issues reported to relevant support.

There is precedent for this – the media have worked closely and effectively with mental health organisations to ensure that suicide is reported more responsibly – and I believe this approach can be extended successfully to the reporting of court proceedings. In my view IPSO must continue to ensure the victim’s voice is heard in this work and to support editors and journalists with training on these subjects.

A key example of this was Parole Board’s decision to release John Worboys and the significant impact this had on his victims, many reliving their experience and worrying for their safety. For example, one of the victims of the M25 rapist case told me,

“When my offender was convicted to a lengthy sentence, I signed up to the Victim Contact Scheme and was assured that I would be informed of all significant dates up to and including any Parole hearing. I can hardly put into words my - and my family's - shock and distress to hear in the Press that a parole hearing had been set.

The news came like a punch in the stomach and brought up all the original feelings of terror and trauma but, overwhelmingly, reignited the deep fear I had of my offender and the feeling that I would now lose my peace of mind forever and have to live my life in fear once again.”

Recommendation:

- Independent Press Standards Organisation (IPSO) should work with the Ministry of Justice to develop guidelines on the reporting of sentencing outcomes

Coverage of rape and sexual violence trials

Domestic violence is an area in which IPSO has taken positive steps in recent years. I particularly welcomed the introduction of new guidelines on language used in reporting domestic homicides. However, additional safeguards are clearly needed for victims for sexual violence, particularly around court reporting, which often includes a high level of violent and traumatising detail. The articles are rarely, if ever, accompanied by signposting to support services and do not include trigger warnings at the beginning of articles to warn survivors.

The recent case of serial rapist Joseph McCann highlighted serious failures to safeguard his victims and victims of similar crimes. Coverage during the trial included a number of pieces of evidence which were lurid and excessive and did not need to be included to demonstrate the severity of his crimes.

Part of the issue here is the relationship between social media and traditional media coverage. Court reporters often ‘live tweet’ evidence, which is then incorporated in to online coverage of the case. Unsurprisingly, the most shocking and sensationalist pieces of evidence are picked from the tweets and feature prominently in the media coverage.

Examples of case details which were included in coverage of the Joseph McCann case include:

Content warning: graphic and violent language to describe sexual assault

- “The 25-year-old had been forced to drink McCann’s his urine and urinate on him during her 14 hour ordeal, the court has heard.”
- “He said he’d killed two people before. He said the last girl that tried to report him, he said he’d cut her skin off her face.”
- “McCann told her he "wanted to make her rape a child" when they were outside a school.”
- “He made her call him 'daddy' and say that she was a child.”
- “She was crying and said "I'm a virgin", said the 25-year-old.”

I would like to see sexual violence reporting treated in a similar way to coverage of suicide, where the media have taken great strides in recent years. Great discretion is shown over including details of methods of suicide and support services are often signposted.

Recommendations:

- The revised Editors Code should include guidance on reporting of violent excessive details of sexual violence cases

- IPSO should work with member organisations to provide trigger warnings and signposting to support services

Rape cases and false allegations

The media also often unwittingly reinforce rape myths through their coverage of the outcome of rape cases where the defendant is acquitted. In such instances, references are regularly made to “false allegations” and stories are framed sympathetically to defendants needing to “move past the false allegations”.

It is critical for our understanding of sexual violence that an acquittal is not reported as the complainant having made a false allegation. It simply means the defendant was not found guilty. Making a false allegation is an offence in and of itself and, just as the defendant is to be considered innocent of the rape, so too the complainant must be considered innocent of making a false allegation unless convicted.

Although this may seem like a small, semantic point it has significant ramifications for our understanding of rape and ultimately society’s response to trying to improve rape convictions. Nationally, rape convictions stand at 1.4%, meaning that crime has been essentially decriminalised. We are facing an enormous crisis in our justice system. We know that ‘rape myths’ play an important role in perceptions of the crime and given that these crimes are decided by juries of peers who consume media, the narratives they are exposed to are highly relevant.

While I understand this is the reserve of individual journalists and publications to monitor the specifics of articles on the topic, the conflation of acquittals with false allegations is particularly troubling in the current context of rape convictions. Given the ongoing crisis in rape prosecutions, I believe there should be specific guidance around reporting of these crimes. This should include the victim support measures outlined in the previous section, but should also take in to account how coverage is potentially reinforcing damaging rape myths. The most prevalent rape myth is the notion that women lie about rape in a way that other victims don’t lie about other crimes. This is why acquittals being conflated with false allegations is damaging and dangerous.

Recommendation:

- IPSO to produce specific guidance around the reporting of rape and sexual violence, taking particular note of ‘rape myths’ and how language in articles may be reinforcing these damaging stereotypes

Violent crime and serious youth violence

In my role I regularly meet with the bereaved who have lost family members to serious youth violence. As you will be aware, there is a high level of media scrutiny on these crimes, particularly in London. While coverage of these crimes is always going to be a highly sensitive issue for the family, many do choose to speak to the media – particularly around any perceived safeguarding failures that they feel contributed to the crime and that could help to protect others in the future. In this space, one of the key issues I have picked up is how personal details of the bereaved are handled and shared once they have taken the decision to speak to the media.

A bereaved mother relayed her experience to me. After speaking to the media about her son’s death, she was inundated with requests from other journalists, despite the fact she had not given consent for her personal data to be shared. She said it was unclear how they had procured her contact details. She also regularly gets a flurry of requests from journalists when there are other incidents of serious youth violence. Concerningly though, there doesn’t seem to be a good

understanding of her case from these journalists – for example, her son was shot, yet she regularly receives comment requests from journalists when there are stabbings. This is particularly traumatising as she is reminded of her son's death regularly, even when there are incidents which are entirely unrelated to her experience.

Recommendation:

- More support must be given to bereaved family members and victims who decide to share their experiences with journalists. There must be transparency over how contact details can and will be shared. If numerous colleagues from an outlet will be touch – perhaps because they are running both print and broadcast – there must be a level of care and information provided.

Victims of terrorism and media intrusion

Another group of victims who are at risk of being retraumatised by media coverage are those of terrorist attacks. In my role I have met with a number of survivors and bereaved from such incidents, including those of the Westminster Bridge terror attack. They have relayed their negative experiences of the media, particularly around anniversaries of incidents.

Media coverage on anniversaries of such attacks is not necessarily a bad thing. Coverage can enable remembrance of victims and provide a means of support for bereaved and survivors. Memorials are important for coping and recovering from such incidents, and stories that focus on victims are an important way of setting a narrative that does not put perpetrators in the limelight. However, anniversaries are also moments of intense emotion and media requests should be handled in a respectful and sensitive manner. Survivors of terror attacks in London have relayed their experiences of intrusion at these times and feeling they are being inundated with requests.

Recommendation:

- Media requests for victims should be made in a sensitive and trauma-informed manner, which adequately reflects the emotional upheaval that survivors are likely experiencing. Extra consideration should be made for giving survivors time to consider and response and it is crucial they do not feel pressured to respond. Where possible, journalists should also ensure that survivors are not getting inundated with requests – although we acknowledge this can be hard to track across different publications – and contact points within one organisation (e.g. journalist, researcher, scheduler etc.) should be limited.

Footage of crimes

CCTV evidence presented during trials also poses significant risk of retraumatising victims and their families when it is replicated and reposted as media coverage. Victims and bereaved have told us they are unclear as to how and why certain pieces of evidence are released to the media and become part of the public domain. As such, there is a clearly a role for better communication and support in this area.

Bereaved families have also told us that there is a total lack of consistency over how the CCTV is shared and covered by the media, which makes each news story unpredictable. A case study from RoadPeace, a charity supporting victims of road traffic accidents, told them that there was wide variation in how much of the CCTV recording was shown – including whether the actual collision was included – and whether or not warnings were put at the start of the footage that it contained distressing images.

Recommendation:

- IPSO to consider how footage of incidents is being shared and develop or strengthen guidelines to ensure that use of such footage does not retraumatise victims, family members or the bereaved

Social media of victims and insensitive use of photos

The use of images from social media accounts of victims of crime, particularly those who have been killed, needs further scrutiny.

In current practice, media outlets will access the social media accounts of victims and use any photo that is publicly accessible. This process happens very quickly after media have been notified of the crime and photos from social media are used in press coverage almost immediately. Family members are often unaware of exactly what content is available or that publicly available content can be freely used by the press. Furthermore, they have no say over which images get used where.

In 2019, the case of Kelly Fauverelle, a victim of knife crime, was particularly shocking. Kelly was pregnant at the time of the attack and her baby died as a result. One of the most recent images on Kelly's social media was a sonogram of the baby and this image was included on the front page of numerous papers and in online coverage, including under the headline "Knife crime's tiniest victim".

By the admission of journalists I have spoken to about this issue, very little regard is given to the traumatising of family and friends when images are being taken for use in coverage. This issue would partially be tackled by the insertion of the new clause outlined at the top of this submission, as notification to families could include which photos are to be used and families could have the opportunity to shut down access to social media accounts where possible.

I believe this is an issue that needs to be picked up in the Editor's Code, especially as the use of social media both personally and for reporting news has developed significantly since the code was last consulted on and is changing all the time.

Recommendation:

- IPSO to gain further insight into how publications decide which social media materials to use in their reporting - especially when victims are deceased - and to develop guidance for best practice in this space