



## **IPSO Guidelines regarding reporting of sexual offences: A submission on behalf of Raise Your Voice**

### **Background & who we are**

Raise Your Voice is a project based in Northern Ireland that is funded by Rosa: The UK Fund for Women & Girls and Times Up: UK. It is a joint project of 4 different organisations that are central to the women's sector in Northern Ireland: Women's Resource & Development Agency (WRDA), Northern Ireland Rural Women's Network (NIRWN), Reclaim the Agenda (RTA) and Women's Support Network (WSN). We have used our expertise in different areas and our combined decades of experience in working in the community with women to create a project aimed at using women's voices and experiences to tackle sexual harassment and sexual violence.

As a project committed to fighting sexual harassment and sexual violence in Northern Ireland, part of our work is to hold workshops with women of all ages, all backgrounds, urban and rural, all across Northern Ireland. In those workshops we share a video from Nexus NI, a sexual abuse organisation, on victim blaming<sup>1</sup> and we do an exercise called "Fix the headline", where we use screenshots from reputable media sources and clippings from major newspapers to draw attention to the fact that the way sexual offences are reported in the UK media and indeed the worldwide media. Many of these relate to the reporting of domestic homicide and domestic abuse, but the majority relate to sexual crimes.

We did not have a difficult time finding headlines that fit the bill, there are so many that they are in fact hard to choose between. We believe that the media has a responsibility to do better, and that the frequency of victim blaming and the use of casually sexist language and/or stereotypes is so common in the media that it perpetuates the perceived acceptability of the attitudes that lie behind it, which has an immediate impact on the consumers of this media who are also our partners, our friends, our colleagues and sometimes the jury of our peers in a sexual assault case.

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<sup>1</sup> <https://www.youtube.com/watch?v=8Ep8FiLG1XY>

## What are Rape Myths?

Rape myths are, simply put, myths about rape. They create confusion about what actually constitutes rape, what constitutes consent, and they contribute to both the endemic problems of sexual violence and the persistent failure of the justice system to properly tackle it. Examples of common rape myths include:

- \* A husband cannot rape his wife
- \* Rape can be provoked by certain behaviour on behalf of the victim
- \* The onus is on the victim to protect themselves from rape
- \* Women actually enjoy rape (“no means no, until it means yes”)
- \* Women often lie about rape, especially to explain away sex that they regret having consented to
- \* Children (especially girls) can be older than their years and can seduce blameless adults

There are more and there will be more as society and technology evolve. Recently in the UK a Judge was widely criticised for espousing, from the bench, the view that a husband cannot rape his wife, despite the law on marital rape changing in 1991, and the person in question being trained on the law.

The real danger of rape myths is their persistence. The above case shows how pernicious they can be, and research also shows that these myths pass down through generations, with college-aged men likely to espouse them when their father does, too<sup>2</sup>. A recent YouGov survey in the UK showed a similar trend among Britons, with a quarter of those 4,000 surveyed believing that marital rape does not exist<sup>3</sup> and many more expressing confusion regarding whether rape can occur where there is no violence.

## The Gillen Review

Following a high-profile rape trial in Northern Ireland in 2018, Judge John Gillen was commissioned to research, consult upon and publish recommendations for the conduct of trials into serious sexual offences in Northern Ireland. The resulting Report contains over 200 recommendations that are wide-ranging and overwhelmingly welcomed by the women’s movement in Northern Ireland.<sup>4</sup>

One of his key recommendations is Recommendation Number 18: “That the press and media should be party to a voluntary protocol governing how serious sexual offences are reported”. This asks, essentially, for what we are asking from you; that the media use its position as the ‘Fourth Estate’ not merely to report what is said in a court room, but the reality behind those claims. The very first and foundational principle of the Code is accuracy, and in pursuit of this aim it is essential that claims are assessed and not merely repeated.

This is especially true when reporting on rape myths. Gillen writes “Rape myths are a trial reality and can often form the basis of aggressive cross-examination and may attract the unreasonable thinking of jurors. Moreover, for all kinds of societal reasons, complainants often buy into these myths, blaming themselves. I regard them as potentially a major challenge to the concept of a fair trial.” If

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[https://www.researchgate.net/profile/Jessica\\_Turchik/publication/226563223\\_Rape\\_Myths\\_History\\_Individual\\_and\\_Institutional-Level\\_Presence\\_and\\_Implications\\_for\\_Change/links/0912f513cecb164264000000/Rape-Myths-History-Individual-and-Institutional-Level-Presence-and-Implications-for-Change.pdf](https://www.researchgate.net/profile/Jessica_Turchik/publication/226563223_Rape_Myths_History_Individual_and_Institutional-Level_Presence_and_Implications_for_Change/links/0912f513cecb164264000000/Rape-Myths-History-Individual-and-Institutional-Level-Presence-and-Implications-for-Change.pdf)

<sup>3</sup> <https://www.theweek.co.uk/98330/when-did-marital-rape-become-a-crime>

<sup>4</sup> <https://www.justice-ni.gov.uk/publications/gillen-review-report-law-and-procedures-serious-sexual-offences-ni>

these myths are a barrier to a trial, when the jurors are in receipt of careful legal instruction, they are certainly a barrier to tackling sexual violence in society as a whole<sup>5</sup>.

### **The Role of the Media**

Judge Gillen focused quite a lot on the importance of education for jurors and for all involved in a trial, acknowledging that stereotypes and rape myths are woven into the very fabric of our society, and that these go a long way to accounting for the shockingly low conviction rates for serious sexual offences, as well as the increased caution on the part of the PPS to pursue prosecution. While reporting is increasing year on year, actual numbers of prosecutions are going down, and so are the numbers of convictions. This creates a vicious cycle; concerns about the difficulties of securing a conviction may increase reluctance to prosecute, or for police to refer for prosecution – resulting in a more relaxed attitude towards sexual violence and further increasing the prevalence of the problem. Education goes beyond the classroom or training room, and the press can and must take on some of this burden – particularly since, at present, the guideline to be mindful of the sensitive nature of the subject are being observed very loosely.

In an article entitled *Prevalence of Rape Myths in Headlines and Their Effects on Attitudes Toward Rape* by Franiuk et al, the authors note that “Because readers will only read a small percentage of articles relative to headlines, newspaper editors and copywriters carefully construct headlines to try to draw readers into the full article”, although many read little beyond the headline. Most importantly, the headlines often mislead as to the content of the article; “Further, headlines can be misleading about the articles themselves, biasing a reader’s impressions about the content. For example, a Denver Post article with the headline “Kobe’s accuser admits lies” implies that the victim is the type of person who lies in general and, at worst, is read as “Kobe’s accuser admits lies [about the sexual assault]” (although the article is actually about how the alleged victim lied about why she was late to work the day of the alleged assault.”<sup>6</sup> The issue here is not that one headline or that one story, and this kind of “hook” headline is common in all parts of the world, and the research shows that this kind of misconception can continue even if the article explains the truth, or even if the headline is not intentionally misleading.

### **The current guidance & Code**

The focus of the guidelines at present is on the duty of the press not to publish information that could be used to identify complainants in cases related to sexual offences. These guidelines are essential, of course, but reading it from the point of view of our work and our experiences, it seems focused primarily on protecting oneself, as a journalist or publication, from the legal implications of any deviation from the law relating to the anonymity of complainants.

Under a category listed as Further Considerations is a short paragraph on “language”, which says: “The Editors’ Code does not set out the language which must be used to describe sexual offences. However, when reporting on sexual offences, journalists are reporting on extremely sensitive and personal matters. Editors and journalists should not lose sight of the fact that victims will often be in a particularly vulnerable position. Care should be taken not to choose terminology which

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<sup>5</sup> *Prevalence of Rape Myths in Headlines and Their Effects on Attitudes Toward Rape* by Franiuk et al, published in *Sex Roles*, 2008 available online at:

[http://scholar.google.co.uk/scholar\\_url?url=https://sites.google.com/site/bradleybond/Franiuk2008.pdf&hl=en&sa=X&scisig=AAGBfm16ECWBZE7DVH\\_QOsBb1SvJVyL7bQ&nossl=1&oi=scholar](http://scholar.google.co.uk/scholar_url?url=https://sites.google.com/site/bradleybond/Franiuk2008.pdf&hl=en&sa=X&scisig=AAGBfm16ECWBZE7DVH_QOsBb1SvJVyL7bQ&nossl=1&oi=scholar)

<sup>6</sup> *Ibid* p792

sensationalises the offences, apports blame or implies that the victims consented to the sexual act.”

This is as far as the Guidelines and Editor’s Code goes, and while it is a helpful steer, it needs to be more explicit. It would be useful, and would go a significant way to reducing the widespread harm caused by often careless reporting on these kinds of cases, if the code was expanded and specific guidelines were put in place to help hold journalists, sub-editors and editors to account for the troublesome and dangerous way that many cases of sexual crime are reported. The press can influence public opinion, it is a pillar of society, and by holding itself and its publications to higher standards on this issue it can be a truly useful tool in the battle against sexual violence.

## **Recommendations**

1. Guidance must require reports to specify who they are quoting when quotations are used, particularly when they are quoting defence teams’ characterisation of a complainant or complainant’s behaviour.
2. Guidance should encourage fact-based headlines, because merely using quotation marks around words does not necessarily convey to the reader that this is a person’s opinion or a defence’s argument.
3. Guidance that encourages the centring of victims, particularly after a guilty verdict, as opposed to centring the wasted potential or the tribulations of the convicted sex offender.
4. Guidelines requiring the clear identification of rape myths as rape myths, for example when a defence lawyer says “why didn’t she shout or fight”, a responsible publication will follow that reporting with the proviso that in fact that most rape victims do not shout or fight.
5. The detailed reporting of the very few cases where somebody has been falsely accused of rape or sexual assault should always be balanced by accounting for how rare these cases actually are. Failure to do so fuels a dangerous and common myth that these kinds of false accusations are common.
6. Endeavour to make clear the difference between a failure to prosecute or a failure to convict and a proven false accusation.
7. In the case of online content, publications should actively and adequately monitor comments or close comment sections entirely. Publications have a responsibility with regards to the spreading of misinformation and the potential damage to the public as well as to the complainant in any given case.
8. When reporting on sexual crimes and especially serious sexual crimes, helplines and helpful websites for victims and survivors should be included at the end of the piece.

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