

THE NETHERLANDS PRESS COUNCIL

ANNUAL REPORT 2010/2011 - HIGHLIGHTS

50TH ANNIVERSARY AND AIPCE-MEETING

On November 3, 2010 the press council held the celebration of its 50th anniversary at the NH Krasnapolsky in Amsterdam, where a large part of the 260 invited guests attended. The turnout included (former) members of the council and its board, editors, lawyers and legal experts, media specialists and representatives of universities and schools of journalism.

And in connection with its 50th anniversary, on 4 and 5 November 2010 the council organized the 12th annual meeting of the AIPCE. The report of this meeting is published on the council's website www.rvdj.nl (see under 'English').

AIR CRASH TRIPOLI

On May 12, 2010, a plane crashed at the airport of Tripoli in Libya with on-board 61 Dutch. Almost all media published pictures of the 9-year old sole survivor Ruben. Furthermore, a journalist of the biggest daily newspaper *De Telegraaf* has had a telephone conversation with the boy and published some quotes of this conversation. These publications caused a firm social debate on the question how media should act in such cases. The secretariat of the Press Council has received more than 100 e-mails and letters of citizens, asking the council to judge the journalistic conduct of *De Telegraaf*. Therefore, in several media the council has been summoned to draft criteria for reporting on such occasions. Together with the Netherlands Union of Journalists the Press Council has organised a public debate on this matter. The council decided to give an official decision on some different aspects of the publications and amended its guidebook in this respect (see below).

GUIDEBOOK

In 2007 the *Raad voor de Journalistiek* has presented its guidebook for journalistic behaviour. Because of the development of standards concerning publications on the Internet, the guidebook was amended for the first time in April 2008. In 2010 the guidebook has been amended for the second time.

The most relevant amendments are the changed paragraph on taping telephone conversations:

2.1.7. A journalist is free to record a telephone conversation when this is required in order to be able to publish an undisputed and the best possible account of what has been discussed. However, if he wants to publish the sound recording or parts thereof, he must first ask the interviewee for his or her approval.

and the new paragraph on casualties of accidents and disasters:

2.4.9. When approaching the casualties of accidents and disasters and their next of kin, a journalist should make allowance for the right of those involved to be left alone. A journalist should act reservedly if the defencelessness or mental state of those involved gives rise to that. In publications about accidents and disasters he will to the greatest possible extent prevent casualties and their next of kin from being disadvantaged, from being hurt even more or the acceptance process from being hampered. With that in mind, a journalist must leave out any information about casualties and their next of kin that would be irrelevant in reporting the nature and seriousness of the accident or disaster.

The guidebook is published on the website of the press council (www.rvdj.nl).

ORGANISATIONAL IMPROVEMENTS

On the basis of the results of the comparative research *"Press Councils in Western Europe"* the Netherlands Press Council has taken several steps to improve its organisation. The council has attracted five 'public members' from civil society through an open selection procedure (we've received more than 250 highly qualified applications).

Further, as from March 1st 2010, new regulations for the council's activities have become effective, in which is provided for:

- more mediation activities;
- a simplified procedure for processing complaints (by the chairman and secretary together) in cases where the council clearly has no jurisdiction, the complainant is obviously inadmissible and/or the complaint is plainly unjustified;
- the possibility of reviewing decisions of the council.

Moreover the staff of the council has increased with a paid chairman for 16 hours/week and an assistant secretary for 20 hours/week. To implement these improvements, the council needed more funding and therefore it has applied for additional financial support by the government. This support is granted for a temporary period of three years.

COMPLAINTS

In 2010 the press council received 83 complaints and made 57 decisions. Of its decisions 20 were (partially) upheld and 27 rejected. Furthermore some complainants were inadmissible, the press council was incompetent or withheld its decision. The decisions concern 43 various media and 1 book. Besides, the council gave one official decision on the Tripoli-reporting.

Like other years, a large number of the decisions concerns alleged infringements of privacy. Another significant part is related to publications which contained severe accusations referring to the complainant, who believed the accusations lacked valid foundations and that the journalist wrongfully did not hear his side. More details of the complaints and decisions are outlined hereafter under 'Data of Annual Reports'.

In the first nine months of 2011 the council has received 57 new complaints and made 65 decisions. Five decisions concerned a review; in one case the initial decision was revised, in the other four cases the review was denied/the initial decision was preserved. Further the chairman and secretary have decided in 3 cases, 1 of which has been appealed to (for now).

OTHER ACTIVITIES

Like the last couple of years, the members and the secretary of the council have participated in debates, granted interviews, have written articles and gave lectures.

Because of the developments of the new media more and more, it prompts the question as to what constitutes journalistic activity and who can be held accountable for it. A working committee of the council has prepared a proposal to change the Statutes of the Netherlands Press Council Foundation in this respect. In consequence hereof the Council has the intention to increase its competence from judging 'journalistic behaviour' into 'journalistic products and journalistic behaviour'. However, this amendment is still in discussion among the founders of the Council.

For more information on the Council contact the secretariat:

Raad voor de Journalistiek
 PO Box 12040
 1011 AA Amsterdam-Zuidoost
 T: +31 (0)20 - 3123 930
 F: +31 (0)20 - 3123 934
 E: raad@rvdj.nl
 W: www.rvdj.nl
 Twitter: @RVDJ_NL

DATA OF ANNUAL REPORTS (LAST 5 YEARS)**COMPLAINTS:**

	<u>Received complaints</u>	<u>Not-persisted</u>	<u>Mediation</u>	<u>Request for review</u>
2010	83 - of which 9 withdrawn	15	7	3
2009	78 - of which 1 withdrawn	11	9	
2008	86 - of which 7 withdrawn/settled	7	7	
2007	80 - of which 3 withdrawn/settled	8	-	
2006	93 - of which 6 withdrawn/settled	6	2	

HEARINGS:

	<u>Sessions</u>	<u>Treated complaints</u>	<u>Decisions</u>	<u>Transfer previous year</u>
2010	18	56	57	9
2009	17	61 ¹	69	9
2008	18	73	68	5
2007	19	87	84	2
2006	20	81	90	13

DECISIONS PRESS COUNCIL²:

	<u>Upheld</u>	<u>Partially Upheld</u>	<u>Rejected</u>	<u>Incompetent</u>	<u>Inadmissible</u>	<u>Admissible³</u>	<u>Withholding of opinion</u>	<u>Denied (review)</u>
2010	13	7	27	6	6	-	5	2
2009	15	10	39	1	5	1	7	
2008	15	11	32	4	9	-	4	
2007	26	14	38	3	5	1	5	
2006	30	15	38	4	9	-	2	

DECISIONS CHAIRMAN/SECRETARY:

	<u>Obviously incompetent</u>	<u>Obviously inadmissible</u>	<u>Obviously rejected</u>
2010	3	3	2
2009	-	-	-

¹ Transfer to 2011: 10 (i.e. complaints treated in 2010, decisions given in 2011)

² The total amount of splitted decisions sometimes differs from the total amount of decisions per year. This has (one of) the following causes:

- the complainant is partially inadmissible and for the rest the complaint is upheld/partially upheld/rejected;
- the Press Council is partially incompetent and for the rest the complaint is upheld/partially upheld/rejected;
- the complaint concerns two (or more) journalists and the decision with respect to them separately is not the same;
- two (or more) complainants filed the complaint and the decision with respect to them separately is not the same.

³ Interlocutory decision.

APPEAL TO DECISIONS CHAIRMAN/SECRETARY:

	<u>Rejected</u>
2010	2
2009	-

DECISIONS DIVIDED IN MEDIA SECTIONS:

	<u>2010</u>	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>
National news papers	11	12	18	25	23
Regional news papers	15	21	16	21	31
Local, weekly and door-to-door papers	2	3	4	6	8
Consumer and news magazines	5	7	11	7	11
Specialist journals	3	1	-	6	1
News agencies	-	1	-	2	-
National public broadcast	10	9	13	10	9
Regional and local public broadcast	5	2	2	1	4
Commercial broadcast/Producers	2	7	3	4	8
Internet	3	6	2	3	3
Books/individual journalists	1	1	3	2	2

OTHER DATA⁴:

	<u>Telephone calls</u>	<u>Sent brochures</u>	<u>Sent letters/e-mails</u>
2010	195	9	259
2009	223	21	282
2008	263	7	311
2007	334	13	315
2006	326	9	268

⁴ Excluding telephone calls/letters with members of the press council, members of the board and parties in complaints.