

A woman v Derby Telegraph

Clauses noted: 6

A woman from Derby complained to the Press Complaints Commission that an article headlined "Home again: family man on road to extremism", published in the Derby Evening Telegraph on 29 November 2005, contained a photograph of a child which was published without consent in breach of Clause 6 (Children) of the Code.

The complaint was upheld.

The article formed part of a supplement on Omar Khan Sharif, who had attempted to become a suicide bomber in Israel. The complainant said that the piece contained a photograph of the child with Sharif, his father, which was published without consent. This had left him upset and frightened. The complainant said that the child had not been in the public eye before the photograph appeared and that it was only after its publication that he had been pointed out in public as "the bomber's son". A recent photograph of the child was supplied which, she said, showed that he looked no different today.

The newspaper said that it had carefully considered the decision to publish the photograph of Sharif, who had lived in Derby, and his son. The whole family was already in the public eye before publication of the article, which followed the conclusion of related legal proceedings. The picture was of poor quality and at least three years old, and the child was unlikely to have been recognised from it. The newspaper also said that Sharif's actions had placed the city at the centre of international attention and there was a legitimate public interest in examining his ostensibly 'normal' background. In order to resolve the complaint, the newspaper offered to write a private letter of apology to the complainant and to give an undertaking not to use the photograph in future.

Adjudication

While the newspaper's examination of Omar Khan Sharif's background was doubtless in the public interest, publication of the child's photograph – for which there was no consent – had embarrassed the boy, who was an innocent seven year old. The image did not appear to be in the public domain. Nor was there an exceptional public interest in publishing his image to a wide audience. The subject matter clearly affected the boy's welfare, and, as such, the Commission upheld the complaint.

Relevant rulings

Caldin v Chat, 1999

Rowling v OK magazine, 2001

Adjudication issued 2006