

A woman v Southern Daily Echo

Clauses noted: 7, 11

A woman complained to the Press Complaints Commission that an article published in the Southern Daily Echo in early 2011 contained material that had identified her daughter as a victim of sexual assault in breach of Clause 7 (children in sex cases) and Clause 11 (victims of sexual assault) of the Editors' Code of Practice.

The complaint was upheld on the basis that details in the article were likely to contribute to the identification of the victim. This adjudication is written in broad terms to avoid repeating any of the identifying information.

The article reported a court hearing in which a man had admitted a charge of having unlawful sexual activity with the complainant's teenage daughter. The report included the age of the victim and the dates of the offence. It also alluded to the man's profession, named his place of work, and reported another charge against him.

The complainant said that the combination of details in the report had alerted the girl's peers and others in their small town to her identity. She had been subjected to gossip and bullying as a result.

The newspaper said that it had given a great deal of consideration to protecting the complainant's daughter, as it did with all such cases, while adhering to the accepted practice that accused criminals and their occupations should be identified. It had been at pains to avoid reporting the relationship between the accused and victim.

Adjudication

The terms of the Editors' Code in relation to the reporting of sex cases are stringent. Child victims of sex offences are protected by both Clause 7 (children in sex cases) - which states that "the press must not... identify children under 16 who are victims in cases involving sex offences" - and Clause 11 (victims of sexual assault) which prohibits the publication of information "likely to contribute to" their identification.

Clause 7 also says that care must be taken that nothing in a report implies the relationship between the accused and the child. The combination of these requirements provides a powerful shield for victims and imposes substantial restrictions on coverage of such cases. Any inessential piece of information must be scrutinised for its ability to identify a victim to those in a position to understand its significance.

The Commission appreciated that attention had been paid by the editor to the need to protect the victim and made clear that the newspaper had been entitled to identify the accused, in accordance with the principle of open justice.

Nonetheless, on balance, it considered that the published report had included information that was likely to contribute to the identification of the victim. In particular, the Commission was concerned about the decision to include the dates of the offence in a context that may have implied the relationship between the accused and the victim.

The complaint was therefore upheld.

Adjudication issued 06/06/2011