



# ශ්‍රී ලංකා පුවත්පත් පැමිණිලි කොමිෂම

## இலங்கை பத்திரிகை முறைப்பாட்டு ஆணைக்குழு

### Press Complaints Commission of Sri Lanka

# e-Newsletter

Vol 02: No: 06 - July 2012

Website: [www.pccsl.lk](http://www.pccsl.lk)

E-mail: [pccsl@pccsl.lk](mailto:pccsl@pccsl.lk)

Tel: +94 115 353635

Fax: +94 115 335500

## Religious tolerance

The Press Complaints Commission of Sri Lanka (PCCSL) recently received a complaint from the Muslim Media Forum (MMF) regarding the usage of the word 'Muslim' in headlines and in the text of stories concerning crime, arrest and detention involving people of the Islamic Faith. The Muslim Media Forum in their complaint stated that it was a violation of the Code of Professional Practice to use the word 'Muslim' in a derogatory way.

The PCCSL wrote to the editors of *Lankadeepa daily*, *Lakbima daily*, *Dinamina*, *Divaina daily and weekly*, *Irida Divaina*, *Mawbima daily* and *Rivira daily* newspapers drawing their attention to this complaint.

### Press Complaints Commission of Sri Lanka

The Code of Professional Practice under Clause 06 - General reporting and writing and under sub clause 6.3 and 6.4 state:

6.3: A journalist shall not knowingly or willfully promote communal or religious discord or violence.

6.4: i. The press must avoid prejudicial or pejorative reference to a person's race, colour, religion, sex or to any physical or mental illness or disability.

ii. It must avoid publishing details of a person's race, caste, religion, sexual orientation, physical or mental illness or disability unless these are directly relevant to the story.

The PCCSL took the debate to the international community and this is what they said quoting from their respective Codes.

### Israel Press Council

#### Discrimination and Racism

Clause 14: A newspaper and a journalist shall not publish any matter which contains incitement or encouragement of racism or unlawful discrimination on the basis of race, origin, skin colour, ethnic affiliation, nationality, religion, gender, occupation, sexual orientation, illness or physical or mental impairment, political belief or views, and social or economic standing. A newspaper and journalist shall not indicate these characteristics unless they are relevant to the subject of the report.

### German Press Council

#### Religious discrimination

"The press will refrain from vituperating against religious, philosophical or moral convictions."

The German Press Council stated: "Actually we got 175 (approx) complaints about the coverage of the magazine TITANIC. TITANIC is a satirical magazine and published on the front page a photomontage of the pope. It refers to the "Vatileaks"-affair. We have a highly controversial discussion about this picture in Germany."

### UK Editors' Code of Practice

#### Discrimination

Clause 12 (i): The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

### Code of Practice for Newspapers and Magazines in Ireland

Principle 08: The relevant section of the Code of Practice for Newspapers and Magazines in Ireland is Principle 8,

Continued on page 03 01

## Journalism Awards Night 2011



The Journalism Awards for Excellence 2011 - Awards Night - was held recently in the Empire Ballroom of Mt. Lavinia Hotel. Here Mr. Lasantha Pradeep Suranga Weerakulasuriya of *Lakbima daily and weekly* receives the Mervyn de Silva Journalist of the Year Award from the chief guest Mr. Kanak Mani Dixit, Editor/Publisher of *Himal Southasia Magazine*.

## UK PCC rejects complaint from Bell Pottinger following undercover Independent articles

The Press Complaints Commission of the UK has ruled that a series of articles published in the *Independent* which reported on comments made by representatives from the PR firm Bell Pottinger to undercover reporters did not breach Clause 10 (Clandestine devices and subterfuge) of the Editors' Code of Practice UK. A number of Bell Pottinger executives had been secretly recorded by journalists from the Bureau of Investigative Journalism (BIJ) who were posing as 'clients' seeking advice on a public relations strategy for the Uzbekistan government.

Bell Pottinger argued that the subterfuge employed by the BIJ was unnecessary; that there was an insufficient public interest to justify the use of subterfuge and the material that resulted from it; that the presentation of the coverage had sensationalised the story and created a misleading impression that wrongdoing had been exposed. The firm said that no wrongdoing had been exposed; the coverage had downplayed the emphasis placed by staff members throughout the conversations on the need for a genuine commitment to reform in Uzbekistan, and subterfuge was in any case unnecessary as it would have provided information about its work to the reporters if asked openly.

The newspaper argued that there was a strong public interest in the story. It explained the background to its decision to publish the BIJ's story (for which it took full editorial responsibility), including an explanation of why the BIJ had decided to investigate the lobbying industry, why it had targeted Bell Pottinger (and other PR firms), and why it had decided to use subterfuge. The newspaper had decided to proceed with publication of the story because it believed that readers had a right to know about the firm's apparent willingness to work with a regime that would remain "brutal" even if some reforms were put in place, and that the public would otherwise be denied knowledge about how such regimes could gain political access and alter public perceptions.

In its adjudication, the Commission noted that the newspaper's actions were a clear prima facie breach of Clause 10 of the Code, which states that "the press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices". The test was whether a sufficient public interest defence could be established. The Commission noted that the journalists had been investigating various claims that had been made about the activities of Bell Pottinger and other public relations firms, rather than as a means of confirming a specific hypothesis about Bell Pottinger in particular, but ruled that "the means employed by the journalists had been appropriately tailored to explore the allegations made by confidential sources about the firm's activities, which raised issues of significant public interest". It acknowledged the firm's position that no "serious impropriety" had been exposed but decided that the public interest was served by subjecting the complainants' methods to "wider scrutiny and comment, particularly at a time when the possibility of imposing greater regulation on the [lobbying] industry was being debated".

Charlotte Dewar, Head of Complaints and Pre-publication Services, said: "This was a complex case which demonstrates the Commission's expectations that publications should be able to 'demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest and how, and with whom, that was established at the time'. It also exemplifies the need for publications to have rigorous editorial processes in place - in this instance, both at the publication itself and at the external organisation which had supplied journalistic material to the newspaper - before reporting of this kind is undertaken. The question that will always be asked of any undercover investigation is whether or not it was a 'fishing expedition'. This was a fine judgment but the Commission was ultimately persuaded that the arguments put forward by the newspaper about the public interest justified the intrusion on this occasion". (Courtesy: UK PCC - July 26, 2012)

### Board of Directors PCCSL

Mr. Kumar Nadesan (Chairman), Mr. Nimal Welgama, Mr. Sinha Ratnatunga, Mr. Manik de Silva, Mr. N. M. Ameen, Ms. Seetha Ranjane, Mr. Siri Ranasinghe, Mr. Sundara Nihathamani de Mel, Mr. G. Koththigoda and Prof. Ajantha Hapuarachchi.

### PCCSL Secretariat

Mr. Sukumar Rockwood, CEO and Complaints Officer English Print Media, Mr. Kamal Liyanaarachchi Complaints Officer Sinhala Print Media and Mr. Ameen Hussain Complaints Officer Tamil Print Media.

## UK PCC upholds complaint against local newspaper following complaint about child's privacy

The Press Complaints Commission of UK has upheld a complaint against the *Camberley News and Mail* under Clauses 3 (Privacy) and 6 (Children) of the Editors' Code of Practice UK after it published an article which identified a teenage girl as having the condition myalgic encephalomyelitis (ME).

The article reported on the fundraising efforts of a 13-year-old girl to raise money for ME Research UK, inspired by her friend, the complainants' daughter, who has the condition. The article included a photograph of the two girls, named them, and noted that the complainants' daughter has ME. The complainants said that they had not consented to the publication of their daughter's name and photograph in connection with information about her medical condition. They had previously chosen to inform people of her condition only when necessary, and the article had therefore caused great distress.

The newspaper apologised to the complainants, saying it had intended only to support the girls' fundraising efforts. Its photographer, who had attended the event, had been given information about the child's condition by her friend (who organised the event) and had not realised that it was confidential. In addition to its apology, the newspaper offered to make a donation to charity, but the complainants

did not accept that this was sufficient.

In its ruling, the Commission noted the "significant potential for intrusion" posed by the publication of medical information, and noted that "appropriate checks" must be made before publication of such detailed. It expressed concern that the photographer had apparently acted on an assumption that the information was not confidential, without verifying this. The complaint was upheld on the basis that the article constituted an intrusion in the child's private life in breach of Clauses 3 (Privacy) and 6 (Children) of the UK Editors' Code.

Charlotte Dewar, Head of Complaints and Pre-publication services commented: "The publication of medical details poses a serious potential for intrusion, and the issue of consent is critical. In this instance, there was an additional factor: the information related to a child, who receives additional protection from intrusion under the terms of the Editors' Code of Practice.

The Commission accepted that the newspaper had intended only to support a local cause, but its failure to obtain proper consent from the child's parents for the publication of information about her condition led to an unfortunate breach of the Code." (*Courtesy: UK PCC - July 13, 2012*)

### Religious tolerance (continued from page 1)

which reads:

Prejudice

Newspapers and magazines shall not publish material intended or likely to cause grave offence or stir up hatred against an individual or group on the basis of their race, religion, nationality, colour, ethnic origin, membership of the travelling community, gender, sexual orientation, marital status, disability, illness, or age.

#### Serbian Code of Journalists

Journalist must avoid discrimination based on race, sex, age, sexual orientation, language, religion, political or other opinion, national or social origin.

Belonging to certain ethnic, political, ideological or any other group, as well as details of an individual's marital status, religious belief, social origin, physical or mental illness must be avoided unless genuinely relevant to the story.

Journalist must avoid phrases that may have chauvinist, sexist or otherwise discriminative connotations.

#### Moldovan Journalist Code of Ethics

Tolerance and Non-Discrimination

Clause 4.15: The journalist shall equally treat all the persons with whom he comes in contact while exercising his work duties and shall not discriminate on grounds of sex, age, ethnicity, religion, social status or sexual orientation.

4.16 The journalist shall mention the ethnical affiliation of a person only when this is relevant from an editorial point of view.

#### Azerbaijan Journalists' Code of Ethics

Clause 3.1: Journalists shall not condemn people for their nationality, race, sex, language, profession, religion, and place of birth or residence and shall not highlight such data.

#### South African Broadcasting Code

Re-Violence and Hate speech

Broadcasting service licensees must not broadcast material which, judged within context

Clause 4 (1): Broadcasting service licensees must not broadcast material which, judged within context, sanctions, promotes or glamorises violence or unlawful conduct based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.

(2) Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) propaganda for war; (b) incitement of imminent violence; or (c) the advocacy of hatred that is based on race, ethnicity, religion or gender and that constitutes incitement to cause harm.

Would you like to share your comments on this story?  
Please e-mail to: [srockwood@pccsl.lk](mailto:srockwood@pccsl.lk)

# Media organisations respond to the Medias Secretary on the RTI

We refer to *The Island* front page story of July 30 (Monday) under the heading “Govt. won’t introduce ‘Right to Information Act’ at the expense of national security” wherein the newly appointed Secretary to the Minister of Mass Media and Information Charitha Herath is quoted as saying that the Government will not be introducing a Right to Information Act because it would compromise the country’s national security.

The Secretary has stated that despite the conclusion of the (armed) conflict in May 2009, the Government couldn’t share ‘everything’ clearly referring to matters relating to national security. He has further stated that ‘external elements’ can make use of this Act to obtain ‘sensitive information’.

He was answering questions raised at a SAARC Media Internship programme for journalists and media officials in Colombo. Visiting journalists had asked him why Sri Lanka does not have an RTI (Right to Information Act) when other SAARC countries do.

We are both, shocked and alarmed that a public servant

holding such a responsible position as Mr. Herath does, should make such an elementary blunder.

Even a cursory glance at the proposed RTI legislation for Sri Lanka approved by the Cabinet in 2004, later revised and re-drafted by the Ministry of Justice and proposed by the Law Commission as well as existing legislation all over the world would show that it specifically excludes all matters relating to national security and ‘sensitive information’ the Ministry Secretary refers to from such a law. That is a basic aspect of RTI legislation.

We therefore reiterate our call to the Government to introduce RTI legislation in Sri Lanka without trotting out lame excuses and ‘red herrings’. Over 100 democratic countries around the world, including most of South Asia, have empowered their citizens with such legislation and we see no reason for this Government not to do so likewise.

The release are signed by:

- \* Newspaper Society of Sri Lanka
- \* Sri Lanka Working Journalists Association
- \* The Editors' Guild of Sri Lanka
- \* Free Media Movement

August 2, 2012

---

## Self regulation in the advertising industry

The aim of self regulation is to maintain high advertising standards and ensure consumer trust and protection for the benefit of all of the community.

The current system of self regulation was established by the Australian Association of National Advertisers (AANA) in 1998 following extensive consultation with industry, consumer and government representatives. It recognises that advertisers share an interest in promoting consumer confidence in and respect for general standards of advertising.

Self regulation provides an effective and efficient way for advertisers to engage with consumers and to respond to consumers' concerns about advertising. It ensures consumer protection by providing a free and fast route for consumers to express their views about advertising and to have an impartial body to contact.

Self regulation of the advertising industry has been achieved by establishing a set of rules and principles of best practice to which the industry voluntarily agrees to be bound.

These rules are expressed in a number of Codes and industry initiatives. The rules are based on the belief that advertisements should be legal, decent, honest and truthful, prepared with a sense of social responsibility to the consumer and society as a whole and with due respect to the rules of fair competition.

The work of the Advertising Standards Bureau is not underpinned by any Government legislation.

Industry support is fundamental to the success of Australia's world class system of advertising industry self regulation.

Participating advertisers demonstrate their support for self regulation by instructing their advertising agencies to adhere to its various codes of advertising standards, by agreeing to the levy being applied to their media expenditures, and by complying with decisions of the Advertising Standards Board.

Participating advertising agencies support the system by monitoring the various codes and determinations made by the Advertising Standards Board and consulting with their advertiser clients.

Participating media buyers support the system by collecting and remitting the levy through their accounting systems.

Participating media operators support the system by promoting self regulation through information and advertising material prepared by the Advertising Standards Bureau. They also support the system by assisting with removal of ads if appropriate. (*Courtesy: Advertising Standards Bureau, Australia*)

*Would you like to share your comments on this story? Please e-mail to: [srockwood@pccsl.lk](mailto:srockwood@pccsl.lk)*