

Code of Professional Practice (Part 3)

06. GENERAL REPORTING and WRITING

6.1: In dealing with social issues of a particularly shocking or emotionally painful nature – such as atrocity, violence, drug abuse, brutality, sadism, sexual salacity and obscenity – the press should take special care to present facts, opinions, photographs and graphics with due sensitivity and discretion, subject to its duty to publish in the public interest.

6.2: In reporting accounts of crime or criminal case, publications shall not, unless it is both legally permitted and in the public interest –

- i. Name victims of sex crimes
- ii. Knowingly name any young person accused of a criminal offence who is below the age of 16 and who has no previous convictions
- iii. Identify without consent relatives of a person accused or convicted of a crime

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 physi-

cal 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

6.5: i. Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information for the profit of others.

ii. They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest, without disclosing the interest to the publisher, editor or financial editor.

6.6: When reporting suicide, care should be taken not to give excessive detail of the method used.



UK - PCC upholds complaint against MailOnline after publication of incorrect verdict in Amanda Knox case

The Press Complaints Commission has upheld a complaint against MailOnline after it published an article which reported the incorrect verdict in the Amanda Knox appeal case. The Commission investigated the case following a number of complaints from members of the public made under Clause 1 (Accuracy) of the Editors' Code of Practice.

The online article reported that Ms Knox had lost her appeal against her murder conviction, when in fact she had been successful. The article was live for 90 seconds, after which it was replaced with an article reporting the correct outcome. In addition to the main thrust of the complaint, the complainants were also concerned about additional elements of the reporting, including quotes attributed to the prosecutors apparently reacting to the guilty verdict and the description of the reaction in the courtroom to the news (stating that Ms Knox "sank into her chair sobbing uncontrollably while her family and friends hugged each other in tears", while the family of Meredith Kercher "remained expressionless, staring straight ahead, glancing over just once at the distraught Knox family").

The newspaper apologised for the mistake. It said that it was standard practice in such high-profile cases for two alternative stories (plus supporting quotes) to be prepared in ad-

vance, and cited the fact that other news outlets had also initially published the wrong verdict due to some confusion in the courtroom. It had also: published an online apology and explanation to readers; published the correct verdict in print the following day; launched an immediate internal inquiry (and subsequently changed its practices regarding such 'set and hold' stories); and disciplined the person responsible for the error.

Although the Commission recognised that the newspaper had acted swiftly and proportionately to correct the breach of Clause 1 that had occurred - and acknowledged that the story had only been live for a short period of time - it nonetheless remained "particularly concerned" about other aspects of the report, most particularly the account of what had apparently happened in the courtroom. The attempt to present contemporaneous reporting of events in such a manner was "clearly not acceptable".

Stephen Abell, Director of the PCC, said: "This was a common-sense decision from the Commission. The article described reactions and behaviour that had not taken place, which is a clear breach of the Code. We are pleased that MailOnline has undertaken to change its processes as a result, which should stop this happening in future".

(Courtesy: UK-PCC)

Regulating privacy and Online media

What is clear is that journalists - both print and broadcast - now have the outpourings of non-journalists as a resource of information. And it is important that there are ethical guidelines about how to use that information. We believe at the PCC that we are able to provide them. We believe that a voluntary Code, reinforced by practical guidance from case law, is a model for maintaining standards in this area.

And the PCC has already established expertise here. We have a permanent online working group continually looks at developments and challenges. To take one example: how and whether the PCC can regulate newspaper's own twitter feeds.

We also have made a number of key rulings about the way in which newspapers can - and cannot - use material that has originated on the internet.

You may remember the case of how the Scottish Sunday Express reported on pictures posted on Facebook by survivors around the time of the 13th anniversary of the Dunblane massacre and claimed that they represented the "Anniversary shame of Dunblane survivors". The Commission strongly criticised the newspaper and stated that:

"the images appeared to have been taken out of context and presented in a way that was designed to humiliate or embarrass [the individuals]. Even if the images were available freely online, the way they were used - when there was no particular reason for the boys to be in the news - represented a fundamental failure to respect their private lives. Publication represented a serious error of judgement on the part of the newspaper".

This case revealed a key principle: information that was publicly accessible can still be private. The nature of the information and its context was vital.

Context is particularly important in the reporting of tragedies. We had a case involv-

ing the Sunday Times, in which the sad suicide of a young student was reported, using information taken from his MySpace page. The paper stayed on the right side of the line, but we used the ruling to make clear that:

"editors should always consider the impact on grieving families when taking information (which may have been posted in a jocular or carefree fashion) from its original context and using it within a tragic story about that person's death".

These two cases reveal the difficulties in using publicly available material. The PCC has also been asked to consider whether it is acceptable for journalists to use information kept behind privacy settings.

This was crystallised when the People published a policeman's Facebook comments made shortly after the death of Ian Tomlinson in the G20 protests. The policeman had said, thoughtlessly: "My lot have murdered someone again. Shit happens."

His remark could only have been read by his 250 or so friends. However, one of them alerted the paper, and the journalist was able to be accepted as a friend and so access the material. We judged that this was acceptable in the circumstances, saying:

"It can be acceptable in some circumstances for the press to publish information taken from social networking websites, even when the material is originally intended for a small group of acquaintances and not publicly accessible. However, this will generally be only in cases where the public interest overrides the individual's right to privacy".

When regulating the use of material taken from social networking sites, we now have five key tests for the PCC to look at:

- *First, what is the quality of the information? How private is it in itself?*
- *Second, what is the context of the information? Material that has been uploaded as a joke between friends, for example, may not be suitable for journalistic use in a story about a tragedy.*
- *Who uploaded the material, or consented for it to be uploaded?*
- *How widely available is the material online; or, to put it another way, what privacy restrictions were placed on it?*
- *And finally what is the public interest in publication?*

Board of Directors PCCSL

Mr. Kumar Nadesan (Chairman), Mr. Nimal Welgama, Mr. Sinha Ratnatunga, Mr. Manik de Silva, Mr. N. M. Ameen, Ms. Seetha Ranjani, Mr. Siri Ranasinghe and Mr. Sundara Nihathamani de Mel.

PCCSL Secretariat

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

January 2012 highlights

Dispute Resolution Council of the PCCSL meets

The first bi-monthly meeting for the Year 2012 of the 11-member Dispute Resolution Council (DRC) of the Press Complaints Commission of Sri Lanka (PCCSL) was held at the residence of Mr. Sam Wijesinha, Chairman DRC on Wednesday, January 25, 2012. The DRC is comprised of six members of civil society and five journalists.



Here Mr. Wijesinha (fourth from left) posed for a photograph with DRC Members and members of the PCCSL Secretariat.

From row from left: Mr. Ameen Hussain, Complaints Officer, Tamil Print Media, PCCSL, Mr. Siri Ranasinghe, Editor, Lankadeepa daily, Ms. Vijita Fernando, Mr. Wijesinha, Mr. Sukumar Rockwood, Actg. CEO PCCSL and Mr. V. Thevaraj, Editor Virakesari weekly.

Second row from left: Mr. Dion Schoorman, Mr. Pramod de Silva, Associate Editor Sunday Observer, Mr. Daya Lankapura, Assistant Editor, Lankbima, Dr. Devanesan Nesiah, Mr. Kamal Liyanarachchi, PCCSL Secretariat and Mr. Lucille Wijewardene. Those not present were Ms. Sithie Tiruchelvam and Mr. Javid Yusuf.

Complaints resolved outside of the PCCSL process – 2011

MONTH	TOTAL	SINHALA	TAMIL	ENGLISH
JANUARY	37	28	00	09
FEBRUARY	30	28	00	02
MARCH	41	28	00	13
APRIL	27	19	02	06
MAY	24	16	01	07
JUNE	25	22	00	03
JULY	34	29	00	05
AUGUST	25	21	00	04
SEPTEMBER	27	15	02	10
OCTOBER	37	23	01	13
NOVEMBER	35	26	02	07
DECEMBER	22	19	00	03
TOTAL	364	274	08	82

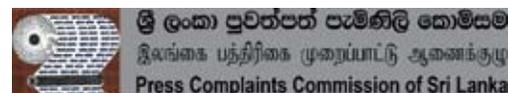
Randiva Newsroom journalist at PCCSL Programme



The PCCSL Conducts awareness programmes among journalist in their Newsrooms. Here Randiva Editor Saman Samarakkody addressess his staff prior to the training session. On his left is Mr. Kamal Liyanarachchi and Sukumar Rockwood of the PCCSL.



Mr. Kamal Liyanarachchi of the PCCSL addressess journalist of the Randiva Newsroom.



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