



ශ්‍රී ලංකා පුවත්පත් පැමිණිලි කොමිෂම  
இலங்கை பத்திரிகை முறைப்பாட்டு ஆணைக்குழு  
Press Complaints Commission of Sri Lanka

# e-Newsletter

Vol 02: No: 10 - November 2012

Website: www.pccsl.lk

E-mail: pccsl@pccsl.lk

Tel: +94 115 353635

Fax: +94 115 335500

• *Speech by Lord Hunt to the University of East Anglia on 'Regulating the Media'*

## 'Effective self-regulation can preserve freedom of expression'

*Extracts from the Speech made by British Press Complaints Commission Chairman Lord David Hunt of Wirral, Partner with DAC Beachcroft LLP Specialising in Regulatory Law to the University of East Anglia on "Regulating the Media" in their Too Difficult Box Lecture - a series of special guest lecturers on politics - on Thursday, November 29, 2012.*

"Earlier today (November 29, 2012), Lord Justice Leveson delivered his judgment after a lengthy and detailed enquiry. I have had the opportunity of attending his statement at 1.30pm today and I will therefore be able to include comments about his recommendations. I would first, however, like to thank Sir Brian Leveson for having spent so much time and taken so much trouble to diagnose what has been seriously wrong in the world of newspapers and magazines and to highlight examples of unacceptable and outrageous behaviour on the part of a small minority of journalists. His terms of reference were very wide indeed but included in Module 4 recommendations for a



*Lord Hunt, Chairman UK PCC*

*(Courtesy the Guardian-photographer: Martin Godwin)*

### *Lord Justice Leveson inquiry*

*On July 06, 2011 British Prime Minister David Cameron announced in Parliament that Lord Justice Leveson would head an inquiry that would further investigate the phone hacking scandals that culminated in the Milly Dowler case (a murdered teenager whose phone was hacked into by the News of the World) and allegations of illicit payments to police by the Murdoch press.*

*The Leveson inquiry has seen three former British Prime Ministers – John Major, Tony Blair and Gordon Brown – and now a serving Prime Minister testify before it. The Report was released November 29, 2012.*

more effective policy and regulation that supports the integrity and freedom of the press whilst encouraging the highest ethical standards. He is to be congratulated on his impressive report. I must of course spend considerable time to read through that Report in full but, before I deal with the detailed recommendations, may I first set out my view about how best I believe the newspaper and magazine industry can restore public trust and confidence.

"It is a fact that most systems of professional self-regulation have undergone reform and upheaval in recent times. In 2009 I produced a Report recommending significant change to enable

modern professional regulation for law firms. I set out to establish enduring principles, professional standards and appropriate regulation. These are areas I have focused on for all my adult life.

"I appreciate that regulation is to some extent seen as a panacea to supposedly pervasive anxiety about professions. But a number of professions have had to demonstrate how they benefit society in the face of allegations of self-interest, marking their own homework and a lack of genuine public interest. Journalism may not be regarded as a traditional profession but it has a unique place in public life and ethics, standards and trust are as important to it as any of the accepted professions.

*(Continued on Page 04)*

### Inside

- 4th Bali Media Forum Statement - Page 02
- UK PCC rules on privacy complaint - Page 03
- New guidelines on publishing photographs - Page 04

## 4th Bali Media Forum Statement

# Ethical Journalism and Citizen Media: Giving People a Voice in Support of Democracy

Fifty-nine delegates representing 17 countries attended the Fourth Bali Media Forum from November 07 to 09, 2012 at Nusa Dua Beach Hotel and Spa, Bali, Indonesia. The theme was 'Ethical Journalism and Citizen Media: Giving People a Voice in Support of Democracy.' The Forum was organized by the Thomson Foundation, the Indonesian Press Council and the Institute for Peace and Democracy and in partnership with the Ethical Journalism Network.

The countries represented were: Australia, Belgium, Cambodia, Egypt, Hong Kong, Indonesia, Malaysia, Myanmar, Norway, Pakistan, Philippines, Sri Lanka, Timor Leste, Thailand, United Kingdom and Vietnam.

Following the Bali Media Forum a statement was presented to the Fifth Bali Democracy Forum for inclusion in full or part in their Declaration.

We the representatives of editors, journalists' groups, press councils and media support bodies from 17 countries participants of the 4th Bali Media Forum workshop "Ethical Journalism and Citizen Media: Giving People a Voice in Support of Democracy" organised by the Thomson Foundation, the Indonesian Press Council and the Institute for Peace and Democracy and in partnership with the Ethical Journalism Network, meeting in Bali on November 7-9 2012, agree the following conclusions:

Welcoming the recent advances for media and democracy in the Middle East and Asia which give new momentum to the creation of an inclusive global culture of media freedom

Believing that media freedom flows from constitutional and legal protections for free expression as well as commitment from media professionals to the highest standards of ethics, good governance and self-regulation,

Reiterating that all forms of self-regulation must be independent, particularly of undue political influence,

Noting that pluralism and the public interest are strengthened by the creation of open information systems including

social media and online communications which enrich the capacity for democratic exchange,

Reiterating the conclusions of earlier meetings of the Forum

That creating an environment to ensure free media and independent journalism, without any form of legal or political pressure, must be a priority for all governments committed to democracy,

That government should support the creation of transparent, professional and independent

forms of media accountability to:

- advocate and campaign for press freedom and good governance in media,
- contribute to education within society on the role of free media in democracy,
- mediate problems that arise between media and their audience,
- promote access to public information and to information technology that will ensure the full participation of citizens in democratic society.

Agree the following final statement:

A new programme of action to support independent media and journalists in the Asia-Pacific is urgently needed to help create credible systems and structures in support of ethical standards, good governance and independent self-regulation.

The key strategic approach to promoting media ethics should be to focus on the three groups involved: journalists, media owners and independent self-regulatory structures.

Future work should focus on both internal structures for ethics and governance involving owners and editors as well as external forms of independent national self-regulation.

In this respect the Forum welcomed the Asool initiative of GEO TV ([http://www.geo.tv/asool/Geo\\_Manifesto.asp](http://www.geo.tv/asool/Geo_Manifesto.asp)) in Pakistan, which aims to establish a social contract between Geo TV and its audience. The Forum supports using existing positive initiatives undertaken by media managers as a way to get other media houses to join efforts in support of ethical journalism.

Building on the network of independent press councils launched by the 2nd Bali Media Forum, the meeting agrees to launch as a priority an Alliance of Press Councils for the Asia Pacific region, which will establish a common standard for independent regulation of journalism across all media platforms.

(Continued on Page 03)



A photograph of the delegates with Mr. Bambang Harymurti, Vice Chairman, Indonesia Press Council, Ms. Bettina Peters (6th from right), Director of Development, Thomson Foundation and Mr. Aidan White (2nd from right), Director, Ethical Journalism Network.

# UK PCC rules on privacy complaint about local newspaper story that used information from Facebook

The UK Press Complaints Commission (PCC) has ruled that the *Farnham Herald* did not breach Clauses 1 (Accuracy) and 3 (Privacy) of the Editors' Code of Practice after it published a story about a man who had been assaulted after a night out, which was illustrated with a photo of the complainant's injured face taken from his Facebook page.

The complainant was concerned that despite an assurance from the police that he would not be identified as a victim of the assault, the newspaper had identified him. He denied several claims made in the article, including that he had been "embroiled" in a fight and that he had "almost had his nose bitten off". He said that the newspaper had based the story on comments posted on Facebook; it had not sought to verify the information with him.

The newspaper explained that the complainant had identified himself as the victim of an attack and uploaded the photograph himself on his Facebook page, which was not protected by privacy settings. The reporter had made inquiries with the police who had confirmed the incident and provided further information. It provided an image of a Facebook message its reporter had sent to the complainant requesting comments. It had removed the article from its website when it learned of the complainant's concerns, but did not accept it had breached the Editors'

Code. The complainant denied receiving any message from the reporter and said he had wrongly believed that privacy settings were in place on his Facebook account.

While the Commission acknowledged the complainant's concerns that the information had been published more widely than he had originally intended, it noted that he had "unwittingly" confirmed his involvement in the incident and the extent of the injuries he suffered to the newspaper. It considered that the report was a straightforward account of a newsworthy incident, substantially corroborated by local police, which included no gratuitous information about the complainant's private life. The photograph had been used to illustrate his injuries and had not been taken out of context. It did not uphold the complaint under Clause 3.

The additional complaint under Clause 1 (Accuracy) was also not upheld.

Charlotte Dewar, Head of Complaints and Pre-publication Services, commented: "This case demonstrates some of the challenges faced by editors when they contemplate publishing material taken from social networking sites. In this instance, the presentation of the story was critical to the Commission's conclusion that there was no breach of the Code." (*Courtesy: UK PCC November 28, 2012*).

---

## 4th Bali Media Forum Statement (Continued from Page 02)

The Alliance will support on-going media reform processes and creation of interim media councils in Myanmar and Timor Leste as well as promoting discussion in countries where no viable form of media self-regulation exists.

The Forum further agrees that the organisers should:

1. Prepare a regional report on the state of ethics, governance and self-regulation in the Asia-Pacific region and to undertake a pilot research project on the state of affairs of self-regulation around the world, examples of online news standards, examples of best practice relationship between traditional self-regulation and on-line media, case studies on initiatives promoting journalists' ethics and internal governance undertaken by media houses themselves.
2. Carry out training on ethical principles for journalists and specifically to develop training for media owners and editorial managements on the need for transparency and rules of good internal governance
3. Work with other groups supporting independent self-regulation and media ethics in other regions to develop a unified and global approach to the promotion of ethics, good governance and self-regulation.

Debating the challenges to self-regulation with the increasing importance of on-line and social media, the Forum agreed that professional journalists and on-line media posting on the internet or twitter should apply the same ethical standards as journalists in established off-line media.

But other questions remain: What standards should be applied to bloggers, who are not journalists? How can we ensure that journalists using on-line and social media as sources for reporting apply high standards of ethics and verifying information?

In addressing these challenges the Forum agrees that there should be more practical ethics training for journalists, bloggers and media managers of both off-line and online media.

In recognition of the Bali Media Forum's 5th birthday next year we urge the organisers to expand the number of participating countries as well as inviting more journalists, editors, media owners, independent media councils and media support groups in support of ethical journalism. Finally, the participants agreed that these conclusion should be noted by the Bali Democracy Forum V.

## New guidance on privacy, public domain after Prince Harry photographs

The UK Press Complaints Commission today (Nov. 15, 2012) publishes new guidance on privacy and the public domain following the publication in August of photographs of Prince Harry taken in Las Vegas. In the absence of a formal complaint from Prince Harry's representatives about their publication in the UK press, the Commission concluded that it would be inappropriate for it to investigate the matter formally.

Nonetheless, it raised an issue that has been growing in importance with the increasing use of social media as a means of communication by the general public and as a journalistic tool. The Commission has therefore produced guidance designed to provide practical advice to editors and journalists when considering whether or not to publish material that has entered the public domain, based on the Commission's previous decisions in this area.

Clause 3 (Privacy) of the Code makes clear that when considering complaints about possible intrusions into privacy, "account will be taken of the complainant's public disclosures of information". The Code also requires the Commission to "consider the extent to which material is already in the public domain, or will become so" when

assessing possible public interest exceptions to the terms of the Code.

The guidance outlines a number of factors which the Commission will take account of when considering complaints of this kind, including: the nature of the material; the extent to which it has previously been published (including online); the context in which the publication has presented the republished material; and any public interest in publication. It includes summaries of a number of relevant rulings, as well as a checklist of questions for editors to consider.

Charlotte Dewar, Head of Complaints and Pre-publication services, said: "The Code requires that editors justify any intrusion into an individual's private life without consent. It is important that editors understand that caution needs to be used whenever they are considering publishing potentially intrusive material, even if it has previously been published elsewhere - and particularly if the previous publication has occurred without the individual's consent. This guidance should provide a useful, practical steer to editors and journalists, drawing on the Commission's extensive experience in this area."

*(Courtesy UK PCC – November 16, 2012)*

### 'Effective self-regulation...' *(Continued from Page 01)*

"Many people are subject to rules but that does not make them all professionals. What marks professionals out is a commitment to certain standards of behaviour, found in ethics and best practice.

"Trust has to be earned. Journalism is a precious art and has its own powerful, specific traditions. Regulation has to be based upon principles rather than prescriptions. A good Editors' Code of Practice already exists and demonstrates to the public at large the standards to which journalists should adhere. There have been demands for a clearer definition of public interest criteria.

"Any publisher, publication or individual journalist who has demonstrated a commitment to responsible journalism in the public interest, by signing up to a credible and independent standards-based regulatory structure, could make a strong case for having that general acceptance of a standards regime taken fully into account whenever it considers a possible prosecution.

"Proper enforcement of that code combined with demonstrable independence and compliance will raise the standing of journalism. Like professionals journalists have a duty to protect the reputation of their trade as a whole. They should act appropri-

ately at all times and not tolerate anyone bringing their industry into disrepute. Journalists will be trusted when they are generally perceived as taking their wider duties seriously.

"There is a consensus of the attributes a future regulatory system should possess. If you look at the different models put forward during the fourth module of the Leveson Inquiry most would add a standards function to the existing complaints function of the PCC. Most advocate effective sanctions such as the ability to fine and for corrections and apologies to be given due prominence. Most suggested investigative powers for a new body. On 31 October the Prime Minister told the House of Commons that what matters most "is to ensure that newspapers can be fined if they get things wrong, that journalists can be properly investigated, and that there are proper prominent apologies." He added, "We know what a proper regulatory system should look like."

"It is my strongly held belief that only effective self-regulation can preserve freedom of expression. I have not yet seen a convincing argument for statutory regulation of the press. Indeed I have genuine and profound misgivings about directly involving the state in anything that might chill freedom of expression arbitrarily and unnecessarily."

#### **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 Liyanarachchi Complaints Officer Sinhala Print Media and Mr. Ameen Hussain Complaints Officer Tamil Print Media.**