



ශ්‍රී ලංකා පුවත්පත් පැමිණිලි කොමිෂම

இலங்கை பத்திரிகை முறைப்பாட்டு ஆணைக்குழு

Press Complaints Commission of Sri Lanka

e-Newsletter

Vol 02: No: 05 - June 2012

Website: www.pccsl.lk

E-mail: pccsl@pccsl.lk

Tel: +94 115 353635

Fax: +94 115 335500

PCCSL updates Rules and Procedures to be more user-friendly: Entertains third party complaints

The Press Complaints Commission of Sri Lanka (PCCSL) has resolved 23 complaints (39.70 per cent) of a total of 58 valid complaints received for the first six months of the year.

Total complaints received from January to December 2012 total: 86 (Sinhala medium -34, Tamil medium -27, English medium -14) and (11-not against newspapers). Complaints that were handled directly by the newspapers totaled: 201 (Sinhala medium -158, Tamil medium -05, English medium -38).

The PCCSL, in its ninth year has been a source of solace to the complainants who either trek to the PCCSL, post, fax or e-mail their complaints. The PCCSL strives to resolve complaints within a month of receipt of the initial complaint after satisfying themselves that it is a violation of the Code of Professional Practice to which all print media journalists should adhere to.

The Rules and Procedures of resolving complaints stipulate that the process should be as far as possible conciliatory, mediation if the need arises and arbitration as a last resort. So far the PCCSL has not gone to the extent of arbitration. All complaints are resolved amicably free and fast.

The PCCSL is however in the process of updating the Rules and Procedures which has been used for the past nine years to be a more user-friendly tool.

While the Rules and Procedures of the PCCSL permitted third party complaints on a 'case-by-case' basis, the Commission was reluctant

to accept third party complaints fearing it would open 'the flood gates' and the Commission would be inundated with complaints against newspapers.

The time is appropriate to widen the scope of the PCCSL and its Dispute Resolution Council (DRC) headed by former Ombudsman and Secretary General of Parliament Sam Wijesinha to begin considering third party complaints on a case-by-case basis with the discretion of accepting their admissibility being with the PCCSL Secretariat and the Council. They felt that third party complaints can now be the rule than the exception provided they fell within a defined category.

Following are the categories under which third party complaints can be entertained in future:

- Environmental groups
- Animal welfare groups
- Adults on behalf of minors
- An immediate family member of an accident victim
- An immediate family member of a person in custody
- Anyone complaining on behalf of another provided the prior written permission of the person personally affected is obtained.

Third party complaints are accepted in several countries that have an effective self-regulatory mechanism that polices the media, including Britain, Germany, several Scandinavian countries and Bosnia-Herzegovina.

When Downing Street came to the Leveson Inquiry

The inquiry has been unfolding like a gripping TV soap opera. The process of getting to the bottom of just how cosy British politicians had become with journalists has been path breaking. NUPUR BASU in London

On 14 June 2012 the British Prime Minister had to appear before the Leveson Inquiry taking place in the Royal Courts of Justice since 14 November 2011. Cameron was grilled the entire day for seven hours by QC Robert Jay, who has become a household name with his incisive questioning of the most powerful in the land. Right through his deposition, Jay referred to the Prime Minister as 'Mr Cameron' and, not, 'Mr Prime Minister'.

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 inquiry was set up following the outcry against the Rupert Murdoch owned New International's phone hacking scandal that broke last year. On 6 July 2011 Cameron had announced in the Parliament that Lord Justice Leveson would head this 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 British Prime Minister conceded that he had 1404 meetings with top editors and journalists since 2005 to get his and his party's views across. The QC was quick to point out that it amounted to 26 meetings a month. Cameron said he had to work very hard to bring back the Conservative publications that had gone over to New Labour, back in their favour. "The Pendulum had swung the other way- we had to bring it back" he said.

But what had Cameron blushing was the public scrutiny of just how cosy he had been with the Murdoch empire, specially Rebekah Brooks, the former CEO News International, who has now

Continued in page 04

Inside

- * UK-PCC rules on harassment claim from MP; recommends consideration be given to Code change Pg 02
- * What is Right to Information? Pg 02
- * PCCSL Activities - June Pg 03
- * When Downing Street came to the Leveson Inquiry Pg 04

UK-PCC rules on harassment claim from MP; recommends consideration be given to Code change

The UK Press Complaints Commission has ruled that the *Sunday Mirror* did not breach Clause 4 (Harassment) of the Editors' Code of Practice when seeking comments for publication from the Minister for Defence Personnel, Welfare and Veterans, Andrew Robathan MP. In doing so, it has recommended that the Editors' Code of Practice Committee (or its successor) consider new provisions in the Code to address the potential for danger and alarm posed when journalists pursue the subject of a story in a vehicle. The complaint centred on an approach to Mr Robathan the day before publication of an article about an MOD study into the health of nuclear test veterans. A reporter and photographer from the newspaper followed Mr Robathan and his family by car as they drove away from their home for over ten miles before he pulled over to confront them. The newspaper said that it had been seeking a personal comment about the study - the subject of a long-running campaign by the newspaper - from Mr Robathan, which it had not been able to obtain through the MOD press office. Mr Robathan contended that the newspaper's attitude had been "irresponsible", and said that the incident had distressed his family. He would have been prepared to discuss it with the reporter on the telephone, but

it was not appropriate to do so on the side of the road. The Commission made clear its strong view that the decision to follow the complainant and his family had been "ill-advised". It noted however that the activity had occurred on a single occasion and had not been undertaken in an overtly aggressive or dangerous manner. The journalists had been seeking Mr Robathan's comments on a matter of "significant public interest" and had left the area as soon as they were asked to do so. While the Commission warned the newspaper that such practices "had the capacity to cause significant distress", the complaint was not upheld. PCC Head of Complaints and Pre-publication Service, Charlotte Dewar, commented: "This case raised an important question: when does the decision to follow an individual in a vehicle become harassment under the terms of the Code? Although the Commission did not establish a breach of the Code on this occasion, editors should take note of its warning that 'any decision to engage in such pursuit should not be taken lightly and could not represent common practice'. We look forward to further consideration by the Code Committee or a successor body of the issues raised by this complaint in due course."

What is Right to Information?

Why is Freedom of Information Important?

"Information is the oxygen of democracy. If people do not know what is happening in their society, if the actions of those who rule them are hidden, then they cannot take a meaningful part in the affairs of that society. But information is not just a necessity for people – it is an essential part of good government..Bad government needs secrecy to survive. It allows inefficiency, wastefulness and corruption to thrive.... Information allows people to scrutinise the actions of a government and is the basis for proper, informed debate of those actions."(Article 19)

What is RTI?

RTI stands for Right to Information. Right to Information is a part of the Fundamental Rights enshrined in the Constitution of the Democratic Socialist Republic of Sri Lanka under Chapter III Article 14 (i) (a) wherein it is stated 'Every citizen is entitled to the freedom of speech and expression including publication.'

Everyone pays taxes in some form or other and therefore has a right to know what happens to that money. Therefore, Right to Information basically is a citizen's right to know what happens to that money. On what is it spent and the result of the project.

If RTI is a fundamental right, then why do we need an Act to give us this right?

If you make inquiries on how much money was passed by the local administration (Pradeshiya Sabha and Urban or Municipal Council) to re-surface your by-lane and how much of it was spent and who supplied the materials and who the contractor was since the road is worse than what is originally was, you can't. Therefore, we need suitable machinery or a process through which we can exercise this fundamental right.

Has the RTI Act been presented to parliament?

• During the 2001–2003, the United National Front government formed a committee chaired by the then Attorney General and consisting of representatives from the media, academia, Legal Draftsman's Department and Ministry of Justice to draft a 'Right to Information Act' under the guidance of Sri Lanka Press Institute and The Editors' Guild of Sri Lanka. This was approved by the Cabinet but could not be presented in Parliament as the government decided to go for a parliamentary election.

• In early 2010, under the UPFA government, then Justice Minister Milinda Moragoda spearheaded a revision of the 2003 draft but that too was not presented in parliament.

• In July 2010 the Leader of Opposition presented a 'Right to Information Bill' in parliament as a private member's motion. This was based on the draft approved by the Cabi-

What is Right to Information? Continued in page 02

net in January 2003. However, the Secretary General of Parliament objected to this bill on the grounds that the Leader of Opposition cannot present a private members motion.

• Thereafter, the Leader of Opposition instructed Karu Jayasuriya, then Deputy Leader of the UNP to present this Bill. When Mr. Jayasuriya presented the 'Right to Information Bill' on September 23, 2010 as a private members motion, Dinesh Gunawardena, Chief Government Whip, informed the house that the government is in the process of drafting a 'Right to Information Bill' and it will be presented to parliament within six months. After a discussion Mr. Jayasuriya agreed to withdraw his motion.

• After the withdrawal of the Bill in response to the statement by Mr. Dinesh Gunawardena, the Speaker informed that the UNP could present this Bill again. Accordingly Mr. Jayasuriya presented the Bill again in Parliament on June 21, 2011. Government allowed the Bill to be debated but voted against it. The Bill was rejected as 99 voted against it and 32 for it.

Has the Lesson Learnt and Reconciliation (LLRC) recommended the implementing of the RTI?

Yes. The recommendations in the Report of the Lessons Learnt and Reconciliation Commission has highlighted

the need for implementing the 'Right to Information Act.'

Is the RTI law prevalent in SAARC countries?

Yes it is law in Pakistan, India, Nepal and Bangladesh. Sri Lanka, Maldives and Bhutan are yet to implement the RTI as law.

Who is covered by the RTI?

- Every public authority, which includes public officers,
- Ministers of the Government,
- Anybody or office established by or under the Constitution,
- Government Department,
- Public Corporations,
- Higher Education Institutions,
- A company incorporated under the Companies Act No.17 of 1982, in which the State, or public corporation or the State and a public corporation together hold a majority of the shares,
- A local authority,
- A private entity or organization rendering any service which is of a public nature and
- Any department or other authority or institution established or created by a Provincial Council.

Where can I get information regarding the RTI Act?

From the Sri Lanka Press Institute (SLPI).

Activities June



Kandy News newspaper Editorial meeting in progress with journalists on self regulation and the Code.



Media Studies students of Sirimavo Bandaranaike Vidyalaya listen with intent to lectures on the PCCSL process and the Code.



A student asks a question.

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.

When Downing Street came to the Leveson Inquiry (continued from page 1)

been charged along with her husband and facing trial in British courts for the phone hacking scandal. The tell-tale moment was a gushing e-mail message to Cameron from Brooks the day before the Conservative party convention in 1999 : “I am so rooting for you tomorrow not just as a proud friend but because professionally we are definitely in this together. Speech of your life ? Yes, he Cam !” A journalist on Channel 4 described this as a betrayal of the public : “One had thought that ‘we are all in this together’ was addressed to the people , not to media barons !”

Cameron was closely questioned not only on his relationship with Brooks but his meetings with Rupert Murdoch (whom he had met 10 times and his son, James Murdoch (he had met him 15 times). He was repeatedly questioned on how he could justify the appointment of the Culture Secretary Jeremy Hunt as the minister to oversee the GBP 8 billion BSkyB bid . Hunt had been clearly in favour of Murdoch’s bid and was therefore not an objective player. At the Leveson inquiry Cameron denied having seen a crucial ‘memo’ from Hunt on this.

Jeremy Hunt’s deposition before the Leveson Inquiry earlier this month had taken the inquiry proceedings to another level. Hundreds of text messages of a Cabinet Minister were up for public viewing. It was through this that it was revealed that a lobbyist on behalf of the Murdoch empire, Fred Michel had sent 542 text messages to Hunt’s special adviser , Mr Smith (who has since lost his job), 35 messages to Hunt himself and 140 phone calls. “As a company they did want everything as a speed of light” Hunt admitted.

The fact that Jeremy Hunt is still in office and Cameron continues to protect him has become a political thorn for their coalition partner in government, the Liberal Democrats . The Lib Dems stayed away from a vote in Parliament on the Hunt issue one day before Cameron appeared before the inquiry. In a documentary on a British channel titled “Murdoch, Cameron & the 8 Billion Deal” Lib Dem Treasury spokesperson, Lord Oakeshott said after what had emerged in the Leveson inquiry, “no self respecting minister could possibly carry on after that”. The British Sky Broadcasting bid was dropped by the Murdochs on 14 July 2011 following the furore and is on hold at the moment.

Again on the controversial appointment of former editor of the *News of the World*, Andy Coulson , as his chief press aide, , Cameron’s answers were at best evasive . Coulson was arrested on charges of perjury newspapers.

“ *At the heart of democracy lies transparency- it is our job to speak out without fear or favour – it is not to muzzle the press – that is the most important lesson I have learnt from this.*”

**- Labour Leader of the Opposition
Mr. Ed Miliband -**



Prime Minister David Cameron

The question of regulation is being discussed but so far there is no clear consensus on this. Most politicians still believe that the media should be self regulated. Cross-media ownership is also within the terms of reference of the Leveson inquiry as is the issue of culture and ethics in the press. The expectations from the Mother of all Inquiries are growing like a ‘mushroom cloud’ according to Justice Leveson. The fallout on the media and politicians may yet unravel in the coming months.

and is out on bail now.

In the course of the questioning though, the Prime Minister admitted: “We are here because of the truly dreadful things that happened...it was a truly cathartic moment and we have seen the closeness between politicians and journalists leads to these risks and this does public harm. In the 24 -hour news cycle, issues are thrown at you hour by hour – it is hopeless..you have to keep responding...politicians have to get out of this cycle.”

Five years later the Murdoch ‘pendulum’ had swung in completely the other direction. John Major appearing before the Leveson commission revealed some more Murdoch moments ‘under oath’. The former Tory PM said that at dinner meeting he and his wife attended with Rupert Murdoch and his family in 1997 just three months prior to the elections , Murdoch asked the British Prime Minister to change his government’s Europe policy or he would drop his support of the Tories. The rest, John Major said, was history. The Tories lost the election to Labour. Major said he had refused to come out of the European Union as Murdoch had ordered him to do. “I don’t think it is the role of the Prime Minister to court the media” Major told the Leveson inquiry. Murdoch, earlier on oath, had said he had never demanded anything from a British Prime Minister in return for favourable coverage.

Like John Major, former Labour Prime Minister Gordon Brown also told the Leveson inquiry that he had not telephoned Murdoch threatening to wage war on his publications because News International had withdrawn support to his government. Murdoch in his deposition had accused Brown of making such a call. An emotional Brown also refuted claims made by Rebekah Brooks that he and his wife had given their consent to put their son Frazer’s medical condition (cystic fibrosis) on Sun’s cover. “No parent in this land can do such a thing” an emotional Brown told Judge Leveson.

Labour Leader of the opposition, Ed Miliband, in a sense encapsulated the dilemma of the politician in his deposition before the inquiry this week. He said politicians were too slow in following the phone hacking and other wrong doings. There was a sense of fear, worry and anxiety on speaking out. “I was too slow to speak out and when I finally did and demanded that Rebekah Brooks should go, I knew I was crossing the Rubicon- News International would see this as a war. But indeed I should have said in April what I said in July.” Miliband observed humbly. He also conceded that he had, on one occasion, when face to face with Murdoch, ended up discussing world politics rather than bring up the scandals surrounding his