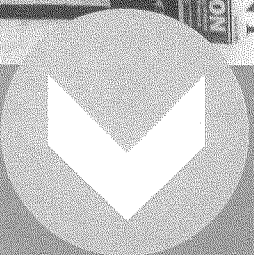
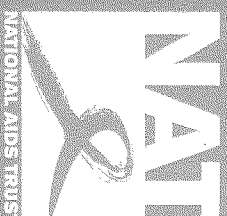




Impact 12

HIV and the Media



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Policy Bulletin 12 February 2007

➤ TACKLING STIGMA – AN INTERVIEW WITH TIM TOULMIN, DIRECTOR OF THE PRESS COMPLAINTS COMMISSION



TIM TOULMIN

Stigmatising media coverage can fuel misconceptions about HIV and fuel discrimination against people living with HIV. Is there anything that can be done, or do people living with HIV simply have to endure inaccuracy and prejudice? Is this the price we pay for a free press or are there limits which must be observed?

The Press Complaints Commission (PCC) is an independent body which deals with complaints from members of the public about the editorial content of newspapers and magazines. It has published a Code of Practice, which sets out a number of different clauses to ensure high standards in journalism. NAT talked to the Director of the PCC, Tim Toulmin, to see how the code might ensure stories about HIV are published fairly and accurately.

People living with HIV often feel that the UK media sensationalise and stigmatise HIV, and unfairly pick on individuals living with HIV. How can the Press Complaints Commission help address this problem?

The best way for the PCC to deal with any problem is to receive complaints about inaccurate or discriminatory coverage. The Commission has been responsible for helping to change the culture of reporting in a number of respects over the years – but the starting point has been those people who are willing to put their names to a complaint against a national, regional or local newspaper, or a magazine.

Clause 1 (Accuracy) of the Code says that the press “must take care not to publish inaccurate, misleading or distorted information”. If the press gets something wrong about HIV, you should first write to the publication concerned to let them know, or, failing that, complain to us. We organise corrections, apologies, the annotation of records and so on which helps ensure that inaccuracies are not repeated.

I am sorry that people think the UK media sometimes stigmatise or unfairly pick on individuals living with HIV. Clause 12 (Discrimination) should offer some comfort to them, as it protects individuals from having their HIV status referred to irrelevantly or in a pejorative way in an article. Sometimes someone’s HIV status will be made public – either by the person themselves or as a result of a court case where it is directly relevant to proceedings. But, otherwise, the press should not make public someone’s HIV status without their consent.

Where can the PCC not help?

We try to help whenever we can. Of course, there are certain procedures we have to follow: complaints must fall under the terms of the 16-Clause Code of Practice, be about recent material appearing in UK publications or their websites or the conduct of UK journalists, must not be the subject of legal action and so on.

We also do not take complaints about taste and decency, or from people who have no connection to the article under complaint (unless they are authorised to complain). This normally means that we cannot take complaints from third parties where the information concerns another named individual, although we can be more flexible with taking complaints about general points of accuracy.

NAT itself has successfully made a number of such general complaints, for instance over reported instances of HIV in Eastern Europe. If there is any doubt about whether we can help, just call our helpline and we will advise you.

PRESS COMPLAINTS COMMISSION



How do you make a complaint to the PCC? Is it a lengthy and difficult process? Can you talk informally to people who might be thinking of making a complaint?

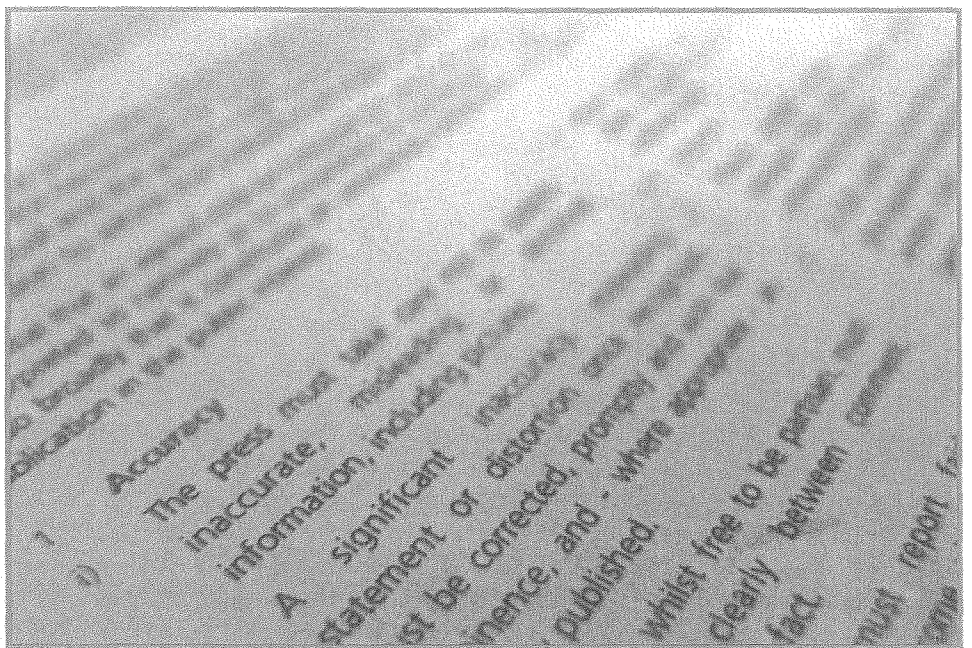
The process is very straightforward. All you need to do is send us a letter or an email with the article attached, together with why you believe it to raise a breach of the Code. We are very happy to talk informally about potential complaints and give guidance on the best way to go about making them.

If there is an issue under the Code, we will write to the editor of the newspaper or magazine and seek to resolve the matter to your satisfaction. So, if an inaccuracy has been published, we might negotiate the publication of a correction or apology. This will be done openly, with the complainant being given the chance to approve the wording and the location of the published text. Ultimately, we try in the first instance to obtain satisfaction for the complainant. If that is not possible, the complaint goes before the full Commission for a decision under the Code.

The system is open and non-antagonistic. A named complaints officer will handle your complaint, and be able via telephone or email to discuss progress of the case. The average duration of a complaint is 35 days.

How are newspapers 'punished' when they breach the PCC Code?

If a newspaper breaches the Code and does not resolve a complaint to the complainant's satisfaction, the complaint will be upheld by the Commission. The Commission then issues an



adjudication – critical of the newspaper and its practices – that the editor is obliged to publish in full and with due prominence.

It fulfils a 'name and shame' function and often attracts negative publicity about the editor's conduct in the rest of the media, and sometimes Parliament. In particularly serious cases, the Commission can also contact the newspaper's publisher (the editor's boss) and draw the terms of the adjudication to his/her attention for further action.

The PCC is a voluntary, self-regulatory process for newspaper editors – what evidence do you have that the PCC has real 'teeth' and can improve standards of newspaper coverage?

There is a lot of evidence that the PCC has teeth and is effective. Last year, editors made appropriate offers to resolve breaches of the Code in 98% of cases. The number of resolved complaints increased by 40%. That shows that there is a pervasive culture of resolution

now in place within the industry: when editors make mistakes and attract complaints, they now very regularly sort them out.

If the PCC was without teeth, editors would not voluntarily resolve complaints in the numbers that they do. The fact of the matter is that newspapers do not like to publish adjudications that openly criticise the standards of their reporting; the effect is that editors seek to resolve complaints to the complainant's satisfaction rather than face adjudication.

Additionally, the Code of Practice is written in to the majority of editors' and journalists' contracts. Therefore a breach of the Code could mean a breach of the contract, and result in disciplinary procedures against the editors concerned.

Is the PCC purely reactive or are you monitoring coverage yourselves and coming to a view on trends in inaccurate or discriminatory reporting?

There is a limit to the amount of monitoring the PCC can do, simply because the industry

(which includes all regional and local titles, and magazines) is so vast. It would be an impractical and endless process for the PCC to seek to check every publication for possible breaches of the Code.

That said, the PCC can more easily monitor trends in the complaints it receives, which can have an effect. For example, we received several complaints on the use of inaccurate terminology in reporting about refugees and asylum seekers, which led to a Guidance Note from the Commission. This gave examples of what inaccurate coverage of that subject might include – such as the fact that there is no such thing as ‘an illegal asylum seeker’.

Guidance Notes flesh out the Commission’s thinking in relation to the Code on particular subjects for the benefit of editors and the public, but they are not part of the Code of Practice itself.

Is there a danger that an individual complainant’s name will be made public either by the PCC or a newspaper, especially if the complaint fails?

A complainant can make clear, both to the PCC and the newspaper, that he or she wishes to remain anonymous in a complaint. The Commission would expect the newspaper to respect this in any reporting of the case, although there may be very rare exceptions to this. If the PCC then were to publish something about the case, it could be anonymised and the complainant would have the opportunity to approve its wording. This is one advantage of using the PCC rather than going to law.

Newspapers can report on PCC complaints at their conclusion – and sometimes do so if they have been unsuccessful – so it would be better to make clear at the outset if a complainant wanted to remain anonymous.

What media do the PCC cover and what do you not cover? Can you explain where someone might go to complain about inaccurate or discriminatory coverage in these other media outlets?

The PCC is responsible for 98% of all publications in the United Kingdom, and their websites. Some tiny publications are not covered by the PCC formally, although we do still seek to handle and resolve complaints about them on an informal basis.

The PCC does not cover television or radio, which is regulated by OFCOM. There is no PCC-equivalent for non-newspaper websites.

The PCC has done some interesting work around both asylum seekers and mental health – can you talk a bit more about these initiatives? Is there a chance the PCC might intervene similarly around HIV?

The PCC has previously responded to a series of complaints about the coverage of refugees and asylum seekers – and some consultation with bodies like the Refugee Council – by issuing a Guidance Note on the subject. It made clear, for example, that, as there is no such thing as an “illegal asylum seeker”, newspapers should not use that term. This was a direct response to a complaints trend,

and enabled the Commission to limit the need for future complaints in this area. This process works particularly well in regard to issues surrounding inaccurate use of terminology, as the Commission can set down what is accurate and what is not.

This was certainly true regarding mental health. In 1997, we issued a note that related specifically to ‘Patients detained in hospital under the Mental Health Act 1983’, which made clear for example that those detained in hospital were “patients” not “prisoners”. It also made clear that terms like “nutter” and “schizo” may raise a breach of Clause 12 (Discrimination) of the Code of Practice in discriminating against individuals who are mentally ill. We reissued the Note last month.

In both cases, the Commission was responding to complaints trends. If there was evidence that the reporting of HIV was creating such a trend, then it is something that the PCC would certainly consider.

Tim Toulmin, Director of the Press Complaints Commission



The Press Complaints Commission’s website is at www.pcc.org.uk, where you can find more information on the PCC, its code of practice, and contact details



COMPLAINING TO THE PRESS COMPLAINTS COMMISSION - THE NATIONAL AIDS TRUST EXPERIENCE

Over a number of months during 2005 and 2006 the National AIDS Trust had become increasingly concerned at some of the UK newspaper coverage of HIV issues. In this issue of Impact, Emma Bickerstaff highlights instances of stigmatising or inaccurate reporting. A letter from NAT which raised some of these issues with the Director of the Press Complaints Commission (PCC) resulted in two meetings with the PCC, where the possibility of complaint was explored in some detail.

It became clear that the strongest case would always be where there was an inaccurate or factually incorrect statement in an article, as this can in almost all cases be objectively demonstrated and is a breach of Clause 1 (Accuracy) of the Code. NAT pursued two complaints on this basis:

- A letter to the PCC highlighted the incorrect description of the charge in criminal prosecution cases, resulting in clarifying correspondence from the PCC to all newspaper editors. Despite positive responses from all editors, the Daily Telegraph later repeated the error.
- A formal complaint was made, resulting in a formal apology and the removal of the article in question from their website.
- NAT complained about The Sun, which had falsely claimed that there was significant migration of HIV positive people from Eastern Europe, and that Romania and Bulgaria had some of the highest 'AIDS rates' in Europe.
- Despite initially defending their reporting, a further letter from NAT resulted in a correction printed in the newspaper.

In all dealings with the PCC to date NAT has found the PCC to be helpful, supportive and efficient. They are also very happy to discuss things informally in advance of any letter.

We see the potential for a similar use of the Code's Accuracy Clause in the future to put an end to the incorrect or pejorative use of the term 'AIDS'.

We are keen to hear of individuals taking complaints to the PCC. We are also more than happy to talk to you about inaccurate or discriminatory coverage which has affected you personally, and where you would like NAT to complain on your behalf.



THE PRESS COMPLAINTS COMMISSION CODE OF PRACTICE – SOME EXTRACTS

1. Accuracy

- i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.
- ii) A significant inaccuracy, mis-leading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published.
- iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.
- iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

12. Discrimination

- 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.
- In addition, further guidance for journalists can be found in the National Union of Journalists' Code of Conduct, available at www.nuj.org.uk

BROADCASTING REGULATIONS:

If you wish to complain about the content of broadcast media in the UK, you should in the first instance contact the relevant broadcaster, identifying your concern.

If you wish to take things further, a complaint can be made to Ofcom (The Office for Communication), the regulator for the UK communications industries, which has responsibilities across television, radio, telecommunications and wireless communications services.

Ofcom Broadcasting Code – Some Extracts

Section 2 - Harm and Offence

2.1 Generally accepted standards must be applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material.

2.2 Factual programmes or items or portrayals of factual matters must not materially mislead the audience.

2.3 In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context (see meaning of "context" below). Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human

dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender, race, religion, beliefs and sexual orientation). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence.

Section 5 – Due Impartiality and Due Accuracy and Undue Prominence of Views and Opinions

This section of the Code does not apply to BBC services funded by the licence fee or grant in aid, which are regulated on these matters by the BBC Governors.

5.1. News, in whatever form, must be reported with due accuracy and presented with due impartiality.

5.2. Significant mistakes in news should normally be acknowledged and corrected on air quickly. Corrections should be appropriately scheduled.

▶ *Ofcom can consider complaints about programmes transmitted by all broadcasters licensed in the UK as well as the BBC and S4C. However, they cannot consider complaints about accuracy in BBC TV and radio news or complaints about impartiality in BBC TV and radio programmes. These complaints have to be dealt with by the BBC.*

**BBC Editorial Guidelines -
Some Extracts**

The BBC Editorial Guidelines are a statement of its values and standards. They codify the good practice expected from the creators and makers of all BBC content, whether it is made by the BBC itself or by an independent company working for the BBC.

- The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

- Impartiality is described in the Agreement as "due impartiality". It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

- We aim to reflect fully and fairly all of the United Kingdom's people and cultures in our services. Content may reflect the prejudice and disadvantage which exist in our society but we should not perpetuate it. We should avoid offensive or stereotypical assumptions and people should only be described in terms of their disability, age, sexual orientation and so on when clearly editorially justified.

