

Two women v The Courier (Dundee)

Clauses noted: 3, 7, 11

Two women complained separately to the Press Complaints Commission that an article published in the Courier and Advertiser (Dundee) in January 2011 contained material that had identified their daughters as victims of sexual assault in breach of Clause 3 (Privacy), Clause 7 (Children in sex cases) and Clause 11 (Victims of sexual assault) of the Editors' Code.

The complaint was upheld.

The article reported a court hearing in which a man had admitted sexual offences against two girls, both of whom were under the age of sixteen at the time the crimes occurred. The report made reference to the locations where the offences had taken place, including the names of the streets - two of which were the streets on which the victims lived. The article also stated the ages of the girls at the time of the offences.

The complainants both said their daughters' right to anonymity had been compromised by the inclusion of this information. Complainant A said that she and her daughter lived in a rural area with only twelve houses on their street. It was easy for neighbours and others in the local community to identify her daughter as a result of the article. Complainant A added that the level of detail included about the offences was unnecessary.

Complainant B said her daughter was the only female child of the reported age who lived on the other named street. Neighbours, classmates and other acquaintances had, as a consequence, been made aware of her identity and the graphic nature of the offences to which she was subjected. This in turn had led to the girl being extremely distressed.

Although it did not initially accept that it had published sufficient information to identify the victims, the newspaper admitted that its practice of only publishing outline details of cases of this nature had not been properly followed. It removed the partial addresses from its electronic archive and excluded similar references in a subsequent report about sentencing. In addition, the editor circulated a message to all staff reminding them of their obligations to protect children under the Editors' Code, and sent a letter of apology and explanation to the complainants.

Adjudication

The terms of Clause 7 (Children in sex cases) of the Editors' Code are very clear: "the press must not...identify children under 16 who are victims in cases involving sex offences". Clause 11 (Victims of sexual assault) adds that the press "must not publish material likely to contribute to [the] identification" of victims of sexual assault. If in doubt, newspapers should always err on the side of caution when considering what details to publish in relation to such cases.

In this instance, the inclusion of the girls' ages and of their partial addresses clearly had the potential to contribute to their identification. Indeed, given the relatively small number of houses on the streets in question, identification was always going to be a strong possibility.

This was a bad mistake by the newspaper, which had acknowledged that its practice of publishing only outline details of cases such as these had not been followed. The Code affords particular protection to those who are vulnerable - and it is hard to imagine anyone more vulnerable than a child victim of sexual crimes. The failure of the newspaper properly to consider the likely consequences of publishing the information in the report, especially the references to the girls' partial addresses, was a serious one.

While the Commission welcomed the steps taken by the editor to ensure that the Editors' Code was adhered to in the future (and while it noted that he had apologised to the victims via their parents), it did not hesitate to uphold these complaints.

Adjudication issued 26/04/2011