

A woman v Strathspey & Badenoch Herald

Clauses noted: 5, 6, 11

A woman complained to the Press Complaints Commission that an article published in the Strathspey & Badenoch Herald could have identified her daughter as a victim of sexual assault in breach of Clause 11 (Victims of sexual assault), intruded into her shock in breach of Clause 5 (Intrusion into grief or shock) and breached Clause 6 (Children) of the Code.

The complaint was upheld.

The article reported the conviction of a man for sexual offences against under-age girls. The complainant is the mother of one of the victims. She said the level of detail – in particular the reference to a visible injury previously suffered by her daughter, coupled with the location and time in which she and the man in question had first met – would have assisted those in her small community in identifying her daughter. This being the case, there were also breaches of Clauses 5 and 6.

The newspaper did not believe that any detail in the article would have led to the identification of the girl. The article did not disclose her name, address or school. The town in which the incidents took place was a busy holiday resort with hundreds of thousands of visitors every year, and the family did not live there. The article was a fair and accurate account of court proceedings. The paper noted that the complainant had indicated that no third party had identified her daughter as a result of the article.

Adjudication

The terms of Clause 11 of the Code are tightly drawn in order to protect victims of sexual assault – one of the most vulnerable groups of people – and rigorously enforced by the Commission. While the information about the girl's injury may have seemed to some to be insignificant, it was a superfluous but specific detail which the Commission was persuaded could have been sufficient to identify her, or confirm the suspicions of those who already knew something about the case. While the editor arguably had a difficult job to do in striking the balance between what was legitimate detail and what was likely to contribute to the girl's identification, the Commission considered that he could have taken greater care in this case by omitting the reference to the injury. As the Commission found that the material was likely to have contributed to the girl's identification in this way, it followed that the content of the article would have had a considerable impact on the girl in breach of Clauses 5 and 6. The complaint was upheld on that basis.

The breach of the Code in this case arose from the possible identification of the victim. While the Commission acknowledged the complainant's additional concerns that the article had included sensationalised and gratuitous detail about the case, it emphasised that newspapers were entitled to report fully on information revealed in open court, provided the identity of the victim was properly protected.

Relevant rulings

A man v Barking & Dagenham Post, 2004
Thames Valley Police v Metro, 2002

Adjudication issued 30/07/2007