

A woman v Take a Break

Clauses noted: 3, 11

A woman complained to the Press Complaints Commission through Liberty that an article in an October 2010 edition of Take a Break magazine intruded into her privacy and identified her as a victim of sexual assault in breach of Clause 3 (Privacy) and Clause 11 (Victims of sexual assault) of the Editors' Code of Practice.

The complaint was upheld.

The real-life article - told from the point of view of the complainant's sister - detailed how the complainant and her sister had been abused by their stepfather as children. He had subsequently been convicted for rape and other sexual offences, receiving a lengthy custodial sentence. The article named both victims, and included photographs of them. It said that the women had waived their right to anonymity.

The complainant said that her sister had waived her own right to anonymity and approached the magazine to tell her story (in exchange for a charity donation). She had provided the journalist with the complainant's contact details and understood that she would be contacted directly by the magazine. In the event, the complainant was not contacted. She had not, and would not have, given permission to be identified in the article and had been seriously affected by its publication, both socially and emotionally.

The magazine immediately accepted that the complainant had not waived her right to anonymity, apologising sincerely to her. Its reporter had confirmed on numerous occasions to the editorial team, mainly orally, that both sisters had agreed to be identified. In fact, contact had only been made with the complainant's sister (who, the magazine claimed, had said that she was speaking on her sister's behalf). The complainant had not been contacted. The editor took full responsibility for a mistake which should never have happened, accepting that there had been a breach of the Code. Following the complaint, the magazine said it had taken steps to ensure that its system of checks did not fail again: it would now require written documentary evidence that those featured in such a story had agreed to be identified.

Adjudication

The identification of victims of sexual assault without their consent is an extremely serious matter. Clause 11 of the Code is particularly clear: "The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so".

In this case, there had been an unacceptable failure on the part of the magazine to protect the complainant from being identified. It plainly should have sought unequivocal confirmation from the complainant directly that she was willing to feature in the article and waive her right to anonymity. The Commission was concerned at the apparent ease with which the story had appeared without sufficient checks having been made with the complainant. It noted that the magazine had indicated how its practice would change in the future. This was a necessary step to remedy a problem that never should have arisen in the first place. The Commission asked that this was followed up further.

The complaint was upheld under Clauses 3 (Privacy) and 11 (Victims of sexual assault).

Adjudication issued 17/02/2011