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Press Complaints Commission

From the Director

28 October 2004

Chris Bone Esq
International Branch
Broadcast Policy Department
Department of Culture Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Chairman
Sir Christopher Meyer

Members of the Commission

Matti Alderson
Roger Alton
Professor The Lord Chan
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The Right Rev. John Waine KCVO
Director
Tim Toulmin

Dear Mr Bone

Thank you for asking for the Press Complaints Commission's comments on the draft Recommendation on the right of reply and protection of minors in the on-line media.

Right of reply

Firstly, I should say that the PCC is somewhat concerned that the recommendation appears to be straying into the regulation of media content. For European institutions to make recommendations about how and in what circumstances the media in Member States should offer rights of reply would seem to sit oddly with the fact that – so far as we are aware – media policy is not within the competence of the EU.

We certainly oppose anything that introduces new restrictions on the manner in which the media operate, and would urge the government to press for the removal of the references to newspapers and new media services from the proposed recommendations. Regardless of the significance of what is being proposed, in our view it is another worrying indication of the willingness of European institutions to interfere with the regulation of media content – something that it has been UK government policy to leave to self-regulatory bodies.

It is important, however, to underline the current position in the UK. The websites of newspapers and magazines here subscribe to the Press Complaints Commission's Code of Practice. The Code is both a rule book for journalists and charter of rights under which individuals can complain if they feel that they have been personally

1 Salisbury Square London EC4Y 8JB Telephone 020 7353 1248 Facsimile 020 7353 8355
Textphone for deaf and hard of hearing: 020 7583 2264
email: complaints@pcc.org.uk web site: www.pcc.org.uk



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affected by a possible breach of its terms. Clause 2 of the Code says that "a fair opportunity to reply to inaccuracies must be given when reasonably called for". There is, therefore, already (self) regulation in place in the UK which grants such an opportunity, and which commands the respect of those who subscribe to it. As a result, we can act quickly and flexibly to remedy any problem.

In the event that it is not possible to remove the references to newspapers' websites, I would be alarmed if there was anything in the recommendation – or whatever develops as a result of it – that undermined the effectiveness of self-regulation. We would hope that the UK government would vigorously resist any suggestion – even if it only appeared in a recommendation – that statutory regulation is preferable to self-regulation. We are content that the current arrangement is satisfactory, and does not need to change to meet any external requirements.

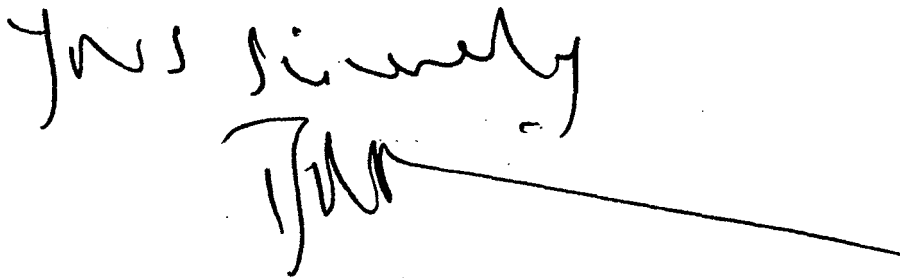
Discrimination

There are rules in the Code of Practice about discriminatory references to individuals on the grounds of race, colour, religion, sex, sexual orientation or physical and mental illness or disability. But it is important to recognise that the Code of Practice is intended to protect any individual who might feature in print stories or on-line and to offer them redress – not to impose on newspapers and magazines a particular view of the world. It seems worrying to us that Member States are being encouraged to find ways of ensuring that online media promote a "diversified and realistic picture of the skills and potential and women and men in society", for instance. This seems to be an overt attempt to control the editorial direction of on-line publications, and something, therefore, to be resisted vigorously in the interests of freedom of expression.

Regarding the protection of minors, this seems to relate to the promotion of 'media literacy', which is not a matter upon which it is appropriate for us to comment.

I hope this is helpful. We remain extremely grateful for the government's ongoing support for self-regulation and the Press Complaints Commission when negotiating with the European Commission.

With kind regards.

A handwritten signature in black ink, appearing to read "Tim Toulmin", with a long horizontal line extending to the right from the end of the signature.

Tim Toulmin