

VICTIMS & THE MEDIA

Victim Support hits back

A young man glassed in the face in a nightclub was shocked to see his picture, with vivid scar and stitches, on the front page of the local paper. The paper was not even reporting his case, but used the photo, without permission, to "illustrate" a story about the police.

In a case of attempted rape, a young man allegedly made very hurtful remarks to the police about the physical appearance of the 16-year-old victim. They were reported at length in the local newspaper, and although her name was not given, many of her friends recognised her from the description, which intensified the distress caused by the offence and its reporting.

These are just two of the cases reported by Victim Support members who have spoken to the hurt and angry victims of the media.

The problem starts in the most basic way with victims of crimes such as domestic burglary. Local newspapers often name the victims, giving them a sense of insecurity in case other burglars come for more. Naming people who do not want to be named, when they have done nothing wrong, is an invasion of privacy, especially when it puts them at risk.

In the case of rape, the victim is not allowed to be mentioned, under the Sexual Offences (Amendment) Act 1976, which was tightened up in 1988; but details such as the street where they live can be enough to make them recognisable to people who know them. Not until August 1992 was this protection extended to victims of other sexual assaults, including homosexual ones. Victim Support wants to make sure that editors are aware of this law. They made it necessary, because in the press industry's code of practice they made it clear that they would not be held back by scruples but would publish everything they are not actually forbidden to publish:

The press should not identify victims of sexual assault or publish material likely to contribute to such identification, unless, by law, they are free to do so.

At Victim Support we are glad that the code proposed in the most recent report, the National Heritage Committee's *Privacy and media intrusion*, replaces the last phrase by "even where the law does not prohibit it", and adds:

The press should not identify the victims of any crime when identification is likely to put at risk the physical or mental health or security of the victim or that of his home.

There has now been a succession of codes, for example the one issued by the Press Complaints Commission, which included:

7.1 *Journalists should neither obtain information nor pictures through intimidation or harassment.*

9. *In cases involving personal grief or shock enquiries should be carried out and approaches made with sympathy and discretion.*

Victim Support is disappointed that the newspaper editors, in their code published on 28 November 1989, could not even commit themselves to this level of ethical journalism.

Penal reformers often look to Sweden for an enlightened policy on treatment of offenders; we could learn from their media, too. For a start, their National Press Club, the Swedish Union of Journalists, and the Swedish Association of Newspaper Publishers have all agreed on a Code of Ethics. And the Code is a civilised one; for example:

- Refrain from publicity that can constitute an infringement of privacy unless an undeniable public interest demands publication
- Always show the greatest consideration to victims of crime and accidents
- ... Avoid pictures that may offend and injure
- ... Do not repeat irrelevant facts about people mentioned in connection with a crime
- Refrain from publishing names, if this can cause injury, unless an obvious public interest requires that names should be stated
- If the name ... is not published, do not publish a picture ... or other particulars making it possible to identify the person concerned.

There are other provisions for making corrections, providing an opportunity for reply, and not referring to race, nationalist or sex of persons concerned if this is irrelevant or might be regarded as discreditable.

"Do not repeat irrelevant facts.." would overcome one common complaint among victims: in a criminal trial the defence can make derogatory statements as part of a plea in mitigation, which the

victim has no chance to challenge, and because court proceedings are 'privileged', the press can repeat them with impunity.

As for anonymity, although Victim Support does not have a policy about offenders, it has always seemed to me logical that a person who is 'innocent until proved guilty' should not have his or her name or photograph published throughout the country, and that the Criminal Justice Act 1967 got it the wrong way round when it restricted reporting of committal proceedings but allowed publication of the name of the accused. For a time those accused of rape were given this protection, but that was withdrawn in 1988. In Sweden, by contrast, even the man accused of murdering the Prime Minister Olaf Palme was referred to simply as "the thirty three year old" (and to avoid confusing the public this phrase was still used after the case had dragged on for two more years!).

In short, what victims of crime commonly ask for is:

Privacy

Although it may be in the public interest to report a crime, it is seldom necessary to identify a victim, and can cause distress and even danger.

Freedom from harassment

Victim Support still receives reports of journalists pursuing victims, to obtain a story, when the victims are still in a state of shock and even in hospital. Some are not above using deception. But the press objected even to the moderate proposals of the National Heritage Committee, for example that "All journalists should be required to provide proof of identity and a copy of the Code to those they seek to interview and to photograph".

Accurate reporting

Inaccuracy is experienced by many victims of crime as an invasion of an individual's integrity. It is particularly hurtful when the name or other details about someone who has been killed are correct.

Non-judgmental reporting

There have been cases where the effects of the crime have been compounded by misrepresentation of the character of the victim. Journalists should not report damaging statements about victims, even if protected by court privilege, unless they have checked them.

Martin Wright is Policy Development Officer, for Victim Support