

## **Intimidation in Public Life Review Update**

Thank you for the opportunity to discuss intimidation in public life. As you know, the Editors' Code of Practice Committee has acknowledged that online trolling is a problem for all those with a public profile, including politicians, celebrities, journalists and others, and is often directed at women.

As we explained, the press regulated by IPSO should not be held responsible for the activities of unregulated individuals acting as online trolls and a change to the Code would unduly restrict freedom of expression and the right of the press to report and comment on public affairs. It would also be ineffective and not restrict the activities of trolls. That requires direct action against them.

Editors exercise discretion for their own editorial content and use of language - and they are open to criticism and are called to account by their readers and those in public life. As we stressed, the Code does not and should not seek to dictate the language of journalism, which is entirely a matter for editors, who must, of course, comply with the Code and the law. They cannot be responsible for the actions of others: those trolls who look for opportunities to undertake online intimidation having read stories that conform to the Editors' Code in every respect and also comply with the law.

We have seen that online trolling by extremists and other malicious individuals can follow reports of the statements of many people in public life, however mildly expressed.

It would not be in the interests of society or freedom of expression if editors therefore avoided dealing with the important issues of our time because of the actions of these online trolls.

You mentioned the activities of freelance journalists and I hope that you were reassured that editors who publish their work must ensure that it complies with the Code of Practice. The preamble to the Code states:

*"It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of their publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists."*

The Editors' Codebook, which explains how the Code is interpreted and enforced by IPSO, has examples of how this is effective in the section devoted to the preamble. It can be found [here](#):

<http://editorscode.org.uk/downloads/codebook/Codebook-2020.pdf>

We discussed the case reported to you of a child being doorstepped by someone who described themselves as a freelance journalist and we explained that the Code does prohibit such behaviour. The relevant clause states:

## **6. \*Children**

- i) All pupils should be free to complete their time at school without unnecessary intrusion.*
- ii) They must not be approached or photographed at school without permission of the school authorities.*
- iii) Children under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.*
- iv) Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.*
- v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.*

As we explained, the Editors' Code has been in operation for 30 years and seeks to balance both the rights of the individual and the public's right to know. It states that it should be interpreted "neither so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it infringes the fundamental right to freedom of expression – such as to inform, to be partisan, to challenge, shock, be satirical and to entertain – or prevents publication in the public interest."

We all agree that freedom of expression and a free press are essential to society. It is in the interests of everyone that the press is free to campaign, scrutinise and criticise those exercising the power of the state. Those rights are balanced by responsibilities and the Code offers protection to individuals, including those in public life.

The committee may like to consider other clauses that offer protection to everyone, including those in public life. They include:

## **1. Accuracy**

*i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.*

*ii) A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence, and — where appropriate — an apology published. In cases involving IPSO, due prominence should be as required by the regulator.*

*iii) A fair opportunity to reply to significant inaccuracies should be given, when reasonably called for. iv) The Press, while free to editorialise and campaign, must distinguish clearly between comment, conjecture and fact.*

*v) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.*

## **2. \*Privacy**

*i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.*

*ii) Editors will be expected to justify intrusions into any individual's private life without consent. In considering an individual's reasonable expectation of privacy, account will be taken of the complainant's own public disclosures of information and the extent to which the material complained about is already in the public domain or will become so.*

*iii) It is unacceptable to photograph individuals, without their consent, in public or private places where there is a reasonable expectation of privacy.*

## **3. \*Harassment**

*i) Journalists must not engage in intimidation, harassment or persistent pursuit.*

*ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once*

*asked to desist; nor remain on property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.*

*iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.*

## **12. Discrimination**

*i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.*

*ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.*

You will recall that when your report was published the Editors' Code of Practice Committee gave careful consideration to your request for a Code change and explained in detail why we believed it would be inappropriate and ineffective.

We stressed that the Editors' Code of Practice is under continuous review and has evolved over time to remain relevant to changes in society. We pointed out that the Editors' Code of Practice Committee is happy to consider suggested changes and invited you to put forward a possible wording for a new clause and perhaps examples of the articles that you felt would then be in breach of the Code. We remain ready to consider any proposal that you wish to make.

Jonathan Grun

Secretary, Editors' Code of Practice Committee