

in addressing them: the publication of the photograph of the sister of Sebastian Bowles,³⁵⁵ suggests that the Editors' Code continues to be breached in relation to children. The reason for the Editors' Code is obvious: to those whose children have been unjustifiably exposed to the public gaze, and to the children themselves, the damage caused can be significant.

8. Representation of women and minorities

Introduction

- 8.1 A different kind of criticism made by those who submitted evidence to the Inquiry was that the representation of women and minorities (such as immigrants or asylum seekers), at least in parts of the press, is discriminatory and ill-considered. What makes these complaints different from those which precede them is that they are complaints on behalf of classes of people, rather than a series of individuals. Under the complaints system operated by the PCC, which normally requires an individual complainant who was individually affected by a story, this kind of complaint was not ordinarily admissible.³⁵⁶ Accordingly, the Inquiry provided a first opportunity for a number of representative groups to express their concerns about discriminatory press reporting.
- 8.2 The starting point for an accurate examination of this topic is the Editors' Code of Practice, the relevant provisions of which specify as follows:³⁵⁷

'It is essential that an agreed code should be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect for the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

...

1. Accuracy

The press must take care not to publish inaccurate, misleading or distorted information, including pictures.

...

12. Discrimination

- (i) *The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any form of physical or mental illness or disability.*
- (ii) *Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.'*

³⁵⁵ Part F, Chapter 7

³⁵⁶ However, the evidence suggested that exceptions were made to allow representative complaints in certain undefined circumstances: see, for example, the evidence of Stephen Abell at pp109-111, lines 17-15, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/01/Transcript-of-Afternoon-Hearing-30-January-2012.pdf>

³⁵⁷ http://www.pcc.org.uk/assets/696/Code_of_Practice_2012_A4.pdf

- 8.3 In the context of this section of the Report, in theory, it is possible to envisage three types of complaint to the PCC arising out of these provisions. First, a complaint brought by an individual of inaccurate, discriminatory and/or pejorative reporting directly relating to him or her. The vast majority of complaints of discrimination do not fall within this category. Second, a complaint brought by a group relating to an individual directly identified in the offending article, where that individual does not wish to bring his or her own complaint. Here, no issue arises on the Code as such, because the case clearly falls within the language of clause 12; the issue is the PCC's policy. Third, a complaint brought by a group, relating to alleged discriminatory treatment of the group as a whole, rather than any one individual. This type of complaint does raise an issue on the terminology of the Code because clause 12 refers in terms to an individual's personal characteristics, not to those of a group. Put simply, the Code would clearly be breached if an article attacked Mr Y on the basis that he was a member of a particular religious group, but it is far less clear that the same breach would occur if there were no mention, either express or implied, of Mr Y in the article and the attack were directed at the religious group in general.
- 8.4 A reading of the Code which takes on board its spirit rather than simply the letter probably does not surmount this difficulty. The only route to finding a violation of the Code in such a case would be by invoking clause 1, the requirement to be accurate. Some discriminatory reporting is too subjective and loosely worded to fall foul of this provision, but it is not too difficult to envisage examples of reporting which would engage it.
- 8.5 Those representing women's and minority groups would be entitled to retort that if the Code as currently worded creates the kind of legalistic difficulties which have just been outlined, then the solution is a straightforward one: simply amend the Code. The force of this point is noted, but it should be considered in depth by any future regulator, rather than by this Inquiry.
- 8.6 The argument has also been put that there is an important issue of free speech in play here, and that the press is entitled to be partisan. Furthermore, matters of taste and decency are outside the Code, and properly should be. The force of these arguments needs to be recognised, but only in their proper context. For example, putting to one side issues concerned with domestic violence, material which is pornographic and demeaning to women does not violate clauses 1 and 12 of the Code, and is readily available in pornographic magazines subject to the general law. This material is offensive to many, but an issue does arise for consideration as to whether a regulator of a free press which is entitled to be tasteless and indecent should be intervening in this sort of area.
- 8.7 On the other hand, most people would argue that obviously racially offensive material, which on one level might be said to be partisan in tone and content and therefore defensible as falling within the prerogative of a free press, should be capable of being the subject of regulatory comment notwithstanding the absence of an obvious first party complainant. It must be recognised, however, that there are many cases along the spectrum where reasonable people will disagree.
- 8.8 At the very least, the issue is both complex and sensitive. The Inquiry heard from a number of groups who advanced powerful arguments in favour of greater regulation, in particular for greater balance. Although the Inquiry received much evidence and submission devoted to the issue of the value of a free press in general terms, few came forward to advance the contrary case to that put forward by the groups I have mentioned. Sunday Sport (2011) Ltd has recently filed a series of well-argued and sustained submissions emphasising the free speech issues and drawing attention to the fact that, in its view, the Inquiry has not received

a representative spread of the available factual and opinion evidence. Dominic Mohan, the editor of *The Sun*, made a spirited defence of Page 3. He is not to be criticised for doing so, and many will feel that Page 3 of *The Sun* raises a taste and decency issue and none other. The point I am seeking to make at this stage is that I am alive to all the arguments and to the fact that, on what might be called the central ground, there is room for reasonable, opposing points of view.

Representation of women

- 8.9 Object, the human rights organisation, gave comprehensive evidence to the Inquiry of what it described as *“the sexual objectification of women and girls, and the mainstreaming of the sex and porn industries in the media and popular culture”*.³⁵⁸ Its evidence focused on *“Page 3 imagery”*, namely imagery found in *The Sun*, the *Midweek* and *Sunday Sport*, and the *Daily* and *Sunday Star*, of young (almost always white) women with bare breasts, sometimes entirely nude and in sexualised poses. Anna Van Heeswijk, representing Object, described *“a gradient of extremity running from the Sun to the Daily Star to the Sport”*.³⁵⁹ although Page 3 imagery is limited to page 3 of *The Sun*, it is found on many more pages in the *Daily Star* and yet more still in the *Sport*. Indeed, *The Sport* contains a self-explanatory *“nipple count”* which often numbers over 100.³⁶⁰ In each of these titles, the posed photographs of topless women may be accompanied by stories including ‘up-skirt’ photographs, and extensive advertising for sex web cams, pornographic DVDs and ‘escort agencies’.³⁶¹
- 8.10 Ms Van Heeswijk considered there was *“no marked difference between the content which exists within... classified pornographic materials and the contents within some of these mainstream Page 3 tabloids”*.³⁶² This may be putting it high with regard to *The Sun*, but it would be hard to disagree when looking at the coverage in the other titles. The front page of the *Midweek Sport* from 16 November 2011, for example, contained a full page photograph of a glamour model in a small red bikini, with her legs akimbo. Beside that photograph was a headline, *“Top 50 Glamour Babes Ever – 8 page topless pullout”*. To the top right of the page was a headline, *“Pippa’s Amazing Bum Pic – Shock New Photo Inside”*. To the bottom left was a censored photograph with the headline *“Jess Goes Topless – Jungle Babe Bares Boobs – Uncensored”*. At the very bottom of the page was the headline, *“Two Free XXX Sex DVDs for every reader”*.³⁶³
- 8.11 Ms Van Heeswijk argued that this type of material should not be on sale alongside other daily newspapers, but should be limited to the ‘top shelf’ alongside pornographic material. She noted:³⁶⁴

“Page 3 imagery is already prohibited in the workplace under sexual harassment legislation (set out most recently in the Equalities Act 2010), and it is restricted from broadcast media before the 9pm watershed. It would therefore be logical to recommend that Page 3 images which are considered unacceptable in the workplace,

³⁵⁸ p1, para 2, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/04/Witness-statement-of-Anna-van-Heeswijk.pdf>

³⁵⁹ p1, para 5, *ibid*

³⁶⁰ p1, para 8, *ibid*

³⁶¹ p2, para 9 and 14, *ibid*

³⁶² p17, lines 17-25, Anna Van Heeswijk, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/01/Transcript-of-Morning-Hearing-24-January-2012.pdf>

³⁶³ <http://www.object.org.uk/files/Exhibit%201a.pdf>

³⁶⁴ p3, para 18-19, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/04/Witness-statement-of-Anna-van-Heeswijk.pdf>

and which would not pass the pre-watershed test for television, should not be displayed in newspapers which are sold at child's eye level with no age-restriction. These recommendations would allow for consistency in media regulation when it comes to keeping harmful materials out of the mainstream and away from children."

- 8.12 It is hard to argue against that in respect of some of the material contained in the Sport at least, but the regulation of the sale of explicit print material does not fall directly within the scope of this Inquiry. Of greater potential concern to the Inquiry is the degree to which the images may reflect a wider cultural failure to treat women with dignity and respect and/or a practice which, intentionally or not, has the effect of demeaning and degrading women.
- 8.13 In respect of Page 3 imagery, there are a range of arguments. There are those, like Object and the recently formed internet group "No More Page 3", who argue that the persistent representation of topless young women on the pages of national newspapers is inherently degrading and demeaning. By contrast, there are those like Mr Mohan, who argue that Page 3 is "neither harmful nor offensive", and satisfies the demands of a readership.³⁶⁵ Somewhere in between are those who argue that Page 3 is simply an anomaly: out of place in the 21st century where a woman is just as likely as a man to purchase (or edit) a tabloid newspaper, or lead the country.
- 8.14 The arguments between those who adopt each viewpoint will continue. But for the purposes of this Inquiry, the interesting point is that it was not Page 3 *per se* which gave rise to the core complaints made by women's groups. Instead, it was a general attitude which was found throughout the pages of those tabloids which contained images of semi-naked women (referred to as 'Page 3 tabloids'), and of which Page 3 was only one example. Object, along with other organisations such as Turn Your Back on Page 3, Eaves Housing for Women, and the End Violence Against Women Coalition argued that Page 3 imagery was part of a broader culture of objectification and sexualisation of women in those newspapers. Ms Van Heeswijk wrote:

"This pervasive objectification and sexualisation of women is not restricted to the portrayal of the Page 3 models or to the Page 3 type feature. Rather, to varying extents, it influences the way that almost all women are portrayed in Page 3 tabloids, including female celebrities. Examples include an article in the Daily Star on the size of "15 year old" Charlotte Church's breasts ("She's a big girl now... Child singing sensation showed just how quickly she's grown up after turning up at a Hollywood bash looking chest swell"). This is juxtaposed with commentary of outrage against the satirical "sting" Brass Eye documentary's "Paedophile special" (Exhibit 4). More recent examples include a feature in the Sport commenting on the genitalia of a female newsreader which it describes in derogatory terms. (Exhibit 5)"³⁶⁶

- 8.15 Both of the examples given in that passage support the broader points made by Ms Van Heeswijk and others. First, the unfortunate juxtaposition of the article expressing outrage at a satirical programme on paedophilia and an article commenting on a 15 year-old's breasts exposes a hypocrisy in relation to the sexualisation of young girls and women that is seen beyond the Page 3 tabloids: some have commented on the awkward co-existence of the Daily Mail's support for "traditional values" with the Mail Online's "sidebar of shame". Second, the article commenting on the genitalia of a female newsreader supports the view that some

³⁶⁵ pp1-2, paras 2-11, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Second-Witness-Statement-of-Dominic-Mohan1.pdf>

³⁶⁶ p1, para 10, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/04/Witness-statement-of-Anna-van-Heeswijk.pdf>

Page 3 tabloids apply a demeaning and sexualising lens beyond those who choose to appear in their pages with breasts exposed: even the most accomplished and professional women are reduced to the sum of their body parts.

- 8.16** Object's submission to the Inquiry gave examples of the sexualisation or demeaning of women from articles in The Sun, the Daily Star, and the Sport over a single week in November 2011. The articles exhibited demonstrated the "gradient of extremity" from The Sun through the Daily Star to the Sport, but all three titles contained what can only be described as objectifying material.³⁶⁷ All three included numerous articles with no other purpose except to show an image of a scantily clad or topless woman: see, for instance, The Sun's articles 'Jess takes the plunge' and 'Celeb beauty gets 'em out'. All three titles included articles with no purpose other than to attach a photograph of, and describe in derogatory language, a woman's breasts or bottom: see the Daily Star's article about "getting a massive pervy eyeful of [a celebrity's] pert ass", or the Sport's article 'Jugs and Jury'. All three contained large scale advertisements for pornography and/or escort services. And all three included articles which appeared to eroticise violence against women.
- 8.17** This final category of article was forcefully criticised by the End Violence Against Women Coalition and Eaves Housing who both argued that there was a tendency in parts of the press to trivialise and/or sexualise violence against women.³⁶⁸ One of the examples identified from The Sun was an article entitled 'Bodyguards for battered Towie sisters' reporting acts of serious violence upon two sisters, accompanied by a picture of one of them in an erotic pose in her underwear.³⁶⁹ A similar example from the Sport was an article, adjacent to a photograph of a large breasted, topless model, about a man who had committed a sexual offence by groping a woman's breasts.³⁷⁰ A further example from the Sport involved a comment piece expressing the writer's desire to have sex with a celebrity, but joking that the only way that would happen was if he raped her.³⁷¹ Many more examples were made available to the Inquiry.³⁷²
- 8.18** The evidence as a whole suggested that there is force in the trenchant views expressed by the groups and organisations who testified to the Inquiry that the Page 3 tabloid press often failed to show consistent respect for the dignity and equality of women generally, and that there was a tendency to sexualise and demean women. That failure is particularly clear in the pages of the Sport, which is, in my view, hardly distinguishable from the admittedly 'softer' end of top-shelf pornography. But it exists to a lesser degree in the Daily Star and The Sun. For The Sun, at least, it is a failure of consistency, rather than a general failure to show respect for women. The Sun has campaigned admirably against domestic violence, rape, and size zero models.³⁷³ But it is clear that those campaigns have, perhaps uncomfortably, sat alongside demeaning and sexualising representations of women.

³⁶⁷ pp 5-19, [http://www.object.org.uk/files/The%20Leveson%20inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission\(3\).pdf](http://www.object.org.uk/files/The%20Leveson%20inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission(3).pdf)

³⁶⁸ The Inquiry noted that the evidence suggested that this tendency was not limited to the Page 3 tabloids, but on the evidence as a whole concluded that a broad criticism relating to the representation of women could not be sustained against other newspapers

³⁶⁹ The Sun, example 12, [http://www.object.org.uk/files/The%20Leveson%20inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission\(3\).pdf](http://www.object.org.uk/files/The%20Leveson%20inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission(3).pdf)

³⁷⁰ The Sport, example 17, [http://www.object.org.uk/files/The%20Leveson%20inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission\(3\).pdf](http://www.object.org.uk/files/The%20Leveson%20inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission(3).pdf)

³⁷¹ The Sport, example 8, [http://www.object.org.uk/files/The%20Leveson%20inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission\(3\).pdf](http://www.object.org.uk/files/The%20Leveson%20inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission(3).pdf)

³⁷² See <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/01/Witness-Statement-of-Heather-Harvey.pdf>; <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/01/End-Violence-Against-Women-Coalition-Submission.pdf>

³⁷³ pp1-2, paras 12-19, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Second-Witness-Statement-of-Dominic-Mohan1.pdf>

- 8.19 Importantly, these criticisms of the Page 3 tabloids do not derive from the fact those newspapers contain an image of a topless woman on Page 3 (or not only from that fact). They are criticisms for which evidence can be found on a reading of all the pages in those newspapers as a whole. They are also supported by the response that the tabloids have made to those who have criticised Page 3.
- 8.20 When Clare Short MP campaigned against Page 3 in the 1980s she was described by The Sun as “fat”, “ugly” and “jealous of beautiful women”.³⁷⁴ When the Rt Hon Harriet Harman proposed legislation to ban Page 3 in 2010, she was described as a “harridan” and a “feminist fanatic” on a “furious rant”.³⁷⁵ Similarly, when ex-Equalities Minister Lynne Featherstone MP raised the issue in Government, she was described as a “battleaxe” and her proposal to limit children’s ability to purchase newspapers containing topless women was described as a “potty plan”.³⁷⁶ Describing the female critics of Page 3 as fat, ugly, jealous, feminist fanatics, harridans, and battleaxes goes some way to proving their point.
- 8.21 Thus far, these criticisms have been considered at a level of some abstraction; it remains necessary to bring the debate back to the terms of the Code, and to the considerations foreshadowed in the introductory observations to this section. The article, ‘*Bodyguards for Battered Towie Sisters*’ may well infringe clause 12 of the Code as currently drafted, but the majority of the material discussed under this sub-heading probably does not. The impact of discriminatory or prejudicial representations of women in the Page 3 tabloids is difficult to judge. There is credible evidence that it has a broader impact on the perception and role of women in society, and the sexualisation of society generally,³⁷⁷ although submissions from Sunday Sport (2011) Ltd refer to the range of academic opinion on the issue. Suffice to say, that this Inquiry is not the place to analyse, let alone reach conclusions on these matters.
- 8.22 That said, these are important and sensitive issues which merit further consideration by any new regulator. What is clearly required is that any such regulator has the power to take complaints from representative women’s groups. Consideration should also be given to Code amendments which, while protecting freedom of speech and the freedom of the press, would equip that body with the power to intervene in cases of allegedly discriminatory reporting and in so doing reflect the spirit of equalities legislation.

Representation of minorities

- 8.23 The Inquiry received a range of submissions from minority groups, as well as individuals raising similar points on behalf of groups; the full range of these submissions is available on the Inquiry website. Of necessity, the summary below draws on a selection of the submissions that were received, but the points will be equally relevant to many of the others who wrote in and, indeed, many other groups who did not take the opportunity to do so.

³⁷⁴ <http://www.object.org.uk/files/Exhibit%2011a.pdf>

³⁷⁵ <http://www.object.org.uk/files/Exhibit%2012.pdf>

³⁷⁶ <http://www.object.org.uk/files/Exhibit%2014.pdf>

³⁷⁷ See Theme 1 of the Bailey Review: ‘*Letting Children Be Children: the Report of an Independent Review of the Commercialisation and Sexualisation of Childhood*’, <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208078>

Transgender

- 8.24 Trans Media Watch (TMW) provided evidence to the Inquiry of disturbing and intrusive reporting of transgender and intersex issues by parts of the press.³⁷⁸ They wrote:³⁷⁹

“The media – and the tabloid press in particular – has played a powerful role in creating and sustaining a climate of prejudice against transgender people. Worse... instances in which the tabloid press has created situations in which very vulnerable people (including transgender children) are “monstered” and face public abuse or the threat of violence are not hard to find. Nor is it difficult to discover stories in which transgender people have had their privacy shamelessly invaded, personal details that could place them in grave danger revealed (either unethically or even illegally), or lies circulated about them by the press. Entirely innocent individuals have been forced out of jobs and homes, even received death threats, on the basis of coverage in the British press.

Whilst an occasionally more sympathetic piece might appear, in a “human interest” setting, the tabloid press (especially) has consistently expressed almost no interest in behaving with human decency towards transgender people.”

- 8.25 The organisation said that the tabloid press in particular tended to fit stories about transgender issues within one of three categories: “trans as fraud”, “trans as undeserving” and “trans as deviant and deserving of parody”. To that list might be added “the outing of transgender people”. TMW provided to the Inquiry many examples of these kinds of stories. Within this report it is possible to refer to only a few, but the examples which follow are by no means aberrations.

- 8.26 Within the categories “trans as fraud” and “trans as undeserving” was an article published in the Daily Express and titled *‘Half Man Gets New Breasts (and guess who’s paying £78k)’*. TMW said the article was not only inaccurate (the cost of gender reconstruction surgery is nowhere near as high as £78k), but it was also part of a narrative adopted by much of the tabloid press presenting transgender people as undeserving frauds using public money for illegitimate means.³⁸⁰ An article with a similar theme was exhibited from The Sun entitled *‘Operation Sex Swap: MOD paying for troops’ gender surgery’*.³⁸¹

- 8.27 Within the category “trans as deviant and deserving of parody”, TMW highlighted The Sun’s *‘Tran or Woman’* quiz, where readers were provided with a series of photographs and asked to guess whether the subject was transgender or not.³⁸² It further highlighted a tendency for the tabloid press to use comedic, demeaning or ridiculing language in stories about transgender people. Examples were The Sun’s use of genital-based puns in the headlines *‘Dad of two driver changes gear in sex swap’*,³⁸³ and The Scottish Sun’s *‘Sex swap mechanic goes nuts at medics’*³⁸⁴ or the use of derogatory words such as “tranny”. In respect of the Daily Mail, TMW noted its tendency to report on transgender people as though the category were false or unreal: it frequently used inverted commas around the words ‘transgender people’, and referred to transgender women as “men” and transgender men as “women”.³⁸⁵

³⁷⁸ <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Submission-by-Trans-Media-Watch.pdf>; <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/03/Supplemental-Submission-by-Transmedia-Watch1.pdf>

³⁷⁹ p7, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Submission-by-Trans-Media-Watch.pdf>

³⁸⁰ pp15-16, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Submission-by-Trans-Media-Watch.pdf>

³⁸¹ p21, *ibid*

³⁸² p14, *ibid*

³⁸³ p12, *ibid*

³⁸⁴ p13, *ibid*

³⁸⁵ p17, *ibid*

8.28 The final category – the outing of transgender people – was perhaps the most disturbing, given the very damaging effect this can have on individuals. Helen Belcher of TMW told the Inquiry that The Sun’s ‘Dad of two driver changes gear in sex swap’ story was written without permission and without reference to the subject of the story. The photograph was similarly published without permission. Ms Belcher said:³⁸⁶

“The piece was rewritten so it looked as though the subject had colluded with the Sun. The first the subject knew was when the Sun published it. It caused her immense distress. It also caused her children huge distress, because they thought that she had sold her story or was behind her story in some way, and she had nothing to do with the story whatsoever. It is a pure expose. There is no public interest.”

8.29 Two further examples were referred to in TMW’s second submission. First, on 12 February 2012, The Sun had revealed the story of (allegedly) the UK’s first transgender male to give birth.³⁸⁷ Faced with an unwillingness (or inability) of transgender groups to identify the man, The Sun chose to publish a call for the public to identify the person concerned and offered a reward for information. Eventually, once identified, the individual was door-stepped by a journalist.³⁸⁸ The Sun published stories revealing his identity, and other newspapers, including the Daily Mail, published comment pieces about the “freakish” and “revolting” thought of a man giving birth.³⁸⁹

8.30 Second, on 20 February 2012, the Daily Mail published a story about a five year old child who had been diagnosed with Gender Identity Disorder. There was perhaps a public interest in the story itself, but included within the story was also the child’s name, date and place of birth, birth certificate, photographs of the child and the name of the school and hospital she attended.³⁹⁰ It was unclear what form of consent was received to publish the story, but it seems inconceivable that the child’s parents would have granted consent for what followed. In several follow-up articles, the Daily Mail criticised the child’s “misguided” parents for their “nonsense” in allowing the child to be diagnosed with a disorder, criticised the school for profligate spending of resources to provide a gender neutral toilet in the child’s school, and used the child’s case (and photographs) as an example to debunk the politically correct rise of an “industry” which encourages trans-sexualism.³⁹¹

8.31 The critical comments made in the follow-up pieces, although on occasion uninformed and potentially misleading, might well have been justified as fair comment on a matter of public interest. However, in the context, they were comment pieces which were directly related to an identified, photographed and vulnerable child. Each piece republished the same large photographs of the five year old as part of the article, and the impact of the reporting as a whole may well have been tremendously damaging. As TMW noted:³⁹²

³⁸⁶ pp47-48, lines 20-10, Helen Belcher, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Transcript-of-Afternoon-Hearing-8-February-2012.pdf>

³⁸⁷ <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/03/Supplemental-Submission-by-Transmedia-Watch1.pdf>

³⁸⁸ p5, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/03/Supplemental-Submission-by-Transmedia-Watch1.pdf>

³⁸⁹ pp9-11, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/03/Supplemental-Submission-by-Transmedia-Watch1.pdf>

³⁹⁰ <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/03/Supplemental-Submission-by-Transmedia-Watch1.pdf>

³⁹¹ pp16-24, *ibid*

³⁹² pp4-5, *ibid*

“TMW recognises that many more children report gender variant episodes than turn out to be trans. However, when a child expresses a strong level of distress about their gender, severe psychological issues can result if left untreated. It is entirely possible that Z may decide as she grows older that she wishes to revert to being a boy. If that scenario does arise, the level of press exposure is likely to make that decision far harder to take. There is significant concern about giving someone like this so much exposure, especially when they are vulnerable. Paradoxically this is a concern that the press has also expressed, but their rush to publish seems to be paramount.”

- 8.32 On the basis of the evidence seen by the Inquiry, it is clear that there is a marked tendency in a section of the press to fail to treat members of the transgender and intersex communities with sufficient dignity and respect; and in instances where individuals are identified either expressly or by necessary implication perpetrate breaches of clause 12 of the Code. Parts of the tabloid press continue to seek to ‘out’ transgender people notwithstanding its prohibition in the Editors’ Code. And parts of the tabloid press continue to refer to the transgender community in derogatory terms, holding transgender people up for ridicule, or denying the legitimacy of their condition. Although the Inquiry heard evidence that parts of the tabloid press had “raised [its] game in terms of transgender reporting”,³⁹³ the examples provided by TMW of stories from the last year demonstrate that the game needs to be raised significantly higher.
- 8.33 The press has shown itself quite capable of doing so: 30 years ago, an Inquiry into the culture practices and ethics of the press was likely to have seen a deluge of complaints relating to the representation of homosexuals in the press.³⁹⁴ The fact that only a very few such complaints were received by this Inquiry may reflect the press’s ability to put its own house in order. Alternatively, it may simply reflect that society had changed and the press has been forced to keep up.

Ethnic minorities, immigrants and asylum seekers

- 8.34 It seems that a raising of the game is also required in relation to the representation of some ethnic minorities, immigrants and asylum seekers. The Joint Council for the Welfare of Immigrants drew the Inquiry’s attention to a recent report from the Council of Europe’s Commission on Racism and Intolerance, which stated:³⁹⁵

“[ECRI] notes with concern that Muslims, migrants and asylum seekers Gypsies/ Travellers are regularly presented in a negative light in the mainstream media, and in particular the tabloid press, where they are frequently portrayed, for example, as being by definition associated with terrorism, sponging off British society, making bogus claims for protection or being troublemakers. ECRI is concerned... [about] the racist and xenophobic messages themselves that are thus propagated in the media...”

- 8.35 This conclusion, and in particular, the identification of Muslims, migrants, asylum seekers and gypsies/travellers as the targets of press hostility and/or xenophobia in the press, was supported by the evidence seen by the Inquiry.

³⁹³ pp128-129, lines 11-11, Dominic Mohan, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Transcript-of-Afternoon-Hearing-7-February-2012.pdf>

³⁹⁴ p27, lines 12-25, Tony Blair, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/05/Transcript-of-Morning-Hearing-28-May-2012.pdf>;

³⁹⁵ The Treatment of Asylum Seekers – Tenth Report of Session 2006-07, quoted at para 1, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/03/Submission-by-Joint-Council-for-the-Welfare-of-Immigrants.pdf>

- 8.36 In relation to alleged discrimination of Muslims, the Muslim advocacy group ENGAGE shared its concern that the last decade had seen, within parts of the tabloid press, an increase in Islamophobic and discriminatory coverage of Muslim issues. It drew the Inquiry's attention to numerous headlines referring to Muslims, or Muslim practices, in alarmist and sensational terms. It noted, amongst others, the following headlines, which appeared to have little factual basis but which may have contributed to a negative perception of Muslims in the UK: *'Muslim Schools Ban Our Culture'*; *'BBC Puts Muslims Before You!'*; *'Christmas is Banned: It Offends Muslims'*; *'Brit Kids Forced to Eat Halal School Dinners!'*; *'Muslims Tell Us How To Run Our Schools'*.³⁹⁶
- 8.37 The organisation submitted to the Inquiry a summary of some of its complaints to the PCC since December 2007 relating to inflammatory and inaccurate reporting. The articles of which Engage had complained included:
- (a) a Daily Star article entitled *'Poppies banned in Terror Hotspots'*, which suggested that a ban on the sale of Remembrance Day poppies had been imposed in certain Muslim populated areas, where no such ban existed.³⁹⁷
 - (b) A Daily Star article entitled *'Muslim only public loos'*, which suggested that a local authority planned to build new public toilets, with taxpayer money, for the exclusive use of Muslims, when this was a simple fiction.³⁹⁸
 - (c) A Daily Express article entitled *'Muslim plot to kill the pope'*, which reported on a non-existent plot.³⁹⁹
 - (d) A Daily Mail article entitled *'Cafe wins fight to fry bacon after Muslim complaints'* which implied that complaints to a local authority which had sparked enforcement action by planning officers had been made by Muslims, when that was not the case.⁴⁰⁰
- 8.38 ENGAGE also drew the Inquiry's attention to complaints made by others to the PCC in relation to articles alleged to be discriminatory or inaccurate in their reporting of Muslim issues. Those complaints included:
- (a) A complaint from ummah.com in relation to an article in The Sun alleging a Muslim plot to kill prominent British Jews. The basis of the article was an apparently extremist posting on the ummah.com website. Investigations revealed that the posting had in fact been fabricated by The Sun's "anti-terror expert" and the story had no basis whatsoever.⁴⁰¹
 - (b) A complaint from the Ummah Welfare Trust, an international relief and development charity, in relation to a Daily Express article alleging connections between the charity and terrorist organisations on the UN's proscribed list. There were no such connections.⁴⁰²

³⁹⁶ pp33-34, para 36, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Second-Submission-by-Engage.pdf>

³⁹⁷ p2, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/First-Submission-by-Engage.pdf>. The editor of the Daily Star was asked about a similar article which related to the burning of poppies; p65, lines 6-13, Dawn Neesom, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/01/Transcript-of-Morning-Hearing-12-January-2012.pdf>; and other articles in a similar tone. She denied that the paper had an anti-Muslim agenda.

³⁹⁸ p4, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/First-Submission-by-Engage.pdf>. The PCC upheld a complaint in relation to this article.

³⁹⁹ p3, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/First-Submission-by-Engage.pdf>

⁴⁰⁰ pp3-4, *ibid*

⁴⁰¹ pp4-5 *ibid*

⁴⁰² p4, *ibid*

- 8.39 ENGAGE's representative, Inayat Bunglawala, was of the view that the articles complained of had the cumulative effect of increasing prejudice against Muslims. However, he went further: his view was that the headlines identified, and the decisions to place those articles on the front page of the newspapers, were deliberate, and were intended deliberately to increase such prejudice.⁴⁰³ He indicated that many of the headlines had been used by the far right to further its racist propaganda.⁴⁰⁴
- 8.40 The Daily Telegraph's Peter Osborne shared some of these concerns. His pamphlet *'Muslims Under Siege'* was instructive.⁴⁰⁵ It recalled a story published in The Sun with the headline *'Brave Heroes Hounded Out'* which told how "Muslim yobs" had wrecked a house to prevent British soldiers returning from Afghanistan from moving in. In his pamphlet, Mr Osborne noted that millions of Sun readers reading the article would have felt justified anger and contempt for *"the violent and treacherous Muslims who had carried out such a disloyal act against brave British soldiers. But there was one very big problem with the Sun story... there was no Muslim involvement of any kind."* The pamphlet continued:⁴⁰⁶

"What the Sun had done was to take a local story about a piece of vandalism, probably caused by local snobbery about the presence of soldiers – and convert it into another kind of story altogether about evil Muslims. This case is far from unique. As we discovered while researching this pamphlet, is in fact typical of reporting of the Muslim communities across large parts of the mainstream British media."

- 8.41 Suleman Nagdi MBE, representing the Federation of Muslim Organisations, considered that *"certain tabloid papers have reported on issues concerning Muslims with a lack of accountability which has resulted in a climate of hostility in both the reporters and the readership"*.⁴⁰⁷ He thought that some articles were explicitly discriminatory, but drew the Inquiry's attention to the conclusions of a study published by Paul Baker of Lancaster University entitled *'The Representation of Muslims in the British Press 1998-2009'*. This concluded:⁴⁰⁸

"More common than the expressly negative representation of Muslims, was a more subtle set of implicitly negative representations, with Muslims often being "collectivised" via homogenising terms like "Muslim world" and written about predominantly in contexts to do with conflict, terrorism and extremism."

- 8.42 Other academic research seen by the Inquiry supports that view. In its briefing note for the All Party Parliamentary Group on Islamophobia, ENGAGE drew attention to a report by the Cardiff School of Journalism, Media and Cultural Studies which had reviewed the representation of British Muslims in the press between 2000 – 2008.⁴⁰⁹ That report concluded:⁴¹⁰

"In sum, we found that the bulk of coverage of British Muslims – around two thirds – focuses on Muslims as a threat (in relation to terrorism), a problem (in terms of differences in values) or both (Muslim extremism in general)."

⁴⁰³ p34, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Second-Submission-by-Engage.pdf>

⁴⁰⁴ pp2-3, lines 21-10, Inayat Bunglawala, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/01/Transcript-of-Afternoon-Hearing-24-January-2012.pdf>

⁴⁰⁵ <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/05/Exhibit-PO1-to-Witness-Statement-of-Peter-Oborne.pdf>

⁴⁰⁶ p13, *ibid*

⁴⁰⁷ p1, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Submission-by-Suleman-Nadgdi-MBE-DIL.pdf>

⁴⁰⁸ p2, *ibid*

⁴⁰⁹ Moore K, Lewis P, Lewis J, *'Images of Islam in the UK: The Representation of British Muslims in the National Print News Media 2000-2008'*: http://www.irr.org.uk/pdf/media_muslims.pdf

⁴¹⁰ p3, http://www.irr.org.uk/pdf/media_muslims.pdf

The language used about British Muslims reflects the negative or problematic contexts in which they tend to appear. Four of the five most common discourses used about Muslims in the British press associate Islam/Muslims with threats, problems or in opposition to dominant British values. So, for example, the idea that Islam is dangerous, backward or irrational is present in 26% of stories. By contrast, only 2% of stories contained the proposition that Muslims supported dominant moral values.

Similarly, we found that the most common nouns used in relation to British Muslims were terrorist, extremist, Islamist, suicide bomber and militant, with very few positive nouns (such as 'scholar') used. The most common adjectives used were radical, fanatical, fundamentalist, extremist and militant. Indeed, references to radical Muslims outnumber references to moderate Muslims by 17 to one."

- 8.43 Mr Peppiatt suggested that this type of unbalanced reporting was motivated by circulation. One of the keys reasons he cited for resigning from the Daily Star was what he perceived as its Islamophobic agenda. He said that he experienced a top down pressure to unearth stories which fit within what was described as the Daily Star's "narrative" ("*immigrants are taking over, Muslims are a threat to security*"); the factual basis for a story was less important than that narrative. Mr Peppiatt said he was personally responsible for writing the fictional "Muslim only public loos" story. Although the newspaper was aware that the story was not true, an editorial decision was taken to publish anyway. Similarly, Mr Peppiatt described an article he wrote on plans to require Sikhs to remove their turbans at airport security, for fear that Islamic terrorists might disguise themselves as Sikhs. There was no factual basis for that story either, but Mr Peppiatt invented quotes from a "security source" to lend an air of credibility.⁴¹¹
- 8.44 The overall picture is more nuanced than witnesses such as Mr Peppiatt have been prepared to accept. The Daily Star submitted a lever arch file containing a bundle of what it described were 'pro-Muslim' articles; although I would not necessarily agree with that precise designation, the broad sentiment is wholly accurate. Here, a quantitative assessment is inappropriate; the Inquiry could not begin to reach judgments as to the proportion of 'pro-Muslim' against 'anti-Muslim' pieces.
- 8.45 In any event, that would be to miss the point. It is not as if the 'pro' articles somehow cancel out or fall to be weighed in the balance against the 'anti': the real point is whether articles unfairly representing Muslims in a negative light are appropriate in a mature democracy which respects both freedom of expression and the right of individuals not to face discrimination. The evidence demonstrates that sections of the press betray a tendency, which is far from being universal or even preponderant, to portray Muslims in a negative light. As with the case of discrimination against women discussed above, issues arise in relation to the interpretation and application of clause 12 of the Editors' Code, and the arguable need to identify an individual target of discrimination, but the key point which falls to be made in the present context is the need for a regulator with the ability and power to grapple with these issues and set appropriate standards.
- 8.46 The tendency identified in the preceding paragraph is not limited to the representation of Muslims and applies in a similar way to some other minority ethnic groups. The Joint Council on the Welfare of Immigrants, the Migrant and Refugee Communities Forum, and the Federation of Poles in Great Britain gave evidence that supported and complemented each other. Together, their evidence suggested that the approach of parts of the press to

⁴¹¹ pp17-20, lines 25-4 & pp32-38, lines 7-20; Richard Peppiatt, <http://www.levesoninquiry.org.uk/wp-content/uploads/2011/11/Transcript-of-Morning-Hearing-29-November-2011.pdf>



migrants and asylum seekers was one of advocacy rather than reporting: some newspapers expressed a consistently clear view on the harm caused by migrants and/or asylum seekers (often conflating the two) and ensured that any coverage of the issue fit within that narrative.

8.47 It is unquestionably right that, in relation to inherently political questions like immigration and asylum, editors and journalists are entitled to express their strongly held views in their newspapers. However, the concerns raised by the various witnesses were not limited to the expression of views, but included allegations of wilful blindness to the (lack of) truth of stories which fit with a newspaper's adopted viewpoint. Stories which are factually incorrect clearly raise issues under clause 1 of the Code regardless of clause 12. The organisations drew the Inquiry's attention to the follow as examples:

- (a) The Sun's story headlined "Swan Bake", which alleged that gangs of Eastern European asylum seekers were killing and eating swans from ponds and lakes in London. Unidentified people were cited as witnesses to the phenomenon, but it seemed there was no basis to the story: the Sun was unable to defend the article against a PCC complaint.⁴¹²
- (b) The Daily Star's article headlined "Asylum seekers eat our donkeys." The story told of the disappearance of nine donkeys from Greenwich Royal Park. The police were reported as having no idea what had happened to the donkeys but, in a piece of total speculation, the story went on to claim that donkey meat was a speciality in Somalia and Eastern Europe, that there were "large numbers of Somalian asylum-seekers" in the area and some Albanians nearby, and concluded that asylum seekers had eaten the donkeys.⁴¹³
- (c) The Daily Mail's erroneous report that a judge had allowed an immigrant to remain in the UK because "the right to family life" protected his relationship with his cat.⁴¹⁴

8.48 It is one thing for a newspaper to take the view that immigration should be reduced, or that the asylum and/or human rights system should be reformed, and to report on true stories which support those political views. It is another thing to misreport stories either wilfully or reckless as to their truth or accuracy, in order to ensure that they support those political views. And it does appear that certain parts of the press do, on occasion, prioritise the political stance of the title over the accuracy of the story. Ms Stanistreet, on behalf of the NUJ, gave evidence as follows:⁴¹⁵

"Journalists that I spoke to in the course of collating this testimony painted a disturbing picture of the nature of the day to day sentiments expressed by senior editorial staff—such comments give an insight into the approach taken on coverage of race and ethnicity. These included a reporter being told by the news editor to "write a story about Britain being flooded by asylum-seeking bummers"; instructions to "make stories as right wing as you can"; a reporter being told to go out and find Muslim women to photograph with the instruction: "Just fucking do it. Wrap yourself around a group of women in burkas for a photo".

⁴¹² p7, *ibid*

⁴¹³ p7, *ibid*

⁴¹⁴ pp2-3, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/03/Submission-by-Joint-Council-for-the-Welfare-of-Immigrants.pdf>

⁴¹⁵ p7, para 19-20, <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/02/Second-Witness-Statement-of-Michelle-Stanistreet.pdf>

- 8.49 Although the weight to be given to this anonymous evidence is necessarily limited, it coheres with the evidence given by Mr Peppiatt and Mr Osborne, and is consistent with the kinds of complaints made by the Joint Council on the Welfare of Immigrants, the Migrant and Refugee Communities Forum, the Federation of Poles in Great Britain, ENGAGE and Mr Nagdi. That evidence suggested that, in relation to reporting on Muslims, immigrants and asylum seekers, there was a tendency for some titles to adopt a sensationalist mode of reporting intended to support a world-view rather than to report a story. The evidence given by the Irish Traveller Movement in Britain suggested a similar approach to gypsy and traveller issues.⁴¹⁶
- 8.50 It is important to reiterate that the evidence was not all bad: there were many examples of titles with responsible and positive reporting on these issues, and even within the section of the press identified for criticism, there was evidence showing a complicated picture. For example, although the Daily Mail has been criticised for its reporting of some minority issues, its Stephen Lawrence campaign demonstrated a newspaper committed to tackling and condemning racism.
- 8.51 Nonetheless, when assessed as a whole, the evidence of discriminatory, sensational or unbalanced reporting in relation to ethnic minorities, immigrants and/or asylum seekers, is concerning. The press can have significant influence over community relations and the way in which parts of society perceive other parts. While newspapers are entitled to express strong views on minority issues, immigration and asylum, it is important that stories on those issues are accurate, and are not calculated to exacerbate community divisions or increase resentment. Although the majority of the press appear to discharge this responsibility with care, there are enough examples of careless or reckless reporting to conclude that discriminatory, sensational or unbalanced reporting in relation to ethnic minorities, immigrants and/or asylum seekers is a feature of journalistic practice in parts of the press, rather than an aberration.
- 8.52 Overall, the evidence in relation to the representation of women and minorities suggests that there has been a significant tendency within the press which leads to the publication of prejudicial or pejorative references to race, religion, gender, sexual orientation or physical or mental illness or disability. Whether these publications have also amounted to breaches of the Editors' Code in every case is debatable, but in the ultimate analysis is little to the point. That failure has, in the main, been limited to a section of the press and may well stem from an undue focus on seeking to reflect the views (even if unsuccessfully) of a particular readership. A new regulator will need to address these issues as a matter of priority, the first steps being to amend practice and the Code to permit third party complaints.

9. Inaccuracy

- 9.1 It is not by accident that the Editors' Code begins with a requirement for accuracy:⁴¹⁷ it is the foundation stone on which journalism depends. For that reason, the extensive evidence heard by the Inquiry of problems with basic accuracy in parts of the press caused significant concern. In what follows, that evidence is considered in five parts. These are:
- (a) evidence of deliberate invention and fabrication of stories by sections of the press, and/or a failure to check the truth of invented stories;

⁴¹⁶ <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/07/Submission-from-The-Irish-Traveller-Movement-March-2012.pdf>; <http://www.levesoninquiry.org.uk/wp-content/uploads/2012/07/Submission-from-The-Irish-Traveller-Movement-April-20121.pdf>

⁴¹⁷ Clause 1(i) of the PCC Code requires the press to take care not to publish inaccurate, misleading or distorted information, including pictures.