

Eaves, Unit 2.03 Canterbury Court, 1-3 Brixton Road, London, SW9 6DE
End Violence Against Women Coalition, 17-25 New Inn Yard, London, EC2A 3EA
Equality Now, 1 Birdcage Walk, London, SW1H 9JJ
Object, PO Box 63639, London, SW9 1BQ

Lord Leveson
The Leveson Inquiry
Royal Courts of Justice,
Strand,
London WC2A 2LL

13 July 2012

Dear Lord Leveson,

Re The Future Regime for the Press

Following our written submissions and oral evidence in January, we welcome the opportunity to contribute again to your Inquiry's investigation into the standards and practices of the press and your recommendations for a new regime.

You will remember that each of our organisations submitted written evidence to you last December which highlighted newspapers' routine failure to report accurately on violence against women; some newspapers' tendency to uphold myths about domestic and sexual violence, prostitution and violence against ethnic minority women; news reporting which implicitly blames women for violence committed against them; and the normalisation of images and stories which sexualise and objectify women in every edition of particular newspapers. We discussed these findings and many specific examples, and associated harms, when we gave oral evidence together in January.

We would ask you to consider the policy context in which the Inquiry is taking place. The Home Office leads a cross-departmental strategy, *Call to End Violence Against Women and Girls* which has preventing violence against women and girls as a key objective. There is much evidence about the media's role in providing a conducive context for violence against women to occur by condoning, tolerating and normalising abuse of women. The Home Affairs Committee is currently conducting an Inquiry into child sexual exploitation and has heard evidence from Deputy Children's Commissioner, Sue Berelowitz, about the impact that pornography has on young men's views of sex and relationships. Following several government-commissioned reviews, the Coalition Government is taking action to limit the harms of sexualisation on children, as are other countries. Ofcom and the Advertising Standards Authority are addressing these issues in their regulatory work too.

Please consider this letter as our joint submission on your Draft Criteria and proposals for a new regulatory regime.

1. Effectiveness - the 'public interest' and the interests of women and justice

We note that your Draft Criteria, and indeed many of the Inquiry's core documents, refer frequently to the importance of ensuring that the new regime should be not only clearly in the public interest, but demonstrably and credibly so. You leave no doubt about the primacy of the public interest in the formulation and then the conduct of the new Code, and no private interest has or is likely to disagree with this.

We think it is important to reflect on what this critical concept means. The public interest is not of course an abstract 'good' but rather means the wellbeing of the whole community which consists of many different groups and individuals. Women are always half of these and no regime which ignores or actually facilitates harm to women could be said to be in the public interest.

Our original submissions to your Inquiry set out evidence to show how inaccurate reporting about violence against women, the misrepresentation of individual women victims and survivors of violence, the routine sexualisation and objectification of women, and editorialising and reporting which promotes myths about violence, and implicitly or explicitly blames women for these abuses, over time has a cumulative effect on millions of readers. It incrementally and subtly informs the way large parts of the community view and treat women, including the public perception of gender-based violence and the possibility then of justice. Furthermore, it provides a conducive context for violence to occur in the first place.

Myths and stereotypes about rape, for example, feed the common view on who is seen as a 'real' victim and who is a perpetrator; they even impact on rape reporting rates and send a message to perpetrators about the seriousness or otherwise with which society regards their behaviour. We need not cite our own research again as evidence for this but rather the Chief Crown Prosecutor for the CPS in London, Alison Saunders, who in a high profile speech at the end of January this year said that jurors' pre-conceived ideas about rape when arriving at the courtroom are hampering attempts to improve justice for survivors of sexual violence. She further referred to our evidence outlining the concerning ways in which naked, highly sexualised and gratuitous images of women sit alongside adverts for violent pornography and prostitution services, and are juxtaposed with sensationalised reporting of sexual and physical violence against women, thereby trivialising, normalising and even eroticising the violence.

It therefore clearly runs contrary to the public interest to permit the persistent objectification and sexualisation of women, and to allow news reporting which regularly, directly or indirectly, has a negative, cumulative impact on women's rights. This is not a subjective matter. A pattern has been detected and the new regime, acting in the public interest, must specifically seek to ensure that media conduct which harms women is prevented and penalised if it does take place.

Your Inquiry is striving also to frame a new regime at a time of totally unprecedented technological change leading to radical changes in the way in which people consume news and other media. Your Draft Criteria say that the intention is to create a regime which is flexible and durable enough to remain applicable as the media landscape continues to change. Again, before enumerating our specific recommendations, we would draw your

attention to some recent research and concerns on the impact these media changes are already having on young people in particular.¹

We fully support freedom of the press and strongly uphold its right to expose wrong-doing, challenge the powerful and corrupt, and present what may be uncomfortable views of our society and the members of it. However, as a vital constituent of democracy, the press also has responsibilities. These include the responsibility not to promote discrimination, rather to represent and reflect a wide diversity of actors and opinions. Our democratic discourse has been considerably narrowed by the stereotyped portrayal of women in the press including the general lack of representation of black, minority, ethnic women, older women and women with disabilities, rendering whole segments of society barely visible and without a fair voice. The treatment by some in the press of women in power, including and especially women in political office, all too often focuses on their body parts, ridiculing them as women rather than criticising their policies or opinions. Such stereotyping, as shown by the United Nations in various fora², contributes to women's lesser participation in public life. The overt sexual objectification of the narrow section of women who are presented within the press has also been shown to have a direct impact on the self esteem and aspirations of girls and young women, with research conducted by the Future Foundation think tank (April 2012) finding that one in four girls has low self-esteem and concluding that Britain could lose some 319,000 future businesswomen, lawyers and doctors, as well as more than 60 women MPs by 2050 unless young women can be helped to retain confidence in their own abilities. This democratic deficit is clearly not in the public interest and we believe that the status quo cannot continue.

2. Fairness and objectivity of Standards - the Statement of Ethical Standards

We are pleased to see the Draft Criteria set out the aim of having a:

“statement of ethical standards which is recognised as reasonable by the industry and credible by the public. This statement must identify enforceable minimum standards as well as articulating good practice that should be aimed for.”

This statement will send a powerful signal of what the culture of newsrooms should be, and its precise content is as such critical. We believe it must specifically include a prohibition on any reporting which is discriminatory and that it is essential it be developed in consultation with bodies and individuals recognised as knowledgeable in the fields both of media and of discrimination. This is in order to achieve both the effectiveness and credibility that will be needed. Such a statement should go further than the current Editors' Code requirement that

¹ A Qualitative Study of children, young people and sexting, NSPCC
http://www.nspcc.org.uk/Inform/resourcesforprofessionals/sexualabuse/sexting-research-report_wdf89269.pdf

Definitions, discourses and dilemmas: policy and academic engagement with the sexualisation of popular culture M Coy and M Garner

² See, for example, *Review of the implementation of the Beijing Declaration and Platform for Action, the outcomes of the twenty-third special session of the General Assembly and its contribution to shaping a gender perspective towards the full realization of the Millennium Development Goals, Report of the Secretary-General, E/2010/4*–E/CN.6/2010/2** 8 February 2010, at paragraphs 247, 349 and 350.

news reporting refrain from being prejudicial or perjorative with regard to individuals' identities, and in addition require a standard of reporting that respects and promotes respect and equality for all people, including women. The Code should advance awareness of, and adherence to the need for overcoming, stereotypes and myths in the portrayal of women, including in relation to sexual violence, sexual objectification, and public participation.

We noted in our testimony that some elements of the press commonly portray underage girls in a sexualised way as well as using spurious excuses for publishing sexualised childhood photographs of now-adult women. There is no public interest in this, rather it can reinforce stereotypes of women which impede their access to justice in the context of sexual violence and which promote, particularly among teenage girls, a troubling view of their apparent singular worth in society, thus limiting their life choices. Indeed, recent studies show that pressures to become sexualised have led to girls across all social strata reporting mental disorders at a rate of 44% - making them the most depressed section of the population³. Such depictions of girls should have no place in our press and this should be made explicit in any new standard.

In addition, any publication continuing to publish naked or semi-naked pictures of women in their print versions or online should be age-restricted to conform to similar provisions for broadcast media. Unlike perhaps for other forms of discrimination, several publishers and businesses have a strong financial incentive in promoting the objectification of women. This may also reflect the interests of some publishers to portray these issues as matters of 'taste and decency', rather than, as is clearly the case, discrimination. Broadcasting regulation and sexual harassment legislation among others have already underlined where such images should sit, which would make a similar provision applicable to the press a good fit with other relevant regulatory and law enforcement functions, as proposed in the Draft Criteria. In addition, current concerns about the early sexualisation of our children and the harms it is causing underscore the need for children to be restricted from accessing such materials, which have in the past contained free pornography DVDs⁴, and promoted free children's toys whilst at the same time carrying adverts for XXX pornography⁵.

Minimum general standards

There should be key public policy objectives, and minimum standards which are applied across all forms of media to ensure that the public are protected from harm and discrimination.

In applying generally accepted standards, any regulatory regime for the press must ensure that material which may cause harm and discrimination is justified by the context. Such material may include, but is not limited to, offensive or discriminatory language, gratuitous violence including sexual violence or harassment, sexualised or objectifying imagery, humiliation, distress, violation of human dignity, discriminatory treatment or stereotyped

³ Sweeting H, Young R, West P. GHQ increases among Scottish 15 year olds 1987-2006. *Social Psychiatry and Psychiatric Epidemiology* 2009; **44**:579-86.

⁴ See the Sunday Sport, 15 January 2012, 'FREE INSIDE PENTHOUSE SEX DVD'

⁵ See the OBJECT and Turn Your Back on Page 3 written evidence to the Inquiry:

<http://www.object.org.uk/files/The%20Leveson%20Inquiry%20-%20OBJECT%20and%20Turn%20Your%20Back%20on%20Page%203%20Joint%20Submission.pdf>

portrayals (for example on the grounds of age, disability, gender, 'race', religion, beliefs or sexual orientation). We noted in our testimony that headline editors commonly use headlines which sexualise violence against women and girls as well as promoting discrimination in other forms. This should also be addressed in a comprehensive regulatory framework.

Sexual material

Material that contains images of nudity and/or language of a strong sexual nature which is not justified by the context should not be printed in newspapers or magazines (including online versions), which are not age restricted. This includes sexualised imagery, and advertising for, or promotion of the sex industry including pornography, sex webcams and prostitution services.

Under 18s

Newspapers and magazines which are not age restricted should always be suitable for wide audiences; that is for audiences including children and young persons. This means that all content, including advertising, must be suitable for children to consume if they choose to buy the publication, or if they should come across it unawares.

Stories, headlines, language, photographs, or imagery which sexualise children or promote the sexualisation of children must be prohibited.

3. Independence and transparency of enforcement and compliance

It is critical that if the new regulatory body is to be able to uphold these high ethical standards, and to maintain professionalism in reporting, it must be well informed about matters of equality and diversity. We would urge that the panel includes at least one permanent member whose remit is equality and diversity, and that this member be accountable to stakeholders with expertise in these areas, as well as to the general public.

We agree that the press should not be unduly fettered - as human rights organisations, we would not wish this. We recognise the media industry would need to find appointments to any regulatory body reasonable and to believe them to be sufficiently knowledgeable about the industry to do their job well. We have been encouraged by the submissions of the NUJ and laud the courage of individual journalists who have sought to challenge any form of discrimination from within. Journalists need to be supported with clear professional standards and strong ethical benchmarks. Given the loss of faith in our press as clearly highlighted by the Inquiry, however, only a transparent and truly inclusive future regime which clearly addresses all the issues raised in testimony can hope to restore faith in what is a critical organ of democracy.

4. Powers and remedies

This is clearly a very contentious area, the design and implementation of which will be critical to the whole success of the new regime. Our specific recommendations are:

- i. Third parties and groups with specialist expertise on matters of discrimination should be permitted to make complaints, rather than the current system where only those directly individually affected by a report can complain. There are many examples of women and girls whose very experience means they are unlikely or even unable to personally complain to any regulatory body. Third party reporting is an established way of facilitating justice in other public policy areas.
- ii. The new panel should be able to conduct investigations into individual cases on its own initiative, and not only in response to a complaint. Thus, the panel might investigate some egregious reporting on, for example, a domestic violence murder or abuse in prostitution even when no individual or interest group asked it to do so but simply because it is in the public interest to do so.
- iii. There should be provision and a clear procedure for dealing with issue based complaints on the basis of how a group is persistently portrayed, misrepresented or stereotyped against, as is the case in the regulation of broadcast media.
- iv. The new panel should also be able to conduct thematic investigations. This could be on its own initiative or in response to indications from third parties of a pattern of abuse. This would also help to address the situation when the long-term, cumulative effect of reporting contributes to the fostering of a climate of discrimination. By looking at the way an individual outlet consistently portrays women, or reports in a way that is harmful to women, or at how multiple titles are reporting a particular case or issue, the panel could then issue recommendations to explain and address the harmful impact of such reporting as well as issuing reprimands/sanctions where warranted.
- v. Sanctions must be credible and have teeth in order both properly to compensate directly affected individuals and to serve as a deterrent to future breaches of any new code.

In addition we commend the aspiration in the Draft Criteria that the new system should “actively support and promote compliance”. Without the compulsory participation of all press outlets and a commitment to compliance, we cannot hope to address the many critical issues raised during the Inquiry, including in relation to how women and violence against women are reported, and to restore a strong pillar of our democracy.

Conclusion

The Inquiry has aired very constructively gaps in the professionalism of the press and many of the harms these have engendered. We are now at a pivotal moment. While there remain several critical differences of opinion regarding the form any new press regulation should take, there appears to be uniform recognition that the status quo is not acceptable as well as movement towards some shared positions on several issues. While many of the problems exposed seem deeply entrenched, we do not believe creation of a new and effective regime is beyond the reach of those concerned. Using a framework of democracy and non-discrimination, we believe, should allow construction of a system fair to all while preserving free speech that does no gratuitous harm. Indeed, in relation to women, specific international commitments on these issues have been made in United Nations’, as well as regional, human rights instruments, including in the Convention on the Elimination of All Forms of Discrimination against Women, ratified by the United Kingdom in 1986, and in the Beijing Platform for Action of 1995, also endorsed by the UK government.

We hope that all parties with the ability to make a positive difference will be inspired by the hard work the Inquiry has undertaken to expose practices of the press which harm us all and will commit to crafting a new regulatory regime which promotes professionalism and equality in service of the public interest.

Thank you for reading our submission.

Yours sincerely,

Holly Dustin, End Violence Against Women Coalition

Heather Harvey, Eaves

Jacqui Hunt, Equality Now

Anna van Heeswijk, Object