
MINUTES of the COMPLAINTS COMMITTEE MEETING
Wednesday 7 September 2016 at 10.30 am
Gate House, 1 Farringdon Street, London EC4M 7LG

Present: Sir Alan Moses, Chairman
Richard Best
Lara Fielden
Janette Harkess
Gill Hudson
David Jessel
Matthew Lohn
Jill May
Neil Watts
Elisabeth Ribbans
Peter Wright **(Items 1- 6, 8 & 9)**
Nina Wrightson

In attendance: Elizabeth Bardin, Executive Assistant to Chairman
Ben Gallop, Head of Complaints
Michelle Kuhler, PA to CEO and minute taker
Bianca Strohmman, Head of Complaints
Matt Tee, Chief Executive Officer

Also present: Members of the Executive:

Xavier Bastin
Ciaran Cronin
Niall Duffy
Isabel Gillen-Smith
Vikki Julian
Holly Pick
Liam Tedds
Charlotte Urwin

Observers: Jonathan Grun, Editors' Code of Practice Committee
Trish Haines, Independent Complaint Reviewer

1. Apologies for Absence

No apologies for absence were received.

2. Declarations of Interest

Peter Wright declared an interest in item 7. He left the meeting for this item.

3. Minutes of the Previous Meeting

The Committee approved the minutes of the meeting held on 2 August 2016 as a true and accurate record.

4. Update by the Chairman

The Chairman updated the Committee on IPSO's work on the occasion of its second anniversary. He emphasised in particular the excellent contribution made by the Committee in its discussions and debates of matters arising through IPSO's complaints work.

External Affairs

The Chairman and Chief Executive will appear before the House of Commons Culture, Media and Sport Select Committee on 13 September. The Chairman also informed the Committee of his forthcoming meeting with the Secretary of State for Culture Media and Sport, and updated the Committee on preparations for the IPSO roadshow in Birmingham.

5. Matters Arising

There were no items arising.

6. Complaint 05935-16 Manji v The Sun

The Committee discussed the complaints and ruled that the complaint should not be upheld. A copy of its rulings appear in **Appendix A**.

7. Complaint 04051-16 Dartington v Daily Mail

The committee discussed the complaint and ruled that the complaint be upheld. A copy of its ruling appears in **Appendix B**.

8. Complaint 07016-16 McDonald v Daily Express

The committee discussed the complaint and ruled that the complaint should be investigated.

9. Complaints not adjudicated at a Complaints Committee meeting

The committee confirmed its formal approval of the papers listed in **Appendix C**.

10. Any other business

No other business was recorded.

11. Date of Next Meeting

The date of the next meeting was confirmed as **Wednesday 13 October 2016**.

The meeting ended at 12pm

Michelle Kuhler
PA to CEO

APPENDIX A

Decision of the Complaints Committee 05935-16 Manji v The Sun

Summary of Complaint

1. Fatima Manji complained to the Independent Press Standards Organisation that The Sun breached Clause 1 (Accuracy), Clause 3 (Harassment) and Clause 12 (Discrimination) of the Editors' Code of Practice in an article headlined "KELVIN MACKENZIE: why did Channel 4 have a presenter in a hijab fronting coverage of Muslim terror in Nice", published on 18 July 2016.
2. The article appeared as part of a regular column. In it, the columnist described his reaction to seeing the complainant presenting Channel 4 News' coverage of a terrorist attack in Nice. He said that he "could hardly believe his eyes" that the presenter, the complainant, "was not one of the regulars...but a young lady in a hijab". He questioned whether it was "appropriate for her to be on camera when there had been yet another shocking slaughter by a Muslim".
3. The article was published in print and online, in substantively the same form. The online article included additional photographs of the complainant, and video from the Nice attack.
4. The complainant said that the article discriminated against her on the basis of her religion: it suggested that her appearance on screen wearing a hijab was as distressing as witnessing a terrorist attack; that her sympathies would lie with the terrorists because she is Muslim; that Muslims in general are terrorist sympathisers; and that she should be prevented from enjoying a career as a television news presenter on the basis of her adoption of a religious item of dress.
5. In particular, the complainant was concerned by the words: "With all the major terrorist outrages in the world currently being carried out by Muslims, I think the rest of us are reasonably entitled to have concerns about what is beating in their religious hearts. Who was in the studio representing our fears?" She considered this suggested she was a terrorist sympathiser.
6. The complainant was also concerned that the article had inaccurately claimed that Islam was "a violent religion" and had given the misleading impression that she had been chosen to present the news that evening as part of a "TV news game". In fact, she had already been rostered to present that evening, ten days prior to the attack. The complainant said that the article had targeted her deliberately, causing her intimidation and distress, and whipping up hatred against her, and Muslims generally. She considered this breached Clause 3 of the Code.
7. The newspaper said that the columnist had sought to avoid criticism of the complainant personally: this was not about the propriety of a journalist having religious faith, but about the propriety of public figures wearing outwardly religious garments, in the context of a story with an unavoidable religious angle. Clause 12 does not prevent criticism of religion, or of religious conduct or choices: the

newspaper said this would represent an “extraordinary limitation upon free speech”.

8. The newspaper argued that there was no prejudicial or pejorative reference to the complainant’s faith. It said that the column contained no description of her religion or beliefs using inflammatory language. Instead, the column formed part of a public debate about presenters wearing symbolic items on screen, which had previously been seen in discussions about a Channel 4 presenter’s decision not to wear a poppy, and the wearing of a crucifix by a presenter on BBC News.
9. The newspaper did not accept that the column suggested the complainant was a terrorist sympathiser. The question “who was in the studio representing our fears?” was not a reference to the complainant: it was immediately preceded by criticism of Channel 4’s decision to have as the sole studio guest a “French guy who was worried about Islamophobia”, and referred only to the lack of balance in choice of guest.
10. The newspaper did not accept that there was any breach of Clause 1 in the description of Islam as a “violent religion”, which was clearly comment. Neither did it accept that publication of the article breached Clause 3.
11. The complainant did not accept the newspaper’s attempt to characterise the column as a broader debate about religious dress. The columnist had equated her wearing of a hijab with support for acts of terrorism. This was not comment, but prejudice; it was highly discriminatory and likely to make her the subject of hatred and abuse.

Relevant Code Provisions

12. Clause 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.

Clause 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.

Clause 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.

Findings of the Committee

13. The column, read as a whole, questioned whether it was appropriate that Channel 4 had permitted news of the atrocity in Nice to be read by a newsreader wearing the outward manifestation of the religion which the columnist associated with that attack. It set out the columnist's opinion on the hijab, Islam in general and Channel 4's choice of interviewee.
14. There can be no doubt that this was deeply offensive to the complainant and caused widespread concern and distress to others. This was demonstrated by the number of complaints IPSO received. The Committee understood the complainant's position that she was doing no more than fulfilling her duties as a newsreader, while observing those tenets of the religion to which she adheres.
15. The article was highly critical of Channel 4 for permitting a newsreader to wear the hijab. It also contained pejorative references to Islam. But the essential question for the Committee was whether those references were directed at the complainant.
16. Clause 12 seeks to protect individuals while respecting the fundamental right to freedom of expression enshrined in the preamble to the Code. It prohibits prejudicial or pejorative references to an individual on account of, amongst other things, that individual's religion. It does not, on the other hand, prohibit prejudicial or pejorative references to a particular religion, even though such disparaging criticisms may cause distress and offence. It should not be interpreted as preventing such criticism merely because, as is inescapable, many individuals subscribe to that particular faith. Were it otherwise, the freedom of the press to engage in discussion, criticism and debate about religious ideas and practices, including the wearing of religious symbols while reading the news, would be restricted.
17. The article did refer to the complainant. But it did so to explain what triggered the discussion about a subject of legitimate debate: whether newsreaders should be allowed to wear religious symbols. In the Committee's view, the columnist was permitted to identify what prompted his discussion, rather than merely raising it in the abstract. Furthermore, he was entitled to express his view that, in the context of a terrorist act which had been carried out ostensibly in the name of Islam, it was inappropriate for a person wearing Islamic dress to present coverage of the story.
18. The Committee did not accept the complainant's contention that the article suggested that, by reason of her faith, she sympathised with the terrorist. The question "who was in the studio representing our fears?" did not, in the Committee's view, carry that implication. It was asked as part of criticism of what the columnist described as "further editorial stupidity" by Channel 4: the presence of a studio guest to express fears about Islamophobia without a guest to express fears and concerns about Islam. These were the fears and concerns of those he asserted were "the rest of us".

19. While the columnist's opinions were undoubtedly offensive to the complainant, and to others, these were views he had been entitled to express. The article did not include a prejudicial or pejorative reference to the complainant on the grounds of her religion. Accordingly, it was not a breach of Clause 12.
20. Clause 3 seeks to protect individuals from harassment. In the light of its findings under Clause 12, and given that the course of conduct complained of was the publication of a single article on a matter which, while sensitive, was the subject of legitimate public debate, the Committee took the view that it did not amount to harassment under Clause 3.
21. The columnist's view that Islam is "clearly a violent religion" was a statement of his opinion. This view, however extreme or offensive to many, did not raise a breach of Clause 1. The suggestion that the complainant was a "pawn in this tv news game" was clearly conjecture, and underlined that the author's criticism was directed at Channel 4 and not at the individual newsreader. There was no breach of Clause 1.

Conclusions

22. The complaint was not upheld.

Remedial action required

23. N/A

APPENDIX B**Decision of the Complaints Committee
04051-16 Dartington v Daily Mail****Summary of Complaint**

1. Jake Dartington complained to the Independent Press Standards Organisation that the Daily Mail breached Clause 1 (Accuracy) of the Editors' Code of Practice in an article headlined "We're from Europe – Let us in!", published on 16 June 2016. The article was also published online on 15 June with the headline "We're from Europe – let us in! As politicians squabble over border controls, yet another lorry load of migrants arrives in the UK".
2. The article, which was the only article on the front page, reported that a lorry carrying 11 "stowaways" had been intercepted by police in East London. It was accompanied by a prominent image of the police speaking to the individuals in the back of the lorry. It reported that when these individuals were asked where they were from, they replied "Europe", a claim which was supported prominently by the sub-headline.
3. The article went on to report that the Conservative Party was "in chaos over border controls". It reported that the Chancellor had said there would be no changes to European Union rules on freedom of movement, while the Home Secretary had said that further reform was needed.
4. The online version of the article was accompanied by additional images of the police interception of the lorry. It was otherwise identical to the print version of the article.
5. The complainant said that the individuals found in the lorry were not from Europe: they were trying to enter the UK illegally, and it was therefore clear they were not European citizens. The phrase "We're from Europe" spuriously implied a connection between these individuals being found in a lorry, and the debate about free movement within the EU.
6. The complainant said that the phrase "lorry load" was inaccurate; he said it dehumanised the people concerned, and exaggerated the number of people found. The complainant said that the misleading headline, juxtaposed with the image of the people in the lorry, was designed to make a political point, and that the article did not clearly distinguish between comment and fact.
7. The newspaper accepted that, in fact, video footage showed that the individuals in the lorry had said they were from Iraq and Kuwait, and did not dispute that it was inaccurate to report that they had said they were from Europe. It said that the story was based on copy provided by a reliable agency, which had contained the claim that an individual in the lorry had told a police officer that they were from Europe. This claim was made by an eyewitness, who had also taken the video of the incident.

8. The newspaper said that the individual who prepared the agency copy had listened to the video to corroborate this claim, and was convinced that when the individuals in the lorry were asked where they were from, one of the individuals said "Europe", in a heavy accent. The newspaper said that the agency made attempts to corroborate this with the police and the Home Office, both of which refused to speculate or confirm this claim. In addition, the newspaper said that it sent its own reporter to the scene of the incident. The reporter spoke to around 10 people in order to corroborate the claims and obtain any relevant CCTV, but no-one had been able to assist. The newspaper denied that it had failed to take care not to publish inaccurate information.
9. While acknowledging the headline was inaccurate, the newspaper denied that this was significant, such as to require correction under the terms of Clause 1 (ii). It said that the individuals were found in the back of an Italian lorry, which it believed had arrived from Belgium. Whether these individuals had begun their journey in Iraq or Kuwait, or elsewhere in Europe, did not make a significant difference to the thrust of the article. Readers would have understood that if these individuals were EU citizens, they would have been able to enter the UK legally, and would not have needed to enter the UK in the back of a lorry. The newspaper said that EU free movement was a significant issue in the referendum campaign because it allowed people from outside the EU to take advantage of the lack of border controls in the Schengen area to travel to Channel ports, where they can attempt to smuggle themselves in to the UK.
10. The newspaper explained that it was notified of the error by way of a complaint received at around noon on 16 June. The online article was corrected within three hours. The headline of the article was amended to remove the claim that the individuals found in the lorry had said "we are from Europe". In addition, the article was amended to report that they had said they were from Iraq and Kuwait.
11. The newspaper said that it published the following correction, with the agreement of the individual who raised the initial complaint, and prior to receipt of this complaint, on page 2 of the following day's newspaper:

In common with other newspapers, we published a reputable news agency's story yesterday which said that stowaways intercepted in east London had told police that they were 'from Europe'. In fact, while they had travelled to the UK in an Italian vehicle from mainland Europe, the migrants told police they were from Iraq and Kuwait.

The following footnote was added to the online article:

In common with other newspapers, an earlier version of this agency story said that stowaways intercepted in east London had told police that they were 'from Europe'. In fact, while they had travelled to the UK from mainland Europe, the migrants told police they were from Iraq and Kuwait.

12. The newspaper said that the correction was published in its clearly marked corrections panel, which has been in place for nearly 5 years. It said that “due prominence” under Clause 1 (ii), does not require equal-prominence, and that in the circumstances of this case, it would not have been proportionate to publish the correction on the front page.
13. The newspaper said that the individuals were travelling in the back of a lorry, and that while it was a sad fact that they were being carried as human cargo, the phrase “lorry load” was not inaccurate or misleading. It denied that the use of the phrase dehumanised the individuals in the lorry, or that this was the newspaper’s intention. The newspaper denied that the article failed to distinguish between comment and fact.
14. The complainant said that the page 2 correction would not have been seen by people who do not buy the newspaper, but would have seen the front page headline. In addition, he said that the correction failed to address the other aspects of his complaint.

Relevant Code Provisions

15. Clause 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.

Findings of the Committee

16. The newspaper was entitled to treat the incident in question as connected to the issue of free movement, and it was not misleading to illustrate an article on EU free movement with an image of non-EU citizens entering the UK in the back of a lorry. However, it was inaccurate to report that the individuals in the lorry had told the police that they were from Europe. While it was clear that they had arrived in the UK via Europe, they had in fact told the police that they were from Iraq and Kuwait.
17. In the Committee’s view, in the video, the individual in the lorry could clearly be heard telling the police that they were from Iraq and Kuwait. This was repeated by the police officers present, and the Committee did not therefore accept the

- explanation offered for the error in transcription. While the Committee noted the additional steps the newspaper had taken to ensure the accuracy of the story, the newspaper had failed to take care not to publish inaccurate information, in breach of Clause 1 (i). Given the weight ascribed to this claim by the article, the Committee determined that the inaccurate information was significant, such as to require a correction under Clause 1 (ii).
18. The newspaper published a correction in its corrections column the following day, which identified the inaccuracy, and made clear the correct position. It amended the online article on the same day it was made aware of the inaccuracy, and published a footnote making clear that the article had been amended, and why. The Committee commended the speed with which the newspaper had reacted to a separate, earlier complaint, in publishing this correction.
 19. The newspaper publishes a panel on page 2 of the newspaper headlined "Clarifications & corrections". This panel is generally published every day. It contains information about IPSO and details about how to complain. The Committee was satisfied that this represented an established corrections column. The Committee has previously made clear that it considers established corrections columns to be of value in ensuring prominence. Nevertheless, there are circumstances in which a front-page correction may be required by the Editors' Code, regardless of the existence of an established corrections column.
 20. In deciding whether due prominence requires a correction on the front page, the Committee must act proportionately. In doing so it has regard for the fact that front pages are the most important forum for editorial expression as they impart to readers, using limited space, what the newspaper considers to be the main news stories of that day. A requirement that a correction appear on a front page is an interference with this, and, as such, front-page corrections are generally reserved for the most serious cases.
 21. The Committee did not consider that this was such a case. While the article's headline had misrepresented the comments from the individuals involved in the incident, the headline and image had been published as an illustration of migration in an article which went on to report debates that were taking place within the Conservative Party on the issue of border controls. The inaccuracy, although clearly requiring correction, had minimal impact on the meaning of the article as a whole. In this context, the Committee did not establish that the inaccuracy was of sufficient gravity to require a correction on the front page of the newspaper.
 22. The newspaper had complied with its obligation to correct the inaccuracy promptly, and with due prominence. There was no breach of Clause 1 (ii).
 23. The article made clear that 11 individuals had been found in the lorry, and in these circumstances, the phrase "lorry load" was not misleading in the manner alleged. This aspect of the complaint did not raise a breach of Clause 1. The Committee noted the complainant's concern that the article represented a partisan report of the incident in question. However, the Code specifically provides for newspaper's to editorialise and campaign, and the complainant did not identify an instance

where the newspaper had failed to distinguish clearly between a claim of fact about the incident from a comment. There was no breach of Clause 1 (iv).

Conclusion

24. The complaint was upheld.

Remedial Action Required

25. Having upheld a breach of Clause 1 (i), the Committee considered what remedial action should be required. The Committee considered that the breach of Clause 1 had been appropriately remedied by the publication of the correction in print, the amendment of the online article, and the publication of a correction as a footnote. In light of the Committee's findings, a requirement to republish the correction on the front page would be disproportionate and the Committee did not therefore require any further remedial action.

APPENDIX C

Paper No.	File Number	Name v Publication
741	03062-16	InFacts v Daily Express
742	03056-16	InFacts v The Daily Telegraph
743	02750-16	Moss v Surrey Comet
744	00879-16	Coutts v Daily Mail
745	00876-16	Coutts v Sunday Post
746	02740-16	Yorke v The Scottish Sun on Sunday
747	03058-16	InFacts v The Daily Telegraph
748	02532-16	Cort v Bury Free Press
749		Third party
750		Request for review
751	02566-16	Rodger v Scottish Daily Mail
754	02991-16	Craig v The Mail on Sunday
755	00519-16	Al-Khair School v The Sunday Times
758	03063-16	InFacts v Daily Express
761		Request for review
762		Third party
765	03528-16	Versi v Mail Online
766		Request for review
767	03307-16	Murray v Bristol Post
768	03958-16	Halley v The Sun
769	03361-16	British National Party v The Mail on Sunday
770	07182-16	Scott v Daily Mail
771		Third party
772		Request for review
774	04002-16	Various v Daily Star
778		Third party
779		Request for review