

Sexual offences

Guidance for journalists and editors

Key Points

- There are legal protections for victims of sexual offences.
- The Editors' Code also puts restrictions on reporting of sexual offences to protect the identity of victims.
- Take care to ensure that a victim is not identified, or likely to be identified in any information you publish or information that can be linked with it through jigsaw identification.
- Take care when making enquiries to avoid disclosure of a victim's identity.
- Additional protections apply in cases involving children, especially when there is a familial relationship between defendant and victim.
- In Scotland, there is currently no automatic legal right to anonymity, but in practice victims are not named without consent, and the Editors' Code applies regardless.

About this guidance

This guidance explains how the Editors' Code applies to the reporting of sexual offences, focusing closely on ensuring anonymity for victims and survivors. The Code extends significant protections to the victims of sexual offences to protect their identities.

This guidance does not replace or supersede the Editors' Code but is designed to support journalists and editors. It includes case studies of relevant decisions by IPSO's Complaints Committee. The case studies are summaries of the decisions of the Committee, and it is recommended that the decisions are read in full.

The Editors' Code

[The Editors' Code of Practice](#)

sets the framework for the highest professional standards for journalists and the rules that newspapers and magazines, which are regulated by IPSO, must follow.

This guidance focuses on the application of Clause 7 (Children in sex cases) and Clause 11 (Victims of sexual assault). Other clauses to consider include Clause 1 (Accuracy), Clause 2 (Privacy), Clause 4 (Intrusion into grief or shock) and Clause 6 (Children).

Anonymity

It is a fundamental principle of open justice that court proceedings are reported on by the media in an open and transparent way.

Usually, this would mean reporting on the details of a case as well as identifying the defendant and, often, any victim(s) of a crime. Sexual offences are a major exception to this rule.

All victims of sexual offences in England, Wales and Northern Ireland, including children, are automatically guaranteed anonymity for life from the moment they make an allegation that they are the victim of a sexual offence. A victim is guaranteed anonymity even when someone else accuses the defendant of the offence.

A number of offences are considered sexual offences in law and victims and alleged victims are entitled to lifelong anonymity under the Sexual Offences (Amendment) Act 1992. These offences include rape, sexual assault, exposure and taking an indecent photograph of a child. Anonymity is also extended to victims of female genital mutilation

(FGM), human trafficking and modern slavery.

The right to anonymity applies for the lifetime of the victim, even where the allegation is withdrawn, the police decide to take no action, or the accused is acquitted. The exceptions to this legal protection are very limited and specific:

- The anonymity only relates to the relevant proceedings. A victim may be identifiable in the context of unrelated proceedings.
- In certain circumstances, magistrates or the trial judge may lift the automatic rule of anonymity.
- Victims can choose to waive their right to anonymity, without the consent of the court, so long as they are over 16. The consent must be in writing. Victims under 16 cannot waive their right to anonymity.

There is more information on these points later in the guidance.

Scottish legal system

Currently, Scotland differs from the remainder of the United Kingdom in that there is no automatic legal right to anonymity for victims, known as complainers, in sexual offence cases in Scottish law. In practice, the principle of respecting anonymity is the same, and victims in sexual offence cases will not be named without their consent.

There are currently proposals to reform the law in Scotland through the Victims, Witnesses, and Justice Reform (Scotland) Bill.

Code compliance

Before publication you will find it helpful to identify and analyse all the information that might contribute to a victim's identification, to ensure that you comply with the Code.

This could include the following:

- Information about the victim.
- Information about the defendant.
- Details of the offence, which could include where or when the offence took place.
- References to the nature of the relationship (if any) between the victim and the defendant.

Consideration of information for publication

Sometimes, it will be obvious that a piece of information would be likely to contribute to a victim's identification: the inclusion of an address (full or partial), or specific reference to the relationship between the victim and the accused, for instance.

On other occasions, information will seem insignificant and yet, to people who know something about the parties involved, it may be sufficient to lead to the victim's identification.

For instance, even such apparently incidental details as the precise dates on which offences were alleged to have taken place could contribute to identification, if the accused was known to have contact with the victim on those dates.

Journalists reporting on sexual offences for a local publication should be particularly vigilant about information which would be widely known within the local community.

Jigsaw identification

Jigsaw identification occurs when different pieces of information appear in a publication or different publications, which allows readers who have seen the reports to work out who the victim is.

You should take all steps to make sure you and your colleagues on the newsdesk are aware of what information has already been put in the public domain by other media outlets and by your own publication in any previous reports on the case, before producing additional reporting.

You may want to liaise with other media outlets to agree an approach to prevent a jigsaw identification.

Key questions

1. What information are you including which may contribute to the identification of the victim? For example: The timing (dates/frequency) of the offences, the location of the offences, the connection between the victim and the accused/how they met, and demographic information about the victim (eg age, sex).
2. Could a combination of pieces of information included in the article identify the victim?
3. Could a combination of information in the article and information already established in the public domain (for example, through other press coverage) identify the victim?

Waiving the right to anonymity

Victims themselves can choose to waive their right to anonymity if aged 16 years or over, without the consent of the court. Under the law no victim or alleged victim of a sexual offence who is under the age of 16 can waive his or her anonymity, and it also cannot be waived on their behalf by a custodial parent or similarly responsible adult.

If a victim agrees to be identified, you must have the victim's consent in writing. You should not pressure a victim to give their consent. It is good practice to check that a victim still consents to be named if the consent was given some time prior to the publication of the article. It is also advisable to ensure the victim is aware of how and where their story may be published so they can make an informed decision about being identified.

Some victims will agree to being partially identified, for example by using a first name only or a silhouette picture of them. It is good practice to approve the picture with the interviewee in advance, to ensure that they are happy with its use.

An interviewee may choose to speak about their experience as a survivor of sexual assault, as part of a broader interview. In those cases, journalists should still seek written consent from the interviewee to publish information about their sexual assault.

Key questions

1. Has the victim (if over 16) waived their right to anonymity?
2. If so, do you have their consent in writing?

Clause 11 (Victims of sexual assault)

Clause 11 makes clear that you must not publish material that is likely to lead to the identification of a victim of sexual assault unless there is adequate justification, and you are legally free to do so.

It is important to ensure that you do not include seemingly innocuous details which may lead to the identification of a victim of sexual assault, for example, the inclusion of an address where the offence took place or a reference to the relationship between the victim and the accused.

The Greenock Telegraph breached both Clause 11 and Clause 2 (Privacy) when it published identifying details about a complainant and another victim of sexual offences.

[A woman v Greenock Telegraph](#)

A woman complained about an article which reported on a named defendant who was charged with sexually assaulting two people. The article listed several sexual assaults and the addresses where they occurred. The complainant, one of the victims, said that she had been identified by people in her local community because of the article. The publication said that the “average reader”, who had no prior knowledge of the case, the victims or the accused, would not be able to establish the victims’ identity, and as such no “jigsaw identification” could have taken place.

The Committee considered that the inclusion of the dates and locations of the assaults, as well as the charges, and other details revealed the identity of the victims to people known to them. The Committee stressed that Clause 11 at no point specified that identification could only be to an “average reader” with no knowledge of anyone involved in the case. An adjudication has been published.

Making enquiries

You may wish to approach victims to seek their comments and they may wish to speak about their experiences.

Any such enquiries must be made with care to prevent the unjustified disclosure of the victim's identity. You should also take into account the sensitivity of the circumstances.

In court proceedings, victims will not generally remain anonymous, and so journalists who are attending court will have access to their identities. In some instances, it is appropriate and justified to seek comment from the victims. However, contacts must be made with regard for the extreme sensitivity of the circumstances, taking care not to disclose information to third parties without consent.

Since 2019, Clause 11 applies to newsgathering as well as publication. This followed a complaint where a journalist inadvertently disclosed the identities of victims while seeking interviews.

Key questions

1. How will you prevent the identification of a victim when making enquiries?
2. What steps will you take to avoid the unjustified disclosure of a victim's identity?

Warwickshire Police v Daily Mail

Warwickshire Police complained about the conduct of a journalist after allegations his enquiries had identified three individuals as victims of sexual assault and intruded into their privacy.

The journalist had attended the home of a friend of two of the victims and had also approached the homes of the victims' parents asking to speak to them. The reporter had identified a well-known, local criminal case and said that he was looking for named individuals who had been "involved in the case". In this context, the journalist's enquiry made clear that they were, or were likely to be, victims, particularly given they fitted the general descriptions of the victims previously reported.

Their involvement in the case as potential victims was extremely sensitive and the three individuals involved had a reasonable expectation of privacy. The complaint was upheld as a breach of Clause 2 (Privacy), requiring an adjudication to be published.

Other criminal proceedings

The media is free to report the victim's identity in the event of criminal proceedings other than the actual trial or appeal in relation to the sexual offence.

In the complaint of **A woman v The Argus (Brighton)**, an article reported on the case of a woman who was charged with assault and wasting police time (offences for which she was later acquitted).

The complaint was not upheld as the publication was legally free to name her under the terms of Clause 11.

A woman v The Argus (Brighton)

A woman complained about an article which reported that a court had heard that she had "assaulted a man after performing a strip dance for him" and "wasted police time when she reported that she was assaulted and sexually assaulted."

The complainant said that she was a victim of sexual assault and that this meant that she should not have been named or identified in the article.

The article was a contemporaneous report of a court case in which the complainant was facing charges of assault and wasting police time.

The allegation of sexual assault was central to these ongoing proceedings, and the Committee was satisfied that the publication was justified in identifying the complainant as an alleged victim of sexual assault.

In these circumstances there was no breach of Clause 11.

Clause 7 (Children in sex cases)

Clause 7 specifies that you must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences. Under the law no victim or alleged victim of a sexual offence who is under the age of 16 can waive his or her anonymity, and it also cannot be waived on their behalf by a custodial parent or similarly responsible adult.

The Code says that in any press report of a case involving a sexual offence against a child:

- The child must not be identified.
- The adult may be identified.
- The word “incest” must not be used where a child victim might be identified.
- Care must be taken that nothing in the report implies the relationship between the accused and the child.

To avoid identifying a child, particular care must be taken in cases when there is a familial relationship between the defendant and the victim.

Victims have potentially been identified by descriptions in reports such as the location in which the offences took place (e.g. the family home) or dates or times of meetings which would imply a particular relationship.

Key questions

1. What information are you including about the offence that needs to be assessed for its compliance with Clause 7? This could include, for example: the timing (dates/frequency) of the offences, the location of the offences, the connection between the victim and the accused/ how they met, demographic information about the victim (eg age, sex).
2. Could a combination of pieces of information included in the article identify the victim and/or witness?
3. Could a combination of information in the article and information already established in the public domain (for example, through other press coverage) identify the victim and/or witness?

Publishing online

Publishing articles about sexual offences online raises particular challenges for editors in ensuring that the victim remains unidentified.

This is particularly relevant to articles which may be published on social media platforms, or which may be open to reader comments. This may create a space in which the case is discussed, with an increased likelihood of the victim being identified. Members of the public may not be aware that they must not identify victims of sexual offences or may regard this legal requirement as unfair or trivial. There may also be a deliberate campaign from family members or friends of offenders to disclose the identity of the victim as a way of intimidating them or seeking revenge.

IPSO recognises that editors cannot prevent the circulation of links to stories and commentary on them hosted on third party websites. However, editors are responsible for material published on websites under their control and should think carefully before publishing these stories on social media sites or with reader

comments enabled. Once a reader comment is reported or flagged on a site controlled by the publication, it becomes their responsibility. If a victim or child is identified in a comment, the publication could be held responsible for the breach of anonymity. Any editorial decisions about how to present reporting on sexual offences should be shared with all relevant staff, to ensure a uniform approach.

If you are concerned about potential identification, there are a range of options:

- Publish online and actively moderate any reader comments.
- Publish a story online with reader comments disabled.
- Publish a story with or without links to social media platforms.

You should also review any of the supporting material you publish online to illustrate the article, such as text messages or video, to check whether it is likely to identify the victim.

Additional matters

Contempt of court and court reporting

If you post a link on a social media platform to a report on active / ongoing criminal proceedings, you have a legal duty to take reasonable care when doing so under the Contempt of Court Act 1980.

When posting links related to ongoing criminal proceedings to social media sites, you should therefore consider how best to warn social media users that they must not post related comments that may prejudice the investigation or a fair trial.

A failure to provide a warning could be cited as evidence of a lack of reasonable care should prejudicial comments by readers subsequently be posted on your story.

If you report the opening of a court case, it is good practice to report the conclusion, particularly if someone is acquitted of a charge.

Key questions

1. Have you considered how the material will be presented online to prevent the identification of the victim?
2. What steps will you take to prevent the identification of the victim?
3. Have you communicated how material will be presented online to staff?
4. What steps have you taken to warn social media users about prejudicing and investigation or fair trial?

Terminology

The Editors' Code does not set out the language which must be used to describe sexual offences, nor does IPSO seek to limit the language that journalists can use. However, when reporting on sexual offences, journalists are reporting on extremely sensitive and personal matters.

The Code refers to "victims" of sexual offences because it is mainly focused on legal proceedings where this terminology is used, however, many victims prefer the term "survivors".

Clause 4 (Intrusion into grief or shock)

Editors and journalists should not lose sight of the fact that victims will often be in a particularly vulnerable position. Care should be taken not to choose terminology which sensationalises the offences, apports blame or implies that the victims consented to the sexual act. Clause 4 may be applicable, and this clause states that publication must be handled sensitively.

Interviewing Survivors and Victims

If you are interviewing a victim, it is good practice to consider the impact of the interview on the victim and what support you will make available to them. Journalists can contact relevant charities for support if needed.

Some suggestions from survivors' groups include:

- Discussing before the interview what will be covered.
- Letting the victim choose the location for the interview and whether they would like to have someone with them.
- Being careful about respecting personal space.
- Checking terminology; for example do they prefer "victim", "survivor" or neither?
- Approving the use of silhouette pictures if these are being used.
- Being clear about what happens next, and if publication of your article is delayed, consider updating your interviewee.
- Consider allowing the subject of an article to see and comment on the article before it is published.

Further resources

IPSO guidance and information for the public

- Court reporting guidance for journalists and editors <https://www.ipso.co.uk/media/2284/ipso-court-reporting-guidance.pdf>
- Information for survivors <https://www.ipso.co.uk/media/2419/sexual-offences-v6-online.pdf>

We can provide non-binding, 24-hour pre-publication advice on the Editors Code if there are any concerns about articles prior to publication. During office hours please call 0300 123 2220. Out of hours, where necessary, a Complaints Officer on duty can be contacted via 07799 903 929.

External resources

- How journalists can work sensitively with survivors of sexual abuse <https://www.journalism.co.uk/news-commentary/working-sensitively-with-survivors-of-sexual-abuse/s6/a907362/>
- The position in Scotland and proposal to reform the law on anonymity for victims - <https://www.gov.scot/publications/improving-victims-experiences-justice-system/pages/1/>
- Trauma Reporting: A Journalist's Guide to Covering Sensitive Stories by Jo Healey

External resources continued

The following organisations have media guidelines for journalists which may be useful. Please note that these are not endorsed by IPSO:

- Level Up is a feminist community working to challenge sexism in culture and media. Working with victims' families, Level Up aim to improve the way domestic violence is reported in the media through campaigns, resources and training.
Guidelines: <https://www.welevelup.org/media-guidelines/>
- Savera UK is a national charity working to end culturally specific abuse in the UK, including 'honour'-based abuse (HBA), forced marriage and female genital mutilation (FGM).
Guidelines: <https://www.saverauk.co.uk/hba-media-guidelines/>
- Women's Aid is the national charity working to end domestic abuse against women and children. It is a federation of just under 170 organisations which provide local lifesaving services to women and children across the country.
Guidelines: <https://www.ipso.co.uk/media/1871/reporting-domestic-abuse-in-the-media.pdf>
- Zero Tolerance is a Scottish charity organisation committed to ending violence against women through tackling gender inequality. They work proactively with the media and have a variety of resources that can help journalists and editors.
Guidelines: <https://www.zerotolerance.org.uk/work-journalists/>