

**Press Codes: Anti-Equalities .. Anti-Child ... Unlawful?  
Submission to The Editors' Code of Practice Committee  
by NOT BUYING IT Feb 2017**

Not Buying It<sup>1</sup> challenges the sexual objectification of women because of the harm this causes.

## In Summary

Current press codes<sup>2</sup> and guidance<sup>3</sup> are failing the public on two major counts:

### 1. Equality Duties

They do not comply with the legally binding duties to promote equality to which any press regulator (and possibly including the Editors' Committee itself) must adhere.

### 2. Child Protection

They do not address issues of child protection *in terms of material that is printed*, particularly around the sexualised portrayal of women

## Recommendations

1. **Equalities.** Take legal advice from a human rights lawyer expert in Public Bodies.
2. **Equalities.** Fully incorporate the Public Sector Equality Duty (PSED) into the Committee's codes, guidance, processes and culture. This includes the Committee's understanding of the equality duties of press regulation eg through ongoing training, specific consultation with human rights advocates and through ensuring human rights experts sit on the Committee to help shape and inform the codes and the Committee's understanding of its duties.
3. **Equalities.** Under the PSED, the Codes and guidelines must ensure an end to the constant, irrelevant 'click bait' of gratuitous sexualised imagery of women.
4. **Equalities.** In line with the PSED, Code 12.1 'Discrimination' should be amended to include 'prejudicial and pejorative referral to a *group*' as well as an individual, that anyone or any group can challenge.
5. **Child Protection.** Codes should reflect that fact that large number of under age children read newspapers<sup>4</sup>. As such the codes should strive to ensure newspaper content is appropriate for children *as far as is possible*. This most obviously includes ending sexualised or pornographic imagery of women alongside ads for porn, sex chat and prostitution.
6. **Restoring Public Faith.** Ensure far more non-press advocates on the Committee. How can the public possibly have faith in the Committee when it is made up entirely, or heavily, of members of the press? This is even more the case when the body applying these codes, such as IPSO, is also likely to be overwhelmingly comprised of press members.

<sup>1</sup> [www.notbuyingit.org.uk](http://www.notbuyingit.org.uk)

<sup>2</sup> [http://www.editorscode.org.uk/the\\_code.php](http://www.editorscode.org.uk/the_code.php)

### 1. Current Press Codes do not comply with Legally Binding Equalities Duties

Press regulators like other media regulators are Public Bodies, set up to serve the public interest. This is borne out by the fact that media regulators such as the ASA and PCC have been subject to Judicial Review – an action that can *only* be taken against Public Bodies. Indeed from our discussions with the ASA they are already fully aware of their Public Body status.

As a Public Body, any press regulator is *legally* bound by the Public Sector Equality Duty, PSED. As the body shaping the codes used by such a regulator, the Editors' Code of Practice Committee must incorporate these duties into the codes, culture and processes. The Committee itself might also be considered a Public Body bound by the PSED. We urge the Committee to seek legal guidance on this.

Under the PSED<sup>5</sup> Public Bodies must actively:

- Eliminate unlawful **discrimination, harassment and victimisation**
- Advance **equality of opportunity**
- **Foster good relations** between people who share a protected characteristic (eg women) and those who do not (eg men), including **tackling prejudice**

The ASA is currently working to better incorporate the PSED into their organisation. They have even gone so far to set up a Gender Project Team to look into sexual stereotyping in advertising. Press regulators (such as IPSO) and their guiding body, the Editors' Code Committee, clearly lag far behind.

The most obvious failing under the PSED is the press' relentless objectification of women. This includes Page 3, the entire contents of The Sport<sup>6</sup> and constant press bikini, G-string and cleavage shots – both in print and online. Rarely, if ever, is this 'newsworthy', it certainly is not 'art'. It does however represent the press at its very worst - serving to exemplify how 'freedom of profit' not 'freedom of the press' is a guiding motive for much of what is in print.

It would also include the ads for sex chat, pornography and prostitution found in many press - despite the Metropolitan police and the Press Association urging the press against carrying such ads over half a decade ago because of the links with illegal activities (such as trafficking).

We would refer you to our submission to IMPRESS for further information on this and how current press codes and regulation is out of synch not only with the PSED but with other regulators, International doctrine, Government policy and public opinion<sup>7</sup>.

However nowhere in the Editors' Code or guidance is reference made to the PSED. Instead the one section where codes could be interpreted according to the PSED, the Discrimination Codes of Section 12, 'prejudicial or pejorative reference' to *groups* is specifically denied.

The codes are clearly not in keeping with the PSED. Any body that used these codes would therefore be failing in its legal obligations as a Public Body. They are not fit for purpose.

<sup>5</sup> <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

<sup>6</sup> <http://www.notbuyingit.org.uk/SundaySport>

## 2. Current Press Codes are Failing Children



Over 2/3 of 9-10 year olds read newspapers <sup>4</sup>. This figure rises to nearly ½ of older children, with 50% of boys saying newspapers are their *preferred* reading material. Clearly the 'red tops' (such as The Sun, Star, Daily Mail and Express) are particularly likely to appeal to children as opposed to the broadsheets, like the Financial Times. That being the case surely the press has a responsibility to make its content as child appropriate as possible? Whilst that may not always be possible in news stories, ending the needless nudity and routine sexualised content of the press certainly is.

Press sexualisation of women (which in the past has even extended to images of underage girls) is also out of synch with current and pending legislation/regulation and accepted norms around child protection, including:

### The Serious Crime Act

Under the Serious Crime Act it is a crime for an individual to promote sexual imagery or the sex trade to children for the purposes of grooming <sup>8</sup>. And yet this is exactly what much of the mainstream press is doing. How is that acceptable?

### The TV Watershed

The kind of imagery of Page 3, the entire contents of The Sport, the porn and sex ads found in numerous newspapers is post Watershed material.

### Transport for London

Transport for London (TfL), coincidentally also a Public Body, has banned sexualised advertising alongside ads for the porn and sex industry in all its guises on the London transport network. How then is it appropriate for newspapers to carry Page 3 pictures and other objectifying imagery?

TfL is even acting to stop porn watching on its network. Again how is it justifiable for newspapers to carry the pornographic imagery of The Sport or the graphic porn ads of The Star?

### Social Media

Facebook, Twitter and other social media platforms have clear codes against nudity and pornographic material in recognition of their widespread use by underage children.

### Pornography

Legislation is currently passing through Parliament to end children's access to internet pornography. In print, pornography is renegaded to the top shelf. How then is it acceptable to expose children to the pornographic content of The Sport newspaper or the ads for porn and prostitution found in the Star, Evening Standard and many others?

We therefore urge the Committee to extend its codes on Children to consider the appropriateness of everything the press publishes above and beyond how it directly deals with children.



**The Sport newspaper is full of pornographic images of women and graphic porn and sex ads**