

Section Three: Intrusion

CHILDREN IN SEX CASES

Innocents at risk

All children in sex cases, including defendants, are protected from identification under the Code. An essential element is its insistence on a common formula to end 'jigsaw identification' — which can occur if media organisations observe in different ways the law intended to protect the anonymity of incest victims.

Although the law prohibits identification of any alleged victim of a sex offence, it leaves the method unspecified. In incest cases, the media is faced with a choice. It can describe the offence as

incest, but not name the defendant, or name the defendant — but omit the exact nature of the offence.

Until the formula was harmonised under the Code — and adopted by broadcast media organisations — there was a risk that both approaches were used, equally validly, with the result that when two accounts were read together the victim could be identified.

The Code effectively removed the choice by opting for the approach largely taken by the regional press, which meant the defendant was named — and, if guilty, shamed — but all references to incest were omitted, which meant victims were not identified.

It is vital to the working of the arrangement that nothing is said in the report which might imply the family relationship between the defendant and the child victim.

While this clause is used principally to protect victims, it applies equally to young defendants. In 1996, the Commission warned that reports in a number of newspapers about a 15-year-old boy accused of sexual assault had, without naming him, given sufficient details to identify him in breach of the Code.

Exceptional public interest: As always in cases affecting children, the public interest would need to be exceptional to justify identification. However, there are instances where the names of children who have been involved in sex cases, or are technical

THE CODE SAYS...

Clause Seven — Children in sex cases*

1. *The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.*
2. *In any press report of a case involving a sexual offence against a child –*
 - i) *The child must not be identified.*
 - ii) *The adult may be identified.*
 - iii) *The word “incest” must not be used where a child victim might be identified.*
 - iv) *Care must be taken that nothing in the report implies the relationship between the accused and the child.*

* A public interest exemption may be available: [See Section Six](#)

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CHILDREN IN SEX CASES
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victims under the law, are put into the public domain lawfully and the public interest justification is included in the Code to cover these.

If, for example, a court ordered that the legal ban on naming a child defendant convicted of a sex offence could — because of the extreme seriousness of the offence — be lifted, then it would be legitimately in the public domain and there would be a public interest in publication.

Also, there have been occasions where *technical victims of a sexual offence*, such as under-age mothers in a consensual relationship, have put themselves into the public domain, to discuss their problems with the approval of their parents or guardians. This has happened in stories concerning teenage pregnancies, abortions and parenthood where examples of cases can assist in developing public policy.

Legitimate identification: In one Northern town identified as having Europe's highest incidence of under-age mothers, several girls told their stories to national newspapers — some in return for payment — with parental consent. No complaints were received by the PCC.

If the identification in these circumstances met with the Code's other restrictions — such as being approved by parents and, if payment was involved, being clearly in the child's interest — then it would be legitimate.

KEY RULING

- A man v *News of the World* (Report 34, 1996 — see note in margin).

KEY QUESTION

- Could the report lead to the identification of a child in the case, including a defendant?

● Cases adjudicated before 1996 are available in hard-copy format from the PCC on application to Tonia Milton, Information and Events Manager, on tonia.milton@pcc.org.uk

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