



Office of the Press Ombudsman

Speech of the Press Ombudsman, Professor John Horgan

at the launch of the

2013 Report of the Press Council of Ireland and Office of the Press Ombudsman

Westin Hotel, Dublin

Thursday, 29 May 2014 (Embargo: 3.00 pm)

My fundamental role is that of an arbiter under the Code of Practice for Newspapers and Magazines, and I operate within a culture of empowerment, where complainants whose individual, personal attempts to secure accountability or redress from newspapers or magazines have been unsuccessful, know that there is available to them an honest and fair system which will vindicate their rights under the Code if there is a serious issue that cannot be addressed in any other way.

Because this is the last Annual Report that I will present as Press Ombudsman, I have been reflecting on the number of decisions I have made, and how I have made them, over the past six years. The numbers make for very interesting reading and may also surprise people who are unfamiliar with our record.

For example, the complaints I have upheld over this period represent just over 38% of all those complaints on which I have made a substantive decision. This is identical to the percentage of complaints I have not upheld. I can assure you that this is not the result of any deliberate policy on my part, as of course the extent to which any complaint is upheld depends on the merits of each case and on the provisions of the Code of Practice, which govern all my decisions.

It is also important to note that I have neither the authority nor the inclination to substitute myself or my judgment for that of the editor of any member publication of the Press Council, or to pre-censor material. A decision to uphold a complaint is not a criminal conviction. By the same token, a decision not to uphold a complaint is not intended to minimise the concerns

of any complainant. The freedom of the press includes the freedom to say, or to report others as saying, many things which are contestable or provocative but which are not, for this reason alone, breaches of the Code of Practice.

On the other hand, when a complainant presents me with sufficient evidence of a breach of the Code of Practice, and the publication has not endeavoured to meet the concerns of that person, or to address the complaint in an appropriate manner, I will uphold the complaint as a breach of the Code.

My decisions are, in effect, designed both to point publications towards a more effective and purposeful acknowledgment of the importance and value of best professional practice in journalism, and to make it clear to citizens generally that the freedom of the press is a social and public value in itself.

As the statistics for 2013 make clear, I deal with many and varied complaints. This underlines the fact that there is a need for care in drawing broad conclusions from these detailed statistics: in particular to note the fact that many complaints do not require formal decisions for a wide variety of reasons.

While the Report makes clear that while most people complain under more than one Principle of the Code of Practice, accuracy, however, is still the primary bench-mark for people who read our publications, and the basis for public trust in all our media.

In this context, I would also like to make clear that accuracy has two aspects, and that complaints about accuracy can be either objective or subjective. Objective inaccuracies are mistakes which can be independently checked. If such inaccuracies are significant, they constitute a breach of Principle 1 of the Code. But articles can also contain statements which complainants feel are subjectively inaccurate – that is, material that they consider to be unfair, articles that have omitted what they consider to be significant facts, or matter presented in a context or in terminology that they consider prejudicial. Although these types of inaccuracies can also be considered under Principle 1, they can rarely if ever be considered under the heading of objective inaccuracy. They can, however, also be made the subject of a decision under Principle 1, not in terms of objective accuracy, but in terms of whether the statement, report or picture involved is significantly distorted or misleading.

This, as you can imagine, is rarely an easy task. And yet it is an important one, and one that is specifically enjoined by the Code

Regardless of which Principle of the Code is involved there are many different forms of redress that complainants may consider effective and useful, and that editors can offer as a resolution to a complaint.

Take privacy complaints, for example. One of the problems about complaints relating to a breach of privacy is that a public retraction, or a public decision that the Code has been breached, can sometimes simply remind the public at large of the original offence. And of course the risk of generating a decision that the newspaper concerned has not been in breach of the Code will also exercise a chilling effect. This can create a situation in which – for

example – a private and personal letter from an editor, or a personal meeting with an editor, could much more satisfactorily reflect the spirit of the Code. Again, take the question of apologies. If an apology is to be effective, it has to be for a serious, admitted error, unqualified, and offered speedily and voluntarily. It is not always the most appropriate, or most effective solution. If it is demanded as the only acceptable remedy, it can, all too quickly, simply become part of a power play in which the issue ceases to be one of redress, and becomes, instead, an issue of who comes out on top.

I would also like to echo the Chairman's remarks in relation to the growing importance of social media. We all know that this is an important part of our future, although as yet there are few route maps and no effective pricing system. The social media are of course also in the process of discovering that good journalism is always expensive. Together, we need to persuade the public at large that this is the case, and that it is always a price worth paying.

When the Code of Practice is observed by all member publications, and is independently and fairly applied in the interests of the public, both the credibility and authority of the press in the exercise of its vital function in our democratic society, and public confidence in its role, can be protected and enhanced.

Given that this is the last Annual Report that I will present as Press Ombudsman, it is perhaps appropriate that I should also reflect briefly on what I personally have learned from what has been a sometimes challenging but always fascinating period as Press Ombudsman.

Firstly, that there is immense goodwill out there for honest, courageous journalism that provides a real service to the body politic.

Secondly, that any investment that the press – and the media in general – make in the quality of their journalism, including staffing levels, as well as their invaluable support for the Press Council and my office, is an investment in public trust. It may take time to show up on the bottom line, but without it we will all be the poorer.

Thirdly, that ethical decisions are not made by slavish adherence to rules and precepts, but by ethical human beings who are confident and clear about their own values and practices.

Finally, that one of the most important parts of the Code of Practice – which, remember, has been written by journalists, and not by me or the Press Council – is in the Preamble. The Preamble states – and we should remember that it is as much a part of the Code as any of the 10 Principles – that “it is the duty of the Press Ombudsman and the Press Council of Ireland to ensure that [the Code] is honoured in the spirit as well as in the letter, and the duty of publications to assist them in that task.”

The spirit of the Code is what will help us, in the future as I hope it has in the past, to avoid relapsing into dry legalism, and will continue to encourage the development of best professional practice in journalism in the service of the whole community.

I have in particular to thank all those members of the Press Council who have supported the work of my Office since its inception, not least its two Chairmen, Professor Tom Mitchell and his successor, Daithi O'Ceallaigh, and my indefatigable and skilful staff, Bernie Grogan and Miriam Laffan, whose many gifts are, I am sure, almost as familiar to most of you by now as they have always been to me.

Thank you.