

Case Number: 2130 - Peace Movement Aotearoa against New Zealand Herald

New Zealand Press Council, August 2010

The Coordinator of Peace Movement Aotearoa, Edwina Hughes, complained about a lack of accuracy in a report published in the New Zealand Herald and a subsequent failure to correct the alleged inaccuracy with reasonable promptness.

By a majority of six to three the complaint is upheld.

Background

The article was published on March 12, 2010. It explained that the Minister of Justice, Simon Power, was about to defend New Zealand's human rights record before the United Nations Human Rights Committee.

He would face "a grilling from the committee of 18 countries" on various issues relevant to the International Covenant on Civil and Political Rights.

The 18 countries that would question Mr Power were listed.

The Complaint

The complainant claimed there were "factual inaccuracies and misleading statements in the report".

Her main complaint was that Mr Power would not stand before a committee of 18 countries, rather he would face "18 independent human rights experts", elected by all the states party to the ICCPR. Her point is that members of the Human Rights Committee serve as individuals and do not represent the views of their nominating countries.

She also complained that the article had not drawn a clear distinction between the Human Rights Council (a UN Charter-based body) and the Human Rights Committee (which has a Treaty monitoring role) and had failed to make it clear that they were separate entities.

Finally, she suggested that the following sentence was misleading: "Asked how he felt about being questioned by countries with dubious records themselves, he (Simon Power) said it was better to compare New Zealand against its own record of improvement rather than against other countries."

The complainant argued that it was not at all clear whether this referred to NZ's appearance the previous year (before the Human Rights Council) or the upcoming appearance (before the Human Rights Committee). As the very next paragraph referred to "countries that will grill Mr Power" it was likely that readers would assume the latter and that was inaccurate because any "grilling" would be by individual experts, not by countries.

The complainant had telephoned the newspaper with her concerns on March 12. Advised to notify the chief journalist and the reporter, an e-mail message was sent to both that morning, outlining the alleged inaccuracies and asking for prompt correction. By 15 March no correction had appeared and no response had been received, and Peace Movement Aotearoa wrote a further e-mail, this time to the editor, Tim Murphy. Again, there was no response and a complaint was taken to the Press Council on June 10.

The Newspaper's Response

The deputy editor, David Hastings, noted that in the light of the information supplied via this complaint he had altered the copy. It now read :“a grilling over two days from the committee of independent experts from 18 countries” and the ending of the article had been amended to read : “Members of the Human Rights Committee that will grill Mr Power come from Tunisia etc”.

He refuted the claim that a clear distinction had not been drawn between the Committee and the Council.

Further, “being questioned by countries with dubious records themselves” clearly referred to past events, not the upcoming questioning in New York.

Later, in a second and final response to the Press Council, he apologised for the delay and noted that this matter would have been best addressed in the Herald's corrections column.

Discussion and Decision

The Press Council accepts the newspaper's argument that there was a distinction between the Human Rights Council and the Human Rights Committee within the report. For example, it gives as background information, that “Mr Power told the broader Human Rights Council last year ...”

However, the Press Council is less certain about the deputy editor's claim that “being questioned by countries with dubious records themselves” clearly refers to the past (ie the previous year, when Mr Power appeared before the Human Rights Council).

The phrase “the point of the exercises” would suggest both the appearance before the Human Rights Council the previous year as well as the upcoming appearance before the Human Rights Committee.

As the complainant points out, the article immediately went on to list the countries that would ask such questions.

Moreover, the whole thrust of the report is about how Mr Power was prepared for “a robust discussion” that would take place in the immediate future.

The complainant argues that this section of the report is misleading and it does seem an example of imprecise, even clumsy reporting.

In the end, however, the key part of this complaint is whether the newspaper was inaccurate in stating that Mr Power would face a grilling from a committee of 18 countries. The deputy editor has accepted that this was indeed inaccurate, by altering the copy.

This was not at all a large issue and it could easily have been put right. A prompt and straightforward correction was a simple solution.

There has been a three month gap between publication and correction. That correction only occurred after a formal complaint had been lodged with the Press Council. It took four months for the newspaper to apologise for their delay in responding to the complainant.

The Press Council agrees with a comment made in the final submission by Peace Movement Aotearoa – “Both the initial lack of response and the failure to explain it are quite extraordinary”.

This complaint is upheld, on the grounds of a lack of accuracy and a failure to correct promptly.

Dissenting Opinion

Dissenting members of the Press Council agree with the thrust of the majority decision but do not believe that the complaint should be upheld because any errors are minor in the overall context of the article’s subject. Further, in time, the errors were corrected and an apology made for the delay.

The complaint is another reminder of the importance of timely responses and careful consideration of complaints, and the dissenters believe a speedier acknowledgement was warranted. But in the end, the New Zealand Herald corrected the story. Having done that, the newspaper does not deserve further censure.

Press Council members upholding the complaint were Pip Bruce Ferguson, Ruth Buddicom, Sandra Gill, Keith Lees, Lynn Scott and Stephen Stewart.

Press Council members dissenting from this decision were Barry Paterson, Clive Lind and Penny Harding

John Roughan took no part in the consideration of this complaint.

New Zealand Press Council Case Number: 2130 is available on the Press Council’s site at http://www.presscouncil.org.nz/display_ruling.php?case_number=2130