

## **OFCOM CONSULTATION**

### **Question 1: Do you agree with our rationale for proposed new Rules 2.17 and 2.18? Please give reasons for your answer.**

The End Violence Against Women Coalition is a UK-wide coalition of more than 85 women's organisations and others working to end violence against women and girls (VAWG) in all its forms, including: sexual violence, domestic violence, forced marriage, sexual exploitation, FGM, stalking and harassment. We campaign for improved national and local government policy and practice in response to all forms of violence against women and girls, and we challenge the wider cultural attitudes that tolerate violence against women and girls and make excuses for it. Our trustees include women who are globally renowned for their pioneering work in setting up the first domestic and sexual violence crisis services, for their academic research in this area, and for having successfully campaigned for considerable legislative and policy change in the UK to end and prevent abuse over the last four decades.

We strongly agree with the rationale for the proposed new rules 2.17 and 2.18. It is essential that increased protection and care is afforded to participants engaging in media work.

Engaging in media work can be very positive for both the media outlets and survivors of sexual violence and domestic abuse – it can allow survivors to lend their voices in campaigning efforts, and to speak of their experiences in their own words, and in their own way. It can be a powerful way to challenge myths and preconceptions around gendered violence, and give a human voice to its prevalence and impacts. However, when work with survivors is not done properly it can risk re-traumatising and negatively impacting on individuals. It therefore requires sensitivity and consideration on the part of media representatives. The media is often a fast-paced environment, operating on extremely tight time frames, however there can be no justification for not affording survivors respect and care, and the consequences for not doing so can be extremely serious.

It is imperative that this 'due care' is clearly set out to broadcasters so they are aware of the duty owed to participants, so that they consider any needs, or vulnerabilities an individual may have, and that they do their utmost to avoid causing harm or distress.

We are living in a media world where public consumption seems to seek out degradation and humiliation of individuals involved in TV shows. The broadcast industry can be happy to comply, and so we see production companies and editorial teams create and manipulate situations which they feel will be most popular with audiences. Too often the participant is not duly considered, and is in fact collateral damage in the name of entertainment.

We assert that the media has a clear duty of care towards participants, rather than an expectation of due care.

The media has a far greater role to play, and responsibility to shoulder when it comes to their treatment of participants, and it is important that clarity and consistency is provided by OfCom.

### **Question 2: Do you agree with the proposed meaning of 'participant' for the purpose of these rules? Please give reasons for your answer.**

Yes we agree with the proposed meaning of participant, we believe this definition should be as wide as possible.

### **Question 3: Do you agree with the proposed scope of these rules? Please give reasons.**

Yes we agree with the proposed scope of these rules, we believe the scope should be as broad as possible.

**Question 4: Do you agree with the proposed wording for the new Rules 2.17 and 2.18? Please give reasons for your answer.**

While we agree with the aim of the wording – to encapsulate a breadth of both emotional, mental, physical and physiological impacts on the individual, we have concerns about the use of wellbeing being used and feel like an exhaustive list or a clearer definition for clarity given that ‘wellbeing’ is a term which has various definitions in various settings ie school and health.

We also have some concerns about the use of the word “unjustified” in Rules 2.18 and the scope this affords for subjective opinion to argue that the harm caused was in fact justified – particularly in light of the point above when we know that audiences have an increasing appetite for types of entertainment that are manipulated to create and cause emotional distress. It appears to allow greater scope for broadcasters to include the distress and anxiety if it can be justified.

We worry that broadcasters could argue for example that it is justified to ask a survivor to retell in high level of detail their experiences of being abused, and in doing so cause emotional distress to the individual, in a setting which the broadcaster may be able to justify but in reality is likely to be an attempt to appeal to audiences rather than consider the best interests of the survivor themselves.

**Question 5: Do you agree that Rule 1.28 should be amended in this way? Please give reasons for your answer.**

As referenced above we believe it would be better if the references to the physical and emotional welfare were retained in the rule, and that the word “wellbeing” was additionally inserted in.

**Question 6: Do you agree that Rule 1.29 should be amended in this way? Please give reasons for your answer.**

As above in question 4 we have concerns about the use of the term “unjustified”. We consider the term “unnecessary” to be narrower and would favour the term that gives the narrowest scope for broadcasters to argue that causing distress or anxiety is acceptable practice in both adults as well as children.

**Question 7: Do you agree with the proposed approach to the Code guidance? Please give reasons.**

We feel that the proposed approach to the code guidance does not go far enough and needs greater level of detail, consideration and a much broader set of practical steps for broadcasters and producers to adhere to.

The guidance needs to better stress the importance of ongoing and informed consent. This means providing participants with full information as to the what their involvement will entail, what will be expected of them and what the impacts may be.

Time and space should be given for participants to properly consider what they are agreeing to (with legal, or independent advice and support where appropriate). Participants should

feel able to withdraw if that is best for their wellbeing without pressure from the broadcasting representatives.

If professionals engaged in broadcasting have concerns about the safety and wellbeing of participants these should be escalated and appropriate safeguarding implemented.

The guidance does not meaningfully address the impacts of social media reactions, and the ways in which participants may be expected to deal with it - especially given there is purposeful manipulation by production and editorial teams that cast individuals in particularly negative light and are therefore more likely to receive online abuse. Similarly there does not appear to ask broadcasters to engage in an equalities analysis that will meaningfully assess which individuals are more likely to receive abuse ie black women.

Another issue we feel is not being properly considered is the extent to which young people are allowed ongoing consent to the publication of their participation. In these days of the internet, where there can be a permanence inherent in participation in media, we wonder if this has been properly accounted for and considered as part of the impacts on the participants.

The after effects of engaging with the media, and social media, and the ongoing duty of care must be properly resourced and integrated into production plans. Most young people's lives are lived online so it must be recognized that online abuse can have serious ramifications – and that 'limiting' its use may not feel like an option for the participant. This is true if their income and living feels dependent on their social media use and engagement.

We would also seek for training to be recommended by OfCom – particularly when broadcasters are working with trauma and individuals who have experienced trauma.

This proposed change in rules and guidance is an opportunity to safeguard individuals from harm, particularly those most vulnerable, and should therefore consider participants ongoing wellbeing and mental health paramount.

**Question 8: Can you provide examples of best practice in the due care of programme participants which you think should be included in the guidance? Please share details if possible.**

Yes - we will be happy to share our proposed media guidelines for working with survivors of VAWG. Please email [rebecca.hitchen@evaw.org.uk](mailto:rebecca.hitchen@evaw.org.uk) for more details.