

CASE SUMMARY

Irish Press Ombudsman upholds complaint from coalition of drug services

International Harm Reduction Association and Others and The Irish Independent

Tim Bingham*

On 23 May 2011, the Press Ombudsman of Ireland upheld a complaint lodged by a coalition of national and international drug services against the Irish Independent, the country's largest circulation broadsheet. The complaint was filed by the International Harm Reduction Association, the Irish Needle Exchange Forum and the CityWide Drugs Crisis Campaign, with the support of approximately thirty Irish drugs services and professionals.

The complaint was lodged following an 18 February 2011 column by Ian O'Doherty entitled 'Sterilising junkies may seem harsh, but it does make sense'. In the column, O'Doherty, a regular opinion writer for the newspaper, described people who use drugs as 'vermin' and as 'feral, worthless scumbags'. He wrote, 'Let's get a few things straight – I hate junkies more than anything else. I hate their greed, their stupidity, their constant sense of self pity, the way they can justify their behaviour, the damage they do to their own family and to others.' He added that, 'If every junkie in this country were to die tomorrow I would cheer.'¹

The complainants claimed that the column violated two principles of the Code of Conduct of the Irish Press Council.² Under Principle 1.1 on 'Truth and Accuracy', which affirms that 'In reporting news and information, newspapers and periodicals shall strive at all times for truth and accuracy',³ the complainants alleged that the column made factually incorrect claims about drug use.

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¹ Ian O'Doherty, 'Sterilising junkies may seem harsh, but it does make sense', *Irish Independent*, 18 February 2011.

² Press Council of Ireland, 'Code of Practice', available online at <http://www.pressombudsman.ie/code-of-practice.150.html> (date of last access 27 February 2012).

³ *ibid.*

However, the more serious claim was made under Principle 8 on ‘Prejudice’, which states:

*Newspapers and periodicals shall not publish material intended or likely to cause grave offence or stir up hatred against an individual or group on the basis of their race, religion, nationality, colour, ethnic origin, membership of the travelling community, gender, sexual orientation, marital status, disability, illness or age.*⁴

In essence, the complainants were asking that the Press Ombudsman recognise people who use drugs as an identifiable group, entitled to protections against hate-type speech in the press. In particular, the complaints argued that because drug dependency is recognised as a chronic and relapsing disease by many authorities, including the World Health Organization and the United Nations Office on Drugs and Crime, that O’Doherty’s column ‘is not only a hateful attack a vulnerable population with a recognised medical condition, it also ignores the well-established link between drug use and depression, mental illness, alcohol use and homelessness.’⁵

The Press Ombudsman upheld the main element of the complaint, finding that the newspaper ‘breached Principle 8 (Prejudice) of the Code of Practice for Newspapers and Magazines because it was likely to cause grave offence to or stir up hatred against individuals or groups addicted to drugs on the basis of their illness.’⁶ Significantly, the Ombudsman rejected the Independent’s defence that its subsequent publication of other opinions and letters opposed to O’Doherty was a sufficient response. According to the Ombudsman’s decision, ‘[T]he subsequent publication by the newspaper of letters from other complainants, or the publication of a feature reacting to the article, can[not] obviate the need to make it clear that this article represents a breach of Principle 8 of the Code.’⁷ On the secondary complaint under Principle 1.1, the Ombudsman concluded that there was insufficient evidence to render a decision.⁸

This was the first time that the Press Ombudsman in Ireland has found people who use drugs to be an identifiable group, entitled to protections against prejudicial reporting in the media. It may well be the first case of its kind internationally. According to the complainants, ‘We believe this to be the first time that drug users have been identified by a media watchdog as an identifiable group, entitled to protections against hate-type speech in the press. In this sense, we think the decision of the Press Ombudsman has international significance.’⁹

4 *ibid.*

5 International Harm Reduction Association, et. al., ‘Letter to the Office of the Press Ombudsman’ (7 March 2011), available online at http://www.ihra.net/files/2011/06/13/Letter_to_the_Office_of_the_Press_Ombudsman_7_March_2011.pdf (date of last access 7 February 2012).

6 Office of the Press Ombudsman, ‘International Harm Reduction Association and Others and The Irish Independent’ (23 May 2011), available online at <http://www.pressombudsman.ie/decided-by-press-ombudsman/the-international-harm-reduction-association-and-others-and-the-irish-independent-2220.html> (date of last access 7 February 2012).

7 *ibid.*

8 *ibid.*

9 ‘Irish Independent censured for “offensive” column likely to “stir hatred” against drug users: Press Ombudsman upholds complaint by coalition of drug services’ (Press release: 13 June 2011), available online at <http://www.ihra.net/fr/contents/1030> (date of last access 8 February 2011).