[GB] BBC Asian Network head cleared over role in naming victim of sexual abuse

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On 18 January 2019, Sheffield Magistrates' Court acquitted the BBC Asian Network head of news Arif Ansari of breaching the Sexual Offences (Amendment) Act 1992 after a reporter named a rape victim live on air.

Ansari was the editor of a radio programme when a reporter, Rickin Majithia, revealed in a live news bulletin the identity of a female victim of sexual abuse whilst reporting on the trial of her abuser in February 2018 outside Sheffield Crown Court. Majithia had wrongly assumed that the name read out in court was a pseudonym. Although Majithia was in error, the charge was brought against Ansari because output is the responsibility of the head, who had checked his reporter's script ahead of the live report.

Ansari was charged, in particular, with breaching the Sexual Offences (Amendment) Act 1992. In order to encourage victims of sexual offences to come forward, but also to protect them from suffering further trauma when testifying in court, the media in the United Kingdom are prevented from identifying such victims when reporting news stories. Section 1 of the 1992 Act states that after an allegation of a sexual offence is made, no matter relating to that victim (or alleged victim) shall be included in any publication if it is likely to lead members of the public to identify him or her as the victim (or alleged victim) of the offence. It is important to note that anonymity is automatic and lifelong and applies from the time a claim is made by the alleged victim or anyone else (for instance, where a parent alleges that their child was abused).

The prohibition imposed by section 1 applies to traditional media as well as to online media and individual users of social media websites. More specifically, the ban includes (if likely to lead to that person being identified): their name or address, the identity of any school or other education establishment they attend, the identity of any workplace, and any still or moving picture of them. Broadcasting or otherwise publishing information which is not on this list can also breach the act if it is likely to lead to the identification of the individual concerned. Breaching section 1 is punishable on summary conviction by a fine. Anonymity for complainants in rape cases was first introduced by section 4 of the Sexual Offences (Amendment) Act 1976. Since then, it has been extended to victims (or alleged victims) of virtually all offences with a sexual element and more recently

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to victims (or alleged victims) of “human trafficking for exploitation” under section 2 of the Modern Slavery Act 2015.

Ansari entered a not guilty plea in October 2018 and was granted unconditional bail to appear before Sheffield Magistrates’ Court on 17 January 2019. At his trial, Ansari stated that he had not questioned Majithia’s script (which revealed the victim’s real name), as he trusted his reporter. Majithia was a senior journalist but had never reported on a court case before. Ansari, however, was not aware of this and only found out about his lack of experience in this regard after the error had occurred. The victim concerned was listening to the radio broadcast when her real name was read out and was reported to have gone into “full meltdown.”

Following a two-day trial, District Judge Naomi Redhouse said the broadcast was an “honest mistake” and found Ansari not guilty. She could not conclude that Ansari had “reasonable suspicion” to believe that the report was likely to identify the victim when he reviewed the script before it was delivered on air. After the verdict, Majithia apologised to the victim in a statement he made. The BBC also apologised for the “serious mistake”. However, it criticised the decision to prosecute line manager Ansari rather than the corporation, stating that this could result in “a climate of fear for editors reporting in the public interest.” This was the first time a BBC editor had been charged with violating anonymity provisions under the 1992 Act.

BBC Asian Network: Arif Ansari denies naming abuse victim (11 October 2018)

https://www.bbc.co.uk/news/uk-england-south-yorkshire-45827413

BBC Asian Network editor found not guilty of “honest mistake” (18 January 2019)

https://www.bbc.co.uk/news/uk-46920537

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