

# Tips for media reporting on violence against women when there are legal restrictions



**“There is a pressing need to ensure the role of court reporters continues to be prioritised and sustained in today’s media climate. The way journalists report on court cases matters.”**

**“They provide the public with a view of the criminal justice system and the social problems that fall before it. Court reporters, who also have a strong understanding of primary prevention, help to ensure an appropriate balance is struck between a fair trial, open justice, the safety and privacy of victims and raising awareness about violence against women.”**

**- Annie Blatchford**

Media and violence against women researcher

Evidence-based media reporting can demonstrate the nature and extent of violence against women and sexual harassment, and its links to gender inequality. In turn, it can help change the community’s attitudes and behaviours that drive violence. This is why it is worth taking the time and consideration to report ethically, legally and effectively on this issue.

Legal rules, processes and publication restrictions may impact the extent to which journalists can report on incidents of sexual harassment and violence against women, and the context surrounding a case. Once a case is before the courts, journalists are limited in what and how they can report.

Beyond legal restrictions, the reality of everyday court reporting and current journalistic practices also influence which stories journalists can cover, as well as the time and resources they can dedicate to the story.

Understanding the law relating to reporting on violence against women empowers journalists to make, pursue and produce stories that go beyond the individual incident, and highlight the prevalence, drivers and impacts of violence.

The following tips were drawn from a report on the impact of legal restrictions on the reporting of intimate partner homicides written by Annie Blatchford PhD for Our Watch.

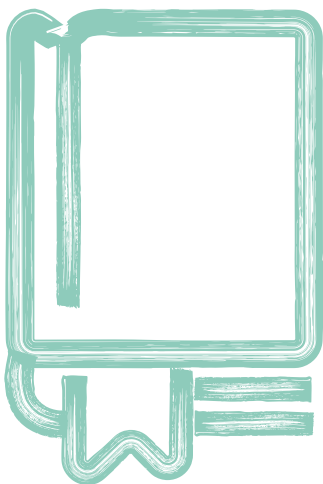
*This is general information only, and readers should undertake their own independent review on the topics discussed. The information does not constitute legal advice and readers should seek their own legal advice.*

# 9 tips for managing legal restrictions in reporting on violence against women

---

## 1. Understand the legal restrictions

- Be aware that legal restrictions can vary across states and jurisdictions.
- Get legal advice as early as possible if you are uncertain about any legal aspects of your reporting.
- **Sub judice contempt** aims to protect an accused person's right to a fair trial by ensuring the jury is only exposed to the evidence allowed in court and not external, potentially prejudicial information. The law is frequently criticised for being vague and difficult to adhere to in today's digital media environment, as well as inconsistently enforced and applied. The uncertainty of the law creates challenges for journalists attempting to report on violence against women in a way that offers more context.
- **Intervention order publication restrictions** vary across different jurisdictions, but generally prevent the publication of information that may lead to the identification of people involved in an intervention order proceeding. Given many intimate partner homicides and other violence against women crimes are preceded by a history of violence and intervention orders, these legal restrictions may prevent journalists from reporting information that shows when a case is not a random, isolated event, but a systemic failure to protect the victim. Similarly to sub judice contempt, the application and enforcement of the legislative restriction is not clear and there are different understandings amongst media outlets and journalists.
- Working in tandem with legal restrictions are many **legal rules and processes** that predetermine and frame the court narrative, such as the presentation of evidence, counter-arguments, framing, and what witnesses are able to say. This is then echoed by the media. For example, in intimate partner homicide trials, evidence of violence that occurs before a fatal incident is often excluded as irrelevant to proving the accused's guilt because the incidents are seen to be too remote from the murder.
- **The hearsay rule** plays a significant role in the exclusion of evidence in criminal trials. In the context of an intimate partner homicide trial, the rule impacts whether the deceased victim's comments to friends or family or written words can be included in the trial, and therefore reported by the media. This is why the victim's voice is often absent in media reports.
- Depending on the story you are covering there are several other legal restrictions that could impact how and what you report. For example, there are publication restrictions that prevent you from identifying victims of sexual assault or defamation and suppression orders may need to be considered.



**"A fair and accurate report of open court proceedings provides a defence against a contempt prosecution or defamation allegation. Check any information you receive about a case when you are not present against court transcripts or documents or seek to verify it through the court. Put yourself in the witness box. Would you be comfortable saying that you had published without checking something that another reporter had told you?"**

**- Peter Gregory**

Journalism academic and former Age court reporter

---

## 2. Check that your report is a fair and accurate report of the proceedings

- Make sure all information is a direct report of what occurred in the courtroom before the jury.
- Be as specific as possible, so the reader can best understand the court case and proceedings.
- Name the court, and state roles and full names of the judge or magistrate. Identify the accused person, including name, age, and address where possible. Identify the lawyers representing the prosecution or defence, and any witnesses being quoted, unless orders are made otherwise.
- Note the charge and the plea, if relevant, and include a sentence or two about the case.
- Verify everything you hear about a case outside of court – even from the relevant law firms. If there is any doubt, state where the information is from.
- Revise any descriptions or observations that could be considered prejudicial or sensational.

---

## 3. Closely consider the narrative and framing of quotes



See example one on p.6

- When quoting lawyers, witnesses and judges, be aware of the type of language they are using.
- Stating 'the court said' without context of who is speaking can give false or misleading legitimacy.
- If possible, avoid including phrases or language that blames the victim or excuses the perpetrator for their choice to use violence.
- If these quotes are integral to your article, consider balancing with another quote from that day of the trial or a previous day where the counter argument has been raised.

**"It's important to appreciate in court rooms across Australia, Indigenous women and girls' experiences of violence are reproduced to fit a legal story telling. This retelling is divorced from the lived experience of pain, trauma, relationally to others, time, and how this intersects to the various other parts of our lives and living. The legal storying misses the depth of feeling and impact of violence, easily reproducing stereotypes, the narrative shifting to a victim blaming deficit discourse. Given the way institutions construct victim stories and meaning, it is imperative we critically evaluate the authenticity of the story we are developing for a public readership."**

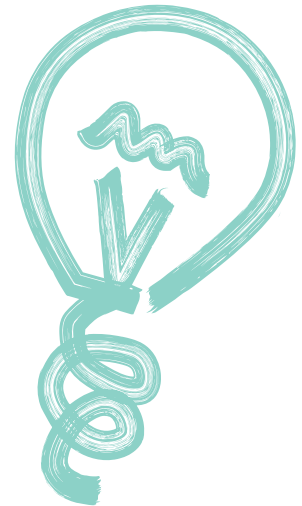
**- Professor Kyllie Cripps**

Director of Indigenous Studies Centre, Monash University; Chief Investigator, Centre of Excellence for the Elimination of Violence Against Women









---

Example two:

## A joint effort to tell a powerful story

With support from editors and legal teams, journalists can powerfully tell the story of violence against women beyond the isolated facts or detailed descriptions of an individual incident, or any one case.

- In August 2018, The Age ran a 'This Must Stop' campaign, dedicating the front page and the first five pages of its print newspaper to four high-profile femicide cases, with reports written by different court reporters who were following those proceedings.
- The campaign included the online and print article [\*We are right to be horrified by Victoria's toll of dead women\*](#) which discussed the four cases in the broader context of prevention and gender inequality, addressing the gendered nature of homicides and the vulnerability of certain groups, such as women with disabilities.
- The coordination between the different journalists in this example showed the importance of working together with other court reporters, journalists and editors to tell a bigger story.

**"Though approaches from the media can be extremely traumatising for victim-survivors and families, I believe that if done in the right way, we should ask them if they want to be involved - it is about them, after all."**

**"During a court case, tensions are already heightened, so I would approach through a third party, such as their lawyer, a relative, the police officer handling the case, or their witness support. Trust your instincts as to the right time, but sometimes I reach out at the beginning of the case to introduce myself and say hey, if you wish to say anything at some point, I'm here."**

### **-Tammy Mills**

Journalist and producer, The Age and Sydney Morning Herald

---

## Further reading

- Blatchford, Annie: *The whole story: Intimate partner homicides, legal rules and the news production process* (2020), PhD thesis
- Blatchford, Annie; Morgan, Jenny and Simons, Margaret: 'Making violence against women (in)visible? Restrictions on media reporting of intervention orders' (2020) 46(1) *Monash University Law Review* 228
- Eastal, Patricia; Blatchford, Annie; Holland, Kate and Sutherland, Georgina: 'Teaching Journalists About Violence Against Women Best Reportage Practices: An Australian Case Study' (2021) 16(10) *Journalism Practice*
- Gilmore, Jane, *Fixed It: Violence and the representation of women in the media* (Viking, 2019)
- Hermant, Norman: '*Domestic violence reporting in Australia and the focus on the 'good guy': How you, the audience, can change it*', ABC (online, 27 November 2020)
- Morgan, Jenny and Simons, Margaret: 'Changing Media Coverage of Violence Against Women: The Role of Individual Cases and Individual Journalists' (2018) 12 *Journalism Practice* 1165
- Morris Madeleine, '*ABC journalist Madeleine Morris reflects on the difficulties of reporting on domestic violence*', ABC News (online, 18 March 2015)
- Perkins, Miki: '*We are right to be horrified by Victoria's toll of dead women*', *The Age* (online, 2 August 2018)
- Simons, Margaret and Morgan, Jenny: 'Changing Media Coverage of Violence Against Women: Changing sourcing practices?' (2017) 19 *Journalism Studies* 1202
- Sutherland, Georgina et al: '*Media representations of violence against women and their children: Final report*', Horizons Research Report, ANROWS, 2016.
- Pearson, Mark, *The Journalist's Guide to Media Law*, 2019, Routledge.
- Law Reform Victoria: *Sub judice contempt*.

# Our Watch

Preventing violence against women

For more information on reporting on violence against women and to access the complete reporting guidelines go to: [media.ourwatch.org.au](https://media.ourwatch.org.au)

Funded by the Australian Government Department of Social Services. Visit [www.dss.gov.au](https://www.dss.gov.au) for more information.

Our Watch acknowledges the traditional owners of the land across Australia on which we work and live. We pay our respects to Aboriginal and Torres Strait Islander peoples past and present.