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【由新西兰内政部翻译处自英文件翻译】

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新西兰新闻委员会就新西兰法轮大法协会针对《中文时代》的申诉做出裁决

裁决结果：就第一原则提起的申诉，予以支持

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背景

法轮大法协会聘请奥克兰市威尔逊·哈尔律师事务所的凯伦·韦伯斯特就《中文时代》的一篇报道提起申诉。学员们练习的是一种通常被称为法轮功的灵性操练。这篇报道的标题为：“法轮功学员常年聚集领馆前”，副标题为：“华人社团自发组织起来进行劝阻”。该文于今年7月18日星期六发表在《中文时代》B4版面。

《中文时代》与新西兰新闻委员会没有正式的关系，但他们同意请新闻委员会对该申诉进行审理并提供一个回应。《中文时代》也确认，为审理提供的翻译件与他们刊登的文章内容相符。

报道文章本身是一小段关于在中国领事馆外面抗议的法轮功学员被另一群人说服离开的新闻。

新闻报道后面附有一段篇幅较长的新西兰不同地方的五个华人团体的“联合声明”，声称有关“劝阻人员”两次前往抗议地点。声明将法轮功称为“污蔑中国政府的邪教，损害华人形象”，并挡住了人行道，以及劝阻人员已针对“长期占用总领事馆门外人行道的法轮功学员“向奥克兰市政府提出申诉”。

报道和联合声明是分开的，中间刊登了几张举着标语牌的抗议者和劝阻人员的照片。



诉状

法轮大法协会认为，该报道（包括联合声明）违反了[新闻的]准确性、公正性、平衡性原则，评论与事实相结合原则，以及防止有利益冲突的原则。

就**第一原则，即准确性，公正性和平衡性原则**，韦伯斯特写道：该报道是对整个事件的歪曲。根据当时在场的法轮功学员的说法，是那 30-40 名示威人士，而不是他们这 10-12 名法轮功学员挡住了人行道。此外，警察赶到后是让劝阻人员离开，而不是让法轮功学员离开。警察还说法轮功学员是在他们的权利范围内进行抗议。

至于联合声明，法轮大法协会指出，法轮功不是一个邪教，他们对中国政府政策的批评并没有抹黑中国人民和中国政府。韦伯斯特还写道：该声明“基本上是那几个华人团体的观点的大段抄录和立场表白”。

韦伯斯特补充称：根本没有给法轮大法协会任何辩解权。尽管一再要求，[该报]仍然没有发表任何回应。最后，关于第一原则，法轮大法协会还表示，他们已经联系了乌克兰市议会，有关挡住人行道的投诉经调查已被驳回。

就[新闻的]**第四原则，即评论与事实相结合原则**，韦伯斯特称：这个页面是在社区新闻部分，但她认为文章中的事实（包括联合声明）是不准确的。她指出：“将‘联合声明’置于新闻报道里，就是试图给这段有争议性的观点披上实事求是、客观报道的外衣。”

就[新闻的]**第十原则，即避免利益冲突的原则**，韦伯斯特将此归咎于《中文时代》编者之一吴女士[音译]的言论。在 7 月 23 日举行的与法轮功学员讨论其投诉的会议上，吴女士说他们报纸不会刊登法轮功人员的一面之词，因为这需要通过中国领事馆的认可，而领事馆是不可能认可报纸这样做的。韦伯斯特写道：“该报似乎是中国领事馆的喉舌……这不符合办报的基本原则，即新闻应该是自由和独立的。”她希望新闻委员会至少应该保证《中文时代》披露其效忠对象。

编者回应

《中文时代》编辑告诉我们，联合声明是一个付费广告，因此不在新闻委员会的审理范围之内。

在利益冲突的问题上，编辑否认刊登在报纸上的内容是经中国领事馆认可这种说法。她说：吴女士并没有说过法轮功学员声称的那些话，《中文时代》是一家独立的出版物。

该编辑坚持称，其报道没有“不平衡”，他们没有采访法轮功学员是因为这些人在领事馆外的抗议已经持续很久时间了，不算是新闻。此外，她写道：法轮功学员的意见是“主观的情感”，因此是“既不靠普也不客观的”。

讨论与裁决

新闻委员会提请注意，我们的裁决仅限于报道本身，对双方争论的是是非非不做任何评论。

对文章报道了当日在该地点发生的事件，双方没有争议。但除此之外，该报道在新闻故事必须准确和平衡上未尽其职。报道只出现了劝阻人员的声音，甚至还介绍了天气情况，但没有刊登法轮功学员的意见，因此未能使报道具有平衡性。报道还总结声称劝阻人员代表整个华人社区发声，但我们可以臆测事实并非如此。

编辑认为法轮功学员的行为趋于情绪化，既不靠普，也不算新闻，但这并不能成为其报道失衡的借口。不公平的一点是，批评了法轮功学员，但却没有在报道中或以后续报道或读者来信等形式给予法轮功学员辩解的机会。《中文时代》这样做也损害了报道的准确性。报道中称：“整个抗议活在和平、理性的气氛中进行”，但法轮功学员表示，有人叫了警察，警察要求劝阻人员离开。编辑对此没有异议，因此我们只能相信法轮功学员对事件的说法。就第一原则提起的申诉，本委员会予以支持。

联合声明是一个广告，因此超出了我们审理的权限范围。就第四原则提起的申诉，本委员会予以驳回。

然而，本委员会关注的是，联合声明并没有明确地标注为广告，而很容易被看作是报道的一部分。编辑应对报纸的所有内容负责。让读者明了哪部分是付费广告，哪部分是新闻是编辑的职责。《中文时代》没有做到这一点。

法轮功学员还提出了一个严肃的指控，认为《中文时代》存在利益冲突——即他们实际上是听命于中国领事馆。编辑强烈反对这一指控。鉴于这些事实具有争议性，我们无法在这一点上作出裁决。

参加审理此项申诉的新闻委员会委员为：约翰·汉森爵士、利兹·布朗、克里斯·达罗、彼得·法阿弗约、珍妮·法雷尔、桑迪·吉尔，弗农·斯摩，马克·史蒂文斯和蒂姆·沃特金斯。

CASE NO: 2469

ADJUDICATION BY THE NEW ZEALAND PRESS COUNCIL ON THE COMPLAINT OF FALUN DAFA ASSOCIATION OF NEW ZEALAND Inc AGAINST CHINESE TIMES

FINDING: UPHELD ON PRINCIPLE 1

TO BE PUBLISHED ON 21 NOVEMBER 2015

Background

The Falun Dafa Association, through Kerryn Webster of Auckland law firm Wilson Harle, has complained about an article in *Chinese Times*. Members are practitioners of a spiritual practice often called Falun Gong. The article, according to the translation, is headlined ‘Falun Gong practitioners congregate in front of the consulate on a long-term basis’ and sub-headed ‘Chinese community groups join forces to remonstrate with them’. It was published on B4 of the *Chinese Times* on Saturday July 18.

The *Chinese Times* has no formal association with the Press Council, but agreed the Council should determine the complaint and provided a response. They also confirmed that the translation provided was an accurate account of the published material.

The article itself is a single paragraph about a protest outside the Chinese Consulate by Falun Dafa members and the efforts of others to convince them to move on.

The story is accompanied by a longer ‘Joint Declaration’ by five Chinese community groups from around New Zealand, which argue a “group of remonstrators” made two visits to the protest. It describes Falun Gong as a cult that is “slandering the Chinese government”, “damaging the image of the Chinese people”, and blocking the footpath to pedestrians. The groups have complained to the Auckland Council about Falun Dafa’s “long-term occupation of the footpath outside the Consulate General entrance”.

The article and joint declaration are separated by several photographs of placard-bearing protesters and remonstrators.

Complaint

The Falun Dafa Association argues the article (including the Joint Declaration) breaches the principles of accuracy, fairness and balance, comment and fact, and conflicts of interest.

On **Principle 1 Accuracy, fairness and balance**, Webster writes the report gives an inaccurate and misleading version of events. The Falun Dafa members present say it was the 30-40 protesters blocking the footpath, not the 10-12 practitioners. Further, police arrived and told the remonstrators, not the practitioners, to leave and said the practitioners were within their rights to protest.

In regard to the declaration, Falun Dafa argues it is not a cult, nor does its criticism of Chinese government policy discredit the Chinese people or government. Webster writes that the declaration is “essentially an extended quote or vehicle for the publication of the views of those associations”.

Falun Dafa was offered no right of reply, Webster adds, and despite repeated requests has still not published a response. Finally on this principle, the Association says it has been in contact with Auckland Council; the footpath complaint has been investigated and dismissed.

On **Principle 4 Comment and fact principle**, Webster writes this page was in the Community News section, yet argues the facts of the article, including the declaration, are inaccurate. “The placement of the ‘joint declaration’ within the article tries to mask the controversial opinion piece as an objective, factual report of events”, she argues.

On **Principle 10 Conflicts of interest**, Webster relies on comments made by one of the *Times*’ editors – Ms Wu – who told Falun Dafa members at a July 23 meeting to discuss their complaint that the newspaper would not print their side of the story as content had to be approved by the Chinese consulate and such approval would not be forthcoming. “The publication appears to be a mouthpiece of the Chinese Consulate... This is at odds with the fundamental principle that the press should be free and independent,” she writes. She wants at least for the Council to find that the *Times* should disclose its allegiances.

Editor’s Response

The *Chinese Times* editor informs us that the Joint Declaration was a paid advertisement, so it is therefore outside the jurisdiction of the Council.

On the matter of the conflict of interest, the editor denies the claims that the material published in her newspaper is approved by the Chinese consulate. She says Ms Wu did not say what the Falun Dafa members claim and that the *Times* is an independent publication.

The editor insists that the report published is “not unbalanced” and Falun Dafa members were not interviewed because their exercises outside the consulate have been going on a long time and are not news. Moreover, she writes, the comments by the practitioners were “subjective emotion” and therefore not “pertinent and objective”.

Discussion and Decision

The Council notes that our ruling is on the reportage only; we make no comment on the rights and wrongs of the argument between the parties.

It is not disputed that the article covers events that took place on the day and at the place reported. But beyond that the report falls short in its obligations to be an accurate and balanced news story. It gives voice to the remonstrators and even describes the weather, but fails to balance the story with the views of the Falun Dafa members. It generalises by claiming the remonstrators spoke “on behalf of the Chinese community” as a whole, when we can assume a diversity of opinion.

The editor’s view that the practitioners’ actions were emotive, and neither pertinent nor news does not excuse reporting on the event without balance. It is unfair to criticise the practitioners without giving them a right of reply either in the story or in a follow-up piece or letter to the editor. By doing so, the *Chinese Times* has failed to ensure the accuracy of the article as well; the article claims the “protest was peaceful and reasoned throughout”, yet Falun Dafa says police were called and the remonstrators asked to leave. The editor does not dispute this, so we can only go on the practitioners’ version of events. **The complaint against Principle 1 is upheld.**

The Joint Declaration is an advertisement and beyond our mandate to rule on the content.
The complaint against Principle 4 is not upheld.

However the Council is concerned that it was not clearly labelled as an ad, but rather was made to look part of the article. The editor is responsible for all a newspaper's content and it is her/his obligation to make it clear to readers what is paid advertising and what is journalism. The *Chinese Times* failed to do this.

The practitioners make the serious claim that the *Chinese Times* has a conflict of interest – and indeed is answerable to – the Chinese Consulate. The editor, however, strongly rejects that allegation and as those facts are disputed, we are unable to rule on that point.

Press Council members considering the complaint were Sir John Hansen, Liz Brown, Chris Darlow, Peter Fa'afiu, Jenny Farrell, Sandy Gill, Vernon Small, Mark Stevens, and Tim Watkin.