

2019-45: Squalli vs Globe and Mail

The National NewsMedia Council has dismissed one portion and dismissed with reservation another portion of a complaint about an April 11, 2019 opinion article in the Globe and Mail.

The magazine-length opinion article, “Every parent’s nightmare: Your spouse flees the country with your kids, and the government is in no rush to help”, detailed the international and legal effort by a mother to regain custody of her children, who are living overseas after travelling with their father. It described bureaucratic hurdles and international complexity, with reports from the mother’s point of view supplemented by the author’s experience as well as the voices of lawyers for the mother, another lawyer, related child custody and other agencies, and reference to two other child custody cases.

The complainant, Jay Squalli, provided information and documentation to support his view that the article was inaccurate, misstated the facts of his custody dispute, and failed to provide a reasonable account of his views as father of the children. He argued that as a result it misguided readers.

In reviewing this complaint, the NNC also asked the news organization for comment on publishing the names and photos of the children given the complainant’s statement denying that consent, and on the decision to label the article as opinion.

Copious evidence was submitted by the complainant related to issues of accuracy surrounding the child custody dispute and court proceedings. It is not the job of the NNC to rule on matters of family or international law. The NNC supports the work of journalists to draw on court documents, and to provide context to aid reader comprehension, particularly where cases may be ongoing. The parties have presented conflicting evidence in support of, or opposition to, the court proceedings, but it is not the role of the NNC to resolve court matters. For this reason, the NNC declined to comment on allegations about the accuracy of court proceedings and rulings.

Responding to the complaint about failure to give a reasonable account of the complainant’s view, the news organization said the focus of the opinion article was the legal and bureaucratic delay in dealing with international child-abduction cases that led to a miscarriage of justice. It noted the complainant did not agree to any type of phone interview, and said the two paragraphs chosen to represent his view were fair, balanced and did not include any known factual misstatements.

The news organization defended labeling the article as opinion by noting it opened with the writer’s own voice and experience, and continued with examples of legal, psychological and political ramifications of this and similar cases. The news organization said the article conveyed the writer’s opinion on Canada’s need to improve handling of child abduction cases.

While there is no breach in labeling this article as opinion, the writer’s strong advocacy for one side of a single case raises question about portraying those interests in light of potential reputational harm to the children and the other side. The NNC’s view is that best practice would give greater emphasis to the complexity of these situations and to the vigour of the debate over where the truth lies when the parties’ stories are so diametrically opposed.

The NNC noted that the opinion article was heavily weighted toward the mother's story and point of view. At the same time, the complainant declined permission to publish the material he provided. Nonetheless, the article contained some selective information provided by the complainant and paraphrased his response. For this reason, and in view of the fact that an opinion writer has a journalist's prerogative to select the focus of an article and the wide latitude to express a point of view, we found no breach of journalistic standards of balance or opportunity to respond and dismissed this portion of the complaint.

Regarding identifying the children, widely-accepted journalistic standards urge extra care in interviewing children and require parental permission to name or photograph children. The news organization stated the mother, as legal guardian in Canada's view, provided the photos and gave permission for their names to be published. For these reasons we found no breach of journalistic standards and dismissed this portion of the complaint.

However, we dismissed this portion of the complaint with reservation. The longevity of online stories is of concern regarding identification of the children. Given that the article described the children's emotional health and family dynamics, it is worth considering future reputational impact. Best practice would have been to use initials or pseudonyms for the children.