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## **The image of asylum-seekers, migrants and refugees in the media**

Report  
Committee on Migration, Refugees and Population  
Rapporteur: Mrs Tana de Zulueta, Italy, Socialist Group

### *Summary*

The media has an important impact on the lives of migrants, asylum seekers and refugees and their level of integration into society and their acceptance by society. While no undue restrictions should be placed on freedom of expression, the media has a responsibility to portray accurately the situation of migrants, asylum seekers and refugees and reflect the positive contribution they make to the society in which they live. The media also has a responsibility to avoid stereotyping these persons, which can contribute to discrimination, racism, xenophobia and other forms of intolerance in society, including anti-Semitism, Islamophobia and Romanophobia.

An effective legislative framework protecting against incitement to hatred, discrimination and intolerance is a prerequisite. There is also a need to tackle hate speech by politicians and its propagation in the media.

The media itself has a responsibility to adopt its own codes of conduct and ethics, and media professionals should benefit in their contracts from a conscience clause allowing them to refuse to produce materials that they feel would be in breach of their ethical commitments.

Scrutiny of the image of migrants, refugees and asylum seekers in the media needs to take place at a national level and also at European level. Effective complaints procedures to investigate complaints about intolerant, racist or xenophobic attitudes in the media are required.

Further training for media professional on asylum and migration issues, as well as reporting in a multicultural environment, is to be encouraged. The views of asylum seekers, refugees and migrants need to be reflected in media programmes, and migrants and refugees should be represented amongst media professionals. Programmes should be produced catering for the needs, including linguistic needs, and interests of migrants, asylum seekers and refugees.

**A. Draft recommendation**

1. European history is strongly characterised by both emigration and immigration within and outside of Europe. According to the International Organization for Migration, there are approximately 33 million migrants in Europe. This figure will rise further as Europe continues to be a principal choice of destination for migrants, asylum seekers and refugees, and increasingly needs migrants to fill empty jobs and counterbalance declining fertility rates.

2. Many of these migrants, asylum seekers and refugees, coming from within and outside of Europe, will remain in Europe, contributing to the diversity of culture enjoyed and making an important economic contribution to European society.

3. Their integration poses a challenge, both for the individuals concerned and also for society as a whole. One of the obstacles to this integration is hostility and xenophobia in certain parts of society, arising from fears fed by populist beliefs that Europe is being overwhelmed by migrants, asylum seekers and refugees. Other common fears are that migrants, asylum seekers and refugees take jobs away from nationals, contribute to rising criminality and pose a terrorist threat. Another obstacle to integration is the lack of information on the integration process for migrants, asylum seekers and refugees, as well as a misreading or misunderstanding of the process and what it entails.

4. The Parliamentary Assembly recognises the essential role of freedom of expression in a democratic society and reaffirms its profound commitment to this right outlined in Article 10 of the European Convention on Human Rights.

5. The media plays an essential role in ensuring that issues linked to migration, refugees and asylum are portrayed in a fair and balanced way. It is therefore the media's responsibility to reflect also the positive contribution to society made by these persons, and to protect them from negative stereotyping. It is also important that migrants and asylum seekers are themselves represented in the media as media professionals and that their views, and issues of interest to them and concerning them, are reflected in the media.

6. The Parliamentary Assembly has already expressed concern about the portrayal of migrants and ethnic minorities in the media in its Recommendation 1277 (1995) on migrants, ethnic minorities and media. Since this was adopted, the Council of Europe has taken major steps to tackle issues of racism and intolerance, including in the media. Noteworthy in this respect has been the ongoing work of the European Commission against Racism and Intolerance (ECRI) and the adoption of two important Recommendations by the Committee of Ministers, namely Recommendation R (97) 20 on "Hate Speech" and Recommendation R (97) 21 on the media and the promotion of a culture of tolerance.

7. The Assembly considers that the fight against racism, discrimination and every form of intolerance requires the constant vigil of the Council of Europe and that the media, supported by member states, plays an essential role in this fight.

8. The Assembly therefore recommends that the Committee of Ministers:

8.1 invites the Steering Committee on the Media and New Communication Services (CDMC) to examine and make recommendations on the operation and functioning of media complaints procedures and media complaints bodies established in member states, taking into account any difficulties faced by individuals and groups affected by statements in the media to obtain redress through these mechanisms;

8.2. provides full support and adequate resources for ECRI to carry out its important monitoring work on racism and intolerance, and invites it to:

8.2.1. pay particular attention to the legislation and policy in member states impacting on racism and intolerance in the media;

8.2.2. carry out a media watch study, reporting on xenophobia, racism and intolerance in the media;

- 8.2.3. prepare a report on the effectiveness of legislation prohibiting incitement to hatred;
- 8.3. promotes through the Eurimage Fund and the European Convention on Cinematographic Co-Production, the production of films dealing with issues relevant to migrants, refugees and asylum seekers and produced by persons coming from these groups;
- 8.4. invites the member states of the Council of Europe to:
  - 8.4.1. adopt and implement legislation prohibiting incitement to hatred, violence or discrimination where this is lacking, and enforce such legislation where it exists;
  - 8.4.2. adopt and implement penal legislation against, *inter alia*, the public dissemination or public distribution, or the production or storage of material with a racist content or purpose, and also to adopt and implement legislation penalising leaders of groups promoting racism, and suppress public financing of organisations carrying out or supporting such activities;
  - 8.4.3. ensure that legislation is adopted and implemented in member states to prevent excessive media concentrations which pose a threat to quality, pluralism and diversity in the media;
  - 8.4.4. sign and ratify, where this has not already been done, the European Convention on Transfrontier Television;
  - 8.4.5. sign and ratify, where this has not already been done, the European Convention on Cybercrime and the Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems;
  - 8.4.6. urge all democratic political parties to adopt or reaffirm the Charter of European Political Parties for a non-racist society;
- 8.5. invites the media to:
  - 8.5.1. adopt, insofar as they have not already done so, codes of conduct laying down the ethical principles that should guide the work of these professionals;
  - 8.5.2. supplement media codes of conduct, by drawing up guidelines to tackle particular challenges for the media, such as avoiding stereotyping of migrants, asylum seekers and refugees, and avoiding anti-Semitism, anti-Christianism, Islamophobia, Romanophobia and other forms of intolerance;
  - 8.5.3. negotiate conscience clauses in contracts for media professionals, allowing reporters and journalists to refuse to produce reports on materials that they feel would be in breach of ethical commitments;
  - 8.5.4. establish national complaints procedures to investigate, *inter alia*, complaints about media materials that foster intolerant, racist or xenophobic attitudes towards migrants, asylum seekers or refugees, and provide effective remedies where complaints are upheld;
  - 8.5.5. obtain consent from refugees or asylum seekers prior to using information or images which may identify their status as refugees or asylum seekers;
  - 8.5.6. refrain from revealing the ethnic origin or nationality of migrants, asylum seekers or refugees when arrested or convicted of crimes where such information is irrelevant to the story;
- 8.6. invites member states of the Council of Europe and the media to:

8.6.1. encourage the employment of migrants and refugees in the media, including through the provision of specialised training programmes for persons belonging to these groups;

8.6.2. facilitate, fund and encourage the training and sensitisation of media professionals to issues linked with multiculturalism, pluralism and the importance of tolerance, integration and equality for all;

8.6.3. provide backing and support, including financial support, for national and European competitions and prizes for media professionals who contribute to the fight against racism and intolerance and promote a fair and balanced portrayal of migrants, asylum seekers and refugees in the media;

8.6.4. promote and fund the production and broadcasting of programmes for and by migrants and refugees, including in their own languages, as well as promote the visibility of migrants and refugees in society by their inclusion in mainstream television programmes and at peak viewing times;

8.6.5. enhance the role of local media as a means of promoting the integration and acceptance of migrants, refugees and asylum seekers in the communities in which they live;

8.6.6. encourage youth and media to work together to promote awareness of the multicultural and pluralistic dimension of European societies, as well as the importance of tolerance, integration and equality for all.

## B. Explanatory memorandum, by Mrs de Zulueta, Rapporteur

### I. Introduction

1. European history is strongly characterised by both emigration and immigration within and outside of Europe, and although large-scale immigration to Europe is a relatively recent phenomenon, it is undoubtedly one which many Europeans have grown well accustomed to over the past 50 years. Following the 1973 oil crisis, immigration policies in Europe became increasingly restrictive: first in relation to primary migration, then family reunification, and later, asylum procedures, particularly since the mid-1980s. Concomitantly, there has been a resurgence of xenophobia, racism and intolerance in European society. Contrary to popular belief, however, xenophobic reactions to foreign immigrants in post-war Europe do not correlate with either economic crisis or large levels of immigration.<sup>1</sup> The key determinant relates instead to the popular perception of threat or crisis, which is why the media can and do play such an instrumental role in influencing and shaping our perceptions of migrants, refugees and asylum seekers.

2. It was in a climate of increasing xenophobia, racism and intolerance, therefore, that the Parliamentary Assembly of the Council of Europe adopted Recommendation 1277 (1995) on Migrants, Ethnic Minorities and the Media. The recommendation not only expressed concern over media representations of migrants, but also examined the question of how to develop a responsible media that would guarantee fair and accurate reporting of migrant issues. More than 10 years have elapsed since the adoption of Recommendation 1277 (1995). Unfair and inaccurate representations stereotyping migrants, refugees and asylum-seekers are still prevalent in certain media. Since 1995, important developments have taken place affecting the way in which migrants are portrayed by the media: asylum and refugee policy have become central political debates shaping the election campaigns of certain countries; "hate speech" has become problematic in certain countries in political discourse, and is increasingly reported on by the media. Migrants, asylum seekers and refugees are therefore dependent primarily on national legislation, media complaints bodies and international monitoring and complaints bodies to remedy problems they experience in their portrayal in the media.

3. The starting point for this report then is to illustrate the extent to which migrants, refugees and asylum-seekers form an integral part of our societies, by presenting a brief survey of global and European statistics on international migration and refugees. Next, the report provides an overview of the multilateral instruments in place to protect migrants against discrimination and racism (UN, Council of Europe and EU levels). The report also lists international/European organisations and NGOs whose activities include those connected with the image of migrants, refugees and asylum-seekers in the media. The report goes on to analyse how stereotyping operates in the media before conducting a survey of the ways in which migrants, refugees and asylum-seekers are typically represented by the media. Moreover, the report examines the particular question of responsibility of media and political elites in relation to the racial or religious hatred through so-called "hate speech" and reporting on the same. The report also considers good practices that have been developed in response to negative portrayals of migrants. Finally, the report makes recommendations as how the Council of Europe and member states can further their work to ensure that migrants, refugees and asylum seekers are fairly, accurately and responsibly portrayed in the media.

4. The Rapporteur would like to acknowledge and thank Dr Simon Towle for his assistance in the research and preparation of this report.

### II. Statistical survey on migrants, refugees and asylum-seekers in Europe

5. By 2000, the **International Organisation for Migration** estimated that the world international migrant population stood at 175 million, in other words, one out of every 35

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<sup>1</sup> Historical Perspectives on Immigrants and Host Societies in Post War Europe, Humboldt University, Berlin, Pertti Ahonen and Phil Triadafilopoulos, October 2000,

persons in the world were international migrants (with international migrants in Europe estimated at 33 million),<sup>2</sup> and that this figure continued to increase at a steady rate since the 1970s (compared with 10 million 1970).<sup>3</sup> However, according to **United Nations'** world population projections, by 2050, the overall population of Europe will have fallen back from the 2000 estimate of 727 million to 632 million (-13%). In other words, whereas Europe currently represents 12% of the world population, by 2050 it will only represent 7.1%.<sup>4</sup>

6. At the end of 2004, the global number of **refugees** reached an estimated 9.2 million persons.<sup>5</sup> **UNHCR statistics** for the twenty-year period 1982-2002,<sup>6</sup> state that approximately 6.3 million asylum applications were lodged in the 15 European Union States. In 1982 (15 EU States) approximately 100,000 asylum applications were lodged, and this reached an all time peak in 1992 (25 EU States with 675,000 applications) mainly due to Balkans wars. However, the annual rate of asylum applications in the 25 EU States has tended to fall back since 1999, (396,737 asylum applications), to 282,480 applications in 2004. Despite this trend, the overall application rate for the five-year period in question remains high (1.9 million applications).

7. Irregular migration (or undocumented migration) is also a considerable factor of migration, and according to the IOM World Migration Report 2000, there were up to 3 million "unauthorised migrants" in Europe by 1998. These figures have certainly increased with some estimates going as high as 4 to 8 million irregular migrants in the European Union alone although the numbers have to a certain extent been mitigated by amnesties, regularisation and naturalisation programmes.

8. Although statistics confirm the extent to which European societies are made up of migrant populations (an estimated 6-8.5% in major industrialised European countries),<sup>7</sup> immigration on the whole continues to increase at a stable rate. It certainly cannot be said that migration is out of control or that we are besieged by immigrants.<sup>8</sup> Moreover, certain European countries such as Austria, Germany, Italy and Sweden are currently experiencing a negative rate of natural population growth, and that any net increase in population is therefore due to the arrival of migrants. Further still, according to the European Commission's **Green Paper on Economic Migration**, between 2010 and 2030, at current immigration flows, the EU working-age population (25 States) will fall by some 20 million, and the European Commission therefore sees managed economic migration as a way of keeping Europe's labour market afloat.<sup>9</sup> Kofi Annan has also stated that: "Europe simply needs migrants".<sup>10</sup>

### III. International standards

#### i. *International Treaties*

9. At a general level, the image of migrants, refugees and asylum seekers in the media are protected through the multiple commitments undertaken by States within the framework of different international human rights law obligations, for example, within the context of human rights treaties, conventions and covenants adopted under the auspices of the United Nations, or at regional level through the Council of Europe, and the European Union.<sup>11</sup> As such, these instruments constitute an important matrix of international human rights law prohibiting discrimination, racism, xenophobia and intolerance.

<sup>2</sup> World Migration Report 2005, Section 3 International Migration and Statistics, p. 379.

<sup>3</sup> Op cit. page 381, The European figures exclude former Communist States. For an in depth analysis of international migration trends, see Current Trends in International Migration in Europe, by John Salt, Consultant's Report to the Council of Europe, December 2004

<sup>4</sup> Source, UN Population division, World Population Prospects: the 2002 Revision.

<sup>5</sup> This figure does not include some 4 million Palestinian refugees protected by the UNWRA programme.

<sup>6</sup> Source, Population Data Unit, UNHCR, which can be consulted on ECRE website at [www.ecre.org](http://www.ecre.org).

<sup>7</sup> Population Data Unit, UNHCR, op. cit., for countries of origin of persons of concern to the UNHCR, p. 381 et seq.

<sup>8</sup> In fact, the **Eurostat Yearbook** 2001 estimated the net migration rate for the European Union at 1.8 persons per 1000 for the year 2000, falling back considerably from its 1992 peak of 3.7/1000.

<sup>9</sup> Commission Green Paper on an EU Approach to Managed Economic Migration, COM (2004) 811 final.

<sup>10</sup> Cf. Kofi Annan's address to European Union during his visit to Belgium on 28-30 January 2004.

<sup>11</sup> Cf. Article 13 EC Treaty, discussed below.

10. At an international level, mention should be made first and foremost of **The Convention on the Elimination of all forms of Racial Discrimination**, signed 21 December 1965, which is the most ratified of all the UN Treaties.<sup>12</sup> Other international standards that have contributed to the body of law prohibiting discrimination include:

- Universal Declaration of Human Rights (Article 7) GA Res. 217 A, 10 December 1948;
- The International Covenant of Civil and Political Rights GA Res. 2200A (XXI) 999 UNTS 171;
- International Covenant on Economic, Social and Cultural Rights GA Res. 2200A (XXI) 993 UNTS 3;
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), GA Res. 34/180;
- Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment GA. Res. 39/46;
- Convention on the Rights of the Child, GA Res. 44/25;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, GA. Res. 45/158.

ii. *Council of Europe*

a. *The European Convention on Human Rights*<sup>13</sup>

11. At the level of the Council of Europe, central to guaranteeing the rights of migrants, refugees and asylum seekers in the media is Article 10 of the **European Convention on Human Rights** which concerns freedom of expression and the limitations that can be put on this right. Article 10 requires under its second paragraph that freedom of expression must be reconciled with respect for human dignity and the protection of the reputation or the rights of others. It is in this context that migrants, refugees and asylum seekers may be able to protect their image in the media.

12. Article 14 of the Convention is also relevant. It provides that: *“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”*

13. However, Article 14 was not conceived as a freestanding bar on all forms of discrimination, and was limited in purview to the extent that it *“could”* only be relied upon in connection with the violation of other identified rights and freedoms protected by the ECHR. At least, that was the case until the entry into force of Protocol 12 to the Convention, on 1 April 2005,<sup>14</sup> which now applies to 13 member states and which provided for a free-standing non-discrimination clause.

b. *The European Commission against Racism and Intolerance*

14. The **European Commission against Racism and Intolerance (ECRI)**<sup>15</sup> is an independent human rights monitoring body on racism and racial discrimination, which has the

<sup>12</sup> International Convention on the Elimination of all Forms of racial Discrimination, GA Res. 2106 (XX) 660 UNTS 195, entered into force on 4 January 1965. As of 20 August 2004, the Convention had been signed by 169 States.

<sup>13</sup> The Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol 11, signed Rome, 4 November 1950, ETS no. 5. Cf. Article 14. The Convention for the Protection of Human Rights and Fundamental Freedoms (commonly referred to as the European Convention on Human Rights (ECHR)) was adopted in 1950 and came into force in 1953. It was designed to give binding effect to the guarantee of various rights and freedoms in the UN Declaration on Human Rights, adopted in December 1948.

<sup>14</sup> Protocol No. 12, 4 November 2000.

<sup>15</sup> At the Second European Conference against racism held in Strasbourg, October 2000, member states called for the strengthening of ECRI's action, and in June 2002, the Committee of Ministers adopted a new Statute consolidating its monitoring role. At the Third Summit, held in Warsaw in May 2005, member states decided to step up their fight against racism, discrimination and every form of intolerance, by giving ECRI the means to carry out its work in close cooperation with national authorities and institutions as well as civil society.

task of combating racism, xenophobia, anti-Semitism and intolerance. Its action covers all measures to combat, violence, discrimination and prejudice faced by persons or groups of persons on grounds of "race", colour, language, religion, nationality and national or ethnic origin. ECRI's activities relate to country-by-country analyses, general themes and activities with civil society.

15. In relation to its country-by country analysis, ECRI is now in its third cycle of **country reports** dealing with all member states of the Council of Europe on an equal footing. The third round of reports focus on implementation, evaluating to what extent the recommendations from the earlier rounds have been implemented, as well as on the degree of success any such measures have had. The reports constitute an important step in encouraging dialogue between ECRI and the authorities in member states, to identify solution to the reporting on how the media deal with the question of immigrants, recommending which measures can be taken to improve reporting, cultural awareness of immigrant issues and representation of minority groups in the media.

c. *The Framework Convention for the Protection of National Minorities*

16. The Framework Convention for the Protection of National Minorities (FCNM) was adopted on the basis of the mandate accorded by the Vienna Summit, and as such, it is first legally binding multilateral instrument to protect national minorities in general.<sup>16</sup> The FCNM is important because it establishes a monitoring mechanism requiring state parties to report to an Advisory Committee on the measures taken to promote integration, and the latter may recommend future actions to be taken by state parties to improve their situation. In particular, Article 6.1 provides a specific legal basis with which to take measures in relation to the media to ensure that tolerance, dialogue and understanding and mutual respect are fostered regardless of a person's ethnic, cultural or linguistic identity.<sup>17</sup> Article 6.1 has a wide scope of application that includes, "among others, asylum seekers and persons belonging to other groups that have not traditionally inhabited the country concerned".<sup>18</sup>

17. To date, states parties to the FCNM are in the second cycle of reporting. This reporting describes, *inter alia*, how national minorities are treated in the media, as well as progress achieved to improve the situation as regards media and national minorities.

d. *The European Convention on Transfrontier Television*

18. **The European Convention on Transfrontier Television (ECTT)**,<sup>19</sup> which entered into force on 1 May 1993, has currently been ratified by 31 States, and is the first international treaty to create a legal framework for the free circulation of transfrontier television programmes in Europe. It lays down minimum standards in relation to programming, advertising, sponsorship and the protection of certain individual rights.<sup>20</sup>

e. *The Additional Protocol to the Convention on Cybercrime*

19. The fight against racism has also to face the development of new technologies. An **Additional Protocol to the Convention on Cybercrime** was adopted in November 2002.<sup>21</sup>

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<sup>16</sup> Framework Convention for the Protection of National Minorities, ETS No 157, adopted by Council of Europe Committee of Ministers on 10 November 1994, entered into force on 1 February 1998.

<sup>17</sup> Article 6.1 FCNM provides: "The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic cultural, or linguistic identity, in particular in the fields of education, culture and *the media*."

<sup>18</sup> Cf. Advisory Committee Report for Denmark, at para. 76; also Advisory Committee Report for Austria at para. 32; See also Policy Paper, The Framework Convention for the Protection of National Minorities: a Policy Analysis, by Alan Philips, Minority Rights Group International.

<sup>19</sup> The European Convention on Transfrontier Television, signed 5 May 1989, ETS No. 132.

<sup>20</sup> In particular, in relation to the responsibilities of the broadcaster, Article 7.1 provides that:

"all items of programme services, as concerns their presentation and content, shall respect the dignity of the human being and the fundamental rights of others" .... and in particular that "b) give undue prominence to violence or be likely to incite racial hatred."

<sup>21</sup> Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, CETS No.: 189. The Additional

The Protocol requires States to criminalise the dissemination of racist and xenophobic material through computer systems. It aims at harmonising criminal law in the fight against racism and xenophobia on the Internet, and improving international co-operation in this area.

f. *Committee of Ministers Recommendations*

20. In 1997, the **Committee of Ministers** adopted two important Recommendations to member states that are of particular relevance to the subject of the image of migrants in the media, **Recommendation R (97) 20 on “Hate Speech”**, and **Recommendation R (97) 21 on the media and the promotion of a culture of tolerance**, respectively.

21. The **“hate speech” Recommendation** expressly condemned all forms of expression which *“incite to racial hatred, xenophobia, anti-Semitism and all forms of intolerance”*. As such, the Committee of Ministers invited member states to take appropriate steps to comprehensively combat hate speech, including by reviewing their domestic legislation. The **“media and tolerance” Recommendation**, on the other hand, focuses on the positive contributions to be made by the media professions taking measures to promote a culture of tolerance and understanding.

g. *PACE Resolutions and Recommendations*

22. On the specific question of the media, the work of the Parliamentary Assembly has developed principally in two directions: on the one hand, it has sought to ensure that media's right to freedom of expression is protected<sup>22</sup>, including through a professional standard of ethics for journalists,<sup>23</sup> and on the other hand, the Parliamentary Assembly has increasingly acknowledged the important strategic role of the media in the fight against racism, xenophobia, and intolerance.<sup>24</sup>

23. In 1995, the Parliamentary Assembly examined the question of the image of migrants in the media in **Recommendation 1277 (1995) on Migrants, Ethnic Minorities and Media**. The Recommendation recognised the importance of the media's role in combating “racist and xenophobic views”, and therefore made a series of recommendations to the Committee of Ministers and member states to ensure that migrants are represented comprehensively and impartially by the media.

24. More recently, the Assembly has been particularly concerned about the intensification “hate speech” reporting in the media, within the context of inflationist rhetoric about immigration, refugees, asylum issues<sup>25</sup>.

25. In **Recommendation 1555 (2002) on the image of women in the media**, the Parliamentary Assembly specifically examined the image of women in the media, calling for

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Protocol came into force on 1 March 2006. Article 2 provides that *“racist and xenophobic material”* means: *“any written material, any image or any other representation of ideas or theories, which advocates, promotes or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors.”*

<sup>22</sup> See most recently Recommendation 1589 (2003) on freedom of expression in the media in Europe.

<sup>23</sup> Cf. PA Resolution 428 (1970) containing a declaration on Mass Communication Media and Human Rights. This declaration called attention to the issue of standards of media reporting and invited member states to adopt a professional code of ethics for journalists to guarantee, amongst others, *“accurate reporting, rectification of inaccurate information, avoidance of calumny, respect for privacy, also taking into account all other relevant work on this subject...”*; cf. also PA Recommendation 582 (1970) on Mass Communication Media and Human Rights; Recommendation 963 (1983) on cultural and educational means of reducing violence, and more recently Recommendation 1215 (1993) on the ethics of journalism and Resolution 1003 (1993) on the ethics of journalism.

<sup>24</sup> C.f. PA Recommendation 1222 (1993) on the fight against racism xenophobia and intolerance, the Parliamentary Assembly extended this principle to the media, emphasising, *“the crucial role that the media could play in presenting an open and tolerant society and in countering prejudice and hatred”*. It therefore invited the media to inform the public of the dangers of racism, xenophobia and intolerance, paragraph 7.

<sup>25</sup> See in this respect the press statement on 21 March 2006, on Anti-Racism Day, of the Committee on Migration, Refugees and Population.

measures to be stepped up to ensure greater respect for gender equality, to avoid stereotyping and grant wider access and representation of women in decision-making positions in media management. These issues should apply equally to migrant women in the media.

26. In **Recommendation 1706 (2005) on Media and Terrorism**, the Assembly addressed the issue of not sensationalising reports on terrorism, as this conflated a “feeling of terror, fear or chaos amongst the public”.<sup>26</sup> It therefore invited journalists and politicians to refrain from making sensationalist reports about terrorism.

*h. The European Union and non-discrimination*

27. The European Union has a long history and institutional role in combating discrimination. For many years, its focus was on preventing discrimination on the grounds of nationality and sex. In 1997, however, a major development took place in relation to non-discrimination with the inclusion of Article 6A **Amsterdam Treaty**,<sup>27</sup> now Article 13, EC Treaty, which granted the Union new powers of intervention to take action to combat discrimination on the grounds of “*racial or ethnic origin, religion or belief, disability, age and sexual orientation*”, and widened the power to combat sexual discrimination.<sup>28</sup> Clearly, this is a broader definition of discrimination than the one provided in Article 14 ECHR, and by its inclusion in the Treaty, the anti-discrimination principle is now anchored as a fundamental principle of the Union.

28. On the basis of Article 13, two European Council Directives were unanimously adopted in 2000, the **Racial Equality Directive** and the **Employment Equality Directive**,<sup>29</sup> proposing minimum standards of legal protection against discrimination, as well as a **Community Action Programme** to support practical efforts to combat discrimination (2001-2006).<sup>30</sup> The package is important, because, despite the fact that many member states already have laws prohibiting discrimination on grounds of racial or ethnic origin, the scope and enforceability of such measures vary considerably throughout the Union. The two Directives under Article 13 provide, for the first time, a common legal framework for minimum protection against all forms of discrimination in the member states of the European Union.

29. Within the specific context of media, little has been done as yet to outlaw discrimination against migrants, although the **Television without Frontiers Directive (TWFD)**<sup>31</sup> does at least afford some protection to migrants by prohibiting discrimination in advertising.<sup>32</sup>

30. On 21 December 2001, the Commission presented its proposal for a **Framework Decision on combating racism and xenophobia**.<sup>33</sup> Notwithstanding a number of alternative proposals, no agreement has yet been reached on a text. The most recent proposal in May 2005, lists a number of offences concerning racism and xenophobia on which member states should ensure punishment, including publicly inciting to discrimination, violence or hatred

<sup>26</sup> PA Recommendation No. 1706 (2005) at para. 2.

<sup>27</sup> The Amsterdam Treaty, 19 September 1997, entered into force on 1 May 1999.

<sup>28</sup> Article 6a Amsterdam Treaty (now Article 13 EC Treaty) states: “Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.”

<sup>29</sup> These are notably, the Racial Equality Directive 2000/43/EC, and the Employment Equality Directive 2000/78/EC.

<sup>30</sup> Council Decision 27 November 2000, Community Action Programme to combat discrimination (2001-2006), European Union, 2000/750/EC.

<sup>31</sup> This is a parallel instrument to the European Convention on Transfrontier Television.

<sup>32</sup> See Article 12 TWFD.

<sup>33</sup> Commission Proposal for a Council Framework Decision on combating racism and xenophobia, COM(2001) 664 final., OJ C75 26 March 2002.

Framework Decisions oblige member states to take the necessary national measures to meet the degree of approximation of laws and regulations as provided for by a specific instrument. Unlike directives, framework decisions cannot have direct effect, and they do not create rights for individuals. Cf. ENAR Fact sheet No.17.

including by public dissemination or distribution of tracts, pictures or other materials. While there is agreement between member states that racism and xenophobia go against the fundamental values of Europe, the failure to agree a text is an indication that there are different ideas in Europe about freedom of expression and its boundaries<sup>34</sup>.

*i Self-regulatory codes for journalists*

31. The **International Federation of Journalists**, established in 1926, currently represents more than half a million journalists covering more than 100 countries present in all continents. In 1954, the IFJ adopted its own self-regulatory code of conduct laying down the fundamental principle that a journalist's primary responsibility is to tell the truth.<sup>35</sup> Moreover, "respect for truth and ... the right to public truth",<sup>36</sup> requires not only being, "aware of the danger of discrimination being furthered by the media" but also that journalists "shall do their utmost to avoid facilitating such discriminations based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national and social origins".<sup>37</sup> This obligation therefore imposes a high moral obligation on journalists not only to tell the truth but also to be aware of the issues surrounding discrimination and avoid any acts that could facilitate discrimination on any grounds.

32. As already mentioned, the Parliamentary Assembly of the Council of Europe has also placed the issue of ethics of journalist high on its agenda, including for example in its Resolution 1003 (1993) and Recommendation 1215 (1993) on the ethics of journalism. In this respect it has called on the media to establish self-regulatory bodies or mechanisms to deal with ethical issues in journalism.

#### **IV. International/European bodies and organisations combating discrimination, racism, xenophobia, anti-Semitism and intolerance**

*i. Organisations*

33. In addition to ECRI, there are several other important actors on the global and European level in the field of combating racism, xenophobia, anti-Semitism and intolerance, including:

- (i) The **Committee on the Elimination of Racial Discrimination (CERD)** established under the International Convention on the Elimination of All Forms of Racial Discrimination, 1965;<sup>38</sup>
- (ii) **The European Monitoring Centre on Racism and Xenophobia (EUMC)**<sup>39</sup> within the European Union;
- (iii) The **Office for Democratic Institutions and Human Rights (ODIHR)**'s handling of Tolerance and Non-Discrimination within the Organization for Security and Cooperation in Europe (OSCE), and the OSCE Representative on Media Freedom;<sup>40</sup>
- (iv) The **International Organization for Migration (IOM)**<sup>41</sup>
- (v) The **United Nations High Commissioner for Refugees (UNHCR)**<sup>42</sup>

*ii. European NGOs*

<sup>34</sup> See Luxembourg Presidency of the Council of the European Union 2005, Press Release, 2, June 2005. No agreement on the framework decision on combating racism and xenophobia at the Justice and Home Affairs Council

<sup>35</sup> Declaration of Principles on the Conduct of Journalists 1954 (as amended by World Congress 1986).

<sup>36</sup> op cit. Principle 1.

<sup>37</sup> op cit. Principle 7.

<sup>38</sup> See CERD at [www.ohchr.org/english/bodies/cerd/](http://www.ohchr.org/english/bodies/cerd/).

<sup>39</sup> The Racism and Cultural Diversity in the Mass Media Report can be downloaded from the publications available on the EUMC website at <http://eumc.eu.int/eumc>.

<sup>40</sup> The full comments of the current Representative on Freedom of the Media can be seen on the OCSE website at: [www.ocse.org/fom/item\\_1\\_17926.html](http://www.ocse.org/fom/item_1_17926.html).

<sup>41</sup> See IOM website at [www.iom.int.org](http://www.iom.int.org).

<sup>42</sup> See UNHCR website at [www.unhcr.org](http://www.unhcr.org)

34. In addition to the anti-discrimination mandates of the above-mentioned international organisations, several networks exist at European level that are of particular importance in combating racism, xenophobia, anti-Semitism and intolerance including against migrants, asylum seekers and refugees. These include:

- (i) **The European Network Against Racism (ENAR);**<sup>43</sup>
- (ii) **The European Council on Refugees and Exiles (ECRE);**<sup>44</sup>
- (iii) **Online/More Colour in the Media;**<sup>45</sup>
- (iv) **United for Intercultural Action;**<sup>46</sup>
- (v) **The European Roma Information Office (ERIO).**<sup>47</sup>

## V. How stereotyping works in the media

35. The question of examining the representation of migrants in the media is a particularly sensitive and complex issue. On the one hand, this is because the sources are multiple (TV, radio, press and internet, even mobile phones) and the media types vary (tabloid and quality press, private and public broadcasts, local and national inputs, a conservative or liberal press, etc.), and on the other, because of the images may vary enormously depending on the sources in question.

36. When comparing migrant portrayals at European level, we are additionally confronted by the considerable divergences amongst media systems themselves. As such, media forms may be more or less commercialised, more or less under political influence, and follow different journalistic styles or cultural traditions. What is considered to be racist in one country may pass as acceptable in another.

37. Moreover, the presentation of “news items” themselves is determined by entrenched institutionalised and routine procedures, as well as institutionalised professional imperatives and ideologies, which mean that the news events we are exposed to are based on a predetermined set of socially constructed categories. From this perspective, the news we see, read or listen to has to be “newsworthy”, unusual or original, in other words, it must contain elements that take it beyond the realms of the everyday experiences of most people, and it should also have an emotional dimension (humour, sentimentality or sadness), or a negative consequence and future potential.<sup>48</sup>

38. Following these imperatives, it is easy to understand why disasters, dramas, extraordinary and emotive events tend to demand our attention. Understandably, the media’s task is not only to present information but also to contextualise it into a comprehensible social order of events, otherwise news would be presented as a bewildering world of raw and unconnected fragments.

39. One of the major problems of such a contextualisation process is, however, that it tends to polarise the various groups (economic migrants, illegal entrants, asylum-seekers, refugees, displaced persons, family reunification applicants, and displaced persons) towards the collective perceptions, i.e. that they are all immigrants, where the term “immigrant” is an all-inclusive definition. According to this collective perception, the fact that, asylum-seekers or refugees have fled from persecution, or for that matter that economic migrants seeking a better way of life have escaped poverty that has left them destitute, is irrelevant. In similar fashion, the media may foster the misconception that all Muslims are Islamic fundamentalists.

40. If we take the analysis of the “impact images” of migrants a stage further, and lay bare the messages underlying negative stereotypes, whether we are referring to illegal

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<sup>43</sup> The ENAR website can be consulted at <http://www.enar-eu.org>.

<sup>44</sup> For in-depth description of ECRE’s work, consult its website at: <http://www.ecre.org>.

<sup>45</sup> See [www.olmcm.org](http://www.olmcm.org);

<sup>46</sup> See United for Intercultural Action website, at [www.united.non-profit.nl](http://www.united.non-profit.nl).; see also collaboration with AMARC-Europe (the European branch of the World Association of Community Broadcasters) to develop relations with non-governmental and anti-discrimination organisations.

<sup>47</sup> See European Romani Information Office website can be consulted at: [www.erionet.org](http://www.erionet.org).

<sup>48</sup> Markéta Moore-Mzliková, Constructing the image of Asian immigrants in the Czech media.

entrants (avoiding border controls) and illegal workers, the plight and fate of asylum-seekers, the vulnerability of women migrants and their children, or anti-Semitism, Islamophobia and terrorism or Romanophobia, then it becomes apparent that certain media sources are informing the public that migrants are a reason to panic, and such persons constitute a threat to our society, which is being “besieged”, “invaded” and “overwhelmed” by “tides of immigrants”, a phenomenon which is out of control.

41. When the media place a strong emphasis on arousing suspicion, fear, and threat of diversity, or terrorism or criminality, generally distorting the effective contribution made by migrants to society, in favour of “news-making” and “headline-breaking” stories, then this will undoubtedly encourage a divisive climate that feeds racism, xenophobia and intolerance, leading to discrimination and social exclusion. Worse still, negative stereotyping sets in place a self-perpetuating mechanism that lowers the expectations of migrants themselves, creates isolationism whilst serving to legitimate the creation of a sub-class of people in society whose rights and entitlements are less than those afforded to society generally.

42. If, on the contrary, the media portrays migrants accurately and represents their diversity, as well as focusing on the humanitarian and social circumstances, it can make a major contribution to encouraging integration, and creating dialogue, respect, cooperation and mutual understanding, as well as tolerance of diversity, and ultimately social inclusion.

43. Your Rapporteur notes that there are still unfortunately many instances where the media reveal the ethnic origin or nationality of persons arrested or convicted of crimes even when such information is irrelevant to the story, thus enhancing the stereotype of migrants, asylum seekers and refugees all being criminals. Your Rapporteur considers that the media has a responsibility to avoid such practices.

## **VI. Common stereotypes of migrants, refugees and asylum-seekers in European media**

### *i. Migrants*

44. In relation to migrants generally, a social construct has been forged between alarm and consensus. Media tend to create panic by relying heavily on covering emergency situations, such as mass boat arrivals at the Italian island of Lampedusa and the Canary Islands or the attempts to breach the Spanish enclaves of Ceuta and Melilla, which accommodates distortion and biased representations of immigrants or asylum-seekers. In fact, in Italy, the media often refers to such people as “clandestini” (clandestine and not legal) and “extracomunitari” (“not-EC”, which acquires a strongly negative connotation in most contexts). Other cases of alarm relate to numbers, “fear of being besieged” or “overwhelmed” by “tides of immigrants”, again fomenting the misconception of being threatened by people who are different from ourselves. Conversely, there is also an issue about what the media fails to report on, or the “reality-gap” between media representation of migrants and the contributions made economically,<sup>49</sup> socially and culturally, or a total lack of plurality in representations<sup>50</sup> in portrayals or opinions of ethnic or national minorities in the media. Of ninety articles reporting on asylum, immigration, refugee issues in the UK press, Matthew Randall observed that not one article bore a references to contextual social or humanitarian issues: no mention of the effects of immigration on UK population figures, no reference to poverty/income disparity in sending countries, nor comparisons with refugee intakes of third

<sup>49</sup> This is particularly considered to be the case of Italy, particularly as regards the enormous gap between the participation and contribution of foreign workers to the economy and labour market in Italy, ENAR Shadow Report Italy, page 54; See also EUMC, Racism and Cultural diversity in the Mass Media, Italy Report 2002.

<sup>50</sup> In November 2003, the IFJ/EFJ sent a mission to Italy to investigate the situation of the Italian media over concerns the conflict of interests of the Italian Prime Minister, Silvio Berlusconi in relation to his media ownership (3 TV networks – Canale 5, Italia 1, and Rete Quattro, as well as his magazine publishing house - Mondadori and advertising agency Publitalia). Crisis in the Italian Media: How Poor Politics and Flawed Legislation put Journalism under Pressure, Report EFJ/EFJ, 6-8 November 2003.

world countries.<sup>51</sup> Again in the same articles, opinions quoted are in 80% of cases those of government or opposition, in other words, politicians, and the opinions of asylum-seekers, refugees or immigrants are only represented in 6% of cases, and those of NGOs are reported in less than one third of reports analysed.

*ii. Asylum-seekers*

45. One of the principal general criticisms levelled at the media is that it often fails to draw a distinction amongst the specific groups that fall within the collective term migrants. Regular and irregular immigration may be treated indiscriminately, and an association is often made between the arrival of asylum applicants as would-be illegal immigrants or economic migrants: examples of such allegations are made in relation to students in Cyprus, who allegedly attempt to overstay by applying for asylum, or, so-called “clandestine” boat arrivals of economic migrants in Lampedusa, Italy or Malta, **Spain**, etc.). In both cases, the fact that there may be “genuine” asylum-seekers is swept aside and ignored. In such cases, media emphasis is on connections with criminal activities, such as smuggling and trafficking, illegal crossing of borders or illegal entry, cheating the system, etc.. On the contrary, very little information is given about the background issues underlying an individual’s departure (political or other persecution in the case of asylum-seekers), or the humanitarian and social issues underlying economic migration (people driven by poverty to search for a job in “rich” countries, as well as the abuses such people may be subject to by smugglers / traffickers).

46. Asylum-seekers may also be portrayed as victims, as hapless people at the mercy of the countries hosting them. By the very nature of their experiences prior to their arrival at a European host country, asylum-seekers are indeed vulnerable and often in need of special help. References to asylum-seekers and refugees depleting the social security benefits’ system reinforces the prejudice that they are both helpless and dishonest people out to defraud the system. In the UK, there has been widespread criticism of the tabloid press, which has fuelled hostility against asylum-seekers portraying them as “bogus” applicants, focussing on themes of crime/terrorism perpetrated by asylum-seekers, and the accommodation/detention of asylum applicants awaiting decisions. Moreover, such reporting is not confined to the tabloid press.<sup>52</sup>

47. In certain countries, there may be lack of information about the question of asylum at all. This may be the case, in particular, in countries where asylum is a relatively recent and new phenomenon and it is not seen as newsworthy (Slovenia, Hungary and Poland as examples).<sup>53</sup> Bearing in mind the lack of information in the media in certain countries, civil society, including NGOs, have an important role in bringing issues concerning asylum on to the agenda and into the arena of the media, and their access to asylum seekers should be facilitated and encouraged.

*iii. Refugees*

48. If an asylum application is successful, the successful applicant may be entitled to refugee status, in which case such a person is in principle entitled to remain in a host country indefinitely. If, however, the necessary conditions for refugee status have not been met, but there are still grounds for not returning an applicant to his country of origin, then a lesser form of provisional or temporary protection may be afforded. Whether fully-fledged refugee status or a lesser form of protection is granted, such persons are particularly vulnerable and are in particular need of protection. Accommodation, subsistence and access to education to learn a language, as well as psychological help if necessary, are very basic necessities for such people. The reasons why refugees want to remain in host countries are often undermined by the media as being economic or dishonest (taking advantage of social benefits), or they may

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<sup>51</sup> Guest Media Alert: Asylum and Immigration, comparing the Daily Telegraph, the Guardian and the Independent, by Matthew Randall, Media Lens Media Alert 8 December 2003, p 3.

<sup>52</sup> Matthew Randall, Media Lens Media Alert, op cit. p. 3.

<sup>53</sup> See FCNM Advisory Committee Opinions on Slovenia, Hungary and Poland, respectively.

be accused of being illegal entrants, for example, they are at times referred to as “illegal refugees”<sup>54</sup> whose motives for wanting to remain are essentially not genuine.

49. The media often play an extremely important role in highlighting the situation of refugees and contributing to their protection and to raising public awareness of their plight and raising funds for their protection and humanitarian needs. As one example, the positive role of the media was witnessed during the follow-up to events on the border of the enclaves of Ceuta and Melilla in 2005. Thanks to media efforts it was possible for international organisations such as UNHCR to gather precious and detailed information after reports of persons being abandoned in the desert were published, allowing the organisations concerned to identify asylum seekers and migrants and to save lives.

50. Your Rapporteur would like to make a final comment in relation to refugees and asylum seekers and that is that they are entitled to protection of their identity, in particular in view of their need for “protection” in relation to the country from which they have fled persecution. Their consent should thus be obtained prior to any image or information being used identifying them as refugees or asylum seekers.

#### *iv. Islamophobia and terrorism*

51. Islamophobia often manifests itself in the form of racist attacks, threats and harassment, as well as religious profiling in the form of “stop searches” by the police. It is generally fed by negative portrayals of Muslims and Islam in the media. Muslim communities have witnessed a rise in the phenomenon of Islamophobia, particularly in the wake of the terrorist attacks of “9/11”, with the media’s negative focus on their communities directing suspicion towards them posing a potential threat from terrorism. Arabic peoples are particularly targeted in this respect. Biased reporting in the media fuels the misconception that the Islamic faith is fundamentalist, and that all people of Muslim/Arabic origin are therefore potentially terrorists.

52. The question of the media assuming the responsibility of reporting accurately has already been raised in connection with terrorism. At the beginning of 2005, the Parliamentary Assembly adopted Recommendation 1705 (2005) on Media and Terrorism warning the media against the dangers of sensationalising reports on terrorism, especially since terrorists themselves direct their acts at the public by manipulating the media. Also important to note in this context is ECRI’s General Policy Recommendation No 8 on combating racism while fighting terrorism which has a number of provisions concerning the role of the media.

#### *v. The Danish cartoon case*

53. On 30 September 2005, a right-wing Danish newspaper, *Jyllands-Posten* published a series of caricatures (referred to as cartoons) of the Muslim prophet, Mohammed, allegedly to test the limits of free speech in multicultural Denmark.<sup>55</sup> The most provocative cartoon shows the Prophet, Mohammed, wearing a turban shaped as a bomb with a burning fuse, which extends the caricature of Muslims as terrorists to Mohammed, which therefore generalises the depiction of Islam, its prophets and Muslims as terrorists, and moreover, serve to heighten the perception of fear and hostility towards Islam and Muslims.

54. The ambassadors of eleven Muslim countries wrote to the Danish Prime Minister, Anders Fogh Rasmussen, to express their concern about an “on-going smearing campaign in Danish public circles and media against Islam and Muslims”, citing recent examples of remarks made by public officials and government ministers, as well as the cartoons, as such examples. In the same way that terrorists should not be allowed to abuse Islam for their crimes, the ambassadors also felt that Danish press and public officials should not be allowed to “abuse Islam in the name of democracy and freedom of expression” and therefore

<sup>54</sup> There is no basis for referring to a refugee as an “illegal refugee”. For a description of the incorrect and correct terminology used in the UK media in relation to refugees and asylum-seekers, see the Refugee Council website, <http://www.refugeecouncil.org.uk> under press myths.

<sup>55</sup> Events have been widely commented and reported upon by major international news associations, such as BBC, Guardian, New York Times, Washington Post, Reuters, Economist, etc.

requested an urgent meeting with the Danish PM to discuss the matter.<sup>56</sup> However, Rasmussen declined the invitation for a meeting with the ambassadors arguing that the Danish government did not control the media, and to interfere would therefore be a violation of the freedom of speech and freedom of the press. Not content with the Danish government's response, a group of Danish Imams, visited influential religious and political leaders in the Middle East (with a file containing the cartoons and other more offensive references to Islam) asking for support in creating constructive contact with the press and removing the misconception of Muslims as backward and narrow-minded.

55. The position of the Danish Prime Minister has caused an international diplomatic crisis, further exacerbating public outcry over the content of the cartoons themselves.<sup>57</sup> The Organisation of the Islamic Conference (OIC)<sup>58</sup>, and the Arab League have asked the United Nations to condemn the Danish Government for its position.

56. Demonstrations have been held in both European and Muslim countries worldwide, a number of which have been violent, and some even resulting in deaths amongst demonstrators. Not all protests have been violent, however, as for example, in London on 12 February 2006, a peaceful demonstration, referred to as the "reconciliation rally" was organised by Muslim communities in England to distance themselves from extremist reactions to the cartoons, as well as organising a civil protest about their content.

57. The debate surrounding the appropriateness of the content of the cartoons throws up the issue of freedom of satire and also the question of the extent to which freedom of expression might be used as a pretext for deliberately distorting reality, or stirring up intolerance and hostility on racial or religious grounds (against Islam in the case in point). In order to examine these issues it is necessary to consider the responsibilities (as may exist) which accompany the use of freedom of expression in democratic society, and which could therefore legitimately influence the way in which it should be used. Indeed, this was the approach adopted by the President of the Council of Europe's Parliamentary Assembly, René van der Linden. He stated that although freedom of expression constituted a fundamental value of democratic societies, "democratic pluralism and tolerance require that religion and beliefs of individuals are fully respected".<sup>59</sup> Moreover, the director of the UK-based Institute for Race Relations, A. Sivanandan, has stated that no freedom can be valued as being an absolute, and that the freedom of life comes before freedom of speech, which means that freedom of speech can certainly not be used to endanger other people's lives by incitement to racial, ethnic or religious hatred.<sup>60</sup> Moreover, it has also been suggested that press freedom is a responsibility exercised by journalists on behalf of the public, and that the media corporations controlling them have a special social responsibility.<sup>61</sup>

58. The question, which then has to be asked however, is that if responsibilities do indeed exist, how should they be enforced? One possible solution lies with self-censorship or self-regulation. Yet could self-censorship be a used instrument by the media to avoid a

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<sup>56</sup> Letter, 12 October 2005, can be consulted on Wikipedia website, [www.wikipedia.org](http://www.wikipedia.org), at *Jyllands-Posten*\_Muhammed cartoons.

<sup>57</sup> However, the conduct of the Danish Prime Minister is not the only political figure to have been criticised in relation to publication of the cartoons. In fact, in Italy, Mr Roberto Calderoli, Italian Reforms Minister was forced to resign from office on 17 February 2006, after have provocatively demonstrated that he was wearing a T-shirt depicting one of the cartoons during a RAI television broadcast on February 14. Protests in Libya lead to the death of at least 10 Libyan citizens as police opened fire on protesters besieging the Italian Consulate in Benghazi (See Bloomberg.com 18 February 2006). Subsequently the Libyan Interior Minister, Nasr al-Mabrouk, was also suspended for his actions and referred for investigations. Meanwhile, in France, on 2 February 2006, the editor of France Soir was sacked over his decision to re-print the cartoons.

<sup>58</sup> On 7 December 2005, the OIC (57 Member countries) unanimously condemned Denmark for its refusal to act against the alleged "Islamophobia" in the press.

<sup>59</sup> PACE President visit to Greek Parliament, 9/02/2006,

<sup>60</sup> Interview with A. Sivanandan, Freedom is not an absolute, 13 February 2006, by Yohan Shanmugaratnam, see [www.irr.org.uk](http://www.irr.org.uk).

<sup>61</sup> "Journalists are the eyes and ears of civil society and the means by which the many different voices of the public are able to express themselves to those who develop and manage our social, cultural political and physical environment.", Cf. Social Responsibility and the Media, Mike Jempson, Director, MediaWise, January 2006.

serious backlash against controversial or hasty reporting? By its very nature, self-censorship would impinge on the fundamental principle of freedom of expression, so what grounds would give rise to such decisions being taken? In democratic countries, self-censorship may be accepted as a way of encouraging a “more politically correct” content, toning down the controversial content of material. Self-censorship may also occur as a question of taste and decency.

59. In the case in point, self-censorship could have been a possible way of preventing or sanctioning the publication of the cartoons. The IFJ/EFJ self-regulatory code requires respect for “*truth*”, and that journalists should be “*aware of the danger of discrimination*”. However, this principle does not appear to be adequate to challenge an editorial decision to commission and publish the cartoons in question.

60. Under Danish law, other courses of action were available on the grounds of blasphemy. In fact, the Danish Criminal Code contains two relevant provisions, section 140, which prohibits blasphemy,<sup>62</sup> and, section 266b, which criminalises the dissemination of statements or other information by which a group of people are threatened degraded or insulted on account of their religions. Although complaints were brought against the cartoons, in its investigation, the Regional Public Prosecutor found that there had been no apparent violation of the law following the balancing of freedom of speech with respect for other human rights, which included the right to protection against discrimination, insult and degradation.

61. A number of international organisations have raised concerns about the publication of the cartoons.<sup>63</sup> The EU Commissioner for Justice, Freedom and Security, Franco Frattini, found the cartoons “thoughtless and inappropriate” and felt that such manifestations should be avoided as they contributed to the growing Islamophobia in Europe. In similar fashion, the UN General-Secretary, Kofi Anna spoke critically of the publication of such cartoons, which he found insensitive, offensive and provocative, emphasising that “freedom of speech is not a license”. More significantly, the High Representative of the European Union for Common Foreign and Security Policy, visited the OIC headquarters on 13 February 2006 to demonstrate his regret about the caricatures. In response, the OIC Secretary General, Ekmeleddin Ishanoglu, called for the adoption of a number of legal and political proposals to be adopted under the auspices of the UN and European Parliament to prevent any future repercussions of such a crisis. These included adopting legislative measures in the EU against Islamophobia.

62. The Parliamentary Assembly of the Council of Europe has recognised the importance of dealing with the issues arising from the Danish Cartoon case. It has in this respect held a debate during the Standing Committee in March 2006 on “freedom of expression and respect for religious beliefs”. The subject has also been taken up in a motion, and a report on the subject is being presented for debate in the June 2006 Session of the Parliamentary Assembly.

#### vi. *Romanophobia*

63. Romanophobia or “anti-Gypsyism” is rampant in both old and new EU States. Romanophobia may take different forms and range from scepticism to open rejection, discrimination and expulsion and may include killing and even genocide.<sup>64</sup> The media’s use of racist language against the Roma has been heavily criticised as legitimating prejudices across Europe. Following EU enlargement, distortion and sensationalisation was particularly prevalent in the British tabloid press which presented scaremongering articles about the

<sup>62</sup> Section 140 provides that prohibits any person from publicly ridiculing or insulting the dogmas of worship of any lawfully existing religious community in Denmark - although it has not been applied since 1938.

<sup>63</sup> For a different conclusion, see the opinion of OCSE Media Representative. The current Representative, Miklos Haraszti, recently defended the traditional right of the press to publish satirical cartoons, even if they depict figures in established religions. He further added that “OCSE stands by responsible journalism, but... that governments are not agents in this business..”. In his opinion: “publications that are offensive to certain sections of society should be dealt with by self-regulatory ethics bodies”... “for example press councils”.

<sup>64</sup> ENAR, European op. cit. at p. 35.

anticipated migration to Britain of Roma (Gypsies), but similar articles also appeared in the more intellectual newspapers such as the Sunday Times.<sup>65</sup> **The European Roma Information Office** has issued a general statement of the categories of historical misconceptions and prejudices about Roma in the media, which include Roma being described as petty thieves, itinerant people, as coming from Eastern Europe, their being different, mentally deficient and living on other people's backs, as well as "romanticised" stereotypes of Roma as happy outsiders, musicians and as persons who do not want to integrate. All of this to the traditional stereotypes and prejudices surrounding the Roma and justifies ongoing discriminatory treatment.

vii. *Anti-Semitism*

64. Anti-Semitism in Europe continues to manifest itself through an increase in crimes, including vandalism and verbal abuse/threats. The phenomenon of "old" extreme right anti-Semitism is also being supplanted by a "new" form of anti-Semitism amongst young migrants of Muslim background. Although open anti-Semitism in the media is officially frowned upon, today it presents itself in a more subtle form, and is conflated with rhetoric about the ongoing Israeli-Palestinian dispute.<sup>66</sup> Moreover, it cuts across the entire ideological spectrum, uniting the anti-global left and the xenophobic and Fascist right, as well as traditionalist Catholics. The mainstream media are also guilty of using the Israeli-Palestine dispute filter to reinforce a number of prejudices and misconceptions about Israelis and Jews, which, through the use of traditional anti-Jewish Christian imagery transforms Jews into "proverbial Christ killers". Ottolenghi sums up this attitude quite succinctly in his analysis of a satirical cartoon that appeared in the Italian daily newspaper *La Stampa* around Easter 2002 – during Israel's siege of the Church of the Nativity of Bethlehem. "In the cartoon, baby Jesus appears, sticking his head out of the manger, staring in disbelief as a tank with a Star of David fast (and threateningly) approaches. Jesus screams, 'What, are they here to kill me again?!'"<sup>67</sup> Although the latter cartoon is not a direct attack on Judaism, it draws disturbing parallels with the publication of more recent "*blasphemous*" cartoons published in the *Jyllands-Posten* in September 2005, and therefore raises the same issues in relation to provocation and intolerance, bad taste and common sense, and raises the question of the responsibility of the media.

viii. *Migrant women and children*

65. The "stereotyped" groups of migrants considered in this report is by no means intended to constitute an exhaustive list of the groups singled out for prejudice by the media. On the contrary, they have been chosen because they are representative of patterns of stereotyping and illustrate the extent to which inaccurate and distorted portrayals take place in the media, and how this leads to discrimination, racism and intolerance. Other significant groups worth mentioning include: women migrants, who are often depicted as victims of "prostitution" and the "sex trade", and migrant children, who are similarly depicted as "low achievers" in the education system and associated with "criminality amongst the ethnic youth".<sup>68</sup> Other images of migrant women also include portrayals of them as victims of "restrictive religions" or "cultural traditions", and the recently adopted Council of Europe Resolution 1478 (2006) on the Integration of immigrant women in Europe, encourages the media not to stereotype immigrant women as such.<sup>69</sup>

## VII. The media and political discourse or "hate speech"

i. *Hate speech*

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<sup>65</sup> *The Sun* claimed that "tens of thousands" would arrive. The Sunday Times predicted 100,000, and the Express announced that 1.6 million were "ready to flood in". See IRR comment, The media war against migrants: a new front, by Arun Kundnani. 21 January 2004.

<sup>66</sup> *Antisemitism and the media in Italy*, Emanuel Ottolenghi, first published in *Antisemitism and Xenophobia Today* ([www.axt.org.uk](http://www.axt.org.uk)). Amongst the extreme right in Italy, holocaust denial is a favourite theme, see Ottolenghi at p. 4.

<sup>67</sup> Cf. Ottolenghi, op cit. p. 8

<sup>68</sup> ENAR Shadow Report Europe at p. 48, Shadow Report Denmark, p. 42.

<sup>69</sup> Resolution 1478 (2006) adopted 23 January 2006, at pt. 7.12.

66. One of the most pertinent questions relating to the portrayal of migrants, however, is the increasing tendency to politicise immigration and asylum issues, to the extent that in some cases, they have become burning issues on the agendas of political parties, especially during election campaigns. Particularly, since events of 11 September 2001, there has been a resurgence of racist and xenophobic discourse not only in the far-right parties, but also in the mainstream parties.<sup>70</sup>

67. As already mentioned above, the Committee of Ministers of the Council of Europe has addressed the issue of “hate speech” in **Recommendation R (97) 20**, acknowledging that the media were not necessarily to be blamed for forms of expression referred to as “**hate speech**”. Under the Recommendation “hate speech” covers all forms of expression, which: “*spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin*”.<sup>71</sup> It can be noted that Principle 5 of the Recommendation calls for “hate speech” to be prosecuted and your Rapporteur notes, in this context, that many countries have adopted legislation against such speech.

68. The media do however play an instrumental role in reporting what politicians or government officials have said, and therefore are encouraged to avoid recourse to sensationalism or distorting inflammatory political discourse. Principle 6 is mindful of the fact, however, that a distinction must be clearly drawn between “*the responsibility of the author of such expressions and responsibility of the media and media professionals in contributing to their dissemination*”. The media do not operate in a political vacuum, and governments and opposition parties have a major role to play in contributing to an accurate and fair reporting on migrants’ issues.<sup>72</sup> It would seem therefore that there are collateral responsibilities for such forms of expression, and the means of redress must be distinguished between its political authors and the media reporting on it.

69. A number of moves have been taken to address the issue of incitement at its origins, in other words by challenging the legitimacy of its political authors or those organisations supporting such forms of political discourse.

70. Commitment to sustaining the principle of non-discrimination and combating racist political discourse was solemnly expressed by the democratic political parties of Europe by their signature of the **Charter of European Political Parties for a non-racist society** in February 1988, in which they manifested their commitment to 5 specific principles of good practice:

- defending basic human rights, thus rejecting racist violence and incitement to racial hatred, harassment and any form of racial discrimination.
- not publishing views or positions that may stir up prejudices or hostility;
- dealing responsibly and fairly with sensitive topics;
- refraining from cooperating with political parties that incite prejudice or racial hatred;
- striving to represent the above-mentioned groups in their parties.

71. Moreover, the **ECRI Declaration on the use of racist, anti-Semitic and xenophobic elements in political discourse** (adopted on 17 March 2005) condemned the use of racist, anti-Semitic and xenophobic elements in political discourse. In the ECRI declaration it was clearly stated that such discourse was increasingly “infecting” mainstream political parties, and appeared particularly in relation to debates on immigration and asylum, as well as in discourse about the distorted threat of Islam or to encourage anti-Semitic sentiment.

<sup>70</sup> For an in-depth discussion of the introduction of racist and xenophobic discourse in mainstream parties, see The use of racist, anti-Semitic and xenophobic arguments in political discourse, ECRI March 2005, Report by Jean-Yves Camus, at p. 10 et seq.

<sup>71</sup> Definition given in scope of appendix.

<sup>72</sup> Principle 1 states that: “governments of the member states, public authorities and public institutions at the national, regional and local levels, as well as officials, have a special responsibility to refrain from statements in particular to the media, which may reasonably be understood as hate speech...”.

72. ECRI challenged such forms of expression by fairly squaring the burden on political parties to combat racism suggesting it was their responsibility to take self-regulatory measures, deliver a clear political message in favour of diversity and for effective political leadership; moreover, it suggested that provisions should be effectively implemented to penalise leaders of groups promoting racism, and suppress the public financing of such organisation, as well as effective implementation of criminal law provisions against racist offences and racial discrimination for all individuals.

73. In similar fashion, the Council of Europe **Parliamentary Assembly Resolution 1344 (2003)**<sup>73</sup> on the threat posed to democracy by extremist parties and movements in Europe, proposed, amongst others:

*"a. effective penalties where cases of proven damage caused by an extremist political party or one of its members are established;*  
*b. proportionate and dissuasive penalties against public incitement to violence, racial discrimination and intolerance;*  
*c. the suspension or withdrawal of public funding for organisations promoting extremism;*  
*d. the dissolution of extremist parties and movements, which should always be regarded as an exceptional measure."*

74. In order to encourage the development of an open and tolerant society then, political discourse on migration and asylum issues needs to be exercised with a degree of sensitivity, and above all, a sense of social responsibility, in the knowledge that the role as democratically elected members of governments and parliaments is to represent the interests of the public as a whole.

*ii. Media Concentration and conscience clauses*

75. The question of the content of news and how it is reported cannot be treated in isolation of the elites who own and control the media, since excessive concentration can be detrimental to the quality, pluralism and diversity of the media. The European branch of the IFJ, the **European Federation of Journalists** is of the opinion that regulation of the industry is required beyond the market framework of ratings, profits and commercial objectives,<sup>74</sup> and has advocated that a number of measures should be adopted to protect journalists and editorial independence at European level. These include the adoption of a so-called "*conscience clause*",<sup>75</sup> which would allow journalists/reporters to act according to their conscience when producing material for publication. If such clauses were inserted in journalists' employment contracts, journalists might be better able to resist pressure from their employers to produce unethical stories about migrants. They also include measures to safeguard the independence of journalists through European framework legislation to ensure that, "there is no censorship imposed on the editorial staff from outside, neither through government, public authorities or private interests".<sup>76</sup>

## VIII. Positive developments

76. Despite the many negative aspects of reporting on migrant and refugee issues dealt with until now in this report, it is important to acknowledge the important developments that have taken place with a view to improving the image of migrants in the media. These actions are taking place, principally in three directions: increased access and representation of

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<sup>73</sup> PACE Resolution 1344 (2003), point 13 (ii); cf. also PACE Resolution 1308 (2002) on restrictions on political parties in Council of Europe member states.

<sup>74</sup> Legislating for a Democratic Media in Europe, Policy document of the European Federation of Journalists (EFJ) (2003), Point 8.

<sup>75</sup> Accordingly: "no journalist should be directed by an employer or any person acting on behalf of the employer to commit any act or thing that the journalist believes would breach his or her professional ethics, whether defined by a code of ethics adopted by journalists collected at national level or that would infringe the international Code of Principles for the Conduct of Journalism as adopted by the EFJ/IFJ. No journalist can be disciplined in any way for asserting his or her rights to act according their conscience." Policy document from the European Federation of Journalists, 15 January 2003, pt. 9.2.

<sup>76</sup> Op cit. Policy document EFJ, pt. 5.1.

migrants in the media; improving redress against abuses; improving professional standards of reporting and education generally.

*i. Increased representation of migrants*

77. In March 1999, an executive summary of the **Online/More Colour in the Media** research project into employment and Access of ethnic minorities to the television industry was published by the **European Institute for the Media**. This comparative research (covering Germany, UK, France, the Netherlands and Finland) concluded that ethnic minorities were underrepresented,<sup>77</sup> and that this situation prevented the formation of a pluralistic and multicultural media. Lack of access to the media profession inevitably affects the portrayal and presentation of ethnic minority viewpoints. The report concluded that urgent action was needed to improve the European media's track record in relation to social intervention and multicultural pluralism. The report therefore established a comprehensive set of recommendations at European level for political, social and media policy institutions. These concerned essentially the responsibilities and commitments to be taken by broadcasting and media institutions, including: a balanced reflection of ethnic minorities in staffing, training, different regions and urban centres; monitoring for recruitment that reflects equal opportunities and anti discrimination measures; measures to manage diversity – intercultural management; monitoring programme content and ensuring minority programmes are broadcast at reasonable broadcasting times; such programmes should also include broadcasts in original minority languages; support for national and local initiatives to promote access to the media.

78. In 2002, the **EUMC** compiled a comparative report on Racism and Cultural Diversity in the Mass Media, which included good examples of good media practices throughout the then 15 member states.

79. Within the Council of Europe, since its inception, **Eurimages**<sup>78</sup> has had a long tradition of supporting films that deal with the very many issues at the heart of the Council of Europe's philosophy, which includes addressing the particular issues of migrants, refugees and asylum seekers, as well as supporting film directors that can be considered as having an immigrant background.<sup>79</sup> Other media prizes include: the **Prix Europa Iris**, awarded annually to the best multicultural television, radio and internet productions of the year. The competition's main concern is to promote the trademark "Made in Europe", and to reflect the complete spectrum of European productions, to show cross-border programme developments and to be a forum for quality programmes. It has become the most important festival of its kind since it was founded in 1987 by the European Cultural Foundation and the Council of Europe;<sup>80</sup> the ARD (German broadcasting company's) media prize, **CIVIS**, is awarded for television (25 EU States+ Switzerland) and radio programmes (German) that make an outstanding contribution to cultural diversity and integration. Moreover, the prize is organised under the aegis of Media Foundation for integration and cultural diversity in Europe, which was founded in 2003.<sup>81</sup> Since 2004, the foundation has organised a **Young Civis Media Prize**, to sponsor young journalists, students and graduates from film and media colleges.

80. In 2000, the IFJ inaugurated the **European Media Award to Counter Racism: A Celebration of Tolerance in Journalism**. The European awards counter racial hatred and ethnic conflict by recognising journalists who promote greater understanding and tolerance

<sup>77</sup> The reports points out that whereas the average migrant population of the countries under investigation was 8.5%, representation in the broadcasting industry was merely 2-3%, cf. recommendation 10.

<sup>78</sup> Eurimages is the Council of Europe fund for the co-production, distribution and exhibition of European cinematographic works. Set up in 1988 as a Partial Agreement it currently has 32 state parties. See website at [http://www.coe.int/t/e/cultural\\_co-operation/eurimages/](http://www.coe.int/t/e/cultural_co-operation/eurimages/).

<sup>79</sup> Letter dated 8 February 2006, to Committee on Migration, Refugees and Population, Eurimages listed 18 out of last 100 films supported that can be considered as relating to migrants, refugees and asylum seekers.

<sup>80</sup> See <http://www.prix-europa.de/publish/>.

<sup>81</sup> CIVIS is supported by the Association of German Savings Banks (DSGV) and the German Federal Government Commissioner for Migration, Refugees and Integration, the European Parliament, the European Monitoring Centre on Racism and Xenophobia (EUMC), the European Broadcasting Union (EBU) and the Hungarian Autonómia Foundation; [http://www.wdr.de/tv/civis/index\\_en.phtml?flash=1](http://www.wdr.de/tv/civis/index_en.phtml?flash=1).

through their coverage of multicultural issues. The IFJ Prize is part of a programme of the International Media Working Group against Racism and Xenophobia (IMRAX), which brings together media professionals, publishers and unions of journalists with the common objective of promoting tolerance in media.

81. The **European Union** has also stepped up its actions to promote positive images of migrants in the media by creating an award for journalism promoting diversity and fighting discrimination, as well as having teamed up with Europe's biggest youth channel, Europe MTV to launch a competition to find the best human diversity photograph.<sup>82</sup>

82. In 2002, **Online /More Colour in the Media** stated its aim of creating a diverse media culture, to meet the needs of pan-European multi-cultural societies. This is essentially an empowerment process, which on the one hand seeks to promote intercultural awareness-raising amongst media professionals and ethnic groups themselves, and on the other, intends to increase the participation of socially excluded groups in the media, such as refugees and asylum-seekers, through targeted programming initiatives for minority groups.<sup>83</sup>

83. On 29 April 2004, Online/More Colour in the Media, in collaboration with Innvandrertv TV (Aarhus, Denmark) and COSPE (Cooperation for the Development of Emerging Countries) presented the **European Manifesto of Minority Community Media**,<sup>84</sup> to the President of the European Parliament, Pat Cox, signed by more than 740 multicultural and media organisations in 49 countries. The aim of the Manifesto is to emphasise the importance of minority community media and ensure that they are acknowledged as a basic community services through legislation at European and national level.<sup>85</sup>

84. In October 2005, the MediaWise RAM project launched, as part of its programme to promote best practice in media representation of refugee and asylum issues, the **Exiled Journalists Network (EJN)**, to advance education about exiled journalists, provide employment, as well as provide a model of good practice, showing a way of overcoming difficulties between different groups and people of different backgrounds.

85. The European Council of Refugees and Exiles (ECRE) is currently carrying out a "**Refugee Stories**" project to illustrate the impact of EU asylum policies on individual asylum-seekers and refugees who have sought protection in Europe. This project will contribute to improving the knowledge of the media in the asylum debate in Europe, in particular by giving precise and detailed information about the humanitarian and social contexts underlying the reasons for seeking protection, which are all too often understated or ignored by today's media.

ii. *Effective monitoring/ complaints procedures*

86. In many, European countries systems are in place, which allow the public to bring complaints against media for their inaccurate, distorted or biased coverage of migrants' issues. However, such procedures may be confined to self-regulatory complaints bodies, whose activities are limited to a particular sector of the media, or simply monitoring their activities through watchdog bodies, or actions may lie more generally through the use of ombudsmen. A further problem lies in relation to the fact that, whereas complaints procedures exist, their powers may not be wide enough to guarantee any effective remedies, either to prevent or to repair the detriment caused to ethnic, racial or religious minorities or direct victims of media abuse themselves. As was stated above, this is often the case with "hate speech", where the objects of conflated or sensationalised news reports are often groups, as the intention of such discourse is to stir up intolerance and racial hatred rather than target individuals.

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<sup>82</sup> See EU Campaign "For Diversity against Discrimination"

<sup>83</sup> Survey "Media and Minorities" Report by Jessika ter Wal, European Research Centre on Migration and Ethnic Relations, Utrecht University, commissioned by On line/More Colour in the Media, Utrecht, March 2002.

<sup>84</sup> The Manifesto can be consulted at the [www.antirasistisk-senter.no](http://www.antirasistisk-senter.no) website.

<sup>85</sup> European Manifesto of Minority Community Media 2004.

87. The following two examples of monitoring/complaints procedures illustrate the strengths and weaknesses of such procedures. The examples are taken from Denmark and the UK, precisely because of the relevance to current debate on hate speech.

88. In **Denmark**, there are few systematic mechanisms in place to monitor the media's treatment of racism and discrimination experienced by ethnic minorities. To cover these lacunae, The Fair Play NGO has developed a system of monitoring (MediaWatch-DK), which documents the representation of ethnic minorities in the media.<sup>86</sup> In a systematic content analysis of print articles and TV, MediaWatch has reported that racism was reinforced through the use of negative associations in the media (i.e. by associating crime with foreigners).

89. In the **UK**, a self-regulatory Code of Practice exists for newspapers and periodicals, which is administered and enforced by the **Press Complaints Commission (PCC)**.<sup>87</sup> Clause 12 prohibits the Press from reporting in a discriminatory manner.<sup>88</sup> Normally, for the Code to be applicable, however, the complainant must have been referred to directly in a way that is personally discriminatory towards him, in other words, the clause applies to individuals and not to groups.<sup>89</sup> In the majority of cases, the Code of Practice does not apply to discrimination complaints relating to asylum-seekers and refugees,<sup>90</sup> as references made generally relate to partisan comment and campaigning rather than individual targeting. A more general case for complaint may still lie, however, in relation to inaccurate reporting, in relation to which the Press in question must distinguish between comment, conjecture and fact.<sup>91</sup>

90. The limits of the Code of Practice's powers of redress, however, are clearly illustrated by controversy surrounding the infamous "Swan Bake" story run by *The Sun*, 4 July 2003, against which a complaint was brought to the PCC by Serbian Journalist (and asylum-seeker), Nick Medic.<sup>92</sup> The story alleged, "callous asylum seekers are barbecuing the Queen's swans", opening with "East European poachers lure the protected royal birds into baited traps". Upon investigation, there was no evidence that any swans actually had disappeared, and what was presented as a factual account turned out to be conjecture. Some months later, *The Sun* made a clarification, which was published on page 41 of one of its issues, acknowledging that conjecture had been confused with fact. This was considered as sufficient remedy by the Press Complaints Commission, despite the fact that a sensationalised and discriminatory story had entered the public's imagination.<sup>93</sup>

### iii. *Improving reporting standards in media professions*

91. In 2000, ECRI published examples of "good practices" to fight against racism and intolerance in the European media.<sup>94</sup> The publication provides examples of good reporting in the Press, Radio and TV, as well as giving examples of training for journalists, initiatives taken by Trade Unions and Association, and prizes awarded at national and European level for tolerant journalism.

<sup>86</sup> ENAR Shadow Report 2004, Denmark, p. 48.

<sup>87</sup> The Code was ratified by the PCC on 13th June 2005. Its aim is to set benchmarks to ensure that its members maintain the highest professional and ethical standards in reporting, the cornerstone of which is the protection of the rights of the individual and the right to know in the public interest.

<sup>88</sup> Clause 12 provides that: "i) *The Press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.*  
ii) *Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.*"

<sup>89</sup> ECRI Report on UK (3<sup>rd</sup> Report), 14 June 2005.

<sup>90</sup> Cf. Letter of Guidance, Refugees and Asylum-seekers, 23 October 2003.

<sup>91</sup> Code of Practice, Clause 1(i) provides that "*the Press must take care not to publish, inaccurate, misleading or distorted information, including pictures*", also 1(iv) "*The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact*".

<sup>92</sup> See, Daily Telegraph News, 15 July 2004, www.telegraph.co.uk.

<sup>93</sup> The original story had been front-page news, and also followed up by a later story about fish supplies in lakes being depleted due to poaching by Eastern Europeans. The complaint had requested that the retraction also be given front-page prominence and include a statement that asylum-seekers were never responsible for such acts. This did not occur.

<sup>94</sup> CRI (2000) 19, Report compiled by external media consultant, Isabel Melis.

92. Several networks and NGOs have produced guidelines on the “dos” and “don’ts” of reporting migrant and ethnic issues in the media. Some organisations, such as the IOM, offer specific training courses, to raise awareness and sensitivity about immigration and asylum in their respective countries. Greater attention could also be given to encouraging an understanding of the European dimension of immigration and asylums issues.

93. In this respect, **MediaWise** has issued a set of guidelines on how to report refugee and asylum issues, informing reporters about precise terminology, on avoiding stereotypes, as well as how to get facts and figures right. Moreover, MediaWise has also launched the **Refugees, Asylum-Seekers and Media Project (RAM)** to promote best practice in media representation of refugee and asylum issues, which produced an information leaflet with support from the UNHCR and NUJ Ethics Council on reporting asylum and refugee issues in 2004. Similarly, in the UK the **Institute of Race Relations** has produced a guide entitled “**Working with the Media**”, which is intended for anti-racist campaigners and refugee rights activists, and includes information on how to draw up and disseminate press releases, and build a relationship with the media, and also how to complain about media abuse.

94. Furthermore, the Council of Europe **Resolution 1478 (2006) on the Integration of immigrant women in Europe** calls for member states to: “*promote information and awareness-raising campaigns in the media and in schools to increase the standing and the role of immigrant women in the host societies and to overcome stereotypes confining immigrant women to subordinate and passive roles.*”<sup>95</sup>

iv. *Youth education and the media*

95. In 1995, the Council of Europe ran a European Youth Campaign entitled “**All Different – All Equal**” to strengthen the fight against racism, anti-Semitism and intolerance. This campaign will be repeated from June 2006 – September 2007 using the same logo and slogan, and will be organised in cooperation with the **European Commission** and **European Youth Forum**. Activities are undertaken at a local, national and international level, and will include: the organisation of events in cooperation with national committees, training courses on religious diversity from a human rights perspective, as well as training courses for trainers on cultural diversity and anti-racism, youth cultural festivals and sports events.<sup>96</sup>

96. Such campaigns need the support of the media and also have a role in sensitising the media to migrant, refugee and asylum issues.

97. The internet also provides a powerful tool for sensitising the youth to issues concerning migrants, refugees and asylum seekers. The variety of information and images available on the internet combined with the growing number of interactive educational resources, including games<sup>97</sup>, makes this media tool increasingly important for the portrayal of the image of migrants, refugees and asylum seekers.

## IX. Conclusions

98. It is clear that, despite in principle being afforded protection under anti-discrimination and anti-racism legislation, migrants, asylum seekers and refugees remain in a situation of potential vulnerability and are often the victims of abusive and unfair representations in the media. Apart from the general protection afforded under anti-discrimination and other legislation designed to deal with racism and intolerance, responses at national and European levels may often be politically motivated and episodic, i.e. facing specific issues as and when they arise, such as “hate speech” or “Islamophobia”.

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<sup>95</sup> PACE Resolution 1478 (2006), op. cit. at point 7.11.

<sup>96</sup> The website is currently under preparation: see <http://alldifferent-allequal.info/node/52>.

<sup>97</sup> For one example of a game concerning the plight of a refugee see the interactive web-based game “Against all odds” <http://www.motalleodds.org/againstallodds/>

99. At grass roots level, there is however a growing awareness and multiplication of responses to ensure that the media foster positive images of migrants, asylum seekers and refugees. This can be seen through projects aimed at guaranteeing greater representation of migrants and refugees in the media, through an increase in participation by migrants and refugees in the media professions, and through the creation of a growing number of educational projects for media professionals, including on the issue of migration, asylum and refugees in media schools. These projects merit ongoing support and funding.

100. The question of improving the image of migrants, refugees and asylum seekers in the media is clearly one which attributes important responsibilities to media professionals but also to governments and to politicians who use the media for political purposes. Self-regulatory mechanisms exist within associations of media professionals that impose obligations on their members with respect to the way in which they cover issues relevant to migrants. A number of political parties have moved to isolate or eradicate xenophobic expressions by political actors and government representatives through self-censorship/self regulation. This has contributed to a more balanced portrayal of migrants, refugees and asylum seekers in the media.

101. Your Rapporteur considers that while freedom of expression is a pillar of democracy, a vigil is nonetheless necessary to protect the image of asylum seekers, migrants and refugees in the media. As part of this vigil, your Rapporteur considers that:

- an effective legislative framework protecting against incitement to hatred, discrimination and intolerance is required, and that it is necessary to tackle hate speech, including by political parties and its propagation in the media;
- the media itself has a responsibility to adopt its own codes of conduct and ethics, and that media professionals should benefit in their contracts from a conscience clause allowing them to refuse to produce materials that they feel would be in breach of their ethical commitments;
- the monitoring of the image of asylum seekers, refugees and asylum seekers in the media needs to take place, both at a national level and also at a European level;
- effective complaints procedures concerning the negative portrayal of asylum seekers, migrants and refugees in the media should to be put into place at a national level;
- further training for media professionals on issues relating to asylum and migration, as well as on intercultural reporting has to be encouraged. The views of asylum seekers, refugees and migrants must also be reflected in media programmes, and migrants and refugees must be represented amongst media professionals;
- programmes should be produced catering for the needs, including linguistic needs, and interests of migrants, asylum seekers and refugees.

*Reporting committee* : Committee on Migration, Refugees and Population

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*Draft Recommendation* unanimously adopted by the Committee, on 27 June 2006

*Members of the Committee*: Mr Mevlüt **Çavuşoğlu** (Chairperson), Mrs Tana **de Zulueta** (1<sup>st</sup> Vice-Chairperson), ZZ ..... 2<sup>nd</sup> Vice-Chairperson), Mr Jean-Guy **Branger** (3<sup>rd</sup> Vice-Chairperson), Mr Pedro **Agramunt**, Mr Külle Arjakas, Mr Hüseyin-Kenan Aydin, Mr Ryszard **Bender**, Mr Akhmed Bilalov, Mrs Mimount Bousakla, Mr Márton Braun, Lord **Burlison**, Mr Christopher Chope (alternate: Mr Michael **Hancock**), Mr Boriss **Cilevičs**, Mrs Minodora Cliveti, Mr Ivica **Dačić**, Mr Franco Danieli, Mr Joseph Debono Grech, Mr Taulant Dedja, Mr Nikolaos **Dendias**, Mr Abilio **Dias Fernandes**, Mr Karl Donabauer, Mr Mats Einarsson, Mrs Lydie Err, Mr Valeriy **Fedorov**, Mrs Daniela Filipiová, Mrs Margrét Frimannsdóttir, Mrs Gunn Karin **Gjul**, Mrs Angelika Graf, Mr John **Greenway**, Mr Andrzej Grzyb (alternate: Mr Piotr **Gadzinowski**), Mr Ali Riza Gülçiçek, Mr Michael **Hagberg**, Mr Holger Haibach, Mrs Gultakin Hajiyeva, Mr Doug **Henderson**, Mr Jürgen Herrmann, Mr Ilie Ilaşcu, Mr Tadeusz **Iwiński**, Mrs Corien W.A. Jonker (alternate: Mr Ed **van Thijn**), Mr Oleksandr Karpov, Mrs Eleonora Katseli, Mr Dimitrij Kovačič, Mr Andros **Kyprianou**, Mr Petr Lachnit, Mr Geert **Lambert**, Mr Jean-Marie Le Guen, Mr Younal Loutfi, Mr Jean-Pierre Masseret, Mrs Ana Catarina **Mendonça**, Mr Morten Messerschmidt, Mr Paschal Mooney, Mr Giuseppe Naro, Mr Xhevdet Nasufi, Mr Gebhard Negele, Mr Pasquale Nessa, Mrs Annette Nijs (alternate: Mr Leo **Platvoet**), Mr Kalevi **Olin**, Mr İbrahim **Özal**, Mrs Maria Josefa **Porteiro Garcia**, Mr Cezar Florin Preda, Mr Alojz Pridal, Mr Dušan Proroković, Mr Gabino Puche, Mr Milorad Pupovac, Mr Martin Raguž, Mr Anatolij Rakhansky, Mr Marc Reymann, Mr Samad Seyidov (alternate: Mr Aydin **Mirzazada**), Mr Luzi Stamm, Mr Sergiu Stati, Mrs Terezija **Stoisits**, Mr Vilmos Szabó, Mrs Elene **Tevdoradze**, Mr Tigran Torosyan, Mrs Ruth-Gaby Vermot-Mangold, Mrs Iliana Yotova, Mr Akhmar Zavgayev, Mr Vladimir Zhirinovskiy (alternate: Mrs Vera **Oskina**), Mr Serhiy Zhyzhko, Mr Emanuelis **Zingeris**.

NB: The names of the members who took part in the meeting are printed in bold.

Secretaries of the Committee: Mr Halvor Lervik, Mr Mark Neville, Ms Dana Karanjac