

Doc. 11309
19 June 2007

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

Recommendation 1768 (2006)

Reply from the Committee of Ministers
adopted at the 998th meeting of the Ministers' Deputies (13 June 2007)

1. The Committee of Ministers has noted with attention Parliamentary Assembly Recommendation 1768 (2006) on "The image of asylum seekers, migrants and refugees in the media", which it has transmitted to the member states' governments as well as to the Steering Committee on the Media and New Communication Services (CDMC), the European Committee on Migration (CDMG) and the European Commission against Racism and Intolerance (ECRI). The Committee of Ministers shares the concern of the Parliamentary Assembly regarding the spread of xenophobia in Europe and the general proliferation of forms of intolerance and racial discrimination which can undermine European democratic principles. It recognises that media can play an important role in fostering a culture of tolerance and understanding regarding various groups and individuals in society, in particular by promoting public debate and raising awareness of diverse opinions.

2. The Committee of Ministers concurs with the Parliamentary Assembly in believing that the right to freedom of expression and information, pursuant to Article 10 of the European Convention on Human Rights, is of fundamental importance for migrants, asylum seekers and refugees who seek to receive and impart information in order to fully integrate into societies. The full exercise of this right by various groups and individuals coupled with their fair portrayal by diverse media will help to remove the hostility and obstacles that lead to racism, discrimination and different forms of intolerance.

3. The Committee of Ministers welcomes the Parliamentary Assembly's support for the Council of Europe's standards on the media in tackling racism and intolerance including the notable references to Committee of Ministers' Recommendation No. R (97) 20 on "hate speech", which helps to guide member states with regard to their legal and political frameworks and practices, and to its Recommendation No. R (97) 21 on the media and the promotion of a culture of tolerance. The latter underlines the importance of professional media practice and responsibility in protecting various groups and individuals from negative stereotyping and in reflecting their positive contributions to society. The Committee of Ministers believes that considerable efforts should be made to promote a balanced image of migrants in society as a whole and that the media should take a responsible position in this process.

4. In this context, the Committee of Ministers also refers to its recently adopted declaration on protecting the role of the media in democracy in the context of media concentration and to its Recommendation Rec(2007)2 on media pluralism and diversity of media content. In connection with the latter, the CDMC is currently considering a possible monitoring mechanism on media concentration and the measurement of its impact on media pluralism and content diversity. It is also exploring ways of providing support to community, local, minority and social media in order to enhance diversity across the media sector.

5. In line with the Assembly's recommendation, the Committee of Ministers has invited the 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". It

wishes to underline the importance of co-operation between broadcasting regulators and local human rights protection institutions (e.g. ombudsman), to ensure that complaints emanating from various sources are effectively communicated to such bodies.

6. Moreover, the Committee of Ministers recalls the Council of Europe's standards for the protection, redress and remedies for individuals confronted with information and publications containing inaccurate facts about them as referred to in Resolution (74) 26 on the right of reply – position of the individual in relation to the press, in Recommendation Rec(2004)16 on the right of reply in the new media environment, and in Article 8 (right of reply) of the European Convention on Transfrontier Television.

7. The Committee of Ministers shares the concern of the Parliamentary Assembly regarding the public dissemination, public distribution, or production of material with a racist content or purpose. With regard to Article 10 of the European Convention on Human Rights and the relevant case law of the European Court of Human Rights, the Committee of Ministers proposes that any adoption of penal legislation should be in full conformity with the Council of Europe's standards. It also recalls in this respect the provisions contained in ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

8. The Committee of Ministers supports the Parliamentary Assembly's invitation to the media to adopt professional and ethical codes of conduct and to supplement these with guidelines which address the challenges of racial hatred, intolerance and xenophobia. In this respect, Council of Europe training activities targeted at media professionals are of utmost importance for improving the professional media coverage concerning asylum seekers, migrants and refugees.

9. With reference to the production and broadcasting of programmes for groups of individuals in society and their inclusion in mainstream television programmes, the Committee of Ministers refers to its Recommendations No. R (96) 10 on the guarantee of the independence of public service and Rec(2007)1 on the remit of public service media in the information society, which refer to the promotion of social cohesion, tolerance and intercultural dialogue and the integration of communities, social groups and generations, including minority groups, asylum seekers, migrants and refugees. In this connection, the CDMC is currently examining the conditions necessary to enable public service media to discharge their remit in the information society and the value of public service media contribution for the promotion of culture of tolerance, social cohesion and integration of all communities and generations.

10. The Committee of Ministers wholeheartedly welcomes and supports the Parliamentary Assembly initiative concerning the ratification of the European Convention on Transfrontier Television and recalls that in September 2006, it invited the Council of Europe member states that have not yet done so to ratify the Convention. It recalls that the Convention offers a legal framework for member states to address, protect and promote the free flow of information and ideas while respecting common values, in particular it obliges, *inter alia*, broadcasters to respect human dignity¹ and to refrain from inciting racial hatred in the presentation and contents of their programme services.

11. The Committee of Ministers recalls the important role of ECRI and notes that, in this field, the latter recommends measures and action in three main areas: legislation, self-regulation, and structural approaches. Moreover, the Committee of Ministers draws the Assembly's attention to ECRI's General Policy Recommendation No. 6 on "Combating the dissemination of racist, xenophobic and antisemitic material via the Internet" and refers also to a collection of examples of "good practices" to fight against racism and intolerance in media published in 2000.

12. Finally, the Committee of Ministers also refers to the work of the European Committee on Migration (CDMG) on the image of migrants in the media and to a mini-seminar on this theme organised in April 2005, during which its members exchanged views with journalists and discussed how governments can improve their cooperation with the media with a view to promoting positive images of migrants, refugees and asylum-seekers. The 5th Session of the Council of Europe Political Platform on Migration held in Athens in October 2005 was another opportunity for representatives of member states and non-member states to discuss issues such as the fight against racism and discrimination in the media, and the role of governments, parliaments and NGOs in the promotion of a balanced image of migrants, migrants' media and participation of migrants as media professionals. Drawing on the conclusions of that meeting, the CDMG organised, in June 2006, a further meeting on "Media, Migration and Diversity: Pluralism to Build in Europe" attended by governments, media representatives and NGOs.

¹ The CDMC is currently examining respect for human dignity in the new communication services.