**Ethical Journalism Initiative –
Journalism and the Challenge of Intolerance
Conference organised by the European Federation of Journalists
on World Press Freedom Day**

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Journalists have enormous power, and thus, enormous responsibility in the realm of intercultural relations.

In the best case, journalists can inform, educate, undermine stereotypes, promote participation, promote dialogue, make discrimination and violence socially unacceptable, and marginalise extremists.

In the worst case, journalists can create and/or reproduce stereotypes, prepare the ground for or justify discrimination and/or violence, in extreme cases contributing to genocide (e.g., former Yugoslavia, Rwanda).

Journalists reflect public attitudes, but also have a strong influence on them:

- o Many people have never met minorities, immigrants, asylum-seekers and refugees face-to-face – their opinions are shaped by the media;
- o People often defend or legitimate ethnic prejudice with reference to the media;
- o People learn about others' prejudices from the media.

The existence of prejudice cannot predict racist or intolerant behaviour, but it makes it more likely. Monitoring reports of the Council of Europe, including those of my predecessor and those of ECRI, have underlined the link between stigmatising media reports concerning certain minority groups and racist violence. In a number of countries, the case of the Roma provides a powerful and worrying illustration of this.

Media coverage can have positive and negative effects at the same time, depending on the context and the groups in question. This means that journalists must reflect carefully each time they report on any issues involving minority groups, including immigration.

What can be done to maximise the positive role of journalists and minimise the negative? Freedom of expression is a cornerstone of democracy and a means through which other human rights are fulfilled. Therefore, the interaction between freedom of expression and the right to be free from discrimination should not be seen as one between two "competing" rights, but two "complementary" rights. In other words, more than asking ourselves what can we do to protect freedom of expression "while" fighting discrimination we should be asking ourselves what can we do to fight discrimination "through" freedom of expression.

The European Convention on Human Rights makes clear that restrictions to freedom of expression may be necessary in the interest of, for instance, national security and public safety, or for the protection of the rights of others. However, these restrictions are exceptions from the basic rule whereby everyone enjoys the right to freedom of expression. As such, they must be prescribed by law, serve a legitimate aim and be necessary in a democratic society.

The precise definition of such exceptions has been an issue in a number of applications to the Strasbourg Court. Its rulings have clarified that limits to freedom of expression should only be accepted in narrowly defined, exceptional circumstances. This is a logical interpretation of Article 10 of the Convention as it was originally conceived. One reason for this approach is that censorship, restrictive laws and other measures to control media tend to have a chilling effect on the media community.

There is a growing case law of the ECtHR on "hate speech". In these cases, the Court has placed the emphasis on the aim pursued by the applicant – i.e. the person (journalist, writer, etc) who considers that the State has infringed his/her freedom of expression by applying hate speech provisions against him/her. The decisive question is therefore whether or not the aim pursued by the applicant was the propagation of racist views or incitement to hatred.

One of the first hate speech cases (*Jersild v. Denmark*) actually concerned a journalist, who was convicted of aiding and abetting the dissemination of racist remarks in a documentary. However, the Court found this conviction to be contrary to Article 10 of the Convention: the Court drew a distinction between the members of the "Greenjackets", who had been interviewed by the journalist and had made openly racist remarks, and the journalist, who had sought to expose, analyse and explain this particular group of youths and to deal with "specific aspects of a matter that already then was of great public concern". The documentary as a whole had therefore not been aimed at propagating racist views and ideas, but at informing the public about a social issue.

More recently, the Court had to apply these principles to homophobic hate speech for the first time (*Vejdeland and Others v. Sweden*). The applicants in this case had distributed leaflets containing offensive and insulting statements about members of the LGBT community in an upper secondary school. The Court found that Sweden had not violated the right to freedom of expression of the applicants by convicting them for incitement to hatred. According to the Court, the statements at stake had constituted serious and prejudicial allegations, even if they had not been a direct call to hateful acts.

It is important to note that the Court usually deals with cases brought by applicants who have been convicted on account of certain statements they have made or articles they have written, and who allege a violation of their right to freedom of expression. However, in 2012, the Court has for the first time examined a case in which the applicant was not

the author, but the target of the alleged hate speech. The case (*Aksu v. Turkey*), concerned the allegation that passages in a book about Roma and definitions in two dictionaries were offensive and discriminatory vis-à-vis the applicant as a member of the Roma community. In this case, the Grand Chamber of the Court found no violation of the Convention. But the Court accepted that an individual's ethnic identity was an aspect of physical and social identity that came under the notion of "private life" under Article 8 (right to respect for private and family life). Article 8 thus implies positive obligations of the State to protect individuals belonging to ethnic minorities against negative stereotyping.

However, the law is a blunt instrument – it has often been said that it is not possible to legislate tolerance. Also, with the growing role of on-line media, social networking sites and user-generated content, it is becoming increasingly difficult to bring legal approaches to bear on the issue.

Technological change and the limited effectiveness of prosecuting hate speech have led human rights advocates, unions and other associations of journalists to suggest complementary, non-legal steps, including:

- o Instituting media ombudsmen to review complaints
- o Promoting media self-regulation through codes of ethics
- o Promoting media training on reporting on diversity
- o Recruiting minorities and immigrants to work in media outlets
- o Teaching young people to be not only critical consumers of the media, but also to be digitally literate.
- o Creating hotlines to internet service providers so that civil society can quickly report on intolerant content that constitutes possible hate speech
- o Promoting dialogue between civil society, the internet industry and law enforcement.

The importance of media self-regulation cannot be stressed enough. The current debate on ethical journalism gives prominence to the need for self-regulation and provides unique opportunities to advance it.

The idea of media self-regulation translates a desire to see media structures themselves develop ethics which would protect individuals or group interests from unacceptable abuse in the media. Through it, the media essentially demonstrates that state interventions are not necessary. Self-regulation should really be seen as a solemn promise by the media to be accountable to the public and to correct mistakes.

Unfortunately, existing systems have not been particularly effective in most European countries. An urgent discussion is now needed on how self-regulation can be improved.

Today it is impossible to discuss ethical journalism and self regulation – or the lack thereof – without mentioning the phone hacking scandal in the United Kingdom. The decision to set up a special inquiry into the practices and ethics of the media was important and its findings and recommendations will be of great interest all over Europe. The abuses carried out by News International should not be used as an excuse to curtail media freedom (towards which there is already a worrying tendency in many places in Europe). But the media community must show that it listens carefully to the concerns now being expressed.

It is indeed very promising that the IFJ Ethical Journalism Initiative has taken a special interest in fighting racism and intolerance by promoting the highest professional standards of journalism.

This is especially so at a time when these standards are under threat because of the global economic crisis. Many thousands of jobs have been eliminated, investment in training and investigative journalism has been cut, and there is little space for research, checking and original investigation. In the new media landscape, there is a real risk of a progressive disappearance of investigative journalism that provides quality information (including information that deals with minority groups professionally).

The growing role of on-line media, social networks and user generated content generally has added important eyewitness accounts – but the communicators behind these are not always fully aware of the extent of their responsibilities.

Indeed, technological change poses many new challenges to those of us seeking to promote intercultural understanding.

A recent study called Digital Populism by Demos on the Facebook followers of far right political parties makes interesting reading. It found that on-line supporters are overwhelmingly young males, they are just as active in the "real world" as they are on the internet, and that youth are more likely to cite immigration as a motivating factor for their activism.

This suggests that dismissing internet activists as being armchair activists is wrong and that media coverage of immigration is very important. It also suggests that human rights advocates must be more actively involved in debates on the risks and human rights potential of new media. This is something my office will be actively engaged in over the coming years.

Finally, one thing that I see sorely lacking in Europe is a liberal, human rights-based media discussion on immigration, which will be one of the core challenges facing Europe. Not only on inflows – who, how many, from where, why - but on immigrant integration, in which the actions and stances of the receiving population are just as important as the efforts of those seeking to integrate.

I see the need for an open and serious media discussion on analysing and transforming many of the stereotypes about migrants and their descendants – whether these stereotypes concern supposed threats to security (e.g. increase in crime and diseases) well-being (e.g. taking jobs away or abuse of the welfare system) or way of life (e.g. parallel societies or children bringing down standards in schools). How do we assist the media in de-constructing these representations and in looking at migrants with a fresh and genuinely interested eye?

You have a difficult, very important task ahead of you. All I can say is that my office looks forward to continuing the dialogue with you to maximise the potential positive role that journalists can play in promoting human rights and intercultural understanding.