

Distr .
GENERAL
E/CN.4/2003/WG.20/Misc.11
25 September 2003

ENGLISH only

COMMISSION ON HUMAN RIGHTS
Working Group of Experts on
People of African Descent
Third session

Geneva, 29 September-10 October 2003

MEDIA

Persons of African descent and the media

Background paper prepared by

**Irina Moroianu Zlatescu
Expert of the Working Group on People of African Descent**

Note: The opinions expressed in this paper are those of the author.

PERSONS OF AFRICAN DESCENT AND THE MEDIA

1. Media reports become extremely sensitive when directly connected to ethnic, cultural and religious relations or directly referring to them. The way the media presents incidents within the area of these relations, the actors that are involved and the leaders of opinion can influence the public's response, the common perception of such relations and even peoples' behaviour. The enormous power to influence that characterizes the media, particularly the audio-visual media, when used in a negative way irresponsibly or incompetently may nourish racist and intolerant discourse rather than cultivate tolerance, understanding and respect for the dignity of human beings in their diversity.

2. The effects of "hate speech", disseminated by a certain sector of the media, in various conflict zones of straining relations, and even escalating or instigating the conflict are well known.

Other, long-term effects mentioned by researchers and analysts are: increased isolation; individualized perception of those areas of public life that affect forms of social organization and cohabitation; acceptance of violence through the media, validating or aggravating violence and hostility in areas characterized by instability and lack of social cohesion; validation of certain negative principles and attitudes, prejudice and fears; feelings of insecurity; cultivation of indifference towards immigrants and minorities, which becomes manifest in the form of unintended support of racism, not just in its violent, extreme aspects, but also at the deeper level of prejudice.

3. While the discourse of the media can and actually does have such negative effects, it also has the ability to combat such phenomena and attitudes by adhering to a system of values and principles and assuming

social responsibilities the roots of which are to be found in the very impact the media has upon the public.

4. The legal limitations on the exercise of freedom of speech through the media are exhaustively set out in the international instruments, of which we would like to mention here only the International Covenant on Civil and Political Rights (arts. 19 and 20) and the International Convention on the Elimination of All Forms of Racial Discrimination (art. 4). These instruments that enjoy the largest number of ratifications, alongside the domestic legislation, can only protect these values that are required in a democratic country from direct and explicit attacks against them. Hence the importance of codes of ethics and self-regulating mechanisms addressing not criminality, but morality on the part of those involved in the profession of journalism, including trade unions, employers and professional organizations. The last ought to impose norms, values and principles that should become benchmarks for the exercise of the profession, complex and subtle as it is; one which, through the context it creates, can increase or diminish the impact of its constituent elements.

5. The relationship between the media and persons of African descent is, in our opinion, a particular aspect of the larger framework of the media-minorities issue. This is the reason why the conclusions drawn by a number of ample, methodical studies devoted to the topic are of particular interest. These include the report "Racism and Cultural Diversity in Mass Media: An overview of research and examples of good practice in the EU Member States, 1995-2000", elaborated by the European Research Centre on Migration and Ethnic Relations (ERCOMER) and edited by Jessika ter Wal (Vienna, February 2002). This study contains a number of recommendations which, in our opinion, have relevance and applicability to our area of concern. It should be mentioned, however, that their effectiveness depends on a correct and definite adaptation to the peculiarities of each particular group and the local context.

6. These recommendations are based on an analysis of negative and positive practices alike reported by member States of the European Union. The report indicates ways cultural diversity can be promoted through the media and proposes that professionals and media organizations, advisory bodies, political organizations and ethnic minorities' organizations work together to attain the following objectives:

- increased visibility in and accessibility of ethnic groups and immigrants to the media, especially those with large audiences, to routine news and all informative genres;
- more possibilities for investigative journalism and the introduction of positive patterns and forms of news instead of the prevailing negative pattern focusing on "problems";
- increased awareness about the need to cross-check the information coming from official sources and to comment on important speeches by political personalities and officials not just from the official point of view;
- encouraging initiatives in the field of training and programmes aiming to improve ethnic, cultural and religious minorities' access to and participation and representation in the media;
- encouraging the collaboration and exchange of information between the media and organizations of persons of African descent so as to promote ethnic, cultural and religious diversity in the media.

7. As far as media forms and programming are concerned, it is recommended that investigative journalism, documentaries and full-length films be encouraged for the purpose of showing and accepting ethnic, cultural and religious diversity. Such forms can offer information about the lives of persons of African descent, personal interviews and life stories, and personal testimonies that are likely to increase visibility, lead to closer relations with other groups and shake off prejudices; in the same way, entertainment radio and TV broadcasts such as music, games, contests and humour can make a better contribution to goodwill and sympathy between persons belonging to different cultures.

8. The focus of news packages and topical broadcasts can be shifted away from the folkloric and sensational aspects of the lives of persons of African descent to reporting about current events and the presentation of these persons in a non-stereotyped manner.

9. Of the wide thematic range that the general information media has at hand, the social and cultural segments seem best suited to increase the visibility of and familiarization with persons of African descent. It is up to the heads of the various news, print media and radio and television channels to give increased importance to these fields.

10. In order to get results, the adoption of training programmes is necessary: on the one hand, training programmes for persons of African descent to facilitate their access to journalist profession and, on the other hand, special programmes for students, journalists, publishers, managers and producers on the themes of discrimination as well as cultural diversity, including an analysis of how the media discriminates and perpetuates prejudice and stereotypes.

11. Another avenue that has proved to be efficient is monitoring of the mass media with respect to the visibility and positive and negative presentation of the group and its members. Such monitoring can be carried out by study centers and/or non-governmental organizations involved in the field. The results of this monitoring can be disseminated through sensitization campaigns among the public, mainly through the : press, radio and television, an accurate diagnosis of the situation, and the identification of sensitive zones to enable efficient and well-informed action to be taken to remedy the shortage.

12. If many of the criticisms of the mass media are certainly well founded, others have resulted from so-called misconceptions. The general information media, mainly radio and TV, undoubtedly has the largest audience. Some criticism, including by NGO's results from a regrettable misunderstanding of how the media works.

13. "The journalist" said one of the greatest Romanian journalists of the inter-war period, "is not a teacher lecturing - from his desk holding a rod. He transmits education between a joke and a front page article, between a reportage and a caricature". This way of acting as an educator is quite efficient as it is based on both persuasion and facts, the "bricks" that construct a newspaper or a broadcast.

14. Lack of proper "window dressing" makes the message vanish. The message does not arrive at its destination and it is no longer noticed. Its educational nature should be the producers "secret".

15. In the pages of a large circulation newspaper, an exciting commentary on actual breaches and violations of rights or abuses, on discriminatory expressions meant to infringe rights or damage interests as well as human dignity, taking up a quarter of a column, does greater service and is more efficient from an educational standpoint than a theoretical article given more space, as it better meets the public's expectations.

16. In case of specialized publications or local media outlets addressed to a specific segment of the public, the separation is different and must be adapted to the expectations, ways of approaching and language of the target audience.

17. Under article 27 of the International Covenant on Civil and Political Rights and article 1 and 4 (2) of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted without a vote by the General Assembly in 1993, and article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties must ensure to persons belonging to minorities freedom of expression, and the rights to enjoy their own culture, to have equal access to public property and private

services, to enjoy education on an equal and to organize and participate in cultural activities.

18. The positive obligation of Governments to ensure minorities equal access to public broadcasts with individuals belonging to the majority is stronger when the ethnic or national minority has lived in the country for a long time. In the case of persons of African descent, who also fall into this category, the obligation increases as a consequence of the long-term prejudices suffered in the course of history.

19. Minorities' access to the mass media also involves them being granted a percentage of air time according to the minority's share of the population and the possibility of themselves producing programmes for public stations where they are prevalent in the respective area and there is no other real opportunity for private broadcasting.

20. In his study on "possible strategies and means of facilitating the peaceful and constructive solution of problems involving minorities" - Mr. Asbjorn Eide, member of the Sub Commission on the Promotion and Protection of Human Rights gave one of the most authoritative interpretations of the international standards in the following terms: "Majority groups should learn about the cultures of minority groups in way which make it possible for them to appreciate those cultures as an enrichment to society as a whole". (E/CN.4/Sub2/1993/34/Add.4, para.11).

21. On the basis of their own culture and language, the members of different groups must enjoy the right to participate in the community's cultural life, producing and enjoying arts and sciences and protecting their cultural heritage and traditions, having their own mass media and other means of communication as well as equal access to publicly controlled and State-owned mass media.

22. On the other hand, Article 19, the global campaign for free expression, an NGO with solid reputation, has recommended that Government attenuate the impact of any "hate speech" by providing a maximum diversity of broadcast viewpoints.

Article 19 points out that the best antidote for "hate speech" is comprehensive speech from different sources that reflects a diversity of viewpoints. The most efficient way of spreading it is through independent public corporations that can secure larger audiences¹.

23. When independent bodies grant a media licence, they should take into account the need to provide a diversity of viewpoints.

24. If authorities, pursuant to article 20 of the International Covenant on Civil and Political Rights, have the duty to prohibit "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence", stations must not be punished for broadcasting the opinions of the persons advocating on hatred or violence provided that they do not support these viewpoints, broadcast contrary opinions, or publicly express their disagreement with those opinions. The period following the Conference of Durban has seen a change of view, both with States and the international bodies. While several years ago the European Court of Human Rights considered that freedom of expression was more important when opposed to discrimination (see *Jersild vs. Denmark*), a recent solution has been given the other way round.

25. In discussing any topic regarding mass media rules, the fundamental postulate of freedom of expression must be taken into account. However, as stipulated in art. 146 in the Programme of Action promoted by the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, States are urged "to encourage the media to avoid stereotyping based on racism, racial discrimination, xenophobia and related intolerance". Article 147 in the Programme of Action refers to the observance of the international and

¹ Article 19, The global campaign for free Expression, Guide of Journalism, Phare, Project Bucharest, 1997, p.73.

regional standards of freedom of expression and freedom of opinion, calling upon States to take "all necessary measures to guarantee the right to freedom of opinion and expression", while detailing such measures in eight paragraphs: development of codes of conduct by the Internet service providers and self-regulatory measures against the dissemination of racist messages (para. a); adoption implementation of adequate measures for prosecuting those responsible for incitement to racial hatred or violence (para. b); organization of training courses for law enforcement authorities so that they be able to address the issue of dissemination of racist material through the new information and communication technologies (para. c); "denouncing and actively discouraging the transmission of racist and xenophobic messages" (para. d); "considering a prompt and coordinated international response to the rapidly evolving phenomenon of the dissemination of hate speech and racist material" (para. e); "encouraging access and use by all people of the Internet as an international and equal forum" (para. f); enhancing the positive contribution made by the new information and communication technologies "through replication of good practices in combating racism, racial discrimination, xenophobia and related intolerance (para. g); promotion of "adequate representation of different segments within societies at all levels of their organizational structure" to encourage reflection of the diversity of societies.

26. There is a subtle difference between justified discontent with a newspaper or a radio or TV programme and illegitimate pressure exerted on publishers and journalists. The capacity to identify this difference accurately is essential. As it cannot be defined by law, the only way of finding it is through experience.

27. There are many ways in which different groups can influence the mass media and the mass media in turn can learn to become more responsive to the public's concerns.

28. According to Claude-Jean Bertrand, the non-governmental means of ensuring the social responsibility of the press can be divided into four

categories. The first category aims at the long-term solution of most of the issues, namely education of the public and of journalists. It includes criticism, the oldest, easiest and most frequently used method monitoring and access to the mass media. It is "absolutely necessary" for every group to correct the errors and fill the gaps."

29. Among the wide range of monitoring tools of the mass media we may mention codes of ethics, journalists' associations, press committees that in some countries are made up of public representatives besides employers and journalists who monitor code compliance, "ethical audits" - organized for the editorial staff's awareness-raising about ethical principles and rules -, internal criticism or content-evaluation commissions, Japanese-style (Shinshashitsu) institutions consisting of a journalist team intended for daily content analysis in order to correct ethical errors, a part that in the USA is played by internal criticism, or ethics boards that are usually set up in editorial offices. Others are media columnists, a mass media criticism-trained journalist and critical magazines dedicated entirely to or about the mass media of a country or town, observer groups supported by NGO's for long-term monitoring studies, and research on mass media published in scientific journals or books.

30. Among the non-governmental means to ensure mass media social responsibility, more useful from Afro-descent viewpoint's groups seem to be contact committees that mediate the relationship between journalists and certain groups or institutions, facilitating mutual understanding of demands and finding compromises, on the one hand, and local press councils that allow for the expression of discontent and desires as well as for learning how the mass media functions by regular meetings of consumers and the management of media, on the other hand.

31. Press ombudsman institutions, which are gaining ever more ground on the North American and other continents are also in charge of

receiving the public's complaints inquiries or requests and issue the results.

32. Finally, other means to ensure the social responsibility of the mass media consist in different actions of organized and militant consumers whereby pressure can be exerted on mass media owners and legislators. These range from a newspaper, radio or TV boycott to letter campaigns and street demonstrations, but mainly consist of conferences, seminars and surveys and the establishment by minority groups of their own press, newsletters, local association stations and web sites.

33. Recognizing the positive potential and important role of the press, I numerous observers have often pointed to the appetite for sensational and negative news, the commercial nature of the information media, and the incitement to violence, racial hatred and discrimination that infringes equality and the democratic spirit, the principle of non-discrimination, and the rule of law characterized by respect for human rights, dignity and tolerance.

34. But, as J.P. Marthoz pointed out in his conclusions regarding the mass media at the International Seminar on Tolerance held in May 1995 in Bucharest, "a dispassionate examination of the media reveals that they are not simply made up of scandal sheets, gossip channels and rumour mills; in none of our countries is the market concerned exclusively with worthless programmes and the crudest headlines. It also rewards quality journalism - a craft that is courageous, independent and dignified and forms the linchpin of democracy".

35. Finally, the extent to which the mass media fulfils its responsibility to promote human rights depends on journalists' professionalism, publishers and employers' availability and the public's activism.

Acknowledging that the information media are legitimately subject to an economic logic does not mean that publishers, directors of publications and radio/TV stations have the right to derogate from

the responsibility that the mass media has in a democratic society. In selecting information and the manner in which the information is approached, it is their duty to commit themselves effectively, within the press enterprises they manage as well as the professional organizations to which they belong, to eliminate intolerant language and an intolerant spirit and to cultivate tolerance and respect for diversity in form and content.