

**An Coiste Comhairleach Náisiúnta  
ar Chiníochas agus Idirchultúrachas**

**National Consultative Committee  
on Racism and Interculturalism**

20 Harcourt Street, Dublin 2.

☎: (+353 1) 4785777

Fax: (+353 1) 4785778

Email: [nccri@eircom.net](mailto:nccri@eircom.net)

Website: [www.nccri.com](http://www.nccri.com)



# **Report of the Legal Advisory Group on Defamation**

**Submission by the National Consultative  
Committee on Racism and Interculturalism  
(NCCRI)**

**January 2004**

## **1. Introduction**

The NCCRI was established in 1998 as an independent expert body focusing on racism and interculturalism. The NCCRI is a partnership body which brings together government and non-government organisations.

Racism is a specific form of discrimination and exclusion based on the false belief that some ‘races’<sup>1</sup> are inherently superior to others because of different skin colour, nationality, ethnic or cultural background. Racism deprives people of their basic human rights, dignity and respect. There are different forms of racism in Ireland, including the racism experienced by minority ethnic groups, including the Traveller community.

The NCCRI welcomes the report of the Legal Advisory Group on Defamation, and in particular its recommendation that a statutory press council should be established with functions which would include the preparation of a press code of conduct and the investigation of complaints concerning the alleged breaches of that code.

This submission relates to the role and composition of the proposed press council.

## **2. Role of the Media**

The media has both a positive and a negative role to play in fighting racism and promoting interculturalism in Ireland. The deliberate defamation of a particular group has demonstrated links with racist violence and racist crime, in Ireland one of the most illustrative examples of this in recent years has been the experiences of asylum seekers. The media has an important role in addressing processes of labelling and misinformation, as well as in promoting respect for diversity.

In its work the NCCRI has come across numerous examples of both the negative and positive role the media can play in the lives of members of minority ethnic groups in Ireland.

The NCCRI recognises that responsibility for accurately and fairly representing minority ethnic groups in media extends beyond individual journalists. As Nuala Haughey writes:

The responsibility to cover developments in the refugee/asylum/’race’ area ethically and fairly extends from the media owners to individual journalists, politicians and policy-makers, officials, trade unionists, NGOs, the Churches and the public, including minority ethnic groups. We each have a role and an obligation to fulfil it.<sup>2</sup>

## **3. Membership of the Press Council**

The NCCRI welcomes the proposal to establish an independent Press Council on a statutory basis. We note with interest the Advisory Group’s recommendation that the

---

<sup>1</sup> The term ‘race’ has been used in the past in an attempt to rank people according to physical and biological criteria. Nowadays, ‘race’ is often written in inverted commas to underline the difficulty in defining that term.

<sup>2</sup> Haughey, Nuala (2001) ‘The Media and Racism’, in Farrell, F. and Watt, P. (eds.) Responding to Racism in Ireland, Dublin: Veritas, p.136

membership of the Council should be representative of the interests of members of the public as readers. The NCCRI would recommend a selection procedure whereby membership of the Council would be comprised of representatives of the relevant publications and wider civil society, including minority ethnic groups. This selection procedure should be independent and take into account the wide variety of relevant interests.

As the NUJ states in its submission on the Report of the Legal Advisory Group on Defamation: 'there must be genuine public participation in the Press Council, with representatives of civic society who can challenge the assumptions of the media practitioners'.

#### **4. Role of the Press Council**

The NCCRI wishes to highlight the importance of three key elements related to the forthcoming role of the Press Council: drafting a code of conduct, instigating a complaints procedure and supporting diversity.

*a. Code of Conduct:* The NUJ code of conduct and guidelines on race reporting states that 'a journalist shall either originate nor process material which encourages discrimination, ridicule, prejudice or hatred', however not all journalists are members of the NUJ, and the experience of the NCCRI demonstrates that an enforceable code of conduct which includes a focus on minority ethnic groups, including the Traveller community, remains a priority for the Irish media.

The NCCRI particularly welcomes paragraph 54.1.b.iv of the General Scheme of a Defamation Bill, 2003 which refers to standards in dealing with matters such as race, colour, nationality, ethnic or national origin or membership of the Traveller community.

The mandate of the Press Council should include a focus not only on drafting, but also on the implementation of the code of conduct. A core element of which would necessarily be a complaints procedure, where individuals, groups and organisations could highlight alleged breaches of the code.

The NCCRI would welcome the inclusion of a time frame for the preparation and finalisation of the code of practice, as well as clarification with regard to the implementation of the complaints mechanism will come into effect.

*b. Complaints Procedure:* The NCCRI has been active in calling for an independent complaints procedure for dealing with complaints against the media. It should be within the power of the Council to make public statements on both individual complaints as well as to identify broader trends which it deems to be of concern. Given recent concern about the use of the Internet as a medium for promoting racist views the NCCRI welcomes the recommendation that specific provision should be made to deal with Internet service providers.

The NCCRI supports the proposal that it would be possible for individuals and organisations not directly effected by the complaint to bring it to the attention of the Press Council.

The NCCRI would propose a further consultation process with members of the public as readers, about the structure of a complaints procedure. We note with interest the proposal by a number of submissions favouring the creation of the post of Ombudsman. With regard to the outcomes of a complaints procedure mechanism which could be considered include: public statements, fines, printing of apologies/retractions, clarification, or anti-racism and equality training.

*c. Promoting Respect for Diversity:* The Press Council should have an important role to play in promoting respect for diversity in Ireland. Key tools could include guidance and good practice for the promotion of diversity including the participation of minority ethnic journalists in the media. .

For further information contact: Anna Visser, Research & Policy Officer, NCCRI, Tel: 01 4785777, Email: [avisser@eircom.net](mailto:avisser@eircom.net)