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ar Chiníochas agus Idirchultúrachas

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Submission on Press Council

**National Consultative Committee on
Racism and Interculturalism (NCCRI)**

March 2006

The National Consultative Committee on Racism and Interculturalism (NCCRI) welcomes the Government's decision to establish a Press Council in Ireland as part of the process of reforming the legislation on defamation. The NCCRI further recognises that the establishment of Press Council is a delicate task that requires the balancing the freedom of the Press, yet ensuring that such freedom is used responsibly and that vulnerable groups are protected.

The NCCRI presents this submission as a contribution to the discussion. Further submissions may be made once the forthcoming Defamation Bill, enabling the establishment of a Press Council, is published.

1. Role of the NCCRI

The National Consultative Committee on Racism and Interculturalism (NCCRI) was established in 1998 as an independent expert body focusing on racism and interculturalism. The NCCRI is a partnership body which seeks to build on consensus by bringing together government and non-government organisations. The NCCRI is funded by the Department of Justice, Equality and Law Reform, the European Union, and through research grants. Further information can be found at www.nccri.ie.

2. Role of the Irish Media

The media play a crucial role in reporting issues related to ethnic and cultural diversity in Ireland. Most of this coverage is informative balanced and in the public interest and the general standard of journalism in Ireland is of a good standard.

In comparison to many other countries, surveys consistently show that there are high levels of newspaper/current affairs readerships levels in Ireland which is an important dimension to maintaining active public debate in a democracy.

However, there have been documented concerns, including concerns highlighted by journalists themselves, of irresponsible media, reporting. Some of this reporting tends to label particular communities and in the worst cases, has verged on incitement to hatred.

The respected journalist Andy Pollak, formerly of the Irish Times has raised such concerns. In relation to newspaper coverage of the refugee issue, Pollak presents an:

“embarrassing litany of sloppy, sensationalist and sometimes mischief-making reporting and sub-editing”

found in various newspapers, and he fears that such reporting has pandered to:

“the most fearful and xenophobic strands in our island people's character.”¹

A report on the European media for the European Monitoring Centre on Racism and Xenophobia (EUMC) found that with the rising numbers of refugees and asylum seekers in Ireland, media coverage grew and negative terminology in newspaper headlines

¹ Pollak, A. (1999), *An invitation to racism? Irish daily newspaper coverage of the refugee issue*, in Kiberd, D. (ed) *Media in Ireland*, Open Air Four Courts Press, Dublin.

became more explicit.² Coverage of the Traveller community is also highlighted as an area of concern. This report recommended:

“continuous monitoring... of enforcement of recommendations and guidelines that deal with treatment of minorities in the media...”

The NCCRI carry out some press monitoring and also record complaints of racist incidents from NGOs and members of the public. Frequently reports relate to concerns about irresponsible commentary in the media, most notably the some sections of the tabloid press.

For example, the press coverage in 2005 of the Padraig Nally murder trial and sentencing for the killing of a Traveller, John Ward, was a cause for concern. While some of the media comment and reporting was fair and balanced, a significant proportion of reporting on the case was inadequate or lacking balance. Some of the media coverage verged on incitement to hatred as newspapers sought to out-do one another in demonising and scapegoating Travellers. This largely went unchecked and unchallenged.³

Furthermore, the recent issues arising internationally, and to an extent in Ireland, following the publication of cartoons offensive to Muslims, demonstrate the importance of a regulatory and monitoring body for the press.

Currently, the main guidelines for the media are voluntary guidelines issued by the National Union of Journalists (NUJ) on “race reporting” and specific guidelines on reporting the Traveller community. The guidelines are cognisant of the risk that the media can exacerbate inter-community tensions and advise their journalists to minimise that risk. The “race reporting” guidelines from the NUJ further state that letters, columns or phone-in programmes should not be used to spread racial hatred in any guise.

Unfortunately these guidelines, as voluntary guidelines, are often ignored. The NUJ's primary role is to act as a trade union; therefore there is a need for a separate organisation, with appropriate statutory authority to monitor the press in relation to racism.

3. National Action Plan Against Racism

The issue of media and racism is covered in the National Action Plan Against Racism (NPAR). One of the objectives of the NPAR is ‘Recognition’ and an outcome of this objective is stated as “Work with the media to combat racism, promote interaction and to raise awareness and understanding of cultural diversity.”

The NPAR notes that the media has played an important role in raising awareness of cultural diversity and racism in Ireland and reporting issues that are in the public interest. However, the NPAR also expresses concern at irresponsible media reporting and notes that the key challenge is to ensure the media continues its public interest reporting while

² Quinn, G. & O Mailan, C. (2002), *Ireland*, in ter Wal, J. (ed), *Racism and Cultural Diversity in the Mass Media*. Available at: www.eumc.int.

³ For further analysis see: NCCRI (2005) *Media Review* in *Spectrum*, the Journal of the NCCRI. Available at: www.nccri.ie.

at developing appropriate and agreed mechanisms to complain and to provide redress for irresponsible reporting.

One possible solution outlined in the NPAR is to use the proposed Press Council, indicated in the Programme for Government, and the Report of the Legal Advisory Group on Defamation.

4. Legal Advisory Group on Defamation⁴

The Legal Advisory Group on Defamation recommended the establishment of a Press Council, on a statutory footing, with maximum independence and the ability to regulate its own practice and procedure. It also recommended that the Press Council develop a Code of Conduct and that such a code include standards in dealing with matters such as gender, marital status, family status, sexual orientation, religion, age disability, 'race', colour, nationality, ethnic or national origin or membership of the Traveller community.

The Press Council was also envisaged as having the authority to investigate complaints in respect of alleged breaches of the Code of Conduct. Furthermore, it was recommended that the Council be able to direct the publication concerned to undertake remedial measures, which could include publishing the substance of the Council's decision, publishing a correction of inaccurate facts or information, and publishing a retraction.

The NCCRI support the role of the Press Council as outlined in the National Action Plan Against Racism and as recommended by the Legal Advisory Group on Defamation. There is an urgent need for a statutory body to develop the necessary guidelines for the press and to handle complaints against the press when such guidelines are breached.

5. Concerns and Next Steps

The NCCRI understands that the forthcoming Defamation Bill will enable the Government to recognise a Press Council that is established by interests in the media industry. The NCCRI recognises that such a model meets the Government's wish to preserve freedom of the press; however the NCCRI is concerned that such a model may not be robust enough to combat irresponsible media, particularly in relation to minority ethnic groups.

In this context we are particularly concerned about the following:

- a) Membership of the Press Council.** The composition of the Press Council should be wider than stakeholders in the press and people of concern with outside interests should be appointed. We would further urge that such outside representatives would not be appointed by the press. For example, the Government might consider appointing representatives from bodies ensuring protection for vulnerable groups, such as the Irish Human Rights Commission, the Equality Authority or the NCCRI to be considered as members of the Press Council.

⁴ Department of Justice Equality and Law Reform (2003), *Report of the Legal Advisory Group on Defamation*. Available at: [www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XFDSZ-en/\\$File/rptlegaladgpddefamation.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ5XFDSZ-en/$File/rptlegaladgpddefamation.pdf)

- b) The Code of Conduct.** The NCCRI urges that a Code of Conduct along the lines proposed by the Legal Advisory Group on defamation is developed in parallel with the Press Council and that recognition of a Press Council is made contingent on an adequate Code of Conduct being developed. This Code of Conduct should be developed after a period of public consultation. The Press Council should also have the ability to handle complaints against the Press.

- c) Other Models.** The NCCRI urges that a wide range of models of press councils might be considered in the form of a Green Paper for public consultation rather than proposing one model, as we have concerns that the proposed model will be insufficiently independent and robust to address the areas of concern we have raised here.

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