European Commission against Racism and Intolerance: Media Provisions in New Country Reports on Racism

IRIS 2009-5:1/4

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On 24 February 2009, the European Commission against Racism and Intolerance (ECRI) made public its latest reports on Bulgaria, Hungary and Norway, adopted in the fourth round of its monitoring of the laws, policies and practices to combat racism in the Member States of the Council of Europe (for commentary on earlier reports, see IRIS 2008-4: 6, IRIS 2006-6: 4 and IRIS 2005-7: 3).

In respect of Bulgaria, ECRI encourages the State authorities to "make the media aware, without undermining their editorial independence, of the need to ensure that the information they provide does not help to breed a climate of hostility towards members of ethnic and religious minorities" (para. 106). It also recommends that the authorities support media initiatives to achieve this goal, including through making resources available for training in issues relating to human rights and racism. It calls for maximum efforts to "prosecute and punish members of the media who incite racial hatred". Lastly, in this connection, it recommends that the Bulgarian authorities provide the Electronic Media Council with the means (i.e., personnel and funding) to use training and other measures to heighten its members' awareness of issues relating to racism (para. 107).

ECRI's recommendations in respect of Hungary focus primarily on the need to "keep the adequacy of the criminal law provisions against racial expression under review" (para. 13). It "strongly recommends" adherence to relevant international standards, including ECRI's General Policy Recommendation (GPR) No. 7 on national legislation to combat racism and racial discrimination. GPR No. 7 advocates the penalisation of a range of offences, including public incitement to violence, hatred or discrimination. To the extent that the adoption of such penal measures would affect the right to freedom of expression, guidance should be sought from Article 10 of the European Convention on Human Rights and relevant case-law of the European Court of Human Rights. ECRI also recommends the adoption of measures to raise awareness of relevant international standards among the Hungarian judiciary. It also recommends that Hungary ratify the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (para. 16).

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ECRI's recommendations to the Norwegian authorities are largely similar to those made to their Bulgarian and Hungarian counterparts:

- improve legislative protection against racist expression (para. 15)

- raise awareness of (the implications of) legislative changes regarding racist expression among police and public prosecutors (para. 15)

- raise awareness of relevant international standards among the judiciary (para. 16)

- "keep the adequacy of the criminal law provisions against racial expression under review" in a way that is mindful of the specific provisions of GPR No. 7 (para. 17)

- increase efforts to "counter" racist expression online, including by "bringing those responsible for any offences to justice" (para. 18)

- "impress on the media, without encroaching on their editorial independence, the need to ensure that the method of reporting does not contribute to creating an atmosphere of hostility and rejection towards members of any minority groups" (para. 90)

- involve the media and relevant civil society organisations in discussions on how this goal could best be achieved (para. 90).

ECRI Report on Bulgaria (fourth monitoring cycle), adopted on 20 June 2008

http://www.coe.int/t/dghl/monitoring/ecri/default_EN.asp?

ECRI Report on Hungary (fourth monitoring cycle), adopted on 20 June 2008

http://www.coe.int/t/dghl/monitoring/ecri/default_EN.asp?

ECRI Report on Norway (fourth monitoring cycle), adopted on 20 June 2008

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