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## THE CONSULTATION ON THE EDITORS' CODE OF PRACTICE

### MEND SUBMISSION

## The Consultation on the Editors' Code of Practice

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### A Submission from Muslim Engagement and Development (MEND)

March 2020

#### MEND's contribution to the consultation

This submission from Muslim Engagement and Development (MEND) seeks to examine how the current Editors' Code of Practice may be best improved in order to provide appropriate guidelines for a press that is integral in shaping the socio-political landscape in the UK.

MEND is a community-funded organisation that seeks to encourage political, civic, and social engagement within British Muslim communities through empowering British Muslims to interact with political and media institutions effectively. Our approach to achieving this involves a combination of community engagement (through education, community events, local campaigns to encourage voting etc.) and advocacy work (involving victim support, submissions to parliamentary inquiries, media analysis, election resources, briefings etc.).

In conducting research for our submission to the House of Lords Select Committee inquiry into citizenship and civic engagement,<sup>1</sup> MEND noted that one of the most significant barriers faced by Muslim communities was felt to be a toxic atmosphere of hatred that is fuelled and maintained by the effects of stereotyping, misrepresentation, and stigmatising discourse in print and online media. Indeed, studies have shown that, with 21 negative references to Muslims within the British press for every single neutral or positive reference,<sup>2</sup> the media plays an integral role in spreading prejudice, stereotypes, and xenophobic views of British Muslims. These negative representations of Muslims are incredibly detrimental to community cohesion and the subsequent ability of British Muslims to fully participate and engage as equal members of society.

Considering MEND's expertise in how Islamophobia manifests itself within public discourses and the impacts that it has on minority communities, MEND hopes that its contribution to this consultation will provide valuable insights in guiding a free and accountable press.

#### The importance of accountability

Newspapers have an exceptionally difficult role in holding powerful individuals, organisations, and institutions to account; reporting on newsworthy items; and acting as a representative voice for wider society. However, the sizeable role of newspapers and their large readership means that problems of misreporting can have a profound impact on vulnerable communities. Therefore, the need to balance journalistic freedom and free speech with accountability and mechanisms to deter misreporting is of prime importance.

In the fast-paced world in which we live, the majority of the public lacks the time and resources to thoroughly research, critically analyse, and evaluate every article that they read. Therefore, the British press has considerable power over the public narratives and perceptions surrounding important issues. As such, the repetitive negative misrepresentation of a

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<sup>1</sup> "MEND submission to the House of Lords Select Committee Hearing on Citizenship and Civic Engagement", MEND, September 8, 2017, accessed 20.06.2018, [https://mend.org.uk/wp-content/uploads/2017/09/MEND-Submission-to-the-House-of-Lords-Select-Committee-Hearing-on-Citizenship-and-Civil-Engagement\\_v1.pdf](https://mend.org.uk/wp-content/uploads/2017/09/MEND-Submission-to-the-House-of-Lords-Select-Committee-Hearing-on-Citizenship-and-Civil-Engagement_v1.pdf)

<sup>2</sup> See Baker, Paul, Costas Gabrielatos, and Tony McEnery. *Discourse analysis and media attitudes: the representation of Islam in the British Press*. Cambridge: University Press, 2013.

particular community by newspapers inevitably results in distorted understandings and, ultimately, the fostering of prejudices. Consequently, there must be full recognition of the role of the press in cultivating and maintaining narratives that negatively affect vulnerable members of society.

Indeed, numerous polls have shown that the British public derives much of its information from the media and is generally quite ill-informed about the Islamic faith and Muslims. A YouGov poll conducted in 2018 by the Muslim Council of Britain (MCB) found that of the 1,629 Britons surveyed 90% had not been inside a mosque in recent years.<sup>3</sup> Another poll conducted by YouGov in 2002 found that of the Britons surveyed 74% knew “nothing or next to nothing about Islam” and 64% stated that what they did know was “acquired through the media”.<sup>4</sup> In 2018, MEND’s commissioned ComRes poll found that the majority of Britons also agreed that the mainstream media was a key source in perpetuating Islamophobia in our society.<sup>5</sup>

Considering the overly negative representation of minorities and British Muslims within the British press, the media’s significant role in forming public understanding has detrimental impacts which are acutely felt by minority social, ethnic, and religious communities, and Muslims in particular. Certainly, the public power of newspapers (estimated to reach nearly half of the UK population)<sup>6</sup> is a central mechanism in contributing to societal norms and perceptions. As such, it should perhaps be even more concerning that negative perceptions are arguably often being fed to the public in a calculated method to drive profit. This was noted by the Chair of the Ethics Council at the National Union of Journalists, Professor Chris Frost, who highlighted to the Home Affairs Select Committee during an evidence session in 2018 that “one of the best ways to sell newspapers... is to raise issues of fear... pick a group... an ‘other’ group... at the moment a good one is Muslims”.<sup>7</sup>

The level of bias, misinformation, and distortion within reporting on British Muslims has thus fostered a sense of distrust of media institutions amongst sections of Muslim communities, and it appears that for some individuals has led to a disengagement from traditional media. Moreover, it creates a sense of suspicion and unwillingness to engage even with journalists who may genuinely wish to represent an honest and nuanced understanding of the issues facing these communities.

This frustration in the face of misrepresentations and stereotypes is also often accompanied by a sense of frustration and insecurity with regards to British Muslims’ perceived place and value in society. Furthermore, the culmination of distorted images and the ultimate impact on public understanding of Muslims and Islam can only lead to severe damage to the relationships between Muslims and wider communities. Misunderstandings fuelled by media distortion have a variety of consequences, including, but not limited to:

### *Hate Crime*

As concluded by the European Commission against Racism (ECRI) there is a link between bias media reporting and the vulnerability of minority communities, with the ECRI recommending that “the media to take stock of the importance of responsible reporting, not only to avoid perpetuating prejudice and biased information, but also to avoid harm to targeted persons or vulnerable groups,” and noting that, “in light of the fact that Muslims are

<sup>3</sup> “90% of people haven’t been inside a mosque – change that this weekend!” *Muslim Council of Britain (MCB)*, February 13, 2018, accessed 20.06.2018, <http://www.mcb.org.uk/90-of-people-havent-been-inside-a-mosque-change-that-this-weekend/>.

<sup>4</sup> Chris Allen, “A review of the evidence relating to the representation of Muslims and Islam in the British media”, *University of Birmingham*, October 24, 2012, accessed 20.06.2018, <https://www.birmingham.ac.uk/Documents/college-social-sciences/social-policy/IASS/news-events/MEDIA-ChrisAllen-APPGEvidence-Oct2012.pdf>

<sup>5</sup> “MEND – Islamophobia Poll October 2018”, ComRes, October 2018. Accessed: March 20<sup>th</sup>, 2020. <https://www.comresglobal.com/wp-content/uploads/2018/10/MEND-Islamophobia-Poll-October-2018-1.pdf>

<sup>6</sup> Dominic Ponsford, “Pamco figures show 25m reading a UK newspaper (or its website) every day”, *Press Gazette*, March 2019. Accessed: March 19<sup>th</sup>, 2020. <https://www.pressgazette.co.uk/uk-newspaper-and-website-readership-2018-pamco/>.

<sup>7</sup> “Oral Evidence: Hate crime and its violent consequences”, *Home Affairs Select Committee*, February 2018. Accessed on: 19/07/2019. <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/hate-crime-and-its-violent-consequences/oral/78630.pdf>

increasingly under the spotlight as a result of recent Isis-related terrorist acts around the world, fuelling prejudice against Muslims shows a reckless disregard, not only for the dignity of the great majority of Muslims in the United Kingdom, but also for their safety.”<sup>8</sup>

Certainly, this warning has been echoed by academic studies, such as those found in Monish Bhatia, Scott Poynting, and Waqas Tufail’s *Media, Crime and Racism*,<sup>9</sup> which explore the tangible and violent impacts on communities when media representations are used to racialise crime and criminalise minorities.

Meanwhile, recognising the unambiguous link between media representations and public perceptions, Rt Hon Baroness Warsi Of Dewsbury, giving evidence to the Home Affairs Select Committee on Hate Crime and its Violent Consequences on the impact of media representation on hate crime, noted that “There is evidence to show that this does play into the way people react on the street, the kind of things people quote back when they engage in hate crime”.<sup>10</sup> Indeed, in the month following the result of the June 2016 referendum, Home Office statistics detailed a 44% rise in racially or religiously aggravated offences compared to the same month the previous year,<sup>11</sup> with the University of Leicester Centre for Hate Studies noting how the rise in such hate incidents had been “fuelled and legitimised by politicians and by the media”.<sup>12</sup>

### *Discrimination*

With the media’s significant outreach and role in shaping public perceptions, stereotypes of Muslims infiltrate the biases of employers and result in patterns of workplace discrimination that have a vastly detrimental impact to Muslims’ ability to fully realise their potential in the labour market. Indeed, discrimination on account of employer attitudes were uncovered by BBC’s *Inside Out*, which found that CVs submitted under a non-Muslim name were three times more likely to be offered an interview than those with a Muslim name.<sup>13</sup> Meanwhile, research has also shown that 1 in 8 Pakistani women has been illegally asked about marriage and family aspirations in job interviews, compared to 1 in 30 white women, demonstrating the levels of preconceived bias and racially and religiously shaped assumptions that Muslim women face.<sup>14</sup>

### *Marginalisation*

The fuelling of public misconceptions surrounding scapegoated communities (in this case, Muslims) often culminates in public misunderstandings and calls for restrictions, punitive laws, and the curtailment of their civil liberties and freedoms.<sup>15</sup> This can readily be seen in issues surrounding areas such as education (debates surrounding hijab in schools), integration (including issues inherent within the Ministry of Housing, Communities, and Local Government’s “Integrated Communities Strategy Green Paper”), and security (such as the Counter-Terror and Border Security Act 2019).

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<sup>8</sup> Lizzie Dearden, “The Sun and Daily Mail Accused of ‘Fuelling Prejudice’ in Hate Crime Report,” *The Independent*, October 8, 2016, <https://www.independent.co.uk/news/media/press/the-sun-and-daily-mail-fuelling-prejudice-racist-violence-hate-crime-speech-uk-ecri-report-a7351856.html>

<sup>9</sup> Monish Bhatia, Scott Poynting, and Waqas Tufail, eds., *Media, Crime and Racism* (S.I.: PALGRAVE MACMILLAN, 2019)

<sup>10</sup> “Oral Evidence: Hate crime and its violent consequences”, *Home Affairs Committee*, February 20, 2018, accessed 20.06.2018, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/hate-crime-and-its-violent-consequences/oral/78630.pdf>

<sup>11</sup> Full Fact Team, “Hate Crime in England and Wales,” Full Fact, October 17, 2017, accessed June 20, 2018, <https://fullfact.org/crime/hate-crime-england-and-wales/>

<sup>12</sup> “Politicians and Media Fuel Hate Crime in Britain, Say University of Leicester Experts,” University of Leicester, June 29, 2016, <https://www2.le.ac.uk/offices/press/releases/2016/june/politicians-and-media-fuel-hate-crime-in-britain-2019-say-university-of-leicester-experts>

<sup>13</sup> Zack Adesina and Oana Marocico, “Is It Easier to Get a Job If You’re Adam or Mohamed?” BBC News, February 06, 2017, accessed May 10, 2018, <http://www.bbc.co.uk/news/uk-england-london-38751307>

<sup>14</sup> Siobhan Fenton, “6 Charts Which Show the Employment Barriers Faced by British Muslims,” *The Independent*, August 11, 2016, accessed May 10, 2018, <https://www.independent.co.uk/news/uk/home-news/muslims-more-likely-to-be-unemployed-than-any-other-social-group-in-the-uk-mps-warn-a7185451.html>

<sup>15</sup> Richardson, “Islamophobia or anti-Muslim racism...”

## MEND's recommendations

### *Summary of recommendations:*

#### **Preamble:**

- The code should specify that the regulator has the power to require apologies where appropriate and direct the size and placement (the prominence) of these apologies.
- The code should specify that corrections and adjudications should be published with equivalent prominence to the original code-breach, not “due prominence”.
- The code should specify that third party complaints are to be considered under all causes of the code.

#### **Clause 1 (Accuracy):**

- The code should continue to incentivise member publishers to self-correct significant inaccuracies promptly but should specify that such corrections must be of equivalent prominence to the breach.
- The code should be amended to make clear that comments given within inverted commas as quotes should be direct quotes from the source, and not depend on subjective interpretations of summaries of what was said.
- The code should be amended to require opinion articles to be held to the same level of accuracy and avoidance of discrimination as other forms of reporting.

#### **Clause 12 (Discrimination):**

- The code should be amended to provide protection against group discrimination.
- The code should be amended to require opinion articles to be held to the same level of accuracy and avoidance of discrimination as other forms of reporting.

#### **Additional clauses:**

- The code should be amended to encourage responsible reporting regarding terrorist incidents. This must include avoiding glamorising perpetrators; prohibiting the publication of terrorist materials and propaganda; and responsible publication of photographs of victims.

#### **Public interest guidance:**

- The code should be amended so that, in line with the guidance of the courts, the public interest guidance gives the same weight to the right to privacy as it gives to freedom of expression.

### **Preamble**

IPSO rules do not empower the body to require apologies of publishers, even where the newspaper is found in breach of the code and the complainant desires one. Instead, IPSO can only award adjudications, which correct the record. In some cases, these are appropriate as in the case of factual inaccuracies about a public matter. However, with respect to other breaches, such as discrimination for example, there is no need to “correct the record” as there has not been a factual inaccuracy. Rather, it would be more appropriate for the victim of the discrimination to be entitled to an apology.

Ostensibly this is a matter for IPSO's rules and regulations. However, a clause in the code's Preamble dictating the power to award apologies may encourage IPSO's rules to be updated to support this power.

Similarly, the corrections demanded by IPSO for breaches in the editor's code of practice are typically severely delayed and far less prominent than the original inaccuracy. This is especially so where the whole story is false, or the headline is part of the breach. A case in point is that IPSO has never ordered a front-page correction for a front-page breach in a national newspaper. As a consequence, even successful complaints are frequently redundant.

An example of this can be found in IPSO's dealing with the Sun in 2015. In November 2015, the Sun published a front-page story with the misleading and inflammatory headline *1 in 5 Brit Muslims' sympathy for jihadis*. This article was run ten days after the Bataclan terrorist attack, during a time when British and European Muslims were experiencing heightened suspicion and hostility. The article was proven to have been radically inaccurate and misrepresentative of the poll it was citing. The polling company itself condemned the way that the Sun interpreted and used its findings.<sup>16</sup>

Four months after complaints were brought to IPSO, the publication was required to print a short piece buried on page 2 with the vague title "Ipsos ruling is upheld", in which the nature of the complaint was obscured. Given the original headline's prominence and its deeply misleading and damaging potential impact, this failure to demand a correction of equal prominence in a timely fashion did nothing to mitigate the social damage of the piece, nor did it encourage improved future journalistic practices.

Once again, while this is primarily an issue regarding IPSO's rules and regulations, a clause in the code's Preamble requiring corrections and adjudications (as well as apologies) to be given *equivalent* prominence as opposed to *due* prominence may encourage IPSO's rules to be updated to support that power.

Finally, IPSO's regulations state that "The Regulator may, but is not obliged to, consider complaints... from a third party seeking to correct a significant inaccuracy of published information. In the case of third party complaints the position of the party most closely involved should be taken into account."<sup>17</sup> However, there are occasions where breaches involve clauses beyond accuracy that should be addressed but cannot be done so by the individual most affected (for example, in cases of discrimination where the victim is unconscious). Therefore, the code should be amended to specify that third party complaints are to be considered under all causes of the code.

Moreover, while it is outside of the remit of the code itself, note should also be made of the ways in which third party complaints are handled. The current specification of "a significant inaccuracy" combined with specific requirements regarding written consent, obstruct complaints being considered. The result of these conditions is that, even though there is technical provision for third party complaints on the grounds of accuracy, the practical reality is vastly different. If the code were to be strengthened to include third party complaints under all causes of the code, it may act as a catalyst for similar strengthening and re-examinations of IPSO's regulations and complaints procedures.

### *Recommendations:*

- The code should specify that the regulator has the power to require apologies where appropriate and direct the size and placement (the prominence) of these apologies.

<sup>16</sup> "Statement on Survation's Poll of Muslims for The Sun", *Survation*, accessed 10.01.2017, <http://survation.com/statement-on-survations-poll-of-muslims-for-the-sun/>

<sup>17</sup> "Complaints Committee Handbook," IPSO, accessed March 26, 2020, [https://www.ipsos.co.uk/media/14666/handbook\\_aug17.pdf](https://www.ipsos.co.uk/media/14666/handbook_aug17.pdf)

- The code should specify that corrections and adjudications should be published with *equivalent* prominence to the original code-breach, not “due prominence”.
- The code should specify that third party complaints are to be considered under all causes of the code.

### Clause 1 (Accuracy)

Firstly, under Clause 1 of the code, newspapers correctly have the opportunity to avoid facing a breach after committing even a significant inaccuracy if they can show that they acted swiftly to remedy the breach appropriately: “A significant inaccuracy, misleading statement or distortion must be corrected, promptly and with due prominence”. However, “due prominence” affords IPSO too much discretion regarding what constitutes acceptable prominence. As with the above case of the Sun’s *1 in 5 Brit Muslims’ sympathy for jihadis*, there have been many instances where the remedy has been far smaller and with a far less prominent placement than the original story, consequently making it impossible to achieve visibility to an audience that is equal to that of the original breach. As such, the code should continue to incentivise member publishers to self-correct significant inaccuracies promptly but should specify that such corrections must be of equivalent prominence to the breach.

Secondly, regarding quotations, the code has been seriously weakened by how IPSO has chosen to apply it. An example of this can be found in the Belcher case, in which the Sunday Times newspaper attributed a quote to transgender parents.<sup>18</sup> As the complaint developed, it became evident that no evidence existed of the quote being used. IPSO still found no breach arguing that it found that the quote “summarised” views expressed by the parents.<sup>19</sup> However, the reality was that the quote was radically different in tone and language to the various examples upon which the Sunday Times had relied.

The reporting accuracy of quotes is important for individuals as well as groups of people. The Defamation Act rightly sets a high threshold on legal action, which requires “serious harm”.<sup>20</sup> This currently leaves any misquote which does not cause “serious harm” but which can still cause a substantial negative impact a person’s life without any means for recourse. Strengthening the accuracy clause within the code would reflect the need for responsible and accountable reporting.

Finally, the media plays a valuable role in providing a platform for healthy democratic debate. However, there must be a distinction between fact and opinion. Comment pieces within print and online media news outlets are frequently replete with heavily distorted or invented ‘facts’ or opinions that are presented as fact. As such, content that presents itself as objectively authoritative must be held to the same requirements of accuracy as any other news item.

To give one example of a current vacuum in protection against opinions masquerading as news, pieces titled as ‘opinion’ are currently exempt from many of the clauses contained in IPSO’s editors’ code of practice. Combined with a lack of protection against group discrimination, this lack of oversight has led to authors such as Trevor Kavanagh being permitted to discuss the “Muslim Problem”;<sup>21</sup> no remedy for the Fatima Manji case;<sup>22</sup> and Rod Liddle being free to argue that “there is not nearly enough Islamophobia within the Tory party”<sup>23</sup> and to urge suicide bombers to blow themselves up in Tower Hamlets, which he

<sup>18</sup> “Press complaints-handler’s credibility falls to new low: IPSO fails to find “made-up” quote incorrect”, Hacked Off, press release, April 2019. Accessed: March 26<sup>th</sup>, 2020. <https://hackinginquiry.org/press-complaints-handlers-credibility-falls-to-new-low-ipso-fails-to-find-made-up-quote-inaccurate/>

<sup>19</sup> “07454-18 Belcher v The Times”, IPSO, March 2019. Accessed: March 26<sup>th</sup>, 2020. <https://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=07454-18>

<sup>20</sup> Defamation Act 2013, Legislation Gov. Accessed: March 26<sup>th</sup>, 2020. <http://www.legislation.gov.uk/ukpga/2013/26/contents/enacted>

<sup>21</sup> “The Sun Cleared over ‘Muslim Problem’ Trevor Kavanagh Article,” BBC News (BBC, November 23, 2017), <https://www.bbc.co.uk/news/uk-42102361>

<sup>22</sup> Decision of the Complaints Committee 05935-16 Manji v The Sun, IPSO, accessed 10.01.2018, <https://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=05935-16>

<sup>23</sup> Rod Liddle, “Why Boris is wrong about burkas”, *The Spectator*, August 2018. Accessed: 13<sup>th</sup> September 2019. <https://www.spectator.co.uk/2018/08/why-boris-is-wrong-about-burkas/>

described as being a “decent distance from where the rest of us live”.<sup>24</sup> It is also worth considering the ramifications of such statements if they were applied to other communities. For example, it is unlikely that a newspaper would be free to discuss the “Jewish Problem”, nor argue that “there is not nearly enough anti-Semitism within the Tory party”. Were a newspaper to print such vitriol, it would, quite rightly, not be tolerated and one would hope it to be instantly condemned, with both publisher and author experiencing severe punitive measures. There thus exists a double standard which requires correction if perceptions of bias in press regulation are to be ameliorated.

### *Recommendations:*

- The code should continue to incentivise member publishers to self-correct significant inaccuracies promptly but should specify that such corrections must be of equivalent prominence to the breach.
- The code should be amended to make clear that comments given within inverted commas as quotes should be direct quotes from the source, and not depend on subjective interpretations of summaries of what was said.
- The code should be amended to require opinion articles to be held to the same level of accuracy and avoidance of discrimination as other forms of reporting.

### *Clause 12 (Discrimination)*

A major source for concern regarding responsible reporting and the impact of bias reporting on minority communities can be found in the inability for the current code to properly address issues of group discrimination. Indeed, the discrimination clause does not allow complaints to be brought by groups. Therefore, whilst newspapers are rightfully restricted from discriminating against individuals, the misrepresentation of entire groups is prolific and a practice that remains unaddressed by the current code.

Certain segments of the press have acquired a notable reputation for discrimination and abuse against minority communities, thus sowing Islamophobia, xenophobia, and racism into the milieu of British society. As but two examples, The Sun and The Daily Mail have both been singled out for criticism by the European Commission against Racism and Intolerance (ECRI).<sup>25</sup> The ECRI accused the Daily Mail, of playing a “prominent role in encouraging prejudice” against vulnerable groups, whilst also reporting that both the Daily Mail and the Sun “are responsible for most of the offensive, discriminatory and provocative terminology”. Concluding that “hate speech in some traditional media continues to be a serious problem”,<sup>26</sup> the report highlighted articles such as the Sun’s *Rescue boats? I’d use gunships to stop migrants*, in which the columnist, Katie Hopkins, likened migrants to cockroaches, and also highlighted The Sun’s front-page headline *1 in 5 Brit Muslims’ sympathy for jihadis*. Meanwhile, in 2017, the Daily Mail was banned as a reliable source on Wikipedia due to its “reputation for poor fact checking and sensationalism”.<sup>27</sup> The United Nations Refugee Agency (UNHCR) similarly pointed to the questionable journalism of the Sun and the Daily Mail, arguing that, “The two right wing tabloids in our sample, the Daily Mail and Sun, were unlike anything else in our study... what really differentiated these two titles was their aggressive editorialising around threat themes, and in particular how they presented refugee and migrants as a burden on Britain’s welfare state. Both papers also featured humanitarian themes at a much lower level

<sup>24</sup> “Sunday Times’ Rod Liddle suggests extremists should blow themselves up in London’s Tower Hamlets away ‘from where the rest of us live.’” The Independent, accessed 21.05.2019 <https://www.independent.co.uk/topic/TowerHamlets>

<sup>25</sup> “ECRI Report On The United Kingdom”, Council of Europe, October 4, 2016, accessed 20.12.2017, [https://www.coe.int/t/dghl/monitoring/ecri/country-by-country/united\\_kingdom/gbr-cbc-v-2016-038-eng.pdf](https://www.coe.int/t/dghl/monitoring/ecri/country-by-country/united_kingdom/gbr-cbc-v-2016-038-eng.pdf)

<sup>26</sup> “ECRI Report On The United Kingdom”, Council of Europe, October 4, 2016, accessed 20.12.2017, [https://www.coe.int/t/dghl/monitoring/ecri/country-by-country/united\\_kingdom/gbr-cbc-v-2016-038-eng.pdf](https://www.coe.int/t/dghl/monitoring/ecri/country-by-country/united_kingdom/gbr-cbc-v-2016-038-eng.pdf)

<sup>27</sup> Jackson, Jasper. “Wikipedia bans Daily Mail as ‘unreliable’ source.” The Guardian. February 8, 2017. <https://www.theguardian.com/technology/2017/feb/08/wikipedia-bans-daily-mail-as-unreliable-source-for-website>.



than any other newspapers in our study. Overall, this meant that the Sun and the Daily Mail exhibited both a hostility, and a lack of empathy with refugees and migrants that was unique.”<sup>28</sup>

However, the Sun and the Daily Mail are reflective of a wider problem. Indeed, the United Nations High Commissioner for Human Rights, Zeid Ra’ad Al-Hussein, drew similar conclusions in 2015, when he noted that "decades of sustained and unrestrained anti-foreigner abuse, misinformation and distortion" were identified as a significant problem in the British press. He called on all European countries to take a firmer line on racism and xenophobia which "under the guise of freedom of expression, are being allowed to feed a vicious cycle of vilification, intolerance and politicization of migrants, as well as of marginalized European minorities".<sup>29</sup>

Whilst the protection of the freedom of speech is important, ensuring newspapers are not being used as platforms to propagate hate speech against vulnerable communities is also of paramount importance. Introducing recourse for group discrimination will highlight the responsibility for the press to report responsibly whilst securing the right to freedom of speech through objective investigatory processes.

It should be recognised that the code in its current form allows for representative groups to complain on grounds of group discrimination, however, the threshold of this power is so high that it is in effect rather acting as a barrier to recourse rather than a tool. Indeed, even if the pejorative or unnecessary use of group labels has been determined, IPSO’s regulations state that they can only consider a complaint from a representative group affected by the alleged breach if there is a “significant and there is substantial public interest in the Regulator considering the complaint”.<sup>30</sup> One must question how the threshold for substantial public interest is to be measured if any type of prejudicial discrimination against groups possessing of identities and characteristics already protected under the Equality Act 2010 is considered insufficient to meet it.

### **Recommendations:**

- The code should be amended to provide protection against group discrimination on the same of protection as is provided for individuals.
- The code should be amended to require opinion articles to be held to the same level of accuracy and avoidance of discrimination as other forms of reporting.

### **Additional clauses**

Currently, the code fails to consider the role newspapers play in spreading the narratives and propaganda of confirmed terrorists. Indeed, following the terrorist attack on a number of mosques in Christchurch, New Zealand, it was noted by the UK Government that there was a “co-ordinated cross-platform effort to generate maximum reach of footage of the [Christchurch] attack. It was disturbing to note that whilst major social media platforms (including Facebook and Twitter) invested significant resources in preventing the spread of the footage (the guidance also given by the New Zealand police), newspapers (including the Mirror, The Sun, and the Mail) circulated extracts on their websites.”<sup>31</sup> Meanwhile, the Daily Mail even published a downloadable pdf version of the terrorist’s manifesto on their website. The sharing of footage of terror attacks and the manifestos of terrorists directly spreads the

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<sup>28</sup> “Press Coverage of the Refugee and Migrant Crisis in the EU: A Content Analysis of Five European Countries”, UN Refugee Agency (UNHCR), accessed 20.12.2017, <http://www.unhcr.org/uk/protection/operations/56bb369c9/press-coverage-refugee-migrant-crisis-eu-content-analysis-five-european.html> p. 253.

<sup>29</sup> “UN Human Rights Chief urges U.K. to tackle tabloid hate speech, after migrants called “cockroaches””, *United Nations Human Rights Office of the High Commissioner*. Accessed on: 19/07/2019. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15885>.

<sup>30</sup> “Complaints Committee Handbook,” IPSO, accessed March 26, 2020, [https://www.ipso.co.uk/media/1466/handbook\\_aug17.pdf](https://www.ipso.co.uk/media/1466/handbook_aug17.pdf)

<sup>31</sup> Alex Hern and Jim Waterson, “Social media firms fight to delete Christchurch shooting footage”, *The Guardian*, March 2019. Accessed: March 20th, 2020. <https://www.theguardian.com/world/2019/mar/15/video-of-christchurch-attack-runs-on-social-media-and-news-sites>.

dangerous narratives of the perpetrators – something that is in fact often one of the aims of the attackers themselves. Indeed, Britain’s most senior counter terrorism officer has said media coverage of deadly attacks could be exacerbating the problem and increasing the threat.<sup>32</sup>

Moreover, lessons must be learned from the ways in which the Christchurch attacker was presented, with *the Mirror* representing him as an “angelic boy” and describing him as “a likeable and dedicated personal trainer running free athletic programmes for kids”.<sup>33</sup> Such depictions were highly criticised for humanising the attacker and displacing the focus away from the victims, whilst further criticism was raised with questions of how he would have been presented were he not white and if he were Muslim.<sup>34</sup> Humanising, and in some cases glamorising, representations of violent figures serves to distort public perceptions of violent acts, which is further compounded when there is a double standard applied depending on the identity of perpetrator. The result of such double standards is the creation of a hierarchy of the perceived seriousness of such events as well as the value of the victims, which further entrenches an ‘us’ vs ‘them’ dichotomy that can only damage community cohesion. Thus, mechanisms must be put in place to prevent the glamorisation of perpetrators of violence.

### **Recommendation:**

- The code should be amended to encourage responsible reporting regarding terrorist incidents. This must include avoiding glamorising perpetrators; prohibiting the publication of terrorist materials and propaganda; and responsible publication of photographs of victims.

### **Public interest guidance**

Presently the public interest guidance for the code (which is applicable regarding of a number of clauses) includes, as point 2, “there is a public interest in freedom of expression itself”.<sup>35</sup> However, this creates an uncomfortable neglect of the balance of privacy. Certainly, the courts give equal right to free expression and privacy, requiring a balance and a proportionality test to be applied. The code should be amended so that, in line with the guidance of the courts, the public interest guidance gives the same weight to the right to privacy as it gives to freedom of expression.

### **Recommendation:**

- The code should be amended so that, in line with the guidance of the courts, the public interest guidance gives the same weight to the right to privacy as it gives to freedom of expression.

## **How MEND can assist parliamentarians, policymakers, and community stakeholders**

- Providing briefings, information, analysis, and expertise on issues impacting Muslim communities.

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<sup>32</sup> Martin Evans, “Terror attacks are ‘exacerbated’ by press coverage, police chief claims”, *The Telegraph*, September 2019. Accessed: March 26<sup>th</sup>, 2020. <https://www.telegraph.co.uk/news/2019/09/09/police-chief-said-media-shouldnt-publish-leaks-claims-terror/>.

<sup>33</sup> Matthew Young, “Boy Who Grew into Evil Far-Right Mass Killer as 49 Murdered at Prayers,” *The Mirror*, March 15, 2019, <https://www.mirror.co.uk/news/world-news/new-zealand-shooting-brenton-jarrant-14142703>

<sup>34</sup> Al Jazeera, “Western Tabloids Condemned for ‘Humanising’ NZ Mosque Attacker,” *Western tabloids condemned for ‘humanising’ NZ mosque attacker* (Al Jazeera, March 17, 2019), <https://www.aljazeera.com/news/2019/03/zealand-tabloids-condemned-humanising-mosque-attacker-190316081740694.html>

<sup>35</sup> “Editors’ Code of Practice 2019,” IPSO, accessed March 26, 2020, <https://www.ipso.co.uk/media/1818/69196-ipso-editors-code-2019.pdf>

- Arranging opportunities for parliamentarians, policymakers, and community stakeholders to engage with their local Muslim communities.
- Conducting research within Muslim communities.
- Connecting parliamentarians, policymakers, and community stakeholders to other local stakeholders.

**If MEND can be of any assistance to your work, please feel free to contact [info@mend.org.uk](mailto:info@mend.org.uk)**