

ΕΠΙΤΡΟΠΗ ΔΗΜΟΣΙΟΓΡΑΦΙΚΗΣ
ΔΕΟΝΤΟΛΟΓΙΑΣ
Λεωφόρος ΡΙΚ 12,
Αγλαντζιά 2120,
Λευκωσία.
Τηλ. (357) 22427717,
Φαξ (357) 22427747
Email: deontologia@cytanet.com.cy
cmcc@cmcc.org.cy
Ιστοσελίδα: www.cmcc.org.cy



CYPRUS MEDIA COMPLAINTS
COMMISSION
12 RIK Av.,
Aglantzia 2120
Nicosia.
Tel: (357) 22427717
Fax (357) 22427747
Email: deontologia@cytanet.com.cy
cmcc@cmcc.org.cy
Web-site: www.cmcc.org.cy

THE DECISION OF THE MEDIA COMPLAINTS COMMISSION

The Media Complaints Commission investigated a complaint (6/4/5/2015) from KISA (Action for Equality, Support, Antiracism) regarding the use of racist speech in two publications appearing in the newspaper “Filelfttheros”.

One of the articles dated March 13, 2015 described the incident of a man who met a woman for the second time and took her for a ride in his luxury car. On the way, she asked for cigarettes and soft drinks and while he went to a kiosk to buy them, the woman took the car and drove off.

The woman, who was arrested later on, admitted to taking the car and delivering it to another man.

The article reported the national origin of both the woman and the man she had delivered the car to, as well as that of his two accomplices. It also mentioned that in the vehicle there was a disability card belonging to its owner.

The article was posted on the online version of the newspaper and below it mocking and derogatory comments were made about disabled people as well as xenophobic comments. One comment attributed the rise in crime to foreigners and maintained that foreign nationals are to blame for burglaries.

KISA complained that the newspaper repeatedly referred to the ethnic origin of the woman in custody highlighting her migratory background.

KISA expressed the opinion that reporting the ethnic origin of a suspect for criminal offenses constitutes racist speech, given that ethnic origin has nothing to do with the acts a person is suspected of committing. In addition, it pointed out that such reports merely reproduce stereotypes and prejudices and consequently, discriminations against people based on racial / ethnic origin.

Besides, it stated that the newspaper allowed the posting of racist comments that were maintained below the article in its online version, indicating that by not interfering to remove them it is demonstrated that the newspaper had no intention in assuming its responsibilities for the discriminations reproduced through its platform but rather it promoted them.

The second article dated March 20, 2015 described the case of a 34 year old male sentenced to 6 years in prison by the Assize Court who found him guilty of stabbing a colleague of his wife after he found out that he was talking to her.

The publication reported the national origin of the convicted person and the fact that he was a political refugee married to a Cypriot woman.

The article was posted on the online version of the newspaper and below it comments were published that were left online for a long period of time. One such comment - clearly racist and xenophobic- expressed the personal opinion of the commentator

regarding the problems that children from mixed marriages face and used derogatory characterisations for Cypriot women who marry foreign nationals.

KISA complained that the publication made repeated references to the ethnic origin and the refugee status of the convicted person and described his violent behaviour. These facts served no other purpose but to augment the emotional charge of the readers while inciting racist prejudice by repeating the ethnic origin and the refugee status of the aforementioned person. In addition, it complained that the publication provided descriptive details of the personality, the private and family life of this person as well as details pertaining to the case which lead to its identification.

KISA indicated that the ethnic origin of a person has no relation with the actions for which it was convicted and that this kind of reports promote stereotypes, prejudices and discriminations on the basis of racial or ethnic origin. The writer of the article, Christakis Giannakou, who was invited by a subcommittee to present his views stated that he didn't have a racist mentality and that by reporting the ethnic origin of the individuals in the two articles in question, he had no intention in harbouring racism or xenophobic sentiment. In addition, he offered his personal opinion that by reporting the national origin of the people involved it was not possible to create prejudice among judicious citizens against foreigners.

Lastly, he said that by making a reference to the ethnic origin of the individuals he aimed at specifying their place of origin, just like he would state the city of origin of the individuals had they been from Cyprus. The newspaper, through its legal advisor, expressed similar views.

A few days later, Christakis Giannakou sent an email to the member of the Commission Christos Christofides and to the Union of Cyprus Journalists raising the issue of his participation in the sub-committee claiming that he is a part of KISA, who submitted the complaint, and therefore would act as a prosecutor and a judge.

He also posed the question "How can the Media (Complaints) Commission meet for a "racist" issue, as per their characterisation, and come to a decision when only two of its members are in attendance?"

He went on to say that the two members of the subcommittee "didn't manage to convince that the publications were being racist and repeated his view that reporting the nationality of a person is not racist and that no judicious individual believes that "it is a sign of racism if you write about the nationality of an accused person".

What's more he stated that "there are so many serious issues and that they are nitpicking".

In regard to the last observation, the Commission wishes to stress that as part of its mission, as it was entrusted to it by the founding bodies -among them the publisher of "Fileleftheros"- is the obligation to investigate any complaints submitted by citizens or organisations, even if others consider them as trivial.

The Commission looked into the claim of Mr Christofides that he participated in KISA and established that he has no position or office in the organisation and that he is only a member and had nothing to do with the submission of the complaint. Mr Christofides, like any other member of the Commission, has the right to participate in any organisation, and all the more so in organisations having to do with the protection of human rights. In any case, the Commission clarifies that Mr Cristofides did not take

part in the discussion and states that its decision was unanimous and it didn't have to resort to a vote.

The Commission did not accept the opinion of the journalist that by reporting the national origin of accused or convicted individuals it was not possible to create prejudice among judicious citizens against foreigners.

Whatever may be the meaning or context of the term "judicious citizens", it cannot be arguably claimed that even "judicious citizens" are immune against reports with potentially racist or xenophobic content. The cases of publicly recognised people that can be characterised as "judicious" but display racist prejudices and use prejudiced and xenophobic speech are not infrequent.

On the other hand, a newspaper is not directed at just one category or one class of citizens, that of the "judicious", but at the society as a whole. Therefore, the term "judicious citizen" cannot constitute a criterion based on which a report can be considered acceptable or not, in proportion to the legal procedures during which the court uses as acceptable measure of interpretation the judgement of the "average citizen".

This fact is supported by the racist and biased comments of the readers that were published below the two articles. It is not possible to distinguish if "judicious citizens" are responsible for them. Some of the comments were extremely racist and xenophobic, since they contained hostile reports not only about migrants but even about Cypriots, mostly Cypriot women who marry foreign nationals.

Moreover, the mention that an involved party possessed a disability card triggered the posting of mocking comments about people with disabilities. Judging from the context of Mr Giannakou's email it is evident that he hasn't comprehended the reason he was invited to appear before the subcommittee, even though it was made clear to him that it was to present his views regarding the two publications in question. People are invited to present their views before the subcommittee according to the practice provided by the Code for presenting the views of both parties after a complaint is made.

With regard to the position of Mr Giannakou that the reference to the ethnic origin of the individuals was not racist, the Commission refers him to the Journalist's Code of Ethics -countersigned by the publishing company that employs him- but also to experts on the subject such as the Office of the United Nations High Commissioner for Refugees, the authors of the "Declaration of Rome" to fight against racism, the guiding principles of the Equality Authority and the Anti-Discrimination Body of the Republic of Cyprus and the Directive 2000/43/EC of the European Union which Cyprus accepted with its accession to the EU in 2004.

The Journalist's Code of Ethics and its guiding principles, which are an integral part of it, forbid discriminations based on, among others, race, colour, ethnic origin and personal status including disability. The Commission sympathizes with the opinions of the experts that by reporting the national origin of a person when that is not a substantial element of a news piece and has no essential relevance to the subject that mentions the said person, it is possible to lead to the incitement of racist and xenophobic sentiments. It is of no importance if these feelings belong to judicious citizens or not, because what matters is combating racism and xenophobia among all the members of society and not among the "average" or "judicious" citizen.

The Commission refers to the specific explanatory appendix of the Code containing instructions on handling subjects regarding migrants. It states that:

“An example of creating prejudice by the media is mentioning the ethnic and racial origin of a person when these are not an essential part of a news item. This practice is observed primarily in news items reporting crimes, offences or any other reason and reflects negatively on individuals or groups. In the said articles the ethnic or racial origin or just the fact that the perpetrator or the victim is not a Cypriot citizen are given prominence and become the main story of the news item. On the contrary, in similar occasions the status of a Cypriot is not considered newsworthy and is almost never mentioned. This practice contributes to the creation of xenophobic feelings.”

Furthermore:

- “Do not write or publish news about events regarding migrants, refugees, asylum seekers or victims of human trafficking provided that the same events would not be considered newsworthy if they involved Cypriot citizens.
- Especially in cases of crimes or offenses, do not mention the ethnic origin of the suspect or suspects if it is not an essential element of the story.”

The Commission has repeatedly stressed in its decisions that the racial or national origin of a person has no essential relevance with the crimes that the person is being suspected of or accused of or has been condemned for, provided that the illicit behaviour is not a direct aftereffect of its national or racial origin. The unsubstantiated association of national or racial origin with crimes or offenses merely contributes to the creation of stereotypes, perceptions and prejudices that consequently create xenophobic feelings.

The Commission ascertained that the second publication of the newspaper runs counter to the provisions of the Code regarding the non-disclosure of personal data, given that it contained such details that could lead to the revelation of the identities of the people involved, such as the wife of the convicted person.

Besides, it considers that the revelation of the invalidity of the person involved in the first article constituted a discrimination due to physical illness or invalidity which led to the posting of mocking comments about people with disabilities.

Furthermore, the Commission wishes to highlight that those newspapers maintaining an online version, as well as standalone online newspapers or websites providing information of any kind, are responsible for the content of the comments posted by the public. In this regard, it points to the decision of the European Court of Human Rights in which it is highlighted that the media have a legal responsibility for the comments posted on websites by the readers and ought to be alert and intervene by removing them whenever their content is for any reason reprehensible.

The decision of the Commission on February 27, 2014 is pertinent to the content of the comments posted by the public in websites in which it is highlighted -based on the aforementioned decision of the European Court of Human Rights -that the websites not only have the right but also the legal obligation to remove reprehensible comments by the public. The decision can be found here:

http://www.cmcc.org.cy/Decisions/index_2014_files/1_2014.html

Finally, the Commission considers that it is advisable to point out that the declaration of Mr Giannakos that he is not convinced that the references to the national origin of the suspects or the convicted individuals are not considered racist speech is equivalent to the non-acceptance of the Journalist's Code of Ethics. Therefore, it is up to "Fileleutheros", who has acceded to the Code and accepted the competence of the Media Complaints Commission to indicate to its journalist that as an employee, but also as a member of the Union of Cyprus Journalists, he has the obligation to comply with the provisions of the Code.