CHICAM WP1:

PART THREE

EUROPEAN POLICY TRENDS

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The reports prepared by the CHICAM partners on children and media and children and migration provide an overview of the principal issues in each sphere. It is important, therefore, to examine the European policy directions taken in the past decade to deal with these questions, and especially what priorities lie at the intersection of the spheres of children, media and migration.

1. CHILDREN AND MEDIA IN EUROPEAN POLICY

The recent Nice EU charter of basic rights (11/2000) states, in article 24, that the basic rights of the child have priority over those of adults. This is a useful principle in examining media policy for children in Europe. Nonetheless, the EU has had to find a balance between powerful market interests, individual rights, and freedom of expression.

The priority of EU media policy has been to support intra-European open media markets and EU content and competitiveness. The landmark "Television without Frontiers" directive (89/552/CEE) aimed to establish a "minimum" legislation for European audiovisual production, to be adopted by single member states and expanded upon as necessary. Article 22 of this Directive requires member states to take measures to prevent television broadcasts from containing programmes which could seriously damage the physical, mental and moral development of children, such as pornographic or gratuitously violent scenes, and that "less" damaging programmes be broadcast only at certain times of the day when children are least likely to be watching TV.

The 1989 Directive also addresses the question of advertising, laying down some guideline criteria: that the inexperience and incredulity of growing children should not be exploited, that children should not be exhorted to demand that their parent purchase items, and that children should not be needlessly depicted in danger.

Member states incorporated the directive without making significant changes. In 1996, the Commission for Youth, Instruction and Media suggested the introduction of three changes in the European media systems: creation of a daily schedule of programmes appropriate for both children and adults; a requirement to indicate (acoustically or visually) scenes that are harmful to children and "public morality"; a requirement that member states provide periodic reports on the measures taken to protect children and public morality. The first of these requirements was already broadly guaranteed by broadcasters, although there was some resistance to what was perceived as a requirement that programmes be "simplified" for children.

The second point also institutionalised a widespread practice of classification of programmes and the use of symbols or ratings to indicate whether they were appropriate for children and, if so, for what ages of children.

The third point led to a strengthening of existing structures for monitoring television content and programming quality.

Similar concerns were raised regarding the Internet, in a 1996 Communication (COM(96) 487) and a later Parliamentary adoption of a Plan of Action to promote "safe" internet use by combating harmful and illegal content (Council, 276/1999, 25/1/1999).

As can be seen, European policy, as expressed in decisions of the European Parliament, directives of the European Commission and working papers by other EU bodies, tends to consider children as subjects to protect from harmful content, which is primarily defined as violent and sexual content. Violent content is taken to be harmful to the well-being of children. Initiatives to address violent content have included:

- exploring the role of parental control, including a possible role for electronic filters (a brief enthusiasm for the V-chip). These filters and rating systems require a decision by special commissions, and such decisions are based on criteria that vary enormously between and within countries;

- supporting the importance of media education (e.g., the Council's conclusions of 17/12/1999 included the importance of education and awareness raising as a means of protection against the effects of harmful content);

- encouraging the application of self-regulatory codes.

The last of these three points, *self-regulatory codes* for television broadcasters and producers, have been the main solution for the protection of children. Such self-regulatory codes are widespread in Europe, and are drawn by broadcasters themselves as well as by professional groups. A recent European project counted more than 100 of them dealing with the representation of children and violence.

In addition to governing violence, other self-regulatory codes govern the *representation of children*. Such codes – in some cases reflected in national legislation – are meant to safeguard children who appear in television. The main concern is for the privacy of children – for example, that children should not be identified by name, and that they should not be identifiable (e.g., their faces are blurred when news footage appears). The guidelines are designed to prevent inappropriate representations of children – excessive victimisation, for example – rather than to promote a positive image. In other words, the guidelines are meant to limit the exploitation of the figure of the child rather than to encourage a positive role for child viewers.

Such self-regulatory codes have also been introduced to guide the representation of persons of immigrant origin or minority ethnic groups, which will be addressed in the next chapter.

Codes of conduct are generally non-binding and rarely have an effective punitive mechanism for violations. Yet this has been the main area in which specific rules governing media representation of children have been laid down.

The EU has likewise not attempted to formalise its call for the safeguarding of children beyond the requirements described above, which involve instituting protective measures against violent and sexual content. In EU countries these measures take the form of a rating system and a broadcast schedule which

does not allow violent or explicitly sexual content to be broadcast in certain periods. Even so, as the 1996 "Green Paper on the protection of minors and human dignity in the audiovisual and information services" indicated, "actual regimes in the Member States vary greatly and reflect differences in cultural and moral standards."

The encouragement of "positive" or "pro-social" broadcasting has been less important than that of preventing "harmful" broadcasts from reaching children. The Commission does permit and support initiatives by single states to subsidize the production of quality programming.

Children's programming has been able to benefit from subsidies to European programming, and is especially well-positioned for support from public broadcasters, but has not been the subject of specific quality requirements.

2. CHILDREN AND IMMIGRATION IN EUROPEAN POLICY

While immigration policy is considered subsidiary, and cannot be decided at European level, a number of recent changes have given increasing influence to decisions taken at a European level. The most important aspects being addressed are those related to "security": first visa requirements and the Schengen system. This was followed up by agreements on the remand of asylum seekers. The primary areas for policy directives are currently asylum seekers and family reunification. This shows how the EU is attempting to find areas of consensus for convergence in immigration policy. Labour migration criteria have not yet been addressed, perhaps because of its political volatility.

Children of immigrants have been most penalised by the security-approach taken to immigration policy. Recent attempts to produce a directive on family reunification have recognised this.

The Council of Europe and the other European bodies first addressed the question of children of migrants in the 50's, dealing with the influx of refugees from the East, in the context of aid programmes. Later, in the 60's and 70's, with rising labour migration within the EEC, attention was devoted to the children of South European migrants living in North Europe, including the question of integration into the new country. Starting in the '80's, the term "intercommunity relations" appears, covering different groups in the population. Starting in 1984 the Council of Europe decided to fund projects on "Intercommunity Relations". The definition of immigrant-origin residents has, starting in the '90s's, tended to be subsumed under the heading of "socially excluded." That is, EU social policy has been defined in terms of the fight against "social exclusion", and initiatives for non-EU migrants have generally been considered as part of the fight against their measured (or presumed) "social exclusion".

It has been easier to provide social policy programmes for refugees, since at least they have a clear definition. The problem of definition – often raised in the CHICAM reports on children and migration – has been a problem for the definition of social policy as well. The problem of definition has made it difficult for European policy to explicitly address immigrant, ethnic-minority

and immigrant-origin youth. Even European research projects have encountered their principal difficulty over methodological questions due to different definitions – and conceptions – of this or these groups.

The easier use of a less contested terminology has been seen in the need to guarantee "social inclusion", "human dignity" and "well-being", none of which require any definition of a child's relationship to ethnicity, immigration or minority status.

Despite these problems of definition, important work has been supported, especially in the education field, where funding has been provided for different kinds of education policy studies and proposals. In such cases, pedagogy, and especially language training, allows for greater flexibility in defining and addressing the needs of children who conform to one or more of the above definitions.

The EU itself guarantees the rights of minors who are EU-citizens to education in their own language and much effort has been spent examining how to address the needs of this group. A series of European directives govern EU citizens' access to education in other EU countries. In fact, although the "free movement of persons" was originally conceived as free movement of *workers*, the legitimacy of preservation of the national language is enshrined in the conception of these EU workers' rights. Article 12 of the Amsterdam treaty aims to eliminate discrimination based on nationality.

No such rights exist for non-EU workers' children. Non-EU children's rights generally receive a degree of protection from the Universal Declaration of the Rights of the Child signed by EU member states and adopted in national legislation, yet in some cases the basic right to education is not respected for foreign children.

Nonetheless, the conception of "social exclusion", and the emphasis placed on education as a means for addressing this social exclusion, means that education of all forms becomes an important mechanism for guaranteeing the inclusion of children of ethnic minority groups and immigrants.

While European citizenship exists, it depends on citizenship in one or more EU member states. Formally, citizens of third countries cannot be considered "European citizens". At the same time, there is a strong desire by European institutions to strengthen "European identity"; the Commission has funded research and communication initiatives with this purpose. For those whose cultural roots in Europe are historically recent, this "European identity" is presented as a humanistic philosophy and a set of basic values. In the case of refugees or migrants who are formally not European citizens, it contrasts with their effective rights of access.

3. Media and Immigration in European Policy

Media policy in Europe tends to address the organisation of the industry on the one hand and the need to support both employment and "European content" on the other. The role to be played by immigrants, people of immigrant origin, and members of minority ethnic groups is not the primary consideration of media policy-makers.

Nonetheless, starting in the 1980's, increasing attention was devoted to the cultural rights of migrant workers. Taking "freedom of expression" as the starting point, some discussions of human rights for migrant workers – the

discussion did not yet address immigrants in other terms – highlighted their information and communication needs (e.g., a conference in Tampere, June 1983, on the role of information in the realisation of human rights of migrant workers). The role of migrants in production – the need to guarantee access to the media-production labour market – was later addressed.

The European Union has since sponsored various studies and conferences in which experts have drafted recommendations. Underlying contemporary discussion of migrants and ethnic groups and the media are the two parameters of *receiving information* and expression *through communication*.

As far as receiving information is concerned, there is an additional dimension of "harmful" or negative representation. Such negative representation is taken to be a negation of the dignity of the person affected, and is the subject – as in the case of violence and minors – of many self-regulatory codes.

As far as open discrimination is concerned, it is addressed most notably in Article 13 of the Amsterdam treaty. This article enables the Council to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Council can act on the basis of Article 13, unanimously on a proposal from the Commission and after consulting the European Parliament. The Commission has published a directive instructing member states to combat discrimination in the labour market for some of the above reasons, and a directive against "racial" discrimination in the areas of employment, training, education, access to social security and health care, social advantages, and access to goods and services, including housing.

Parallel to discrimination in access to resources, another stream of European activity has been the "fight against racism". This reached a high point in 1997, the Year against Racism. The fight against racism is considered to include a fight against "negative portrayal" of specific ethnic or racial groups.

Instruments in this initiative have been mostly positive campaigns and documentation; much of the latter is concentrated at the European Monitoring Centre on Racism and Xenophobia (EUMC) in Vienna.

The fight against racism has necessarily involved attempts to change the perception of persons of minority ethnic groups. This has influenced some media production policies, but it has not been the main focus.

While some recent initiatives have favoured the involvement of socially excluded groups in the production of media, children have not been included.

4. CHILDREN, MEDIA AND IMMIGRATION IN EUROPEAN POLICY

Children of immigrant origin receive attention in media policy as children and not as persons of immigrant origin. As children they are the subject of numerous initiatives for their protection and safeguarding; as ethnic minorities they are subjects entitled to guarantees regarding their right to "human dignity", equal access to resources and free expression.

Yet the only rules and guidelines for the depiction of children of immigrant origin are to be found in the self-regulatory codes used in different countries.

These do not usually specifically address this overlapping category, although they may cover the depiction of minority ethnic or "racial" groups. In any case they are difficult to enforce.

While it is possible to provide some interpretations of European policy regarding media consumption and supply for children of immigrant origin, it is very difficult to discuss media production by children of immigrant origin. Production by children is not explicitly addressed in media directives.

In closing, it should be noted that a great emphasis has been placed in recent years on "media literacy" and especially on technological literacy: teaching children (and others) how to effectively use new technologies. This has also been considered a means for combating social exclusion. The CHICAM reports from single EU countries show how use of new technology does not necessarily eliminate exclusion. Yet analysing how media literacy and control changes behaviour and perception of inclusion may be a result of importance for the project.

5. EUROPEAN DOCUMENTS RELEVANT TO MEDIA AND CHILDREN

European Parliament resolution on the Commission communication 'Study on Parental Control of Television Broadcasting' (COM(1999) 371 - C5-0324/1999 - 1999/2210(COS))
Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 25 January 1999 concerning **public service broadcasting.**
Official Journal NO. C30, 05.02.1999 P. 1

Council Recommendation of 24 September 1998 on the development of the competitiveness of the European **audiovisual and information services industry** by promoting national frameworks aimed at achieving a comparable and effective level of **protection of minors and human dignity**.
Official journal NO. L 270, 07/10/1998 P.0048 – 0055

Green Paper on the protection of minors and human dignity in the audiovisual and information services.
COM(96) 10/10/1996.

Council Conclusions of 17 February 1997 on the **Green Paper on the protection of minors and human dignity in the audiovisual and information services.**
Official journal NO. C 070 , 06/03/1997 P. 0004 – 0004

Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 5 October 1995 on the **image of women and men portrayed in advertising and the media.**
Official journal NO. C 296 , 10/11/1995 P. 0015 - 0016

6.   EUROPEAN DOCUMENTS RELEVANT TO "RACISM" AND DISCRIMINATION

Proposal for a directive implementing the principle of equal treatment between persons irrespective of racial and ethnic origin - COM(1999) 566

Declaration against racism and xenophobia *Official journal NO. C 158 , 25/06/1986 P. 0001 – 000.*

Resolution of the Council and the representatives of the governments of the Member States,meeting within the Council of 23 July 1996 concerning the **European Year against Racism** (1997). *Official Journal C 237 , 15/08/1996 p. 0001 – 0004*

Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 5 October 1995 on the **fight against racism and xenophobia in the fields of employment and social affairs** *Official Journal C 296 , 10/11/1995 p. 0013 – 0014.*

European Parliament Resolution on racism, xenophobia and anti-Semitism and on further steps to combat racial discrimination.

European Parliament CNS/1999/0253 **Equal treatment between persons**: fight against racial and ethnic discrimination for employment and social sector.

Council of Europe Recommendation **1261 (1995) on the situation of immigrant women in Europe.**

Council of Europe Recommendation **1275 (1995) on the fight against racism, xenophobia, anti-Semitism and intolerance.**

Council of Europe Recommendation **1327 (1997) on the protection and reinforcement of the human rights of refugees and asylum-seekers in Europe.**