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Consultation on the Editor's Code of Practice

The Antisemitism Policy Trust is a charity which seeks to educate and empower parliamentarians, policy makers and opinion formers to address antisemitism. For more than ten years the Trust has provided the secretariat to the All-Party Parliamentary Group (APPG) Against Antisemitism.

Over the course of our work on various aspects of policy regarding antisemitism, the Trust has gained an understanding of anti-Jewish racism and prejudice in the press. The Trust welcomes this consultation on the IPSO's Editor's Code of Practice, in particular any review of the current anti-discrimination clauses.

The Case for Action on Discrimination in the Press

What follows are examples in which Jews, Muslims and migrant communities have been discriminated against as a group rather than on an individual basis, in the United Kingdom press. Some of the articles below resulted in public discussion and debate about the groups concerned which in turn inspired or encouraged racist, antisemitic and anti-Muslim discourse. Certainly, at least serious consideration would need to be given to the public interest in carrying forward complaints from the groups concerned in these circumstances. From the following

examples, it is clear that discrimination against groups, rather than individuals, is still rife in the press.

Melanie Phillips, 2019, The Times:

Melanie Phillips wrote a column in The Times entitled ‘Islamists are not the same as other prisoners’.¹ In the article, Phillips misrepresents the Islamic doctrine of *taqqiya* which she claims means the command to deceive for Islam, when in actual fact the doctrine only requires for Muslims to be less than truthful if they are afraid of the consequences of truthfulness in the face of an oppressor.² Phillips portrays young Muslims, as a collective group, as “impressionable” and “disturbed” who are therefore taught to deceive.

Richard Littlejohn, 2019, The Daily Mail:

Richard Littlejohn, in a piece for the Daily Mail on the ‘Isis Bride’ Shamima Begum, repeatedly used terminology relating to the “Islamification” of Britain.³ Commenting on the highly diverse borough of Tower Hamlets, Littlejohn refers to the area as the “Islamic Republic of Tower Hamlets” calling it a “hotbed of fundamentalism”. As the Media Diversity Institute argues in its ‘Get The Trolls Out’ project, this sort of language is damaging and discriminates against a group. It labels all Muslims as extremists, engaging in “creeping Islamification”; clandestinely taking over.⁴

Rod Liddle, 2018, The Sunday Times:

Discussing the release of Anjem Choudary, Rod Liddle wrote an article calling for all “British Islamists” to “blow themselves up – somewhere a decent distance away from where the rest of us live. Tower Hamlets, for example”.⁵ Tower Hamlets is an area of London with large Muslim population. Therefore, Liddle is subtly suggesting

¹ <https://www.thetimes.co.uk/edition/comment/islamists-are-not-the-same-as-other-prisoners-tp82wvxdt>

² <https://www.abc.net.au/religion/taqiyya-are-muslims-commanded-to-deceive/11771648>

³ <https://www.dailymail.co.uk/debate/article-6706765/RICHARD-LITTLEJOHN-Shes-not-little-girl-ran-away-thats-worries-me.html>

⁴ <https://www.getthetrollsout.org/what-we-do/media-monitoring/item/358-uk-%E2%80%93-daily-mail-runs-article-pushing-dangerous-%E2%80%93-islamification%E2%80%99-narrative.html>

⁵ <https://www.getthetrollsout.org/what-we-do/complaints/item/273-rod-liddle%E2%80%93s-column-in-the-sunday-times-incites-violence-against-british-muslims.html>

that Muslim lives are worth less than the lives of “us”, bringing into play the concept of ‘the Other’.

Jeremy Warner, 2016, The Daily Telegraph:

Jeremy Warner, writing in the Daily Telegraph about a hedge fund and its manager, referred to “latter day Shylocks” and referred to the group and its President, Paul Singer, as “demanding their pound of flesh”.⁶ Shylock is a famously antisemitic caricature devised by Shakespeare for the Merchant of Venice. Referring collectively to Jews, in this case Paul Singer and the company, as “shylocks” discriminates as it echoes the antisemitic stereotype of Jews as money hungry and trying to control the global finance system. After a complaint from the Community Security Trust, the references were removed.⁷

Kate Hopkins, 2015, The Sun:

In 2015, Katie Hopkins wrote a now notorious opinion piece in The Sun that likened migrants to “cockroaches”. IPSO uses this case as an example of a complaint being assessed according to Clause 1 of the Editors Code (Accuracy) as opposed to Clause 12 (Discrimination). In its finding about the article, the organisation stated that “as no individual was identified in the article, IPSO did not accept a complaint under Clause 12, but it considered the article under Clause 1 – Accuracy”. The article was judged by IPSO to be “a polemic, which expressed strong and, to many people, abhorrent views of asylum-seekers and migrants generally” (Page 75, the Editors’ Codebook). The article was referred to police for investigation as potential incitement to racial hatred.

Hopkins dehumanised a group of people, specifically referenced in earlier parliamentary reports as insufficiently protected as a collective from discrimination in the press. In the past, groups subjected to dehumanization include the Jews, branded rats by the Nazis and the Tutsis, branded cockroaches by Hutus involved in the Rwandan genocide. This article in that context, surely, could and should have

⁶ <https://cst.org.uk/news/blog/2016/02/18/daily-telegraph-removes-shylock-references-from-article-about-jewish-hedge-fund-manager>

⁷ <https://cst.org.uk/news/blog/2016/02/18/daily-telegraph-removes-shylock-references-from-article-about-jewish-hedge-fund-manager>

been considered a matter of public interest and one which could have been taken under the clause on discrimination. A common-sense approach dictates that it was not a matter of accuracy.

Kelvin MacKenzie, 2015, The Sun:

Kelvin Mackenzie wrote a Sun Column On 'Holidaying In Muslim Countries in November 2015'⁸. He stated that "the Muslim attitude to Westerners has always been: We like your money and are prepared to hide our disdain for your woman wearing revealing clothes and your love of a drink just as long as you put food on my table." Of course, there are a multiplicity of views and attitudes across the Muslim community as indeed there would be in any community, but this goes beyond lack of accuracy. It is a harmful, damaging, abhorrent and discriminatory stereotype and should have been considered as such given the impact it had.

Christina Patterson, 2010, The Independent:

On 27th July 2010, Christina Patterson wrote a comment piece for The Independent⁹. She stated that "when I moved to Stamford Hill, 12 years ago, I didn't realise that goyim were about as welcome in the Hasidic Jewish shops as Martin Luther King at a Ku Klux Klan convention." She continued to refer to religious and other practices of Muslims and Jews as groups throughout the piece. In a subsequent article in the Independent by Jerome Taylor on 30th February 2010¹⁰, he noted the impact of Patterson's article in other spheres. He wrote that "Damian Thompson, a well-known Catholic blogger who regularly defends Israel and Judaism in his writing, came to Patterson's defence and said it was right to highlight the sense of superiority some Jews have towards gentiles."

The Community Security Trust deconstructed Patterson's article¹¹, highlighting that it treated Muslims and Jews "as nothing more than uncivilised mirror images of

⁸ http://www.huffingtonpost.co.uk/2015/11/13/kelvin-mackenzie-the-sun-muslim-holiday-twitter_n_8554674.html

⁹ <http://www.independent.co.uk/voices/commentators/christina-patterson/christina-patterson-the-limits-of-multi-culturalism-2036861.html>

¹⁰ ¹⁰ <http://www.independent.co.uk/news/uk/home-news/manners-multiculturalism-and-the-battle-of-stamford-hill-2040039.html>

¹¹ <https://cst.org.uk/news/blog/2010/08/02/volvos-pushchairs-and-the-jewish-threat-to-multi-cultural-britain>

one another; and ranges, seamlessly, from genital mutilation to castigating Jews in Volvos with mobile phones, bad manners and “*chosen*” people haughtiness”. The CST explains however that the word “goyim” has been used by journalists to “invoke the notion that Jews believe others to be inferior beings” and that the “motif of “chosen people” (and therefore “goyim”) is a core historical element of antisemitism throughout the ages.” For comparison, CST provide a direct reference to an overtly antisemitic far-right piece. Some advice from the CST about the context of Patterson’s article might have helped IPSO judge this matter under the Editors’ Code clause on discrimination.

2002, The New Statesman:

In February 2002, the cover of an edition of the New Statesman showed a gold Star of David impaling a Union flag with the title: "A kosher conspiracy?" A subsequent article written by David Lister in The Independent stated that “the General Secretary of the Labour Party, David Triesman said the cover was "one of the most offensive images" he had seen." “It gathers together a symbol of Jewishness (not of Israel), conspiracy, and wealth in ways candidly redolent of the extreme right.”^{12, 13} Again, with expert advice on the antisemitic motifs and provenance it relied upon, this piece would undoubtedly have been considered as discriminatory against Jews.

Understandably, some of these articles were in regulatory scope for the PCC and would not be under IPSO or are not in any case in scope. However, they build a picture of the rationale for action.

¹² <https://www.theguardian.com/media/2002/feb/07/pressandpublishing.politics>

¹³ <http://www.independent.co.uk/news/media/new-statesman-admits-mistake-over-kosher-conspiracy-cover-9130124.html>

The Editors' Code of Conduct:

The current Editor's Code of Conduct, and the Editor's Codebook, both ignore the harm which can be caused by inciting discrimination against a group of people with protected characteristics.

Clause 12 of the Editors' Code of Conduct relates to discrimination.¹⁴ It states that:

"(i) The press must avoid prejudicial or pejorative reference to an individual's, race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story."

However, as stated in the Editors' Codebook, this *"does not cover generalized remarks about groups or categories of people"* (p.96, the Editors' Codebook).¹⁵

The Public Interest section (p.120) of the Editors' Codebook states that there is:

"A public interest defence cannot be put forward for seven clauses of the Code. Put simply, there could be no public interest justification for breaking these clauses of the code:

- *Clause 1 – Accuracy*
- *Clause 4 – Intrusion into grief or shock*
- *Clause 11 – Victims of sexual assault*
- *Clause 12 – Discrimination*
- *Clause 13 – Financial journalism*
- *Clause 14 – Confidential sources*
- *Clause 15 (i) – Witness payments in criminal trials"*

Therefore, the press cannot discriminate against an individual, unless there is an explicit case for the public interest. However, discrimination against a group is not

¹⁴ <https://www.ipso.co.uk/editors-code-of-practice/#Discrimination>

¹⁵ <http://editorscode.org.uk/downloads/codebook/Codebook-2020.pdf>

included in either, meaning there is no need for the press to justify any public interest for such discrimination.

Recommendations:

The Antisemitism Policy Trust believes there should be appropriate recourse for groups that are subjected to discrimination, through the Editors' Code.

There have been a number of parliamentary and other reports urging a change to the Editors' Code of Practice in this regard:

1. In its Tenth Report¹⁶, the **Parliamentary Joint Committee on Human Rights** (JCHR) focused specifically on Clause 12 of the Editors' Code and the status of groups that had been discriminated against. This report cited numerous organisations that recommended the Code be strengthened, including the Commission for Racial Equality (now part of the Equality and Human Rights Commission). The former Press Complaints Commission's (PCC) stated position was that affording the equivalent protection to groups as existed for individuals would impede freedom of expression. Individuals of a group if subjected to alleged discrimination therefore had little other option than to complain under Clause 1 (Accuracy) of the Code. The PCC informed the JCHR that it had "not come up with a form of words" which could protect both groups from discrimination and freedom of expression. There was a general reluctance from the PCC to extend the reach of Clause 12 despite the JCHR noting that other jurisdictions had more robust protection within self-regulatory frameworks (Australia, for example, does not differ in approach between individuals and groups¹⁷). The JCHR found that for the PCC "Its existing system is not sufficiently robust to protect asylum seekers and other vulnerable minorities from the adverse effects of unfair and inflammatory media stories".

¹⁶ <http://www.publications.parliament.uk/pa/it200607/itselect/itrights/81/8102.htm>

¹⁷ <http://www.presscouncil.org.au/document-search/guideline-reporting-of-race/?LocatorGroupID=662&LocatorFormID=677&FromSearch=1>

2. In 2013, following rounds of written and oral evidence, an **All-Party Parliamentary Inquiry into Electoral Conduct** was published. The report by 12 cross-party MPs and Peers looked again at the Editors' Code. Having reviewed the evidence and referring to the aforementioned JCHR report, the committee wrote: "it is quite clear that for too long, concerns about the extent and efficacy of the PCC Code in relation to discrimination have gone without serious consideration or answer. As this report went to press, discussions about the future of press regulation were ongoing. Attempts to secure a sensible balance between the defence of freedom of expression and the protection from discrimination should be a consideration for Government as part of those debates and we urge the PCC to reconsider their position" (Recommendation 12, All-Party Parliamentary Inquiry into Electoral Conduct, p.68)¹⁸. Subsequent to the publication of the report, its chair Natascha Engel MP wrote to the Secretary of the Editors' Code Committee with details of the panel's recommendations, but no action was taken.

3. In 2015, another cross-party publication, the **All-Party Parliamentary Inquiry into Antisemitism** report, hailed by the Prime Minister, Leader of the Opposition, the Archbishop of Canterbury and many other leading figures in British public life – recommended:

"that the Editors' Code of Practice be reviewed and that the relevant section be extended to give recourse for groups to complain about discrimination on the grounds of race or religion whilst ensuring a sensible balance for freedom of speech" (p. 79, All-Party Parliamentary Inquiry into Antisemitism 2015).¹⁹

4. In the course of researching the 2015 report, contact was made with the Independent Press Standards Organisation (IPSO). On Monday 29 December 2014, **the Director of Complaints and Pre-Publication Services at**

¹⁸ [http://antisemitism.org.uk/wp-content/uploads/3767_APPG_Electoral - Parliamentary_Report_emailable.pdf](http://antisemitism.org.uk/wp-content/uploads/3767_APPG_Electoral_-_Parliamentary_Report_emailable.pdf)

¹⁹ [http://antisemitism.org.uk/wp-content/uploads/3767_APPG_Electoral - Parliamentary_Report_emailable.pdf](http://antisemitism.org.uk/wp-content/uploads/3767_APPG_Electoral_-_Parliamentary_Report_emailable.pdf)

IPSO commenting on the Editors' Code of Practice stated that “there is a change that may be relevant to your interests, and that relates to who can complain about cases of alleged discrimination against individuals. IPSO can, of course, take complaints from individuals who believe that they have been discriminated against on the grounds set out in Clause 12, which include race and religion. In addition to that, however, IPSO is specifically empowered to take forward complaints from representative groups affected by an alleged breach of the Code, where the alleged breach of the Code is significant and there is a public interest in our doing so. There still has to be an individual who is the subject of the alleged discriminatory material, but this mechanism recognises that others may be affected by such discrimination, indirectly.”²⁰

5. The 2015 **All-Party Parliamentary Inquiry commended IPSO** on these changes, writing that “this is an important and welcome step forward. The fact that there is at least some recourse for groups is welcome. It is only logical that having accepted such rights for groups that an extension to the relevant section of the Code on discrimination be made (All-Party Parliamentary Inquiry into Antisemitism 2015, p.79)”. It does not appear that this position has been made clear nor stated publicly within the Code or the Editors’ Codebook.

A number of other organisations and platforms, which deal with the publishing of content, have embedded in their codes of practice clauses to curb discrimination against groups:

1. IMPRESS, the **Independent Monitor for the Press**, includes within its Standards Code, which are the standards set out for journalists, three antidiscrimination clauses, including a clause to stop discrimination and hatred of any group on the basis of protected characteristics:

“Publishers must not incite hatred against any group on the basis of that group’s age, disability, mental health, gender reassignment or identity, marital

²⁰ IPSO Correspondence

or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that group vulnerable to discrimination.”

4.2. Publishers must not refer to a person’s disability, mental health, gender reassignment or identity, pregnancy, race, religion or sexual orientation unless this characteristic is relevant to the story.

4.3. Publishers must not incite hatred against any group on the basis of that group’s age, disability, mental health, gender reassignment or identity, marital or civil partnership status, pregnancy, race, religion, sex or sexual orientation or another characteristic that makes that group vulnerable to discrimination.”²¹

2. The Office of Communications: According to **OFCOM**, material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in television and radio services or BBC ODPS except where it is justified by the context.
3. British Board of Film Classification: The **BBFC** is similarly clear on group discrimination. It says, potentially offensive content relating to matters such as race, gender, religion, disability or sexuality may arise in a wide range of works, and the classification decision will take account of the strength or impact of their inclusion. The context in which such content may appear also has a bearing. Works with such content may receive a lower category where discriminatory language and behaviour is implicitly or explicitly criticised; or the work has a historical setting within which outdated attitudes or outmoded expressions would be expected; or the work is obviously dated, with little or no appeal to children; or the work seeks to challenge discriminatory attitudes and assumptions. Works with such content may receive a higher category where discriminatory language and behaviour is accompanied by threat or violence; or where there is a clear power imbalance; or where such behaviour is left unchallenged; or where discriminatory attitudes and

²¹ <https://www.impress.press/standards/>

assumptions are normalised. Where discriminatory language or behaviour occurs, this will normally be indicated in ratings information.

4. The **National Union of Journalists** has made clear its position on these matters, including when criticising IPSO for past decisions.²² The NUJ continues to argue that “complaints that do not name specific individuals but disparage whole groups of people in society, whether they are migrants, asylum seekers, women, disabled or LGBT people, should be a potential breach of the code of practice.”

Professor Chris Frost, chairman of the Ethics Council of the National Union of Journalists, said the problem was mostly confined to the national press and that while freedom of expression was “vitally important” it “needs to be controlled” when it comes to newspapers.

He said: “In order to sell newspaper, one of the best ways to do that, time has shown and all the research shows, is to raise issues of fear.” “People buy newspapers when they believe there is a risk, whatever that may be, far more than they do when everything is nice and comfortable and happy.” “So newspapers have over the years had to develop the idea that there is a risk for which they either prove a solution or at least try to ameliorate what that risk is so then people will continue to buy the newspapers.”

He added: “One of the easiest ways to do that is to pick a group which is an ‘other’ group and at the moment a good one is Muslims, because of Isis, and terrorists based around Isis, it’s easy to say this is a group of which we should be fearful.”

²² <https://www.nuj.org.uk/news/nuj-condemns-ipso-decision-on-describing-migrants-as/>

5. Online social media platform, **Facebook**, includes a clause against hate speech in their **Community Standards**,²³ to stop attacks on groups with protected characteristics:

“We do not allow hate speech on Facebook because it creates an environment of intimidation and exclusion and in some cases may promote real-world violence. We define hate speech as a direct attack on people based on what we call protected characteristics — race, ethnicity, national origin, religious affiliation, sexual orientation, caste, sex, gender, gender identity, and serious disease or disability. We also provide some protections for immigration status. We define attack as violent or dehumanizing speech, statements of inferiority, or calls for exclusion or segregation.”

6. Online social media platform, **Twitter**, includes in its “rules and policies” clauses against hate speech and discrimination against both “a person” and a “group” of people:²⁴

“Violent threats: We prohibit content that makes violent threats against an identifiable target. Violent threats are declarative statements of intent to inflict injuries that would result in serious and lasting bodily harm, where an individual could die or be significantly injured, e.g., “I will kill you”.”

“Wishing, hoping or calling for serious harm on a person or group of people: We prohibit content that wishes, hopes, promotes, or expresses a desire for death, serious and lasting bodily harm, or serious disease against an entire protected category and/or individuals who may be members of that category”

“We prohibit targeting individuals with content that references forms of violence or violent events where a protected category was the primary target or victims, where the intent is to harass.”

²³ https://www.facebook.com/communitystandards/objectionable_content

²⁴ <https://help.twitter.com/en/rules-and-policies/hateful-conduct-policy>

“We also prohibit the dehumanization of a group of people based on their religion, age, disability, or serious disease.”

“We consider hateful imagery to be logos, symbols, or images whose purpose is to promote hostility and malice against others based on their race, religion, disability, sexual orientation, gender identity or ethnicity/national origin.”

Specific Recommendations

1. We strongly recommend that the Editor’s Code of Practice should include, as part of Clause 12, the following addition, or an addition to the effect of:

“iii) The press must avoid prejudicial or pejorative reference to a group’s, race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.

IV) Details of a group’s race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.”

2. We strongly recommend that The Editor’s codebook, within the section explaining Clause 12 on Discrimination, is updated to include additional information on discrimination against groups with protected characteristics, which should also protect such groups from any public interest defence used to justify discrimination.
3. We recommend that complaints from groups will be accepted by IPSO. We strongly recommend that explicitly, either as part of Clause 12 or as part of the ‘Public Interest’ section of the Codebook, the following caveat be published:

“IPSO is specifically empowered to take forward complaints from representative groups affected by an alleged breach of the Code, where the alleged breach of the Code is significant and there is a public interest in our doing so.”

4. In addition, we recommend that an explicitly clear rationale for assessing or failing to assess a report from a representative group under the discrimination clause in the above circumstances should be provided in an appropriate place.
5. We strongly recommend that where articles meet a public interest test (which IPSO would determine), groups should have recourse to complain without an individual having been discriminated against. We recommend that any public interest test should include a measure of discriminatory impact as well as intent or otherwise. Having the requisite test would ensure an appropriate balance between freedom of expression and protection from discrimination. It is illogical to have a policy whereby groups can be affected by discrimination against an individual but cannot be subjected to/ have recourse to address collective discrimination in the absence of an individual attack.
6. Finally, we recommend that IPSO establish and convene annually or as necessary an expert reference group comprising organisations including the either the Antisemitism Policy Trust or Community Security Trust, Tell Mama and Stonewall in order that the Editors’ Code can be reviewed at regular periods against examples like the articles included above.

For further information or to discuss this submission please contact the Antisemitism Policy Trust on mail@antisemitism.org.uk.