

Representation of people with disabilities in Irish Broadcast Media

A Review of Other Jurisdictions

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EXECUTIVE SUMMARY

1. This study examines the legislation, policy and practice and relating to the representation of people with disabilities in the US and Canada, Australia and New Zealand, and in a number of European countries (members of EPRA), namely the UK, Germany, Malta, Spain and Sweden.
2. The study takes the form of country reports. In each the relevant disability and broadcasting legislation is outlined, the role of the broadcasting regulator is briefly explained and the main public service and private broadcasters (television and radio) are identified. The provisions of relevant Codes and Guidelines are then examined in detail. Other initiatives taken by the regulator, broadcasters, broadcast representative associations or disability organisations or networks are then considered, focusing on how they are implemented and subsequently monitored, assessed and reviewed to determine their effectiveness.
3. The country reports are followed by a brief comparative study of the countries chosen, which aims to identify commonalities among them, common threads, dissimilarities in approach or practice, and developing trends. The main findings are as follows.
4. Detailed provisions and measures to improve the representation of people with disabilities in broadcasting in all of the countries studied are relatively new and some are only currently being developed or planned. The least structured regime is to be found in the US, largely as a result of the strong protection for freedom of expression in the First Amendment. The most structured and comprehensive system is found in the UK.

5. In most countries, broadcasting legislation imposes obligations on broadcasters to have regard to diversity, including ethnic, cultural and linguistic diversity. Canada is a good example of a country where such provisions have been broadly interpreted to include persons with disabilities. The standards and practice relating to persons with disabilities are generally set out in codes or guidelines. Many of the codes or sets of guidelines, while general, are broad enough to encompass disability, while others specifically embrace disability. Most codes or guidelines result from broadcasting legislation but do not have the force of law; rather they are co-regulatory (established and implemented through the cooperation of regulators and broadcasters) or self-regulatory (where broadcasters are encouraged to draw up codes or guidelines themselves and to monitor compliance and provide a complaints mechanism). The exception is Malta, where the provisions of codes and guidelines developed by the regulator have been made part of the law (Requirements 2007).
6. Codes and guidelines in some countries are now complemented by regulators' and/or broadcasters' diversity plans, equity plans or action plans, which provide a basis for ongoing activities and assessment of progress in improving the representation of persons with disabilities in broadcasting.
7. In addition to the codes and guidelines, a variety of initiatives have been introduced in most countries, mainly by disability organisations or government departments, usually health departments, and sometimes by broadcast or arts associations or employment organisations. The most common such initiatives are the development of resources (e.g. websites, databases, stylebooks and educational materials); training programmes (often in universities and schools, some for journalists and some for persons with disabilities who are interested in participating in broadcasting);

and support measures (such as scholarships, internships, prizes and training workshops). The part played by research undertaken in the various countries should not be underestimated either, as it has informed and shaped many of the initiatives taken and assisted in the assessment of their effectiveness and progress generally.

8. The overall picture emerging from the report is one of very little, usually negative, portrayal of persons with disabilities in broadcasting in the past and very limited awareness of disability as a concern for broadcasters or as an issue that broadcasters should address. Over the past few years, however, as part of an increased awareness of the basic rights of individuals generally and a realisation of the role and importance of broadcasting in representing diversity and minority viewpoints, ethno-cultural and race issues, disability has emerged as a specific focus. As society has been confronted with the need to provide equality of opportunity for persons with disabilities and to confront stereotypical images, broadcasters have become more engaged, often prompted by initiatives taken by disability organisations. In some countries also, there has been a particular focus on mental illness and the need to de-stigmatise it. To that end, broadcasting has become both a vehicle for public awareness campaigns and a forum for tackling stereotyping and negative portrayal.
9. In summary, there is now considerable momentum and activity in most of the countries studied at all levels (legislation, policy and practice) and involving all actors (legislators, broadcasting regulators, broadcasters and disability organisations), geared to improving the representation of persons with disabilities in broadcasting.

GENERAL INTRODUCTION

This report on the representation of people with disabilities in the broadcast media centres on the law, policy and practice in the United States, Canada, Australia, New Zealand, and a selection of European countries, which are members of EPRA, the European Platform of Regulatory Authorities.

The approach and methodology used are as set out in the original proposal submitted to BCI and NDA. They involved desk research, followed by contact with various research networks and direct approaches to individuals and organisations. The last-mentioned were mainly for clarification or in order to access documents referred to in online sources but not available in full text or which were available in full text but not in any of the languages in which members of the research team had sufficient expertise. A full list of informants is included in the Appendices to the Report.

The Report takes the form of individual country reports, each set out under the following headings:

-INTRODUCTION

-LEGISLATION

-REGULATOR

-BROADCASTERS

-CODES/GUIDELINES

-INITIATIVES

-IMPLEMENTATION

-OVERVIEW

-SUMMARY

In the country reports, it was decided that references to legislative obligations in relation to “diversity” should be included, even if there is no specific reference to disability. This is because it is not always clear whether countries regard disability as an aspect of diversity.

Some do and specifically list disability as an aspect of (cultural) diversity. Others do not specifically list it but appear to have embraced it under the diversity rubric in practice. Certain others do not list it and do not appear to include it under their understanding of diversity. Since it is possible that diversity is or may become the/an appropriate home for inclusion and consideration of disability, it was decided that provisions on diversity should at least be mentioned.

In relation to definitions, key areas that arise are the definitions of “broadcasting” and of “disability”. The approach adopted towards each was as follows. In the case of disability the definition used is that of the UN Convention on the Rights of Persons with Disabilities 2006, which has been signed by all of the countries studied with the exception of the US. The definition is:

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” (Article 1)

Therefore, both physical and mental disability is included, as they are in the relevant provisions of all of the countries that form the basis of the current study.

In relation to broadcasting, the definitions used were those contained in the Irish Broadcasting Act 2001:

“Broadcaster” means a person who supplies a compilation of material for the purpose of its being transmitted or relayed as a broadcasting service (whether that person transmits or relays that material as such a service or not)”

“Broadcasting service” means a service which comprises a compilation of programme material of any description and which is transmitted or relayed by means of wireless telegraphy, a cable or MMD system or a satellite device, directly or indirectly for reception by the general public, whether that material is actually received or not, but does not include such a service that is provided by means of the Internet”

Account was taken also of the updated definitions in the new Audiovisual Media Services Directive.

It must be noted also that there is no uniform usage of terms such as “codes”, “guidelines”, “standards”, “principles”, etc., in all of the countries studied, and in the case of non-English speaking European countries, reliance had to be placed on how such documents were referred to in available translations.

In addition, since the adoption of measures addressing employment issues and prospects for people with disabilities in the media was a recurring theme in the materials accessed in the course of the research, it was decided to include some reference to employment in the belief that such information might be of some extra value to one or both of the funding organisations of the research, BCI and NDA. In the same vein, reference is made where appropriate to accessibility issues.

Council of Europe

In that regard, account was taken of the Council of Europe's Recommendation (2006) 5 to Member States on its Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015. This recommendation has a number of provisions that relate to broadcasting.

Member States are to encourage their broadcasting and related creative industries to ensure that people with disabilities can access programming etc., and are to urge broadcasters and others to publish Action Plans for increasing the employment of people with disabilities both in front of the camera / microphone and behind it ((3.2.3). Other provisions urge Member States to ensure co-operation in the field of media to help bring about a change of attitudes to disabled people:

“Disabled people need to be present in advertisements, on screen, on radio, and in print to bring about a paradigm shift in the perception of disability and disabled people; a real change in attitudes by all members of society can then become a reality.” (3.15.1)

The full text of the Recommendation is included in the support documents supplied with the report of the current study. While the Council of Europe recommendation makes specific reference to disabled people in advertising, as does the new Audiovisual Media Services Directive, the current study does not include a detailed examination of advertising provisions in the country reports.

The country reports are followed by a brief comparative study of the countries chosen, which aims to identify commonalities among them, common threads, dissimilarities in approach or practice, and developing trends.

A number of non-English speaking EPRA countries were also examined (e.g. Belgium and the Netherlands) but for various reasons, notably the difficulty in accessing sufficient English-language materials and time constraints, were omitted from the analysis.

The final section of the Report evaluates the country reports and comparative study and sets out the key findings.

Materials considered of particular importance, as well as a list of useful resources, including websites, are included in full or listed in the appendices. Full text support materials and documentation accessed or used in the preparation of the Report are available on request from the NDA and the BCI.

An Executive Summary is also provided.

UNITED STATES

INTRODUCTION

Broadcasting in the United States is decentralised and dominated by commercial networks, to which most stations are affiliated. The Public Broadcasting Act 1967 (s.396) sets the context for public broadcasting in the US and establishes the Corporation for Public Broadcasting, which subsidises non-commercial broadcasting. The Federal Communications Commission is the federal regulator. There is no obligation on US broadcasters to reflect diversity in programme content. Individual radio and TV stations are responsible for selecting everything they broadcast and for determining how they can best serve their communities.

The strong freedom of speech guarantee in the First Amendment to the US Constitution creates a framework within which neither the government nor the Federal Communications Commission is in a position to regulate content beyond that which is obscene.

Broadcasters in the US do not have policies on the representation of persons with disabilities, apart from guidelines on accessibility and some brief, isolated references in the context of recruitment. It is only disability legislation which creates obligations for the broadcasters. Most of the useful relevant material originating in the United States comes from representative associations and the educational sector, apart from a couple of isolated examples from within the broadcasting industry, e.g. the People with Disabilities Broadcasting Corporation and the Disability News and Views Radio Show. California has developed targeted initiatives through the Media Access Office (see further below).

LEGISLATION

The Americans with Disabilities Act 1990 is only relevant to broadcasting insofar as it relates to employment equality. The Rehabilitation Act 1973 contains a possible indirect obligation, as discrimination is prohibited in programs receiving federal funding and could therefore apply to public broadcasting.

The Communications Act 1934 (as amended by the Telecommunications Act 1996) is only relevant to disability in providing for technical accessibility such as closed captioning.

Section 396 of the Public Broadcasting Act 1967 encourages and financially supports public service broadcasting for instructional, educational and cultural purposes. It also encourages the development of programming that addresses the needs of unserved and under-served audiences. It provides for the allocation of grants to independent producers to fulfil the aims and objectives of the Act but there is no specific reference to persons with disabilities in the Act.

REGULATOR

The Federal Communications Commission (FCC) is constrained by the First Amendment in its regulation of the broadcasting sector and therefore does not stipulate that broadcasters follow any codes on the representation of persons with disabilities in the media. The Commission encourages the public to write to broadcasters directly with any complaints, as it is only empowered (under FCC rules formulated in light of Supreme Court rulings that obscenity is not protected by the First Amendment¹), to prohibit the broadcasting of obscene material or to restrict indecent content when children are likely to be viewing.

¹ Roth v. United States 354 US 476 (1957)

BROADCASTERS

The main commercial networks are ABC, CBS, NBC and FOX. They have no legislative obligations outside of internal employment equality obligations that could impact either directly or indirectly on the representation of persons with disabilities. The CBS network is also a major network and it has made efforts to improve the representation of persons with disabilities (see below).

The Corporation for Public Broadcasting (CPB) is a private, but publicly funded, non-profit organisation established under the Public Broadcasting Act 1967 to fund television and radio programmes. Most CPB-funded television programmes are distributed through the Public Broadcasting Service (PBS), a non-profit media enterprise owned and operated by the nation's 355 public television stations. CPB-funded radio programmes are distributed primarily through National Public Radio (NPR), American Public Media, and Public Radio International (PRI). CPB created PBS in 1969 and NPR in 1970.

“With TV” (People with Disabilities Broadcasting Corporation) is a cable channel established in 2006 in an effort to improve the representation of people with disabilities in the media through “an inclusive media outlet that defines all people by their talents and the quality of their stories, rather than by disability.” Their mission is to run a channel which is “of, by and for persons with disabilities....and everyone else.” The channel is not currently funded and is seeking investment partners. Once the channel is properly funded, programming will cover all genres and a nightly news show will cover news from the perspective of persons with disabilities. It is envisaged that some programming will not be based on disability issues but will include characters with disabilities in non disability specific roles. The channel also plans to run the first annual Summer Institute for Film and Television in 2008.

CODES/GUIDELINES

Codes of broadcasting practice or guidelines in the US on the representation of people with disabilities stem mainly from the broadcasting and entertainment representative bodies and from educational institutions.

The Entertainment Industries Council, a non-profit organisation founded in 1983 by industry professionals, provides information, awareness and understanding of major public health and social issues among the entertainment industry and to the general public. It has published and disseminated depiction suggestions on mental illness in collaboration with the non-profit social awareness organisation, the Carter Center, and these were updated in 2001. The aim is to encourage tactful and sensitive reporting and to increase awareness of important issues.

The Substance Abuse and Mental Health Administration Information Center of the US Department of Health and Human Services has recommended that the National Strategy for Suicide Prevention instigate a media monitoring process to provide the media with informed support and appraisal of mental health coverage. They have also recommended that guidance on portrayal and reporting of mental illness should form part of journalistic training.

The Address Discrimination and Stigma Center (ADS), which is part of the US Department of Health and Human Services, has included a resource on portrayal of mental illness on its website, which is intended for media professionals. The site provides links to brochures, fact sheets, books, articles, research and relevant organisations. The resource also provides links to the UK and Australian guidelines and provides a copy of the Center's own Challenging Stereotypes: An Action Guide, to enable aggrieved persons to challenge negative media portrayals.

The Palmetto Media Watch Program is a public education initiative of the South Carolina Department of Mental Health and various mental health advocacy organisations, who are working to help reduce the stigma associated with mental illness by raising awareness of mental health issues and monitoring media portrayals of mental illness. It is one of many such monitoring programs across the US, e.g. the National Stigma Clearinghouse in New York. The Palmetto Program trains Media Watchers to monitor media content of their choice, whether television or radio programmes, and provides them with a guide so that they can provide informative responses to both negative and positive media portrayals.

The Palmetto Program aims to gain the co-operation of the media and strengthen alliances with advocacy groups to develop anti-stigma strategies. The Program has identified “Myths and Misconceptions” to be corrected about mental illnesses, e.g. that mental health consumers² are violent and dangerous, are lazy and lack willpower and intelligence, are responsible for causing their illness and are incapable of becoming active, participating members of society.

Although not directly emanating from broadcasting, it is perhaps useful to note that the Ragged Edge (formerly Disability Rag) magazine, which advocates for the disability rights community, has published guidelines on language and terminology for reporters and editors: ‘Beyond the AP Stylebook - Language and Usage Guide for Reporters and Editors.’ It outlines the two most important rules to bear in mind when writing stories about people who have disabilities, namely, to avoid clichés and clichéd constructions and to use "value-neutral" terms and constructions, i.e. don't interject your admiration (or pity) into your story.

² A mental health consumer is a person who uses, or has used in the past, mental health services.

The stylebook also provides some general advice and examples of preferable words and phrases and, conversely, words and phrases to be avoided. It guards against making nouns out of conditions, e.g. describing someone as a ‘handicap’, adding emotional baggage and sensationalism to a story; e.g. “suffers from” or “confined to a wheelchair” should be replaced with “has” or “had” or “uses.” Euphemisms such as “physically challenged” should also be avoided, as should ‘heroic’ portrayals. The term ‘special’ should be replaced with ‘separate’ where possible, e.g. separate schools rather than special schools, and reference should not be made to a person’s disability except where relevant.

INITIATIVES

Alliance for Inclusion in the Arts

The Alliance for Inclusion in the Arts was established in 1986 and aims to serve as an “expert advocate and educational resource”³ for full inclusion of artists of colour or artists with a disability in theatre, film, television and related media. The organisation works to increase the participation and portrayal of artists with disabilities in the industry, to educate and to assist in the development and implementation of specific schemes through which producers, directors and casting directors can create a more inclusive environment. The organisation sees diversity in the broadest possible sense, as including not only the artistic and production team, but also the administrative staff and the audience.

Past and current initiatives of the Alliance include a National Diversity Forum (online discussion forum) ‘from the perspective of [interested people] who are working [in the arts], are attempting to do so or have a particular expertise to offer.’⁴ The aim is to share strategies and report on any achievements. One of these is ‘Written on the Body: A Conversation About Disability.’

³ Alliance for Inclusion in the Arts Mission Statement available at: <http://www.ntcp.org/missionframe.htm>

⁴ Alliance for Inclusion in the Arts: Current Initiatives- National Diversity Forum, available at: <http://www.ntcp.org/initiativesframe.htm>

The Alliance maintains Artist Files/Online (a talent bank). It published a resource guide, entitled Listening with an Open Eye, for those employing actors who are deaf and hard of hearing. The Alliance also co-ordinates national consulting and information programs, holds conferences and educational seminars and publishes a national newsletter New Traditions on the various efforts to increase diversity. The Alliance has also produced a book Beyond Tradition, and an educational video tape 'Breaking Tradition.'

Screen Actors Guild/American Federation of Television and Radio Artists

The Screen Actors Guild is the largest union representing working actors in the US. SAG represents nearly 120,000 working actors in film, television, industrials, commercials, video games, music videos and other new media.

In 2005, the Screen Actors Guild commissioned a report The Employment of Performers with Disabilities in the Entertainment Industry, in light of the lack of data on the hiring of actors with disabilities. The key findings of the report were that there is a low level of hiring of SAG members with disabilities. Overall the respondents believed their employment prospects to be very limited, with the three greatest barriers being identified as only being considered for disability-specific roles, a lack of acting jobs in general and difficulty securing an audition.

American Federation of Television and Radio Artists

The American Federation of Television and Radio Artists (AFTRA) is a national labour union representing over 70,000 performers, journalists and other artists working in the entertainment and news media. AFTRA works with network television casting offices to produce showcases featuring promising actors with disabilities, as part of a continuing inclusion initiative. The Forum on Assistive Technology focuses on new technologies that can be used to increase employment opportunities for actors, writers and broadcasters with disabilities.

AFTRA has recommended that the industry advocate for greater diversity in roles and increased hiring of performers with disabilities, and for changes in auditioning and employment practices in order to accurately portray American society. They have also urged the collection of data on the employment of performers with disabilities on an on-going basis to allow for comparisons with other under-represented groups in the industry. More specifically, AFTRA sees the need to address images, language and attitudes that either contribute or hinder inclusion in the workplace; to educate the industry about accessibility and accommodation rights; to provide resources to the industry regarding accommodation, e.g. how to source a sign language interpreter; and to examine the needs of older actors who may be at risk of acquiring a disability.

The National Association of Broadcasters' Career Center is a free interactive website on broadcasting careers for employers and job seekers, assisting in the placing and recruitment of "candidates who reflect the diversity of the community's population."⁵

Association for Education in Journalism and Mass Communication

The Association for Education in Journalism and Mass Communication is a non-profit, educational association of journalism and mass communication academics, students and media professionals from around the world. The Association runs a Media and Disability Interest Group to promote academic research into disability and mass media, including issues relating to portrayals, hiring practices, technology, civil rights, etc.; to reach out to the disability community for the purpose of mutual awareness of resources; and to promote accessibility for people with disabilities at AEJMC meetings and activities.

The website also provides links to a list of 'Disability News Sources' on the <media-disability.net> website, which also contains a searchable archive of past conference papers.

⁵ See National Association of Broadcasters Education Foundation Career Center website available at: http://www.nab.org/AM/Template.cfm?Section=Career_Center

National Center on Disability and Journalism

The National Center on Disability and Journalism (NCDJ) is an independent journalism organisation, whose mission is to educate journalists and educators about disability reporting issues, in order to produce more accurate, fair and diverse news reporting. The mission is achieved through research, development and distribution of educational resources.

NCDJ offers two programs:

1. Research, development and distribution of educational and resource materials for journalists and educators to use in the newsroom, educational organisations, and college and university classrooms. Materials include a newsletter, style guide, curricula and mentorship program.
2. Student internships, where students get hands-on experience by participating in the educational materials program.

Chicago Institute for the Moving Image

The CIMI is a non-profit organisation that encourages filmmakers to take responsibility for the way their films affect audiences. CIMI works regularly with socially conscious filmmakers to engage marginalised spectators. The Institute runs the Annual Chicago Festival of Cinema for the deaf, which includes deaf actors, and films are captioned. A workshop is also provided before the festival, where deaf and hard of hearing children are brought together to make a short trailer film to be shown before the program. Filmmakers get the opportunity to meet deaf and hard of hearing actors or producers and it is hoped that working relationships would be established.

Producers, directors and specialists in media for the deaf attended from England, Scotland, Israel, Amsterdam and throughout the U.S. for the second four-day festival in 2003.

IMPLEMENTATION

The Corporation for Public Broadcasting encourages persons with disabilities to apply for jobs or promotions internally. The Public Broadcasting Service, a non-profit media enterprise owned and operated by the nation's 355 public television stations, also provides online educational and information resources for parents and teachers. "PBS Parents" and "PBS Teachers" are online resources which provide information on the children's programming distributed by PBS, as well as general information on child development and learning. They include information on learning disabilities and physical disabilities.

Examples of publicly funded programmes are:

- 'On a Roll,' a regular radio programme, hosted by a wheelchair user, which discusses the successes and challenges of people with disabilities.
- My So-Called Disability, a series created by WCSY-TV Syracuse, which addresses the needs of individuals with physical and mental disabilities (See the 2006 Report on Public Broadcasting's Services to Minorities and Diverse Audiences)
- 'Mr. Rogers' Neighborhood' is a PBS Kids television series which encourages children to be inclusive and to be accepting of persons with disabilities.
- The 'In the Mix' series (ongoing) included a once-off episode entitled 'What's normal? Overcoming Obstacles and Stereotype,' which addressed the lives of teenagers with a disability.

With regard to radio, National Public Radio and American Public Media Radio programming regularly address the concerns and rights of persons with disabilities.

The commercial CBS network maintains a Diversity Institute, which runs a number of programmes including diversity talent showcases. In 2005-2006, CBS, in association with AFTRA, SAG and the California State Media Access Office, sponsored its first talent showcase for performers with disabilities in Los Angeles with executives and casting directors. A participant immediately secured a recurring role in the television series CSI: New York.

Other diversity initiatives by CBS include a writers' mentoring program; a directing initiative (on-set observing for aspiring directors); writers' career workshops; and actors' career workshops. CBS also partnered with the Non-Traditional Casting Project (now Alliance for Inclusion in the Arts), to host a two-part workshop with industry executives at CBS Headquarters in New York in January 2004. The workshops provided television casting directors with information on specific disabilities and on working with performers with disabilities.

The CBS website also contains a section entitled CBS Cares. This aspect of CBS has been running since 2000. CBS Cares runs Public Service Announcement (PSA) campaigns, including some which have addressed autism, bipolar disorder, depression, diversity/tolerance, epilepsy and schizophrenia. These PSAs aim to educate and inform the public about these issues and the PSAs are developed in consultation with relevant experts.

The commercial broadcasters ABC, NBC and FOX refer to a commitment to diversity on their websites in the context of recruitment, but there is no reference to persons with disabilities, and diversity is more focused on inclusion of racial minorities. An exception to this is the ABC Primetime Casting Department, which hosts acting showcases following extensive auditioning, and past participants have included actors with disabilities. ABC in Chicago hosts a news segment twice a week entitled 'Disability Matters,' reporting on disability issues.

The Disability News and Views Radio Show, which airs once a week and is also available online, aims "to be a voice that will build and maintain a leadership position in the media for people with disabilities as we promote awareness, educate and inspire; to build bridges between people with disabilities and people without; as well as to entertain and break down the mental and physical barriers and to realize the unique gifts and talents each human being has."⁶

In the educational sector, the National Arts and Disability Center,⁷ a project of the University of California, provides various guides on communicating with persons with disabilities and on disability culture in general. In 1999, they held an exhibition entitled 'Selected Portrayals of Persons with Disabilities in books and film; 1930-1990.' The website also provides links to information for performers with disabilities.

6 Available at: http://www.disabilitynewsradio.com/about_us.htm

7 Website available at: <http://nadc.ucla.edu/>

California Governor’s Committee on the Employment of Persons with Disabilities Media Access Office

The Media Access Office was established in 1980 in co-operation with entertainment and media industry professionals to “actively promote the employment and accurate portrayal of persons with disabilities in all areas of the media and entertainment industry, ensuring that the industry recognizes people with disabilities as part of cultural diversity.”⁸ It is funded by the State of California and by fundraising activities.

Media Access Office services and programs include a Casting Division with talent files to assist recruitment; a Talent Development scheme; Talent Agent Support; Project Development and Production Information to field various queries; community education; and seven different Media Access Awards in recognition of media professionals, films, television shows, commercials and other products in the media and entertainment industry for their accurate portrayal of people with disabilities. Recognition is also given to employers employing and casting people with disabilities in the industry. In addition, scholarships are provided to adults and children with disabilities to assist them in developing their talents.

The California Business Leadership Network (CABLN) is an extension of the nation-wide Business Leadership Network (USBLN) established in 1994 by the former President’s Committee on Employment of People with Disabilities and is dedicated to more effectively employing persons with disabilities. It is an employer-to-employer network of small, medium and large companies that enable employers to share best practices, work collaboratively on common issues and effectively utilise community-based resources.

⁸ California Governor’s Committee on the Employment of Persons with Disabilities, p. 1, available at: http://www.disabilityemployment.org/med_acc_txt.htm

The network also aims to develop partnerships to support best practice initiatives in recruiting, accommodating and retaining employees with disabilities and to develop awareness training packages and seminars for companies.

The United States Department of Health and Human Services - Substance Abuse and Mental Health Services Administration Department - has published a National Strategy for Suicide Prevention, with a set of goals, including one to 'Improve Reporting and Portrayals of Suicidal Behavior, Mental Illness, and Substance Abuse in the Entertainment and News Media.' The Department is concerned about negative media portrayals, as they may lead individuals to deny that they have a problem or to be reluctant to seek treatment.

The Academy of Television, Arts and Sciences Diversity Directory

The Diversity Directory reports that "in keeping with the Academy's goal to promote diversity both in front of and behind the camera, the Committee on Diversity has successfully presented programs that include each of the 27 peer groups" (including persons with disabilities). The Committee produced a Diversity Resource Directory of Academy Members, providing contact details for some of the academy's diverse members, thereby serving as a recruitment resource for employers seeking to diversify their workforce. There are only four members with a disability detailed in this directory out of a total of 83 listed.

OVERVIEW

The position regarding the implementation of measures to improve representation of people with disabilities in the US is largely circumscribed by the strong freedom of speech guarantee in the First Amendment to the US Constitution. The obligation it imposes on Congress not to pass any law abridging freedom of speech means that there can be no intervention through legislation to curb broadcasters' freedom of speech with regard to programme content, including whether or how to include persons with disabilities. It follows that the regulator, the FCC, may not make stipulations either.

The emphasis therefore is on the provision of information and the raising of awareness of disability issues, instigated mainly by government bodies linked to departments of health, and by arts organisations, journalism educational associations and disability organisations.

Efforts in the US to improve the representation of persons with disabilities are hampered also by the restrictive concept of diversity used by broadcasters as relating to women and to racial minorities. They do not share the broad all-encompassing concept of diversity that is used in Canada, for example, a concept in which persons with disabilities are now very prominent.

Progress in the US will depend on the willingness of broadcasters to co-operate with the initiatives and programs outlined above and on increased use of the public broadcasting funding system to produce programming that addresses the needs of, and issues concerning, people with disabilities.

As regards children's programming, the US took the lead in disability representation, having begun in the 1970s to include children with disabilities and adult role models on Sesame Street and now Blues Clues, Zoom and other popular shows. The US disability community has produced many award-winning disability videos in the past 20 years, documenting its approaches to community integration and independent living.

While there are a number of specific initiatives underway in the US, the lack of legislative obligations means that this jurisdiction is of limited value as a comparative model in assessing international best practice on the implementation of measures to improve representation. The Media Access Office in California is probably the best example of a targeted and dedicated initiative to improve representation in the US and has been identified by Canada as an example of international best practice to adopt in that jurisdiction.

SUMMARY

The initiatives outlined above emanate mainly from:

- Government Departments
- Entertainment Representative Bodies
- Educational Organisations

The initiatives outlined above embrace the following:

- Information and awareness creation (websites, resource materials, archives) around disability and people with disabilities
- Advocacy on participation, creation of employment opportunities, showcasing, training of people with disabilities, provision of scholarships to assist in training
- Co-operation and formation of alliances between disability professionals and media
- Depiction suggestions, use of language
- Media monitoring
- Education of journalists, promotion of research, provision of internships; provision of writers,' directors,' actors' workshops
- Production of radio and television news and other programming for adults and children, which promote inclusivity, involve persons with disabilities and/or address disability issues

CANADA

INTRODUCTION

The broadcasting industry in Canada endeavours to promote Canadian programming, expression and culture, and to represent all sections of the community. The representation of persons with disabilities in the broadcast media is a live issue in Canada at present, and many initiatives are being examined or are underway to advance this objective. The broadcasting regulator, the Canadian Radio-Television and Telecommunications Commission (CRTC), has been instrumental in advancing this goal.

LEGISLATION

Sections 7, 12 and 15(2) of the Human Rights Act contain general positive obligations that indirectly affect broadcasters and s. 6(1)(b) of the New Brunswick Human Rights Act imposes a negative obligation that directly affects broadcasters, i.e. an obligation not to broadcast discriminatory material. The Employment Equity Act 1995⁹ and the Employment Equity Regulations 1996 (Part 1) oblige employers with one hundred or more employees to prepare an employment equity plan (s. 10(1) 1995), in order to achieve and monitor internal diversity. The plan must set out the policies and practices by which the employer intends to improve the representation of identified under-represented groups in the workplace. The plan must be implemented in consultation and collaboration with employee representatives. The Employment Equity Act 1995 makes specific reference to four groups, namely women, Aboriginal Peoples, persons with disabilities and members of visible minorities. This reference to persons with disabilities later prompted actions to improve the representation of such persons in broadcasting (see further below).

⁹ Sections 5, 6, 9-1.

The Accessibility for Ontarians with Disabilities Act 2005 will also impact on the broadcasting industry. The Act provides for the development of “accessibility standards” by the government, following consultations with the disability community and relevant public and private sector representatives (ss. 7 and 8(3)). Specific areas have been identified within which to develop an accessibility standard, including employment and also information and communications. These standards are to identify the measures, policies, practices or other requirements necessary to achieve accessibility (s.6(6)). The first steps have been taken in developing the Information and Communications accessibility standard, but preliminary information suggests that it will be largely concerned with technical accessibility measures. The employment standard will however be of relevance to the representation of people with disabilities in the broadcasting industry, but the standard has yet to be developed.

All broadcasting licensees have a responsibility to contribute to the reflection and portrayal of Canada’s cultural diversity. The Broadcasting Act 1991 specifically states at section 3 (1) (d) (iii) that the Canadian Broadcasting system should “... through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian Society and the special place of aboriginal peoples within that society.” Much of the later work to improve the representation of persons with disabilities in broadcasting has stemmed from this commitment to cultural diversity (see further below).

Section 8(1)(b) of the Broadcasting Distribution Regulations (S.O.R./97-55) contains a negative obligation relating to discriminatory material.

REGULATOR

The Canadian Radio-Television and Telecommunications Commission (CRTC) regulates all broadcasting (public and private) and telecommunications activities in Canada and carries out the policies assigned to it under the Broadcasting Act 1991. The Commission is responsible under s. 5(1) of the Broadcasting Act for ensuring that broadcasting reflects the specific needs of Canadian society, including the diversity obligation outlined above. In regulating, the Commission takes into consideration the individual circumstances of each licensee (s5(2)) and has the power to amend the conditions of, suspend or revoke a broadcasting licence (s.9), and may issue mandatory orders to a broadcaster (s.12). Such orders are enforceable in the same manner as a court order (s.13).

The Commission issued a public notice in 1999 and a broadcasting decision in 2001, concerning conventional television services and pay and speciality services, in which it reiterated the need for the licensees of all such television services to reflect the cultural diversity of Canadians. In order to assist in achieving these (TV Policy) objectives within mainstream television, the Commission began to include expectations in its broadcasting decisions that licensees file corporate plans on cultural diversity. In addition, the Commission called on the representative organisation of Canada's private broadcasting sector, the Canadian Association of Broadcasters (CAB), in Public Notice 2001-88, to prepare an action plan for the creation of a task force consisting of industry and community representatives that would sponsor research, identify "best practices" and help define issues and present practical means for ensuring the accurate reflection and portrayal by broadcasters of ethnocultural groups and Aboriginal Peoples. This ultimately provided the framework for policies and strategies in relation to the representation of persons with disabilities in broadcasting (see further below).

BROADCASTERS

The main public service broadcaster is the Canadian Broadcasting Corporation (CBC). Under s. 3(1)(m) of the Broadcasting Act 1991, the CBC is responsible for providing a wide range of programming that “informs, enlightens and entertains” but no reference is made to promoting diversity outside of cultural and racial diversity and there is no reference to people with disabilities.

CBC has an obligation under s. 3(1)(d), which provides that “[t]he Canadian broadcasting system should safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada” and “through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights.”

The commercial broadcasters have the same obligations under s. 3(1)(d) of the Act. Other obligations are contained in s. 3(1)(r) in relation to “alternative television programming services.” Section 3(1)(r)(ii) provides that such programming should “cater to tastes and interests not adequately provided for by the programming provided for mass audiences.” Section 3(1)(s) provides that “private networks and programming undertakings should, to an extent consistent with the financial and other resources available to them, contribute significantly to the creation and presentation of Canadian programming, and be responsive to the evolving demands of the public.”

The main commercial broadcaster in Canada is CTV.

Broadcasting Associations

The Canadian Association of Broadcasters (CAB) is the national voice of Canada's private broadcasters and represents the vast majority of Canadian programming services, including private television and radio services, networks and specialty pay and pay-per-view television services.

In response to a call from the regulator, the CRTC, in 2001 to set up a Task Force on cultural diversity, CAB created the Task Force for Cultural Diversity on Television in June 2002 and it began its work in July 2002. The Task Force completed and submitted a comprehensive report *Reflecting Canadians: Best Practices for Cultural Diversity on Television*, to the Commission in July 2004.¹⁰ This work on cultural diversity and aboriginal initiatives led to work on initiatives regarding persons with disabilities.

In its Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27, renewing the licences of 22 speciality services, Broadcasting Public Notice CRTC 2004-2,¹¹ the regulator, CRTC, raised the issue of the limited on-air presence of broadcasting industry employees falling within the particular four groups designated under the Employment Equity Act 1995.

10 Available at: http://www.cab-acr.ca/english/social/diversity/taskforce/report/cdf_report_jul04.pdf.

11 Broadcasting Public Notice CRTC 2004-2, Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 speciality services at para. 39.

These four groups were women, Aboriginal Peoples, persons with disabilities and members of visible minorities.¹² In particular the Commission noted that “far too few on-air positions are filled by Aboriginal persons or persons with disabilities.”¹³ In the same notice, the Commission stated that it “expects licensees to ensure that the on-air presence of members of each of the four designated groups is reflective of Canadian society, and that members of these groups are presented fairly, accurately and in a manner that is non-stereotypical.”¹⁴ More specifically the Commission emphasised the role that broadcasters can play in helping to create and reinforce positive attitudes towards persons with disabilities, and stated the presence, portrayal and participation of persons with disabilities to be “a matter in need of thorough investigation by the broadcasting industry.”¹⁵

The CRTC therefore called on the CAB to develop and file an action plan “outlining the process it would propose be followed to examine issues surrounding the presence, portrayal and participation of persons with disabilities in television programming.”¹⁶ The CRTC noted that some broadcasters had already expanded their definition of diversity to incorporate persons with disabilities and considered that “initiatives to make programming more reflective of Canada’s cultural diversity can, in many cases be extended or adapted to ensure fair, balanced and inclusive reflection and representation of persons with disabilities.”¹⁷

12 The issue of the presence, portrayal and participation of persons with disabilities in television programming had been raised by several interveners at the hearing on specialty service licence renewals, and had been discussed with the Canadian Association of Broadcasters, CAB, during its intervention.

13 Broadcasting Public Notice CRTC 2004-2, Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services at para. 40.

14 Ibid. at para. 39.

15 Ibid. at para. 52.

16 Ibid. at para. 52.

17 Ibid. at para. 53.

Accordingly, the Commission (CRTC) called upon all broadcasters to incorporate persons with disabilities into their cultural diversity corporate plans.¹⁸ The initiatives taken by CAB and by broadcast organisations are detailed below.

CODES/GUIDELINES

The CBC does not have a specific code on the representation of persons with disabilities. There is a general obligation in the Code of Ethics to provide for the programming needs and desires of all Canadians and there is also an anti-discrimination obligation.

The Task Force established by CAB recommended a review of existing codes and standards. The review proposed the development of a new Equitable Portrayal Code, replacing its Sex- Portrayal Code, which had been approved by the Commission in 1990 (Public Notice 1990- 99). The Code has been created to ensure the equitable portrayal of all persons in television and radio programming and to establish common standards to prevent the negative portrayal of inter alia persons with disabilities.

Following the CAB review of its industry codes (above), the Equitable Portrayal Code was finalised in March 2007. In July 2007, the Commission issued a public proceeding inviting public comment on CAB's Equitable Portrayal Code.¹⁹ The Equitable Portrayal Code has been created to ensure the equitable portrayal of all persons in television and radio programming and to establish common standards to prevent the negative portrayal of inter alia persons with disabilities.²⁰

18 Ibid. at para. 53.

19 See Broadcasting Public Notice CRTC 2007-89 - Call for Comments on the Canadian Association of Broadcasters' Proposed Equitable Portrayal Code.

20 CAB solicited input on the Code from 36 public stakeholder organisations representing ethnocultural, Aboriginal, and disability groups in the English and French-language markets.

The Code sets the context for equitable portrayal under the following headings; “equitable portrayal”, “respect for human rights”, “negative portrayal”, “stereotyping”, “stigmatisation and victimisation”, “derision of myths, traditions or practice”, “degrading material”, “exploitation”, and “language and terminology.” The Code also outlines some contextual considerations, such as legitimate artistic use, comedic, humorous or satirical use and intellectual treatment.

The Code will be a mandatory condition of licence for all radio and television licensees.²¹ Once approved, its application will be the responsibility of the individual broadcasters who will deal with complaints in the first instance. If complaints are not resolved between the broadcaster and complainant, the code will be administered by the Canadian Broadcast Standards Council.

INITIATIVES

In response to a notice by the broadcast regulator, CRTC, in 2004 (above),²² CAB’s Joint Societal Issues Committee (JSIC), which is responsible for dealing with social policy issues affecting the industry, undertook a number of consultations and background research to develop an Action Plan for CAB, which was submitted to the CRTC in August 2004.²³ In addition CAB proposed the development of a toolkit for broadcasters, to assist its members in advancing the inclusion of persons with disabilities in the industry and addressing the presence and portrayal issues on-screen.

21 See Broadcasting Public Notice CRTC 2007-89 - Call for Comments on the Canadian Association of Broadcasters’ Proposed Equitable Portrayal Code, 29 November 2007, p.2 at para. 8: “Given that CAB is proposing to replace the Sex-Role Portrayal Code with the proposed Equitable Portrayal Code, the CAB submits that it too will be condition of licence for all radio and television licensees. However, as with the Sex-Role Portrayal Code the condition of licence would be suspended where a licensee is a member in good standing with the Canadian Broadcast Standards Council.”

22 Broadcasting Public Notice CRTC 2004-2, Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services.

23 See A Submission To The CRTC with Respect to Broadcasting Public Notice CRTC 2004-2 in August 2004, available at: http://www.cab-acr.ca/english/research/04/sub_aug1604.htm

CAB submitted its Final Report on The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming to the CRTC in September 2005.²⁴ The Final Report was informed by the findings of a three-part qualitative research project conducted by CONNECTUS Consulting Inc. on the state of the presence, portrayal and participation of persons with disabilities in programming in Canada's private broadcasting sector. In addition to the findings by CONNECTUS, which showed low levels of representation and participation, negative stereotyping and negative social attitudes, the final report also presents various initiatives, tools and recommendations.

CAB's Final Report identified ten core issues, which were raised by persons with disabilities, broadcasters, industry partners and other stakeholders throughout the course of the research:

- Negative Attitudes and Misperceptions of Persons with Disabilities
- Lack of Participation (employment) in the Industry by Persons with Disabilities
- Accommodating Persons with Disabilities in Television Broadcasting Industry
- Presence Issues and Negative Portrayals of Persons with Disabilities in Dramatic Programming
- Presence Issues and Low/inaccurate Coverage of Disability Issues in News and Information Programming
- The Use of Inappropriate Language Regarding Persons with Disabilities in News and Information Programming
- Lack of Industry Reference Points or Standards Concerning the Depiction and Portrayal of Persons with Disabilities
- Lack of Communication and Outreach between Broadcasting Industry and Disability Community.

²⁴ CAB Final Report on The Presence Portrayal and Participation of Persons with Disabilities in Television Programming, available at: http://www.cab-acr.ca/english/research/05/sub_sep1605.htm

- Lack of Internal Communication among Broadcasters regarding Disability Issues, Barriers and Initiatives²⁵

Recommendations for Industry Partners

- Presence Issues and negative portrayals in the independent Production sector

These issues were then used to inform the overall objectives, initiatives, tools and timing for implementation in each case. The following table from the CAB report sets out the initiatives, tools and recommendations.

²⁵ See CAB Table below, available at: http://www.cab-acr.ca/english/research/05/sub_sep1605.htm

Initiatives, Tools and Recommendations

The Presence, Portrayal and Participation of Persons with Disabilities in Television

	Issue	Objective	Recommendation	Tools	Timing and Implementation
A	Negative attitudes and misperceptions of persons with disabilities	Influence the public and our audiences about persons with disabilities to encourage attitudinal shift	1) Increase presence, portrayal and participation of persons with disabilities in television in all initiatives noted 2) Create a Public Service Announcement (PSA) that may be broadcast on CAB member stations	<ul style="list-style-type: none"> PSA for use by all broadcasters for airing at any time. CAB Industry Content Codes 	CAB to coordinate and undertake launch of PSA for broadcast in the Fall 2006.
B	Lack of participation (employment) in the industry by persons with disabilities	Increase access to information about employment opportunities in broadcasting to disability community	Develop an information package about employment in the broadcasting and production sectors for wide distribution to broadcasters, educators and disability community	<ul style="list-style-type: none"> Accessible brochure Diversity in Broadcasting section of CAB website Job fairs/recruiting Scholarships and internships (station level) Mentoring and job shadowing for new employees with disabilities (station level) 	Through its committees, CAB to begin work immediately for completion in 2006
C	Accommodating persons with disabilities in television broadcasting industry	Increase the participation of persons with disabilities in the industry by better accommodating their needs.	With the input of the disability community, develop training seminar for managers in television broadcasting industry.	<ul style="list-style-type: none"> Training seminar 	CAB to investigate available training for adaptation to television settings (e.g. Canadian Council on Rehabilitation and Work) for implementation in 2006
D	Presence issues and negative	Increase presence; improve	Broadcasters to use their existing licensing	<ul style="list-style-type: none"> Agreements with producers CAB Industry Content Codes Distribute revised CAB Codes to 	CAB Board to initiate process in 2005 by

	portrayals of persons with disabilities in dramatic programming	depictions by ensuring accurate characterizations and storylines	agreements, guidelines and/or contracts with producers to enforce positive depiction	industry partners	issuing communique to independent production community
E	Presence issues and low/inaccurate coverage of disability issues in news and information programming	Improve on-air presence of persons with disabilities and improve coverage of disability issues in television news & information programming	Consult with RTNDA and disability community on development of local outreach measures and other initiatives	<ul style="list-style-type: none"> Local outreach initiatives (e.g. consult with disability groups) Develop database of subject matter experts (station level) 	Through its Committees, CAB to initiate discussion with RTNDA in 2005; initiatives advanced through broadcaster diversity plans
F	Use of inappropriate language respecting persons with disabilities in news and information programming	Educate the broadcasting sector about inappropriate and insensitive language on an on-going basis	Seeking the input of the disability community, CAB to work with RTNDA to develop educational material on inappropriate language	<ul style="list-style-type: none"> Information brochure circulated to CAB and RTNDA members, posted on-line in accessible format 	CAB to undertake with RTNDA immediately for completion in 2006
G	Lack of industry reference points or standards concerning the portrayal of persons with disabilities	Create a set of guidelines and standards for broadcaster use	Integrate standards and guidelines into review of Industry Content Codes.	<ul style="list-style-type: none"> Review of CAB Industry Content Codes 	Review process is underway, proactively including persons with disabilities; completion in Spring 2006
H	Lack of communication and outreach between broadcasting industry and disability community	Increase on-going meaningful dialogue between the two sectors	On an individual broadcaster basis, establish connections with local disability organizations and implement a mechanism for regular communication	<ul style="list-style-type: none"> Integrate station outreach initiatives into corporate diversity planning Develop Diversity in Broadcasting section of CAB website as main source of information on Persons with Disability providing links to: <ul style="list-style-type: none"> Disability groups by region Broadcasters and industry partners initiatives and activities Ensure Diversity in Broadcasting content is accessible 	On-going, with inclusion of initiatives in corporate diversity plans
I	Lack of internal communication among broadcasters regarding disability issues, barriers	Improve communication about disability issues and barriers within the broadcasting industry	Create materials and mechanisms for better communicating information about disability issues, barriers and	<ul style="list-style-type: none"> Repurpose CAB Cultural Diversity Committee to the CAB Diversity Committee Circulate information to CAB membership through Updates, President's Reports, etc. 	Begins with release of CAB Report in September 2005; CAB initiative currently

	and initiatives		initiatives to CAB membership	<ul style="list-style-type: none"> • Maximize awareness of issue through coverage by mainstream and trade publications • On-line report and research document accessible on-line • Use CAB Convention to promote diversity issues • Ensure Persons with Disability remains on the agenda of CAB Committees' meetings. 	underway to improve accessibility of website
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Recommendations for Industry Partners

Issue	Objective	Recommendation	Tools	Timing and Implementation
Presence issues and negative portrayals in the independent production sector	Improve the presence of performers and creators with disabilities on-screen/behind the scenes and more accurately depict characters with disabilities	Recommend that the production sector (i) take steps to increase/ identify the talent pool of performers and creators with disabilities and (ii) consult with disability groups and experts about characterization	<ul style="list-style-type: none"> • Producer, Writer, Director etc. Associations should develop resource similar to ACTRA Toronto's Mainstream Now! publication • Develop accessible diversity sections within production industry websites 	Recommend implementation in 2006
Lack of Access and Training Opportunities	Provide training opportunities and skills development in local communities	Cable licensees operating community channels should identify diversity strategies aimed at encouraging better participation of persons with disabilities in community programming.	<ul style="list-style-type: none"> • Develop and implement diversity plans 	Recommend implementation in 2006
Use of inappropriate or insensitive language regarding persons with disabilities in news and information programming and the low or inaccurate coverage of disability issues in news and information programming	Improve portrayal/depiction of persons with disabilities and coverage of disability issues by television news	RTNDA to consult with disability community on how to improve portrayal of persons with disabilities and coverage of disability issues in news	<ul style="list-style-type: none"> • Review RTNDA Code of Ethics in context of research findings 	Recommend review as soon as possible and in conjunction with CAB review of Industry Content Codes

CAB launched its Diversity in Broadcasting website in May 2005, which serves as a conduit for broadcasters, stakeholders and the public on the industry's diversity measures, initiatives and activities.²⁶ The website includes a vast array of information including research reports, releases, speeches, articles, initiatives and notification of diversity events and contains a specific link on persons with disabilities.²⁷

As indicated above, CAB's Final Report on The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming (2005), identified the "use of inappropriate language" in news stories when referring to people with disabilities as a central concern.²⁸ In order to address this issue CAB proposed the development of educational materials to increase sensitivity and awareness about the harm caused by use of inappropriate language. In 2006, CAB created and published a booklet in collaboration with the RTNDA entitled Recommended Guidelines on Language and Terminology-Persons with Disabilities: A Manual for News Professionals and Glossary.²⁹

Apart from providing a guide to recommended terminology, the booklet provides additional, important information about Canadians with disabilities, including suggested ways of approaching news stories in addition to guidance about communicating directly with people with disabilities.³⁰

26 CAB Diversity in Broadcasting website available at:

<http://www.cab-acr.ca/english/social/diversity/default.shtm>

27 Website link to 'persons with disabilities' available at:

<http://www.cab-acr.ca/english/social/diversity/disabilities.shtm>

28 According to the CONNECTUS Research Study, the use of insensitive language perpetuates the stereotyping of persons with disabilities as being afflicted with conditions that victimized and "medicalized" their status by describing them, for example, as "suffering" from an "affliction," "overcoming" a disability, or as being "confined to a wheelchair."

29 Available at: http://www.cab-acr.ca/english/social/diversity/disabilities/pwd_guidelines.htm

30 The booklet was developed with the input of 13 organizations representing a cross-section of persons with disabilities in Canada, all of which were consulted as part of the CAB's 2005 research study.

The manual is not intended for use as an industry code, nor as a set of binding rules for broadcasters. It has been designed to familiarize broadcast news professionals with the terminology that is preferred by the Canadian disability community.³¹

In 2006, CAB launched three core initiatives which stemmed from the recommendations made in its Final Report on the Presence, Portrayal and Participation of Persons with Disabilities in Television Programming (2005). The initiatives include A Public Service Announcement Campaign entitled Open Your Mind, which features four individuals with disabilities clearly identified by their occupation and career and is designed to address negative attitudes about persons with disabilities in society. CAB also created and distributed information booklets on Employment Opportunities in the Canadian Broadcasting and Affiliated Production Sector³² and also the aforementioned Recommended Guidelines on Language and Terminology - Persons with Disabilities: A Manual for News Professionals and Glossary produced in collaboration with the RTDNA.³³ In addition CAB organised an extensive communications and outreach strategy targeted at government and stakeholders in order to raise awareness about private broadcaster initiatives.³⁴

CAB also utilised the MAP Initiative (see further below) to promote employment opportunities for persons with disabilities in the broadcasting industry by distributing the CAB Employment Opportunities booklets at several employment/career fairs, including “employable,” an employment fair targeting educators and persons with disabilities.

31 The manual is not intended for use with other programming categories such as drama and comedy.

32 Available at: http://www.cab-acr.ca/english/social/diversity/disabilities/pwd_employment.htm

33 Available at: http://www.cab-acr.ca/english/social/diversity/disabilities/pwd_guidelines.htm

34 E.g. CAB consultations with the Council of Ministers of Education enabled the development of a key database and on-going communication with Provincial Deputy Ministers of Education and advisors of ministries of education across Canada. A subsequent letter campaign raised awareness of CAB initiatives such as the booklet on Employment Opportunities.

In developing the Initiatives, Tools and Recommendations (see Table above), the CAB Steering Committee agreed that their implementation must take place in one of three levels (i) the level of the individual station, broadcaster or corporate group (ii) the level of the broadcasting industry as a whole or (iii) within other designated sectors such as the independent production sector or the education sector.³⁵ The Steering Committee and Outreach Committee agreed that broadcasters must develop and implement initiatives that are “tailored to meet their individual business realities.”³⁶ All the initiatives, tools and recommendations outlined in the table were designed so that they may be incorporated by broadcasters in their corporate diversity plans, where appropriate, and assessed on an annual basis through the Commission’s annual reporting requirements.

Other initiatives proposed by CAB for individual broadcasters include inter alia the creation of scholarships, bursaries and /or internships; communicating a commitment to positive and accurate depictions with producers through licensing agreements, producer guidelines and/ or contracts, and the development of databases of persons with disabilities who are subject-matter experts.

In addition to the various initiatives outlined by the CAB in its final report, the CRTC stated that it “expects individual broadcasters, in their annual cultural diversity reports, to describe the initiatives they have pursued to increase knowledge, at all corporate levels, of the needs and abilities of person with disabilities, to implement the measures necessary to improve the portrayal of persons with disabilities on screen, and increase their participation within the industry.

³⁵ See CAB Final Report on The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming, p.6.

³⁶ Ibid.

The CRTC stated that it “will place particular importance on these initiatives and measures in assessing a licensee’s annual cultural diversity report.”³⁷ It also stated that it encourages licensees, in developing these initiatives and measures, to give particular attention to community outreach initiatives involving persons with disabilities and disability organisations.³⁸

RTNDA

The Radio Television News Directors’ Association’s Code of (Journalistic) Ethics strives for equality in reporting, with disability only to be referred to where relevant. The Association launched a Diversity Toolkit, consisting of a DVD and reference booklet to ensure diversity is part of hiring, on-air language and choice of stories. They also compiled a user guide for electronic journalists, entitled Everyone’s Story - Reflecting Canada’s Cultural Diversity. The Association urges the use of sensitivity in reporting on disability and in interviewing people with a disability. Some general etiquette tips for reporters are also provided, including taking care to ensure that the location is suitable and accessible; that a sign language interpreter or other assistance is available; and to allow extra time to conduct the interview so as to give the interviewee adequate time to express themselves fully.

Other practical tips are included, e.g. speaking at an appropriate pace; respectful treatment of their personal property (e.g. wheelchair); ensuring that it is the interviewee’s opinion which is noted, not that of any assistant, friend or family member present. Reporters should also explain the use of any audio or audio-visual equipment.

³⁷ Broadcasting Public Notice CRTC 2006-77, Commission’s response to the Canadian Association of Broadcasters’ final report on the presence, portrayal and participation of person with disabilities in television programming at para. 46.

³⁸ Ibid.

In preparing news reports, the RTNDA state that it is preferable to focus on the “big issues” that affect many groups, rather than focusing on the story of one individual. Reporters are reminded that persons with disabilities “want choice and independence, not charity.”

Finally, the Association remind reporters to be aware on an ongoing basis of disability issues in all genres of news stories and to ensure that the final edit accurately and appropriately conveys the intended story/message. The Association also provide general internal diversity tips for use in recruitment and integration into the workplace. The RTNDA launched a nationwide television and radio campaign in September 2005 to promote cultural diversity in the media. They conducted a study into diversity in the news media, provided a series of educational sessions and seminars in diversity to their members, and invited persons with disabilities to their newsroom for informal consultations.

CBC

The Canadian Broadcasting Corporation (CBC) has an Employment Equity Office to assist in the development of recruitment and promotion measures for persons with disabilities. The CBC also has an Office of Equitable Portrayal in Programming, which develops and implements staff awareness action plans and strategies, co-ordinates studies on programming content for equitable portrayal and has been responsible for follow up on complaints.

In their 2005 Employment Equity Report for Human Resources and Skills Development Canada, the CBC reported having conducted a review of its internal diversity. Hiring goals were set to track and improve representation of groups, including persons with disabilities.

Programmes include Moving On, an award-winning programme, which uses documentary techniques to tell stories about people with disabilities who are developing their own ways of living independently. It is produced in co-operation with the Foundation on Independent Living. Their comedy series, Just for Laughs, features comedians with disabilities. CBC also have a HELP Fund, which provides funding for local projects that prepare members of designated groups (including persons with disabilities) for work at the CBC, e.g. staff development programs, recruitment and training programs.

CTV have an Employment Equity Program, which includes persons with disabilities. They have implemented a diversity tracking system to track the presence of, inter alia, persons with disabilities in news stories.

Innoversity

The Innoversity media campaign is an undertaking of the diversity consulting company DiversiPro, organised and run by the media industry and community groups. It is used as a forum for exchange of information and ideas and a summit is held each year. The Media Access and Participation (MAP) Initiative is a not for profit organisation run by Innoversity, aiming to make the media industry more inclusive and accessible for persons with disabilities, by developing educational resources for broadcasters. It operates in support of the Accessibility for Ontarians with Disabilities Act, which is developing 'accessibility standards.' The MAP initiative is developing educational resources related to the Act for the film and television industry. The MAP initiative is aimed at the broadcast and production industry, creative people with disabilities, educational institutions and employment agencies. It aims to resolve issues of accessibility and portrayal and promotes inclusiveness and any available or potential opportunities in the industry.

Commercial broadcasters

The commercial broadcasters, who are obliged to report to the CRTC on an annual basis, reported the following initiatives:

Alliance Atlantis³⁹ reported in 2006 becoming an active member of the MAP initiative, participating in conferences and forums on the integration of persons with disabilities into the workplace, participating in the airing of the CAB Public Service Announcements, and in the creation of the Equitable Portrayal Code. In 2006, they specifically targeted their recruitment activities towards people with disabilities. Alliance Atlantis is also a founding sponsor of Projections: Abilities International Disability Film Festival in Toronto, which has been running since 2003.

Alliance Atlantis' Submissions Guidelines for Producers (updated May 2007) contain the following requirements:

“The Producer will adhere to the Code of Ethics, the Sex-Role Portrayal Code for Television and Radio Programming⁴⁰ ... administered by the Canadian Association of Broadcasters.”

...In its search for talent, the producer will satisfy [Alliance Atlantis] that it has given proactive consideration to qualified individuals who are ...representative of ... people with disabilities.”⁴¹

39 Alliance Atlantis Broadcasting offers 13 specialty television channels offering targeted, high-quality programming from Canada and around the world. Alliance Atlantis Broadcasting channels include Showcase, Food Network, HGTV, Slice, History Television, Showcase Action, Showcase Diva, BBC Canada, BBC Kids, National Geographic Channel, IFC, Discovery Health and Fine Living. In December 2007 The CRTC approved Can West's purchase of Alliance Atlantis broadcasting companies.

40 As outlined above the CAB Sex-Role Portrayal Code is to be reformulated as the Equitable Portrayal Code, once approved.

41 Alliance Atlantis, Showcase- Television without Borders. Submissions Guidelines for Producers, updated May 2007, available at:

www.allianceatlantis.com/operating/broadcast/producersubmissions/pdf/ShowcaseGuidelines.pdf

CanWest Global Communications Corp. announced in their 2006 Report that efforts had been made to improve portrayal of people with disabilities in news items as role models, and also their portrayal in non-news items. CanWest have been running a mentorship program since 2003. They also ran a Public Service Announcement campaign entitled “Help Make a Difference”, which was developed in co-operation with the Albertan government. They joined the MAP initiative and posted vacancies to disability groups and provided scholarships and internships.

Corus reported (in 2006) continuing the use of departing employee feedback on the issue of whether they believe there are barriers to entry/progression for persons with disabilities.

CHUM Television⁴² set up ‘Diversity Online,’ a free online information resource. This resource was set up in response to the CAB Task Force Report on Cultural Diversity (2004), and CAB’s Final Report on The Presence, Portrayal and Participation of People with Disabilities in Television Programming (2005). Diversity is monitored in all departments through diversity audits. CHUM also participated in outreach initiatives in 2006 designed to increase and improve the representation of persons with disabilities on air. They reported an increased diversity of guest experts and launched an intranet for all employees on employment equity and cultural diversity.

42 CHUM Limited was a media company based in Toronto, Ontario, Canada from 1945-2007 In July 2006, CHUM announced it was to be taken over by Bell Globemedia (now renamed CTVglobemedia), owner of the CTV Television Network.

Canadian Broadcast Standards Council

The Canadian Broadcast Standards Council, in addressing complaints for breach of the CAB Code of Ethics, has reiterated its stance that the Council “takes great care to err on the side of freedom of speech, even in cases involving an allegation of discriminatory comment.”⁴³ The Council has taken the view that the appropriate sanctions are those imposed by listeners via the on/off switch. In that case, the use of the words “retard” and “retarded” by the host to insult one of his production staff, “while clearly tasteless, rude, insulting, offensive and unpalatable to responsible and socially mature adults...it was directed at an individual and does not attribute negative stereotypical characteristics to a defined minority group in such a manner as to amount to breach of [Clause 2 of the CAB Code of Ethics].”

Independent production sector

The independent production sector produced two award winning humorous cartoons, Pelswick and Quads. “Both are unique for their unapologetic assertion that people with disabilities can be as funny, absurd and offensive as any other group of human beings.”⁴⁴

Disability film festival

Picture This is a Canadian disability film festival, a non-profit annual event, established and funded by Calgary SCOPE society, a community action group that advocates for people with disabilities. The festival is sponsored by CBC and aims to attract films that deal with an aspect of disability culture or films on any subject that are produced, written and/or directed by person/persons with a disability.⁴⁵

43 CILQ-FM re The Howard Stern Show (Staff Insults) (CSBC Decision 97/98-1223, February 3, 1999, available at: <http://www.cbcs.ca/english/decisions/decisions/1999/990203f.htm>

44 Caldwell, Doug., ‘Media Representation of Canadians with Disabilities,’ Disability World, 2003, available at: http://www.disabilityworld.org/09-10_03/arts/canadians.shtml

45 See <http://www.picturethisfestival.org/>

OVERVIEW

In 2003, the producer of the CBC Moving On series commented that people with disabilities are “seldom recognised as part of the mainstream”⁴⁶ in the media and regardless of legislative efforts to strengthen the rights of persons with disabilities, “Canadian consumers of mass media see almost nothing that reflects the lives of people with disabilities,” apart from public broadcasting and some efforts in the independent sector, e.g. the cartoons noted above.

The Employment Equity Act 1995, has had a direct influence on efforts to improve the on-air presence of broadcasting employees with disabilities in Canada’s broadcasting sector, and the Canadian Radio-Television and Telecommunications Commission (CRTC) has stated that it expects licensees to ensure that the on-air presence of the four groups designated under the Act, which include persons with disabilities, is reflective of Canadian Society, and that members of this group are presented fairly, accurately and in a manner that is non-stereotypical.⁴⁷

However, it is the diversity obligation contained in s.3 the Broadcasting Act 1991, which has provided the bedrock for all of the ongoing developments relating to persons with disabilities within the Canadian broadcasting sector. By virtue of s.5 of the Broadcasting Act 1991, the CRTC is responsible for setting the agenda and ensuring that all licensees take measures to ensure they implement their diversity obligation in relation to persons with disabilities under s.3 of the Act.

46 Caldwell, Doug., ‘Media Representation of Canadians with Disabilities,’ Disability World, 2003, available at: http://www.disabilityworld.org/09-10_03/arts/canadians.shtml

47 Broadcasting Public Notice CRTC 2004-2, Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services at para. 42.

To this end, the CRTC, by placing an obligation on commercial broadcasters to develop corporate diversity plans and file annual diversity reports, are creating an environment whereby broadcasters must develop and monitor initiatives and remove any barriers to achieving diversity on an ongoing basis.

Since 2004, the Canadian broadcasting industry, and particularly the private sector, has been making progress in achieving their diversity obligation in relation to persons with disabilities. This is largely due to the CRTC's request that CAB develop and file an action plan and examine the issues surrounding the presence, portrayal and participation of persons with disabilities in television programming,⁴⁸ and the subsequent filing of CAB's Final Report on The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming (2005).⁴⁹ The CRTC stated that it was satisfied that the research and proposed tools and initiatives outlined in the latter report would help broadcasters to understand the issues and concerns of persons with disabilities regarding the barriers they face and to implement effective mechanisms to address them.⁵⁰ In 2006 CAB made considerable efforts to implement a number of recommendations from their Final Report and in one year successfully launched three core initiatives, all of which were well received by their members' stakeholders and their audiences.⁵¹

48 Ibid. at para. 52.

49 See Broadcasting Public Notice CRTC 2006-77 Commission's response to the Canadian Association of Broadcasters' final report on the presence, portrayal and participation of person with disabilities in television programming at para. 47, where the Commission stated that CAB had demonstrated "considerable leadership" by the initiatives it had identified for itself and its commitment to their implementation

50 Ibid. at para. 52.

51 i.e. PSA Campaign entitled Open Your Mind, and two information booklets on Employment Opportunities in the Canadian Broadcasting and Affiliated Production Sector and Recommended Guidelines on Language Terminology - Persons with Disabilities: A Manual for News Professionals and Glossary.

In a letter from the CRTC to CAB in 2007, regarding CAB's second annual Report on Diversity in Broadcasting 2006-07, the President of the CRTC commented: "I would like to take this opportunity to congratulate the CAB on a very thorough report outlining the many activities and achievements in 2006-07. Via CAB's leadership and co-ordination many concrete initiatives pertaining to persons with disabilities were implemented by private broadcasters during this past year.... The CAB is also to be commended for its impressive public communication and outreach activities about diversity in general as well as specific efforts to realise awareness and establish key links between private broadcasters and federal departments...".

Other initiatives of particular interest are the Media Access and Participation (MAP) initiative, in which many broadcasters participated, the Diversity in Broadcasting website and the Diversity Online website, acting as central information resources.

Canada is in many respects an excellent model of best practice in the representation of persons with disabilities internationally and has many examples of useful initiatives that could be adopted in Ireland. Of particular interest are the CAB Report entitled The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming (2005) and the CAB Diversity in Broadcasting website.

SUMMARY

The initiatives outlined above emanate mainly from:

- The Broadcast Regulator, in accordance with legislative obligations to reflect cultural diversity
- Employment Equity legislation requiring employers with more than 100 employees to develop an employment equity plan
- Accessibility legislation requiring the development of "accessibility standards"

The initiatives outlined above embrace the following:

- Regulator has made representation of people with disabilities a factor in review of broadcasters' licences and has imposed a condition on the licences of broadcasters to report on their progress (annual diversity reports)
- Development of corporate cultural diversity plans outlining objectives and initiatives
- Development of employment equity plan
- Development of targeted initiatives to improve the level and quality of representation
- Development of Codes (CAB, RTDNA)
- Information and awareness creation (websites, resource materials, archives, guides, DVD, public service announcements, disability film festival) around disability and people with disabilities
- Co-operation and formation of alliances and partnerships between the media and disability professionals, the education sector and the independent production sector
- Depiction suggestions, practical tips for interviewing, etc., use of language, avoidance of negative portrayals, etc. but subject to contextual considerations and great care to err on the side of freedom of speech
- Employment Equity Office to assist in the development of recruitment and promotion measures; Hiring goals (CBC)
- Office of Equitable Portrayal in Programming (CBC)
- Monitoring through diversity audits
- Educational resources for broadcasters
- Involving persons with disabilities, inviting them to the newsroom
- Provision of funding, scholarships and internships
- Programming, both news and non-news

AUSTRALIA

INTRODUCTION

The Australian broadcasting sector is regulated under the Broadcasting Services Act 1992, which replaced the fifty year old Broadcasting Act 1942. The 1992 Act introduced a new 'light touch' co-regulatory regime for the radio and television broadcasting industry. The Act requires the industry to regulate itself but provides for the supervision of this process by a government regulatory agency, the Australian Communications and Media Authority (ACMA), formerly the Australian Broadcasting Authority (ABA).

LEGISLATION

The Disability Discrimination Act 1992 (DDA) makes disability discrimination unlawful and aims to promote equal opportunity and access for people with disabilities. The Act (Part 2) protects individuals across Australia from direct and indirect discrimination in many parts of public life, such as employment, education, access to premises and the provision of goods, services and facilities.

The Act indirectly affects the representation of people with disabilities in employment within the broadcasting sector in that the Act applies to all employers. Broadcasters, as employers, must offer equal employment opportunities in their recruitment processes, terms and conditions of employment, promotion, training and other benefits associated with employment. Part 3 of the Act provides that a 'service provider' (defined in s.59 of the Act) may prepare and implement an action plan to achieve the objectives of the Act, i.e. to eliminate discrimination against persons on the grounds of disability in the areas outlined above.

Developing and implementing an action plan is voluntary. The Act provides that an action plan, once developed, can be given to the Human Rights and Equal Opportunity Commission (HREOC). The Action plans are then registered and are available on-line on the Commission's website. To date registered action plans from the broadcasting sector include: Australian Broadcasting Authority (1997), now the Australian Communications and Media Authority (ACMA); Australian Broadcasting Corporation (ABC) (1997/99); Australian Film, Television and Radio School (1997); South Australian Film Corporation (2001).⁵²

The Equal Employment Opportunities (Commonwealth Authorities) Act 1987 (Part I, s.3(b)), requires all commonwealth public sector organisations (including public service broadcasters ABC and SBS), to promote equal opportunity in employment for women, and designated groups which include inter alia people with disabilities. The Act (Part II, s.5-7) provides that each public sector organisation must develop an equal opportunity employment program outlining actions to be taken by the organisation. The Act (Part III, s.9 (2)) requires the organisation to publish a report giving a detailed analysis of the actions taken by the relevant organisation.

The Broadcasting Services Act 1992 (s.5) defines various categories of broadcasting services and sets out their respective regulatory regimes, in addition to establishing the ACMA as the regulator for the broadcasting industry. Section 123 (1) of the Act requires various radio and television industry groups to develop codes of practice in consultation with the ACMA. Radio and television industry groups include commercial and community broadcasting licensees, and providers of subscription broadcasting services, subscription narrowcasting services and open narrowcasting services.

⁵² Action Plans are available at:

http://www.hreoc.gov.au/disability_rights/action_plans/Register/register.html

Public service broadcasting is regulated by the Australian Broadcasting Corporation Act 1983 (ABC) and the Special Broadcasting Services Act 1991 (SBS), which contain similar provisions regarding codes (see below).

REGULATOR

The Australian Communications and Media Authority (ACMA), is an independent government authority, although administratively it comes within the ambit of the Department of Communications, Information Technology and the Arts (DCITA). The ACMA is responsible for the regulation of broadcasting, radio communications, telecommunications and online content in Australia. In relation to broadcasting, the ACMA plans the channels that radio and television services use, issues and renews licences, regulates the content of radio and television services and administers the ownership and control rules for broadcasting services.

BROADCASTERS

Australia has two public service broadcasters: the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service Corporation (SBS). The ABC is the older and larger of the two organisations and was established as a statutory corporation under the Australian Broadcasting Corporation Act 1983. The principal function of SBS is to provide multilingual and multicultural radio and television services.

ABC operates a national analogue television service (ABC Television) and digital simulcast of the analogue signal; ABC2, a digital television service available both free-to-air and on subscription platforms; and ABC Asia Pacific, an international television service to rebroadcast ABC's programmes to the Asia-Pacific region.

ABC's Radio Services include four national radio networks, comprising a network of metropolitan and regional radio stations throughout Australia; three internet music-based radio services; and Radio Australia, a short-wave international radio service to rebroadcast ABC's programmes to the Asia-Pacific region.

CODES/GUIDELINES

The ACMA registers broadcasting codes once it is satisfied that broadcasters have undertaken appropriate public consultation and that the codes contain appropriate community safeguards. The Act (s.123(3)) provides that:

“In developing codes of practice ..., community attitudes to the following matters are to be taken into account ...(e) the portrayal in programs of matter that is likely to incite or perpetuate hatred against, or vilifies, any person or group on the basis of ... physical or mental disability.”

Thus, both physical and mental disability is specifically mentioned.

The primary responsibility for ensuring that programmes reflect community standards rests with radio and television stations themselves. Complaints about the content of programs on radio and television, including ABC and SBS services, must first be made to the broadcaster concerned. Once implemented, the ACMA monitors the codes and deals with unresolved complaints under them. Codes developed by Australia's public service broadcasters ABC and SBS are notified to the Authority but are not registered.

Australian content and children's programmes on commercial television are regulated by compulsory programme standards determined by ACMA following consultation with the industry and the public.

An examination of the codes reveals that all of them contain general provisions, couched in negative formulations, regarding measures to prevent discrimination, stereotyping, prejudice, the demeaning of, or the making of gratuitous references about people with physical and/or mental disabilities. Other general provisions provide that programme content should not provoke or perpetuate intense dislike, contempt or severe ridicule of persons with disabilities. Most of the codes contain exceptions to the requirements, whereby anything said or done in good faith, or for academic, artistic or scientific purposes, fair comment or opinion or any other identifiable public interest would not be considered a breach of the code.

The Australian Subscription Television and Radio Association (ASTRA) Code of Practice 2007, for example, provides at Section 2.1 (a) on General Programmes that:

“Licensees will not knowingly broadcast any program which is likely to incite or perpetuate hatred against, or vilify, any person or group on the basis of ethnicity, nationality, race, gender, sexual preference, transgender status, HIV/AIDS status, age, religion or disability.”

Section 2.1(c) of the Code contains exceptions to the above requirement and provides that:

“Licensees will not breach clause 2.1 (a) ... of these Codes if a program includes matter said or done reasonably and in good faith:

- in broadcasting an artistic work including comedy and satire;
- in the course of any broadcast or statement, discussion or debate made or held for an academic, artistic or scientific purpose or any other identifiable public interest purpose;
- in broadcasting a fair and accurate report of, or a fair comment on, any event or matter of identifiable public interest.”

The Commercial Radio Australia Codes of Practice and Guidelines 2004 contain similar provisions.

ABC

ABC is required by the Act (s.8(1)(e)(i)) to develop a Code of Practice for programme content. The Code contains negative obligations with regard to discrimination and stereotyping of people with disabilities. ABC has also set out programming guidelines and policies in its Editorial Policies (2007). These policies enable programme makers and the public to understand the editorial and ethical principles which are fundamental to the ABC. The policies offer a frame of reference as well as, on occasions, a check list of considerations aimed at helping programme makers make difficult judgments for themselves.

The Editorial Policies contain a number of general and specific sections in relation to the portrayal of people with disabilities. It contains both negative and positive obligations with regard to programme content, particularly use of language and images which discriminate, reinforce stereotypes, convey prejudice or make demeaning or gratuitous reference to people's physical characteristics (s.11.8). It asserts that in content using expert interviewees or other talent to present opinions, staff should ensure a balance of commentators and experts where possible (s.11.8.3).

The term "mental illness" is stated to cover a wide range of symptoms, conditions and effects on people's lives and that programme makers should be careful not to imply that all mental illnesses are the same (s.11.8.4), must avoid stereotypes and use appropriate language (s.11.8.5). Web address details are provided of the Mindframe Initiative (see below), which contains additional information and resources about the reporting and portrayal of people with a mental illness. The section also provides that if programme makers require further advice on discrimination, stereotypes and associated issues they can be obtained from the ABC Equity and Diversity Manager (s.11.8.7).

The Editorial Policies provide that special care should be taken to avoid stereotypes and discrimination in programmes designed for children (Section 11.13.4).

Complaints (in writing, including email) alleging breaches of ABC's Editorial Policies or Code of Practice are investigated by ABC's Audience and Consumer Affairs (s.13.5).

The Audience and Consumer Affairs division is independent of programme-making divisions within the ABC. It deals with complaints from members of the public on matters such as factual inaccuracy, lack of balance, or inappropriate content in ABC's programming on radio and television. It publishes a Public Report on Audience Comments and Complaints quarterly.⁵³ There is also a Complaints Review Executive as an additional level of internal review for complainants who express dissatisfaction with the response of ABC Audience and Consumer Affairs to a complaint.

53 E.g. ABC Public Report on Audience Comments and Complaints July - Sept 2005, p.29, complaint regarding Victorian Local Radio - Afternoons whereby an edition of the programme included a statement that a football team was "playing like schizophrenics." The ABC acknowledged that the phraseology was inappropriate. April- June 2006, p. 23, complaint regarding The World Today Radio programme, here a listener complained that an athlete was repeatedly referred to throughout the broadcast as 'disabled.' The listener pointed out that the athlete should have been referred to as an athlete with a disability. The ABC agreed that this was inappropriate and the reporter was reminded that ' a person with a disability' is the preferred phrasing on the ABC. July - Sept 2006, p.29, complaint regarding ABC's 7.00pm Television News, a viewer complained that a report referred to "handicapped" children, which the viewer considered to be an offensive term. The ABC agreed that the wording of the report was inappropriate. The ABC apologised to the viewer and discussed the matter with the reporter concerned.

ABC Internal

ABC's Disability Action Plan 1997, which is registered with HREOC, sets out a number of goals including: to encourage programme makers, journalists, broadcasters and presenters to provide information and opportunities for people with disabilities in programs and to portray this group appropriately; to maximise the provision of services for people with disabilities; to conform with the relevant sections of the Commonwealth Disability Strategy (CDS), for example to include people with disability in consultation processes.⁵⁴

The aims and strategies of the ABC's Disability Action plan are incorporated into the overall Equity and Diversity Management Plan, which aims to promote a fair, inclusive working environment, with a workforce that provides programmes and services that are accessible and relevant to the diversity of the Australian community. The plan includes strategies and policy in key areas of Gender, Indigenous, Race/Ethnicity and Disability. The ABC are currently developing and launching a new plan which will cover the next three years until 2010.

According to ABC's Equity and Diversity Annual Report 2005-2006, 255 of ABC's employees had disabilities, representing 10% of staff, which is double the ABC's target of 5% of all staff with disabilities. Radio-Assist software is used to address the needs of ABC Radio staff who are blind or have a vision impairment, and other initiatives are being undertaken to improve employment opportunities for disabled people.

⁵⁴ The CDS was introduced in 1994 to help Australian Government agencies meet their obligations under the Commonwealth Disability Discrimination Act 1992. The Strategy encourages Australian Govt. Departments to recognise and consider the needs of people with disability in the development and delivery of policy, programmes and services, through practical measures such as providing information in accessible format ensuring that people with disability are included in consultation processes and making workplaces more accessible. The Strategy provides advice and support tools for Australian Government agencies on how to implement these measures.

Commercial / Other Broadcasters

Under the Broadcasting Services Act 1992 (s.123), broadcasters other than public service broadcasters, which include commercial, community and providers of subscription broadcasting services, are required to develop codes of practice, which are similar to those outlined above, in consultation with the ACMA.

In the Commercial Radio of Australia Codes of Practice and Guidelines 2004 (and ABC's Editorial Policies 2007), specific reference is made to the portrayal of mental illness in programme content. Guidelines and explanatory notes are provided on the portrayal of suicide and mental illness. These do not form part of the code but it is recommended by the representative body, Commercial Radio Australia Ltd., that Commercial Radio follow them.⁵⁵ The Commercial Radio Code of Practice refers to (as does the ABC's Editorial Policies), the Mindframe National Media Initiative for recommended resources and information for programme makers.

⁵⁵ See Appendix A for "Guidelines and Explanatory Notes on the Portrayal of Suicide and Mental Illness on Commercial Radio."

INITIATIVES

The **Mindframe National Media Initiative** is funded by the Australian Government's Department of Health and Ageing, and is guided by the National Media and Mental Health Group.⁵⁶ The Mindframe National Media Initiative is a comprehensive strategy which aims to influence media coverage of issues related to mental illness and suicide, by encouraging responsible, accurate and sensitive reporting on these issues. This innovative strategy includes a number of projects which have focused on providing resources and education opportunities for media professionals, providing resources for people in the mental health sector, facilitating the inclusion of these issues in tertiary journalism education (Response Ability Project), supporting SANE Australia's Stigma Watch (a web based project which exposes cases of media stigma to wider public scrutiny and encourages those responsible to change their practices) and helping to build the evidence base of this work.⁵⁷

Mindframe Media and Mental Health Project

The first phase of this project commenced in June 2002, the second in 2004. The objective was to promote and distribute Mindframe resources for media professionals, e.g. a Mindframe resource book on Reporting Suicide and Mental Illness⁵⁸ and also associated quick reference cards which provide a summary of the book.

⁵⁶ The National Media and Mental Health Group was established in 2000 to provide advice about appropriate initiatives and methods to encourage the media to report and portray suicide and mental illnesses in a way that is least likely to cause harm, induce copycat behaviour, or contribute to the stigma experienced by people who have a mental illness. The Group includes representatives from the media (including e.g. ACMA, ABC, SBS, Free TV Australia, Commercial Radio Australia etc.) and suicide prevention and mental health industries.

⁵⁷ See the Mindframe website available at: <http://www.mindframe-media.info/>

⁵⁸ Reporting Suicide and mental illness full report is available at: http://www.mindframemedia.info/files/downloads/media/full_resource_bw.pdf . Quick reference cards are available at:

This resource provides practical recommendations and information to assist the work of media professionals. It is designed to advise media practitioners on responsible and appropriate methods of reporting suicide and mental illness in order to reduce harm and copycat behaviour, diminish the stigma experienced by people who live with a mental illness, and increase community understanding of these issues.

The second phase involved working collaboratively with the Australian media and mental health systems to enable more accurate and sensitive reporting of suicide and mental health issues. Activities to date have included face to face meetings with media professionals, working with peak media bodies to improve existing codes of practice,⁵⁹ to develop an internal training package for use within media organisations and to revise regularly print and web resources.⁶⁰

Response Ability - Curriculum Resources for Journalism Students

Response Ability (The National University Curriculum Dissemination Project) aims to support Australian universities and tertiary college courses for journalism and media with the intention that graduates will be aware of and become proficient in responding to issues relating to suicide and mental illness.

http://www.mindframe-media.info/files/downloads/media/qr_mi_bw.pdf

59 See <http://www.mindframe-media.info/site/index.cfm?display=85543> Each sector of the media is served by a peak body and has a code of practice or code of ethics. Journalists from all sectors of the media also have a voluntary code of ethics under the Media, Entertainment and Arts Alliance.

60 E.g. according to Mindframe Media and Mental Health Project Update – June 2007 p.3, on 24 January 2007, an email alert was sent in relation to media reporting of mental illness and its association with violence. The email alert notified journalists of a new document that had been added to the homepage of the Mindframe website, entitled 'Mental Illness and the Risk of Violence: The Facts.'

The project is an initiative of the Australian Government Department of Health and Ageing, implemented by the Hunter Institute of Mental Health in collaboration with universities and tertiary educators.⁶¹ Activities undertaken by the Project have included the development of multi-media resource kits for journalism educators, development and maintenance of a website supporting information provided in the resource kits, e.g. case studies, tips for reporting, links to other resources, guest lectures for students by project staff. By January 2006 all of the 25 universities offering journalism courses were using the Response Ability Resources in some capacity.⁶² In 2007, the Response Ability for Journalism Education Project offered academics the opportunity to apply for research grants in the hope of increasing academic ownership and involvement with the resources.

StigmaWatch Website

SANE Australia (originally founded as Schizophrenia Australia Foundation in 1986) is a charity based NGO which conducts innovative programmes (through education and research) and campaigns to improve the lives of people living with mental illness. SANE operates a helpline and a web-based program, StigmaWatch,⁶³ which was established to promote accurate, respectful and sensitive depiction of mental illness and suicide - exposing cases of media stigma to wider public scrutiny and encouraging those responsible to change their practices.⁶⁴

61 Hunter Institute of Mental Health is a non profit organisation, which aims to promote mental health and improve outcomes for people with mental illness, through education and training, health promotion programs and evaluation. See Hunter Institute Website available at: <http://www.himh.org.au/site/index.cfm>.

62 See Response Ability website at: <http://www.responseability.org/site/index.cfm?display=21924>

63 SANE's StigmaWatch is a program of the SANE Media Centre, which works in partnership with the National Media and Mental Health Group.

64 Website available at: <http://www.sane.org/stigmawatch/stigmawatch/stigmawatch.html>

Members of the public can send reports to StigmaWatch in relation to incidents of stigma which have appeared in the media, whether in a television or radio programme, newspaper or magazine article, editorial or advertising. These reports are verified and then posted on the site. Those responsible are contacted with an account of the harm stigma causes. Any responses are then also published on the website. Serious cases are taken further and may involve more wide reaching media campaigns. A good news section acknowledges positive and appropriate reporting of mental illness and suicide.

SANE has published a booklet SANE Guide to Reducing Stigma (2002), which addresses stigma in the full range of media - news, magazines, TV and radio, advertising, marketing campaigns, websites, products, business and dramatic portrayal in television. SANE has also published Make it Real! A report on consumer impressions of responses to film and television portrayals of mental illness and suicide (2005). It canvassed the views of mental health consumers, carers and community members.

The Report made a number of key recommendations which include that it is essential to develop positive relations with media personnel and that key stakeholders within television networks and tertiary education/training settings should be made aware of the impact of portrayals of mental illness on viewers; that encouragement and support should be provided to those involved in the production of television dramas to continue to portray mental illness as a part of life; also training, support and promotion of people with mental illness as consultants to film and television dramas; that ongoing monitoring of portrayals in film and television dramas be carried out through SANE's web-based StigmaWatch program.

Mindframe Stage and Screen Project

As part of the Mindframe Initiative, Mindframe Stage and Screen has been funded for a 20-month period (since November 2006), to work in partnership with the Australian Writers' Guild and other Australian key stakeholders involved in film and television drama, to address the way mental illness and suicide are portrayed in fictional film and television drama. The Project aims to develop resources for writers and other key stakeholders to assist in the appropriate portrayal of suicide and the crafting of realistic characters with a mental illness.

OVERVIEW

The representation of people with disabilities in the broadcast media and, in particular, the emphasis on the portrayal of mental illness, is very much a live and progressive issue in Australia. Broadcasting legislation, by imposing a duty on broadcasters to develop codes of practice which take into account programme content that is likely to incite or perpetuate hatred against, or vilify, any person or group on the basis of physical or mental disability, helps to ensure more positive representation of people with disabilities. Nevertheless, an examination of these Codes reveals that where such provisions are present, they are couched in terms of negative obligations which can be excused on a number of grounds, such as in the context of artistic works, including comedy or satire.

However, the development of the government-funded Mindframe Media Initiative, which is guided by the National Media and Mental Health Group, provides innovative approaches to the depiction of mental illness in the media. Divided into a number of projects, the initiative targets key areas such as provision of useful resources and education for journalists, through the Response Ability project.

The StigmaWatch project also provides a contemporary, interactive and useful monitoring and evaluation tool targeting all aspects of media coverage of mental illness, not only highlighting stigmatisation but rewarding good practice through its good news files.

SUMMARY

The initiatives outlined above emanate mainly from:

- Disability legislation
- Broadcasting legislation
- Government departments

The initiatives outlined above embrace the following:

- Codes, guidelines and editorial policies; action plans, equity and diversity management plans
- In developing codes, portrayal of physical and mental disability must be taken into account
- Provision of resources, websites, helpline, etc.
- Education opportunities for media professionals, resources for people in the mental health sector
- Facilitating journalism education; research grants
- Exposing cases of media stigma of mental illness

NEW ZEALAND

INTRODUCTION

Public service broadcasting in New Zealand is provided by Television New Zealand and Radio New Zealand, established on the dissolution of the Broadcasting Corporation of New Zealand (BCNZ) in 1988.⁶⁵ TV3 is the largest commercial broadcaster.

The Broadcasting Act 1988 sets out programming standards and establishes the Broadcasting Standards Authority (BSA) to oversee and enforce these standards. The emphasis is on self-regulation and broadcasters are expected to develop their own codes and hear complaints in the first instance concerning breaches of the standards provisions of the Broadcasting Act.

Broadcasting in New Zealand is heavily dependent on commercial income. The Public Broadcasting Fee was abolished in 1999 and was replaced with direct government funding. Internationally, New Zealand regards itself as “radically light-handed” in its regulatory policy for broadcasting and as having “limited options” for promoting commonly accepted principles and standards for public broadcasting, or for securing desired forms of content from the broadcasting sector as a whole.⁶⁶ The government is currently reviewing broadcasting service through a Program of Action.

⁶⁵ Broadcasting Corporation of New Zealand Restructuring Act 1988.

⁶⁶ See New Zealand Ministry for Culture and Heritage ‘Building a Strong and Sustainable Public Broadcasting Environment for New Zealand - A Programme of Action’ available at: <http://www.mch.govt.nz/publications/public-broadcasting/public-bdcast.html>

LEGISLATION

The legislative provisions relating to disability are enshrined in general human rights law and employment law, e.g. the Human Rights Act 1993,⁶⁷ Employment Relations Act 2000 (s.104) and the Human Rights (Amendment) Act 2001.⁶⁸ The Human Rights Commission releases regular statements to the media on human rights issues, educational and promotional activity, policy and litigation.

Section 4 of the Broadcasting Act 1989 outlines general standards to be observed by broadcasters, including adherence to codes of practice. Section 21 elaborates on this further. Under this section, the statutory broadcasting regulator, the Broadcasting Standards Authority, is “to encourage the development and observance by broadcasters of codes of broadcasting practice appropriate to the type of broadcasting undertaken by such broadcasters, in relation to inter alia safeguards against the portrayal of persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of sex, race, age, disability, or occupational status or as a consequence of legitimate expression of religious, cultural, or political beliefs.” Disability is therefore specifically included.

67 s. 21(h)- disability is a prohibited ground of discrimination and also prohibits discrimination in employment practices

68 The new Part IA makes Government, government agencies, and anyone who performs a public function, accountable for unlawful discrimination under the HRA. Generally Part IA provides that:

an act or omission by the Government or anyone else performing a public function that is inconsistent with the right to freedom from discrimination, is to be tested against the standard set out in s. 3 of the Bill of Rights Act 1990; i.e. to be free from discrimination on the grounds of ... disability.

REGULATOR

The statutory Broadcasting Standards Authority was established under section 20 of the Broadcasting Act 1991. As mentioned above, the Authority is to encourage the development of codes by broadcasters. It must also develop and issue codes, or approve codes of broadcasting practice where it considers it appropriate, and conduct research and publish findings on matters relating to standards in broadcasting (s.21).

In encouraging the development by broadcasters of codes, the Authority shall also encourage broadcasters to consult with persons having an interest in the subject-matter of those codes. The Ministry for Culture and Heritage envisages a greater educative and research role for the BSA in involving the public in the maintenance of agreed standards.

The BSA can hear complaints in certain situations and impose sanctions if the complaint is upheld (see further below).

No code specifically on the representation of persons with a disability has yet been drafted.

The Ministry of Culture and Heritage has formulated broadcasting objectives, which were reviewed in 2000. These objectives are to ensure that broadcasting reflects “the uniqueness and diversity of New Zealand life”, “meeting the information and entertainment needs of as many interests as reasonably possible, including those that cannot be met by commercial broadcasting; contributing to public awareness of and participation in the political and social debates of the day, and providing for minority interests and increased choice.”⁶⁹ There is, however, no specific reference to improving the representation of people with disabilities in broadcast media.

BROADCASTERS

Television New Zealand (TVNZ) is the public service broadcaster. Under the Television New Zealand Act 2003, into which the Television New Zealand Charter was incorporated, Television New Zealand has duties to promote diversity and variety, e.g. to “feature programming that serves the varied interests and informational needs within New Zealand society, including tastes and interests not generally catered for by other national television broadcasters; maintain a balance between programmes of general appeal and programmes of interest to smaller audiences; include in programming intended for a mass audience material that deals with minority interests” (s.12).

⁶⁹ Ministry of Culture and Heritage, ‘Developments since 2000 – New Broadcasting Objectives- Broadcasting in New Zealand- - A 2003 Stocktake,’ available at:
<http://www.cultureandheritage.govt.nz/publications/broad-2003/broad-cast-2003.html>

The public service broadcaster, Radio New Zealand, was established as a chartered public radio service and Crown company under the Radio New Zealand Act 1995. It was sold to a private consortium, but remains responsible for National Radio, Concert FM and broadcasting of parliament, and is accountable to shareholding Ministers in its performance. Section 7 of the Act outlines its Charter obligations, one of which is to provide programming which caters for varied interests, including special interest programmes. Radio New Zealand must also “exhibit a sense of social responsibility by having regard to the interests of the community in which it operates and by endeavouring to accommodate or encourage those interests when able to do so” (s.8).

The main commercial broadcaster TV3 is bound by the Free to Air Code of Broadcasting Practice (see below).

CODES/GUIDELINES

The Free-To-Air Code of Broadcasting was prepared by the New Zealand Television 0Broadcasters’ Council,⁷⁰ and outlines broadcasting standards and the procedure for making a complaint. Relevant standards are those relating to good taste and decency; fairness, i.e. to acknowledge the right of individuals to express their own opinions and to avoid portraying persons in programmes in a manner that encourages denigration of, or discrimination against, sections of the community on account of ...disability. This does not prevent the broadcast of material which is factual, an expression of genuinely held opinion in news, current affairs or other factual programmes or in the context of a dramatic, humorous or satirical work.

70 The Council is an “industry organisation representing the non-competitive interests of free-to-air broadcasters in New Zealand.” The members are TVWorks, Television New Zealand and Maori Television. See <http://www.nztbc.co.nz/>

The Pay Television Code is less restrictive and states that pay television broadcasters should operate in a socially responsible manner. The “Fairness” standard states that “people should not be portrayed in a way which represents them as inherently inferior or which encourages discrimination against a section of the community protected by human rights legislation. This is subject to the same exceptions as the Free to Air Code.

The Radio Code of Broadcasting Practice was prepared by the representative body, the Radio Broadcasters Association, on behalf of commercial broadcasters, and Radio New Zealand. The Radio Code (Principle 1) states that “broadcasters are required to maintain standards which are consistent with the observance of good taste and decency ... bearing in mind the context in which any language or behaviour occurs and the wider context of the broadcast, e.g. time of day, target audience.” The Code enshrines social responsibility as a broadcasting requirement in Principle 7. Principle 7a explains this obligation in that broadcasters will not portray people in a manner that encourages “denigration of or discrimination against any section of the community on account of disability” except that which is factual, a genuine expression of serious comment, analysis or opinion; or by way of legitimate humour or satire.

Complaints alleging breaches of the standards outlined in the Codes are to be made to the broadcaster in the first instance, with referral to the BSA where the complainant is dissatisfied with the response or where the complainant has elected to refer the complaint to the BSA in the first instance. Each standard in the respective Codes is accompanied by guidelines⁷¹ to assist the complainant, broadcaster and the BSA in addressing alleged breaches.

⁷¹ Except for the Radio Bureau’s Treatment of People in Advertising Code.

In interpreting the scope of “denigration and discrimination” as broadcasting standards, the Broadcasting Standards Authority has consistently defined “denigration” as the blackening of the reputation of a class of people. In light of the right to freedom of expression under s. 14 of the Bill of Rights Act, a high threshold must be reached before the BSA will declare a standard to have been breached. Portraying a section of the community as inherently inferior, or as having inherent negative characteristics, will constitute denigration. The context in which the alleged breach occurred is an important factor.

Broadcasts which the BSA concluded did not reach the high threshold required to breach the guideline include a radio host labelling people with mental illness as “loco and loopy”⁷² and a performer on a comedy programme describing athletes with disabilities as “munted.”⁷³ The BSA does not have to impose any order if it finds a standard to have been breached but can make various orders under s. 13 of the Act.⁷⁴

72 Decision 2006-030.

73 Decision 2004-198.

74 i.e. an order directing the broadcaster to publish an approved statement relating to the complaint (s. 13(1)(a)); an order to direct the broadcaster to refrain from broadcasting (s. 13(1)(b)(i)); or to refrain from broadcasting advertising programmes for a period not exceeding 24 hours in respect of each programme in respect of which a complaint has been upheld (s. 13 (1)(b)(ii)); an order referring the complaint back to the broadcaster for consideration and determination by the broadcaster in accordance with the directions and guidelines specified by the Authority (s. 13 (1)(c)); or an order directing the broadcaster to pay compensation, not exceeding \$5,000, to an individual where the Authority finds that the broadcaster has failed to maintain standards consistent with the privacy of that individual (s. 13(1)(d)). Failure to comply with such an order is an offence and the broadcaster is liable on summary conviction to a fine not exceeding \$100,000 (s. 14).

INITIATIVES

Government Initiatives

The Ministry for Culture and Heritage have formulated a Regional and Community Broadcasting Policy Framework to promote innovation and a diverse range of content and formats (diversity) and to facilitate wide technical, cultural and social access to broadcasting (accessibility). This provides for licensing for “appropriately targeted services and programming,” thereby also “promoting innovation and originality and ensuring that broadcasting reaches underserved communities, and ethnic, linguistic, disabled and other minorities and groups with shared interests.” It “promotes participation, technical accessibility, and communication links among social and cultural groups. It enables regional and community broadcasting, which is not defined by advertising markets and therefore can provide a voice and shared public space for those often not well catered for.”⁷⁵

The Broadcasting Programme of Action is outlined in the 2005 report, Building a Strong and Sustainable Public Broadcasting Environment for New Zealand. The Government announced in this action plan its intention to achieve a broadcasting service with universal appeal, with programming for a wide range of tastes and needs to “educate, inform and entertain” and reflect the diversity of public interests.

The Government currently provides broadcasting licences free of charge to non-commercial and access radio and television broadcasters.

⁷⁵ Ministry for Culture and Heritage – Regional and Community Broadcasting Policy Framework, available at: <http://www.mch.govt.nz/publications/community-broadcasting/framework.html>

Broadcaster Initiatives

TVNZ's programme philosophy in relation to disability programming, as articulated on their website, is for the issues to be informed by the perspectives of people with disabilities, focusing on people rather than the conditions they have, projecting realistic and positive images of disability and highlighting achievement and excellence among people with disabilities.

The Radio Bureau, which represents the commercial radio sector, has drafted the Treatment of People in Radio Advertising Code, which outlines general negative obligations to guard against offence.

Disability Organisation Initiatives

The New Zealand Crippled Children's Society (CCS) is a national organisation providing services for people with physical disabilities. The organisation raises and responds to issues in the media and focuses campaigns on key issues raised by persons with disabilities and their families. In 2002, the organisation, following consultations with persons with disabilities, launched a national disability awareness campaign, entitled What did you say? Postcards were sent as part of the awareness campaign to those identified as breaching the guidelines. The organisation also produced a booklet, entitled What did you say? – Stop Discriminatory Language, which outlines respectful and appropriate language. This was a follow-on from an earlier resource, entitled Words Matter – A Guide to the language of disability, which was published in 1992.

Part-time Human Rights Commissioner and leading authority on disability, Robyn Hunt, described the resource as “lively and positive, showing disabled people in a variety of work and leisure activities you would expect anyone to be involved in, but which might challenge the view of disability held by some.”⁷⁶ Ruth Dyson, Minister for Disability, described the campaign as “not about using euphemisms or being politically correct. It is about describing people with disabilities in a fair and accurate way, that values them for who they are, rather than judging them for what they are not”, commenting that there is still a “place for originality or humour.”⁷⁷

IMPLEMENTATION

The Broadcasting Commission (now called New Zealand On Air), established by s. 35 of the Broadcasting Act 1991, acts primarily as a public funding agency for locally made television programmes, public radio networks and access radio that would not attract commercial funding. The funds are administered in accordance with the Broadcasting Act to ensure that local programmes and broadcasting services reflect and develop New Zealand identity and culture. The funding is aimed primarily at the national free to air broadcasters in order to ensure a wide audience, but New Zealand On Air also supports some radio programmes that are carried by commercial and access stations. In allocating funding for community and access broadcasting, it considers the extent to which the station in question reflects the diversity of the community, and especially, inter alia, the interests of persons with disabilities.

76 Hunt, Robyn., ‘Innovative new Information Resources from New Zealand,’ Disability World, Issue no. 9, July – August 2001, available at: http://www.disabilityworld.org/09-10_02/arts/newzealand.shtml

77 Dyson, Ruth. Speech at the Launch NZ CCS National Disability Awareness campaign 16 September 2002, available at: <http://www.beehive.govt.nz/Print/PrintDocument.aspx?DocumentID=14911>

The statutory functions of New Zealand On Air include ensuring that “a range of broadcasts is available to provide for the interests of ... persons with disabilities;” to “promote ... a sustained commitment by television and radio broadcasters to programming reflecting New Zealand identity and culture”; to consult with “persons who have an interest in New Zealand broadcasting and the production of programmes in New Zealand, representatives of consumer interests in relation to broadcasting; ... being in each case persons or representatives who can, in the opinion of the Commission, assist in the development of the Commission's funding policies.”⁷⁸

The Open Door project is funded by New Zealand On Air and broadcast on the commercial TV3 network. It is a unique form of community-based television that allows groups or individuals to apply to make a documentary programme about any issue that involves or concerns them. The programmes are made using the expertise and equipment of the production team but with participants taking editorial control. The aim is to assist the participants in telling their own story and the show is not broadcast until the participants are satisfied with the final production. A search of the archives shows that this service has been heavily utilised by persons with disabilities and their organisations.⁷⁹

The New Zealand On Air funded Inside Out series of documentaries has been running since the mid 1990s. It began as a partnership between the New Frontier Trust and Long White Cloud Television. The Trust was set up by a small group of people with disabilities who have experience in the media. The Trust formed a partnership with the television production company to ensure that a television series by, for and with people with disabilities would represent a disability perspective on public service television, TVNZ.

78 S. 36(c)(iv); s.37(b) and s.37(a) respectively.

79 See http://www.opendoor.net.nz/archives.php?section=archives&sub_section=series-one and http://www.opendoor.net.nz/archives.php?section=archives&sub_section=series-two

The series involves people with disabilities at most levels of commissioning, production and research. TVNZ believes that the series has been successful in conveying positive and accurate portrayals that are informative and entertaining to a general audience. This has been achieved by a strong partnership between people with media expertise and people with a personal experience of disability. The production team also have a balance of non-disabled and disabled staff, from the behind scenes work through to on-camera reporting”.

Attitude TV is a “an upbeat television magazine series designed to reflect the lifestyle, issues and interests of people either living with a disability or caring for a person with a disability”. The series is screened on TVOne and each week the station presents four stories, including profiles of ordinary New Zealanders, information about new techniques or technology, sports stories, and the thoughts and views of New Zealanders living with a disability. The series also acts as an advocate for the disabled community, to ensure issues are aired and addressed.

The goals of the series are “to inspire people living with a disability to get out and live life to the fullest, to provide strong role models for our young people, and to inspire change.”⁸⁰ The Accident Compensation Corporation, a government agency providing compensation for personal injuries or injury caused by accident or illness, has teamed up with Attitude TV to highlight how ACC can assist people with disabilities and the support available.

Radio New Zealand broadcasts One in Five, a weekly programme addressing the issues concerning people with disabilities and their experiences. Some issues raised in 2001 by Mike Gourley, who has presented the Inside Out and One in Five programmes, were that separate coverage of disability issues as well as in mainstream programming is essential but it is time consuming to do both.

⁸⁰ Attitude TV, ‘About Attitude TV’ available at: http://www.disabilitytv.com/about/about_attitude_tv

He criticised the lack of funding for training and personal development and highlighted that charity advertising on TV may run counter to how people with disabilities view themselves. He recommends that disability equity be included in media training. Finally, he notes that it is important to get politicians on board for a campaign to be successful, and campaigns, including publicly funded campaigns, should be independent, with people with disabilities on national and local advisory groups.

Mental Illness

There is much emphasis in New Zealand on the representation in the media of people with experience of mental illness.

In 1997, the Ministry of Health initiated the Like Minds, Like Mine project to reduce the stigma of mental illness and the discrimination experienced by people with mental illness. Funding was provided through the project for both nationwide and community based programmes. Those featured in the campaign included sports people, musicians, business people, and others with a high profile in the community.

The campaign, as well as working through TV advertising, involves persons with experience of mental illness throughout the project, and at the local level many participated in Speakers Bureaux, where they spoke about their lives and experience with mental illness. The website⁸¹ provides information and resources on the project for media and communication professionals and other audiences who would like to ensure that accurate information about mental illness is used in the media.

81 Available at: <http://www.likeminds.org.nz>

It also contains information for Like Minds Providers⁸² and for consumer organisations about working with media and on the Like Minds Media Watch (see below). The Like Minds project has won awards and has reported increased advocacy in the media through spokespeople giving a “service user” perspective. The project has further noted that surveys have shown that the campaign was very successful in countering negative attitudes. The judges of the Marketing Magazine Marketing Awards said the entire project had “helped make people comfortable around an area of mystery and taboo” and that “it was not often you saw such dramatic changes in people's attitudes, as proven in the research.”⁸³ Some mental health service users, however, expressed unease about the campaign focus on high profile people, saying that 'ordinary' people with 'ordinary' lives may not gain the benefits of the campaign.⁸⁴

The Like Minds project also developed The Media Handbook as a resource for journalists and sub-editors reporting on mental illness. It provides general information and highlights key issues for reporting on mental illness and for interviewing people with experience of mental illness. This handbook will eventually evolve into an online resource.

The Mental Health Foundation of New Zealand is a registered charity working to improve the mental health of all people and communities in New Zealand. The Mental Health Foundation's Communications team run the Like Minds Media Watch program to monitor print, radio, television and film media on a daily basis for both positive and negative representations of people with experience of mental illness and for mentions of the Like Minds campaign.

82 The Like Minds Providers are a network of 26 regional bodies, who conduct a variety of anti-discrimination activities with local communities, community groups and organisations, businesses and local media. These Providers include public health agencies, mental health service providers and NGOs.

83 Hunt, Robyn., 'New Zealand Mental Illness Campaign Captures Awards,' Disability World, Issue no. 20, September – October 2003, available at: http://www.disabilityworld.org/09-10_03/arts/newzealand.shtml

84 'New Zealand's destigmatization campaign wins international award' available at: http://www.disabilityworld.org/11-12_02/arts/likeminds.shtml

The team aim to provide regular updates on this monitoring on the website, as well as providing alerts about current media coverage of issues related to the experience of mental illness.

In co-operation with the Like Minds, Like Mine project, the Foundation provide Media Grants to media professionals or creative artists with an interest in mental health who have drawn up a proposal “to help reduce the incidence of stigma and discrimination for people with experience of mental illness.”⁸⁵ The grants of up to \$12,000 are administered by the Mental Health Foundation and the Like Minds, Like Mine project. In order to qualify for funding, projects should be unique and of a high quality, relevant to mental health, educate the public and increase understanding and support for people with experience of mental illness. The Foundation and the Like Minds, Like Mine project help to provide funding recipients with some resources through their networks of consumer, family, provider and government agencies.

The Foundation also published in 1999 a booklet entitled *Working effectively with the media: a handbook*, a “valuable tool for people endeavouring to work with the media to effect a change in the way reporting of psychiatric issues is currently being approached by many journalists.”⁸⁶

Access radio is also an important source of potential opportunities for persons with disabilities in broadcasting, as “anybody and everybody is a potential programme maker” and “special emphasis is given to programmes by groups in s. 36(c) of the Broadcasting Act [including] people with disabilities.”⁸⁷

85 See <http://www.mediagrants.org.nz/>

86 See <http://www.mentalhealth.org.nz/bookstore.php?p=5&id=729&b=1>

87 Association of Community Access Broadcasters, ‘Philosophy of ACAB’ available at: <http://www.acab.org.nz/philosophy.php>.

Talking Up Disability is a show broadcast by Community Radio Hamilton and the presenter, Edith, has a disability. The focus is on interviewing persons with disabilities and highlighting self-development and various events and courses available, as well as providing tips for healthy living. It is sponsored by the Disabled Person's Assembly, an umbrella organisation representing people with disabilities, their organisations and service providers.

OVERVIEW

The representation of persons with disabilities in the media is an area which has yet to be addressed specifically in New Zealand. Broadcasting objectives formulated by the Ministry of Culture and Heritage make no specific reference to improving the representation of people with disabilities. The legislation merely states that the Broadcasting Standards Authority should "encourage" the development of codes by broadcasters. However, it does specifically mention disability in relation to codes on portrayal of persons in programmes.

Since 1997 when a project, Like Minds, Like Mine, was initiated by the Ministry of Health, there has been a particular focus on the mental illness aspect and considerable work has been done to raise awareness of mental illness and to improve the representation in broadcasting of persons with experience of mental illness. The Mental Health Foundation has also been actively involved in this project, monitoring programming, and providing grants and resources.

SUMMARY

The initiatives outlined above emanate mainly from:

- Human Rights Commission
- Broadcasting regulator in accordance with broadcasting legislation
- Government departments
- Disability organisations; Mental Health Foundation, a registered charity

The initiatives outlined above embrace the following:

- Research
- Consultation with persons with disabilities and their representatives
- Measures in codes to avoid portraying people in a manner that encourages denigration of or discrimination; attaching guidelines to codes
- Policy to promote diversity and accessibility; licensing targeted services and programming, thereby also promoting innovation and originality and ensuring that broadcasting reaches under-served communities, and disabled and other minorities and groups
- Campaigning and awareness creation, particularly around mental illness; use of high profile people in campaigns; provision of resource materials
- Facilitating people with disabilities to make programmes (expertise, funding); programming series specific to disability
- Providing access radio and television broadcasting
- Monitoring of media coverage

GERMANY

INTRODUCTION

Television broadcasting became decentralised in Germany following World War Two. There was to be one public station in each state of the federation (or exceptionally, two). When private broadcasting began in the 1980s, the private channels had to model themselves on “the public standard” and were obliged to invite independent producers and organisations such as the main churches to be members of their boards. Karl Gruber, a German filmmaker and organiser of The Way We Live international film festival (see below), has noted that this requirement has led to the representation of people with disabilities in the private channels.⁸⁸

The media in Germany are independent from the state, which not only means that government agencies may not exercise any direct or indirect influence on programming content; certain desirable programmes or broadcasts may not be subsidised from public funds.

Most of the initiatives in Germany regarding the representation of disability in the media stem from the activities of the ABM (which translates as Media and Disability Organisation). The public service broadcaster ZDF is also contributing to efforts to improve representation.

⁸⁸ See Gruber, Karl., ‘Disability Media in Germany,’ available at: http://www.riglobal.org/publications/media_report/gruber.html

LEGISLATION

The Interstate Treaty on Broadcasting (s. 25(1)) provides that “[t]he important political, ideological and social forces and groups shall be given appropriate opportunity to express themselves in the full channels; minority views shall be taken into account.”⁸⁹

Broadcasters can also establish Programming Advisory Councils, which relate to plurality in the media.⁹⁰ The media authorities have established common guidelines regarding the appointment, composition and procedure of Programming Advisory Councils. The guidelines stipulate that such a Council shall have between 7 and 13 members (2.1). Members shall be each one representative from the fields: church, labour union, employers, art and culture, as well as education. Further representatives may stem from the sectors: child protection and youth work, (nature) conservation, sports, independent charities or consumer protection (2.2).

Disability law in Germany imposes general employment obligations (s. 81(2) of SGB IX, which is the Ninth Book of the Social Code. Section 71 and section 73 provide for an employment quota for people with disabilities, which if not met is subject to the payment of an “equalisation contribution,”⁹¹ and negative anti-discrimination obligations. The Behindertengleichstellungsgesetz (Equal Opportunities for People with Disabilities Act) 2002 relates to accessibility, e.g. in the workplace and to public services in general.

89 Unofficial translation provided by the ALM (Association of State Media Authorities in the Federal Republic of Germany). See http://www.alm.de/fileadmin/Englisch/9_RAESTV_Englisch.pdf

90 S. 21 Interstate Treaty on Broadcasting.

91 An equalisation contribution is a penalty payable by employers who fail to fulfil their statutory obligation of ensuring that a percentage (currently 5%) of their workforce consists of people with disabilities.

REGULATOR

There are 14 State Media Authorities (Landesmedienanstalt) responsible for the licensing, supervision and development of commercial radio and television broadcasting in Germany. For coordination and agreement on questions of nationwide importance, the 14 State Media Authorities work within the framework of the Association of State Media Authorities in the Federal Republic of Germany (ALM).

The laws of the Bundesländer contain requirements for the appointment of representatives to the Media Council/Assembly, which consist of representatives from a diverse range of social groups and organisations, including disability organisations (“Behindertenverbände”).⁹²

BROADCASTERS

The two main public service broadcasters are ZDF and ARD. The main commercial broadcasters are RTL1 and RTL2, SuperRTL, SAT1 and Kabel 1. They are regulated by individual state laws, the Interstate Treaty on Broadcasting and Federal Court rulings. Public broadcasters have internal supervisory councils, independent from government, which approve programming principles and monitor compliance. The Federal Constitutional Court in a series of judgments known as the “broadcasting judgments” have held that public broadcasters must, inter alia, take account of minority interests and ensure a variety of opinion.⁹³

⁹² See e.g. : § 27 para. 1 No. 29 Media Law of the Saarland or § 49, para. 1 No. 18 Law on private broadcasting in Hesse.

⁹³ See Comparative Law Society Broadcasting Law in Germany, available at: <http://www.iuscomp.org/gla/literature/broadcst.htm>

The Interstate Treaty on the public service television broadcaster ZDF⁹⁴ includes general rules on the content and design of programmes (protection of human dignity, strengthening respect for life, freedom, physical inviolability, etc.). Section 5(i)(a) states that the programmes shall also work towards non-discriminatory social behaviour. Section 20 outlines the tasks of the Television Council, including the compilation of programme guidelines. The Council is composed of 77 representatives coming from the Länder, the Federation, political parties, certain churches, certain labour unions, employers unions, certain charity organisations, etc. (s.21).

CODES/GUIDELINES

It is the task of the public broadcasters' internal advisory bodies to monitor the legal requirements and make sure that diversity is achieved. Broadcasters are required to provide programme guidelines under the Interstate Treaty on Broadcasting and in the state media laws. The guidelines provide for inter alia cultural and linguistic diversity, the dignity of the individual, protection of minors and coverage of minority or target-group interests.⁹⁵

In relation to commercial broadcasting, the independent State media authorities have a supervisory role in this regard. They are required to contact the other state media supervisory authorities and the public broadcasters with a view to exchanging experiences in applying such guidelines. However, the emphasis is more on cooperation with broadcasters to raise awareness and stimulate research. The state media authorities have formed a nationwide association, ALM, which has set up working groups on various subjects.⁹⁶

94 31st August 1991, last amended 31st July until 10th October 2006 (ZDF-Staatsvertrag)

95 See e.g. Article 41, Broadcasting Act for the Land of North Rhine Westphalia.

96 See www.alm.de which provides information in English.

INITIATIVES

The ABM (Arbeitsgemeinschaft Behinderung und Medien- “association of disability and media”) is a non-profit “organisation for the advancement of disabled people in the media.” ABM has been working in German media for more than twenty years to raise social awareness of, and provide information on, disability issues. ABM consists of 16 self-help groups where people with and without disabilities work together.

ABM has produced a comprehensive action plan and intends to establish a working group as a forum for discussion to focus on increasing the visibility of persons with disabilities in generic programming and on improving the portrayal and treatment of disability in TV dramas. They have also produced films on the lives of people with disabilities. ABM are the German partners in the Media and Disability project being co-ordinated on a European basis and funded by the European Commission to provide information on improving the portrayal of people with disabilities in the media.⁹⁷ ABM see their participation in this project as an important step towards changing social attitudes to disability issues, especially in counteracting the ‘medical/charity model’ of disability issues in German society, and the general perception that persons with disabilities are still characterised by segregation rather than inclusion.

The ABM has therefore established permanent working relationships or partnerships with major public and private broadcasting companies and the BLM, the supervising and coordinating body for private broadcasters in Bavaria. The organisation believes it has “definitely influenced German mainstream TV in the treatment of the subject of disability in documentaries,”⁹⁸ thus increasing the quantity and quality of disability related programming.

⁹⁷ See www.mediaanddisability.org

⁹⁸ Media and Disability website- Germany- Project Development, available at: <http://www.mediaanddisability.org/germanyPA.htm>

This includes more actors with disabilities in non disability-related parts, a more realistic portrayal of disability issues and of the people concerned and a decrease in misrepresentation, in that people with disabilities are depicted as active members of society.

ABM also intends to improve employment levels in the media, to educate and inform NGOs about the media industry and to familiarise both media and disability NGOs and charities with the social-model or human-rights approach to disability issues. ABM announced in October 2006 that it intended to create a national working group with the aim of establishing it as a permanent council to encourage and develop the relationship between the media and disability NGOs.

IMPLEMENTATION

The ABM intend to focus on their relationship with “friendly media,” i.e. those which are formulating policies for people with disabilities (such as the WDR or media with which they have a good working relationship like ZDF/3Sat). The supervising board (Rundfunkrat) of the regional public broadcaster WDR (West German broadcasting corporation), has made recommendations towards better representation of persons with disabilities, similar to the aims of the “Disability and Media” project.⁹⁹ They also intend to liaise with the Federal Commissioner for the Interests of the Disabled. In October 2006, ABM announced its intention to inform all major media producers in Germany about the project and will seek the support of the supervising boards of public broadcasting systems (such as representatives from the church or from social organisations).

⁹⁹ These guidelines were unavailable at the time of writing.

The ABM also announced its intention to secure financial support for the project to ensure its sustainability (especially with regard to the introduction of the national working group as a permanent body) and have considered media representatives and the Federal Commissioner for the Interests of the Disabled as possible patrons of the working group.

The organisation produces television programmes that are shown on German television on a weekly or monthly basis, as part of the effort to provide information and steadily improve the portrayal of people with disabilities in the media. These are made in close co-operation with the people concerned to ensure portrayals are not patronising and are realistic.

Since 1989, ABM has been airing its nationwide 30-minute program 'Normal' every week and was the first ever (and for some years, the only) regular program on German TV to deal with all aspects of disability, and not just one particular impairment. Since 1998, ABM has produced the series *Aus anderer Sicht* ("From another point of view") which is run co-operatively by the public channels of Austria, Switzerland and Germany. *Aus anderer Sicht* is a monthly series of documentaries portraying persons with disabilities in various situations from private to political life. ABM produce or co-produce a total of 76 programs of 30 minute duration every year on a budget of about US\$600,000. Since its establishment 18 years ago, ABM have produced almost 1000 documentaries, reports and talks on disability issues and have one of the most comprehensive video collections on disability in Europe.

ABM also run a biennial International Short Film Festival entitled "Wie wir leben!! / The Way We Live!." The festival has been running since 1995 and serves to collate the experiences of people with disabilities in different countries and to generate interest in the films produced. Entries to the festival must depict the life of people with disabilities in contemporary society.

It serves as a useful forum for discussions and through which to initiate and encourage encounters and co-operation between professional film producers/actors and persons with disabilities and/or their organisations. The festival attracts about 200 to 300 entries from 30 to 40 countries, and about 30 to 35 films are used for the Festival program, ranging from professional productions to amateur videos, short fictions, documentaries, animation and experimental. Special screenings or events are also held, either dedicated to a special subject or as a tribute to a film maker. Each festival runs one or two special screenings for school classes, in co-operation with the Young People's Film Festival, which are always fully booked. The producers, directors or lead actors of the top entries are invited to Munich to participate in question and answer sessions after each program.

A special service of the Festival is the videotheque, in which all films submitted to "The Way We Live" are available for private screening, for the research of professionals, of festival organisers, of media staff, or for any other interested persons. The Film Office (Filmburo), which organises the festival, is available for consultation for film, television and disability activities. The Office maintains a database of films and TV productions about disability, with more than 3,500 items, which are accessible on the internet, but only in German. It organises and promotes film and video programs, media workshops and courses for schools, associations and institutes of adult education, and replies to all enquiries relating to disability and the media.

Since May 2006, ABM have held an Amateur Video Competition '5 Minuten Alltag!/5 Minutes of Everyday Life!' targeted towards amateur filmmakers with disabilities.

The media educational project for schools 'OBJEKTIV- Disability, Media and Education' is targeted to pupils and students at all schools and universities. The project has also hosted media workshops on the portrayal of people with disabilities in universities since 2002.

ABM contribute to workshops, speeches and lectures at national and international conferences and panel discussions on the subject of media and disability.

ABM have identified some additional activities to be considered for 2007-2008: a Seminar/Masterclass as part of the 6th International Short Film Festival *Wie wir leben!*/*The The Way We Live!* for young screen directors and screenwriters, as an introduction to best practice in dealing with disability issues and to encourage the sourcing and recruitment of actors with disabilities; the establishment of a biennial competition for the best TV programmes on disability in German speaking countries and regions; to introduce journalist unions and associations to and provide training on the Broadcasting Creative Industries Disability Network principles from the UK; to recommend a code of conduct and principles of best practice for public service and commercial broadcasters and to compile a handbook for disability NGOs and selfhelp groups on the television industry.

They intend to make the following activities permanent or more frequent; lectures and workshops by media and disability professionals to develop the relationship between disability culture and the media,

ZDF is one of the two major national public TV networks in Germany. Its partner channels are 3SAT, ARTE, Ki.Ka, Phoenix, DW-TV, Deutschland Radio. The network has undertaken the following initiatives on the representation of persons with disabilities in the media:

- Series on the daily life of persons with disabilities entitled 'Menschen' (people). This series has also examined employment opportunities available within ZDF. One of the two editors has a disability and the series uses freelance journalists, of whom some have a disability. The series is presented by a non-disabled person, but this is explained on the basis that the broadcaster has found itself unable to recruit a presenter with a disability who met the required professional standards.
- 1979 agreement in relation to protection and support for workers with disabilities, e.g. accommodation measures; where an applicant with a disability is rejected for a position, a final decision from the internal disability ombudsman is required. This has helped the representation of persons with disabilities within the ZDF workforce.
- An important employment incentive has been established in co-operation with the information and advisory board 'RH-Integra', now officially recognised by the labour office. ZDF is represented on this board by its disability ombudsman. The agency advises people with disabilities on career opportunities and also companies on the employment of people with disabilities. This has been used successfully by ZDF in recruiting persons with disabilities.
- The Social Ministry of Rheinland-Pfalz have recognised the ZDF's record as an example of Best Practice on the employment of persons with disabilities.
- ZDF have co-operated with the 'Business Forum for Disabled Employees and customers', similar to the UK's Employers Forum on Disability, based on the idea that a consistent corporate policy for disabled employees and customers is "economically and politically meaningful".

The LPR (Landesanstalt für privaten Rundfunk) in Hesse (the regulatory authority in charge of commercial broadcasting in Hesse) runs a Media Project for children and young people entitled "Siehste Töne?! Hörste Bilder?!" ("Do you see tones?! Do you hear pictures?!"). The aim of the project is to encourage children and young people with a disability to familiarise themselves with a media that suits their ability (e.g. a blind person is unable to use a camera and would therefore use radio) and produce a radio drama, video or photos. The project provides assistance and training and it is possible for the participants to visit the regulator for a day in the Project Centre for Media. The Regulator finances a significant portion of the costs.

Aktion Mensch is a charitable organisation which strives for equal opportunities in society and for every person's right to self-determination and to be an accepted member of society. The organisation was launched as Aktion Sorgenkind (which translates as Action for the Problem Child) in 1964 at the initiative of the German TV channel ZDF, mainly in response to the Thalidomide scandal. A social lottery was launched, which was linked for decades to TV shows such as the quiz programme Der grosse Preis [The Big Prize]. The organisation promotes projects and initiatives for disability rights and support, as well as child and youth welfare projects. The lottery proceeds and donations are distributed by a panel of trustees manned by representatives from charitable institutions, disability organisations and the ZDF. The trustees process the applications and distribute funds accordingly.

In addition to these projects, Aktion Mensch, with the support of organisations including ZDF, initiated a social debate on the dieGesellschafter.de website (the name "Gesellschafter" means both member of society and shareholder in business terms). This project aims to represent the voice of society, alongside the voice of government and the business community in the debate on "In what kind of society do we want to live?"

The project has attracted huge interest, proving that there is a need for citizens to publicly exchange views on socio-political topics and community development. Excerpts from the discussions are documented in the regularly-published dieGesellschafter.de magazine, which is available free of charge in public libraries, adult education centres, socio-cultural centres etc. to give people with no access to the Internet a chance to participate in the project.

The “uber arbeiten” film festival is part of the dieGesellschafter.de project. Its focus on work, economy and globalisation highlights key topics of current political reform discussions. The topics also reflect the central themes of the debate in the internet discussion forums. With 15 associations and organisations operating across the country as “film sponsors”, as well as numerous regional partners at the 80 venues, the film series provides a “platform for the participation and networking of civic and social organisations and other committed persons.”¹⁰⁰ Additionally, the initiative facilitates discussions and exchange of views.

OVERVIEW

A search of the German broadcasters’ programming archive databases reveals that there is a high level of representation of people with disabilities in German programming. ABM, for example, has produced over one thousand documentaries since 1989. Peter Radtke, the General Manager and Chief Editor of a small TV station and film producing company in Germany, which deals exclusively with disability topics, recommends the establishment of a European network of journalists, with or without a disability, who are working in the field of disability to exchange experience and maybe find ways of co-operation.

100 Information on the Project “dieGesellschafter.de” is available at:
<http://diegesellschafter.de/projekt/ueber/projekt.en.php>

SUMMARY

The initiatives outlined above emanate mainly from:

- Disability organisations (ABM)
- ZDF, a major public broadcasting network

The initiatives outlined above embrace the following:

- Raising awareness, providing information
- Action plan
- Production of films on the lives of people with disabilities; biennial film festival
- Production of television programmes, series, in close cooperation with people with disabilities; also documentaries, reports and talks on disability issues;
- Provision of resources, including comprehensive video collection on disability, videotheque; Internet database of films and TV productions
- Media education projects in schools and universities
- Permanent working relationships or partnerships with major public and private broadcasting companies and BLM
- Internal disability ombudsman in ZDF; employment, accommodation, support
- Media training for children and young people with a disability
- Lottery funding
- Internet discussion forums

Prospective:

- Establishing a forum for discussion to focus on increasing the visibility of persons with disabilities in generic programming and on improving the portrayal and treatment of disability in TV dramas

- Improving employment levels in the media, educating and informing NGOs about the media industry and familiarising both media and disability NGOs and charities
- Establishing a permanent council to encourage and develop the relationship between the media and disability NGOs
- Organising a Masterclass for screen directors and screenwriters
- Organising a competition for best TV programmes on disability
- Provision of training + recommending a code of conduct and principles of best practice for broadcasters
- Compiling a handbook for disability NGOs and selfhelp groups on the television industry

MALTA

INTRODUCTION

Malta is unique in that it has recently adopted into its Broadcasting laws a set of specific mandatory standards and practices directly relating to disability and its portrayal in broadcasting, with which all broadcasters (both public and private) have a legal duty to comply (Legal Notice 260 of 2007 - Requirements as to Standards and Practice applicable to Disability and its Portrayal in the Broadcasting Media 2007).¹⁰¹ These standards derive from the Broadcasting Authority of Malta's Code of Practice on Disability and its Portrayal in the Broadcasting Media 2002. Following government approval, the Code was published as a legal notice in March 2007 and now has the force of law.

In addition, there is a set of mandatory standards and practices developed by the Broadcasting Authority and targeted primarily at producers of broadcasting programmes (Legal Notice 250 of 2007 - Requirements as to Standards and Practice applicable to Participation in Media Programmes of Vulnerable Persons 2007).¹⁰² This contains both positive and negative obligations in relation to the participation of, and to a lesser extent the depiction of, vulnerable persons in broadcasting programmes, including persons with disabilities.¹⁰³ The obligations are considered below under "Codes."

101 By virtue of Article 20 (3) of the Broadcasting Act 1991, Chapter 350 of the Laws of Malta) Regulation No 260 March 2007. See Appendix A for full text.

102 By virtue of Article 20 (3) of the Broadcasting Act 1991, Chapter 350 of the Laws of Malta Regulation No. 250. See Appendix A for full text.

103 Although the impetus for these Requirements has not been indicated, it is noted that amongst the complaints made to the Authority regarding the portrayal of persons with disabilities in fund raising programmes which led to the Code of Practice 2002, was one which showed a lack of parental responsibility and awareness of disability issues: Although clips of disabled children were produced with their parents' consent, the question arose as to whether parents had the right to permit the dignity of their children to be adversely portrayed simply to solicit the collection of more money. Was this ethically acceptable bearing in mind the prejudice caused in the long run to disabled persons through such negative portrayal of disability?

LEGISLATION

The Equal Opportunities (Persons with Disability) Act (EOA) 2000,¹⁰⁴ was passed into law by the Maltese Parliament in January 2000. The EOA safeguards the civil rights of disabled people in areas of Employment, Education, Access, Provision of Goods, Facilities or Services, Accommodation and Insurance.

The Act (s.23) grants legal status to the Kummissjoni Nazzjonali Persuni b'Dizabilita' (KNPD), (National Commission for Persons with Disability), making it accountable for the implementation of the EOA. The Commission comes under the Ministry for the Family and Social Solidarity, and works in collaboration with non-government organisations, co-ordinating efforts and voicing government policies on disability matters. The functions of the Commission are set out in Section 22 of the Act. They include working towards the elimination of discrimination against people with disabilities; identifying, establishing and updating all national policies directly or indirectly related to disability issues.

The Commission provided the impetus for the Code of Practice on Disability and its Portrayal in the Media 2002 (below), following its complaints to the Broadcasting Authority on the negative portrayal of disabled people in a number of fund-raising programmes which were broadcast on local television, including the public service broadcaster (TVM), in 2001.¹⁰⁵

104 Chapter 413, Part 5, Section 21 Laws of Malta

105 20th Annual Meeting of European Platform of Regulatory Authorities (EPRA), Presentation by Dr. Kevin Aquilina, Chief Executive Broadcasting Authority Malta on the "Broadcasting Code of Practice on Disability and its Portrayal in the Broadcasting Media," 14th October 2004, p. 2.

The Broadcasting Act 1991 liberalised broadcasting, which up until that point had been under the control of the state-owned national broadcaster. The 1991 Act established pluralism in both television and radio and augmented the functions of the Broadcasting Regulatory Authority. Section 20 of the Act is of particular significance as it empowers the Regulatory Authority to draw up codes in relation to broadcasting content.

The Press Act 1974 also extends to broadcasting and Article 6 of the Act lists as a criminal offence, inter alia, using such means to threaten, insult or expose to hatred, persecution or contempt, a person or group of persons because of their ... disability. Thus, disability is specifically included. Article 21 provides for a right of reply to any person whose action or intentions were misrepresented or who was subjected to an attack on his honour, dignity or reputation or to an intrusion into his private life by means of or in a newspaper or broadcast. Articles 34-35 provide that every broadcasting licensee is required to have an editor for its broadcasting service and this editor has the same responsibilities and duties towards the Press Registrar (appointed by the Prime Minister) as an editor of a newspaper, i.e. to provide the Registrar with personal details concerning the broadcasting service, including details on ownership etc.

REGULATOR

Radio and television broadcasting services in Malta are under the supervision and control of the Broadcasting Authority. The Authority was established in 1961 by Ordinance XX of 1961. Following independence in 1964, Malta adopted its Independence Constitution and the Broadcasting Authority became an independent statutory body appointed by the President of the Republic of Malta.¹⁰⁶

¹⁰⁶ Article 118 Constitution of Malta 1964.

The functions of the Authority were extended by the Broadcasting Act 1991. Its role and functions are broadly to license radio broadcasters at national and community levels and television services throughout Malta, and to monitor their performance.¹⁰⁷ The most significant provisions of the Act for present purposes are contained in Article 20, which deals with codes for programmes other than advertisements. This article empowers the Regulatory Authority, in conjunction with the Minister, to draw up and from time to time to review codes giving guidance on programme content (see below).

BROADCASTERS

Public service broadcasting in Malta is provided by Public Broadcasting Services Ltd, (PBS), a state owned company which offers a full range of programming within the broad categories of information, education and entertainment. It transmits on three radio networks (Ten Sixty-Six, Radju Malta), and on two television channels, TVM and a community channel, Channel 12, on the cable television network. The public television sector also includes a cable television channel (Education 22) which is operated by the Ministry of Education. The Broadcasting Act 1991 provides that the public broadcasting services should remain independent of Government editorially and, to the greatest extent possible, in economic and regulatory terms.

The private commercial sector is represented by several radio stations and by three television services. There is only one purely commercial television station, Smash TV, which recently re-launched and has placed importance on religious programmes.

107 Section 11 of the 1991 Act Provides that (1) When issuing broadcasting licences, the Authority shall be guided by the following considerations - (a) that the principles of freedom of expression and pluralism shall be the basic principles that regulate the provision of broadcasting services in Malta; (b) that a diverse system of public and private stations with their own particular character, would be the best system for the realisation of these basic principles.

Malta is unusual in that the other two channels are owned by two of its largest political parties: One TV (formerly Super One TV) is owned by the Maltese Labour Party and NET TV is owned by the National Party. There is only one company providing a cable television service in Malta, i.e. Melita Cable, which has been in operation since 1992.

CODES/GUIDELINES

The mandatory requirements referred to above (Legal Notice 250 of 2007), which were devised by the Regulator, are essentially a detailed set of practical checks and balances for broadcasters/ producers of programmes to carry out before a vulnerable person participates in any of their programmes. Section 3 on Practical Information, for example, asserts that it is vital for such (vulnerable) persons to give their informed consent in complete freedom before participating in programmes where their condition may be discussed, and that programme producers must not in any way pressurise these people to participate. It further provides that producers should make sure that participants are fully aware of the effect their participation may have on their life when they are exposed before thousands of viewers. In addition no financial inducements should ever be given to parents or guardians with the purpose of affecting their decisions about whether to give their consent to the participation of vulnerable persons.

The Requirements state that a qualified person should hold a pre-programme screening session with the vulnerable person, in order to explain to such person the implications of programme participation and the effects the programme might have on such person and his/her dependents, particularly children. When a considerable level of vulnerability is involved there should be a qualified person present, e.g. a psychologist or a consultant who is independent of the team producing the programme, to meet these people and explain clearly to them what their participation in that programme entails.

The Requirements also assert that if a vulnerable person has had or is still undergoing psychological support, the producer must forward a signed letter to the person's therapist so that the therapist can provide the producer with any necessary feedback. If the qualified person states that it would be better if the vulnerable person, due to their condition, does not participate in a programme, the producers of the programme are expected always to abide by this advice where children are concerned.

The Requirements also deal with the portrayal of vulnerable persons in programmes. A subsection on Group rights provides that producers should be mindful not only of the rights of the individual who is participating in a programme but also of the rights of others who are in a similar situation but are not participating in the programme. Section 4.3.1 further addresses the situation where an individual with a disability taking part in a programme may derive some personal benefit such as a cash prize. Producers should at all costs try to prevent this being misinterpreted and ensure these individuals are portrayed neither as 'victims' nor as 'innocent beings'.

The Requirements also deal with technical measures in programming, such as the use of close-ups which helps to render a television programme intimate in style, thereby increasing audience participation. However close-ups can also constitute an invasion of privacy. For this reason, producers should avoid close-ups when these are reasonably considered to amount to an invasion of privacy or when there are facial/ physical defects. Section 4.6 states that persons suffering from terminal illness or from acute physical conditions may participate in programmes only when their participation is such as to instil hope and inspiration in audiences watching them. It further provides that when a station fears that the principal effect of such vulnerable persons' participation will be to instil a sense of pity, such participation will not be considered permissible. Stations should be guided by the principle of respecting human dignity and avoid focusing on situations where people's suffering is unduly emphasised and sensationalised.

Complaints / Breach of the Requirements

Complaints regarding the portrayal of people with disabilities in broadcast media have to be lodged first with the station and if no remedy is given within three days the complainant can lodge his or her complaint with the Authority. The Authority also has a Code on the Investigation and Determination of Complaints 2000 (Legal Notice 161 of 2000, as amended by Legal Notices 3 and 251 of 2001, and 83 of 2005.)

A breach of the above Requirements may result in a warning, a suspended penalty, a penalty or ultimately the putting off air of a particular programme. An administrative system of sanctions is in place in accordance with Article 41 of the Broadcasting Act and its Fifth Schedule. The minimum penalty for breach of the requirements is Lm 750 (approx. €1,750) and the maximum is Lm 1,000 (approx. €2,333). To date there have been no infringements of these Requirements.

As well as the Requirements, both public service and commercial broadcasters are obliged to adhere to any Codes which the Regulatory Authority adopt under Section 20 of the Broadcasting Act 1991.

In 2002, following complaints from the Disability Commission about aspects of programming, the Broadcasting Authority, through its Advisory Committee on Quality and Ethics, and in consultation with the Disability Commission and broadcasters, drew up a Code of Practice on Disability and its Portrayal in the Media. The Requirements as to Standards and Practice applicable to Disability and its Portrayal in the Broadcasting Media 2007 (Legal Notice 260 of 2007) are essentially a re-statement of the 2002 Code, transforming it into a set of mandatory standards and practice having the force of law.

Although the 2002 Code resulted from complaints regarding fundraising programmes for charity organizations, the Requirements apply to all types of programmes and broadcasts.

The introduction reflects the values and philosophy underpinning the Requirements and asserts that persons with disabilities are persons first and foremost, who have full human and civil rights, and are entitled to dignity and respect. It outlines common problems / difficulties in relation to disability issues such as combating prejudice, stereotyping and institutional discrimination and the media's power to either perpetuate such prejudice etc., or its ability to educate the public to have a more understanding and positive attitude towards disabled people. It also discusses definitions, common assumptions, stereotypes and negative terms frequently used to describe disabled people.

The section on Misrepresentation of People with disabilities deals with use of negative terms and images. Citing various examples, it provides a general reference for broadcasters of "what not to do" in terms of language and images employed when depicting people with disabilities. It makes particular reference to other issues which can augment such misrepresentation, such as the lack of consultation with disabled people and their organizations about issues affecting their lives, and failure to check accuracy of information before it is broadcast.

The section on Broadcasters' Responsibilities deals with both negative and positive obligations of broadcasters in relation to the representation and portrayal of people with disabilities. It asserts that it is the responsibility of all broadcasters to be sensitive to the problems outlined in sections 1 and 2 and to avoid them. It states that broadcasters should take positive steps in order to ensure a more inclusive representation of disabled persons in programming, should aim to recruit disabled workers and in particular that the portrayal of disabled persons in drama should wherever possible be carried out by disabled actors.

It provides that broadcasters have a duty to minimize common problems, such as those of physical access, which impede the participation of disabled persons in broadcasting activity. It also states that where a licence is issued the broadcaster will be expected to portray disabled persons and disability issues in a proper way.

The Commission issued a press release which builds on the Code of Practice and provides constructive guidelines and additional practical measures to be considered by broadcasters.¹⁰⁸ The press release resembles a production handbook and contains sections on inter alia: Understanding Disability; Language and Terminology; Guidelines for Programme Makers, including sections dealing with disabled people and charity, disabled people and comedy, disabled people and sensationalism, disabled people and sexuality, disabled people and the disabled population; Recruitment of Disabled People; Equal Opportunities and Design for All, which means that buildings, equipment, policies and practices must be disability friendly and that broadcasters ensure that the physical environment in which they operate is fully accessible according to the Design for all Guidelines issued by the Commission.¹⁰⁹

While it is too early to assess the impact of the 2007 Requirements, the Chief Executive of the Broadcasting Authority of Malta concluded in 2004, having regard to the 2002 Code, “that although not all the above recommendations have been as yet implemented, there has been a remarkable improvement in the portrayal of disability issues during fund raising programmes after the adoption of the said Code.”¹¹⁰

108 Available at: <http://www.knpd.org/pubs/press/media.pdf>

109 Design for All Guidelines are available at: <http://www.knpd.org/>

110 20th Annual Meeting of European Platform of Regulatory Authorities (EPRA), Presentation by Dr. Kevin Aquilina Chief Executive Broadcasting Authority Malta on the “Broadcasting Code of Practice on Disability and its Portrayal in the Broadcasting Media,” 14th October 2004, p.10.

He considered the turning point in arriving at better portrayal of disability issues on the local broadcasting media to have been the awareness that the Code and the process which led to its formulation brought about amongst the broadcasting community. He stated that various producers responsible for such programmes were in constant contact with the National Commission for Persons with Disability for guidance and this positive relationship had contributed to the raising of standards, thereby producing better quality programming in so far as disability issues were concerned.

From 2002, when the Code began to operate, broadcasters fell into line with it and there were no complaints to the Broadcasting Authority in the five year period to 2007. However, the Commission for Persons with Disability is currently working on a Good Practice Guideline Handbook (in Maltese and English) for local media personnel and disability NGOs, which will be presented to the public in December 2007.

INITIATIVES

In addition to the above, the Commission has stated that occasionally when different broadcasting stations request disabled persons to participate in their programmes, particularly for discussion and talk shows, the Commission identifies potential speakers and requests their consent to forward their details so that a station can approach them regarding participation in the programme.¹¹¹

Since 2000 the Commission has been running its Speak Out! initiative. This is an educational course aimed at disability activists. The course is usually divided into two parts. Part 1 provides the participants with an introduction to disability issues, with a particular emphasis on the social model of disability and is based on personal experiences. Part 2 of the course focuses on giving disabled persons specific media skills.

111 This information was elicited from a personal communication with Joe Camilleri Chairman of the National Commission for Persons with Disabilities, Malta September 2007.

For this part, the National Commission for Persons with Disability commissions a local company with media experience to run sessions on TV, radio and public speaking and writing skills with a focus on rights activism and self-advocacy.

In 2007 the Commission organized a meeting for journalists and other persons working in the media to learn about the social model of disability and the portrayal of disabled people in the media.

To mark its 20th Anniversary, the Commission is eager to broadcast on the public service Broadcaster TVM and possibly other TV stations The Disabled People's Parliament, which is to be held during National Disability Week which runs from 3rd - 9th December 2007.¹¹²

OVERVIEW

It is clear that Malta offers a very comprehensive and far-reaching approach to the representation of people with disabilities in its broadcast media through its adoption into law of the Requirements as to Standards and Practice applicable to Disability and its Portrayal in the Broadcasting Media 2007. The Requirements evolved from the Code of Practice on Disability and its Portrayal in the Broadcasting Media 2002, which is significant in terms of reflecting the various inputs and concerted efforts of both the National Commission for Persons with Disability and the Broadcasting Regulatory Authority. These collaborations coupled with enabling broadcasting legislation and to a lesser extent disability legislation, have brought about a set of legally binding Requirements which embrace the concept of the representation of people with disabilities in broadcast media as persons first and foremost with respective civil and human rights; as audiences consuming media content; as producers and makers of media content; as contributors and as media workers and practitioners.

112 Ibid.

The Requirements as to Standards and Practice applicable to Participation in Media Programmes of Vulnerable Persons 2007 also protect the rights of persons with disabilities who participate in programmes from being exploited or being negatively depicted in such programmes.

Broadcasting legislation also provides a clear and accountable channel for evaluating complaints for breach of the Requirements, which is effected through the Code on the Investigation and Determination of Complaints 2000.

Given their extensive scope, however, the success of the recently adopted Requirements will depend on additional measures and resources being put in place for the purposes of monitoring, evaluating and creating awareness of disability issues in broadcasting.

SUMMARY

The initiatives outlined above emanate mainly from:

- Broadcasting legislation
- Broadcasting Authority
- Disability legislation
- Disability Commission

The initiatives outlined above embrace the following:

- Application of legally binding standards and practices derived from the Broadcasting Authority's 2002 Code
- Mandatory set of practical checks and balances for broadcasters/ producers of programmes to carry out before a vulnerable person participates in any of their programmes
- Educational course aimed at disability activists

SPAIN

INTRODUCTION

The media in Spain comprises State radio and television networks, as provided for in the Radio and Television Statute of 1980, as well as public funded stations set up by the Autonomous Communities under the Third Channel Act of 1983. The latter include TV3 and Catalonia Radio (1983); Radio Televisión de Andalucía /Canal Sur (1989); and Telemadrid (1989). In 1988, the Private Television Act (10/1988) opened the market up to private broadcasting, which has existed since the beginning of the 1990s.

The media, which are owned and run by the government, are deemed public services obliged to respect the "political, religious, social, cultural and linguistic diversity [of Spain]"¹¹³. A code of practice and initiatives on the representation of people with disabilities in Spain have taken shape in 2007 on the impetus of Fundación ONCE (see below), which is co-ordinating a European project on disability and media.

LEGISLATION

Law 4/1980, the Statute of Radio and Television, defines radio and television as essential services which must guarantee, inter alia, effective rights for liberty and equality, protection of marginalised people and rights for most important social and political groups to access the media.

¹¹³ Council of Europe- Cultural Policies and Trends in Europe- Spain-Mass Media available at: <http://www.culturalpolicies.net/web/spain.php?aid=538>

Article 5 of Law 46/1983, Regulating the Third Television Channel, outlines the regulations for the stations of the Autonomous Communities, including respect for political, social, cultural, religious and linguistic pluralism, and respect for values of equality stated in Article 14¹¹⁴ of the Constitution.

Law 10/1988 for Private Television determines the operation of television as a public service, as defined in the Statute for Radio and Television, and states that independent channels are to satisfy citizens' interests, contribute to strengthening public opinion and to cultural growth.

Under Law 37/1995, satellite communications must respect the points described in Article 4 of Law 4/1980, the Statute of Radio and Television, i.e. objectivity, veracity, impartiality, separation of information and opinions, respect for pluralism, honour, reputation, youth and child protection and respect for constitutional values of equality).¹¹⁵

The State Radio and Television Act (17/2006 Act), transformed the public service broadcaster, RTVE, into a state corporation with special autonomy. The Corporation must promote Spain's linguistic and cultural diversity; promote constitutional values, including respect for human dignity; support the social integration of minorities and cater for social groups with specific needs.¹¹⁶ There is no legislation in Spain which directly addresses the representation of people with disabilities. New audiovisual legislation to be enacted will include a negative obligation not to discriminate against people with disabilities.

114 Spanish people are equal before the law, without any discrimination for reasons of birth, race, sex, religion, opinion, or any other personal or social condition or circumstance (unofficial translation- see http://www.servat.unibe.ch/law/icl/sp00000_.html)

115 See Lacalle, Charo. 'Broadcasting and Citizens- Spain', European Association for Viewers' Interests, available at: <http://www.eavi.org/reports/Spain.pdf>

116 See IRIS 2006-6:11/19[ES]; See also Merlin database available at: <http://www.obs.coe.int/db/>

Disability legislation provides negative obligations in an employment context, e.g. Article 4(2)(c) of the Statute of Workers' Rights, which deems serious workplace discrimination a criminal offence.¹¹⁷ The Law of Equal Opportunities, Non-Discrimination and Universal Access for Persons with Disabilities (51/2003) has a broad scope and spans telecommunications and the information society, provision of goods and services etc., and applies indirectly to the workplace. Law 62/2003, on Fiscal, Administrative and Social Measures, prohibits discrimination on the grounds of, inter alia, disability.¹¹⁸

The National Action Plan on Accessibility¹¹⁹ contains a reference to awareness raising programs in the media.¹²⁰

REGULATOR

There is no independent national regulatory authority in Spain. There are regional regulators, e.g. the Audiovisual Council of Catalonia (Conseil de l'Audiovisual de Catalunya), the Audiovisual Council of Navarra (Consejo Audiovisual de Navarra), the Madrid Audiovisual Council and Consejo Superior del Audiovisual Andaluz. At national level, the Ministry for Science and Technology is largely responsible for broadcasting.

117 Art 314 Spanish Criminal Code (Organic Law 10/1995).

118 Art 28(1)(b).

119 Action Plan available at: <http://usuarios.discapnet.es/disweb2000/lex/AccePlan2004-2012.pdf> (in Spanish).

120 See -Actuación 0101: Campañas generales de concienciación, pp. 69-70.

Under Law 2/2000, the Audiovisual Council of Catalonia (CAC) are “[to], within the framework of the powers of the Government of Catalonia, guarantee respect for those rights and civil liberties that, in the sphere of radio, and television or other systems for the transmission of sound or image, are recognised in the Constitution and in the Statute of Autonomy [and] shall guarantee political, religious, social, linguistic and cultural pluralism throughout the audio-visual industry in Catalonia.”¹²¹

Under Article 9, the Council’s regulatory and punitive duties are to be proportionate to the operator’s conduct and are to bear in mind the promotion of self-regulation.

Under Article 10(m), the Council has the duty “to adopt, within the framework of the powers recognised by this Law, the measures required to remedy the effects of broadcasting or introducing messages or other material into programming or advertising that are an attack on human dignity and the principle of equality, especially when these messages or other material have been broadcast at times when the audience will include children and young people.”

The Consejo Audiovisual de Navarra is an independent body which monitors compliance with audiovisual regulations. It has a duty to protect the rights of minorities, children and youth and to ensure that programming respects and defends constitutional values and principles. The Consejo advises the Regional Parliament about audiovisual matters and has sanctioning powers for enforcing measures they deem important. Like the CAC, the Consejo Audiovisual de Navarra has an “Oficina de Defensa de la Audiencia,” which receives complaints and suggestions from citizens about radio and television programming and advertising.

121 Article 1(2) Law 2/2000 of the Parliament of Catalonia available at:
<http://www.audiovisualcat.net/aboutcac/cacact.html>

The Consejo Superior del Audiovisual Andaluz does not have sanctioning powers and its functions are much more restricted than those of the Conseil in Catalonia and Navarra. Among its functions are to promote such values as tolerance, solidarity, and equality; to handle any suggestions and complaints made by viewers; and to act as a conciliation organisation for specific economic and socio-cultural agents participating in the audiovisual area.

The Consejo Audiovisual de la Comunidad de Madrid was created based on Law 2/2001 in the Autonomous Community of Madrid. Among its responsibilities are to guarantee that the regulatory audiovisual norms are observed, to act as mediator between industry and consumers in order to make any necessary corrections, and avoid commercial programming.

BROADCASTERS

RTVE (TVE1 and TVE2) is the national public service television broadcaster.

Radio Nacional de Espana is the national public service radio broadcaster. TV3 and CANAL 33 (both exclusively in Catalan language) are the public broadcasters in Catalunya; ETB1 and ETB2 in the Basque Country; TVG in Galicia.

CODES/GUIDELINES

The Self-Regulation Code on Television Content and Children contains a negative obligation to avoid the use of children and young people with disabilities for a “propagandistic aim” within the protected time frame established.¹²²

¹²² See ‘Co-Operative Regulatory Systems in the Media Sector of Spain’ available at: <http://www.hans-bredow-institut.de/forschung/recht/co-reg/reports/2/Spain2.pdf>

There are some non-official guidelines on the representation of people with disabilities elaborated by the Real Patronato (part of the Ministry of Labour and Social Affairs), FEAPS (Spanish Confederation of Intellectual Disability Organisations) or FEACEM (Spanish Business Federation of Associations of Employment Centres); and Servimedia (see below) have compiled a book.¹²³ Such codes, which largely relate to the use of language, were prepared without input from the media and there is little awareness or observance of them.

The Fundación ONCE for Cooperation and the Integration of the Disabled was founded in February 1988 and is Spain's largest cross-disability organisation. It is an associate member of the European Disability Forum (EDF). The mission of Fundación ONCE is to achieve effective equal opportunities to aid the integration of persons with disabilities into society. Employment and accessibility are its two key objectives. It is presently co-ordinating the European Media and Disability Project.¹²⁴ It aims to increase visibility in mainstream programming and to improve portrayal.

Fundación ONCE intend to draft a code of practice with the participation of main audiovisual entities, as they regard this co-operation as vital in ensuring the success of any measures. They have created a Committee to support persons with disability in the audiovisual sector. The Committee has 18 members, 2 from disability organisations and the rest from the audiovisual sector. A manifesto has been signed which commits organisations to exchange ideas, to support the production of an annual report on the portrayal of persons with disabilities in the media, as well as bilateral or multilateral cooperation among its members, and especially with Fundación ONCE.

123 Unavailable online at time of writing.

124 See www.mediaanddisability.org

The proposal to establish this Committee has received wide support and all organisations which have been approached have indicated their willingness to take part in the Committee. Meetings have been held with each organisation, presenting the objectives of the European project and informing them about the Committee. Ideas suggested for bilateral cooperation between Fundacion ONCE and the organisations are the establishment of awards, training schemes for people with disabilities and a style-book on persons with disabilities.

The organisations which will form part of the Committee, apart from Fundacion ONCE, are the public broadcaster RTVE, the representative associations of private broadcasters, producers, agencies, scriptwriters, technical engineers and journalists. Fundacion ONCE see this co-operative approach as the best way forward, as organisations are opposed to legislation and compulsory measures.

IMPLEMENTATION

Fundacion ONCE have held seminars, including one for disability NGOs to discuss the portrayal of people with disabilities and to make proposals for action. The main conclusions were that the challenge is to mainstream disability in general programs, without neglecting the relevance of disability specific programs; that disability NGOs should act as advisors of media; that there is a need to produce style-books in cooperation with media; to increase employment levels in media; to present good examples from other countries in order to stimulate a change in the current outdated portrayal of people with disabilities; to establish a database of media professionals with disabilities; and to undertake training for people with disabilities in these professions.

The Audiovisual Council of Navarra noted in their 2005 Report the existence of a programme entitled Paso a Paso, meaning 'Step by Step,' dedicated to the subject of people with disabilities in Navarra. Other disability programmes include En otras palabras for persons with hearing difficulties and Nosotros tambien about intellectual disabilities.

Servimedia have played an important role in the representation of people with disabilities in the media. Fundación ONCE founded Servimedia as a news agency with the mission of creating and disseminating political and social information. Servimedia now specialises in social policy information in Spanish media, such as information about the needs, problems and achievements of people with disabilities, information on their organisations, on any plans and programmes in this area of social policy. Currently Servimedia is distributing 150 news items per day, 30 of which are related to disability issues. Servimedia has also employed journalists with disabilities and in 2003, 40% of the workforce had a disability. This is aided by a partnership between Servimedia and universities, through which Servimedia provides training and professional opportunities to students with disabilities in Journalism and Information Science.

Servimedia established a Communications Department to assist other media and also disability organisations in disseminating the opinions of persons with disabilities in society. Servimedia also provides informative bulletins to update disability organisations' websites as a tool for internal communication. Other media have begun to respond to the efforts of Servimedia and Fundación ONCE by including persons with disabilities in their programming content. The three major private radio networks in Spain have programmes devoted to the social integration of people with disabilities and the national public radio network broadcasts a five-minute CERMI¹²⁵ programme weekly. Both public and private television channels are also including disability issues in their newscasts.

¹²⁵ CERMI is a political organisation representing disability organisations.

The private television broadcaster Telecinco initiated a project in 1999 called Twelve Months, twelve causes, in which a different campaign was broadcast every month, including problems faced by people with disabilities. This was supplemented in 2004 by awards for those individuals and organisations recognised as having made a difference in these campaigns.

The Spanish broadcaster TVE broadcasts a series Discapacidades, which was the first documentary series made from the point of view of persons with disabilities to convey their experiences and also the views of their families. Those featuring in the series include children, young people, students and workers. The series was made in co-operation with CERMI and co-produced by Fundacion ONCE and Light Productions. The series is partly financed by the EU Social Fund.

OVERVIEW

Mr. Fernando Mendia, Director of ONCE, in a speech given to the European Congress on Media and Disability in 2003, Disability and Media - the case of Spain, noted that fifteen years ago, apart from a few isolated advertising campaigns, there was no relationship at all between the media and persons with disabilities, nor a presence of disability in media or in public opinion.

Mr. Mendia points out, however, that there is no comparable data to assess the quantitative effects the communication efforts of Servimedia and other advancements in the mainstream media have had on the image of persons with disabilities. He believes, however, that disability issues are more socially and politically relevant than they were a decade ago. He notes that surveys have shown that Spanish citizens are more understanding of disability issues and there has also been increased employment of persons with disabilities. However, he further points out that the Spanish population considers in general that they have little information about disability.

Co-operative measures to address the representation of people with disabilities in the media in Spain are in their infancy, with the Manifesto co-ordinated by Fundacion ONCE signed only in 2007. Reports on their efficacy are therefore not available yet but the indications are that they will have some success.

SUMMARY

The initiatives outlined above emanate mainly from:

- Government departments
- Disability organisations – particularly Fundacion ONCE
- Employment organisations

The initiatives outlined above embrace the following:

- Draft code of practice (Fundacion ONCE), with the participation of the main audiovisual entities
- Committee to support persons with disability in the audiovisual sector
- Manifesto to exchange ideas, produce an annual report on the portrayal of persons with disabilities in the media, engage in bilateral or multilateral cooperation among members
- Establishment of a news agency, Servimedia
- Co-operation between Servimedia and universities to provide training and professional opportunities in Journalism and Information Science for students with disabilities.
- Seminars
- Some broadcast programmes
- Planning: future awards, training schemes for people with disabilities, style-book
- Disability NGOs to act as advisors of media; provide resources; establish training

SWEDEN

INTRODUCTION

The representation of people with disabilities in broadcasting is a live issue in Sweden. A recently adopted action plan on media and disability, by the Disability Federation in collaboration with a number of major players in the broadcasting industry, is currently underway.

This action plan coincides with the national action plan on disability entitled from "Patient to Citizen" launched in 2000, the primary aim of which is to achieve full participation and autonomy for disabled people as citizens of Sweden and to ensure that they are treated with dignity. The national action plan has shifted the emphasis in disability policy from former governmental actions which focused on social and welfare issues, to a more democratic and human rights approach. Consequently Swedish disability policy places particular emphasis on: identifying and removing obstacles to full participation and full equality in society, preventing and fighting discrimination, and promoting equality between disabled boys and girls, women and men.

The action plan extends to 2010, during which time this new disability perspective is to become a natural part of all policy making and all public activities in Sweden. In 2006 the Swedish government established Handisam - Swedish Agency for Disability Policy Co-ordination. Handisam has two principal tasks, i.e. co-coordinating and accelerating the implementation of the national action plan for disability policy. Handisam recommends that everyone working with the national action plan devise general rather than individual solutions.¹²⁶

¹²⁶ See Handisam website available at: http://www.handisam.se/Tpl/NormalPage____294.aspx

LEGISLATION

Sweden has four primary laws prohibiting discrimination, one of the grounds cited being disability. Of relevance to broadcasting is firstly the Prohibition of Discrimination in Working Life of People with Disability Act, (1999:132), which aims to combat discrimination with regard to employees and prospective employees. Secondly, the Prohibition of Discrimination Act (2003:307) aims to prohibit discrimination on the grounds of ethnicity, religion and other beliefs, sexual orientation and disability in other areas of society such as labour market policy activities, membership of unions and occupational organisations, the provision of goods and services (including housing), social security and related benefits systems in addition to health and medical care.

Sweden does not have laws which exclusively establish the rights of all people with disabilities. Instead, particular laws contain sections which apply specifically to disabled people.¹²⁷

Prior to the establishment of its national action plan in 2000, Sweden adopted the UN Standard Rules on the Equalisation of Opportunities for Person with Disabilities 1993, which form the bedrock of its disability policy. Rule 1(3) provides that:

“States should encourage the portrayal of persons with disabilities by the mass media in a positive way; organizations of persons with disabilities should be consulted on this matter.”

127 E.g. Planning and Building Act, Social Services Act , Support and Services for people with Certain Functional Impairments 1994
(LLS) Prohibition of Discrimination Act (2003:307).

In 1994, the Swedish government appointed a Disability Ombudsman to supervise compliance with the UN Standard Rules.¹²⁸ The Disability Ombudsman's main task is to ensure compliance with the four Acts prohibiting discrimination on grounds of disability (as outlined above), and to take legal action where necessary. The Office of the Disability Ombudsman also works to ensure that Sweden honours its international human rights commitments and was involved in the drafting of and has become a signatory to the UN Convention on the Rights of Persons with Disabilities 2006.

Article 8(2)(c) of the Convention on Awareness Raising provides inter alia:

“States Parties undertake to adopt immediate, effective and appropriate measures:...encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention.”¹²⁹

Sweden's Constitution contains four fundamental laws, two of which are The Freedom of the Press Act 1766 and the Fundamental Law on Freedom of Expression 1974. The freedom of the press and the right for all citizens to issue written documents regardless of their content has been safeguarded by the Freedom of the Press Act, as amended, since 1766.

The Fundamental Law on the Freedom of Expression constitutes the primary law setting out every Swedish citizen's right to freedom of expression in areas including broadcasting (television and radio), video recordings, sound recordings, film and online services.

128 The Disability Ombudsman Act (1994:749).

129 Sweden became a signatory Convention and Protocol on 30th March 2007.

Although there is no specific mention of disability in either the Freedom of the Press Act or the Fundamental Law on the Freedom of Expression, both list as an offence against the respective freedoms, the use of “insulting language or behaviour, whereby a person insults another by means of offensive invective or allegations or other insulting behaviour towards him;” if they are committed in, for example, a broadcast programme.¹³⁰ Both laws prohibit censorship prior to publication or broadcast.¹³¹

While the Freedom of the Press Act and the Fundamental Law on the Freedom of Expression set out the general principles in relation to the Swedish media, The Radio and Television Act 1996 sets out the legal framework for broadcasting in Sweden.

Chapter 3 of the Act sets out the conditions for broadcasting licences issued by the Government, which primarily concern broadcasters with public service commitments. Conditions for a broadcasting licence may include an obligation to inter alia provide scope for broadcasts which are especially designed for persons with impaired sight or hearing or in a manner that makes them accessible to persons with functional impairments.

The requirements concerning the content of broadcasts are dealt with in Chapter 6 of the Act and provide that anyone who broadcasts television or radio programmes under a licence issued by the government must ensure that the overall programme services reflect the fundamental concepts of a democratic society and the principle that all persons are of equal value, and the freedom and dignity of the individual.

130 Chapter 7, Article 4 (15) Freedom of the Press Act 1766 and Chapter 5 and Article 1, Fundamental Law on the Freedom on the Freedom of Expression 1974.

131 Chapter 1, Article 2, Freedom of the Press Act 1766; Chapter 1 Article 3 The Fundamental Law on the Freedom of Expression, 1974. The only exception being in the Fundamental Law on the Freedom of Expression which allows for the preliminary examination of films by the Swedish National Board of Film Classification.

The Act offers a mechanism for redress in cases where breaches of licence conditions have occurred with regard to programme content but only after transmission has taken place (see below).

REGULATOR

The Swedish Broadcasting Commission (SBC) is a government agency that supervises and reviews all radio and TV companies' programmes for the general public.¹³² The Commission's primary function is to ensure that radio and television channels broadcasting in and from Sweden under licences issued by the government or the Radio and Television Authority (see below) observe the rules laid down in the Radio and Television Act and the conditions set down in the various broadcasters' licences.¹³³

The most comprehensive regulations apply to public service broadcasters (SVT, SR and UR) and commercial broadcaster TV4, which include prohibiting programmes that discriminate on various stated grounds including disability, with an exception for content that is satirical or comical.

Any viewer or listener can file a complaint against a programme to the Commission. A review can also be made on the Commission's own initiative. Broadcasters found to be in breach of the provisions of the Radio and Television Act or the conditions of their licence may be required to publicise the Commission's decision in an appropriate manner or may be fined.

132 Swedish Broadcasting Commission website available at:

http://www.grn.se/grn/pages/Page____3322.aspx

133 Radio and Television Act 1996, Chapter 9, Section 2.

The Swedish Radio and Television Authority¹³⁴ is a national authority which reports to the Ministry of Culture and is headed by a Director-General. The Authority grants licences for local and community radio broadcasting, and issues publishing licences for databases in accordance with the Radio and Television Act. The Authority also issues regulations on television standards and exercises a supervisory role in this area. It monitors developments, publishes statistics and publishes other relevant information.

The Ministry of Culture is responsible for media policy in Sweden and its objective is to support freedom of expression, diversity and the independence of and accessibility to mass media, in addition to combating harmful elements in mass media.¹³⁵ Media policy covers areas such as the daily press, radio, television and the protection of children and young people from harmful content in the mass media.

BROADCASTERS

There are three main public service broadcasters in Sweden: Sveriges Television AB (SVT), Sveriges Radio (SR) and Swedish Educational Broadcasting Company (UR).

All three public service broadcasters' operations are regulated by the Radio and Television Act 1996, a broadcasting licence issued by the Swedish Government, and the Fundamental Law on the Freedom of Expression.

134 See http://www.rtvv.se/uk/Swedish_Radio_and_TV_Authority/

135 This has been approved by the Riksdag (Parliament) (Govt. Bill 2000/01:1, expenditure area 17, Committee Report 2000/01:KrU1, Parliamentary Communication 2000/01:59). See Ministry of Culture website available at: <http://www.sweden.gov.se/sb/d/3011>

SVT, which started broadcasting in 1956, is an independent corporation.¹³⁶ It currently operates six television channels, five of which are national channels (SVT1, SVT2, SVT24, Barnkanalen - a children's channel, and together with UR, Kunskapskanalen), and one international channel, SVT Europa. SVT also operates the channel SVT HD, which offers high definition productions simulcast with other SVT channels.¹³⁷ One of SVT's stated aims is "Humanism rather than commercialism. Humanism implies a respect for the television audience, respect for those appearing in broadcasts and respect for those working within broadcasting."¹³⁸

SVT, as an employer, has general obligations under both the Prohibition of Discrimination in Working Life of People with Disability Act 1999 (s.1-3), and the Prohibition of Discrimination Act 2003 (s.5), to ensure that it combats discrimination (direct and indirect) in the working life of people with disabilities.

Sveriges Radio AB (SR) operates four radio channels: P1 (news, culture and current affairs), P2 (classical music), P3 (youth) and P4 (a regional channel offering news and current affairs programming in 26 regions). SR provides a number of channels through Digital audio broadcasting, using the DAB standard, and via the internet. SR International is an international and multicultural channel and offers programming in 19 languages. The Swedish Educational Broadcasting Company (UR) also broadcasts its programmes on SR's stations.

136 See <http://svt.se/content/1/c6/33/03/52/engelska-total.pdf>

137 SVT1 and SVT2 channels are received in digital. SVT's channels are distributed via the terrestrial net and also via digital satellite, digital cable and broadband. Sweden's analogue terrestrial television platform ceased operation on the 15th October 2007, completing its switch-off programme which began in 2005.

138 See <http://svt.se/content/1/c6/33/03/52/engelska-total.pdf>

Swedish Educational Broadcasting Company (UR) is owned by a non-profit foundation which also owns SR and SVT and is operated as an independent public limited company.¹³⁹ UR broadcasts educational programmes for radio and television from beginner to advanced levels.

CODES/GUIDELINES

Sweden has a self-regulatory Code of Ethics for Press, Radio and Television.¹⁴⁰ The Code makes no specific reference to persons with disabilities, although it does provide that journalists should not “emphasise race, sex, nationality, occupation, political affiliation or religious persuasion in the case of the persons concerned if such particulars are not important in the context or are disparaging.”¹⁴¹

INITIATIVES

According to a report published in 2001 by the Swedish Handicap Institute,¹⁴² SVT has been broadcasting programmes and programme adaptations for various categories of disabled people for many years. In January 2000, Swedish TV for the Deaf, which was previously owned by the Swedish National Association of the Deaf, was transferred to SVT. It has approximately 40 employees, half of whom are deaf, and produces television programmes in sign language, including a national news programme for the deaf.

139 See <http://www.ur.se/aboutUR/The-UR-concept/>

140 Available at: <http://www.uta.fi/ethicnet/sweden.html>

141 Section I (10) Rules on Publicity, Respect Individual Privacy, Code of Ethics for The Press, Radio and Television 1995.

142 'IT for Disabled and Elderly People: Action in the Swedish Public Sector During 2000,' p.35. The Swedish Handicap Institute is a national knowledge centre working with assistive technology and accessibility.

In 2006, SVT published its Policy for Ethnic and Cultural Diversity within the organisation.¹⁴³ The document alludes to the fact that SVT's recruitment policy calls for the appointment and promotion of the persons most suitable and qualified, regardless of sex, ethnicity, sexual orientation or physical handicap.

In 2005 research was commissioned by the Swedish National Association for Social and Mental Health (RSMH) into Media Images of Mental Illness and Psychiatric Care in Connection with Violent Crimes.¹⁴⁴ The study examined articles from a Swedish broadsheet newspaper, an evening tabloid and reports by SVT's Rapport television news programme. The study concluded inter alia that "the difficult social conditions and experiences that often precede a mentally ill person's violent crime are not even assumed to be part of the causal context" in Swedish media reports. "Instead the situation is trivialised by alluding to dramatic symptoms." The study suggests that the reason such views are embedded in the media is that, in keeping with journalistic custom, the media turn to those in supervisory positions for interviews, e.g. heads of clinics, professors of psychiatry. Intentionally or not, what is delivered is a medical model of mental problems and violent crime, which pays little attention to patients' backgrounds, surroundings and circumstances.

143 Policy for Ethnic and Cultural Diversity within SVT available at:

<http://svt.se/content/1/c6/32/42/79/policy2006.pdf>

144 Media Images of Mental Illness and Psychiatric Care in Connection with Violent Crimes: a study of Dagens Nyheter, Aftonbladet and Rapport was carried out by Joel Rasmussen and Birgitta Höijer at Örebro University, with the Swedish Association for Social and Mental Health (RSMH), the EU – European Social Fund, and the Swedish Inheritance Fund, available at: <http://www.paraplyprojektet.se/reports-and-publications/media-images-of-mental-illness/>

In 2003 a handbook entitled *People with Disabilities as Depicted by the Media*,¹⁴⁵ was produced as a result of a collaborative effort between the Swedish Disability Federation (HSO), Sveriges Radio (SR) and Dagens Nyheter, a leading daily newspaper. The objective of the publication is to encourage journalists, broadcasters etc., to portray disabled people by focusing on the individual, the human being and not the disability itself. The guidebook includes an examination of the way in which a leading daily newspaper and Sveriges Radio (SR) portrayed people with disabilities in 89 randomly samples between February and March 2003, the subject matters dealt with and the ways in which people with disabilities are referred to.¹⁴⁶ The publication also contains a glossary of terms related to disability and sets out a concise list of guidelines for journalists, broadcasters etc., to use when dealing with people with disabilities.

According to its mission statement, UR, the educational channel, is obliged to take the needs of disabled people into consideration and to produce programmes for special target groups.¹⁴⁷ In 2000, UR broadcast programmes on IT-based assistive technology and on IT as a tool for disabled people.

145 Available at: <http://www.paraplyprojektet.se/reports-and-publications/people-with-disabilities-as-depicted-by-the-media/>

146 *People with Disabilities as Depicted by the Media*, p. 10, e.g. "Radio Stockholm talks of customers with a disability who cannot use the post offices new service centres, thereby emphasising the customer role. It might be interesting to reflect whether such a pointed word as "customer" makes a difference when comparing the sentences 'the disabled cannot use the service centres' and "customers with a disability cannot use the service centres."

147 Swedish Handicap Institute 'IT for Disabled and Elderly People: Action in the Swedish Public Sector During 2000,' p. 35

UR produced the Livskraft series (“Vital Force”) which aimed to show the person behind the disability. The TV Programme Lanternan- IT for funktionshindrade (“The Lantern - IT for disabled People”) contained a film report from a newspaper office, where writers, despite their disabilities, put together their own newspaper, which is distributed via the Internet. Another programme featured a girl with intellectual impairments, who writes poems and a diary with the aid of a computer.

Motesplats Sverige (“Rendezvous Sweden”) was a television / radio series and a university-level distance learning course dealing with disabilities and meetings between cultures. Among other things it showed film reports on disabled people who communicate with the aid of a computer.

UR’s programmes are available to teachers and study-group leaders through audio visual centres all over Sweden, and to the general public through libraries. During 2000 a pilot project for a digital media library was initiated. The aim of the project is to increase accessibility to UR’s programmes after they have been aired, for disabled and non-disabled persons.¹⁴⁸

The Independent Living institute

The Independent Living institute (ILI) established in 1993, is a not-for-profit private foundation run and controlled by persons with disabilities. In 2002 it initiated a pilot project (Radio Independent Living),¹⁴⁹ aimed at producing a number of 30 minute audio programmes about civil rights, cultural identity and solidarity.¹⁵⁰ Themes covered to date include de-institutionalisation, self-determination, law and legal action as instruments for social change, cultural identity and solidarity. The downloadable sound files report on trends, projects and policies both within and outside Sweden.

148 See <http://www.ur.se/aboutUR/Programme-production/>

149 See www.independentliving.org/radio

150 See ILI Annual Report 2002 available at: <http://www.independentliving.org/docs1/ilanrp2002.html#new>

The project utilises the Internet's cost effectiveness in disseminating the programs which users of ordinary home computers can listen to. The project is financed by the Swedish Inheritance Fund (which is administered by the Ministry of Social Affairs). Examples include: a number of interviews with Independent Living staff carried out in 2004,¹⁵¹ including an interview for the film "Mythen om Sverige" (The Myth about Sweden") and an interview for the radio report "La Suède, une société accessible à tous" ("Sweden, a society accessible to all" - in French only) on Radio France;¹⁵² and a portrait of Adolf Ratzka, "A disability ideologist" on Swedish Radio P1.¹⁵³

Swedish Disability Federation (HSO) Action Plan Media and Disability

Most of the disabled people's voluntary organisations of them belong to the Swedish Disability Federation (HSO), an umbrella body founded 1942 and consisting of 43 national disability organisations with approximately 500,000 individual members. Each organisation makes its own decisions and determines its own activities; however common action is taken on issues where all member organisations agree.¹⁵⁴ The HSO continuously carries out projects to develop disability policy strategies and to examine the situation of people with disabilities and influence public opinion. Many of its projects are funded by the State Inheritance Fund. The HSO raises awareness through educational and informational activities, both externally and internally within the disability movement.¹⁵⁵

151 See ILI Annual Report 2004 available at: <http://www.independentliving.org/docs1/ilanrp2004.html>

152 Available at: www.radiofrance.fr/reportage/dossier/?rid=55000137&arch=1

153 See ILI Annual Report 2005 available at <http://www.independentliving.org/docs1/ilanrp2005.html>.

Programme available www3.ur.se/Livskraft/templates/ProgramPage_____19274.aspx

154 HSO website available at: <http://www.hso.se/start.asp?sida=298>

155 Swedish Disability Federation website available at: www.hso.se See the Swedish Disability Federation, the Collective voice of the Swedish Disability Movement, a short presentation of the Federation and member organisations 2002 available at: <http://www.hso.se/start.asp?sida=416>

The HSO is also a member of the European Disability Forum (EDF), an umbrella organisation representing about 50 million people with disabilities in Europe. The HSO's Action Plan for Media and Disability (2006-2007)¹⁵⁶ forms part of a larger disability project co-ordinated by Fundacion ONCE (Spain), which has established a partnership with 12 other organisations from 9 different countries. It is funded by the European Commission's Disability Unit of the DG Employment, Social Affairs and Equal Opportunities.

The disability project seeks to establish support, primarily at national level between mainstream media and disability organisations in order to transform, the existing unacceptable position of people with disabilities within the media sector in terms of their portrayal and involvement as both contributors and participants on and off air. It aims to develop and disseminate new and existing resources for mainstream media industry (producers, broadcasters, publicity and communication agencies and others) and disability organisations in order to demonstrate how more positive representation can be achieved.

The overall aim of the HSO's Action Plan for Media and Disability is to establish co-operation with at least 3 Swedish media players, whereby each partner will carry out at least one action in support of increased and improved portrayal of people with disabilities within the Swedish media sector. To this end the HSO has identified key persons in leading media companies, mainly the three public service broadcasters, and has made contact with interested networks of journalists, and main schools and universities offering journalism and communication courses. The action plan sets out a number of activities targeted for 2006-2007, including workshops, seminars, lectures etc., in co-operation with people with disabilities, disability organisations, universities and various partners within the media sector, mainly public service broadcasters.

¹⁵⁶ See <http://www.mediaanddisability.org/swedenPA2.0.htm>

To date many of the initiatives have been accomplished and additional activities are currently in progress. These include:

Digital Storytelling in Co-operation with Public Service Broadcaster UR

This action, in co-operation with UR enables people with disabilities to gain knowledge about the media by producing short personal stories through workshops. The films are distributed through the project's "Room for storytelling" at UR's website. In 2006, ten workshops were held and approximately 60, 1-2 minute films were produced by persons with disabilities. A DVD in Swedish containing 50 stories with subtitles and audio description was produced, in addition to material on how to start a workshop effortlessly and an evaluation of the end result. These films are marketed to stakeholders in an effort to demonstrate a contrasting picture to the media image of disability from a disabled person's perspective. In addition a seminar with researchers and broadcasters was held in November 2006 to discuss stories and formulate new ideas for co-operation and improved representation of people with disabilities in the media. A target for 100 more films is set for 2007.

Media Training for Disability Organisations in cooperation with Local Disability NGOs and Local Media Companies

This involves a two day course collaborating with local journalists, television and radio companies and is targeted at people with disabilities. The aim is to write an article or prepare a media presentation during the course. The course also involves interview training and production of short presentations. A small handbook that can be used for further media training and planning of media activities is given to the participants.

Workshop on Accessibility and Digital TV in Cooperation with the Digital Switchover Commission et. al¹⁵⁷ and the Swedish Public Service Television SVT

Two workshops were held in March 2006 whereby people with disabilities as TV audience representatives met with persons from the media industry involved in digital switchover. The workshop involved discussions amongst audience representatives and relevant stakeholders whereby barriers were identified and common solutions discussed. A written report and 12 video based prototypes for accessible TV (quicktime) films were produced.

Seminar with the Human Resources Department at SVT in Co-operation with the Competence Centre for Accessibility

In April 2006 a half day seminar was arranged by the Competence Centre for Accessibility for a group of employees at the human resources department at SVT. The Former CEO of Swedish Radio SR discussed employment in the broadcasting industry and mental illness. The recruitment of persons with disabilities and accessibility in the workplace were also subjects of the discussion.

Portrayal of persons with disability in news programmes at SVT in co-operation with the University of Gothenburg

A content analysis report by Head of the Department of Journalism and Mass Communication (JMG), Marina Ghersetti, on the portrayal of persons with disabilities in news programmes on public service television was carried out in 2005 and early 2006.¹⁵⁸ The report concluded that news programmes portrayed people with disabilities mainly as passive, helpless and dependent on health care.

157 The Royal Institute of Technology in Stockholm ,KTH.

158 The report is not available in English.

The report was presented in January 2007 at a seminar at SVT on media coverage. The report is a first step in creating a tool for monitoring media portrayal of persons with disabilities.

SVT Executives Seminar with Disability Movement

Since 2005, SVT has invited leaders from Swedish disability organisations to meet with the executives responsible for programmes and practice in SVT on an annual basis. The half day seminar provides an opportunity for both broadcasting and disability organisations to discuss issues regarding fair media portrayal. Producers also have an opportunity to showcase some of their work and discuss it with disability organisations.

A seminar on media portrayal for students in co-operation with journalist schools and universities in Sweden

This comprises a two hour lecture with eminent journalists and TV presenters on media portrayal of persons with disabilities, targeted at journalism students. The aim of the lecture is to encourage studies on portrayal. The objective for 2007 is to complete five student studies on media and disability.

From Media Consumer to Media Producer

This activity is targeted at the Swedish Disability Movement and involves a presentation of the media and disability project, including films, examples on media portrayal and digital stories, where people with disabilities are active and producing media content. In 2006 a number of presentations on the project were given to various disability organisations.

Media Disability and Advertising Project in Cooperation with the Berghs School of Communication

A group of students at Sweden's leading advertising school carried out a project on the portrayal of persons with disabilities from January - May 2007. The purpose of this assignment was to raise awareness regarding fair portrayal and inclusion of person with disabilities in advertising among commissioners and producers in the advertising industry.

Monitoring tool for Broadcasters in cooperation with a University and SVT, SR and UR

The purpose of this action is to produce a small pocket size leaflet regarding use of language, terminology, when referring to and portraying people with disabilities in the media. It is one of several suggestions for co-operation with SVT, SR and UR. This co-operation expects to report on how to implement a monitoring tool as part of a media accountability system and a pilot study will be carried out to examine it.

National Seminar on Media and Disability with European Experts September 2007

This seminar involved workshops and discussions with mainstream media actors and persons with disabilities.

OVERVIEW

The representation of people with disabilities in Swedish Broadcast media is a topical and developing issue at present. While constitutional and broadcasting legislation provisions go some way towards addressing the issue, Sweden's disability / anti-discrimination legislation carries little, if any effect.

It is clear from the foregoing that the impetus for the most significant initiatives and research has come from disability organisations, e.g. the Independent Living Institute's Radio Independent Living. The HSO's action plan for media and disability, which aims to develop and disseminate new and existing resources for mainstream media industry (producers, broadcasters, publicity and communication agencies and others) and for disability organisations in order to demonstrate how more positive representation of people with disabilities can be achieved, is well underway. The action plan can be cited as an example of best practice in that through its various collaborations it raises awareness and encourages discourse and action to be taken in areas which significantly impact on the way in which people with disabilities are represented in Sweden's broadcast media, in terms of employment, access, education, research and not least participation of people with disabilities in the broadcasting industry.

SUMMARY

The initiatives outlined above emanate mainly from:

- UN Standard Rules
- Government
- Disability organisations

The initiatives outlined above embrace the following:

- Broadcast programmes and programme adaptations
- Television station for the deaf
- Diversity policy including disability
- Commissioned research
- Awareness raising
- Provision of resources, including handbook, digital media library, monitoring tool
- Educational materials; university-level distance learning course dealing with disabilities; workshops, seminars, lectures
- Action plan
- Media training for disability organisations

UNITED KINGDOM

INTRODUCTION

The media landscape in the United Kingdom is large, complex, established and rapidly evolving, and perhaps ranks second globally to that of the USA. The representation of people with disabilities in the United Kingdom's broadcast media is a current and developing topic, with both disability and broadcasting legislation bearing directly and indirectly on the issue. The most extensive research carried out to date on the representation of people with disabilities in broadcast media has been in the UK by various public bodies, broadcasters and private organisations.

LEGISLATION

The Disability Discrimination Act 1995 makes it unlawful to discriminate against people in respect of their disabilities in relation to employment, the provision of goods and services, education and transport. The Act, as amended by the Disability Discrimination Act 2005 (DDA), imposes both general and specific duties on public bodies, including the broadcasting regulator Ofcom and public service broadcasters BBC, S4C and the commercial public service channel, Channel 4 (in respect of its public functions), to fulfil an overall disability equality duty and to ensure equality of opportunity for disabled people. The aim of the general duty is to ensure disability equality is embedded in all of their activities in policy, service delivery and employment.¹⁵⁹ The specific duties require the various bodies to set out how they intend to achieve their obligations under their general duty. For example, each body must publish a Disability Equality Scheme and an Action Plan demonstrating how it intends to fulfil its general and specific duties.

¹⁵⁹ Disability Discrimination Act 2005 section 49A (1) (a) - (f)

The DDA¹⁶⁰ also requires Ofcom to promote equality of opportunity for disabled people in employment and training. Ofcom must make arrangements to collect information on the effect of its policies and practices on the recruitment, development and retention of disabled colleagues.

The Communications Act 2003 provides the legislative framework for the communications sector in the UK. In addition to providing the legal basis for the communications regulator Ofcom, the Act contains specific provisions in relation to people with disabilities, which include inter alia access to services, employment and training, standards in relation to programme content and the establishment of an Advisory Committee on Older and Disabled people.

REGULATOR

The Office of Communications (Ofcom) is the regulator for the UK communications industries, and has wide-ranging responsibilities across television, radio, telecommunications and wireless communications services. Ofcom was established by the Office of Communications Act, 2002; however, its substantive powers and responsibilities were conferred on it by the Communications Act 2003.

With regard to the representation of people with disabilities in broadcast media, the Disability Discrimination Act 2005 imposes general and specific duties on Ofcom to have due regard to the need to eliminate disability discrimination.

¹⁶⁰ Section 49A of the DDA 2005.

Ofcom's general duty

The general duty is aimed at tackling systematic discrimination and ensuring that public authorities build disability equality into everything that they do. This duty came into force on the 4th December 2006 and Ofcom is required, when carrying out its functions, to have due regard to six areas: promoting equality of opportunity between disabled people and other people, eliminating unlawful discrimination, eliminating harassment of disabled people that is related to their disability, promoting positive attitudes towards disabled people, encouraging participation by disabled people in public life, and taking steps to meet disabled people's needs, even if this requires more favourable treatment.¹⁶¹

Ofcom's specific duties

The 2005 Act (s.49D) gives the Secretary of State powers to make regulations imposing specific duties on public bodies to assist them in the performance of their general duties under s. 49A (1). The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 require Ofcom to publish a Disability Equality Scheme (DES) showing how it intends to fulfil its general duty and its specific duties; to involve disabled people in the development of its scheme; and to review the scheme at least every three years. Details of what should be included in the scheme are also set out in the Regulations. Ofcom must also set out its Action Plan (see further below).

Ofcom's Duties under Communications Legislation

Under the Communications Act 2003 s.3(4), Ofcom has legal obligations to promote equality of opportunity for disabled citizens and consumers. These duties are outlined in Ofcom's Disability Equality Scheme 2006 and are provided in the Table below. Under the Northern Ireland Act 1998 (NIA) s.75, Ofcom is required to produce an Equality Scheme in relation to its functions in Northern Ireland.

¹⁶¹ The BBC, Channel Four and S4C must also have regard to these six provisions in relation to their public functions.

Of particular importance is the requirement to establish an Advisory Committee for Older and Disabled People, to advise the main Ofcom Board so as to ensure that its policies and practices take into consideration the views expressed by older and disabled people in the UK (s.21). The Act also (s.27, s.337) places a legal duty on Ofcom to ensure equalisation of opportunity in the employment and training of disabled people in television and radio.

Ofcom is also obliged to set, and from time to time to review and revise, standards for the content of programmes to be included in television and radio services (s.319).

Table of Ofcom's Duties under Communications Act 2003¹⁶²

Section	Detail
Section 3 (4)i	General duties of Ofcom Ofcom must have a regard, in the performance of its duties, to the needs of people with disabilities, as appear to them to be relevant in the circumstances.
Section 21	Advisory Committee for Older and Disabled People Ofcom must establish and maintain a committee to provide advice on the needs of disabled and older citizens.
Section 27	Employment in broadcasting Ofcom should take steps as considered appropriate for promoting the equalisation of opportunities in the employment and training of disabled people in television and radio.

¹⁶² This table is taken from Ofcom's Disability Equality Scheme 2006.

Section 303	<p>Television services for the deaf and visually impaired</p> <p>Ofcom has a duty to draw up and from time to time revise and review a code giving guidance to promote understanding and enjoyment by:</p> <ul style="list-style-type: none"> - people who are deaf or hard of hearing; - people who are blind or partially sighted; and - people with a dual sensory impairment
Section 308	<p>Assistance for the visually impaired with the teletext service</p> <p>In the public teletext service, Ofcom should consider conditions to ensure the inclusion of particular features of this service, so that people with disabilities affecting their sight are able to make use of the service.</p>
Section 310	<p>Code of practice for electronic programme guides</p> <p>Ofcom has a duty to draw up and from time to time review and revise a code giving guidance as to the practices to be followed in the provision of electronic programme guides. The practices required by the code must also include the incorporation of features that will ensure access by people with disabilities affecting their sight or hearing or both.</p>
Section 319	<p>Ofcom Standards Code</p> <p>Ofcom has a duty to set, and from time to time to review and revise, such standards for the content of programmes to be included in television and radio services as appear to them best calculated to secure the standards objectives. See also Ofcom Broadcasting Code 2005 Section Two : Rule 2.3 in relation to persons with disabilities</p> <p>See Ofcom Representation and Portrayal of People with Disabilities on Analogue Terrestrial Television - Content Analysis Report 2005.</p>

Section 337	<p>Equal opportunities and training</p> <p>Ofcom requires broadcast licence holders to make arrangements for the equalisation of opportunity in employment and training for disabled people. See also Ofcom Equal Opportunities: A Toolkit for Broadcasters published July 2005; Ofcom Broadcasters 'Returns on Equal Opportunities 2005 Summary Report and Statistics published in November 2006.</p>
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BROADCASTERS

Public service broadcasting in the UK is provided by the BBC, Channel 3 (ITV Network) Channel 4, Five, and S4C (Welsh language).

The BBC's television and radio channels provide the cornerstone of public service broadcasting in the UK and include television channels BBC One, BBC Two, BBC Three, BBC Four (available on digital), BBC News 24, BBC Parliament and two children's channels, CBBC and Cbeebies (on digital). In addition the BBC operates five national radio stations: Radio1, Radio 2, Radio 3, Radio 4 and Radio 5.¹⁶³

The BBC was established by Royal Charter in 1926 and has subsequently continued by further Royal Charters, the most recent of which was granted in January 2007. The Charter defines the powers of the BBC and its constitutional arrangements. In addition to the Charter, the BBC has entered into a Framework Agreement with the Secretary of State for Culture Media and Sport. The Agreement deals with a number of important matters, e.g. the regulatory obligations which apply to the BBC UK public services.

¹⁶³ BBC also has a network of local stations with a mixture of talk news and music in England and the Channel Islands as well as national stations BBC Radio Wales, BBC Radio Cymru (in Welsh) , BBC Scotland , BBC Radio nan Gaidheal (in Scots Gaelic) BBC Radio Ulster and BBC Radio Foyle.

The Charter establishes The BBC Trust as ‘the guardians of the licence fee’ and as having the responsibility of representing the views of licence fee payers and for approving guidelines designed to secure appropriate standards in the content of the BBC’s services. In addition the Executive Board has a duty to make arrangements for promoting the equalisation of opportunities for disabled people under the Agreement.¹⁶⁴

Channel 4 is a commercially self-funded public service television station which is broadcast across the UK. It was established under the Broadcasting Act 1981 with public service obligations which it must fulfil under the Communications Act 2003 (s.265(1)) and is regulated by Ofcom. Channel 4 also operates a number of other services, including free-to-air digital TV channels: E4, More4 and Film4. Channel 4 is a “publisher-broadcaster,” i.e. it does not produce its own programmes but commissions them from more than 300 independent production companies across the UK.

CODES/GUIDELINES

Ofcom’s Broadcasting Code 2005, Section 2 on Harm and Offence Rule 2.3 provides:

“In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context. Such material may include, but is not limited to, offensive language... humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender, race, religion, beliefs and sexual orientation).

¹⁶⁴ Section 45 of the Charter and Section 81 of the Agreement.

Appropriate information should also be broadcast where it would assist in avoiding or minimizing offence.”¹⁶⁵ Where a code has been breached, Ofcom will normally publish a finding and explain why a broadcaster has breached the Code.¹⁶⁶ When a broadcaster deliberately, seriously or repeatedly breaches the Code, Ofcom may impose statutory sanctions against the broadcaster.

The BBC, under Section 46 of the Agreement, is required to observe relevant programme code standards set out in accordance with legislation (Communications Act 1993, s. 319), notably Ofcom’s Broadcasting Code 2005.

Channel 4, Under the terms of its licence, is obliged to observe the Ofcom Standards Code also, as set out in section 319 of the Communications Act 2003.

IMPLEMENTATION

As there are many relevant obligations imposed on the Regulator, Ofcom, and on the individual broadcasters in the UK, the details pertaining to each are set out in separate sections below, as are the additional initiatives and activities they have undertaken.

OFCOM

Disability Equality Scheme

Ofcom published its first Disability Equality Scheme (DES) in November 2006. The Scheme is founded on best practice principles and was created with the involvement of disabled people from across the UK. The DES outlines what Ofcom has accomplished to date and the subsequent measures it will adopt to ensure it contributes to its duty of encouraging and advancing equal opportunity and access for disabled people.

¹⁶⁵ The Code applies to radio and television content with certain exceptions in the Case of the BBC which is required to observe the Code under the BBC Agreement and in the case of S4C, by statute.

¹⁶⁶ These findings are available on Ofcom’s Broadcast Bulletins available at: www.Ofcom.org.uk.

It can be divided into two parts: the **internal** aspect ensuring that Ofcom manages diversity effectively across the organisation and **external** aspect which is concerned with promoting fair access to communications and encouraging equal opportunities within the sectors it regulates.

Internally, a Diversity Champion was appointed by Ofcom in 2006 at senior management level, with responsibility for disability equality and other diversity issues and the effective implementation of the Disability Equality Scheme and Action Plan. A Diversity Working Group (DWG) was established to guide the diversity programme within Ofcom, to lend support in managing the organisation's approach to equality and diversity and to monitor the implementation of the Diversity Action Plan.¹⁶⁷ The Advisory Committee on Older and Disabled People (ACOD) published two Annual Reports for the years 2004-2005 and 2005-2006.¹⁶⁸

External activities included the publication in 2005 of Ofcom's Equality Scheme for Northern Ireland, which sets out how the organisation proposes to fulfil its duty to promote equality of opportunity over the next five years until 2010. In May 2007 Ofcom published a Disability Action Plan for Northern Ireland, seeking consultation from the public and in particular disabled people, to contribute to the implementation, monitoring and review of the Plan.¹⁶⁹ The proposed actions are set out in Section 3 of the plan and include measures in relation to content (portrayal).

¹⁶⁷ The DWG consists of colleagues from each Ofcom group and is chaired by Ofcom's Diversity Champion.

¹⁶⁸ This Report contains details on activities carried out by the ACOD for the year 2004-2005 including Accessible Television - Codes on Television Access Services and Electronic Programme Guides; Public Service Broadcasting Review, Review of the Universal Service Obligation and its Annual plan. Report 2005 - 2006 deals with Accessible Television and Digital Switchover, Review of Universal Service Obligation New Voice Services (Voice over IP) Research Programme identify any particular research needs to support ACOD's work and an Annual Plan.

¹⁶⁹ See <http://www.ofcom.org.uk/about/cad/disni/plan.pdf>

Other external activities carried out by Ofcom included commissioned research to provide the first independent and statistically significant data on the numbers of people who could benefit from television access services (subtitling, signing and audio description), and on those actually making use of them. This research significantly informed Ofcom's review of the Code on Television Access Services which was published in 2006.

In developing its Disability Equality Scheme 2006, Ofcom engaged a number of disabled stakeholders including disabled colleagues, the Advisory Committee on Older and Disabled People, and a number of focus groups in England, Scotland and Wales and Northern Ireland.¹⁷⁰ Following discussions with and research amongst disabled people, Ofcom identified seven priorities, on which it will focus over the next three years. The Section 9 of the DES include: access (especially in the switchover to digital), equipment, media literacy, content and standards (depicted of disabled people in broadcast media), information services and complaints, participation and consultation, employment and training, procurement (Section 9).

The seven priorities outlined above inform Ofcom's Action Plan, which is contained in Section 10 of its Disability Equality Scheme. Worth noting among these priorities are:

- Evidence of a growing desire among disabled people to access the media, e.g. in studio audiences, in creative roles such as acting, writing and directing, as game show contestants and as programme contributors in addition to corporate positions such as accounting, legal services, marketing and senior management.

¹⁷⁰ Ofcom also advertised in the Disability Now magazine and website.

- The provision of good practice design checklists for easy to use and easy to set up domestic digital TV equipment.
- A finding that the manner in which disabled people are depicted in broadcast media is a significant influencing factor in determining public attitudes towards disabled individuals, and how disabled people feel about themselves and whether they feel included in society.
- A finding that disabled people of all ages are significantly under-represented in the media workforce either as part of the programme-making process or in other roles.¹⁷¹

Other Ofcom activities

Since 2004, Ofcom has been a member of the Employers' Forum on Disability (EFD), the UK's leading employers' organisation focusing on disability as it affects business. Ofcom committed to the EFD's Disability Standard, which enables it to measure its current performance on disability and to compare its performance against other organisations within the communications industry and other employers generally.¹⁷²

In 2005, Ofcom published *Equal Opportunities: A Toolkit for Broadcasters*. This toolkit provides broadcasters with practical ways to promote equality of opportunity (including disability equality) in employment and training within their organisations.

¹⁷¹ Skillset (Workforce census) 2004, indicated that of 2, 878 companies in the media sector indicated that only 1.3% of people working in broadcasting are disabled. Another survey carried out by Skillset in 2005, which examined 7,000 people working in the audio visual industries (employers and freelances), indicated that employers underestimated the number of disabled people their workforce.

¹⁷² Ofcom Disability Equality Scheme 30 November 2006, Section 6, para. 6.10, p. 13.

Ofcom also encourages broadcasters to monitor their workforces and access to training by disability, gender and race. An annual report from all public service broadcasters providing information on the diversity of their organisations is required by Ofcom and is published on its website.¹⁷³

In 2006 Ofcom published a summary report on Broadcasters' Returns on Equal Opportunities 2005. The purpose of the report is to provide a summary of broadcasters' responses and to identify the extent to which the duty to promote equal opportunities is being met, as well as areas where Ofcom can give support or written guidance. It also identifies good practice which can be shared across the industry.

In December 2005 Ofcom published a content analysis research report on the Representation and Portrayal of People with Disabilities on Analogue Terrestrial Television. One of the rationales behind the report was to assess the barriers to increasing on-screen representation. Barriers cited by broadcasters included audience ratings, financial imperatives, other people's prejudices, practical problems such as the physical environment, the need for additional support, and a perceived shortage of talented actors with disabilities. There was also concern more generally about how to discuss disability in a politically correct manner.¹⁷⁴ Perceived obstacles also include society's attitudinal bias towards physical attractiveness. The findings indicate that 46% of those who reported negative attitudes towards disabled people had their view influenced by what they had seen on television.

¹⁷³ Ofcom Disability Equality Scheme 30 November 2006, Section 7, paras. 7.15 - 7.17, p.19.

¹⁷⁴ Representation and Portrayal of People with Disabilities on Analogue Terrestrial Television (2005), Section 2.18. The above information came from Disabling Prejudice Report: Attitudes Towards Disability and its Portrayal by Jane Sancho. BBC, BSC and ITC, 2003 (27 industry interviews conducted).

The report contains a content analysis of recorded samples of television programmes which were broadcast in 2004. The research revealed that in 2004, only 12% of sampled programmes (on BBC1, BBC2, ITV, Channel 4 and Five) included representation of people with disabilities. However less than 1 person/character in 100 in the sampled programmes overall had a disability.

BBC

BBC Disability Equality Scheme

The BBC published its first Disability Equality Scheme (DES) in December 2006 and a second issue in April 2007. The scheme was informed by and involved contributions from disabled stakeholders through a series of planned activities such as questionnaires and focus group meetings. In addition the BBC retained the services of specialist consultants to help with the design and implementation of an involvement strategy.

The Disability Equality Scheme 2007 outlines a framework of how the BBC will develop, implement, monitor and review its work towards achieving equality for disabled people (and their carers), in relation to its relevant public functions.

S. 49A of the DDA 2005, imposes a Disability Equality Duty on most public authorities in respect of all their functions. However in the case of the BBC this duty only applies “in respect of its public functions.”¹⁷⁵ In this regard the BBC has set out an extensive list of its public functions in an Annex to its Scheme. Broadly speaking the scheme covers three main public functions, i.e. television licensing, digital switchover and the BBC Trust operations.

¹⁷⁵ Disability Discrimination Act (Public Authorities) (Statutory Duties) Regulations, 2005.

The key elements of the scheme are set out in Section 4. Section 9 contains the BBC's Action Plan (2006-2009), which is primarily concerned with access (e.g. to services on TV and radio such as subtitling, audio description, signing), information (e.g. gather and use information effectively in order to monitor and assess the impact of current and planned digital switchover policies and practices and participation (e.g. consultation with groups which are representative of those with sensory impairments regarding the most appropriate range of access services and in evaluating their effectiveness)).

The scheme runs for three years from 4 Dec 2006 - 3 December 2009 but will be subject to frequent updates, in addition to a formal and annual review. The development of the Action plan will be monitored and evaluated by the Trust Unit and management teams responsible for each public function.

Section 8 outlines a number of additional measures which the BBC takes or has adopted to promote the interests of disabled people, under other legal obligations, or completely voluntarily in accordance with good practice.¹⁷⁶

In October 2006, the BBC's Executive Board hosted a consultation event with other BBC Directors in order to understand the views and perception of the wider disabled community about its services. A number of national and local organisations working in the disability sector participated in the seminar.¹⁷⁷ Information gathered at this event initiated a series of actions by the BBC including a review of its guidelines for visually impaired audiences, a commitment to work with disabled people inside and outside the BBC to raise awareness of the issues and a review of the processes in place to support disabled people working across the broadcasting industry.

¹⁷⁶ E.g. under specific duties relating to equal opportunities which are placed on the BBC by the BBC Charter and Agreement. BBC Charter and Agreement Art. 45 (1) a& b and Agreement 81 and Clause 83 concerning Communication with Staff and Equal opportunities in Training etc.,

¹⁷⁷ These included the British Council of Disabled People, People First, TAG, MIND and Mencap and a BBC Governor attended this event.

The BBC is a member of the Broadcasting and Creative Industries Disability Network (BCIDN).¹⁷⁸ The BCIDN was founded by broadcasters in 1989 and brings together major broadcasters in the UK and others in creative industries to explore and address disability as it relates to the media industry. The network makes it easier for members to recruit and retain disabled people and to promote and share best practice across the industry. The BCIDN is also concerned with achieving a more accurate representation of people with disabilities in the media. The network was created under the auspices of the Employers' Forum on Disability, and all members of the BCIDN are members of the Forum.¹⁷⁹

As a member of the BCIDN the BBC set out a manifesto (2002) in which it committed to, inter alia, increase the presence of disabled people on air and on screen; increase the number of disabled people in all areas of the workforce; increase access to services on and off air; ensure access to its buildings; and produce and make public an action plan, endorsed at board level which detailed how these commitments would be implemented.¹⁸⁰

178 Formerly known as the 'Broadcasters Disability Network.'

179 See BCIDN website at: <http://www.employers-forum.co.uk/www/bcidn/overview/index.html>. Other members of BCIDN include BSkyB, Channel 4, COI, Five, the UK Film Council, ITV (merged Carlton and Granada), PACT (Producers' Alliance for Cinema and Television), Skillset and Turner Broadcasting System.

180 The BBC provided an updated report in 2006 to the BCIDN on its commitments. The report is contained in Section 8 of the BBC's Disability Equality Scheme 2007 and is also available on the BCIDN's website.

The implementation details in relation to increasing the presence of disabled people on air and on screen are as follows:

The BBC introduced on-screen disability portrayal targets most of which have been met.

- At least one regular disabled character in a returning drama series on BBC One (Paul Henshall in *Holby City*)
- Three factual and leisure shows on BBC One and BBC Two to feature at least one disabled contributor per series (*Beyond Boundaries*, BBC Two - 11 disabled contributors; Ade Adepitan (previously from *Xchange*, BBC One and CBBC) now contributes to *Sportsround*, BBC One, *Grandstand*, BBC One, and covered the new wheelchair doubles event at Wimbledon).
- Three key entertainment series on BBC One and BBC Two to feature a minimum of one disabled contestant in 50 (*Weakest Link* and *Jet Set* on BBC One, *Mastermind* on BBC Two).
- BBC Three to broadcast one drama or entertainment series with a regular disabled character - this has been more than met by *I'm with Stupid* which began with BBC Three on 10 Sept 2006 and features a number of disabled characters in addition to the lead role played by Paul Henshall.
- BBC Four to broadcast a minimum of two profiles of people of achievement per year, with an ambition to develop new on-screen talent in its factual output (for example profiles of Ray Charles and Muhammad Ali).

In addition to the above, there are many other examples of the BBC's increasing commitment to the inclusion and portrayal of disabled people in television output: Ready Steady Cook on BBC One; Something Special on CBeebies; Soundproof, A Thing Called Love, Top Gear and Junior Mastermind on BBC Two; House of Tiny Tearaways, on BBC Three; BBC News correspondent Frank Gardiner, who was left disabled as a result of being shot, has been featured in various reports; Desperados, a children's drama about a disabled basketball team on CBBC; Series two of Beyond Boundaries on BBC Two and series three currently in production; New Street Law on BBC One; Extensive coverage of the Paralympics in 2004.

In relation to radio, the relevant details are:

- In Touch and You and Yours on Radio 4, presented by Peter White, regularly featured items of interest and relevant to disabled people, likewise Woman's Hour and Sound Advice presented by Gyles Brandreth.
- The Archers on Radio 4 has a blind actor Ryan Kelly playing the regular character Jazzer.
- Sound Barriers, a Radio 4 drama featured deaf actor Steve Day.
- The Lights, a Radio 4 drama, featured wheelchair user actor Luke Hamill playing a wheelchair -user character.
- My MS and ME, another Radio 4 drama written by Jim Sweeney who has MS.
- Peeling, on Radio 3, written and performed by Andy Mclay, a paraplegic, about his experiences.
- Rean's Girls, a Radio 4 afternoon play, written by Katie O' Reilly who is visually impaired.
- Daybreak, a Radio 4 afternoon play, written by disabled writer Tom Ray, and a commission for an afternoon play written by Sue Townsend who is now blind.

INITIATIVES

The BBC commissioned the first ever comprehensive, in-depth research into Learning Disabled Audiences (LDA), covering what they watched, how well they thought their needs were catered for and what specific programmes they would like to see on television in the future.¹⁸¹ A key finding of the LDA research was the importance of television soaps to Learning Disabled people, providing them with a window to the world, helping them to understand everything from relationships to what goes on in a pub. This led to the overwhelming desire of the Learning Disabled see themselves represented in these programmes above all others.

The BBC, in conjunction with Channel 4 and the Actors Centre, ran the Talent Fund for Disabled Actors, a training and development scheme for 25 disabled actors, selected through nationwide open auditions. The aim was to increase the pool of disabled acting talent available to casting directors.

BBC Children's has worked closely with the National Deaf Children's Society to produce a guide for programme makers on how to ensure that their programmes are inclusive of and accessible to deaf children.

A post of Editorial Executive – Diversity was created during 2006. The post holder liaises with the Corporate Diversity Centre and works closely with service controllers, commissioners and in-house and independent production companies to improve on-screen portrayal and diversity. This includes providing advice to programme makers during the course of the development and production of programmes. New Disability Portrayal targets are currently being set.

181 Not Seen, Not Heard Learning Disabled Audiences and the Media by Wendy Harpe & Carol Malcolm for the BBC Diversity Centre, with the support of Fiona O'Connor for the BBC Audience Research, April 2005.

Planned Activities

- The Production Handbook - a guide for programme makers on the Disability Discrimination Act - is currently being updated and will be re-launched in 2007.
- A recent audit of a range of BBC programmes has been carried out to assess provision for studio audiences and contributors under the DDA (part iii). Follow-up meetings with production teams will be held to ensure that the recommendations arising from the audit are carried out so that programmes are compliant with the DDA obligations which apply to the provision of services
- A Portrayal Monitoring Survey of BBC TV peak-time output has recently been commissioned; results will be available at the end of 2007. The survey will be presented to the Vision Editorial Group and will be used to inform policy on inclusion and portrayal.
- Increase the number of disabled people working in production for the BBC, either in house or through independent commissions.
- Continue to actively encourage the inclusion of disabled people in mainstream programming as well as targeted programming that works in the mainstream, such as Beyond Boundaries and I'm with Stupid.
- Begin the search for a Learning Disabled Presenter for Children's on-air presentation.
- In radio the BBC are investigating ways to ensure that programmes featuring items of interest to the disabled audience are flagged up to that audience. BBC Radio Factual is also considering introducing a regular Disability Newsletter.

BBC Research - See Appendix A

CHANNEL 4

Channel 4 Disability Schemes and Policies

In addition to abiding by the Ofcom Code, Channel 4, under the terms of its licence, is obliged to make and review arrangements for promoting the equalisation of opportunity in employment and training for disabled people. It also has a disability equality duty under the Disability Discrimination Act 2005, in respect of its public functions.¹⁸² However, Channel 4 promotes disability equality in carrying out all its activities. Channel 4 is also a member of the Broadcasting and Creative Industries Disability Network (BCIDN) and has committed in its manifesto and action plan as the BBC, as outlined above.

Channel 4 has a Disability Equality Scheme (DES), which provides a summary of the company's duties and policies in relation to disability both on and off screen.¹⁸³

It has a Diversity and Equality Policy as well as a Disability Policy, published on the company intranet. The policies set out how the Channel promotes equality and fairness of treatment for all its employees. Progress and compliance with the policies are monitored and reported to Channel 4's Executive Committee and Board twice a year. Channel 4 reviews its policies and initiatives annually and identifies areas on which it can improve.

In relation to programming, Channel 4's Disability Equality Scheme states that it

“endeavours to engage a broader audience - including those who might feel they are not interested in the subject - in the issues raised by disability through innovative, revealing and honest programme making.”

¹⁸² Disability Discrimination Act (Public Authorities) (Statutory Duties) Regulations, 2005. However its public functions are not defined.

¹⁸³ Available at: http://www.channel4.com/microsites/F/foia/documents/disability_equality_scheme.pdf

The Channel aims to commission programmes that fully reflect disabled people's participation in society, featuring people with disabilities across all genres and parts of its schedule, aiming to give disabled people a voice on subjects beyond their experience of disability and how that disability is just one aspect of their lives.

In an updated report to the BCIDN in 2006, Channel 4 states that many production companies have helped it achieve real improvements in casting and on-screen representation of disability. Disabled people are not struggling against the odds or enduring complicated medical intervention or fighting discrimination and Channel 4's programming aims to reflect this. The report cites examples of the Channel's recent successes in disability casting in programmes which feature people with disabilities getting on with their lives, moving house, taking part in game shows and talk shows, having relationships, in addition to expressing their expert knowledge on subjects other than disability. These include: Big Brother, Location Location Location, Ramsey's Kitchen Nightmares, Deal or no Deal, Comedy La :FM, That'll Teach Em, The Baby Race.

Examples of programmes featuring disabled people or disability issues are included in the Channel's Annual Programme Review and Statement of Programme Policy.¹⁸⁴ According to its Statement of Programme Policy 2007, Channel 4 will continue to improve casting and on-screen representation of disability across the channel, and programmes which will deal with disability in 2007 will include Richard Is My Boyfriend (a drama documentary on young people with learning disabilities), Strangest Hotel in Britain, Born To Be Different, Coming Up: The Spastic King by disabled writer Jack Thorne, Blind School and The Mad Psychologist.

184 Available at: <http://www.channel4.com/about4/programmepolicy.html> ; See also Channel 4 Report (2006) to BCIDN.

In addition, programmes for which producers are making specific efforts to find disabled contributors include *Wife Swap* and T4's *Musicool*, as well as all long running features and factual entertainment shows.

Channel 4 has compiled a *Guide to Improving On-Screen Diversity*, which highlights best practice and shares tips from production companies in relation to disability and ethnicity. This guide has been forwarded to the channel's programme suppliers.¹⁸⁵

Channel 4 has also compiled *Guidelines for Producers*,¹⁸⁶ which are available on its *4Disabled Talent* website, a database containing information for disabled people who want to work in TV either on screen or behind the camera. The guidelines were designed by Channel 4 to help programme makers find disabled people to participate in all types of programmes. The guidelines set out practical measures to be taken by producers of programmes when working with people with disabilities and contain specific sections on working with people who are deaf / partially deaf, people who are blind / partially sighted, people who have mobility impairments, the learning disabled, people who have a history of mental illness and people with multiple/ hidden/ all disabilities. The guidelines also cite disability organisations which can be helpful for producers, e.g. if producers are working with people who are learning disabled "when making contact try to keep language straight forward. Use simple direct speech short sentences and no jargon... A useful guide for anyone thinking of employing learning disabled people is *Making It Work for Employers* available from Mencap."

¹⁸⁵ *Guide to Improving On-Screen Diversity* is available at: www.channel4.com/4producers

¹⁸⁶ Available at: <http://www.channel4.com/4disabledtalent/resources/guidelinesforproducers.doc>

Employment of disabled people in production

Channel 4 funds a number of initiatives aimed at increasing the employment of disabled people in production. It seeks to open up opportunities for disabled people at all levels, from runners through to researchers, producer/directors, via a range of structured traineeships and supported placements at independent production companies. In its Statement of Programme Policy for 2007, Channel 4 has committed £230k to disability initiatives.

In April the Channel launched *New Shoots: Films from Disabled Directors*, a 12-part documentary series giving disabled directors an opportunity to get their first major broadcast credit. In addition, the Channel has committed to extending and repeating its disability researcher training scheme,¹⁸⁷ continue its 12 month traineeship at Channel 4 News based at ITN London, launch a new runner/junior web producer scheme in Channel 4 New Media and support a disabled actor project. According to the Channel's Report to the BCIDN (2006) it is the channel's ambition "to work towards a time when disabled people do not need specific help to find jobs in TV and it will be nothing out of the ordinary to find a disabled person producing or directing (or indeed commissioning) its programmes."

Monitoring Disability Representation

According to its 4Disability Talent website, Channel 4 is now monitoring disability representation in programmes and on production teams.¹⁸⁸ Production companies have to register any disabled contributors or crew members on portrayal and production monitoring forms which have to be completed for every programme. Channel 4 has also published a Directory of Disabled Contributors to assist producers in finding disabled people.

¹⁸⁷ This scheme involves six trainees placed with six different companies for six months and includes two structured training days per month at Channel 4.

¹⁸⁸ See 4Disabled Talent website at: <http://www.channel4.com/4disabledtalent/>

The directory lists organisations, groups and individuals who can be contacted either as potential contributors or as a source for other leads.¹⁸⁹

Broadcasting and Creative Industries Disability Network (BCIDN)¹⁹⁰

The BCIDN published a manifesto in 2002 to which the Network's member organisations all committed (see above). In 2006 member organisations provided reports updating their progress on implementing their BCIDN Disability Manifesto commitments. Reports from the following organisations are available on the BCIDN's website: BBC, BSkyB, Channel 4, COI, Five, the UK Film Council, ITV (merged Carlton and Granada), PACT (Producers' Alliance for Cinema and Television), Skillset and Turner Broadcasting System.¹⁹¹

The BCIDN website also contains advice and support for broadcasting professionals through its Guides for Broadcasting and Creative Industry Professionals, which include:

- A Guide to Broadcasting and Disability - intended for all broadcasters and producers to consider how they can be more inclusive in programme making and how various organisations can become more disability confident. The guide reflects the combined experience of numerous broadcasters and programme makers and is full of positive realistic, practical and empowering advice to help ensure that programmes reflect the importance of people with disabilities to both the sector and to society.

¹⁸⁹ Directory of Disabled Contributors is available at:

<http://www.channel4.com/4disabledtalent/resources/directoryofdisabledcontributors>.

¹⁹⁰ BCIDN website available at: <http://www.employers-forum.co.uk/www/index.htm>

¹⁹¹ Reports to the BCIDN available at: <http://www.employers-forum.co.uk/www/bcidn/manifesto/index.html>

- Seeking Disabled Talent - A section containing information for factual and drama producers who are seeking disabled talent to take part in their programmes. This section provides links to television channels which have specialist disability databases for their programme makers including the BBC and Channel 4.
- Disabled Talent Seeking Opportunities - A section containing guidance for disabled people who would like to participate in television programmes as professional actors or as contributors, reporters, or experts. This section also provides links to specialist disability databases provided by television channels and specialist websites such as BBC's Ouch! and Etcetera, the e-newsletter of the National Disability Arts Forum, which is supported by the Arts Council which frequently carries work opportunities for disabled actors/presenters.

BCIDN Research

The BCIDN has conducted a number of studies into disability and media, specifically dealing with portrayal in the sector including:

- On Screen Representation of People with Disabilities, October 2006 - a quantitative study monitoring on-screen representation / portrayal of people with disabilities in programming (drama, news, sports, children's comedy etc.) on BBC One, BBC Two, ITV1, Channel 4, Five and Sky One over specific periods in 2005. The research was carried out by Dr Guy Cumberbatch and Sally Gauntlett, of the Communications Research Group.

- You Gov Report 2006 - this report contains results from a poll which was carried out on public attitudes towards the portrayal of people with disabilities on television. The You Gov survey results were based on an online representative sample of 2716 adults, conducted over 3 days in October 2006.

The BCIDN's website also provides links to archived research content which was developed by the Network in conjunction with the ITC (predecessor to Ofcom). (See Appendix A)

OVERVIEW

The representation of people with disabilities in the United Kingdom's broadcast media is very much a prevalent and evolving topic. Disability equality obligations, embedded in both disability and broadcasting legislation, have compelled the UK's broadcasting sector (both public and private) to adopt a series of extensive measures aimed at advancing such representation both on and off air.

Disability legislation places duties on public bodies, such as the communications regulator Ofcom and public service broadcasters (BBC and Channel 4), to devise disability equality schemes and subsequent action plans outlining how they intend to fulfil their respective disability equality duties. Communications legislation expands on the issue by placing both general and specific obligations on the regulator and broadcasters to have regard to the needs of people with disabilities in areas such as employment and training, access to services and broadcast content standards.

An examination of Ofcom's disability equality scheme demonstrates the pivotal role Ofcom plays in advancing the representation of people with disabilities not just within the organisation itself but also within the UK's broadcasting sector. Under communications legislation for example, Ofcom has a legal duty to encourage the promotion of equality of opportunity for disabled people in employment and training within the broadcasters it regulates. To this end, Ofcom published a toolkit for broadcasters, containing practical ways to ensure equality of opportunity for disabled people in employment and training within their organisations. In addition to encouraging broadcasters to monitor their workforces and access to training, Ofcom also plays a supervisory role in this regard, by requiring public service broadcasters to submit an annual report providing information on the diversity of their organisations.

With regard to the representation of people with disabilities in programme content, Ofcom has a legal duty to set, and from time to time review and revise, standards for programme content for television and radio.¹⁹² Ofcom's Broadcasting Code 2005 makes specific reference to material which is discriminatory and which causes offence to persons with disabilities. Its disability equality scheme specifies that use of derogatory terms for disabled people can amount to a breach of the Code. In 2005 Ofcom published a content analysis research report which assessed the degree of representation and how people with disabilities were depicted.¹⁹³ In addition its Advisory Committee on Older and Disabled People has also raised concerns regarding the portrayal (or lack of) disabled people on radio and television. In its DES, Ofcom has identified content and standards as one of the seven priorities on which it will focus over the coming years. Ofcom has vouched to continue to implement content regulation rules regarding the portrayal of disabled people on television and radio.

192 Section 319 Communications Act, 2003.

193 Ofcom Representation and Portrayal of People with Disabilities on Analogue Terrestrial Television (2005).

It is further committed to ensuring that, among other criteria, public broadcasting services will include a sufficient quantity of programmes which reflect the lives and concerns of different communities, cultural interests and traditions including disabled people, within the UK.

Public service broadcasters in the United Kingdom (i.e. BBC and Channel 4), also have a duty under disability legislation to furnish disability equality schemes and action plans for their respective organisations. Although the disability equality duty applies only in respect of their public functions, both the BBC and Channel 4 have adopted broader approaches to disability equality by establishing an extensive set of actions and initiatives aimed at augmenting the representation of people with disabilities both on and off air. In 2002, both the BBC and Channel 4, as members of the BCIDN, committed inter alia to increase the presence of disabled people on air and on screen; to increase the number of disabled people in all areas of the workforce and to increase access to services both on and off air. For example, the BBC introduced on-screen disability portrayal targets and have commissioned a portrayal monitoring survey of its peak time TV output which will be available at the end of 2007. A guide for programme makers on the Disability Discrimination Act is currently being updated and will be re-launched in 2007. The BBC is committed to actively encouraging the inclusion of disabled people in mainstream programming as well as targeted programming in both its television and radio production. In terms of employment, the BBC carries out assessments on the levels of disabled employees and has set a number of targets in this area. The BBC run a work placement scheme, specifically for disabled people which focuses on placements in production areas.

Channel 4 has also introduced and funded a number of initiatives targeting areas such as employment and training and portrayal of people with disabilities. The channel seeks to open up opportunities for disabled people at all levels, from runners through to researcher, producers / directors , via a range of structured traineeships and supported placements at independent production companies.

In terms of representation, the Channel commissions programmes that fully reflect disabled people's participation in society and feature people with disabilities across all genres and parts of its schedule. Channel 4 has compiled and forwarded to all its programme suppliers, a Guide to Improving on screen diversity, which highlights best practice and shares tips from production companies in relation to disability. It has also produced Guidelines for Producers, which is available on its 4Disabled Talent website, a database containing information for disabled people who want to work in television either on-screen or behind the camera. Channel 4 monitors disability representation in programmes and on production teams. Production companies are compelled to register any disabled contributors or crew members on portrayal and production monitoring forms, which must be completed for every programme. Channel 4 has also published a Directory of Disabled Contributors, in order to assist producers in finding disabled talent. The directory lists organisations, groups and individuals who can be contacted as either potential contributors or as a source for other leads.

The private sector, in the form of the Broadcasting and Creative Industries Disability Network (BCIDN), has been very instrumental in advancing the representation of people with disabilities in the UK's broadcast media. The BCIDN, a specialist network, was formed by the UK's leading broadcasters, film and television producers and audio-visual industry organisations, to increase the inclusion of disabled people in their work. Membership of the network includes both public service and commercial broadcasters (e.g. BBC, Channel 4, Five, ITV B Sky B) and the communications regulator, Ofcom.

Although these organisations compete for audiences, they jointly funded the Network to make it easier to share and deliver best practice across the industry and to engage with disabled people as fellow broadcasters, programme makers, potential employees, viewers and stakeholders. Members of the Network have developed action plans in which they have committed to inter alia: increase the presence of disabled people on- air and on-screen and to increase the number of disabled people in all areas of their workforces.

The BCIDN has also created a number of guides, (both general and specialist), aimed at broadcasters and producers which consider how various organisations can become more disability confident. For example the BCIDN have created a specialist Guide to Disabled Talent Seeking Opportunities which contains guidance for disabled people who would like to participate in television programmes as professional actors or as contributors, reporters or experts. In addition the BCIDN has conducted a number of studies into disability and media, specifically dealing with portrayal in the sector and these are outlined in Appendix A.

SUMMARY

The initiatives outlined above emanate mainly from:

- Disability legislation
- Broadcasting legislation
- Broadcasting regulator
- Public service broadcasters
- Broadcasting and Creative Industries Disability Network

The initiatives outlined above embrace the following:

- Code of standards
- Disability Equality Schemes
- Action Plans
- Manifesto of broadcasters' commitments
- Consultation with disabled people and their organisations
- Commissioned research
- Programming, series and one-off programmes
- Provision of resources: toolkits, guidelines
- Monitoring, audits, information gathering, data collection; archives
- Training and development schemes for disabled actors, etc.
- Funding

COMPARATIVE STUDY

LEGISLATION

(i) Disability legislation

The countries studied in this report were the US, Canada, Australia, New Zealand, Germany, Malta, Spain, Sweden and the UK. All of these countries have legislation relating to disability generally but it is only in some of the countries that the disability legislation specifically refers to broadcasting or imposes obligations on broadcasters. In Canada, for example, disability legislation requires the development of accessibility standards in areas that include communications, whereas in Australia, New Zealand, Germany, Spain, and Sweden, disability legislation impacts on broadcasters only indirectly and mainly on employment issues. In the UK, however, disability legislation imposes both general and specific duties on broadcasters to ensure disability equality in all of their activities in policy, service delivery and employment.

(ii) Broadcasting legislation

Likewise, all of the countries studied, with the exception of the US, have broadcasting legislation, which includes programme content rules, but it is only in some of the countries that the broadcasting legislation contains specific references to disability. The US does not have broadcasting legislation containing content rules, as intervention with regard to programming content is prohibited by the strong guarantee of freedom of speech in the First Amendment to the US Constitution.

Interestingly, in Canada, it is obligations in the broadcasting legislation relating to cultural diversity that have been developed to include disability. Those cultural diversity obligations were originally concerned with race and aboriginal issues and that remained the focus for some years before they were used also to address issues of disability. The Canadian Association of Broadcasters (CAB) has recognised, of course, that there are differences between ethnocultural and aboriginal groups and persons with disabilities, in terms of the issues and barriers they encounter, whether in society as a whole or in broadcasting more specifically. (CAB Final Report on The Presence, Portrayal and Participation of Persons with Disabilities in Television Programming, 2005, p.4)

Diversity was also the umbrella for development of disability representation in broadcasting in Australia and New Zealand. In Germany it arose from an obligation to minority views, in Spain from an obligation to marginalised people and in Sweden more broadly from concepts of equality and human dignity.

Malta is unique in having given the force of law to standards and practices on disability, which were developed by the broadcast regulator in compliance with its obligations under broadcasting legislation. It is in the UK, however, that broadcasting legislation, namely the Communications Act 2003, offers the most specific provisions in relation to people with disabilities, including, among other things, provisions on access to services, employment and training, standards on programme content and the establishment of an Advisory Committee on Older and Disabled people.

CODES AND GUIDELINES

All of the countries studied have codes or guidelines of some kind, which have general provisions about programme standards. It must be noted, however, that there is no common usage of terms such as “codes”, “guidelines”, “standards”, “principles”, etc., and in the case of non-English speaking European countries, reliance had to be placed on how such documents were referred to in available translations.

Many of the codes or sets of guidelines, while general, are broad enough to encompass disability; others specifically embrace disability. Malta is the only country that has a code, dating from 2002, which is specific to disability in broadcasting. As indicated above, Malta is unique also in having given the provisions of that code the force of law, which means that broadcasters are legally bound to adhere to them. In some of the other countries the primary responsibility for the drafting of codes is left to broadcasters themselves (e.g. Australia, where the regulator will register broadcasters’ codes it deems acceptable; New Zealand, where the regulator is required to “encourage” the development and observance by broadcasters of codes; and Spain and Sweden where the codes are self-regulatory).

Many codes contain negative formulations, regarding the prevention of discrimination, stereotyping, prejudice and/or denigration (e.g. Australia, New Zealand, UK, Sweden, Spain (forthcoming)). Fewer provide specific positive obligations or goals (e.g. Malta Requirements 3.2, and the Radio Code in New Zealand which includes a principle of social responsibility). Most of the codes contain exceptions to the requirements, whereby anything said or done in good faith, or for academic, artistic or scientific purposes, fair comment or opinion or any other identifiable public interest would not be considered a breach of the code (e.g. Australia, New Zealand). In the UK, the Ofcom code of 2005 has a rule that “In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context” (Rule 2.3).

In this regard, it must be noted that freedom of expression is a key value in all countries and therefore any requirement that amounts to an intrusion on the freedom of speech of broadcasters and programme makers needs to be justified. In the European countries studied, Article 10 of the European Convention on Human Rights protects freedom of expression as a core right which may only be restricted if certain conditions are met. In the case of the portrayal of persons with disabilities in broadcasting, requirements can be imposed on broadcasters only if they are inter alia necessary in a democratic society and the measures adopted are proportionate to the legitimate aim. The US, as noted above, has particularly strong protection of free speech in the First Amendment.

In most countries, language and terminology have been identified as key issues in improving the portrayal of people with disabilities in broadcasting. The solution adopted has been for disability organisations to provide guidance to broadcasters on use of appropriate language and terminology.

Where codes are in operation, monitoring of compliance is recognised as an important aspect of implementation and as an indicator of progress in ensuring the representation of persons with disability in broadcasting. Equally, a complaints mechanism is normally provided and apart from maintaining standards and creating precedents, its use signals engagement with the process, provides accountability and shows where broadcaster performance may be failing.

INITIATIVES

Often the codes or guidelines result from obligations set out in legislation, either broadcasting legislation or disability legislation, or sometimes both. Legislation usually imposes obligations on regulators to draw up or encourage the drawing up of codes. With regard to other measures and actions, the main impetus usually comes from disability organisations (e.g. US, Germany, Sweden, Spain) or government departments, usually health departments (e.g. US, Spain). Sometimes employment organisations also play a role, e.g. in Spain and the US.

The development of resources, including, in particular, websites, databases, stylebooks and educational materials, has received priority in many countries. Training programmes have been developed, in some countries in universities and schools, both for journalists and for persons with disabilities who are interested in participating in broadcasting. Support measures, such as scholarships, internships, prizes and training workshops, have also been made available in almost all countries to create practical opportunities. Showcasing and the creation of employment opportunities have also been identified as important measures, as has the commissioning of research and the provision of research grants (e.g. Australia, New Zealand, Sweden, UK).

Public Service Announcement campaigns have also been used in most countries to create or enhance awareness of disability and of people with disabilities among the listening and viewing public. These are useful ways of highlighting different forms of both physical and mental disability and illness. They are developed in co-operation with experts in the precise fields. They often feature celebrities or high-profile people to improve the image but there are differing views as to whether the latter is a useful strategy or not.

The adoption of action plans with their schema of strategies and policies has become an important guarantor of commitment to improving the representation of persons with disabilities in the broadcast media (e.g. Australia, Sweden, and UK. In the UK, Disability Equality Schemes include action plans).

In some countries, particularly Australia and New Zealand, there has been a particular focus on the mental health aspect of disability. Mental health organisations have been very active in creating and heightening awareness of mental health and have used many of the above-mentioned initiatives to that end.

Many other initiatives are outlined or detailed in the individual country reports. A lot of positive steps have been taken and a lot of very practical materials, guidelines and tips have been made available for journalists and broadcasters interviewing or dealing with persons with disabilities on and off air. Collaboration and cooperation between broadcasters and disability organisations have proven fruitful in some countries. Some internal measures or strategies adopted by individual broadcasting organisations are also worthy of mention, for example the role of the internal disability ombudsman in ZDF in Germany and the post of Editorial Executive – Diversity created by the BBC. Accessibility of programming was also a recurring theme in many countries and various initiatives have been adopted or proposed to address this need also.

FROM MEDICAL MODEL TO SOCIAL MODEL

In the disability literature and in the actions taken by countries, considerable emphasis is placed on the need for change from a medical/charity approach to disability to a social model or human rights approach. Sweden's National Action Plan "From Patient to Citizen" provides such an example whereby emphasis in disability policy has shifted from former governmental actions which focused on social and welfare issues, to a more democratic and human rights approach with particular emphasis on identifying and removing obstacles to full participation and full equality in society, preventing and fighting discrimination and promoting equality.

In Malta, the Broadcasting Authority's Requirements on Standards and Practice applicable to Disability and its Portrayal in the Broadcasting Media 2007, resulted from complaints regarding the way in which people with disabilities were depicted in fundraising programmes for charity organizations. The introduction to the Requirements asserts that "persons with disabilities are persons first and foremost, who have full human and civil rights, and are entitled to dignity and respect." The introduction continues in its rejection of the "medical model" of disability which "holds disabled people themselves responsible for any difficulties they may encounter during the course of their daily lives" and at the same time "totally ignores the restrictive environments and disabling barriers created, not by the disabled persons, but by a society in general."¹⁹⁴

194 Legal Notice 260 of 2007 - Requirements as to Standards and Practice applicable to Disability and its Portrayal in the Broadcasting Media 2007 at para. 1.7.

Likewise in Germany, the ABM, a non-profit organisation for the advancement of disabled people in the media, sees its involvement in the Media and Disability project being co-ordinated on a European basis and funded by the European Commission to provide information on improving the portrayal of people with disabilities in the media,¹⁹⁵ as an important step towards changing social attitudes to disability issues, especially in counteracting the 'medical/charity model' of disability issues in German society, and the general perception that persons with disabilities are still characterised by segregation rather than inclusion.

In Spain the Self-Regulation Code on Television Content and Children contains a negative obligation to avoid the use of children and young people with disabilities for a "propagandistic aim."¹⁹⁶

Interestingly, in Canada CAB's Final Report on The Presence, Portrayal and Participation of People with Disabilities in Television Programming (2005), revealed widespread support for the business case for diversity in broadcasting - and more specifically the business case for the inclusion of persons with disabilities in television programming, both on-screen and behind the scenes. This is based on the recognition that (i) more on-screen presence and accurate portrayal will reach and increase audiences not only from Canadians with disabilities, but from their families, friends and caregivers (ii) broadcasters can gain a competitive edge by tapping into all creative resources available to them, including persons with disabilities and (iii) all employees in the broadcasting industry can potentially benefit from accommodations that are made for employees with disabilities (e.g. automatic doors, ramps etc.,)

195 See www.mediaanddisability.org

196 See 'Co-Operative Regulatory Systems in the Media Sector of Spain,' available at: <http://www.hans-bredow-institut.de/forschung/recht/co-reg/reports/2/Spain2.pdf>

EMPLOYMENT

Provisions and actions to enhance employment prospects for people with disabilities in the broadcasting sector were evident in most of the countries studied. In the case of the UK, for example, the Communications Act 2003 places an obligation on the regulator, Ofcom, to take steps as considered appropriate for promoting the equalisation of opportunities in the employment and training of disabled people in television and radio. In this regard the regulator has produced a toolkit for broadcasters seeking to employ persons with disabilities and requires broadcasters in the UK to report annually on the number of people with disability in employment within their various organisations. Many initiatives in this regard have been taken by broadcasters, such as Channel 4, which has developed a database talent bank.

The regulatory authority of Malta provides in the Requirements under the heading of broadcasters' responsibilities that "Broadcasters should aim to recruit disabled persons to work among their staff and in particular the portrayal of disabled persons in drama should wherever possible be carried out by disabled actors." In Canada also broadcasters have hiring goals.

The most obvious trend emerging from many of the countries studied, which is very recent, is towards increased activity on the part of regulators, broadcasters and disability organisations to take steps, preferably in consultation or co-operation with each other, to improve the representation of people with disabilities in broadcasting. Also, they have realised the importance of liaising and interacting directly with persons with disabilities and facilitating them to become involved in all aspects of programming.

EDUCATION

As noted above, education and the training of persons with disabilities at various third level institutions was an important element in the initiatives taken in a number of countries, particularly the US and Canada, also Australia (Response Ability Programme for tertiary education). In Canada, for example, the CAB Final Report on Presence, Portrayal and Participation of People with Disabilities in Television Programming stated: “Canada’s education sector plays a fundamentally important role in the development of human resources for the industry. With the support of broadcasters and industry partners, educators at all levels can play a very important part in guiding students with disabilities to career paths in broadcasting and / or television production.”

CONCLUSION

All of the countries studied have undertaken a variety of measures at different levels, from legislative to purely voluntary, to improve the representation of persons with disabilities in broadcasting. In most cases the awareness of the need to take steps to improve the representation is relatively recent and the response is still early stage. However, there is a lot that countries can learn from each other’s experience and there is now a significant body of research in many of them that can provide guidance.

In terms of the detail of its approach the UK stands out. It has adopted very detailed regulation and extensive consultation, analysis and review processes. In the UK duties are imposed on the broadcasting regulator and broadcasters by both disability legislation and broadcasting legislation, which require them to develop detailed schemes and action plans.

These in turn have led to the establishment of a multi-layered internal organisational structure within the regulatory body, Ofcom, and individual broadcast organisations such as the BBC, as well as the undertaking of a wide range of activities and the development of a comprehensive system for engaging in extensive consultation, analysis and review.

The scale of activity may be warranted by the size and complexities of the broadcast sector there. Ofcom, for instance, is a very large regulatory body, with jurisdiction over hundreds of television and radio channels broadcasting both within the UK and from the UK to other countries around the world.

Malta also stands out in a particular way. It has raised the principles and guidelines developed by the broadcast regulator (2002 Code) to the status of law, which is very unusual. It has done so only very recently (2007) and so it remains to be seen how this will work in practice. The principles are detailed instructions for dealing with disability issues and persons with disabilities in practice and such detail would normally be left to be provided for in codes or guidelines, rather than in law. In Malta also a breach can incur monetary fines or lead to a programme being suspended or ultimately put off air. To date this has not happened but the penalties for breach of the requirements are far-reaching and may be questionable on freedom of expression grounds, as outlined above.

However, the overall impression arising from the research carried out on the various countries included in this report is that there are some useful ideas for actions and supports to be found in all of them.

KEY FINDINGS

Broadcasting legislation, which in many countries makes provision for regulators to draft or encourage the drafting of codes of programme standards, is an important source of principles which can be acted upon to improve the representation of persons with disabilities in broadcasting. In some countries the provisions relating to diversity have been used to address the inclusion of persons with disabilities.

There is a stated awareness in many countries, however, that care must be taken in the drafting of codes, introducing initiatives and in implementing them to err on the side of freedom of speech. In the US, State intervention in programme content is largely prohibited because of the strong guarantee of freedom of speech in the First Amendment to the Constitution, while in all European states that are parties to the European Convention on Human Rights (almost 50 States), care must be exercised to safeguard freedom of expression (Article 10 ECHR). This requirement is referred to by Ofcom in the UK, for example, in the context of measures to enhance the representation of persons with disabilities and also by the German and Swedish authorities, as mentioned in the country reports above. In addition, freedom of expression and freedom of broadcasting are constitutional rights in democratic countries. As a result, there are provisions in most broadcasting codes to the effect that promoting representation of people with disabilities should not prevent the broadcast of material which is factual, an expression of genuinely held opinion in news, current affairs or other factual programmes or in the context of an artistic, dramatic, humorous or satirical work. Malta is unique in giving a very wide-ranging and detailed set of standards the force of law. It could be argued that, unless there are appropriate checks and balances built in, such an approach would be questionable on freedom of expression grounds.

Alongside the broadcasting codes, the main impetus for many of the initiatives currently being taken or developed in the countries studied has come from the disability organisations, acting in accordance with their statutory duties and functions (under Disability legislation), sometimes individually but more often in an umbrella group or under the auspices of government departments of health.

Cooperation and consultation by the media with people with disabilities and their representative organisations is important for a full understanding of their perspectives and the issues affecting them. Developing ongoing relationships with government agencies, representative groups, experts in related areas (legal, social, health, etc.) to provide best quality, appropriate and effective measures, information, skills, resources, etc., appears to be the most efficient way to address the issue of improving the representation of people with disabilities in broadcasting.

Developing educational resources for broadcasters, guidance on conducting interviews with disabled people and on use of language appear to be useful measures taken in a number of countries. Targeting the education sector, particularly journalism courses in third level institutions, also appears to be a worthwhile step. The requirement to draw up diversity management or action plans seems to help to create and sustain awareness on the part of broadcasters and to create an environment for developing and monitoring progress. Specific examples can be found in the country reports.

Many of the initiatives adopted in other countries are relatively recent (Canada mainly since 2003, although some programming from 1993; Germany exceptionally since 1980s through ABM) or very new and some are only currently being developed (for example in Spain and Germany many of the measures referred to are prospective).

It is clear, however, that there is now considerable momentum and activity in most of the countries studied at all levels (legislation, policy and practice) and involving all actors (legislators, broadcasting regulators, broadcasters and disability organisations), geared to improving the representation of persons with disabilities in broadcasting.

APPENDIX A

RESEARCH COMMISSIONED

AUSTRALIA

National Mindframe Initiative

The Media Monitoring Project: A Baseline Description of how the Australian Media Report and Portray Suicide and Mental Health and Illness. A report produced by Jane Pirkis, R. Warwick Blood, Catherine Francis, Peter Putnis, Philip Burgess, Belinda Morley, Andrew Stewart and Trish Payne of the Centre for Health Program Evaluation, University of Melbourne, and the School of Professional Communication, University of Canberra. This project consists of two studies which set out to address some of the disparity in knowledge about the way that media report and portray suicide and mental illness.

Full Report: http://www.mindframe-media.com/client_images/372858.pdf.

Executive Summary:

http://www.mindframe-media.com/client_images/372856.pdf

A Review of the Literature Regarding Film and Television Portrayals of Mental Illness 2005 - by Jane Pirkis, R. Warwick Blood, Catherine Francis and Kerry McCallum of the Program Evaluation Unit, School of Population Health, The University of Melbourne and School of Professional Communication, The University of Canberra. This report reviews the portrayal of mental illness in film and television with results indicating that the portrayal of mental illness in film and television is extensive and consistently perpetuates myths and stereotypes about mental illness. Evidence indicates that pervasive negative portrayals of people with mental illness can have harmful effects, perpetuating the stigma associated with mental illness and reducing the likelihood that those with mental illness will seek appropriate help.

http://www.mindframe-media.com/client_images/372828.pdf

Make it Real! A Report on Consumer Impressions of Responses to Film and Television Portrayals of Mental illness and Suicide 2005 - A consultation project conducted by SANE Australia for the National Media and Mental Health Working Group. The aim of this consultation project was to assess the impact of film and television drama portrayals on the lives of people affected by mental illness. SANE Australia canvassed the views of an Australian sample, comprising mental health consumers, carers and community members. The Report makes a number of key recommendations.

http://www.mindframe-media.com/client_images/372830.pdf

Reach, Awareness and Uptake of Media Guidelines for Reporting Suicide and Mental Illness: An Australian Perspective 2006 - A paper, written by Jaelea Skehan, Sonia Greenhalgh, Trevor Hazell (Hunter Institute of Mental Health) and Jane Pirkis (School of Population Health, University of Melbourne) was published in the November 2006 issue of the International Journal of Mental Health Promotion. It considers the effectiveness of the active dissemination strategy developed and implemented by the Mindframe Media and Mental Health project, highlighting both quantitative and qualitative evaluation data that indicates substantial reach, awareness of, support for and uptake of these resources by media professionals in Australia.

http://www.mindframe-media.info/client_images/372832.PDF

Sweden

Media Images of Mental Illness and Psychiatric Care in Connection with Violent Crimes: a study of Dagens Nyheter, Aftonbladet and Rapport - by Joel Rasmussen and Birgitta Höijer at Örebro University, with the Swedish Association for Social and Mental Health (RSMH), the EU – European Social Fund, and the Swedish Inheritance Fund.

<http://www.paraplyprojektet.se/reports-and-publications/media-images-of-mental-illness/>

People with Disabilities as Depicted by the Media - a collaborative study by the Swedish Disability Movement, The Swedish Radio Corporation and leading newspaper Dagens Nyheter.

<http://www.paraplyprojektet.se/reports-and-publications/people-with-disabilities-as-depicted-by-the-media/>

UNITED KINGDOM

OFCOM

Media Literacy Audit: Report on media literacy of disabled people 2006 -

This report presents the results of detailed research undertaken by Ofcom to assess the extent of media literacy amongst disabled people within the UK. Section 3(4)(i) of the Communications Act requires Ofcom, in performing its general duties 'to have regard to the needs... of persons with disabilities' as it deems relevant in the circumstances.

http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss/disabled/disabled.pdf

Representation and Portrayal of People with Disabilities on Analogue Terrestrial Television- Content Analysis Report 2005 -

The research was conducted to evaluate the representation of people with disabilities on analogue terrestrial television in terms of the extent of representation and how people with disabilities have been portrayed. The report is of a content analysis of recorded samples of television programmes broadcast in 2004.

<http://www.ofcom.org.uk/tv/ifi/guidance/eo-toolkit/eo-toolkit-web.pdf>

Equal Opportunities: A Toolkit for Broadcasters 2005 -

The toolkit contains practical advice, examples of best practice and other suggestions designed to help broadcasters benefit from the experiences of others in promoting equal opportunities.

<http://www.ofcom.org.uk/tv/ifi/guidance/eo-toolkit/eo-toolkit-web.pdf>

Broadcasters 'Returns on Equal Opportunities 2005 -Summary Report and

Statistics - The purpose of this report is to provide a summary of broadcasters' responses and to identify the extent to which the duty to promote equal opportunities is being met. This report covers the level of equal opportunity and diversity monitoring reported across the industry as well as the level of broadcasters' engagement with the promotion of equal opportunities. It outlines the type of procedures and activities that broadcasters have introduced to support equal opportunities within their recruitment process in particular and employment practices in general and identifies areas in which Ofcom proposes to give support or written guidance. The report also identifies good practice which can be shared across the industry.

http://www.ofcom.org.uk/tv/ifi/guidance/eo_summary/broadcasters_summary.pdf

BBC

Disabling Prejudice Attitudes towards Disability and Its Portrayal on

Television 2003 - A report of research undertaken by the British Broadcasting Corporation, the Broadcasting Standards Commission and the Independent Television Commission and Jane Sancho. This report offers indicators to assist programme makers and broadcasters in making judgements about material to ensure that, as far as possible, it does not cross the offence boundary. The findings are not prescriptive directions to programme makers, but are offered as a resource tool.

<http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/disability.pdf>

Not Seen, Not Heard Learning Disabled Audiences and the Media 2005 by Wendy Harpe and Carol Malcolm for the BBC Diversity Centre with the support of Fiona O'Connor for the BBC Audience Research. The BBC commissioned the first ever comprehensive, in-depth research into Learning Disabled Audiences covering what they watched, how well they thought their needs were catered for and what specific programmes they would like to see on television in the future.

http://www.mediaanddisability.org/descargas/Full_BBC_Not_Seen_Not_Heard_Report.pdf

Broadcasting and Creative Industries Disability Network (BCIDN)

You Gov Survey Results 2006 – questions on public attitudes to the portrayal of disabled people on television.

<http://www.employers-forum.co.uk/www/bcidn/guides/research/yougov-report.html>

On Screen Representations of Disability 2006- by Dr Guy Cumberbatch and Sally Gauntlett, Communications Research Group October 2006. A report prepared for the Broadcasting & Creative Industries Disability Network

Available at:<http://www.employers-forum.co.uk/www/bcidn/guides/index.html>

APPENDIX B

USEFUL WEBSITES

UNITED STATES

Federal Communications Commission

www.fcc.gov

Federal Communications Commission - Broadcasting

http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html

People with Disabilities Broadcasting Corporation

<http://www.with-tv.com/>

Corporation for Public Broadcasting

<http://www.cpb.org/aboutpb/act/text.html>

CBS Network

http://www.cbs.com/cbs_cares/

ABC

<http://abclocal.go.com/wls/index?section=community&id=3361928>

Palmetto Media Watch Program

<http://www.state.sc.us/dmh/mediawatchmanual.htm>

Entertainment Industries Council (EIC)

<http://eiconline.org/index.php>

Entertainment Industries Council (EIC) Ten Ideas for Depicting Mental Illnesses

<http://community-2.webtv.net/stigmanet/MediaIssues/>

The United States Department of Health and Human Services-Substance Abuse and Mental Health Services Administration Department - Address Discrimination and Stigma Center

http://stopstigma.samhsa.gov/topics_materials/media.htm

<http://mentalhealth.samhsa.gov/publications/allpubs/SMA01-3517/ch9.asp>

<http://mentalhealth.samhsa.gov/publications/allpubs/SMA01-3513/Default.asp>

Ragged Edge Magazine Stylebook

<http://www.raggededgemagazine.com/mediacircus/styleguide.htm>

Alliance for Inclusion in the Arts

<http://www.ntcp.org/missionframe.htm>

Screen Actors Guild

<http://www.sag.org/Content/Public/exec-sum-pwd.pdf>

American Federation of Television and Radio Artists

<http://www.aftra.org/member/showcases.htm>

Association for Education in Journalism and Mass Communication

<http://www.aejmc.org/>

Media and Disability Interest Group

<http://pages.towson.edu/bhalle/aejdis.html>

National Center on Disability and Journalism

<http://www.ncdj.org/aboutncdj.html>

Chicago Institute for the Moving Image

<http://www.cimi.ws/2006/festivals/html>

Disability News and Views Radio Show

www.disabilitynewsradio.com/about_us.htm

National Arts and Disability Center

<http://nadc.ucla.edu>

California Governor's Committee on the Employment of Persons with Disabilities

www.disabilityemployment.org/med_acc_txt.htm

California Business Leadership Network

<http://www.cabl.org>

Disability World

<http://www.disabilityworld.org/March2000/English/Briefly.htm>

CANADA

Canadian Radio-Television Commission (CRTC)

<http://www.crtc.gc.ca>

Canadian Radio-Television Commission - Reports Plans

<http://www.crtc.gc.ca/eng/publications/reports.htm#plans> and

Canadian Radio-Television Commission - Progress of Equitable Portrayal Code

<http://www.crtc.gc.ca/archive/ENG/Notices/2007/pb2007-89.htm>

CRTC Annual Cultural Diversity Reports

http://www.crtc.gc.ca/eng/BCASTING/ann_rep/annualrp.htm#Alliance

CRTC notice on implementation of an Employment Equity Policy

<http://www.crtc.gc.ca/archive/eng/Notices/1992/PB92-59.HTM>

CRTC Response to the CAB Report on persons with disabilities

<http://www.crtc.gc.ca/archive/ENG/Notices/2006/pb2006-77.htm>

CRTC Broadcasting Public Notice 2004-2

<http://www.crtc.gc.ca/archive/eng/notices/2004/pb2004-2.htm>

CRTC Accomplishments 2006-2007

http://www.crtc.gc.ca/eng/BACKGRND/acc2006_07.htm

Canadian Broadcast Standards Council (CBSC)

<http://www.cbsc.ca/>

Radio Television News Directors Association

www.rtnda.org <http://www.rtndacanada.com/pdfs/RTNDA-Diversity-ENG.pdf>

Canadian Association of Broadcasters (CAB)

<http://www.cab-acr.ca/>

CAB “Report on the Presence, Portrayal and Participation of People with Disabilities in Television Programming

<http://www.cab-acr.ca/english/social/diversity/default.shtm>

CAB -Diversity in Broadcasting

<http://www.cab-acr.ca/english/social/diversity/default.shtm> http://www.cab-acr.ca/english/social/diversity/media/abilities_article.shtm

Submission accompanying the CAB Report on Persons with Disabilities

http://www.cab-acr.ca/english/research/04/sub_aug1604.htm

Citytv - Diversity Online

<http://diversity.chumtv.com>

Media Access and Participation Initiative

http://www.innoversity.com/index.php/events_and_projects

Canadian Broadcasting Corporation (CBC)

<http://www.cbc.ca/>

Alliance Atlantis - Producer Guidelines

www.allianceatlantis.com/operating/broadcast/producersubmissions/pdf/ShowcaseGuidelines.pdf

Caldwell, Doug. Media Representation of Canadians with Disabilities, Disability World 2003,

http://www.disabilityworld.org/09-10_03/arts/canadians.shtml

Picture This Film Festival <http://www.picturethisfestival.org/>

The Association of Electronic Journalists (RTNDA)Diversity Campaign

<http://www.rtndacanada.com/PDFs/DiversityEnglish09-21-05.pdf>

RTNDA -Reflecting Canada's Diversity Everyone's Story A User Guide for Electronic Journalists

<http://www.rtndacanada.com/pdfs/RTNDA-Diversity-ENG.pdf>

Relevant Canadian Broadcasting Standards Council (CBSC) Decisions

<http://www.cbsc.ca/english/decisions/decisions/1998/980728i.htm>

<http://www.cbsc.ca/english/decisions/decisions/1999/990203f.htm>

<http://www.cbsc.ca/english/decisions/decisions/2000/000831.htm>

<http://www.cbsc.ca/english/decisions/decisions/2000/000831b.htm>

<http://www.cbsc.ca/english/decisions/decisions/2001/010308.htm>

<http://www.cbsc.ca/english/codes/cabethics/clause2.htm>

Film Festival

<http://www.picturethisfestival.org/>

Alliance Atlantis - Producer Guidelines

www.allianceatlantis.com/operating/broadcast/producersubmissions/pdf/ShowcaseGuidelines.pdf

CAB Submission Equitable Portrayal Code

http://www.cab-acr.ca/english/research/06/sub_jul2006.pdf

CBC Employment Equity Report 2005

<http://www.cbc.radio-canada.ca/docs/equity/pdf/ee-exec2005e.pdf>

AUSTRALIA

Australian Communications and Media Authority (ACMA)

www.acma.gov.au

Special Broadcasting Service (SBS)

www.sbs.com.au

Special Broadcasting Service (SBS) - Codes of Practice 2006

http://www20.sbs.com.au/sbscorporate/media/documents/8487sbs_codes_of_practice_2006.pdf

Australian Broadcasting Corporation (ABC)

www.abc.net.au

Australian Broadcasting Corporation (ABC) - Charter

<http://www.abc.net.au/corp/pubs/ABCcharter.htm>

Australian Broadcasting Corporation (ABC) - Code of Practice 2007

<http://www.abc.net.au/corp/pubs/documents/codeprac07.pdf>

Australian Broadcasting Corporation (ABC) - Editorial Policies 2007

<http://www.abc.net.au/corp/pubs/documents/edpol07.pdf>

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<http://www.abc.net.au/corp/pubs/documents/equity06.pdf>

Australian Broadcasting Corporation (ABC)- Public Reports on Audience Comments and Complaints

<http://www.abc.net.au/corp/pubs/reportsindex.htm>

Commercial Radio Australia

www.commercialradio.com.au

Commercial Radio Australia - Codes of Practice 2004

<http://www.acma.gov.au/webwr/aba/contentreg/codes/radio/documents/cra-codeofpractice.pdf>

Free TV Australia - Commercial Television Industry Code of Practice 2004

www.freetvaust.com.au

[http://www.freetv.com.au/media/Code_of_Practice/Revised_Code_of_Practice_\(including%20amendment%20for%20election%20period\)_060907.pdf](http://www.freetv.com.au/media/Code_of_Practice/Revised_Code_of_Practice_(including%20amendment%20for%20election%20period)_060907.pdf)

Australian Subscription Television and Radio Association (ASTRA)

www.astra.org.au

Australian Subscription Television and Radio Association (ASTRA)

Codes of Practice 2007:

Subscription Narrowcast Television

<http://internet.aca.gov.au/webwr/aba/contentreg/codes/television/documents/sntcodesofpractice2007.pdf>

Subscription Broadcast Television

<http://internet.aca.gov.au/webwr/aba/contentreg/codes/television/documents/stbcodesofpractice2007.pdf>

Subscription Narrowcast Radio

http://internet.aca.gov.au/webwr/_assets/main/lib100060/rsncodesofpractice2007.pdf

Community Television of Australia (CTVAA) - <http://ctvaa.org.au>

Australian Human Rights and Equal Opportunities Commission - Disability Rights

http://www.hreoc.gov.au/disability_rights/index.htm

Australian Human Rights and Equal Opportunities Commission - Registered Disability Action Plans

http://www.hreoc.gov.au/disability_rights/action_plans/Register/register.html

National Mindframe Initiative

<http://www.mindframemedia.info/site/index.cfm?display=85532>

Mindframe Mental Illness in the Media

http://mindframe-media.powersites.com.au/client_images/361852.pdf

Suicide and Mental Illness in the Media - A Mindframe Resource for the Mental Health Sector

http://www.mindframe-media.info/client_images/361849.pdf (full report)

Suicide and Mental Illness in the Media - Mindframe Quick Reference Cards

http://mindframe-media.powersites.com.au/client_images/361884.pdf

SANE Australia StigmaWatch

http://www.sane.org/stigmawatch/stigmawatch/stigmawatch_files.html

SANE Australia - Make it Real! A Report on Consumer Impressions of and Responses to Film and Television Portrayals of Mental Illness and Suicide 2005

http://www.mindframe-media.info/client_images/355610.pdf

Response Ability

<http://www.responseability.org/site/index.cfm>

Hunter Institute of Mental Health

<http://www.himh.org.au/site/index.cfm?display=15362>

Hunter Institute of Mental Health -Mindframe Stage and Screen

<http://www.himh.org.au/site/index.cfm?display=58900>

NEW ZEALAND

Ministry for Culture and Heritage Plan

<http://www.odi.govt.nz/documents/nzds/work-plans/2006-07/dpt-Culture-Heritage-plan-2006-07.doc>

Broadcasting Standards Authority

www.bsa.govt.nz

New Zealand Television Broadcasters Council

<http://www.nztbc.co.nz/>

Radio New Zealand One in Five

<http://www.radionz.co.nz/nr/programmes/oneinfive>

Radio New Zealand Charter

<http://www.radionz.co.nz/about/charter>

New Zealand On Air

<http://www.nzonair.govt.nz/>

New Zealand On Air funded Open Door Project

http://www.opendoor.net.nz/the-show.php?section=the-show&sub_section=start

Television Programming for Special Audiences - Executive Summary

<http://www.nzonair.govt.nz/files/about/execsummaryreport.pdf>.

<http://www.nzonair.govt.nz/files/about/5.0insideOut.pdf>

Past productions of Inside Out

<http://www.pointofview.co.nz/InsideOut.htm>

Regional and Community Broadcasting Policy

<http://www.mch.govt.nz/publications/community-broadcasting/framework.html>

New Zealand Radio Bureau Code

<http://www.trb.co.nz/StandardPage.asp?id=515>

Access Radio Characteristics

http://www.nzonair.govt.nz/hallmarks_of_access_radio.php

TV New Zealand

http://tvnz.co.nz/view/about_tvnz_index_skin/816472

TV New Zealand Inside Out

<http://tvnz.co.nz/inside%20out?style=tvnz&search=inside+out>

Attitude TV

<http://www.disabilitytv.com/>

Talking Up Disability Radio show

<http://www.communityradio.co.nz/index.asp?PageID=2145827055>

Media Grants application pack

<http://www.mediagrants.org.nz/docs/MHMG-Application-pack1-final-050307.doc>

Association of Community Access Broadcasters, 'Philosophy of ACAB'

<http://www.acab.org.nz/philosophy.php>

Denigration and Discrimination as broadcasting standards

<http://www.bsa.govt.nz/practicenotes-denigration.php>

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Decision 2004-198 <http://www.bsa.govt.nz/decisions/2004/2004-198.htm>

ACC and Attitude TV

<http://www.rnzfb.org.nz/newsandevents/latestnews/accattitude>

CCS Disability Action

<http://www.ccsdisabilityaction.org.nz/Portals/0/Inquiry%20into%20the%20Quality%20and%20Care%20of%20Services%20Provision%20for%20Disabled%20People%20V2.0.rtf>

Deaf Short Film

<http://www.deafshortfilm.co.nz/>

GERMANY

Ninth Book of the Social Code – Rehabilitation and Participation of Disabled Persons (SGB IX) / Equal Opportunities for People with Disabilities Act <http://www.germanlawjournal.com/print.php?id=515>

The Comparative Law Society – Broadcasting Law in Germany
<http://www.iuscomp.org/gla/literature/broadcst.htm#ToC4>

Association of State Media Authorities in the Federal Republic of Germany (ALM) <http://www.alm.de/14.html>

RTL Television

<http://www.rtl-television.de/3707.html>

Media and Disability - Germany- Project Development by ABM.
<http://www.mediaanddisability.org/germanyPA.htm>

The Project “dieGesellschafter.de”

<http://diegesellschafter.de/projekt/ueber/projekt.en.php>

Aktion Mensch

http://diegesellschafter.de/projekt/ueber/aktion_mensch_self_portrayal.php

<http://www.goethe.de/ges/soz/ins/en147221.htm>

Disability Media in Germany and the ABM by Karl Gruber’s

http://www.rehab-international.org/publications/media_report/gruber

Final Report of the International Experts Meeting on Mass Media and Disability, Moscow, Russia, September 26-29, 2002: -. By Barbara Duncan,
http://www.rehab-international.org/publications/media_report/summary.html

Media Marathon in Munich: 292 films screened, 50 short-listed, 26 selected for festival, 4 Winners” -Article in Disability World
http://www.disabilityworld.org/12-01_06/munichfilmfestival.shtml

“International Disability Film Festival in Munich Invites Entries by August 1, 2001” -Article in Disability World
http://www.disabilityworld.org/05-06_01/arts/waywelive.shtml

European Disability Forum- Special Dossier: Media and Disability, 2003
<http://www.edf-feph.org/en/publications/bulletin/bull.htm>

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http://www.law.uiuc.edu/publications/cll&pj/archive/vol_24/issue_4/GeistArticle24-4.pdf accessed on 25/07/2007

MALTA

Broadcasting Authority Malta

<http://www.ba-malta.org/>

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http://www.ba-malta.org/legislation/LN_260_2007.pdf

Legal Notice 258 of 2007 Requirements as to Standards and Practice applicable to Participation in Media Programmes of Vulnerable Persons, 2007

http://www.ba-malta.org/legislation/LN_258_2007.pdf

Kummissjoni Nazzjonali Persuni b'Disabilità (KNPD)

National Commission Persons with Disability-

<http://www.knpd.org/>

Kummissjoni Nazzjonali Persuni b'Disabilità (KNPD)

Disability and its Portrayal in the Media A Code of Practice

<http://www.knpd.org/pubs/press/media.pdf>

SPAIN

Legislation and the Broadcasting environment - general information

www.culturalpolicies.net/web/spain.php?aid=538

Media and Disability - Spanish Action Plan by Fundacion ONCE

<http://www.mediaanddisability.org/spainPA.htm>

Fundacion ONCE

http://www.fundaciononce.es/WFO/Ingles/Informacion/Mision_Valores/default.htm

http://www.fundaciononce.es/WFO/Ingles/Ambitos_Actuacion/Esfera_Europea/default.htm

TVE premiered the series "Disability human," Planning and Public Service

<http://translate.google.com/translate?hl=en&sl=es&u=http://www.rtve.es/%3Fgo%3Deacaa4148f48af89730076a6669df2169fcb5b71e1aa29da0d0feffa157028c660ef88f9fa9777e7bfc469d9df552ecf&sa=X&oi=translate&resnum=1&ct=result&prev=/search%3Fq%3Dsite:www.rtve.es%2Bdiscapacidad%26hl%3Den>

Carmen Caffarel: "People with tartamudez will RTVE the utmost respect"

<http://translate.google.com/translate?hl=en&sl=es&u=http://www.rtve.es/%3Fgo%3D111b735a516af85c54ba5009b84fd04cbd9cd6ea14231d5e5a5cf6c735b16556bf5f594382b9ae6c946fd1a7c6b56131&sa=X&oi=translate&resnum=2&ct=result&prev=/search%3Fq%3Dsite:www.rtve.es%2Bdiscapacidad%26hl%3Den>

SWEDEN

Swedish Broadcasting Commission

http://www.grn.se/grn/pages/Startpage____556.aspx

Swedish Broadcasting Commission- Rules for Radio and TV - SVT, SVR and UR

http://www.grn.se/grn/pages/Page____3716.aspx

Swedish Radio and Television Authority

<http://www.rtvv.se/uk/start/>

Swedish Ministry of Culture – Media

http://www.sweden.gov.se/sb/d/3011;jsessionid=atrz_3x5dQ8f

Code of Ethics for Press, Radio and Television in Sweden

<http://www.po.se/Article.jsp?article=1905&avd=englishUTH>.

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<http://svt.se/>

Sveriges Television (SVT) Policy for Ethnic and Cultural Diversity within SVT 2006

<http://svt.se/content/1/c6/32/42/79/policy2006.pdf>

Sveriges Radio (SR)

www.sr.se

Swedish Educational Broadcasting Company (UR)

http://www5.ur.se/ur/templates/page____11826.aspx

TV4

<http://www.tv4.se/>

Swedish Disability Ombudsman - Handikappombudsmannen (HO)

http://www.ho.se/Tpl/NormalPage_____118.aspx

Swedish Disability Federation- Handikapp-förbunden (HSO)

www.hso.se

Swedish Disability Federation Handikapp-förbunden (HSO) Action Plan on Media and Disability

<http://www.mediaanddisability.org/swedenPA2.0.htm>

Handisam -The Swedish Agency for Disability Policy Coordination

http://www.handisam.se/Tpl/NormalPage_____294.aspx

The Independent Living Institute

<http://www.independentliving.org/>

The Independent Living Institute- Annual Reports

<http://www.independentliving.org/docs1/ilanrp2005.html>

The Swedish Handicap Institute

http://www.hi.se/templates/Page_____132.aspx

The Swedish Handicap Institute

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Swedish Institute IT for Disabled and Elderly People - Action in the Swedish Public Sector During 2000

<http://www.hi.se/global/pdf/2000/00349.pdf>

Swedish Institute - Disability Policy Fact Sheet 2006

http://www.sweden.se/templates/cs/FactSheet____17674.aspx

UNITED KINGDOM

Ofcom

<http://www.ofcom.org.uk/>

Ofcom Disability Equality Scheme

<http://www.ofcom.org.uk/consult/condocs/des/statement/desstatement.pdf>

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<http://www.ofcom.org.uk/research/tv/reports/portrayal/portrayal.pdf>

Ofcom Equal Opportunities: A Toolkit for Broadcasters 2005

<http://www.ofcom.org.uk/tv/ifi/guidance/eo-toolkit/eo-toolkit-web.pdf>

Ofcom Broadcasters' Returns on Equal Opportunities 2005: Summary Report and Statistics

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BBC

<http://www.bbc.co.uk/>

Disability Equality Scheme

http://www.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/diversity/disability.pdf

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http://www.mediaanddisability.org/descargas/Full_BBC_Not_Seen_Not_Heard_Report.pdf

Channel 4

<http://www.channel4.com/about4/>

Channel 4 Disability Equality Policy

http://www.channel4.com/microsites/F/foia/documents/disability_equality_scheme.pdf

Channel 4 Statement of Programme Policy 2007

http://www.channel4.com/about4/pdf/c4_sopp_07_pub_15mar.pdf

Channel 4 Guidelines for Producers

<http://www.channel4.com/4disabledtalent/resources/guidelinesforproducers.doc>

4Disabled Talent

http://www.ofcom.org.uk/tv/ifi/guidance/eo_summary/broadcasters_summary.pdf

Channel 4 Directory of Disabled Contributors

<http://www.channel4.com/4disabledtalent/resources/directoryofdisabledcontributors.pdf>

Broadcasting and Creative Industries Disability Network (BCIDN)

<http://www.employers-forum.co.uk/www/bcidn/overview/index.html>

BCIDN Members' Manifesto & Action Plans

<http://www.employers-forum.co.uk/www/bcidn/manifesto/index.html>

BCIDN Guide to Broadcasting and Disability

<http://www.employers-forum.co.uk/www/bcidn/guides/eu-report/index.html>

On Screen Representations of Disability by Dr Guy Cumberbatch and Sally Gauntlett, Communications Research Group October 2006

<http://www.employers-forum.co.uk/www/bcidn/guides/research/onscreen-representations.doc>

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<http://www.employers-forum.co.uk/www/bcidn/guides/research/yougov-report.html>

APPENDIX C
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Authorities

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Belgium

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Inge Verhaegen, GRIP vzw Equal Rights Organisation, Belgium

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