Ethical Challenges for Journalists in Dealing with Hate Speech

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The aspiration not to promote or incite discrimination is one of the cardinal principles of ethical journalism but, nevertheless, some journalists still make political propaganda for racist groups and media still become weapons of intolerance.

In a complex news environment journalists are sometimes casual victims of prejudice and political manipulation. Too often, ignorance and a lack of appreciation of different cultures, traditions and beliefs leads to media stereotypes that reinforce racist attitudes and strengthen the appeal of political extremists.

Hate speech laws have been seen as a legitimate antidote to racism, insofar as they protect vulnerable groups from objective harm, such as incitement to hostility, discrimination or violence. But in some countries hate speech laws go beyond protection from objective harm and prohibit any statements which are perceived as offensive.

After the experience of the Balkan wars of the 1990s and the Rwanda Genocide, no journalist can doubt the capacity of media to do great harm when it is under the control of fanatical and ruthless forces and the codes of reporters and editors are filled with warning to guard against forms of speech that degrade, intimidate, or incite violence or prejudicial action against others.

The European Court has famously concluded that free speech extends also to statements which "shock, offend or disturb."[1] However, some countries have in place laws that invite a collision between judges and journalists over where to draw the line.

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1 *Handyside v UK (1976) 1 EHRR 737,*

In France, for instance, the Loi sur la liberté de la presse prohibits 'attacks against honour' by reason of ethnicity, nationality, race or religion. This concern is well motivated but a provision like this can be also misused to stifle criticism of a religious conviction or practice, even if that criticism is not motivated by hatred and is the expression of a sincerely held belief.

Some European countries devastated by the impact of fascism and war including Austria, Belgium, France and Germany (and Switzerland) have laws that prohibit denial of the Holocaust. In Germany, the wearing of Nazi symbols is also forbidden.

The major question arises whether this type of law is an appropriate or effective way to combat racism. There are compelling reasons to believe that free expression and the application of ethical journalism are important parts of a democratic State's strategy for eradicating bigotry and enlightening citizens.

Another problem with denial laws is their potential to proliferate. In October 2006, a draft law prohibiting the denial of the 1915 Armenian genocide was adopted by the French National Assembly. Denial laws are used, as in Turkey over the Armenian genocide for instance, to allow different states to pursue their version of history by demanding that writers, journalists and all citizens only give a version of events that is approved by the government. It opens the way to subjugating freedom of expression to nationalist agendas all over the world.

Of course, it is not unusual to find mass media recruited to support the cause of intolerance. Too often compliant media are accomplices in creating public insecurity and ignorance. In times of war and national emergency even the most professional and independent media may sacrifice professional voice for "national voice."

This holds true for almost all wars, but universal notions of press freedom are compromised anytime journalism is subject to political manipulation in times of tension.

The prohibition of discrimination on the basis of race or nationality, which is a key element in any strategy to combat hate speech, is present in most professional codes of ethics agreed at national and international level. The

Code of Principles of the International Federation of Journalists, for instance, was revised in 1986 to include the following article:

> *"The journalist shall be aware of the danger of discrimination being furthered by the media and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins."*

To meet these ethical aspirationsjournalists must be aware that ignorance and a lack of appreciation of different cultures, traditions and beliefs within media leads to stereotypes which reinforce racist attitudes. They must also be conscious of the impact of their words and images given the deeply-rooted fears and anxieties of different communities that exist within society.

Ethical codes will not solve all the problems of intolerance in media, but they may help journalists focus on their own responsibility. By setting out the ideals and beliefs that underpin independent journalism codes of conduct encourage journalists to act according to their conscience.

In matters of tolerance, journalists need to place the broad sweep of aspirations and values set out in ethical codes firmly in the context of their day-to-day work. They must constantly remind themselves that regulating ethics is the collective business of journalists, not principally of the corporations which commission and carry their journalism, and especially not of governments.

Governments have a legitimate role in regulating media structures to try to ensure the diversity necessary for freedom of expression to flourish, but journalists' ethics are a matter of content, and when it comes to what news media write or broadcast, governments have no role to play, beyond the application of general law.

Ethics have to be actively supported. Journalists have to act ethically, not merely memorise and parrot ethical codes. The standards or rules of codes are useful and work most of the time. But sometimes genuine conflicts arise – the story is true, but will publication at this moment create more conflict, perhaps violence, and serve the public interest? – and ethical decisionmaking is required.

This difficult skill is like all the other skills of journalism: it takes training, time and effort to become good at them. Individual journalists, employers, local journalists' associations and international media organisations have a responsibility to encourage good practice. There are many different models, but ethical codes can be used like a checklist, even when journalists are working close to a deadline. They direct thinking and permit conscious decision-making that can be explained later if controversy arises about choices made.

A number of journalists' organisations and public broadcasters have established specialist working groups and published statements on diversity and intolerance with guidelines for journalists revealing a commitment going beyond the good intentions of ethical declarations. At the same time national Press Councils have adopted codes which identify the issue of intolerance and have taken up complaints from members of the public about poor media reporting of race relations issues.

Good examples are the National Union of Journalists in Great Britain and Ireland (NUJ) and its Black Members Council and the All Colour in The Media initiative in the Netherlands. These groups have drafted guidelines for everyday reporting and have suggestions to reporters on how to deal with assignments that involve racist or extreme right wing groups that promote racism and intolerance.

To be effective, journalism must be inclusive, accountable and a reflection of the whole community. Journalists need to develop sources that represent the diversity of thought, feeling, and experience of the people they serve.

News organisations also need to employ people from different social, ethnic or cultural backgrounds. This can improve efficiency, professionalism and performance.

The challenge is to agree concrete ways of moving towards equality of representation in the media.

However, in the Internet age, the issue of responsibility and reliability in the use of information is not only, not even mainly, a journalistic one. In an age where individuals are able to communicate information more widely and explicitly than ever, there is a need to extend the cloak of responsibility beyond media professionals.

With this in mind, media policy initiatives should reinforce the following lines of action:

1.   Supporting Editorial Independence and Self-Regulation

Journalists, media organisations and media staff should reaffirm editorial independence and the right of journalists to report freely. Such freedom of expression must be balanced against the protection of the rights of others. Material that incites hatred is unacceptable. Journalists and media support groups should prepare and distribute guidelines and style manuals for journalists on racism issues.

2.   Creating Diversity Within Media.

Journalists' groups and media organisations should agree recruitment policies that encourage journalists from ethnic or minority communities to enter mainstream journalism. Newsrooms should reflect the ethnic

composition of society. States should support journalism training that addresses issues of discrimination and intolerance and which encourages students of different ethnic backgrounds to enter journalism.

3.   Raising awareness: Media literacy and education programmes

Individual responsibility in the creation of and dissemination of information which constitutes incitement to hatred and violence needs to be confronted by programmes of education and awareness-raising as well as legal restraint.

3.   Media Training and Building Industry Co-operation

Governments should support efforts within journalism and media to promote active training programmes and social dialogue to better understand the role of media in confronting intolerance.

In particular, media projects and professional activities should be encouraged which promote inclusive coverage and which highlight the positive role of journalism in creating a culture of tolerance. Initiatives could include:

- **Systematic monitoring** of hate speech and media performance in the area of intolerance;

- **Support for** global initiatives to give journalists advice on how to counter hate speech and to provide information on national strategies for unions and media organisations dealing with racism issues;

- **Support for** structures for dialogue between media, journalism support groups and civil society groups engaged in anti-discrimination actions to create better understanding of the responsible use of information and to improve the quality of media coverage.

All of this helps, but much more needs to be done. Media managements have to ensure that discrimination within journalism is eliminated and that populist and dangerous ideas are not exploited purely for commercial gain. The rule should be to set standards for reporting which ensure people get the information they need, without lashings of bias and prejudice.

There will, unfortunately, always be journalists ready to turn in propaganda in support of some of the most hate-filled and twisted political causes, but they can be isolated. It requires journalists to take responsibility for their own actions, to build professional solidarity and, above all, to avoid falling in with prejudice or ignorance of the world around them.