



## **Turning the Page of Hate in Media** The Campaign for Tolerance in African Journalism

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### **Hate-Speech: A Five-Point Test for Journalists**

The modern newsroom is a challenging place. In the competitive world of media, information flies around at breakneck speed and there is precious little time for checking facts, never mind laid back discussions on the ethics of reporting.

But when it comes to hate-speech journalists and editors must pause and take their time to judge the potential impact of offensive, inflammatory content.

Over the years some media in Africa have traded in their professionalism and became propagandists for conflict. Many play a deplorable role in regional conflicts and in some extreme cases -- in Rwanda and Kenya, for example -- they have contributed to acts of unspeakable violence between communities.

In a world full of discrimination, where media are routinely encouraged by politicians and others to be foot-soldiers in defence of country, culture, religion and race, even the best journalists can sometimes, even inadvertently, do damage if they report controversial stories out of context.

A failure of principle in the newsroom and poor understanding of the potential impact of the words and images they use can lead media to acts of journalism that encourage hatred and violence.

Most journalists understand that they have a duty to tell the truth and to report on what is being said and who is saying it. But often they don't do enough to balance that duty against another cardinal principle of journalism widely recognised in media which is to minimise harm.

But how do journalists judge what is acceptable and what is intolerable? How do they embed in their daily work routine a way of assessing what is threatening?

Media across all platforms face the same tricky task in judging exactly what constitutes hate-speech. There is no accepted international definition and the tolerance levels of speech vary dramatically from country to country.

To find a way through this minefield journalists should take into consideration the wider context in which people express themselves. They should focus not just on what is said, but what is intended. It's not just a matter of law or socially acceptable behaviour; it's a question of ethical responsibility.

The following **five-point test of speech for journalism in context** has been developed by EJN advisers and is based upon international standards. It seeks to highlight some questions in the gathering, preparation and dissemination of news and information that will help journalists and editors place what is said and who is saying it in an ethical context.

#### **One: The content and form of speech**

Journalists have to judge whether the speech is provocative and direct, in what form it is made, and the style in which it is delivered. There's a world of difference between someone sounding off in the café or the pub and speaking within a small group and a speech made in a public place, before an excitable audience.

Lots of people have offensive ideas and opinions. That's not a crime, and it's not a crime to make these opinions public (people do it on the internet and social networks routinely), but the words and images they use can be devastating if they incite others to violence.

Journalists ask themselves: is this speech or expression dangerous? Could it lead to prosecution under the law? Will it incite violence or promote an intensification of hatred towards others? It might be newsworthy if someone uses speech that could get them into trouble with the police, but journalists have to be wary – they, too, could find themselves facing prosecution for quoting it.

### Two: The economic, social and political climate

Speech that is dangerous or controversial arises particularly when times are hard, social tensions are acute and politicians are at war with one another.

Journalists must take into account the public atmosphere at the time the speech is being made. The heat of an election campaign when political groups are challenging each other and jostling for public attention often provides the background for inflammatory comments. Journalists have to judge whether expression is fair, fact-based and reasonable in the circumstances.

Where we have doubt about directly quoting hateful speech it may be useful to report that insulting comments were made without repeating the exact terms of the insult.

Above all journalists have to be careful. They should recognise the context including where there are patterns of discrimination against ethnic and other groups, including indigenous peoples and minorities.

They are not groups who are entitled to privileged media attention because journalists have to respect the rights of all, but they are often the victims of particular targeting.

An academic debate over migration held in the context of discussion of research and controversial findings can be relatively innocuous or neutral but the same debate may become dangerous if it is held in the context of local and specific conditions, where people are uncertain and anxious about their security and future.

It is important for journalists to ask themselves: what is the impact of this on the people immediately affected by the speech? Are they able to absorb the speech in conditions of relative security? Is this expression designed or intended to make matters worse or better? Who is affected negatively by the expression?

### Three: The position or status of the speaker

Journalists are often accused of hate-speech, and indeed some commentators willingly indulge in provocative and abusive talk when it suits them, but in the vast majority of cases journalists and media are guilty only of reporting the foul-mouthed statements of others.

In particular, journalists and media are regularly trapped by media-savvy and unscrupulous politicians and community leaders. These skilful users of media stir up disputes and discord in support of their own prejudices and bigoted opinions and rely on media to give coverage to their sensational claims and opinions no matter how incendiary they are.

Journalists and editors must understand that just because someone says something outrageous that does not make it news. Journalists have to examine the context in which it is said and the status and reputation of who is saying it.

A rabble-rousing politician who is adept in manipulating an audience should not get media coverage just because they create a negative climate or make unsubstantiated and controversial comments.

When people who are *not* public figures engage in hate-speech, it might be wise to ignore them entirely. A good example is the Koran-burning pastor in Florida who was an unknown person with marginal influence even in his rural backwater but who became an overnight global media sensation. On reflection most ethical journalists might say he was entitled to no publicity for his provocative threats

Even when people are public figures media have to make sure they do not draw undue attention to politicians and other influential people whose only aim is to create a negative climate towards people whose rights should be respected, particularly those from vulnerable and marginalised groups. Often these rights are recognised under constitutional guarantees at home and globally.

In particular, journalists have to scrutinise speakers and analyse their words, examine their facts and claims, and judge carefully the intention and impact of their interventions. It is not the job of journalists to adopt counter positions, but claims and facts should be tested, whoever is speaking.

Freedom of speech is a right for everyone, including politicians and public figures and it is the job of the journalist to ensure that everyone has their say, but that does not mean granting a licence to lie, or spread malicious gossip or to encourage hostility and violence against any particular group. When people speak out of turn good journalism should be there to set the record straight for all.

### Four: The reach of the speech

As we said earlier, a private conversation in a public place can include the most unspeakable opinions but do relatively little harm and so would not necessarily breach the test of hate-speech. But that changes if the speech is disseminated through mainstream media or the Internet.

Journalists also have to consider the frequency and extent of the communication – is it a short momentary, intemperate burst of invective and hatred, or is it repeated deliberately and continuously?

Answering the question of the newsworthiness and intention may be helped by considering if there is a pattern of behaviour or if it is a one-time incident. Repetition is a useful indicator of a deliberate strategy to engender hostility towards others, whether based upon ethnic, racial, religious or other form of discrimination.

### Five: The objectives of the speech

Normally, ethical journalists and well-informed editors will be able to quickly identify whether the speech is deliberately intended to attack or diminish the human rights of individuals and groups. They should also know whether such speech is subject to criminal or other sanctions. It is sometimes necessary for journalists to break the rules, but they should at all times be aware of the risks when they decide to publish.

As part of the reporting process, journalists and editors have a special responsibility to place the speech in its proper context – to disclose and report what are the objectives of the speaker. It is not our intention to deliberately expose or



diminish people with whom we disagree, but careful, ethical reporting always helps people better understand the context in which speech is made.

The key questions to ask are: What are the benefits to the speaker and the interests that he or she represents? Who are victims of the speech and what is the impact upon them, both as individuals and within their community?

### A Checklist for Tolerance

1. When dealing with stories where political hate-speech is used it is vital **not to sensationalise**. Ethical journalists will ask:

- It may be outrageous, but is it newsworthy? What is the intention of the speaker?
- What will be the impact of publication?
- Is there a danger of inflaming passions and incitement to violence?
- Is the speech fact-based and have the claims been tested?

2. In gathering and editing controversial material, journalists should **avoid a rush to publish**. It is helpful to pause, even if only for a few moments, to reflect on the contents of the story:

- Have we avoided cliché and stereotypes?
- Have we asked all the relevant and necessary questions?
- Have we been sensitive to our audience?
- Have we been temperate in use of language?
- Do the pictures tell the story without resorting to violence and voyeurism?
- Have we used diverse sources and included the voices of relevant minorities?
- Does it meet good practice in line with editorial and ethical codes?

3. **One last look and moment of reflection** is always useful before pushing the button to publish:

- Have we done good work? Are there any nagging doubts? And, finally, should I ask a colleague?