

THE ETHICAL JOURNALISM INITIATIVE

By Aidan White

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Photo on page 85: Alan Johnston, a BBC journalist, is surrounded by Hamas fighters and other people after he was released in Gaza July 4, 2007. REUTERS/Suhaib Salem (GAZA)

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Foreword

Keeping the ethical flame alive

A crisis has engulfed media in Europe and America, inflicting profound changes on journalism. A generation of owners is slashing budgets, gutting newsrooms and closing foreign bureaux, shrinking not only editorial departments but sections and stories. Many of them believe that ethical journalism and high standards are old fashioned notions long overtaken by financial and commercial objectives.

Journalists need help and support to stand up to the pressures from those who want them to be servants of big business or of political masters. The remarkable thing is that in every country and under every system, hundreds of thousands of journalists try to work to an ethical code, sometimes poorly articulated or understood, but based on a feeling that it is necessary to keep watch on those in power, to inform citizens and to act in the public interest.

Newsrooms and media are complex organisations that depend on teamwork among professionals. It is hardly possible for one journalist to be 'ethical' on their own without engaging with colleagues. Journalists who do not want to be mouthpieces for owners or political dogma, or other vested interests need the support of their colleagues. In particular, they need the collective support that is provided by trade unions of journalists.

The Ethical Journalism Initiative outlined in this book provides support for journalists who are keeping an ethical flame alive in the profession. In these pages are many warnings about the dangers. There is also encouragement for those who are ready to stand up for journalism and confirmation, in the age of convergence of traditional and new media, that the act of journalism as a public good will not survive on any platform without commitment to ethics and values.

Jim Boumelha
President, International Federation of Journalists

IFJ Declaration of Principles on the Conduct of Journalists

(Adopted by 1954 World Congress of the International Federation of Journalists. Amended by the 1986 World Congress.)

This international Declaration is proclaimed as a standard of professional conduct for journalists engaged in gathering, transmitting, disseminating and commenting on news and information in describing events.

- 1 Respect for truth and for the right of the public to truth is the first duty of the journalist.
- 2 In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right of fair comment and criticism.
- 3 The journalist shall report only in accordance with facts of which he/she knows the origin. The journalist shall not suppress essential information or falsify documents.
- 4 The journalist shall use only fair methods to obtain news, photographs and documents.
- 5 The journalist shall do the utmost to rectify any published information which is found to be harmfully inaccurate.
- 6 The journalist shall observe professional secrecy regarding the source of information obtained in confidence.
- 7 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.
- 8 The journalist shall regard as grave professional offences the following:
 - ▶ plagiarism;
 - ▶ malicious misrepresentation;
 - ▶ calumny, slander, libel, unfounded accusations;
 - ▶ acceptance of a bribe in any form in consideration of either publication or suppression.
- 9 Journalists worthy of the name shall deem it their duty to observe faithfully the principles stated above. Within the general law of each country the journalist shall recognise in professional matters the jurisdiction of colleagues only, to the exclusion of every kind of interference by governments or others.

The IFJ Code of Principles for the Conduct of Journalism: A Global Standard for Ethics

The Code of Principles adopted by the International Federation of Journalists almost 60 years ago is a brief and inclusive statement about ethics in journalism. It is universal. It has been endorsed by unions and associations of journalists coming from vastly different cultures and traditions. From Japan to Colombia, Russia to the Congo, Canada to Malaysia, the United States to Iran, it brings together hundreds of thousands of journalists under a global standard for media quality.

The IFJ code embraces the core values of journalism — truth, independence and the need to minimise harm — and takes as its starting point the aspiration of all journalists to respect the truth and to provide it through the honest collection and publication of information whatever the mode of dissemination. Ethical conduct, says the IFJ, is also essential in the expression of fair comment and criticism.

Journalists, says the code, should report only in accordance with facts of which they know the origin and never suppress essential information or falsify documents and they should use fair methods to obtain news, photographs and documents.

At the same time, ethical journalists recognise the importance of democratic accountability — a commitment to seek to do no harm and to do the utmost to rectify any published information which is found to be harmfully inaccurate.

Professional secrecy is a cardinal principle of journalism and requires that reporters protect the anonymity of the source of information obtained in confidence.

Journalists need above all to recognise the danger of discrimination being furthered by media, and 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.

It has been long accepted that plagiarism, malicious misrepresentation, calumny, slander, libel, unfounded accusations, and corrupt practices, such as the acceptance of a bribe in any form in consideration of either publication or suppression, are grave professional offences.

Journalists who aspire to high standards must, of course, be independent. That means that they should avoid attachment to partisan political, commercial or other interests that interfere with or have the perception of interference in their work.

There are more than 400 codes of one form or another in existence. It is unlikely that we need more, although guidelines and standards of good practice will always help to provide journalists and media professionals with a framework to realise the core aspirations and values of their work. The codes need applying much more than they need refining. How to do that is one of the discussion points in this book.

Introduction

In dark times people need light and journalism at its best can provide it. Stories told with style and attachment to the values of press freedom help people better understand the complex world in which we live.

With this in mind journalists' unions and associations have launched the Ethical Journalism Initiative, a global campaign to help journalists to reconnect to their mission.

In the face of deepening global crisis — economic downturn, terrorism and conflict, climate change, poverty and disease — there is an even greater need for journalism to break down walls of prejudice, ignorance and powerlessness and for media to be the watchdog of government.

That is not so easy in the age of the Internet, when there is no such concept as only local news. At the click of a mouse, the parochial becomes global and people in their hundreds of millions are connected at their computers or through their telephones, in ways which were unthinkable even a few years ago.

Even though people should be able to enjoy easy access to reports that provide meaning to the events shaping their lives, much of the technology and innovation creaks under the weight of trivial, mischievous, and intrusive content.

At the same time, media are in tumult. Converging technologies have changed the way journalists work and previously profitable market models no longer deliver rich returns. Employers are cutting back on costs, creating precarious workplaces where high standards of journalism are increasingly difficult to achieve. This puts pressure on notions of media attachment to ethical principles.

In some parts of the world media markets are expanding as globalisation and increasing literacy provide new audiences, but these positive trends are offset by corporate or political influences that undermine journalism and create an ethical vacuum with poor standards of accountability.

Not surprisingly, journalists are organising to defend their rights and to distance themselves from banal, superficial and cynical media. They stand up for the virtues of journalism based upon social responsibility and values.

Journalism poses unique ethical challenges. Every journalist is individually responsible for maintaining standards in his or her own work. But media are collective endeavours where each journalist's work is processed and channelled into a product, whose shape is usually directed by private proprietors or governmental management boards.

There is intrinsic tension between the principles of ethical journalism and the demands of profit hungry businesses and pressure from non-journalistic managers or owners. Collective codes of practice and collective means of monitoring them are essential. Unions of journalists are ideally placed to lead a process of drawing up, negotiating and upholding codes of ethical conduct.

The Ethical Journalism Initiative challenges particular threats such as those posed by a resurgence of racism or cultural or religious conflict. It is a call for renewal of value-based journalism across the entire media field and comes with a simple message: journalism is not propaganda and media products are not just economic, they add value to democracy and to the quality of people's lives.

There is also a compelling business case for ethical journalism. Quality journalism builds trust, and trust in journalism is a brand that helps to win market share and commitment from the audience. Ethical journalism is right, not just because it acts in the public interest, but also because it is the way to build a long-term future for media.

This book provides a detailed background to the origins of the Ethical Journalism Initiative and explores the ethical traditions that underpin the work of journalists and media today. It looks at various aspects

of ethical responsibility in the context of contemporary journalism.

The EJI encourages journalists, media professionals, policy-makers and civil society to find new ways of embedding the first principles of journalism in the culture of modern media. Put simply these are:

- ▶ **Principle One: Truth Telling** — an addiction to factual accuracy, checking and rechecking; the skill of anticipating the possibility of error; establishing authenticity through questioning; being ready to admit and correct mistakes; recognising that underlying truths can only be revealed by rigorous research, in-depth interviews and good understanding of the issues.
- ▶ **Principle Two: Independent and Fair** — stories that are complete, without suppression of significant facts; striving to avoid bias; rejecting pejorative terms; allowing space for valid and reasonable disagreement; giving those attacked space to have their say; no surrender to the seductive influence of commercial or political interests.
- ▶ **Principle Three: Humanity and Solidarity** — doing no direct, intentional damage to others; minimising harm; being open-minded and thoughtful; having due regard for the rights of the public and the moral quality of journalism itself.

These are the starting points for the Ethical Journalism Initiative. Highlighted here are some of the practical challenges facing journalists, whether from the world of politics and law; from warring sides in social and cultural conflicts; from corporations and their public relations agents; and from the internal turbulence caused by decline and renewal in an age of unprecedented change.

The EJI recognises that good journalism is more about illumination than advocacy, embracing the human virtues of wisdom, courage and fairness.

There are also some examples of how journalists and their unions around the world are fighting back, often in difficult and dangerous conditions. Unions and associations are actively defending journal-

NORWAY

Per Kristian Aale and Olga Stokke, two journalists with *Aftenposten* in Norway, wrote extensively in 2007 about illegal immigration at a time when there was discussion of a new law about foreigners in Norway. Their focus was on the ordeal of migrants — the inhuman conditions in which children are forced to live; older people treated as slave labour — contrasting it with the richness of life in Norway. Their work had tremendous impact, including ensuring that these victims of the trafficking trade would have full access to health and social security benefits. Faced with a controversy over Somali asylum seekers (claims that they could not integrate into Norwegian society) the two journalists challenged the stereotype. In a special investigation in a small town called Vinje they found numerous examples of Somalis well integrated, happy and well accepted into local society. They won themselves an Amnesty International award and buried prejudices that had stigmatized a whole community of migrants.

Kjetil Haanes, Vice-President of the Norwegian Union of Journalists, found himself with work on his hands when he visited Poland on assignment for his local paper in 1988. He helped set up two children's homes in Suwalki and Augustow after his story uncovered the plight of small and helpless children. The project was initially for a year — but it lasted 20 and is still in progress. "I know there are a lot of similar examples in journalism," he says. "This is something many journalists are doing; they are just not making a fuss about it."

ism and a host of democratic values — free media, free association, decency in the workplace, the elimination of all forms of corruption, and an end to laws, controls and regulation of information, that no matter how well-intentioned, are foolish, unworkable and counter-productive in the age in which we live.

The EJI is a call from journalists and their unions to reignite a positive ethic for the profession. It is also an invitation — to managers, fellow workers, policymakers and the public at large — to join a debate about the future of media and a vision for journalism. Our case is it should be watchful and committed to truth, alert to injustice, jealous of its own independence and, above all else, a champion of public interest.

...and Finally,

While it is impossible to thank everyone who has contributed, this book would not have appeared without the commitment and encouragement of fine trades unionists and journalists on the staff of the International Federation of Journalists and among the leaders of IFJ member unions. I am grateful to them for their advice, support and sympathy.

This book was produced in the best traditions of impossible deadlines and journalistic haste and as a result, the trained eye will note a multitude of omissions. What there is of value owes much to professionalism and skill of my friend and colleague Peter McIntyre whose additions and fearsome editing have improved

the work beyond measure. Equally I am indebted to designer Mary Schrider who has given shape and style to this collection of thoughts and ideas.

There are friends and colleagues around the globe who have been helpful in many ways and I thank them all, but I am particularly indebted to Shada Islam and Bettina Peters, my partners in the original work from which this book flows, who brought the idea to life and deserve credit for it. I hope that despite the many imperfections they will not be disappointed.

In every conversation I was reminded that journalism is a great cause, supported and sustained by people of talent and vision. It is a job, a profession and a force for progress as important today as it was 200 years ago and it is worth fighting for.



CHAPTER 1

Ethical Journalism Initiative



Ethical Journalism Initiative

From Aspirations to Action

The Ethical Journalism Initiative (EJI) aims to nourish and encourage excellence in journalism and to reinvigorate attachment to the idea that media have a mission. It is a campaign, and therefore involves setting aims and objectives, organising practical actions, and effectively spreading the message.

The EJI is about promoting debate and seeking solutions to many of the problems and issues facing modern media. It provides an opportunity for everyone in the news and media industry to reclaim our ethical traditions and to rekindle faith in the virtues of solidarity and humanity through reputable journalism.

In the following pages of questions, suggestions and proposals a broad outline of topics for EJI campaigning are spelled out. This campaign has relevance in every country and circumstance in which journalism is practised.

The suggestions and proposals here are not exhaustive, but they do reflect the aspirations of journalists everywhere and are drawn from different cultures and traditions. They articulate a shared vision of journalism at work for all.

The EJI poses simple questions and the answers provide us with a coherent blueprint for strengthening journalism in the face of fresh challenges inside and outside the newsroom -- changing workplace conditions, new commercial pressures as well as continuing threats from poverty, corruption and undue political influence.

Journalists and their unions increasingly realise that these challenges will not

be overcome without a new vision of social partnership as well as fresh dialogues with government and civil society. The focus is to identify principles of good practice and to promote practical actions that will improve the content of journalism, the management of media, and will strengthen the relationship between media and society.

The EJI was launched in 2008 at conferences of editors, journalists and journalists' organisations in Europe and Asia. The initial practical programme of the EJI, co-ordinated by the International Federation of Journalists and its members, includes the following:

1. Actions to Strengthen Quality Journalism and Ethical Media

The EJI examines what is currently being done at national level to promote quality and sound journalistic practice, particularly in covering minority groups and dealing with conflict situations. These projects support work within media aimed at editorial independence, ethical management, transparency, and credible systems of self-regulation.

2. A Local and Global Debate on the Need for Ethical Journalism

The EJI supports dialogue at national and international level — within and around



The focus of the EJI is to identify the principles of good practice and to promote practical actions that will improve the content of journalism, the management of media, and strengthen the relationship between media and society.

The Ethical Journalism Initiative will:

Promote and nourish the mission of ethical journalism for public good

Strengthen the rights of all who work in media and give journalists the right to act according to conscience

Reinforce and support credible systems of self-regulation

Build alliances within media to defend quality journalism

Encourage a public debate on the future of media

Underline the central role of independent journalism and public service values in the elaboration of media policy at all levels

Remove obstacles to press freedom and support the people's right to know.

media — to raise awareness about quality journalism. It puts the working conditions of media staff and the status of independent journalism at the heart of programmes for resolving conflict, building democracy and strengthening social and economic cohesion.

3. Materials for journalists, editors, and programme makers

The EJI supports the preparation of publications and materials highlighting best ethical practice and advice for encouraging a culture of sound, considerate judgement in the newsroom. These materials focus on how to resolve ethical dilemmas; how journalists and editors deal with community tensions, social strife or conflict situations; and how to develop guidelines for structures for openness, transparency and accountability within media.

4. Information network

Using existing resources through partnerships, the EJI website will showcase practical work being undertaken by media or journalists' organisations on quality issues and creates a forum for exchanging information on intercultural dialogue, and provide links for journalists to other resources — including reliable sources.

5. Training for Ethics in Journalism

The EJI supports practical training programmes on the ethical imperatives of journalism, with a focus on reporting inter-cultural affairs and conflict. It will support teamwork by journalists from different cultures, countries and backgrounds. It will facilitate exchange of journalistic material and working visits between journalists from the participating media.

6. Monitoring violations of journalism and reporting on issues of ethical concern

Through partnerships with existing structures the EJI campaign will monitor

violations of ethical standards as established by the principles of the EJI and journalists' codes of conduct. The campaign website is the tool for collecting this information.

8. Journalism — a thinker's library

Above all, the EJI aims to promote a new and vigorous debate with insight and rigorous argument about the need for quality and thoughtful editorial decision-making. This will be a thinkers' library for journalists, a space to learn and reflect, with online forums, and opportunities for peer-to-peer and group discussion.

Towards an Ethical Environment

A Checklist for Action

One: Law and Policy

There can be no consistent body of ethical or quality journalism unless the principles of media freedom are protected by the state. Constitutional rights are more than window dressing for democracy. They must be upheld in practice.

Campaigning for these rights — such as that carried out by the Breaking the Chains programme of journalists' unions across the Middle East and North Africa — requires careful monitoring, at national and regional level, of bad laws and how they are used. It requires targeted actions to have them repealed and replaced with legislation that provides protection for journalists.

Many of the questions below suggest avenues to explore these rights and freedoms. Answering some of them will require discussion and debate, for instance on the matter of blasphemy and insult laws, their application and their relevance. Others require immediate and urgent action, such as the need to end the impunity that exists over violence against journalists and to protect civil liberties from anti-terrorism and security laws and policy.

The questions also need to be addressed at different levels. The degree to which there is open government may be a forum discussion for a group of journalists or the public. Many should be addressed by journalists collectively through their unions and by press freedom groups and others. In addressing these questions, journalists will begin to build alliances to press for change and improvements in the conditions for effective media.

Questions:

- ▶ Does the law protect media against undue interference and prohibit all forms of government and state censorship?
- ▶ Has there been a comprehensive national audit to identify legal obstacles to journalism?
- ▶ Does the state meet its obligations under international law to defend media freedom, to combat impunity and to protect journalists?
- ▶ Does the law adequately protect the right of journalists to maintain confidentiality of sources of information?
- ▶ Have all criminal provisions restricting journalism, in particular libel and insult laws, been removed from the penal code?
- ▶ Is there need to review laws covering blasphemy and defamation?
- ▶ Are there laws in place to protect pluralism in media and to combat concentration of media ownership?
- ▶ Do state media operate according to public service standards of editorial independence and transparency and are they effectively shielded from political control?
- ▶ Is there a freedom of information law?

- ▶ Is there open government? Can citizens and journalists access public information through a viable, practical and properly funded service?
- ▶ Is investigative journalism and the public right to know respected in law and practice?
- ▶ Do terrorism and security laws unduly affect journalistic work and infringe free expression?
- ▶ Does privacy protection balance carefully the rights of journalists?

Things to do:

- ▶ Action in many of these areas needs to be undertaken by strong and effective organisations with a national reach and a solid base within journalism. Union of journalists are the most appropriate bodies to initiate action. However, every opportunity should be taken to build alliances of civil society groups concerned with basic freedoms and an open society.
- ▶ If a national review of law has not taken place recently, then organise one. Identify the rules and laws that are most offensive and prepare alternatives. This requires clear and unambiguous legal language that defines rights and sets out obligations for the authorities to provide protection for citizens and media.
- ▶ Establish working groups, involving different partners — from the law and civil society as well as from media — and harvest the most useful and relevant material from national and international media support groups, including ARTICLE 19, and the International Freedom of Expression Exchange.
- ▶ Improve links with the authorities — government, the police and army — and cultivate useful and sympathetic contacts within the political community. Set up meetings between unions and employers with government officials and parliamentarians to discuss specific demands — freedom of information, action over impunity, public service regulation. Some unions have established national advisory groups in parliaments made up of former journalists or media people to help them lobby for change.
- ▶ Build or strengthen links between journalists and civil society — human rights bodies, local campaigners, trades unions, women's groups, and representatives of minority communities — to get broad support for improving the legal conditions. Do not allow rivalries, such as differences with other journalists' unions, to get in the way of effective solidarity action.
- ▶ Prepare materials (posters, leaflets, web-site, and social networks) for actions that are linked with national or international events, such as world Press Freedom Day (May 3). Circulate the information about activities to international networks.

Two: Ethics and the Journalist

Allegiance to a code is an important way of defining who is and who is not a journalist. Another is that a journalist is someone who earns their livelihood, or the major part of it, from journalistic work. Another is that the person has accreditation from a recognised journalistic body — a union or association or a *bona fide* media institution.

These indicators are important in the age of the internet when there is careless talk that “everyone is a journalist and a publisher” by those who confuse an enhanced capacity to communicate with the journalistic duty to produce information of defined quality. The Internet, by its nature, does not have agreed standards of accuracy, balance or ethics — journalism does.

Codes are important as benchmarks for quality and as guides distilled from experience. However, a code is only a start. Detailed guidelines are also needed to define the conditions

in which the values of a code are made workable — how to define, for example, conflicts of interest or the internal procedures to follow when ethical dilemmas arise.

Such guidelines should be formally agreed with editorial staff. Managements and unions may frame editorial charters that clearly define rights. In many European countries, for instance, the journalist's right to act according to conscience is part of the collective agreement. In France journalists in addition may leave and seek appropriate compensation when media ownership changes.

Covering stories that touch on inter-cultural issues — race, asylum, migration, religion — need particular attention and many media have already adopted internal guidelines or “house style” that help avoid incorrect or inappropriate terminology. Training and discussion is needed to ensure that these guidelines become an accepted part of a journalist's working practice.

Clichés and stereotypes are the enemies of good communication and are especially damaging when reporting on sensitive issues or vulnerable people. They often reflect the fact that a journalist has not managed to access good sources or the authentic voices of minorities or vulnerable groups. Journalists and newsrooms need to develop strong contacts with a wide range of different sources to ensure that standards do not suffer.

Questions:

- ▶ Is there a recognised journalists' Code of Conduct or set of principles of ethical practice through an editorial charter in operation?
- ▶ Are there detailed guidelines on the applications of the code and do journalists discuss and revise these guidelines at regular intervals?
- ▶ Do journalists have, in practice, the right to act according to conscience?
- ▶ Can they elect the editor and do they have rights if the editorial policy changes without consultation?
- ▶ Are there guidelines for election reporting?
- ▶ Is there periodic review of reporting work and published stories to identify ethical problems and concerns?
- ▶ Is special editorial consideration given to coverage of children, people with disabilities, minority communities, marginalised social groups and vulnerable sections of society?
- ▶ Are there sufficiently diverse sources available to ensure a variety of opinion?
- ▶ Is attention paid to avoiding discrimination and perpetuation of stereotypes, particularly based on gender or on ethnic or religious grounds?

Things to do:

- ▶ If there is no recognised and operational code or internal charter, then find one and begin a discussion on how it can be applied in your own work. The IFJ code can be useful as a start but there are literally hundreds to choose from. Use the IFJ network to find out about experience elsewhere. Organise a discussion internally. Encourage debate with journalists and colleagues from other media on the principles and how they are operated in practice.
- ▶ Practical working rules and internal guidelines give working relevance to the aspirations of a code and they can be as long and short as you want (the BBC internal rules and editorial guidelines and those of the New York Times are available on the Internet).
- ▶ Editorial managers and journalists need to sit together to frame working rules that are to the point and deal with the social and professional realities of national circumstances.

- ▶ One practical objective might be how to phase out potentially corrupt practices, such as the situation in many countries where journalists are obliged to accept brown envelope cash gifts to cover “transport costs” or other expenses in order to supplement their poverty wages. Another is to introduce concepts of consultation to strengthen democracy in the newsroom.
- ▶ Covering minorities and groups who are regularly victimised by media stereotypes requires vigilance. A schedule of regular internal editorial meetings to review practice in this area will help as will establishing lists of useful sources. The Belgian journalists union some years ago, for instance, produced a national book of sources for journalists. Similar lists, regularly updated, and available through internal networks or online can strengthen the depth of reporting.
- ▶ Prepare style guides that provide glossaries of frequently used terms — including international definitions of “asylum-seeker” and “refugee” for instance — asking pointed questions such as when is it relevant to describe someone’s physical appearance? These are all important ways of challenging bias and prejudice.
- ▶ Some splendid materials are already available. The Diversity Toolkit prepared by the European Broadcasting Union for broadcasting networks is a good example, providing editorial guidelines and tips for management.¹
- ▶ Organise special meetings to prepare election coverage and define the rules of coverage. This is the time when political pressure takes on a new meaning and often goes well beyond the daily round of spin and counter spin. It is also a time of potential danger, so specific guidelines to try to ensure fair coverage will help.

Three: The Media Environment

Ethical conduct is not the responsibility of journalists alone. Everyone who works in a media house, from the boardroom to the basement, makes an investment — moral as well as economic — in the value of their work and the quality of the product.

That is why the best media managements and owners are interested not just in good and profitable communications, but in high quality content. A statement about the aims and objectives of media — setting out a clear vision of intent to respect rights, standards and democratic values — will strengthen journalistic attachment and build public confidence.

Such a vision may be stated briefly, as in the *New York Times*’ style, All the News that’s Fit to Print, or it can be detailed. Either way, stating your mission is never without value.

It should be made clear that the standards adopted within media apply to all staff and executives, not only to journalists. The need to separate clearly advertising from editorial content may be understood by journalists, but is it also clear to those whose job is to sell advertising and to executives who may be tempted to sell access to editorial airspace or news space?

In some countries Colombia, for example, radio journalists have to obtain advertising for their networks before they are given air-time and in others “advertorials” (barely disguised publicity articles on behalf of local business and special interests) are accepted as part of the mix of editorial work. In other countries politicians pay to appear on “current affairs” programmes.

Whenever bean-counting priorities interfere with journalism they compromise independence and have a corrosive influence on standards.

If media are to report effectively on the financial and business affairs of others, then media companies themselves should be models of transparency, particularly over ownership and funding of their activities in journalism. They should be expected to display probity and integrity in their affairs. Without this, media have no credibility when exposing corruption or immoral conduct elsewhere in public life.

¹ Available from the European Fundamental Rights Agency, <http://fra.europa.eu>

Management and unions should regularly review what is required to maintain standards of editorial quality, including editing, training, and internal systems for dealing with complaints from readers, viewers and listeners, all of which are vital to keeping public confidence.

Connecting with citizens is important. This is not just about getting people to buy media products or log-on to a website or tune into a network — it is also about reducing the gap that too often separates media and community. Citizens are less willing to be passive spectators so media need to explore new and innovative ways of encouraging civic participation. If errors are corrected speedily and if there is easier public access to the newsroom people will feel connected and journalism will benefit.

Questions:

- ▶ Do media have an agreed and clear statement of mission?
- ▶ Are there ethical rules or codes covering work practices for all employees including management?
- ▶ Are there internal structures to separate the work of editorial and commercial departments?
- ▶ Is there full public transparency over ownership and financing of media, beyond that required by law?
- ▶ Are regular reports prepared on the performance of media and journalistic coverage of public affairs and the wider community?
- ▶ Is there training for journalists on practice and conduct, particularly on specific topics — covering conflict and migrants, dealing with racism and xenophobia for instance, reporting of elections, and human rights reporting?
- ▶ Are there agreed recruitment strategies designed to bring a diversity of perspective into the newsroom and the workplace?
- ▶ Are there agreed internal systems to deal with conflicts of interests, whether financial, political or otherwise?
- ▶ What procedures exist to ensure adequate editing and ethical reflection on editorial work to maintain minimum standards of accuracy and quality?
- ▶ Is there a mechanism for independent internal review of editorial work as well as correcting errors and dealing with complaints?

Things to do:

- ▶ Organise meetings between unions and management to establish structures for dialogue. These should be ongoing with jointly agreed agendas to develop programmes for training and editorial development, including the capacity to review editorial policy and practice, to ensure editorial independence from all commercial activity, and to provide adequate resources for editorial activities.
- ▶ Establish a clear and unambiguous line of command regarding editorial work. Ensure editorial decisions are taken by the designated editor and appropriate journalists.
- ▶ Carry out a review of staffing and recruitment procedures. Make sure they are non-discriminatory and grant equal opportunities. Is it possible to establish targets and take positive steps towards building diversity in the newsroom?
- ▶ Examine relations with the community and consider ways to improve connections with citizens through reports on media and its activities, for instance.

- Produce leaflets and materials in support of ethical and quality journalism and organise petitions in support of national campaigns -- to change the law, or to highlight injustice or to seek an end to impunity. All of this should reinforce public awareness that journalists and media are standing for citizens' rights and democracy.

Four: Self-regulation

Credibility comes with good work, openness about the mistakes we make and in our ability to receive and to respond to criticism

There are many forms of accountability, each with strengths and weaknesses, but journalists should find ways that will foster the notion of restraint and standard-setting which meets the needs in a democracy for people to have confidence that journalism and media are genuinely held to account.

Monitoring media is best done by independent media support bodies whose governance respects the same independence from vested interest that they expect from media.

The press council is the typical and long-standing fixture of self-regulation on the newspaper scene. Most broadcasting institutions are subject to more rigorous and demanding controls and monitoring, often directly by state institutions.

Almost all press councils were set up by media organisations as a way of heading off proposals for statutory regulation of media by a government body. Some are better than others but the best are organised by journalists and media professionals working with representatives of civil society, including those who represent minority and vulnerable groups. The worst are dominated by executives who see their role as a narrow defence of their own titles or their own media group's business interests.

It is vital that press councils act on behalf the public and the profession and are not there to shield owners from criticism or ethical scrutiny.

Public service broadcasting generally has different bodies to scrutinise editorial standards. These can be complex. The BBC, for example, has a statutory system that seeks to give editorial independence to the editorial directors. Although based on statute this is clearly aimed at self-regulation, and designed to protect the BBC from government control.

There is a constant argument about the role of law in this area. Most media and journalists' unions hold steadfastly to a belief that self-regulation is always preferable to the law in judging the editorial conduct of journalism. Even well intentioned legal controls are the path to destruction of media freedoms, they warn. However, most accept some legal restrictions, for example on hate speech or material inciting ethnic or religious hatred.

However, in a new information landscape structures of public accountability need to change. The demarcation lines between the press and broadcasting have become blurred with online services, blogs and the rest. In a converged media environment it can be that one regulator and set of rules govern the content of a journalist's work before lunch (when uploading material onto the web-site or contributing to the newspaper) and an entirely separate body is responsible for regulating their work in the afternoon, when the same material is reworked for video or radio broadcast.

We need some convergence of the regulating principles, but defining the scope and range of such accountability is a major challenge.

Meanwhile, there needs to be renewal of commitment to public service values in all areas of media. Financial support to public service broadcasting needs to be reinforced and extended to a range of media across different platforms to ensure plurality and to fill in the gaps being left by the private sector. There is no case for government support to state owned broadcasters unless they have a genuine commitment to become centres for public service journalism, rather than 'pro government' broadcasters.

At the same time there still exists tremendous ignorance and misunderstanding about journalism and the role of media within society and within the structures of state. Media liter-

acy work and education of public officials about the link between media freedom and democracy are urgently needed.

Questions:

- ▶ Are there independent observatories or media watch groups effectively monitoring and reporting on the work of media?
- ▶ Do public figures use libel and insult laws to restrict coverage of public affairs (politics, police and legal affairs, business, entertainment)?
- ▶ Is there a press or media council or other credible system of self-regulation of media involving journalists, media and public representatives?
- ▶ Is there an internal ombudsman, reader's editor or other internal mechanism for correcting mistakes, dealing with complaints and engaging with the public on accountability?
- ▶ Are there structures for dialogue to engage in debate with the public on rights and responsibilities of journalists, and to lobby lawmakers and government in defence of media freedom?
- ▶ Are media — private and public — sufficiently independent of political and commercial influence in theory and in practice?
- ▶ Are there media literacy and education programmes for civil society?
- ▶ Are there similar media literacy and education programmes for public officials, including the police and the judiciary?
- ▶ Are there official structures for review of media policy connecting media, journalists, civil society and the authorities?

Things to do:

- ▶ If there is not a viable and working media monitoring system at work — then consider setting one up. The network of the International Freedom of Expression Exchange brings together many of these groups and there many examples to look at, from Fairness and Accuracy in Reporting (FAIR) in the United States to The Hoot, the Internet watchdog in South Asia.
- ▶ Examine the case for establishing a press council and question the value of the existing one. There are about 65 press councils globally, but they vary considerably in the work they do and effectiveness. The best, as described above, capture the commitment of journalists, media professionals and civil society groups for effective and ethical media and offer a real protection to the public.²
- ▶ Examine the capacity for internal peer review of journalism and for dealing with complaints. Organise meetings on establishing internal structures that will encourage a culture of professional accountability inside journalism.

Five: Working Conditions

As champions of ethical journalism, journalists' unions argue that without decent employment and working conditions it is impossible to expect high quality work from media. Precarious, low paid jobs destroy morale in a newsroom, undermine professional confidence, and reduce the capacity for risk-taking, all of which undermine the capacity for watchdog journalism.

The case for improving working conditions as a way of building quality and eliminating corruption inside journalism is widely accepted by policymakers and international organisations. Nevertheless, employers in the United States and Europe who find that their business

² See the Press Council Directory at <http://www.media-accountability.org/html/frameset.php?page=directory>

model is no longer a licence to print money are cutting back on staff and quality in editorial departments. Even where markets are expanding ferocious competition has induced media to jettison ethical principles in the battle for market share.

Change is inevitable, but cutting out critical parts of the journalistic process — fact-checking and desk editing, for example, or filling news space with public relations material, or abandoning a sense of humanity to promote sensation — reduces credibility in the eyes of the public. These are short-sighted and foolish decisions in business terms. If the public loses confidence in quality media, there is no reason for it to stay loyal. In the long run, reducing quality in the newsroom is commercial as well as professional suicide.

The work of journalists, trained and informed observers and commentators, cannot be replaced by unskilled amateurs. No amount of “citizen journalism” rhetoric will change this reality, which is why journalists’ unions insist that attachment to professional values is essential to the future of credible media. This applies no matter how the technology changes the way that journalists do their work.

Questions:

- ▶ Do working conditions reflect core labour standards for all staff, including freelance and part time journalists?
- ▶ Is the obligation to respect ethical standards included in contracts of employment or collective agreements?
- ▶ Are there structures for management-union workplace dialogue on ethical issues?
- ▶ Are there policies and activities that promote safety and security of staff?
- ▶ Where a company operates in more than one country is there a group-wide policy establishing minimum standards of ethical work and management across all media outlets?
- ▶ Do editorial managers and staff engage with the community and the public at large on their work?
- ▶ Is there an active commitment to editorial research and investigative journalism?

Things to do:

- ▶ Seek meetings between unions and management to define a fair industrial relations environment built upon social dialogue — recognition of the journalists’ union, a collective agreement, and a structure for dealing with ethical and professional affairs.
- ▶ Discuss with journalists whether contracts of employment and contracts for freelance staff should contain obligations to maintain agreed standards. Ensure that such requirements, where agreed, apply to management activity as well as to journalistic work. Codes must not be used to intimidate or victimise journalists.
- ▶ Establish contact with unions representing other groups of workers within media and obtain their support for actions in favour of applying core labour standards as well as principles of editorial independence.
- ▶ Seek group-wide international agreements where the company organises in more than one country and establish working networks with other groups of journalists elsewhere within the network of transnational operations. The IFJ and its regional organisations can assist in this process.

Six: Unions and Ethical Journalism

As champions of ethical journalism, unions of journalists need to review their own performance. Most have a code of conduct, often prepared by the union's founders, but it rarely figures in discussion at union meetings where 'bread and butter' issues of jobs and wages dominate the agenda. Many unions are calling for more respect for professionalism and promoting the virtues of quality journalism. What is at stake is not just the right to work, but the future of journalism itself.

Unions are reviewing their codes and updating them to take account of the changing media environment. Others are working to put ethical journalism on the national and international agenda for example through the European Federation of Journalists, Stand up For Journalism campaign marked on 5 November each year. These campaigns oppose cutbacks which are seriously threatening quality and damaging the profession.

Codes should be binding on all journalists and used to raise standards, not as disciplinary tools. Journalists need to be able to adhere to the Code rather than being compelled to "obey orders". There is a need for a conscience clause, upholdable in employment law, to allow a journalist to refuse to originate or work on material that breaks their Code or in a manner that the Code would deem unethical. In their own work unions also strive to make sure their own policies and practices are up to scratch and at least match the standards they demand of others.

Questions:

- ▶ Has the union adopted an ethical code? Does it promote it actively amongst its members?
- ▶ Does the union highlight ethical issues including the right to act according to conscience in bargaining over working contracts and collective agreements?
- ▶ What more can unions do to secure the independence of journalism from political or special cultural interests?
- ▶ Has the union organised discussion with media owners at national level on joint actions to defend ethical and quality journalism?
- ▶ Has the union made efforts to introduce International Framework Agreements that cover these matters in companies that operate in more than one country?
- ▶ Does the union campaign for greater recognition of the role of journalism and greater awareness of the need to defend quality in media through, for example, the promotion of prizes and public events to celebrate excellence in journalism?
- ▶ Does the union support public discussion on the work of journalists and, for instance, media coverage of issues related to tolerance, religion, security policy, rights of minorities and reporting on vulnerable groups?
- ▶ Has the union carried out an internal review of its structure, recruitment policies, and general activities to ensure that they cover all appropriate groups working in journalism and also meet high standards of transparency and independence?

Things to do:

The last point says it all. There should be a review, thorough and inclusive, to examine how the union is working and what it is doing to defend the professional status of its members and to promote journalism and ethics. The IFJ and its regional organisations have an abundance of information on the experience elsewhere; the point is to get started on this work at home.

A Campaign Agenda for Mission in Journalism

The International Federation of Journalists has been actively promoting excellence in journalism for many years. Now, in troubling times when journalists can no longer take for granted the liberty and freedom of speech which they hold dear, it is developing new campaigns. Through the Ethical Journalism Initiative it aims to build more public trust and encourage a broader and deeper social dialogue within media about the role of journalism.

In the area of diversity and tolerance the global journalists' network is already engaged in a number of positive EJI-related initiatives:

- ▶ The IFJ has prepared a comprehensive Europe wide report on media initiatives to improve diversity reporting.
- ▶ In Africa the IFJ has developed a range of handbooks for journalists on Diversity and Minority reporting.
- ▶ In Sri Lanka the IFJ is using a journalism prize to promote excellence in reporting vulnerable groups and conducting a human rights training programme 2008/2009. This builds on the experience of similar work conducted in 2002/3 in south east Europe.
- ▶ In Latin America the IFJ is running a campaign to improve reporting on human rights, child rights and women.

All this work has both a regional and national dimension. In 2008 the IFJ made ethics and self regulation a core concern in the North Africa and Middle East. It has helped the Bahrain Associations prepare and launch its own Code of Ethics — 'Journalists against

Sectarianism' — and launched a debate on new codes for Palestinian and Yemeni journalists through their national syndicates.

This follows activities in Eastern Europe where the IFJ advised on the development of press councils in Bosnia and Bulgaria. Promoting standards is a central focus of the launch of the broader EJI campaign in the region.

Setting standards for reporting specific issues, such as sensitive health campaigns, is central to this work such as the production in 2006 of a global HIV/AIDS Media Reporting Handbook for journalists with guidelines on how to report this health crisis and how to place good solid reporting in the context of work to counter discrimination.³

Challenging Racism and Intolerance

Crucial to the EJI has been the experience of the IFJ in organising prizes and events to counter the use of media to promote intolerance, racism and xenophobia. The IFJ Tolerance Prize between 1995 and 2001 in

³ See <http://www.ifj.org/assets/docs/117/252/83d8475-9cb28fc.pdf>

Europe celebrated the best of human and sensitive journalism dealing with diversity. From 2003 to 2005 the tolerance prize was organised in Asia, Africa and Latin America. These prizes were presented alongside a series of regional debates.

Further industry initiatives include development of guidelines for reporting on racism and training modules for student journalists. In this the EJI further develops the actions of an earlier industry dialogue — the International Media Working Group Against Racism and Xenophobia (IMRAX) — which from 1995 to 2002 provided a forum for European industry dialogue involving journalists' unions, training institutions, European Publishers, the European Broadcasting Union, the Council of Europe and European Union. The key aims of this campaign for the EJI are:

- ▶ to recruit more journalists from minority communities
- ▶ to develop reporting guidelines on reporting minorities
- ▶ to develop diversity training modules for journalism schools
- ▶ to develop networks of contacts and spokespeople from within minority communities
- ▶ to develop dialogue with political institutions on the role of media in reporting tolerance.

In 2006 the IFJ organised the industry response to the Danish cartoon crisis by negotiating a joint declaration of key industry actors and professional groups reinforcing the principles of free expression while calling for better standards of reporting of cultural and religious issues.⁴

The IFJ promotes dialogue with Arab journalists' unions on ethics and their role in both defending press freedom and promoting standards. The region has adopted the EJI for implementation in programme work.

Making Peace, not War

The EJI sharpens the dialogue between civil society and news media to increase understanding of how ethical reasoning is impor-

CHINA: Chinese Whispers and Earthquake Realities

German journalist Ullrich Fichtner, a senior reporter for *Der Spiegel*, who has taken on tough assignments in Iraq and China, has found himself like many of his colleagues facing hard choices. "My professional life takes place in a moral dilemma," he says. One example arose while covering the Sichuan earthquake disaster in May 2008.

"We found many people who had lost family members and who held the Chinese state responsible for their deaths. They had detailed stories and some of them had come together in informal groups to push their case forward. They had terrible and, undoubtedly, true stories to tell about corrupt local party chiefs, who together with the bosses of construction companies creamed money off contracts by building schools and hospitals with inferior materials. They could name the names of all those involved.

"We could have done very good stories with lots of detail and with real public interest. But we knew if we ran these stories our sources would wind up in jail or worse. The Chinese leadership had declared the corruption stories as taboo. We would have gotten people into real trouble. We kept quiet. Only Hong Kong based papers were able to allude to the earthquake-corruption angle in their reports."

tant in making appropriate editorial choices for reporting life or death issues — human rights crises, war and community conflict — and the need for training and professional dialogue between journalists, sometimes on different sides of a conflict, who have very different perspectives of events and history.

This work draws on experience from the early 1990s when the IFJ organised regular meetings of journalists, editors and broadcasters from all sides in the conflict that overwhelmed large parts of former Yugoslavia. This provided a rich resource of understanding for similar initiatives to bring journalists together in more recent conflicts — Afghanistan, Pakistan, Iraq and Palestine — in which the agenda is defined by common values and the need for solidarity among journalists above consideration of specific political concerns.

In Afghanistan, the IFJ 2008 programme of journalism for peace

⁴ See: <http://www.ifj.org/en/articles/international-journalists-groups-to-work-with-muslim-media-to-ease-cartoon-crisis>

building, for example, focused on the role of media in democracy, press freedom and election reporting standards and based upon the importance of values and engaging in dialogue. In Nepal the IFJ has been running a conflict sensitive reporting training programme.

Similar initiatives in 2003 saw the production of a Human Rights Reporting Handbook for Journalists in South East Europe. In the same vein, the 2005 IFJ report *On the Road to Peace: Reporting Conflict and Ethnic Diversity in Sri Lanka* provides guidelines and case studies of the reporting on conflict and diversity. This was followed two years later with a further handbook on Sri Lanka and investigative reporting on corruption.

Gender Rights

Beyond the peace agenda, the IFJ has conducted a range of campaigns on gender equality with conferences in every region of the world for journalists' unions to adopt regional and national strategies to improve equality.

The establishment of an IFJ world-wide gender council in 2001 provided the impetus for taking this work forward and it will help to drive the EJI in the years to come. This has already developed into a truly global campaign.

- ▶ In Europe an audit of how media cover women in politics led to the preparation of a gender portrayal tool-kit for journalists and media film-makers. A comprehensive survey of gender equality was conducted in the countries of the former Soviet Union and launched at a special regional session on gender during the IFJ's Moscow World Congress in 2007.
- ▶ In the Middle East and North Africa a regional campaign on women and leadership in national journalists' unions is being waged with specific actions in Algeria, United Arab Emirates, Iraq and Palestine. In Iran the Iranian Association of Journalists' gender working group has developed guidelines for portraying women in the media.

- ▶ In India the IFJ organised a major national campaign for gender equality in the news room and in the unions and in Sri Lanka the IFJ is running a gender equality training programme.
- ▶ In Africa a regional gender audit was conducted in 2007 followed by a campaign for national unions to adopt gender equality strategies.
- ▶ In Latin America a regional conference in 2008 endorsed the gender equality campaign.

Safety of Journalists

Ethical journalism must begin with safety for media and their staff. The IFJ campaigns constantly for an end to impunity in the killing of journalists and for governments and law enforcement agencies to invest greater resources into investigating attacks on journalists.

More than 1,000 journalists were killed in the decade up to 1 January 2008. In 95 per cent of targeted killings of journalists the murderers escaped detection.

Journalists rightly demand protection to protect them and an explanation for the current lack of protection.

The need to reduce the risks to journalists in the field has prompted a range of IFJ actions since the early 1990s including safety training for journalists in areas of conflict; the production of a media survival guide in ten languages; and the launch of the International News Safety Institute (INSI), the global campaign for safety in journalism.

Solidarity and Collective Protection

The threats to ethical journalism are abundant — violence, excessive commercialisation, media concentration, industry cutbacks, political spin and corporate manipulation, corruption at every turn — but there is, nevertheless, no lack of conviction within journalism that, given the right conditions, media can contribute to a

just society by fostering journalism of values and solidarity.

There is an alternative vision and the Ethical Journalism Initiative is part of it. But hope alone will not do. The EJI provides a mechanism for change that should convince journalists everywhere that what they do is worthwhile and worth fighting for.

Journalists' leaders and others who support the EJI cannot themselves persuade reporters and others to be faithful to the Code of Conduct or not to betray the aspirations of their profession, that will only come from the making of commitments by individuals.

What journalists' unions and other professional groups must do is to support their colleagues and provide collective protection for the space in which principled reasoning, ethical dialogue, and value-based journalism takes place. In doing so they will provide a framework for solidarity with a social philosophy of good conduct that has sustained journalism for more than 200 years and which is essential to its future.

FURTHER INFORMATION:



Ethical Journalism Initiative

INTERNATIONAL FEDERATION OF JOURNALISTS

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ZIMBABWE: Heroic Journalism in Tragic Circumstances

The tragedy of journalism in Zimbabwe is a sub-plot in the almost Shakespearean decline of the bread basket of Africa into a political wilderness, but it is an important one. The struggles within the media of Zimbabwe illustrate both the courage of independent media journalists and the havoc that sectarianism and political in-fighting can cause.

The media situation is made profoundly difficult by the convergence of economic and political crises. Media are polarised and journalists, many of whom receive wages below poverty level, face enormous difficulties.

But even in this bleak circumstance, journalists and independent media are working to ensure media will play their part in the process of political and democratic renewal.

The first priority of the Zimbabwe Union of Journalists (ZUJ) is to eliminate a culture of political manipulation. The IFJ affiliate has its own agenda for change and is working with other groups to build a unified approach to media reform, and in particular, to remove harsh media laws that have been used to intimidate and stifle independent journalism. Among the first to go will be the notorious Access to Information and Protection of Privacy Act (AIPPA), the Broadcast Services Act and the Culture and Entertainment Act, all of which have been used for punitive actions against media and free expression.

ZUJ are encouraging input from all stakeholders including media advocacy groups to prepare a detailed critique of media laws and regulations, how they are misused, and what is needed in their place. They are encouraged by support groups such as International Media Support in Denmark which has provided financial aid to independent media and journalism bodies.

It's not enough, they say, for government and opposition parties to tinker with existing laws. What is needed is a radical new framework for media based upon international norms of journalism and free expression.

The ZUJ is also working to strengthen media professional groups representing journalists, editors, publishers and broadcasters and has been a prime mover in the creation of the Voluntary Media Council to help regulate the work of journalists. In the current climate, however, it has work to do in establishing its credibility.

"In all of this we need to hear the authentic voice of Zimbabwe journalism speaking out in a new spirit of unity and professionalism," says Foster Dongozi, a ZUJ leader and a member of the IFJ Executive Committee. "We need a credible form of self-regulation, a new legal framework that encourages the free flow of information, and a strategy to help media overcome the impact of disastrous economic conditions."

For years the government of Robert Mugabe has blamed the outside world and former imperialist rulers for its troubles, claiming that international media have been "politically engaged" in their coverage of Zimbabwe. In fact, the country has reason to be grateful to foreign correspondents and international news media who gave global coverage to the country's descent into violence and lawless-

ness in 2004, which led to action by the international community to avert a humanitarian catastrophe.

The work of Zimbabwean media is made harder as the country's economic crisis worsens, creating a catastrophic situation for journalists whose wages hardly pay for the bus fare to work. It has opened the door to political and financial corruption.

Media inside and outside the country caught up in the political deadlock began to adopt tendencies that appeared to either exaggerate or downplay the country's crisis — particularly when they were relying on sources firmly placed either side of the country's enormous political chasm.

A local journalist suspected of having links to Zimbabwe's opposition was murdered in 2007. Edward Chikombo, a part-time cameraman for the state broadcaster ZBC, was abducted from his home in the Glenview township outside Harare, and his body was discovered 50 miles west of the capital. It is thought that the killing was linked to television pictures of the badly injured opposition leader Morgan Tsvangirai after he was beaten up by police in March 2007. Footage of Mr Tsvangirai leaving a Harare courthouse with a suspected fractured skull, and then lying in a hospital bed, was smuggled out of the country and provoked a storm of international criticism of the Mugabe regime.

Journalists for the state broadcaster routinely film news that they cannot show in their own heavily censored bulletins, and some of this film is leaked abroad. In the past those under suspicion of the leak were sacked or intimidated. Mr Chikombo's death was the first of its kind.

During negotiations involving the South African former President Thabo Mbeki, Mugabe and the opposition Movement for Democratic Change, the IFJ called on journalists on all sides to report what is happening accurately and in context. As the IFJ statement said: "It's what media do best, but they can only do that when they are free from threats and intimidation."



POVERTY IN THE NEWS: Residents of Kuwadzana 3 Township in Harare, Zimbabwe, November 2007, walk past raw sewage. Vegetable vendors also go on with selling their tomatoes despite the stench from the raw sewage. © IRIN



CHAPTER 2

Why Ethics Matter

Why Ethics Matter

The modern global media system, in all its splendid forms, is the result of 300 years of evolution, beginning in the turbulence of the industrial revolution in Europe and North America. The age of enlightenment produced fresh currents of thought, particularly the notion of free speech and the autonomy of reason, which challenged old regimes, feudal institutions and religious dogma, setting the stage for historic revolutions in America and Europe.

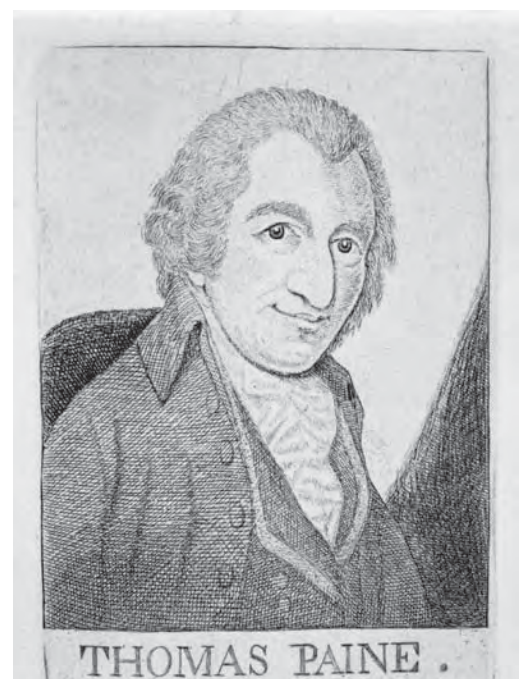
The history of world journalism ... is littered with stories of persecution of the press and heroic battles fought by courageous editors and publishers.

At the forefront of this process were publisher journalists; radical pamphleteers and political agitators like Thomas Paine, an Englishman whose fiery journalism inspired American rebellion against the British, defended the cause of revolution in France, and challenged the slavery, inhumanity and ignorance that were an obstacle to the creation of free and open societies. Journalists like Paine and others were, in their way, the prophets of progress.

Today these pioneers find their intolerance of injustice and yearning for humanity honoured in the work of scores of journalists who use their investigative skills to dig into matters of public interest: the Pulitzer Prizes in the United States provide an impressive list of journalists committed to their role as watchdogs for the citizenry. Names like Seymour Hersh in the United States, Anna Politkovskaya in Russia, Amira Hass in the Middle East, and hundreds more like them, remind us of the constance and sacrifice required of those who practice journalism of courage and excellence in the public interest.

From the beginning, it was inevitable that the first radical scribblers would run into

political opposition. Paine was, *in absentia*, convicted of seditious libel against the British Crown. The history of world journalism from the first secret presses operated in the late Sixteenth Century through to the present, when journalists are killed and tar-



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geted in increasing numbers often simply for doing an honest job with integrity, is littered with stories of persecution of the press and heroic battles fought by courageous editors and publishers.

We should acknowledge that although the notion of independent journalism and a free press comes to us via a specific history and through Western cultures, the underlying impulses are universal and from time immemorial.

Ancient societies in every part of the world needed accurate information. Which armies were on the move? Was a battle won or lost? What are these new diseases everyone is dying of? How can we get hold of new inventions or reliable supplies of food or cloth? Traders were the main source of outside news, and no doubt, there were traders who were sticklers for accuracy and those who spread rumour and false information like a plague (and probably spread the plague as well).

Caesar stopped to write up his battles soon after they were over — aware of the importance of “the first draft of history”. Pheidippides was a hero of breaking news when he made his famous run from Marathon to Athens (probably to warn of a continuing danger from the Persian army, rather than simply report a victory).

Expansionist empires open the world to new ideas and information, as well as to wealth and trade. People’s ideas of foreign lands were informed, or misinformed, by travellers’ tales. The great seafaring powers, from the Indian traders and sea voyages mentioned in ancient Hindu dramas, the Egyptians, Greeks and Romans in the Mediterranean, the Chinese mariner Zheng He who explored the Pacific and Indian Oceans in the early part of the Fifteenth Century, the competition between the seafaring powers of Europe to open routes to the East that led to the arrival of Europe in the Americas — all were dealers in information, as well as precious jewels.

We can think of maps as metaphors for modern media — life and death information in beautiful packaging, sometimes meticulously accurate and often disastrously wrong.

And like a modern media mogul, these ancient explorers combined a fervent curiosity with a backer’s drive for land, power and

HOW THE IFJ PUT ETHICS ON TRIAL IN THE 1930S

IFJ unions in the 1930s engaged in an audacious and unprecedented effort to curb propaganda and unethical journalism with the setting up of the International Tribunal of Honour for Journalists. The idea was adopted at an IFJ Congress in Dijon France in 1928 and details were finalised at the Berlin Congress in 1930. The Tribunal was formally established at The Hague in 1931 under the jurisdiction of a distinguished former president of the International Court of Justice.

The Tribunal was to deal with complaints against journalists who transgressed the basic ethics of journalism by falsification of news, propaganda for war and incitement to hatred. Although it was never able to function and was soon overtaken by the drift of events that swept Europe, and the press with it, into a new global conflict, the initiative raised the question of national adherence to an international code.

IFJ unions were invited to pledge their support for the process and indeed the NUJ in Great Britain and Ireland changed its rules in 1932 to cede national sovereignty to the Tribunal. It agreed: “Any member who shall have been declared by the International Tribunal to be unfit to be a journalist shall, failing an appeal to the Executive of the IFJ by the Union, forthwith cease to be a member of the union and shall have no right of appeal.”

money. Ancient scientists studied the stars with a combination of meticulous scientific observation, myth and fantasy. The search for accuracy and knowledge was a driver in all great cultures from China and India, Egypt and Greece to the Islamic scientists of eighth century Baghdad who constructed some of the most elaborate astrolabes to fix time, location and direction.

Stop the presses: the world is a globe, not flat. Breaking News: the world goes around the sun. This was dramatic new information that led to a struggle for minds. A universal search for truth — running up against the barriers of political and religious orthodoxy. The same religious orthodoxy that made Galileo recant his truth, forbade the Bible to be printed in people’s own languages, because if they could read it for themselves, they might start to think for themselves.

Although this appears to be a long way from modern journalism we should beware

The United States adopted the Bill of Rights of which the first amendment, combines freedom of religion, freedom of speech, freedom of assembly and freedom of the press.

of thinking of a thirst for accurate information and new knowledge as Western, or the property of one culture, or thinking of the conflict between the right to know and the state or religion as an exclusively modern confrontation.

Free expression and the ethics of media freedom

Almost 300 years ago two contrarian political journalists John Trenchard and Thomas Gordon, writing under the name Cato, produced a hard-hitting defence of free speech: *"Without freedom of thought, there can be no such thing as wisdom; and no such thing as public liberty, without freedom of speech."* These pioneers of free-thinking also sounded a warning that echoes still today about how censorship is the death of freedom. They wrote: *"Whoever would overthrow the liberty of the nation, must begin by subduing the freedom of speech."*⁵

Some decades later the principles of freedom of expression were famously laid down in the French and American revolutions. In August 1789, the National Assembly of revolutionary France issued its Declaration on the Rights of Man and the Citizen, in which Article 11 declared:

"The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law."

In the same year, the United States adopted the Bill of Rights of which the first amendment, combines freedom of religion, freedom of speech, freedom of assembly and freedom of the press.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The power of the press was increasingly recognised. Statesman Edmund Burke is cited by historian Thomas Carlyle as the source of the famous comment on the power of reporters who sat taking notes in the English Parliament: *"The gallery in which the reporters sit has since become a fourth*

⁵ Cato's Letters, February 1720

estate....”, comparing its influence to that of the Crown, Parliament and the Courts.⁵

There was already criticism of the press as a vehicle of entertainment, rumour-mongering, sensation and gossip. It was not without some truth that some years later Mark Twain remarked: *“There are laws to protect the freedom of the press’s speech, but none that are worth anything to protect the people from the press.”*

The first attempts to articulate the rights and responsibilities of journalists which form the basis for modern notions of ethical journalism were made more than 150 years ago at a time of confrontation between *The Times* of London and the British government. John Thaddeus Delane, the editor, responded to government criticism of the paper by articulating a complete philosophy and body of principle for the guidance of journalism.⁶ In two leading articles in February 1852, he underlined the cardinal principle of truth-telling: *“The duty of the journalist is the same as that of the historian — to seek out the truth, above all things, and to present to his readers the truth as he can attain it.”*

He underscored the duty of journalism to be independent from government: *“...to perform its duties with entire independence, the press can enter into no close or binding relations with the statesmen of the day, nor can it surrender its permanent interest to the convenience of the power of any government.”* In order to achieve these objectives, he argued, the press has to be free *“to investigate truth and apply it on fixed principles to the affairs of the world.”*

The *Manchester Guardian* famously took on its Government and popular opinion over its reporting of the Boer war at the end of the 19th Century. Its greatest editor C. P. Scott and owner John Edward Taylor were ready to sacrifice the commercial success of the paper to preserve journalistic integrity — better extinction, they said, than a failure of principle.⁷

But the press was increasingly a mixture of journalist principle and a yearning for sensation, mass circulation and influence. In the final decade of the nineteenth century the *New York World* of Joseph Pulitzer and the *New York Journal* of William Randolph Hearst fought a circulation war in which

“The duty of the journalist is the same as that of the historian — to seek out the truth, above all things, and to present to his readers the truth as he can attain it.”

— John Thaddeus Delane, editor of *The Times* of London, February 1852

headlines and pictures got bigger, while content was dominated by crime and ‘human interest’ stories. It became known as “yellow journalism”, (perhaps because both newspapers had a yellow cartoon character). But alongside the sensation and search for a mass audience both newspapers ran investigative stories and saw themselves as being on the side of the people, mostly poor.

Here and further afield, journalism as a public good was in evidence. In the 1920s Albert Londres, who gave his name to the most prestigious prize in French journalism, exposed the brutalities and injustices of the Cayenne penal colony in French Guiana, leading to its closure.

Earlier, Upton Sinclair had denounced the awful working and health conditions in Chicago slaughterhouses, inspiring President Theodore Roosevelt’s decision to pass laws and create institutions to protect the workers and the public.

Nevertheless, during the 20th Century, tabloid excess and “yellow journalism” which came to mean journalism with scant regard for balance or accuracy began to provoke public and political outrage. After the First World War, journalism began for the first time to take seriously its responsibility for standards and ethical conduct, in reaction to the mass circulation battles during the 1920s and the 1930s, which showed a profound lack of attachment to the ideals of Delane. The first press council was set up in Sweden and the first journalistic codes began to emerge in the United States.

Journalists were getting themselves organised, too, within individual countries and internationally. The International Federation of Journalists was formed in 1926,

⁵ On Heroes and Hero Worship (1841)

⁶ From *Dangerous Estate* by Francis Williams, Longmans (1957)

⁷ *Dangerous Estate*, p167

breaking away from employer-dominated groups, at a time when notions of internationalism in journalism were beginning to take root.

Within a few years one horrendous war would be followed by another and during this period, when fascism and intolerance began to make their presence felt in newsrooms, fresh efforts were made to establish codes and standards that could protect journalism from being recruited into the service of warmongers and propagandists.

In 1930 at its Berlin Congress the IFJ agreed a groundbreaking plan to establish an International Court of Honour to monitor ethical conduct and to curb the use of media to promote hatred, war and propaganda. It was an unworkable, but honourable attempt at mobilising journalism for public good.

In 1933, newspaper publishers created their own international organisation and prepared a statement, ratified five years later, which challenged the publication of “false

news.”⁸ Resolutions of course proved futile against a Second World War, in which ‘false news’ of racial supremacy played such a large part.

After the war, the IFJ and its member unions began to strengthen their efforts towards winning acceptance for professional standards and adopted new codes which still dominate the landscape of journalism today. Most important was the adoption of the IFJ Declaration of Principles on the Conduct of Journalists agreed in 1954 at the IFJ Congress in Bordeaux in France.

The code is mercifully brief — only 280 words — and has been updated only once (in 1986), but it contains reference to all of the key values and aspirations of journalism. It has been adopted by all IFJ unions and associations of journalists at national level.

Journalism was inevitably caught up in ideological struggles that dominated the period of the Cold War and efforts to reinforce international standards of journal-

⁸ International Federation of Newspaper Publishers Associations, forerunner of today's World Association of Newspapers.



It is possible to uphold the ethics of journalism when there are conditions of media freedom and independent journalism, but it is impossible to do so as part of a media that is an arm of the state.

ism foundered in arguments between the communist and the non-communist world over the role of government. In his famous report to UNESCO almost 30 years ago, Sean McBride emphasised the importance of professional integrity and standards in the creation of a new world information order. Although this report was controversial at the time, one paragraph resonates today as much as it did then:

For the journalist, freedom and responsibility are indivisible. Freedom without responsibility invites distortion

*and other abuses. But in the absence of freedom there can be no exercise of responsibility... The adoption of codes of ethics at national and, in some cases, at the regional level is desirable, provided that such codes are prepared and adopted by the profession itself — without governmental interference.*⁹

There was of course a huge difference in approach in Western democracies and the Soviet Union and its allies. In the west, while television and radio was often state owned and controlled, newspapers were part of

⁹ McBride Report, Recommendations, Part III, introduction and paragraph 43

UKRAINE: Individual Inspiration, Collective Fight

In Ukraine, the formation of an independent union for journalists was a crucial step in helping journalists to take collective action against censorship before and during that country's "Orange Revolution" in 2004.

This was a country where the state-controlled post-communist TV, radio and newspapers still dominated the media scene. Government press officers would hand out daily "temniki", described as "theme sheets", listing the stories that reporters should report and how they must should them.

Independent journalists were harassed and arrested, and in 2000 the Georgian-born website editor Gyorgy Gongadze, was murdered and decapitated by government secret agents, allegedly on the instruction of President Leonid Kuchma.

A contested general election in 2004 led to political instability and mass protests in which independent journalists and journalists in the state media who rebelled against official control— played a crucial role. One defining moment in the Orange Revolution was when a deaf signer on state TV news refused to interpret the prescribed bulletin about the fixed election result, and was seen in the corner of the screen, signing a message telling viewers that the news was being censored. In late November 2004, many reporters, editors and producers on TV channels rejected censorship and began to report the news as they saw it. TV ceased to be a means of control by the Government, and became a means of information for the people.

Yegor Sobolev, former president of the Kyiv Independent Media Trade Union, recalls: *"The fight for free speech started, and has to start, with a search for like-minded people who can encourage colleagues at their offices to take a stand.*

"When our publicity campaign began, the journalists seemed to be completely helpless and fearful. But in each office we found one person who, by their determination and belief, inspired others to resist.

"We talked with our colleagues about the fact that censorship cheapened and degraded their professionalism, as it rendered skills and knowledge unnecessary. The feeling that you are not alone makes people stronger.

Moments like this stand out. But journalists need to remind themselves every day that their loyalty is to the audience, not the politicians. By the time that Parliamentary elections were held in September 2007, formal censorship was no longer in place. But following the election a new campaign was launched amongst television journalists under the slogan "We cannot be bought". Estimates were made that US \$200 -300 million was spent by politicians during the election on 'paid for' political programmes, which were presented as if they were balanced election coverage.

free-market capitalism, often intrusive and unfair, but not muzzled by state authority. Journalists who thought about their role saw themselves as holding authority to account by representing the role of the individual against those with power.

In the Soviet states, most journalists explicitly saw their role as one of social education and leadership, acting as a tool for social responsibility and cohesion, under the control and discipline of the state.

There were many excesses in the west and many journalists were, in practice, representatives of the state or their employers. But there was also a tradition of independent journalism that shone a light on the working of power. In the Soviet states 'responsible' journalism became timid journalism, and social responsibility came to be synonymous with the interests of political leaders.

There were brave journalists in the east, and bad journalists in the west, but one truth became clear to all, it is possible to uphold the ethics of journalism when there are conditions of media freedom and independent journalism, but it is impossible to do so as part of a media that is an arm of the state.

Fast forward to the first decade of the 21st Century and never have media and journalism, buttressed by converging technologies and the online revolution, played so large and influential part in world affairs as they do today. Yet the battle for independent journalism is still being fought in almost every corner of the world.

Part of that ongoing struggle is the tension between the principles of journalism on the one hand and the commercial or political interests of employers on the other. Journalists' unions encourage their members to work in an ethical manner and support them when they refuse to do unethical work. This would be a challenging task in any circumstances, but it becomes doubly difficult when employers apply pressure to deliver sensational stories and images in a harsh economic climate. The chase for ratings and profits leads some employers to create intolerable conditions in many

news media and increasingly limiting the space for professionalism. Indeed, for many employers it is not so much a question of 'disagreeing' with the organisations (unions or professional bodies) set up by journalists, as opposing root and branch the right of these organisations to intervene in editorial issues at all.

The "right to manage" has often been used as a cover to remove the rights of journalists to have a collective opinion about ethical content. The simplest way to remove the possibility of journalists refusing to collaborate with unethical conduct in the newsroom is to seek to remove them from the discourse, at least in any collective way.

This is a recurring crisis. Over the past 100 years the media industry has been reluctant to set standards for itself, or to abide by those set by journalists. The creation of press councils and other forms of employer-led self-regulation in most countries date from moments of crisis when media excesses have encouraged governments to consider introducing statutory controls. Even today, in many parts of the world, exasperated politicians point to the crimes and misdemeanours of journalism to excuse their own unspeakable acts of censorship and media control.

The threat of governmental interference remains, and there are additional dangers to pluralism posed by media consolidation and concentration, excessive commercialism, and undue pressure from religious groups and special interests, all of which challenge the principles of ethical journalism as set out in the scores of texts and codes that journalists have agreed over the years.¹⁰

Journalists may not know the detail of these codes that so eloquently articulate the principle and conduct of the profession, but they do understand the broad principles. Journalists and their unions also understand that it is not enough to have freedom of expression. Unless media work within an ethical framework, journalism will never succeed in its mission to inform citizens.

¹⁰ The late Claude Jean Bertrand has collated a list of more than 100 'Media Accountability Systems' including journalists' codes now in operation around the world. See: <http://www.media-accountability.org/>

PHOTOGRAPHY: Facing up to Rights and Wrongs

Every picture tells a story, but sometimes it is not the one the photographer had in mind. In 2004, for example, Joel S., an Agence France Presse (AFP) photographer, took a picture of extreme right political leader Marine Le Pen during a television show. Marine Le Pen bought and used that picture in her political campaign, adding text and colour to the picture and failing to name the photographer.

The journalist protested because he had not been consulted over the use of his picture, nor the changes to it. Under the moral rights provisions of international law and national law in France his rights were infringed. Moreover, the photograph was used for supporting ideas that he did not share.

The courts in Paris acknowledged the violation of his rights. A lesson learned by his employers too, who now routinely seek the authorisation of photographers for each use made of their picture for political purposes.

Although photographers and film-makers can be grateful for the protection of the law such as that in France, it does not always suit them. The law is not always on their side. French civil code, for instance, says that every person has an exclusive right on her image and should authorise any reproduction of it.

This has meant that photographers cannot freely photograph people in ways that will allow them to be identified without their permission. Not surprisingly this has made Paris (the home of some of the most iconic photography of the ages) a difficult ground to cover for many photographers and raising the threat of legal action against those who do not follow the rules.

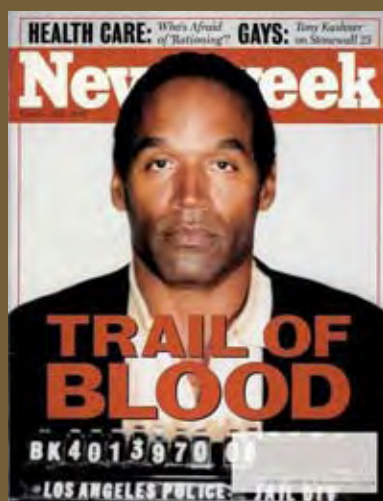
A picture taken in a public space will not fall under the legal restrictions of the civil code if the space in which the photograph is taken is public, if the picture is not taken in a restrictive manner (the person should not be isolated nor easily identifiable), and if the right of privacy is respected (that is, ask the person concerned if you are not sure). The problem is that these conditions are vague enough to allow for an increase of complaints from people being photographed in public places.

There is some comfort following a 2004 a decision of the French Cour de Cassation which seems to be more favorable to photographers. A photographer who published photos of people in the Paris underground in a book was taken to court, but the court said that the plaintiff could not prove a prejudice or that the picture showed him in a *degrading or humiliating situation*. It's a decision that offers many photographers the hope that they will be able to work without the threat of punitive sanction.

Picture manipulation is another area where photographers' rights can be routinely interfered with and where ethical issues are often raised. One example is the racial controversy over O.J. Simpson, tried and acquitted over murder of his white wife and her lover. The controversy broke in June 1994 when the issues of the weekly news magazines *Time* and *Newsweek* hits the newsstands. Here's what their initial June 27, 1994 issues first looked like:

Time was accused of racism for its photographic alteration of the famous O.J. Simpson arrest photo. The editors defended their choice by saying they had taken creative license to show the shadow that had

descended on his reputation that week, but protests that they were demonising a black man led them to pull back the first issue and publish a new one with a different cover. It was the first time a cover had been withdrawn in the history of American news magazines. Only the people who received their magazine by post saw the first cover.



Many Media, One Ethical Tradition

In a world of new media and changing technology, in which traditional media platforms converge and consumer media habits change rapidly, the traditional division of journalism between print and broadcasting has become blurred. Codes of ethics traditionally have been developed within the press, and newspapers have been fiercely independent of the state and able to operate in relatively free markets.

There is still a need to pay attention to the particular ethical issues which arise for broadcasters, such as the challenge of “breaking news” and live reporting which may lead journalists to transmit material which they may later regret.

By the second half of the 20th Century, radio and television ruled the information environment, addressing the largest audience and operating in controlled markets regulated by the state and where scrutiny by statutory bodies is tolerated. For much of this period many had a virtual monopoly of the airwaves and governments restricted ownership and licences.

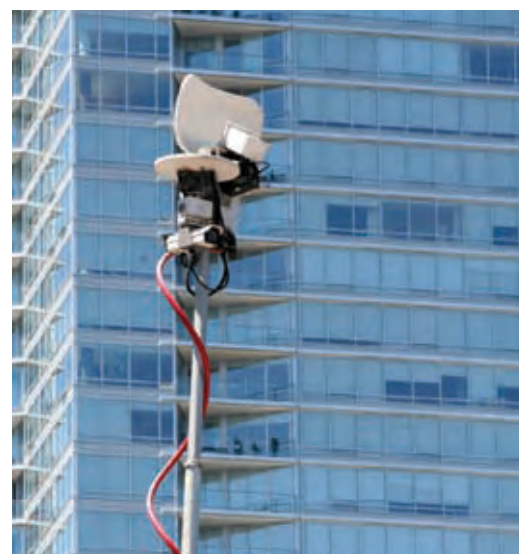
Until recently the differences between these two traditional media forms — one operating in a free market, the other subject to public service obligations in a regulated framework — required different approaches to monitoring and control of content and journalistic ethics. This may now be changing.

There is still a need to pay attention to the particular ethical issues which arise for broadcasters, such as the challenge of “breaking news” and live reporting which may lead journalists to transmit material which they may later regret. However, it is also true that the rules of journalism, print, broadcasting, and Internet require new thinking to take account of merging environments.

It is not possible any longer simply to perpetuate the newspaper tradition that lies behind existing codes, or to maintain the

strait-jacket of regulation that has controlled the environment of broadcast news for decades. We also have to revisit the relationship between free expression and media freedom and explore the differences between them.

In 2004, the philosopher Onora O’Neill, professor of philosophy at the University of Cambridge and President of the British Academy, challenged Western media



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to rethink attitudes to freedom of the press as an antidote to unrestrained freedom of expression which, she rightly points out, is “self-regarding”. Free expression, she said, can only support the discovery of truth when it is embedded in discussion in which differing opinions are not only expressed, but are tested in open debate.¹¹

She describes freedom of expression as “self-regarding” while journalism is “other regarding.” It is guided by core ideals of mission — truth-telling, independence, public interest and a responsible attitude to the impact of publication and dissemination of our words and images. To work effectively it has to be embedded in com-

munication which promotes discussion and democratic exchange.

Today free expression, press freedom and truth seeking remain natural allies, particularly when they face common enemies — such as states that impose censorship or use propaganda to shape the public information space. All voices — whether in Tibet, or in Zimbabwe, or in Russia — have the right to be heard.

But it is not enough for us to have the right to express our opinions. We must also have access to quality information that provides context, analysis, and commentary about the complex world in which we live. The Ethical Journalism Initiative, which pro-



¹¹ Onora O'Neill, *Rethinking Freedom of the Press*, Reith Lecture, Royal Irish Academy, 4 December 2004.

KURDISTAN: IFJ's Ethical “Badge of Honour” Is Recognised in Iraq, but There's a Health Warning

Well-meaning politicians in Iraqi Kurdistan have agreed to support local journalists who want to strengthen media quality. They passed a new media law in September 2008 which enshrines principles of press freedom, abandons imprisonment and the banning of media and journalists and formally recognises the core principles of the IFJ's global ethical code.

The IFJ acknowledged the importance of the new regulations, which mark a break with censorship and media controls of the past but the law adopted by Kurdistan National Assembly is not without problems, not least because of heavy fines that can be imposed on editors and journalists for causing religious offence or “spreading hatred and division.”

The law spells out support for media freedom in its Article two, paragraph one:

The press is free with no censorship. Freedom of expression and publication is guaranteed for all citizens within the framework of respecting the privacy and rights of individuals, especially their right to life according to the law and with commitment to the journalists' Code of Conduct as it is stated in the International Federation of Journalists' Code of Ethics which is annexed to this law.

Despite its good intentions, the law could be open to abuse unless all questions related to violations of ethics and to journalistic content remain in the hands of industry self-regulators and not the government. In a statement the IFJ said: “The law must reflect this principle.”

The Kurdistan Syndicate of Journalists welcomed the support of lawmakers, but joined the IFJ in fresh efforts to revise the regulations to ensure that application of the law will be in the context of agreed forms of self-regulation. That has now been agreed.

Although this law only applies in Iraqi Kurdistan in the north of the country, it is seen as a useful indicator for media policy across the whole of Iraq where the IFJ has a second affiliate — the Baghdad-based Iraqi Journalists Union. A similar approach is being taken in Baghdad where discussions regarding a nationwide media law have not matured, but where the Kurdish text is being considered for the future.

The IFJ code of principles, which sets a global standard for independent journalism, is also known as the Code of Bordeaux after the IFJ Congress venue at which it was adopted in 1954. A similar text, was endorsed by IFJ unions in countries of the European Community in 1971 (Italy, Germany, Luxembourg, Belgium, France and the Netherlands) at a meeting in Germany. This text is known as the Charter of Munich.



The impact of the Internet throws a challenging light on the struggle for ethical journalism.

motes a framework for setting standards, also provides a mechanism for distinguishing between the work of journalists and others now jostling for prominence in the world of media and information.

The development of citizen journalism and the active engagement of people outside the newsroom in news gathering raise new questions of ethical values and responsibility.

Journalists, whether freelance or employed as staff journalists, are people who earn the major part of their livelihood from the practice of journalism. They are bound by professional responsibilities and this provides the unifying thread to their work — whether they operate in a print, broadcast or online environment.

The ethical Code of Conduct guides the way they work and most understand well the principles of their trade and profession. Journalists need to take individual responsibility for their work and most of them want to express the moral dimension of their journalism. Indeed, this is why many journalists were attracted to the job in the first place, but they cannot do any of this unless they work in an environment which respects the right to act according to conscience. This is not to criticise those who think of themselves as bloggers or citizen journalists, some of whom also have high ethical standards. However, there is an

obligation on all those who earn their living from journalism to respect professional standards and to check facts that goes far beyond the individual responsibility on those who do it as amateurs.

The impact of the Internet throws a challenging light on the struggle for ethical journalism. All media, whether they have their roots in print or on the airwaves, maintain a presence on the Internet and increasingly these sites are a mixture of written and filmed reports. If media have not yet worked out a model for attracting revenue through their Internet sites, they put resources into them, giving them a global presence to an audience that demands instant access.

But 'news' on the Internet of course goes far beyond media sites. It is a jostling noisy market place where every shape of opinion has a voice and where exotic information of all kinds is on display. But how is it possible to tell what is true and what are lies, or wishful thinking? Is the latest conspiracy theory the work of fantasists or the exposure of a cover-up? The Internet surfer has no guide to this bazaar full of shouting voices, and must rely on their own ability to judge fact from fiction and to find reliability and consistency. In some ways, we have returned to the days when travelling merchants bring the news, and the same need to know who is reporting and who is dissembling.

In recent years, there have been discussions about rating websites, for instance, those relating to health and medicine, so that surfers would know which sites were 'approved'. In September 2008, the scientist who invented the World Wide Web, Tim Berners-Lee, called for systems that would give websites a label for trustworthiness once they had been proved reliable sources.

Berners-Lee who wants his invention to be more accessible to people in developing countries and not be the tool of large corporations is wrestling with exactly the same problems as journalists have wrestled with for centuries over how media can be useful for people without becoming a means of making the rich and powerful richer and more powerful. And like the media, any system for validating bits of the web seems doomed, since the questions about which sites are honest and reliable simply shift to become questions about the integrity and reliability of those who do the validating.

It seems that in the new as well as in old technology, there is no quick fix for judging ethical content. Those who surf the web, like those who surf TV channels and browse newspapers, must learn to judge and authenticate materials, watching out for the danger signals of dogmatism and false certainties. In this respect, a media site should have the highest standards of ethics and accuracy. The brand name of a media title, whether in print, on the air or on the Internet, depends on the ethical values of the journalists who originate and put the material together.

Models for Ethical Judgement

TELLING THE TRUTH

Models for ethical decision-making are best illustrated through case studies. Most journalists do not grapple with major ethical issues every day. But all journalists have to grapple with them sometimes, and most journalists have at least one ethical question a week — even if relatively small.

Many of the issues relate to trying to square two conflicting imperatives — to tell the truth, and to avoid stories that cause harm to innocent people. Journalists grapple with issues such as, is it ever justified

GERMANY: RIGHTING WRONGS

During an 18-year spell with Germany's *Der Spiegel*, Hans Leyendecker broke big stories on illegal campaign finances, political connections to weapons deals and plutonium smuggling. But the scoops and accolades were put into perspective by one incident. In 1993 he reported on the killing of a suspected German terrorist, Wolfgang Grams, and a police officer of the federal special branch in a shoot-out in the German town of Bad Kleinen. His report suggested that Grams, when already overwhelmed, had practically been executed by two special branch policemen. The story was largely based on a single eye-witness account, given to Leyendecker by another colleague of the two alleged special branch killers.

He later realised he had taken this information too seriously. "I accorded his account too much importance, did not put it in perspective properly and blew the whole thing up too much", he admitted. This misleading report had led to the resignation of several officials. Leyendecker admitted his poor judgement and apologised publicly.

to withhold a true story on the grounds that people will get hurt? Who is entitled to privacy and who should expect to be exposed?

Then there are questions about how far journalists should cooperate with the authorities. When does cooperation become collaboration? When does a good contact become a corrupt relationship? These issues do arise routinely in newsrooms, not in the language of abstract moral questions, but in daily practice. In newsrooms they often say that someone has "gone native" by which they mean that, for example a crime reporter, has become too close to the police on whom he or she relies for information.

One of the sharpest ways in which ethical dilemmas can arise is over news blackouts. The police may request (or in some countries order!) such a blackout after a kidnapping, so that they have a better chance of saving the kidnapping victim and catching the kidnappers. News media tend to act collectively on these requests, since it is clearly futile for one news outlet to withhold the news, if a rival publication or channel is running it.


Amongst the issues that journalists have to consider here, is how far can they trust what they are being told by the police, what would be the potential harm in publication, what their viewers or readers will think about it being withheld, when they finally find out, and whether it will appear in two hours on the Internet anyway?

In many cases a strong ethical case can be made to agreeing for the news to be withheld for a period. But there are many other examples where authorities request that the media hold off a story, and the request is completely unjustified. The default position of a journalist should perhaps be to publish unless a strong case can be made not to. But the fundamental duty is to discuss this in the newsroom — either in a particular case or in general — so that this is an informed and ethical decision, rather than a deal done between an editor and people in powerful places.

¹² British Journalism Review (vol 5, no 4 1994 p 48 51).

The following example, which deals with truth-telling, disclosure and media co-operation with the authorities, comes from Sunanda K. Datta-Ray, former editor of *The Statesman*, of Calcutta and Delhi, an English language paper that is seen as presenting news from a largely majority Hindi perspective:¹²

“As editor of the Statesman I was once glad to accept a tip-off from the police commissioner of Calcutta and publish an apology for a story that the city’s Muslims were likely to exploit. The commissioner telephoned me late at night to say that, according to police intelligence, the major Muslim community newspaper was planning to carry an angry leading article. It would be the signal for a ‘spontaneous’ protest which was bound to provoke a Hindu backlash.”



When weighing competing values, a journalist must decide whether truth should always prevail.

Faced with the possibility of a round of community violence over a controversial piece of journalism, the editor decided to apologise — even though this was not strictly necessary. He was ready to stand by the article. However he did not hesitate: *“The policeman did not coerce me — he did not have the authority to do so. I well knew how easily such affairs get out of hand. We had a common stake in community harmony.”*

As a result of his pledge to carry a front-page apology the heat was taken out of the confrontation, a war of words was avoided and the threat of street violence removed. As a journalist, the editor of *The Statesman* was faced with a classic dilemma — the clash of two values which matter to him: the value of truth-telling and the value of ‘community harmony’, as he puts it.

In these circumstances and in the light of information from the police commissioner, which he treats as reliable, the editor chooses to place community harmony as his first priority. He chooses to minimise harm rather than let the truth stand without apology.

One can argue about his decision, but the important element is that he was freely able to make his choice. When weighing competing values, a journalist must decide whether truth should always prevail. The case illustrates a model for ethical decision-making.

The story will resonate with journalists who are working in regions where warring communities pose problems for media that stretch to breaking point their attachment to universal principles and standards. In such circumstances media have to find ways to keep journalistic distance, but still serve their public. In Northern Ireland, for example, where communities were divided by different political and religious traditions, the journalists remained united under a single banner, the National Union of Journalists, and were linked by a common understanding of journalistic values. As a result, although local media are usually seen as speaking for one community or the other, local journalists showed that they were able to co-exist even where they fundamentally disagreed with each other, and so played a unifying role in building the peace. Significantly, the media victims of violence were mercifully few.

In another case an American newspaper publisher also faced a similar dilemma.

Following a stabbing murder in the city, the police found the murder weapon hidden in a drain. They asked the publisher to print a front-page article quoting police as saying they were still looking for the murder weapon and would conduct a thorough search of the area at first light. The police told the publisher they wanted to use the false report to lure the murderer back to the scene overnight in order to retrieve the weapon from the drain.

Should the publisher knowingly print a lie in order to assist a police investigation? In this case, he agreed to publish the bogus article. The murderer returned to the scene that night and was arrested by police.

The publisher argued that, in those particular circumstances, he had placed the need to assist authorities in capturing a killer (‘community safety or harmony’, we might call it) above the prohibition on lying and the primacy of truth-telling. He had effectively made a similar call to that made when editors agree to a news blackout after a kidnap.

Shortly before the invasion of the Bay of Pigs in Cuba in 1961, an operation aimed at regime change in Cuba and the overthrow of the island’s communist leader Fidel Castro, the *New York Times* was about to run a story on preparations for the invasion. The newspaper was called by President John Kennedy who persuaded the editors, on grounds of national security, to suppress the story. They agreed. Some time later, having had time to dwell on the consequences of the fiasco for American interests, not to mention the loss of lives; Kennedy said that in retrospect he wished the *Times* had printed the story.¹³ Too late.

This is a clear case where suppression of a story caused greater harm than its publication and reflects the conflict between the journalists’ desire to do no harm and the professional imperative of freedom and autonomy. Journalists, unlike politicians, who make their best decisions in the comfort of hindsight, are forced to make their judgement in the light of the available evidence and often, wisely, they will apply rules of simple humanity to do no harm and provide help to those who need it. However, this case shows that they should only agree to a request from the police or others not to print or broadcast something in the most exceptional circumstances. And when they enter

¹³ Merrill and Barney, *Ethics and the Press*, P96

into such an arrangement they must, at an appropriate time, disclose the fact to readers.

While most guides to ethics would acknowledge that there are circumstances when it may be ethical to lie or to suppress the truth, any journalist who faces such a dilemma must be convinced of the relevance and weight of the public interest, conscious of the harm it might do to credibility, and willing to explain as soon as possible and in full to readers the circumstances of the case, including the reasoning which led to the knowing publication of the misleading information.

Ethics, then, require active support. We have to act ethically, not merely memorise and parrot ethical codes. The standards or rules of such codes are useful and they work most of the time. But sometimes genuine conflicts arise between values and ethical decision-making 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, journalists unions and international bodies like the IFJ, through the Ethical Journalism Initiative, see training as an integral part of the mechanism for supporting how to do ethics.

Several models are available and two, quoted by Paul Chadwick in his paper submitted to the Asia Pacific Regional meeting of the IFJ in 1995, deserve mention. They can be used like a checklist, even when close to a deadline. They direct thinking and permit conscious decision-making which can be explained later if controversy arises.

One model, by American journalism ethics authority Lou Hodges,¹⁴ suggests that when presented with an ethical dilemma one might ask:

- ① What are the issues at stake here?
- ② Do I have all the relevant facts?
- ③ What are my possible courses of action?
- ④ What are the possible effects of each course of action?
- ⑤ Which course of action is relatively better?

Another model by Joann Byrd, *Washington Post* Ombudsman, suggests that we ask ourselves:

- ① Have we done good reporting?
- ② What do we know, and how do we know it?
- ③ Who are the sources, and what is their stake in it?
- ④ Have we verified the information?
- ⑤ Is it reasonable to conclude the truth based on what we know?

Or do we still know nothing more than some facts?
- ⑥ Will the story have impact? What kind?

Journalism is virtually alone amongst the professions in having no agreed single principle by which to address dilemmas. Doctors say, “first do no harm”. Lawyers may say that the process of law is their first duty. But even if they use the questions above,



¹⁴ Journal of Mass Media Ethics vol 9, no 2, (1994) p112.

¹⁵ From *Journalism After September 11*, Edited by Barbie Zelizer and Stuart Allen, Routledge, 2002

journalists still have to resolve whether their first duty is to publish and be damned, or to consider the public good.

THE CHALLENGE OF OBJECTIVITY

No topic is more likely to provoke argument and division within journalism than how we apply theories of objectivity (neutral observation), balance (getting both sides of a story) and acting in the public interest (doing good).

These concepts are central to building trust in news media and justifying the notion that the flow of news, information and opinion is the lifeblood of democracy — it is, after all, how people become informed and how they rely on journalism to help make up their minds about decisions that have to be taken.

The problem is that these theoretical objectives of journalism are constantly under pressure — whether from commercial interests or political forces. Of course, these limitations have always been with us, but it is when national crisis strikes that they are put to the strongest test. In times of trauma — the September 11 attacks on the United States is a good example — the flow of information is interrupted and the quality of the information becomes tainted by politics. Journalists are challenged to drop their ‘objectivity’ and rally around the flag. This is a time of acute danger, when the essence of journalism and the capacity to ask searching questions of leaders and national policy is constrained by a consensus that nothing should be done to give comfort or aid to the enemy. Politicians and policy makers can use such a national mood to silence the question that needs to be asked.

These times of crisis, says Victor Navasky former editor of *The Nation*, expose the fragility of the notion of objectivity. “No sophisticated student of the press,” he says, “believes that objective journalism is possible. The best one can hope for is fairness, balance, neutrality, detachment.”¹⁵

If disaster strikes, even these aspirations may be beyond reach. When David Westin, the President of the American television network ABC, was asked in the days after September 11 whether some in the Muslim world might consider America’s military headquarters, the Pentagon, a legitimate target, he replied:



FRAGILE STATE, FRAGILE PEOPLE: Displaced people flee fighting in Abyei, now in Agok, Sudan. May 2008. Clashes resumed in Abyei on 20 May, barely a week after fighting had displaced thousands of people from their homes. About 100 people were injured, according to aid workers in Juba. © Tim McKulka/UNMIS

“The Pentagon a legitimate target? I actually don’t have an opinion on that and it’s important I do not have an opinion...as a journalist I feel strongly that’s something I should not be taking a position on. I’m supposed to figure out what is and what is not, not what ought to be.”

This response, which embodies the essence of ethical journalism and is a model of objective journalism, provoked a firestorm of protest from politicians and others. A few days later Westin apologised saying:

“I was wrong...Under any interpretation, the attack on the Pentagon was criminal and entirely without justification.”

He had failed to recognise the extent to which his norms of American journalism had been put into suspense by the attacks on New York and Washington.

While September 11 temporarily blew journalism off course, the problems of this period illustrate how in any war or social conflict — Iraq, Congo, Sri Lanka, Afghanistan, Colombia, for example, or even long-running regional disputes such as those in Cyprus, India and Pakistan and the numerous “frozen” conflicts on the fringes of the former Soviet Union — the pressure is on journalists to reflect the official line and to adopt a “patriotic” tone. Reports from the conflict between Russia and Georgia in August 2008 were almost impossible to reconcile; and by and large the Russian and Georgian media gave “their” sides’ version as the objective truth. In the 1980s, the BBC was criticised by Mrs Thatcher during the Falklands conflict between Britain and Argentina because it referred in news reports to the British forces, instead of to “our forces”. Politicians at war always try to identify the nation with the struggle. The journalist must instead struggle to identify with objective reporting.

Journalists need to be aware of the way that any national crisis can overwhelm the normal boundaries which they establish to protect their independence from their personal and emotional attachment to their role as a national citizen. The pressure to conform can be very intense; it is difficult for an individual journalist to stand up to this pressure without the support of colleagues and a strong journalistic ethic.

How in these circumstances do we establish a continuing and enduring framework for ethical conduct and good reporting? It is precisely this sort of dilemma and challenge that The Ethical Journalism Initiative seeks to address.

Outside times of immediate crisis, journalists and media tend to explain themselves and their actions in the context of the public interest, an idea rooted in the notion that acting in the common good with respect for the general welfare of society is a good thing.

But many reporters and editors are sceptical about arguments which deploy the ‘public interest’ and object to it as a way of recruiting journalism to advocacy for special causes, no matter how worthy they may be. It is our job, they say, to report this world not to create a better one.

These journalists would say that the best we can hope for is to enable people to make



their own choices about what is fair, liberal and socially just, without attaching ourselves to a particular definition of common good and the public interest.

Others disagree. Journalists are not just mere observers and journalistic objectivity is not a credible notion. Journalists, they argue, like other citizens, are deeply embedded in the social and political realities of the communities they serve. They have a duty to identify and promote actions that will do good.

Can we be truly “objective” or is the best journalists can hope for to be truthful about what they know and what they can verify?

These are complex issues and cover a wide spectrum of subjects. Journalists and media would do well to join with civil society groups and others in the Ethical Journalism Initiative to explore the ethical consequences of how we apply strict “neutrality”. To do so may open the path to a more moral journalism in touch with the social realities of our times. It is worth adding that whatever the



Global warming may be, for instance, just a lot of hot air. Perhaps. But so long as the evidence suggests otherwise, sensible people favour action to reduce global warming.

Natural Causes? A devastating picture of the consequences of modern weather. ©ILO/ Crozet M.

outcome of such a discussion, holding a debate on these questions is almost bound to improve the quality of editorial decision making and journalism. It is legitimate to come to different answers — so long as we address the questions.

BALANCING ACTS

While much of this discussion is best led by philosophers and social scientists, journalists in their daily work are faced with making choices that balance concepts of newsworthiness with notions of the public interest.

For instance, journalistic ethics require balance in reporting political arguments, so that a lively debate can take place. This is the accepted wisdom of journalism. But is it wise to insist that each claim must be countered, when what is being debated is scientific truth?

Journalists may cause confusion and uncertainty among the watching and tuned

in public if they equate what is widely believed to be a scientific consensus with a minority view. This can happen with climate change for example, where the vast majority of scientists say it is now established fact. Of course the views of those who deny this also need to be heard, but if a maverick opposition voice is always included, it seems to the public as if these two opinions have equal support and equal weight. This can mislead people into thinking that there is equal force in the arguments.

Some years ago, the global public campaign over HIV and AIDS, particularly in Africa, suffered when the scientific consensus forming around the theory that HIV causes AIDS was challenged by a small number of scientists who questioned the hypothesis and received a disproportionate share of media attention.

Some might say — in South Africa, for instance, where then President Thabo Mbeki famously and resolutely stood out against orthodox opinion on the HIV AIDS crisis —



SPEAKING OUT: Huma Ali, President of the Pakistan Federal Union of Journalists leads a demonstration over repressive media laws.

that the false appearance of wide scientific disagreement allowed policymakers in some countries to delay urgently needed prevention and treatment programmes, with some tragic results.

This particular case underlines how journalists need to better understand complex discussions, scientific or otherwise. Media too often are ignorant of the process of scientific research. It is not necessary to be tediously familiar with the atomic numbers of elements and the physics of mechanical engineering, but we do need to be able to assess evidence for or against a theory and understand the mathematics of risk.

Science progresses through testing out hypotheses and today's scientific truth can be seen as the best tested and most reliable hypothesis rather than being proven in the strictest sense. It is in the careful sifting and handling of evidence that the mark of excellence in journalism can be found.

Reporters should be able to identify good evidence to believe theories and to recognise that it is rational to act on some theories even in the presence of some doubt. What is important is good reason for action, based on the assessment of all available evidence.

Global warming may be, for instance, just a lot of hot air. Perhaps. But so long as the evidence suggests otherwise, sensible people favour action to reduce global warming. Balance has its place, but it is not a fetish and when unequal arguments are given 'balanced' time or space, this can distort journalistic ethical codes and act against the public interest.

ACCOUNTABILITY TO PEERS

While there is a constant ebb and flow of argument over advocacy journalism, balance and what constitutes the public interest, there is too little discussion within journalism about the need to build public trust and to put in place credible systems of accountability.

Journalists tend to be thin skinned. They often dish out lacerating observations on people in public life but take offence at even any hint of criticism of their own work. They are often defensive of their professional and public image, and display the sort of arrogant egotism they despise in others. They like to occupy the moral high ground, but rarely show the humility and moral courage needed to admit mistakes, to take responsibility for their actions and to make amends to those they offend.

People who use media need to know that corrections will be made when errors arise and that their voices will be heard. One of the weaknesses of modern journalism has been the failure of systems of self-regulation to adequately respond to public concerns about malpractice in journalism.

Journalists' organisations through the EJI commit themselves to work together, and with other professional groups of editors, owners and teachers within the industry, to reinforce the importance of ethics. In the world today, it is the journalists' organisations, as this book reveals, that lead the movement for responsible, quality journalism. They know that accountability builds credibility. Without credibility, journalists will not be trusted.

Ethical Journalism for Testing Times

The Ethical Journalism Initiative fires the opening shots in a fresh debate about the role of media in modern society. Journalists certainly need to think anew about how media serve a changing world.

In a landscape where global media and supranational organisations are weakening the grip of the nation state, when politics is scarred by extremes and corruption, when many in the media business have lost all sense of mission, we have to rethink our attitudes on how media and journalism contribute to democratic life. How can journalism properly empower a public who are starved of the information they need to hold governments to account, while at the same time overwhelmed by a surfeit of information from the trivial to the surreal?

Increasingly, media output has become the fast food of the mind, ubiquitous, colourful but of doubtful provenance or nutritional value.

Hard reporting, lashings of human interest and an open-minded search for solutions can still, however, produce a remarkably sensitive and non-sensational mix of journalism. Media contribute to building public confidence when they do the simple things right: promoting open debate, providing reliable information, exposing wrong-doing and corruption, and explaining the impact of events on the world in which we live.

They do this through attachment to a set of values and principles. The Ethical Journal-



ism Initiative promotes discussion on how we can reinforce these values while taking account of different journalistic traditions, political histories and cultural and religious factors. It aims to foster national, regional and global inter-media dialogue as a strategy for peace-building and development by raising awareness of how informed, accurate journalism and reporting in context helps build democracy and creates mutual understanding in the face of division.

The EJI is a challenge to the modern media obsession with celebrity, scandal and marketable sensation which may spread apathy and mistrust, fostering cynicism and discouraging involvement. It points instead to the need for bold and challenging reporting which reinforces the notion of journalism as a public good.

In fact, while journalists often do good, it is not their purpose. Most journalists may well sign up to the notion that democratic pluralism and respect for human rights form the core of a unifying political ideology, but few wish to be told to follow a particular party, policy or strategy.

Open government, political freedom and the imperatives of ethical journalism provide the backbone of democratic pluralism, but reporters have to ask what becomes of their powers of scrutiny if journalism becomes the creature of political, commercial or social movements. This is not just a question of 'good' causes versus 'bad' causes, but of maintaining a sense of

independence in all circumstances.

Even campaigns against the worst of evil doing — terrorism, modern forms of slavery, child exploitation, torture, extra-judicial killing, incitement to genocide and racism — are not exempt from journalistic questioning and media scrutiny. Journalists need to expose what is happening, for example, if a campaign against terrorism seizes people without legal scrutiny, holds them for years without charge, exports them to countries where torture is practised and lets people 'disappear' in the name of counter-terrorism. Equally, those who campaign for the rights of people held on terror charges need to be questioned about how society can strike a balance between the rights of individuals and the right to protect itself.

Media can spectacularly miss the point in their search for controversy, failing to report successes at all because they are obsessed with differences and disagreements. This can lead to those frustrating radio and television interviews where a politician only wants to

The EJI is a challenge to the modern media obsession with celebrity, scandal and marketable sensation which may spread apathy and mistrust, fostering cynicism and discouraging involvement.

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talk about the successes of a particular policy initiative, while the journalists only want to ask about the failures. The audience is offered two pictures of the outcome, one in which the policy is near perfect, and the other where it is total shambles. Usually, neither of these versions is particularly accurate.

Journalism is often haphazard not least because there is pressure, home-grown bias, prejudice and manipulation. Competition to be the first with “breaking news” can lead to rushed journalism suffering from insufficient background and inadequate sources. Journalists who do not have enough time can feel pressured into cutting corners. That is not to excuse, of course, those journalists who are not up to the mark either because they lack training or lack attachment to their profession.

For all that media like to congratulate themselves as riding on the crest of world-changing events, most journalists do not spend their days writing drafts of history, rough first drafts or otherwise. Most of them are too worried about the humdrum demands of daily life to fret about the grand mission of their profession.

Nevertheless, the instincts of reporters and editors who strive for independence, thoughtfulness and decency in their work, are strong even though most of them cannot recite the codes of their professional associations and unions. These instincts apply, surprisingly, irrespective of the political reality and economic restraints within which journalists work.

There is always an element of bias in journalism and the scope for reliable and accurate reporting is often defined by the identity, objective and character of the media themselves. Journalists tend to take their cue, both political and professional, not from the moral values of parent, teacher or journalism school, but from the media culture within which they work.¹⁶ A surprisingly coherent and shared common professional tradition operates within journalism, whether represented by the tabloid *Bild Zeitung*, or the quality *Washington Post*. At its best, this tradition is a daily, almost subliminal, reminder to journalists of their duty of care to their material and to ethical working.

However, this latent ethical signpost has been weakened by the changes now overtaking media. The advent of digital editing, dot-com journalism and text messaging,

OXFORD

In the 1980s, a photographer on the Oxford Mail was asked to photograph a young disabled boy on his first day at school. The boy had been fitted with artificial legs and had received a lot of publicity in his young life, partly thanks to an appeal run by a sister paper. When the photographer approached the mother, she said she wanted the publicity to stop, so her son could lead a normal school life, and he came back without the picture. The editor ordered the photographer to go to the school the next day and ‘snatch’ a picture of the child arriving with his mother before they entered the gates. The photographer refused, saying this would be completely unethical. He was told he would be sacked if he disobeyed. The workplace chapel (branch) of the National Union of Journalists tried to persuade the editor that he was wrong, but the editor was adamant — take the picture or be sacked. Journalists held a one day strike and gave out leaflets in Oxford explaining their case. It was a rare example of the public stopping to congratulate journalists on their ethical code. The warning to the journalist was not withdrawn — but neither was the sacking carried out. Years later, the photographer still works for the paper. The editor is long gone.

mean that most journalists in the developed world — and elsewhere — now work in a converged media environment. They often file stories simultaneously for newspapers, audiovisual and online media: they are multi-skilled, technocrats of a new media landscape that leaves little time or space for ethical reflection. The cynical, hard-drinking, vaguely-disreputable stereotype of journalistic myth has gone forever.

At the same time, working conditions have become perceptibly worse. Journalists tend to have less secure employment rights and when work is outsourced can be distant from the point of editing, production and dissemination of their work. Almost a third of journalists worldwide are freelance, many of them working in poor and precarious working conditions. Young people graduating from journalism schools join a growing pool of exploited labour working in a twilight world with no secure employment. As a result, journalism is more open to subtle forms of

¹⁶ A survey on this phenomenon is found in *Committed Journalism* by Edmund Lambeth.

ZIMBABWE: Telling Tales for a Good Cause

Foster Dongozi, General Secretary of the Zimbabwe Union of Journalists tells his own story of deception in the name of humanity: "After Robert Mugabe lost the first round of voting in the March 2008 elections, his party (Zanu PF) unleashed a wave of violence against opposition people in the form of beatings, rape, abductions, murder and assassinations. I attended the burial of one of the murdered activists.

"At the cemetery, tensions were high and young people from the opposition (Movement for Democratic Change) were baying for revenge and eager to flush out any spies in the crowd. They brought to me a middle aged man whom I did not know, which is a surprise, because as union secretary general, I know most of our members. 'Is this man a journalist? We don't know him, can you confirm he is one of your members?' they asked. I did not know him. I asked for his accreditation and was confronted with a name I did not know.

"According to the accreditation he was supposed to be working for an organisation that had no business gathering news. The young activists were getting agitated. They wanted instant justice. I knew the man's fate lay with me. If I said I did not know him, I could only imagine what they would do to him. I did not want to have blood on my hands and on my conscience. 'Of course he is one of our members,' I said. The disappointed youths let him go reluctantly. I never saw or heard from the man again, confirming suspicions that he was indeed spying on them."

corruption and susceptible to undue influence.

The link between the conditions in which journalists work and their ethical stance is not of course absolute — but conditions play a large part. If journalists feel insecure, or still worse, work as permanent freelancers for the same media organisation with no contract, they are much less likely to challenge dubious editorial decisions. If they are very low paid, and journalism is for the most part very low paid, then they become financially totally dependent on next month's wages, and find it harder to develop the independence of mind on which ethical journalism depends. Journalists do not need to be rich, but in the words of the IFJ logo "there can be no press

freedom if journalists exist in conditions of corruption, poverty or fear".

Technological poverty and the isolation of independent media in many parts of the world exacerbate the crisis of journalism for many thousands of journalists. For many of them — whether in Colombia, Zimbabwe, China or Russia — violations of human rights take place 'at home' rather than 'abroad'. For journalists working within repressive regimes, human rights abuses go hand in hand with the routine of daily life.

In these circumstances, many journalists see the value of journalistic activism and become advocates for a cause. Of course, advocacy journalism is not necessarily a professional crime. It has its place among the traditions of free media. Where the mix fails is when the choices of story, direction, opinion and conclusion are influenced not by media professionals but by interested parties. With journalists increasingly short of time and less able to go in person to see events and interview people face to face, they often become reliant on materials submitted to them by authoritative sources, whether they be the police, business leaders or campaign groups. And just as the police tell a story from their point of view, so too do non-governmental organisations (NGOs) and campaign groups.

Modern editorial culture is also influenced by corporate lobbyists and a political class obsessed with public relations. Image-makers have spawned a multi-million dollar industry that spoon-feeds media messages to suit the vested interests of the rich and powerful players in society. Today, the tidal wave of pre-packaged information threatens to overwhelm journalism not least because media corporations themselves have become significant actors on the global stage.

Journalists need the time, space and resources to verify what they are being told and to compare different sources, and introduce an element of balance into their work. Ethical reporting does not mean being on the 'right' side (which will differ according to the views of the journalist and circumstances) but being able to report what more than one side says and make some judgement as to what has really happened.



CHAPTER 3

A Changing Media Landscape

Media in Crisis

Managing Change Hurts

Despite the best efforts of newspaper owners to talk up their prospects the media in Europe and North America are in deep trouble. The migration of readers and advertisers to the Internet and a slowing global economy have created harder times than many expected, prompting even publishers who traditionally avoided job cuts to pare down their newsrooms.

Across the United States and Europe newspaper and broadcasting groups have reduced editorial jobs. Publishers everywhere are struggling to cope with falling circulation, shrinking advertising, competition from free newspapers and rising costs.

Most, if not all, have turned to the Internet for salvation, creating online websites. Those that have succeeded have done so by marketing the quality of their brand. Distinctive names from the world's media landscape have carved out a significant following on the Internet. In the United States (*nytimes.com*), France (*lemonde.fr*), Britain (*guardian.co.uk*, *timesonline.co.uk*, *ft.com* and *BBC.co.uk*) and Germany (*derspiegel.de*), the most visited news sites come from traditional stock, indicating that, given a choice, people choose reputable and respected titles for news content. The problem is that few of these initiatives make enough money to replace revenues lost from falling circulation and thinning advertising. While the search for a new market paradigm to secure the future of private news media continues, the fabric of traditional journalism has been torn apart.



There is little investment in research and training. Investigative reporting is disappearing. Specialist journalism is being “outsourced” to distant information factories. Jobs are scarce and it is becoming the norm for a “flexible” freelance journalist to feed a media machine across all platforms.

Leading the process in Europe is the newspaper group Mecom. Flush with 60 million Euro of private equity provided by a dozen investors, the company has created a stable of more than 300 titles in Norway, the Netherlands, Denmark, Germany, Poland and Ukraine with a workforce of more than 11,000.

The company’s strategy as outlined by its executive chairman David Montgomery, a former boss of the *Daily Mirror* group in the UK, is that all journalists have to work across different media and live without what he calls the “restrictive paraphernalia” of the sub-editing process, by which news is revised, checked and prepared for distribution.

IFJ affiliates in the affected countries are not impressed and have seen already a haemorrhaging of talent from the newsrooms. According to Kjetil Haanes, Vice President of the Norwegian Journalists’ Union since Mecom bought up the northern European media group Orkla in 2006 more than 20 per cent of the workforce had left — either sacked or resigning in protest over cutbacks by the new owners.¹⁷ Among those hit by the Mecom approach has been the prestigious *Berliner Zeitung*, where some 30 journalists’ jobs were cut.

In June 2008 an angry letter to David Montgomery from seven editors-in-chief working for the Netherlands’ biggest regional newspaper publisher, Wegener, left him in no doubt about their concern over the future of their newspapers, in which Mecom has taken an 87 per cent stake:

“The employees are under extreme pressure. There are not enough people, resources and incentives to achieve product differentiation quickly in order to achieve the necessary large-scale success in the multimedia field. As the editors-in-chief, we would like to stress that our papers are not just an economic product.”

They point out that the newspapers represent part of the cultural capital of society. “*The*

newspapers are more than an information provider for the inhabitants of the relevant regions — they are a bearer of historical and cultural awareness and social cohesion.”

The concerns of the Dutch editors were well founded as in the same month Mecom announced it was to cut 395 to 465 full-time equivalent positions, including journalists, from a staff of 4,000. They echo concerns in many countries where newspapers have been faced with declining advertising revenues. Their letter is an important reminder that cutting costs and stripping newspapers of their resources can be more detrimental than helpful — editorially and commercially.

Opposition by editors to attacks on newsrooms by publishers is long overdue. A survey carried out by the IFJ in 2005 found that average rates of pay in journalism since the turn of the century had decreased in real terms according to 40 per cent of respondents or had “significantly decreased” according to 15 per cent. The survey covered media employing more than 230,000 journalists in 37 countries and found that in more than half the newsrooms there had been a negative change in the employment relationship over the same period.

Journalists rarely leave their offices. The modern reporter turns up for work, turns on the computer and is encouraged to “Google” life into a pre-prepared agenda of news and information that is led by national news agencies and a reinvigorated public relations sector.

Those looking for explanations for the pervasive low morale that infects much of modern journalism need look no further than the trend towards individual contracts, part-time and freelance employment across the industry leading to more precarious insecure jobs.

Rich media, poor quality

The problems being experienced in Europe and North America are by no means universal across the global media landscape. In countries where national economies have experienced rapid growth in recent years and social improvements have increased levels of employment and literacy, the media market has been expanding and newspaper sales are increasing. At the same time,

¹⁷ Media 2008, *The Guardian*

MEDIA COALITION FOR GLOBAL ACTION

To underline the crucial role of quality journalism for social and economic development, the IFJ is working in the Global Forum for Media Development (GFMD), a network of 500 non-governmental media assistance organisations operating in about 100 countries across Asia, Africa, the Middle East, Europe, Eurasia and the Americas.¹⁹

This coalition supports the development of independent media at the community, national and regional level and is calling for more resources from the international community to support media.

The GFMD aims to make media development as much an integral part of overall development strategies as education or health, and to have media recognised as a development sector in its own right with media programmes linked strategically to overall democracy building and good governance.

This will only happen if there is good co-operation within the media development sector to deliver higher quality of planning, evaluation and work carried out to ensure media development makes an impact.

The GFMD brings the media development community together in regional forums and holds a GMFD World Conference. The first such conference of media development groups was held in 2005 in Amman, Jordan and the second in Athens, Greece in December 2008.

The Forum promotes research and analysis of the impact of media development on governance, civic participation or poverty alleviation and it supports efforts to reinforce the ethical character of media work. Its message is clear — free, independent, pluralistic and viable media are a key to human and economic development.

deregulation of the broadcasting sector and encouragement of foreign investment has seen a rapid expansion of television and online media.

Newspaper sales in Brazil have gone up by more than 22% in the last five years, in India by more than 35% over the same period and in Pakistan by a similar figure. The trend is similar elsewhere in Asia and Latin America. Sub-Saharan Africa has missed out on economic growth, but even here, there are some signs of resilience in media. In Mali, for example, the number of local and regional newspapers is growing.

In China, sales have risen by more than 20% to 107 million copies a day in the past five years.¹⁸ Shaun Rein, from the China

Market Research Group in Shanghai, argues that Chinese newspapers will continue to be cheap even as costs rise and advertisers move online because all Chinese newspapers are state-owned. Sales may also have increased because of China's struggle to contain corruption. Some officials see local publications as allies in efforts to root out corrupt regional and municipal authorities and as the publications become less bland they become more attractive.

India, like China is leading the way in Asia. Vanita Kohli-Khandekar, a media consultant and author of *The Indian Media Business*, says that there are some 60,000 newspapers, 67 news channels, thousands of websites and 1.2 million blogs in India. There were four big, high-quality national business dailies in India in 2006 and six in 2007, with a seventh to appear in 2008. After entertainment, news is now the biggest genre of content in Indian media in terms of revenues, audience and investment.

Much of this expansion has taken place since 2005 when foreign institutional investment in newspapers was first allowed. However, this news market, which is so dependent on advertising, has led to pressure on ethical standards. There is more tabloid journalism and more selling of editorial or programming.

Not surprisingly, many in journalism have expressed dismay at the commercialisation of the press which has seen the blurring, if not elimination, of the barriers that used to separate advertising and editorial, and the steady encroachment of sleaze into the programming of some new broadcasting networks.

In countries which have felt some benefit from economic renewal the transformation of the broadcasting landscape has been the dynamic force driving change and expansion of journalism. Often that has come on the back of deregulation permitting increased foreign investment and the presence of more private players in a sector which was traditionally marked by the dead hand of state control. Inevitably, as in India and Pakistan, there has been a rush to fill the space created by new market opportunities, but with not enough advertising revenue and sponsorship to go round; the competition has been fierce and editorial standards have been driven down in the struggle to survive.

¹⁸ Source: World Association of Newspapers

¹⁹ For more information contact: director@mediagfmd.org, www.gfmd.info



On air: Radio waves in Uganda. ©ILO/ Cassidy K.

Fragile media in fragile states

Media in countries most affected by poverty and those emerging from conflict and disaster — known as “fragile states” in the language of international diplomacy — together constitute a third sector of world journalism and present the most compelling challenge for global media. This is where people most need access to reliable information, where journalism is a high-risk activity, where media exist in twilight conditions of freedom, where ethical journalism is at a premium.

Around one billion people live in countries afflicted by the most wretched poverty or where the state is breaking down or is overcome by conflict.

Typically, governments in these countries are unable to provide basic services, such as food, clean water and healthcare and communities are fully occupied every day with the struggle for survival. To many of these governments independent journalism seems like a threat, an internal voice of criticism that they seek to control or suppress. In general, they either do not understand, or if they do understand, do not support the role that independent journalism can play in

providing an information lifeline to help people take control of their lives by combating ignorance and challenging powerlessness.

Each year massive amounts of aid travel the globe from rich countries to poor, but little of it is targeted on media development.

In 2007 around US \$250 million was spent on media programmes as part of government aid — less than a quarter of one per cent of the total of US \$90 billion spent on development aid. In fact, the total of global aid spent on media and development in 2007 was just 10% of what the US bank Lehman Brothers, architects of the world’s biggest corporate bankruptcy in history, set aside for staff bonuses.

In Africa and other poor countries, radio has immense influence and potential, especially outside the big cities, where few have access to television and low levels of literacy limit access to print media. A report written for the UK development agency, DFID in 2006 called for more aid to strengthen this sector of the media.

“Upholding the rights of poor people to receive and impart information lies at the core of poverty reduction efforts.”

Information and communication for development (ICD) initiatives therefore can play a strategic role in connecting sectoral and multi-sectoral development processes to the poor, by allowing poor men, women and children to be heard and stake a claim in policy development, planning and implementation.”²⁰

DFID itself has done a limited amount of work to support NGOs that in turn support radio but this is usually designed to support specific aid objectives rather than to develop media *per se*. Examples include a radio soap drama in Hargeisha in the Horn of Africa which discusses reproductive health and female circumcision, a radio station in Northern Uganda that promotes peace and reconciliation. DFID has also supported NGOs working on reform of radio

licensing laws in Ethiopia and public broadcasting in Nigeria. Similar programmes have been supported by government agencies in the Netherlands, Denmark and the United States.

There is a case for richer countries doing far more. Speaking at a joint BBC World Service Trust / DFID conference in November 2004, the then UK Secretary of State for International Development, Hilary Benn, linked the case for media support in poor countries to poverty reduction.

“For both the media and governments in the South, there are real opportunities to use communications in the fight against poverty. Not just communication that secures column inches or airtime, but communication which educates and brings about better ways of doing things; which helps government talk to its citizens

²⁰ Voices of Change: Strategic radio support for achieving the Millennium Development Goals, Dr Andrew Skuse, published by DFID January 2006.

ALGERIA: *Aljazeera* Questions Spark a Media Rebellion

Of all the networks on the world’s expanding media landscape, none creates more excitement or controversy than *Aljazeera*. Depending on how you see it, the channel is either setting new standards for independent journalism and media quality in a region where journalism has for decades been under a political stranglehold, or it is an apologist for violence and extremism and subject to easy manipulation by terrorist groups. Some even think it could be both.

Qatar-based *Aljazeera* has paid a heavy price for its challenging journalism and has been banned from reporting in many countries of the Arab world. In particular, it has been targeted by the United States military in attacks on its offices in Afghanistan and Baghdad during the Iraq war, when a reporter was killed. These attacks followed a period of persistent criticism by leading United States officials about alleged bias in its coverage of the Middle East and American policy.

However, the network’s coverage of the violence in the region has also stimulated criticism, inside and outside journalism. Many worry that *Aljazeera* does not apply sufficient restraint in its use of violent images and that it occasionally gives the impression of supporting extremist religious groups.

Aljazeera argues with some conviction, that notions of objectivity are meaningless unless all sides of a story — including

those of groups such as Hamas in Palestine or Hezbollah in Lebanon — are given due attention. However, they have occasionally found themselves called to account by independent journalists as well as by authorities within countries with very fragile traditions of press freedom.

In the immediate aftermath of devastating attacks in Algiers in December 2007, which killed 41 people and injured another 177, the channel ran an Internet poll asking the question, “*Do you support al-Qaeda’s attacks in Algeria?*” The results, published on their website the day after the bombings, were startling: more than 50 per cent of 30,000 respondents said they supported the attacks. Only 42 per cent disagreed.

Internet polls are highly dubious measures of the public mood but this poll was seized on by the al-Qaeda Organisation in the Islamic Maghreb as evidence of popular support for its operations in Algeria. News of the poll spread quickly in Algeria provoking consternation among locals about the justification for asking such a question in the circumstances. The families of victims were particularly upset.

The Algerian television chief Hamraoui Habib Chawki, said the poll made *Aljazeera* appear to be linked to al-Qaeda and that posing the question in such a way is “a manoeuvre and a justification for terrorist acts”.

and vice-versa; and which puts the poorest of the poor at the centre of attention.

Put this way, aid for radio stations and other media, sounds entirely beneficial, but we must acknowledge some hidden dangers if journalists learn to view financial support as being linked to particular messages, rather than being linked to the spirit of openness, inquiry and diversity. There is a danger in radio stations or newspapers becoming virtual ‘clients’ of donors or NGOs. Funding mechanisms need to be arranged and training conducted to ensure that supported media exercise ethical but independent editorial control, and do not just act as a mouthpiece for those who fund the service. The objective is independent and thoughtful media that connects with its communities, rather than advocacy media that simply relay the messages of the latest donor.

‘Fragile’ countries feature prominently in the public statements of the IFJ and other media support groups because this is where journalists suffer most and where media conditions are worst, but they do not get the long-term investment and political attention their media crisis deserves.

In this hardest of climates, earning a living out of journalism means navigating through corrupting conditions in which cash handouts — universally known as “brown envelopes”, except in China where they call them “red letters” — are a virtual necessity to secure a living wage. Jobs are insecure and there is much mixing of duties between ordinary journalism and public relations work tied to promoting particular causes.

Commitment to ethical journalism requires talent and moral courage, and often a good deal of physical bravery as

The country’s media and journalists condemned *Aljazeera* for insensitivity to the victims of indiscriminate terrorist violence and there was some speculation from former Prime Minister Ahmed Ouyahia that the motive behind *Aljazeera*’s poll may have been Algeria’s refusal to allow the network to establish an office in the country. (In 2004 Algeria withdrew a licence for *Aljazeera* to work in the country over reporting of an earlier terrorist attack on a power generating plant.)

Al Massaa columnist Malika Khelaf said that by conducting this poll, *Aljazeera* had stripped itself of credibility. She said the network has “expressly announced its alliance with terrorists who strive after corruption in the land, and that its output is not different from the statements issued by al-Qaeda when it claims responsibility for the massacres it commits.”

Algerian reporters working for *Aljazeera* were taken aback. Algerian *Aljazeera* anchor Khadidja Bengana said the poll was a “big mistake”, and that network leadership should publicly apologise to the Algerian public, even if the poll carried no malicious intent. In its defence *Aljazeera* economic news Chief Hatem Ghandir said the poll had been published by *Aljazeera.net* (the web site) and not by the news channel.

The protests forced *Aljazeera* to withdraw the poll and its reports from its web site, responding to protests from civil society groups, including organisations such as Victims of the Algerian Islamist Terrorism. According to the daily newspaper *El Watan*, this group had decided to start legal action and called on the Arab League, the

African Union, the African Committee of Human Rights and national and international NGOs to support them in their efforts to stop what they said were attempts of advocating Islamist terrorism. The National Union of Algerian Women (UNFA) also joined the protest.

In another case, in June 2008, *Aljazeera* found itself in trouble over coverage of violence in Morocco when police and demonstrators protesting over unemployment clashed at Sidi Ifni, a small fishing port 770 kilometres south of Rabat. The report told a vivid story of street battles, confrontation and flying Molotov cocktails and, according to information from a local group which is said to be close to Islamist supporters, the killing of between six and eight protesters.

It was later established that there were no deaths. However no apology was given immediately and the station was heavily criticised for delaying its acknowledgement of its mistake.

The Vice President of the IFJ Younes, M’Jahed, who is also General Secretary of the IFJ’s local affiliate the Syndicat national de la presse Marocaine, says that *Aljazeera* can be criticised, but he and the union strongly opposed the withdrawal of accreditation and legal action against the station’s bureau chief Hassan Rachidi over its coverage of the Sidi Ifni incidents.

He stressed that *Aljazeera* had an obligation to admit its mistakes and rectify them in good time, a theme taken up by Francois Soudain of *Jeune Afrique* who lamented the failure of the channel to correct quickly the errors. “When we make mistakes, as often happens, we have to apologise publicly. There is no other way to be credible.”

well. In many of these countries the “independent” media are, in fact, the voice of opposition and struggle to keep a genuinely independent perspective in volatile conditions. Often they rely upon external financial support from donors or the development agencies of countries which share their political agenda.

Not surprisingly, some international and national development communities fear that encouraging independent media — sometimes seen as strident and “unhelpful” to building dialogue — will add to tensions rather than smooth the path to dialogue and peaceful development.

Where there is instability and lack of political process, the creation of free and independent media is not the only condition for strengthening civil society, establishing democracy and holding governments accountable. There is also a need for a stable political framework.

Nevertheless, without independent and ethically-based media in place, democracy and social development will be held back. For this reason, the IFJ and other groups working through initiatives such as the Global Forum for Media Development believe that independent journalism must be part of the development mix for rebuilding states in crisis and to alleviate poverty.

This work needs to be carefully, strategically and more generously supported by donor agencies. In the initial phases of development, whether it concerns peacebuilding or elimination of corruption, media can help minimise the potential for conflict and maximise the potential for building national cohesion. Media initiatives must work towards creation of effective state organisations. However, that certainly does not mean handing over control of the media development process to government.²¹

The state does not have a monopoly in nation-building or in developing the public space for democratic life. That is why media development needs to be a comprehensive project which recognises the role of government and state institutions, and promotes diversity. The state has a crucial role in developing public media, by creating a legal environment for quality journalism and building the infrastructure for education and training. However, promoting pluralism

means encouraging independent media voices to reflect the aspirations of all, including voices that are critical of governments and donors.

In situations where national cohesion and consensus is lacking, state or public involvement in the media can, as part of the equation, be a constructive force for social, economic and political reconstruction. That can happen if media adopt public service values in their reporting, and develop management systems that are transparent and accountable. In the process they can even provide models for other democratic institutions to follow.

Even where governments are themselves failing to create space for independent media to develop, there is room for donors to support the creation of journalists’ associations, to fund training for journalists, and to promote initiatives to strengthen ethical conduct and monitoring of media work.

Can media work for democracy and development?

Every country is different — what works in Somalia may not be appropriate in Afghanistan — and it is a mistake to imagine that some universally applicable media development strategy is going to work everywhere, but there are a number of areas where targeted donor support for media and journalism is urgently needed:

- ▶ **Safety First:** Providing security for journalists and helping media to develop risk awareness strategies by supporting, for instance, the programmes of the International News Safety Institute and the IFJ.
- ▶ **The citizen’s right to know:** Improving the capacity of citizens to use media to become part of the democratic process at all levels — through media literacy, election education, and engagement with journalism.
- ▶ **Rules of the Game:** Repealing bad laws and putting in place policy and legislation that will create an environment for journalism to function in the public (not the government) interest;

► **Quality Journalism:**

- Providing support for solidarity actions in journalism through union-building and the creation of independent organisations to speak for journalists;
- Helping journalists and media staff to work ethically and to have productive dialogue with media owners, administrators and civil society; and
- Creating structures for accountability and strengthening of media capacity through regulation which is at arms-length from government.

► **Corruption:** Journalists have a role to play investigating and exposing fraud and misuse of power, wherever it saps public confidence and poisons democratic life. Resources should be provided to conduct investigations where they are needed — inside politics, public administration and private business, or the legislative and judicial systems, including the development community and media, too.

► **Violations of rights:** The routine abuse of human rights is a major obstacle to development in countries at war (such as Mexico, Colombia the Democratic Republic of Congo, Somalia or Sri Lanka) and in countries where the social and political rights of the community are compromised by neglect and poverty such as in Nigeria, Bangladesh or Peru. Support for journalists in these regions needs targeted workshops and meetings on:

- Specialised training in national and international law, public policies, and national budgets
- Opening debate on ethical journalism and the challenges of conflict conscious reporting, non-discrimination and tolerance as well as the role of media in building democracy
- Setting objectives for ethical reporting, promoting the (un-sensational) reporting of human rights stories and organising prizes that highlight excellence in journalism
- Promoting media co-operation including joint investigations involv-



IN THE CROSSFIRE: Displaced persons at Trincomalee, Sri Lanka. The armed conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) escalated dramatically in 2006, with 3,300 killed and over 200,000 internally displaced. © Brennon Jones/IRIN

ing more than one news organisation to make most effective use of resources

- Helping journalists to better understand changing patterns of organised crime and better ways to report this.

Journalists' unions have a crucial role to play, particularly in building a journalistic culture which is not linked to any particular political viewpoint, so that journalists can support each other even when their political views diverge. They can help in detailed analysis of complex conditions. Unions can identify the people who most need support; and supply the talent, experience and local knowledge that give added value to development programmes.

Support for professional associations and unions of journalists and the creation of a community of confident, alert and competent journalists in public and privately owned media is essential. Without them the evolution of a national culture of democracy and respect for domestic and international laws that protect peoples' rights, constrain hate speech and hold government to account will be impossible.

Donor support for media should give priority to helping journalists to organise. Most

²¹ Some useful thoughts on this problem are set out in Templates for Media Development do not work in Crisis States: Defining and understanding media development strategies in post-war and crisis states by Dr James Putzel and Joost van der Zwan.

THE STATE OF THE MEDIA

GLOBAL ADVERTISING MARKETS

Global advertising has grown steadily since 2002, and is expected to reach US\$ 500 billion in 2010. Television advertising is expected to reach US\$ 196.9 billion in 2011.

Newspapers are set to see advertising revenues rise from \$102.5 billion in 2002 to \$132.7 billion in 2011, but continue to lose market share. Magazines and radio are also experiencing market share decline.

Advertising on the Internet is predicted to surge from \$9 billion in 2002 to \$73.1 billion in 2011. Its market share has jumped from less than three percent in 2002 to nearly 14 percent in 2011, and is expected to continue rising.

Market share of global advertising by sector

SECTOR	2008	2011
TV	37.9%	37.1%
Newspapers	26.5%	25%
Internet	10.8%	13.6%
Radio	7.5%	7.3%

MOBILE TELEPHONE MARKET AND THE DIGITAL WORLD

There were 945 million mobile telephone customers worldwide in 2001 and this almost trebled to 2.6 billion in 2006, most of them (1.7 billion) in developing countries with just 886 million in industrialised countries.

According to consulting group PricewaterhouseCoopers (PwC), digital/mobile revenues are predicted to rise from US\$ 12.7 billion in 2002 to US\$ 153.4 billion in 2011.

Global (Internet) wireless subscriptions continue to grow, from 1.1 billion in 2002 to a projected 3.4 billion in 2011. The broadband market is expected to grow from 51.38 million households worldwide in 2002 to nearly 540 million households in 2011.

The countries most switched on to the digital revolution are the Scandinavian countries, most Western European countries, the United States, Korea, Japan, Australia and New Zealand.

Countries that have not yet fully embraced the digital environment but have strong mobile telephone and internet penetration are Russia, Argentina, Chile, Venezuela, Colombia, the United Arab Emirates, South Africa, Portugal and most of the countries in Eastern and Central Europe.

The digital divide exists predominantly in Central America, parts of South America (including Brazil), Africa (except for South Africa and Tunisia) and most Asian countries (including China and India) which are ranked low in terms of digital development, with mobile penetration lower than 65% and internet penetration at lower than 40%.

SOURCE: WORLD DIGITAL MEDIA TRENDS 2008 World Association of Newspapers

NEWSPAPER TRENDS

Number of daily newspaper websites (online editions)

SAMPLES	2003	2006
Uganda (Africa)	0	4
United States (North America)	1,343	1,674
Brazil (South America)	126	128
Australia (Australia and Oceania)	22	372
Germany (Europe)	264	382

Numbers of Titles: Paid-for Dailies / Free dailies

	2003	2007
Africa	372 / 1	443 / 4
North America	1,984 / 35	1,963 / 84
South America	1,026 / 8	1,090 / 18
Asia	4,861 / 9	5,771 / 32
Australia and Oceania	86 / 2	92 / 3
Europe	2,195 / 47	2,325 / 171
TOTAL	10,524 / 102	11,684 / 312

Only in North America has the number of paid-for daily titles fallen. All continents have seen a marked increase in the number of free daily titles.

Changing Circulation: Circulations (000s) — Paid-for / Free dailies

	2003	2007
Africa	532 / 65	8,702 / 183
North America	68,832 / 1,966	64,437 / 5,307
South America	12,985 / 802	15,105 / 917
Asia	297,436 / 2,017	347,561 / 7,193
Australia and Oceania	3,884 / 180	3,711 / 340
Europe	94,832 / 9,992	92,678 / 26,151
TOTAL	486,501 / 15,022	532,194 / 40,091

Half the continents — Europe, Australia and Oceania plus North America — have seen the circulations of paid-for dailies decline. All continents have seen a marked increase in the circulations of free dailies.

RISE OF THE INTERNET

Research by MAGNA Global shows that the internet has a reach of more than 50% in most of the countries studied. In the United States, penetration is at about 70%, while in the United Kingdom and Germany penetration is more than 60 percent. In the BRIC countries (Brazil, Russia, India and China), penetration is about 20 percent or even lower, while in India, it is lower than five percent.

According to a 2007 Harris Interactive and Innovation Media Consulting Group survey in seven countries, the Internet will overtake television network news in the US, France, Italy and Spain and become the primary news and information source in these countries within five years. Television network news and the Internet are expected to be the joint primary source in Australia while the lead that TV network news held holds over the Internet in Germany and the UK will narrow. Meanwhile newspapers will decline further as a source of news and information.

SOURCE: 2007 Harris Interactive and Innovation Media Consulting Group survey

valuable is helping them to provide balanced information in zones of violent conflict. Such support can help to ensure that media act, not just as a check on the state, but also as a contributing force in building the credibility of effective state organisations.

Where the structures of society have fractured, support for media cannot simply be a sticking plaster. Donors need to break

the habit of applying short-term strategies for dealing with long-term problems. When communities are stricken by endemic crises of poverty and social dislocation, often in post-war environments, they need time — maybe decades — before it is realistic to think that local funding alone can maintain media and other essential institutions of democracy.

THE CONGO

The BBC was flooded with e-mails in April 2007 after Mike Thomson, Foreign Affairs Correspondent, interviewed Zawadi Morgane, a young Congolese mother who was abducted by armed rebels, gang raped and then forced to hang her own baby. She went on to witness the gruesome killings of her brother, two other children and 45 other villagers. His broadcast led to many calls for more action to end Congo's largely forgotten war and helped raise tens of thousands of pounds for charity work in the region. But his involvement went far beyond the story. Mike, who first met Zawadi from Bukavu in South Kivu at the hospital where her life was saved, devoted much of the following year, out of the glare of the cameras, to trying to find her again after hearing that she had left the hospital in despair with no home. He helped her to rebuild her shattered life and give her hope for the future. He did eventually re-interview her — giving listeners a sense of continuity and an understanding that human stories do not end at the lowest point of despair.

Uncertain Futures

Rights and Wrongs of Fearful Politics

Erosion of freedom is experienced in many different ways; most dramatically, in the form of violence or physical intimidation. Indeed, it seems that dissident journalists can be killed with impunity. More than 1,000 journalists have been killed for their work in the past decade, many of them through targeted assassination. Many die in conflicts — such as Iraq — but many are killed by gangsters or security agencies in countries where notions of democracy are not respected. At the same time the first decade of the 21st Century has seen the emergence of new threats from intolerance, terrorism and muscular and intrusive politics suggesting these are desperate times for independent journalism.

Even settled democracies are chipping away at civil liberties and press freedom.

Although the term “war on terror” has fallen from everyday political use, it has spawned a culture of routine official surveillance of citizens. Journalists are one group within civil society whose activities are monitored every step of the way.

The UN Special Rapporteur on Freedom of Expression has noted that since the 9/11 terrorist attacks on New York and Washington, many states have adopted laws that undermine freedom of expression. Restrictions on free speech have multiplied all over the world, very often on the grounds of national security. This trend is based on and upheld by fear and threats of violence. His comments echo the findings of the IFJ Report *Journalism, Civil Liberties and the War on Terrorism* which concluded that:

“The war on terrorism amounts to a devastating challenge to the global

culture of human rights and civil liberties established almost 60 years ago.”²²

That report, based upon an analysis of current policy developments and a survey of 20 selected countries, found that around half of the minimum standards set out in the Universal Declaration of Human Rights are being undermined by the war on terrorism. The report concludes that the response by governments to the threat of terrorism is out of all proportion and says the consequences have been devastating for media.

In this climate, there have been numerous attacks on journalists’ rights. States draft new laws concerning “glorification of terrorism,” or “radicalization of young people” that are vague and potentially harmful to free expression. Indeed, in June 2007, Martin Scheinin, UN Special Rapporteur on human rights and terrorism, warned the United States that criminalisation of “incitement to terrorism”, and the use of vague terms

²² Report by IFJ and Statewatch, published 2005.



DIVIDING LINE: Media ask is Israel's wall an obstacle to dialogue? © 2008 Jupiterimages Corporation

like “glorifying” or “promoting” terrorism, could be used to limit legitimate freedom of expression. His warning could equally apply to other countries.

Until recently, the debate about media and democracy focused on the importance of interdependence and dialogue. But dialogue only works when people have access to informed, reliable journalism, the sort of information that challenges rumour, ignorance and popular prejudice.

In the 2000s the dominant voice in international politics — “you are with us — or you are against us” — has corrupted journalism and weakened its democratic role in society in the same way that fanciful business practices have destroyed confidence in market economics. Many hope that change is coming with the election of a new president in the United States.

Journalists point out that we don’t need a swathe of new anti-terror laws, as there are already controls in place to deal with incitement to violence, and this is especially so if the consequence is political interference in the work of media. Politicians fail to understand that freedom of the press is not a right to be enjoyed only in calm and tranquil

times; but must be tested and survive in turbulence when democracy and its institutions are under fire. Contrary to what many political leaders think, independent journalism and press freedom are assets, not liabilities, in a crisis.

Lies and self-censorship never solve problems, as the history of conflict in Vietnam, Algeria and Northern Ireland demonstrates. They lower morale and create an atmosphere of secrecy and uncertainty in society and they encourage self-censorship, a pervasive and self-denying process that makes seeking solutions more difficult, not easier.

But who is listening to these arguments? The rhetoric of anti-terrorism continues to drown out calls for rational and proportionate responses to the challenges posed by a minority of violent extremists. As a result, journalists work in an atmosphere of suspicion and uncertainty and there is more pressure on them to reveal their sources of information.

European reporters have been victimised for publishing information that embarrasses governments. In the Netherlands, Latvia, Ireland, France, Germany,

UNITED STATES: Newsroom Code to Halt Declining Standards

In the United States, journalists' unions representing media staff in press and broadcasting are taking a lead to halt falling standards. They have agreed a newsroom code to put ethical conduct before company self-interest and are campaigning vigorously to halt the growth of media monopolies.

This is the country which pioneered a reputation for peerless, investigative journalism. In the 1970s the *New York Times* and others published the Pentagon Papers, exposing government lies and deceit over the Vietnam war. In the same decade the *Washington Post* led the exposure of the Watergate scandal that began as a clumsy break-in at Democratic National Committee headquarters in 1972 and ended with the resignation of a discredited President Richard Nixon in 1974, after the media had uncovered fraud, espionage, wire-tapping and conspiracies to cover up crime. At a time when the American people lost confidence in Government, they found their champions in the media.

But the shine that brought a President to his knees was dulled by a chase for sensation, circulation and celebrity. Newsrooms wanted the highs that came with the most dramatic stories, but were not willing to commit the resources, discipline, hard work and training that would maintain these standards. Some journalists decided that if the truth would not come to them, they could just make up what they did not have. In a newsroom culture where what mattered was the appearance of success, many frauds went undetected. Enough were exposed to seriously damage the reputation of American media.

The decline may have started with a heart-wrenching tale in the *Washington Post* in September 1980 about a young boy who had apparently become a victim of the heroin trade. Although reporter Janet Cooke won the Pulitzer Prize, she eventually admitted that much of the story was fictitious.

In 1998, Stephen Glass a 25 year old journalist on the US political magazine *New Republic* was sacked when it was discovered that he had made up interviews in high-profile pieces on American life. Looking back ten years later, the magazine's editor Charles Lane, said: "The environment inside the magazines was such, and I think this is normal, that people trusted one another and didn't imagine that somebody would be doing all of this and finally I think ...the more he did, the easier it became to get away with it." But



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Adam Penenberg, one of the first journalists to question Glass' stories, says that journalists had come under increasing pressure to deliver 'great' stories. "I think that what happens in journalism today and in the late 90s is that there is this essence of hype. How can we hype a story to

attract more readers? How can we sex it up?"

A few months later Patricia Smith, who had been a finalist for a Pulitzer Prize, resigned as a columnist for the *Boston Globe* after admitting manufacturing quotes. In her final column she said: "From time to time in my metro column, to create the desired impact or slam home a salient point, I attributed quotes to people who didn't exist. ... As anyone who's ever touched a newspaper knows, that's one of the cardinal sins of journalism: Thou shall not fabricate. No exceptions. No excuses."

Equally stunning was the downfall of Jayson Blair who was sacked from the *New York Times* in 2003 for plagiarizing and fabricating stories. More than half of his stories in the previous six months had been made up, at least in part. After much heart-searching, the paper appointed a public editor to encourage access and to monitor readers' complaints about the paper's performance. The *New York Times* described this as a "low point in 152-year history of the newspaper" and the two top editors resigned. In an article headed "Correcting the Record" the *Times* spared neither itself nor the reporter:

"Jayson Blair, 27, misled readers and *Times* colleagues with dispatches that purported to be from Maryland, Texas and other states, when often he was far away, in New York. He fabricated comments. He concocted scenes. He lifted material from other newspapers and wire services. He selected details from photographs to create the impression he had been somewhere or seen someone, when he had not. And he used these techniques to write falsely about emotionally charged moments in recent history, from the deadly sniper attacks in suburban Washington to the anguish of families grieving for loved ones killed in Iraq." The *New York Times* admitted that there had been many warnings over the years about unprofessional conduct and inaccuracies and that these had not been acted on by the paper.

These are stories of journalists destroyed by their own ambition and lack of commitment to ethical ways of working. Although they must take personal responsibility for their actions, they were to a great extent victims of a system that wanted the end results, and was not too particular about the means. There is an uncanny parallel between the fabrications some star reporters used to boost their stories and status, and the fantasy financial dealings that led to the economic crash of 2008. Individual greed and ambition played a big part — but the underlying ethics and morality of the system had turned rotten.

These cases, and many others that have not been so widely publicised slipped past a system of journalism plagued by poor editing, negligent application of traditional journalistic checking and verification, and workplace climates of fear which have made American media vulnerable to unscrupulous political spin doctors and the public relations industry.

USA TODAY: A virus of fear and friends in high places

Possibly the most intense examination of low editorial standards in journalistic history was conducted at the daily newspaper *USA Today* after Jack Kelley, a Pulitzer Prize-finalist and star reporter, resigned in January 2004, during an investigation into his integrity. It started when an anonymous letter exposed a lie about a notebook Kelley claimed to have seen when investigating ethnic cleansing in Kosovo. Later it was found that many of his 720 stories examined contained fabrications.



©AFP

In April 2004, *USA Today* was obliged to publish what must be the hardest hitting examination of a newsroom culture ever produced. An investigation by Bill Hilliard, Bill Kovach and John Seigenthaler linked Kelley's ability to live a life of deceit to the harsh pressures of newsroom life and a climate of fear. Their findings should be studied by every journalist as an awful warning about what happens when the drive for circulation and profit replaces a commitment to high standards. This is the story of how not to run a newsroom.

They found that Kelley's dishonest reporting dated back at least 13 years to 1991 and should have been exposed years earlier. "There were more than enough serious cumulative concerns, challenges and doubts expressed about Kelley's work, to have triggered an intensive internal investigation of him years before the anonymous letter arrived." However, an internal investigation seemed determined to show that Kelley had been guilty of nothing beyond the one lie that had been exposed.

A virus of fear

Kelley was protected by a virus of 'fear' that was "alive and sick in the News section". Kelley's 'star' status, his frequent appearances on television, and the impression he conveyed that high ranking executives of *USA Today* were his close friends made his critics believe that he was untouchable. Journalists who raised questions about Kelley were warned to keep their heads down. "We find that fear—whatever its definition and whoever feels it—exists. And out of that fear reporters and editors, in effect, became enablers for the fraud Jack Kelley produced."

Atmosphere of competition sweeps away guidelines

Policies, rules and guidelines and routine editing procedures should have raised "dark shadows of doubt" but Kelley was not challenged by his editors. The report describes this as "a harsh reminder that policies drafted on paper are meaningless unless discerning editorial gatekeepers at every level, apply them and enforce their roles as editors".

When the paper was launched in 1982, it had a strict ban on the use of anonymous sources. Later this was relaxed and in 1995 the policy changed dramatically as the publisher and editor set out to make the paper more competitive with more high-impact front page news stories. Editors held daily meetings in what was called "the bull pen," to vet the top stories and determine what would appear on page one. "Reporters found the bull pen sessions tense and demanding." Although the bull pen was later done away with, control of page one stories continued to dominate decision-making.

"Kelley told us during our interviews that he suddenly felt great pressure from his editors to produce exclusive "scoops." If a news story appeared prominently in *The New York Times*, *Washington Post* or other major newspapers, the *USA Today* staff was expected to top it."

No culture of debate

Lines of communication within the newsroom were "palpably defective.

"We are not suggesting that a newsroom can be a debating society, nor can it become a substitute for complaints that routinely are handled by Human Resources. The very nature of reporting, writing and editing the news involves raising and resolving, every day and in every edition, differences of opinion over germane facts, or over style, or over the play of stories. Tensions in this environment are inevitable. A newsroom culture that cannot accommodate that sort of give-and-take mocks standards of professionalism.

protected corrupt journalist for 13 years

“The hallmark is open use of communication to forge a sense of common purpose between publisher, editor, senior managers, staff and audience, based on candour and mutual respect. ... A press enterprise based on the free exercise of conscience within a diverse staff, one that welcomes debate, is the best hope for a successful journalistic institution that fulfils the obligation to the public envisioned by those who drafted the protections granted the press under the First Amendment to the Constitution.”

Just how vulnerable American journalism had become was revealed in 2005 when the *New York Times* exposed the United States government for sponsoring propaganda while big media helped to deceive readers and audiences about its origins.

The administration sold government spin as genuine news. Federal agencies bought up “independent” columnists and made their own “news” videos disguised as genuine journalism which were then broadcast as real news by media.

News networks — including major players such as Fox and ABC — used fake news clips and even altered some of them to give them a home-made look. More than 20 federal agencies, including the State Department and the Defence Department, got in on the act, all of it designed to promote the virtues of the Bush government. The White House spent \$254 million over four years on contracts with public relations firms — double the amount spent by the Clinton administration.

Free, off the peg programming from the government is a cracking way to save money and became a life-saver for cash-strapped editors. It only works, of course, if viewers are not let into the secret. The media went along with it because the material was slickly produced; simple to use and it was easy to pretend it was real news.

Unions put the focus back on standards

This deception added to the crisis which was caused in part by falling circulations and advertising, a resurgence of intrusive politics in the name of security, and the routine pressures associated with the fragmented world of 24-hour rolling news, where the priority is speed and convenience. It is easy to see why unions that are normally focused on labour issues are increasingly speaking out over editorial independence, accuracy and news standards.

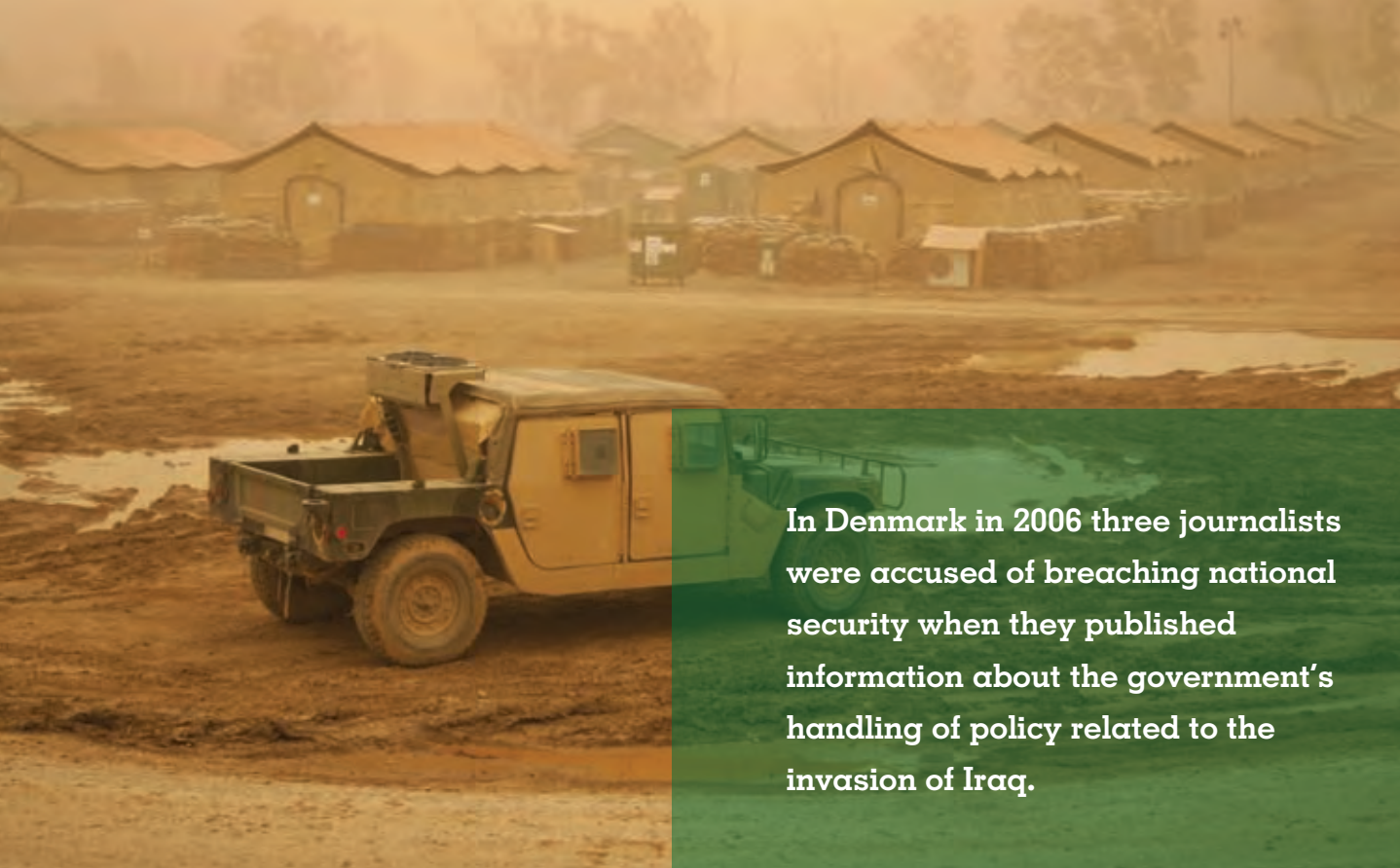
The Newspaper Guild-CWA, which represents reporters and news media staff in newspapers and agencies, and the American Federation of Radio and Television Artists (AFTRA), representing on-air presenters and broadcasters have put quality and editorial standards at the centre of their concerns. The Newspaper Guild (TNG) has drafted an extensive Code of Conduct covering not just reporters, but all media staff, including business managers and commercial employees. (See Appendix *Professionalism and Honesty in The News Media*)

TNG President Bernie Lunzer, says that the aim is to build a culture of ethical confidence to challenge commercial pressures. He believes that the threat to quality journalism comes from layoffs and cuts that have decimated print newsrooms in recent years. When combined with exacting deadlines in a 24-hour rolling news environment, the result has been a narrowing range of editorial coverage, with for example, independent foreign news reporting almost entirely disappearing. .

“Given the business climate it’s no surprise that corners are being cut and people are expected to turn a blind eye to unethical practice,” says Lunzer. “But the future of the industry will not be secured by dishonest and corrupt practices. We need a new approach — one based upon a return to the core values of journalism and a news-room culture that creates public confidence that they can trust their media to tell the truth.”

AFTRA’s priority is to put the brakes on moves towards increased media concentration which has weakened standards of professionalism in broadcast journalism. The Federation led a nationwide public campaign against loosening regulation on media ownership claiming that ownership that is more concentrated inevitably leads to greater conformity and less diverse sources of news and information.

“We argue strongly that the biggest threat to professionalism is not the conduct of our members,” says Tom Carpenter, an AFTRA leader who serves on the IFJ International Executive Committee. “That comes from the external pressures placed on them by their employers and advertisers.”



In Denmark in 2006 three journalists were accused of breaching national security when they published information about the government's handling of policy related to the invasion of Iraq.

the United Kingdom and Denmark, the authorities have used either court cases or legal and illegal surveillance to attempt to uncover journalists' sources, even though the principle of confidentiality has been upheld on several occasions by the European Court of Human Rights.

Bart Mos and Joost de Haas, veteran reporters for the Netherlands largest newspaper *de Telegraaf*, were detained — the journalists' association say they were “kidnapped” — in November 2006 and spent two days in jail after they refused to name their sources, for articles related to an agent suspected of leaking secret files from the Dutch intelligence service. No-one questioned the truth of their information but the story caused red faces within the top ranks of the Dutch intelligence service. Their arrests led to a rare moment of unity among journalists and media owners during widespread protests.

In Denmark three journalists were accused in 2006 of breaching national security when they published information about the government's handling of policy related to the invasion of Iraq. This unprecedented attack shocked the media establishment in a country that is very proud of its free press traditions.

In a series of articles published in February 2004, the daily newspaper *Berlingske*

Tidende quoted excerpts from Danish military intelligence reports, which denied the availability of credible information on the existence of weapons of mass destruction in Iraq.

Of course, it is now universally acknowledged that such weapons did not exist, but at the time, they constituted the principal argument vigorously put forward by Prime Minister Anders Fogh Rasmussen to justify Danish support for the invasion.

The journalists who broke the story Jesper Larsen and Michael Bjerre were arrested in April 2004 and charged with “*publishing information illegally obtained by a third party.*” There was no suggestion that the information was inaccurate or, indeed, that publication posed any credible threat to the citizens of Denmark or the Danish military. The prosecution took two years to prepare, during which time the offending intelligence mole, Frank Soeholm Grevil, was prosecuted and served his sentence. Along the way, the newspaper's editor was bundled into the dock alongside his reporters.

In the event, the court cleared the journalists, upholding their defence of public interest and defence of press freedom. The verdict also highlighted the importance of professional solidarity, as both the IFJ and its counterpart among publishers, the World Association of Newspapers, gave evidence

for the defence. The relief among journalists was palpable, but press freedom advocates were left with a sense that a line had been crossed to an era of confrontation.

In Germany, too, journalists have the courts to thank for reaffirming the rule of law and old-fashioned democratic values in the face of press violations by the authorities. The German Federal Constitutional Court intervened to shield media from the security services after a raid in 2005 on the editorial offices of the monthly news magazine *Cicero* in Potsdam.

In April 2005 the magazine published an article on the Islamist terrorist Abu Musab al-Zarqawi, quoting a top-secret report from Germany's Federal Criminal Police Office (BKA). Not long afterwards, the magazine's offices and the apartment of Bruno Schirra, the journalist who wrote the article, were raided and searched.

House searches and seizures like this have increased in recent years in Germany. The German Journalists Association (DJV) reports 187 cases since 1987. The charge, says the DJV, is always the same — 'inciting or participating in the disclosure of secrets', a line of attack designed to intimidate and deter the press.

Despite a number of rulings designed to firm up the boundaries of press freedom in Germany, laws on the German books still make it possible to leverage journalists to reveal their sources. The authorities feel more confident about using these rules in the current atmosphere. As a result, journalists have the prospect of prosecutors and investigators roaming their newsrooms demanding to know who they have been talking to and about what. In this way the law becomes a tool for intimidation of journalists.

In February 2007, the Constitutional Court came down on the side of press freedom in the *Cicero* case finding that *"searches and seizures in investigations of members of the press are unconstitutional if their sole or chief purpose is to ascertain the identity of an informant."* Nor is it justified, said judges, to search newsroom offices solely on the grounds that official secrets have been published. The case for exempting journalists from the notorious application of section 353b of the country's Penal Code (which covers "accessories to the betrayal of official

secrets") appears to be unanswerable.

These cases touch on one of the key questions at the heart of democracy and relations between government and media — do journalists have a duty to protect state secrets (as defined by the state)? If a state secret is handed to a journalist, and it is published, who is to blame?

Government and state authorities point the finger at everyone — the journalist, the publisher and the whistle-blower. Indeed, since they usually do not know who the whistle-blower is, they see an attack on the journalists as their best route to discovering who leaked their secrets and their only way of venting their frustration. Journalists, however, can with justice insist that it is not their job to help the state keep its secrets. Indeed, a free press worthy of the name should make it more difficult for the government to keep secrets, particularly when, as in these examples, there is an overriding public interest in the subject under discussion. It is notable that in none of these cases were countries put at risk by the publication of these materials — in every case the motive for state action was political embarrassment.

But governments and politicians push their agendas at a time of high public anxiety. In 2006, evidence emerged of systematic spying on journalists by security officials in both the United States and Germany under cover of the anti-terrorism agenda.

On May 15 *ABC News* posted information on its web site from a senior federal law officer revealing how the United States was tracking the telephone numbers called by the network's reporters in an effort to root out confidential sources. Some observers saw this as being linked to the exposure a week earlier of how the National Security Agency (NSA) database in America is monitoring the telephone calls of hundreds of millions of Americans. The scrutiny of US media — which included the *New York Times* and the *Washington Post* — was part of a widespread CIA leak investigation following media reports about secret CIA prisons in Romania and Poland.

On the same day, Germany admitted that its federal intelligence agency had been spying in news rooms and paying journalists to reveal their sources. In an attempt to plug, or at least track leaks to the press,

some journalists had been paid by the security agency, the Bundesnachrichtendienst (BND), to spy on their colleagues. After this exposure, the government was forced to pull its spies out of the German media.

Nevertheless, the pressure on news media continues to build. In the UK, in October 2008, the Home Secretary, Jacqui Smith, signalled that the Government was considering seeking new powers for security and intelligence agencies and other public bodies to track use of Internet sites and mobile phones calls. Although they would not be able to monitor the content of calls or messages without a warrant, the authorities would be able to track who was talking to whom. This proposal, yet to be debated, is not specifically targeted at journalists but would effectively give the state a free hand to monitor journalists' contacts.

It is unconscionable that journalists in the heartlands of European democracy should be spied upon, that security services should be using paid informants inside media, that media telephones should be routinely tapped and that reporters should be prosecuted for doing their professional duty. A new order of self-serving politics is in place that is shameless in its use of the rhetoric of security to rebalance human rights and lower regard for fundamental liberties.

Reporters need to follow their stories, sometimes putting themselves at risk, and they need to talk to people who can speak with authority for dissident and opposition groups. Without access to diverse sources of information, stories will only ever be half-told and the powerful people who run the institu-

tions of state will become unaccountable.

It is not for the sake of some professional elite, namely journalists, that this protection is needed, but to protect the rights of citizens. The issues at stake here are free expression, and the democracy that flows from it, and these are the property of all citizens. So why is there such an apparent lack of public concern over these developments?

One reason may be that the institutions of democracy — political, business and social — have become delinked from their communities. There is more public cynicism about business leaders, unions and political parties. People need good quality information to better understand the contradictions and complexities of modern life, but media often seem to be part of the problem.

Too often the images and words of television and the popular press follow a pattern of sensationalism and opportunism that further undermines public confidence. They reinforce stereotypes and prejudice rather than encouraging an end to confrontation and a return to notions of engagement and value-based dialogue.

Dialogue is important because we depend on others, even those we do not like, do not trust or do not fully understand. But dialogue is impossible without access to reliable and quality information. Such information only exists when media are free to inform and when journalism is of high quality and has an ethical base. This is why we need to nourish free and independent journalism. Not necessarily to agree, but to better understand and to seek bridges to solutions.

At every level of democratic society — in the battles for political power, in the debates between communities from different ethnic and religious traditions — quality journalism is the vital link that can shape the process of democracy.

The Ethical Journalism Initiative aims to help journalists and media rebuild public confidence in quality journalism and the process of democracy itself. It acts as a powerful reminder for journalists that their key task is to provide accurate information, objectively, rapidly and independently to a public that is struggling to understand the complexities and challenges of today's world. It must also be a reminder to politicians that freedom of expression is not an expendable luxury.

BELGIUM

John Paul Marthoz when editor in chief of *La Libre Belgique* decided with the consent of the cartoonist to drop a cartoon making fun of Alzheimer's disease. "I felt that my readers, some of whom had close experience with this terrible disease, would be deeply hurt. It was not censorship," he says. "My decision did not affect the contents of the story. The truth was not hurt and, importantly for me, the principle of 'minimising harm' was respected."

THE NETHERLANDS: A Model of Vigilance and Dialogue

If press freedom means anything, says Thomas Bruning, General Secretary of the Dutch Association of Journalists (NVJ), it means “professional journalism practised in the best possible conditions by independent and well paid media staff who have free access to information and an unrestricted freedom to publish, and who are aware of their rights and responsibilities”.

The union's policies are based upon principles of vigilance and dialogue aimed at keeping at bay the intrusive hand of the state, while fostering debate within journalism and with civil society about the role of media and free journalism in Dutch society.

It has worked up to a point, says Bruning. “By accepting our own responsibility towards the public, by creating an easy and accessible way for people to make complaints and a place for discussion on ethical topics, we have managed to avoid until now any state-interference in the media profession,” he says.

The NVJ was a key player in the 1950s in setting up the self-regulating journalistic council, (de Raad voor de Journalistiek) at a time when the government threatened a special law over media standards. The council, supported by publishers and broadcasters, works independently from the state and handles public complaints about media and journalistic conduct.

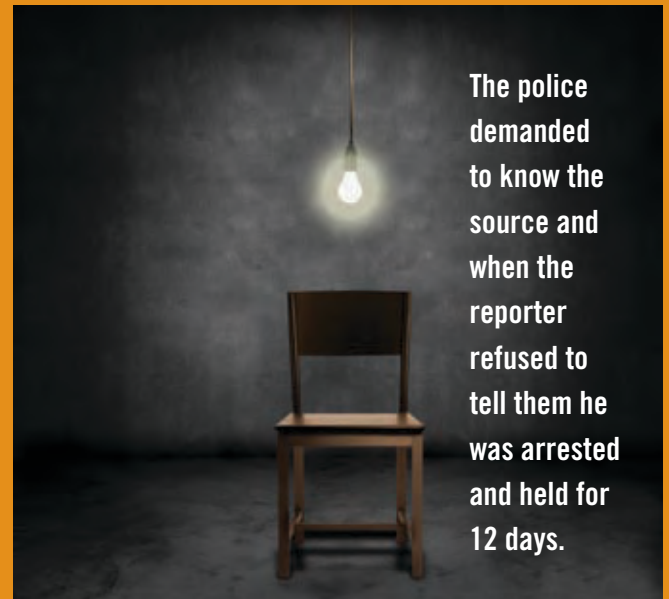
To widen the debate beyond complaints about media mischief the NVJ launched a Media Debate Foundation (Stichting Mediadebat) to create a bridge between daily journalism and the public. It focuses on the ethical dilemmas of journalism and the editorial judgement of media in areas where people worry about media power — privacy, sensationalism, the use of subterfuge and deception to get stories. It has played a useful role debating hot-topics, from publication of the Danish cartoons of the Prophet Mohammed, to media coverage of suicide-cases and reporting on the private lives of politicians and entertainers.

The work of the Association means that Dutch courts are cautious when dealing with media issues it comes to the media, but Bruning is anxious not to create an atmosphere conducive to self-censorship. “Stories that might be offensive are sometimes necessary for an open debate or proper reporting. Without open debate, the press cannot play its independent role,” he says.

In the Netherlands there is no heavy censorship, or banning of media or journalists in jail. However, the Association, conscious that journalists' rights can evaporate in the heat of political pressure, monitors attacks on media; launches court actions to defend rights and lobbies parliament and the government.

New laws to fight crime and terrorism gave government opportunities to snoop on citizens, their telephones, computers and E-mail communications and provided no special exceptions for reporters, who rely on the generally-accepted support of the courts for the protection of sources.

Bruning is concerned that it becomes impossible for journalists to conduct serious investigations about state authorities if they are constantly being monitored. The sources journalists rely on are even more at risk.



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Two cases make his point. In the first, the biggest daily newspaper, the *Telegraaf*, reported on how top secret material from the secret service was circulating in the criminal underworld, severely damaging the credibility of the national intelligence office. The secret service immediately started heavy surveillance of the two reporters who wrote the story — they were followed and their telephones tapped.

When they found out they were being tailed, they launched a legal action and won a court victory which condemned the secret service for violating the rights of journalists. However, the judgement was weak says Bruning — that looking for journalists' sources should not go further than necessary. The Association is now taking the case to the European Court to receive a clearer statement of condemnation of this kind of action.

In the second case, the European Court ruled in 2007 that the Dutch government had seriously violated the rights of a journalist Koen Voskuil from the newspaper *Spits*. In 2000, the reporter uncovered a police set up in a case involving a gun trader which could mean the collapse of the prosecution. The police demanded to know the source and when the reporter refused to tell them he was arrested and held for 12 days. He was freed when the courts decided that there were other ways to get the information. The Court in Strasbourg backed the journalist and the Association and warned that the Dutch action sent a dangerous signal that might deter other whistleblowers working with the police, government or secret service.

The case helped tip the balance in a national campaign for journalists' rights. In 2007 the Minister of Justice announced that he would prepare a special law to protect journalists' sources.

Not before time, says Bruning. “We feel good about living in a country where the free press is highly valued and common good, but we cannot take it for granted. It needs everyday maintenance and vigilance to keep it safe.”

Citizen Journalism?

It's a Question of Quality

On 24 December 2004 a tsunami washed over northern Sumatra and around the Indian Ocean, leaving death and destruction in its wake. Many of the terrible images were captured by tourists and local people on camera phones and hand-held video recorders, providing primary source material for unprecedented media coverage. The tsunami story demonstrated, at a time when the term 'citizen journalist' was beginning to come into popular use, that public engagement in covering the news is here to stay.

Today traditional media use every opportunity to encourage the reader or viewer to participate in their work. Blogging platforms have been introduced by major media and journalism websites are interactive, with the audience encouraged to send in their own images or eyewitness accounts of major news events. Dan Gillmor, journalist and author of *We the Media*, says where once big media treated the news as a lecture, in the future it will be more of a conversation.

This is all a far cry from the old idea of citizen journalism, which was about people who witnessed a newsworthy event and provided new and useful information about it. These days, news media encourage people to make their own packages of pictures and comments. This is leading to fears within journalism that in an age of cost-cutting, media owners may dispense with professional staff altogether and diminish in the process people's access to reliable information.

However, there is also a growing number of journalists who want to focus on how an active audience can improve coverage and raise the credibility of media that


are accused of reporting events superficially. Collaborative effort between established media and community groups has made it possible to develop so-called 'hyperlocal' coverage, with a reporter's core work backed up by additional information supplied online — one newspaper, for instance, asked its readers to mark potholes on a local online map to strengthen a story on the failure of local councils to maintain the roads.²³

A key element in the debate about how the Internet and people outside the newsroom are changing the relationship between journalists, their audience and their sources of information is how to harness these new connections to improve the quality of media.

The consistent failure of purely amateur-run publications suggests that quality will always depend on the added value of professional competence and the application of ethical principles.

The ubiquitous camera phone and E-mail inbox provide millions of images and messages through which media trawl every day for added value in their traditional reporting of events. But we are seeing a profound and probably lasting change in relations between

²³ Reported by UK Press Gazette launching its Citizen Journalism Awards for 2008.



A key element in the debate about how the Internet and people outside the newsroom are changing the relationship between journalists, their audience and their sources of information is how to harness these new connections to improve the quality of media.

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journalists and viewers/readers through the development of networked journalism that moves beyond plundering the snapshots and snippy comments of readers.

David Cohn, Director of Distributed Reporting at NewAssignment.Net, says the term ‘citizen journalism’ covers a multitude of engagements far beyond the happy coincidence of a member of the public, camera in hand, and a news event. He points to the growth of collaboration between journalists and local networks in the United States, which involves taking a published story and reworking it with added contributions through the Internet. He calls it the “wisdom of crowds”.

But the role of citizen journalists is still far from being clearly defined. What acts of gathering, preparing and distributing information comes under the umbrella of citizen journalism? Who takes responsibility for content? How are standards maintained?

This new set of relations also concerns the millions of bloggers who now occupy so much of cyberspace. Blogging is now commercialised and mainstream. According to Wikipedia, in May 2007, the search engine

Technorati was tracking more than 71 million blogs.

Blogging is the two-edged sword of the information revolution. On the one hand, it sets us free to speak to one another within a universe of democratic exchange outside the reach of political and corporate control. But on the other, it opens the door to mindless trivia, banality, and worse, to some grotesque and hateful ideas and images.

And that is the problem. Despite all the excitable talk about a new information space, the question of what makes reliable information — is it truthful, is it ethical, is it honest? — remains the major challenge for blogging enthusiasts. And is this really a substitute for dedicated journalism of quality produced by well-trained reporters and editors working full time?

Some people think we need new laws — applied through a global legal regime — that will protect privacy, decency, authors’ rights and democratic standards and ensure that bloggers and journalists operate on a level playing field.

Even if this were a good idea, it would take years, if ever, to get agreement on such

a process. Meanwhile, there is a stimulating debate currently taking place about self-rule and standards for blogging. We should continue to educate and coach users, particularly young people, to be media savvy as they navigate around some of the toxic content on the Internet.

There are a few Internet news sites that are making their mark and keeping traditional media on their toes. The *Huffington Post* in the United States, which has a pool of 2,000 bloggers, is the world's most-linked-to blog. In August 2008, the site's mix of edgy commentary, news links and blog posts written by celebrities, politicians and high-profile analysts drew more than five million different visitors.²⁴

The *Huffington Post* came into its own in the heat of the 2008 presidential election

campaign. The Barack Obama campaign took one of its heaviest blows when one of the *Post's* citizen journalists posted his remarks about bitter small-town Americans who "cling to guns or religion" after hearing them at a fundraising event that was closed to the media. The *Post* is also a pioneer of standard-setting on the net, and insists that *Huffington Post* pass holders must correct factual errors within 24 hours or lose their privileges.

Arianna Huffington, the site founder, sees a convergence of old and new media. Sites like hers are adopting the best of traditional journalism such as in-depth reporting, fact checking and demands for accuracy, while online editions, video packages and blogs now feature routinely in the output of

²⁴ *Irish Times*, 4 October 2008

CHINA: A Sporting Chance for Press Freedom

In China, where government and leaders of mainstream media speak openly, if unconvincingly, about their commitment to ethical journalism, there are signs that new dialogues between journalists inside and outside the country are bringing about change, albeit within strict limits.

In a country where responsible journalism traditionally means little more than unswerving loyalty to communism and support for state control of media reporters, editors have found themselves in jail or up against the courts for causing offence to party officials or state bureaucrats.

Now those same officials have decided to relax controls on media, thanks in part to a largely trouble-free Olympic Games in 2008.

Part of the reason for the change may also be the unified intervention of journalists' unions prior to the Games. Journalists' groups adopted a new strategic approach to China in order to engage in dialogue and to build working links with thousands of journalists within the country who are yearning for change and improvements in their working and professional conditions.

An official delegation of IFJ journalists' leaders from ten countries visited Beijing in March 2008 and met with government chiefs and heads of official media to urge that an official policy of openness towards media temporarily put in place to help foreign journalists cover the Olympic Games should be continued indefinitely and not revoked as planned later in the year.

During the Games, the IFJ, working with the media sports group Play the Game, provided support for thousands of journalists visiting China and sent two observers to monitor the treatment of media during the Games. According to the Foreign Correspondents Club in Beijing there were in excess of 360 specific cases of interference during the Olympic Games despite official rules which should have allowed media to work freely, showing that some police and local officials did not get the message that they should assist reporters. However, the Games may have brought China's reluctant rulers to the starting line.

The unions' approach appeared to bear fruit in October 2008 when Chinese Prime Minister Wen Jiabao announced that regulations allowing foreign reporters to travel where they wish without prior permission and to interview anyone who is willing to talk to them would be made permanent. This was a "challenging step in the right direction" according to the IFJ and opens the door to new discussions aimed at encouraging the country to embrace press freedom principles in all areas of media policy.

However, in a country where hotel owners are obliged to tell the authorities the moment a foreign journalist checks in, where sensitive regions such as Tibet are no-go areas for reporters, and where Internet users are subject to the most extensive surveillance found anywhere in the world, no recognisable system of press freedom is likely any time soon.

All media are either owned or supervised by the Communist party of China and are enjoined to report on positive stories about

traditional media. Nevertheless, she is critical of the methods of 'old' journalism's obsessive commitment to balance and objectivity.

It's a similar concern of British journalist Nick Davies, the author of *Flat Earth News*, who says the practice of so-called 'balanced reporting' has become a futile exercise in pitting one unverified statement of fact against another and giving up on the central mission of journalism to establish the truth. This is one area where citizen journalists such as those in the *Huffington Post* stable can take the time to build a more accurate picture of a given situation. But are they able to provide the degree of accuracy and reliability expected of informed and trained reporters?

A legitimate ethical concern about the 'blogosphere' is that too much of it is about



unsubstantiated gossip, speculation and rumour. Media need to be wary of using content that is portrayed as accurate information filtered by a blogger where in fact it turns out to be little more than information from one source, such as a public relations firm or lobby group. Davies cited figures from his

the country. Media publishing negative stories can expect trouble, unless, of course, the stories are run by the *China Central Television Agency* (CCTV) or *Xinhua News Agency* or the *People's Daily* the major party mouthpieces. Criticism through these outlets is usually interpreted as an officially sanctioned warning signal from the highest authority.

In the aftermath of the Olympic Games the authorities showed that they remain as intolerant as ever of any free-ranging local journalism.

In September 2008, the Government suppressed information over the food scandal in Sanlu when milk powder contaminated with the industrial chemical melamine caused the deaths of two babies and caused another 1,200 to fall ill. Restrictions, issued after the case was at first widely reported, instructed media only to publish information obtained from official government news sources and only to include positive reporting of the Government's handling of the crisis. The story was removed from online forums and blogs.

In July 2008 the weekly *China Business Post* found itself in trouble when it ran a story claiming the Agricultural Bank of China, one of China's top four state-owned banks, was in breach of financial regulations. The bank denied the key charges, but the paper stood by its story saying the investigation was fair and in good faith.

On 25 September 2008, it announced that a "superior administration" had suspended the paper for three months for violations of "propaganda protocols," including one banning journalists from conducting inter-regional investigations, an absurd rule imposing artificial boundaries on reporting and seldom applied in recent years.

However, the *China Business Post* remained defiant, and planned a legal challenge over the suspension illustrating that in spite of all of these problems there is an emerging combative attitude within local media.

This spirit of independence had earlier revealed itself in the immediate aftermath of the earthquake in May 2008 which caused 70,000 deaths in Sichuan province. The propaganda ministry issued an instruction to local media to stay out of the earthquake zone and leave reporting of the disaster to the national party media. However, local journalists found ways to get around the ban which was soon rendered unworkable. Coverage of the earthquake, local and international, was unprecedented in its scope and depth, and led to widely-publicised public criticism of building policies and corruption which had seen the collapse of poorly-built schools.

The introduction of a media market has fuelled more openness and investigative journalism is increasingly tolerated. However, every newspaper editor in China, before running a story, has to assess the potential dangers and decide whether it's worth taking a risk. A popular motto among Chinese editors as Zhang Hong of the *Economic Observer* notes is: "Hit the fly, but stay clear of the tiger."

Although Chinese journalists continue to test the propaganda administration's tolerance, China's commitment to media openness remain fragile. But there is room for optimism. The Chinese action over foreign journalists' rights vindicates a policy of engagement with China. The dialogue that brought some small advances for foreign reporting of the China story will continue. Tens of thousands of journalists in China live in hope of change. Change will not come as soon as most of them want, but it is inexorable.

BELGIUM

A young footballer with a team in the English Premier League on loan to a foreign club in 1999 was sent off in a meaningless end-of-season game for his new club and after the match physically attacked the referee. It was a heat of the moment drama, but a story nevertheless. The freelance reporter who got hold of the story thought twice about it. The lad, aged 19, was a hot-head, and he was also starting out on a career that was his only chance to put behind him a poor education and a tough childhood, but there was also no excuse for violent behaviour. A hard call, but the reporter put his notebook away and let it go.

own survey into journalistic sources, which showed that only 12% of articles in a sample of 2,000 showed evidence of fact-checking.

Professor Francois Heinderyckx, who researches the media and information technologies at the Universite Libre de Bruxelles, believes that the modern media's over-reliance on technology has led to fragmentation and haste. He worries that news comes immediately but in little pieces — gone is a media which gathered facts, views and evidence to present its readers with a complete, considered analysis.

The European Parliament is encouraging an open discussion on the status of blogs. In September 2008, the European Parliamentarians adopted a statement saying blogs are an important new contribution to freedom of expression. However, they rejected the idea of creating a 'blogger registry' in which bloggers' interests would be disclosed.

This idea was supported by a parliamentary committee led by Estonian representative Marianne Mikko (a former journalist) who called for clarification of the legal status of blog authors. She got a sharp response. "I've been subject to attacks from bloggers all over Europe," she told news website EU Observer after the passage of the resolution. "I've been called Mao Tse-Tung, Lukashenko, Ceausescu — it's not very pleasant. I don't understand the reaction; nobody is interested in regulating the internet."

Nevertheless some lawmakers are concerned that the legal situation of bloggers and

whether they should have the right to protect sources or where liability should be assigned in the event of lawsuits. Certainly, for example, the issue of defamation and blogging is a complex one. If bloggers post defamatory material, accessed anywhere, they are liable.

However, tracking them down is a challenge. The Internet content host is unlikely to cooperate and may well be overseas, where court orders against individual bloggers are hard to enforce. At best, they may disclose an Internet Protocol address which can be tracked to an Internet Service Provider (ISP), which may also be overseas, or may rely on privacy concerns to refuse to reveal the owner.

As far as the fashion for bloggers contributing to news websites is concerned, Veronica Scott puts her finger on an important issue in *Walkleys Magazine*.²⁵ As the public is invited more often to contribute to mainstream content, she believes that a balance will need to be struck between the desire for an interactive audience and a free flow of news and opinions against the time and cost of checking content and the risk of publishing unlawful content.

Blogging readers are unlikely to feel as constrained by potential legal constraints such as defamation, so imposing terms and conditions on them may be ineffective. Ultimately, media will have to defend their reputations by introducing careful systems to monitor and regulate comment, similar to that for letters to the editor. Online contributors will have to provide contact details and trained staff will have to check their comments.

Media are already well aware of the advantages of using the Internet to engage with readers, viewers and listeners and just about everybody else. It has opened up new lines of communication. For example, the BBC website carries a staff blog, by its Europe correspondent Mark Mardell, on European political issues.²⁶ Another example of a staff blog is one written by French journalist Jean Quatremer for Libération about what is going behind the scenes in the European Union.²⁷

What concerns national unions and associations of journalists is that there is a mixing of "citizen journalism" with professional work which is potentially ruinous

²⁵ See <http://magazine.walkleys.com>

²⁶ See <http://www.bbc.co.uk/blogs/thereporters/markmardell>

²⁷ See <http://bruxelles.blogs.liberation.fr>

to ambitions for all-round improvement in quality of media. Too many media are using the pro-am journalist to cut costs and undermine the depth of coverage.

Unions are concerned, too, about increasing reliance on pro-am sources and a hemorrhaging of quality editorial jobs which they see as signs of declining commitment to mission in journalism. When the journalists of Europe and the rest of the world every November 5 say “Stand up for Journalism” — an annual day of action first launched in 2007 — they argue for the rights of their members, but they warn, too, of wider threats to the community and democracy that may come with the dismantling of core professional values in the handling of information.

Without dedicated, competent and well-trained journalists who earn their livelihood from the profession of journalism it will simply not be possible to provide the richness of coverage and depth of reporting that people need to make sense of the world around them.

People have welcome opportunities in the “Facebook age” to express themselves, share their thoughts and network to their hearts content using technologies that their grandparents would never have dreamt of, but communities need more than point to point and point to multi-point communication if they are to understand better the political, social and economic tumult

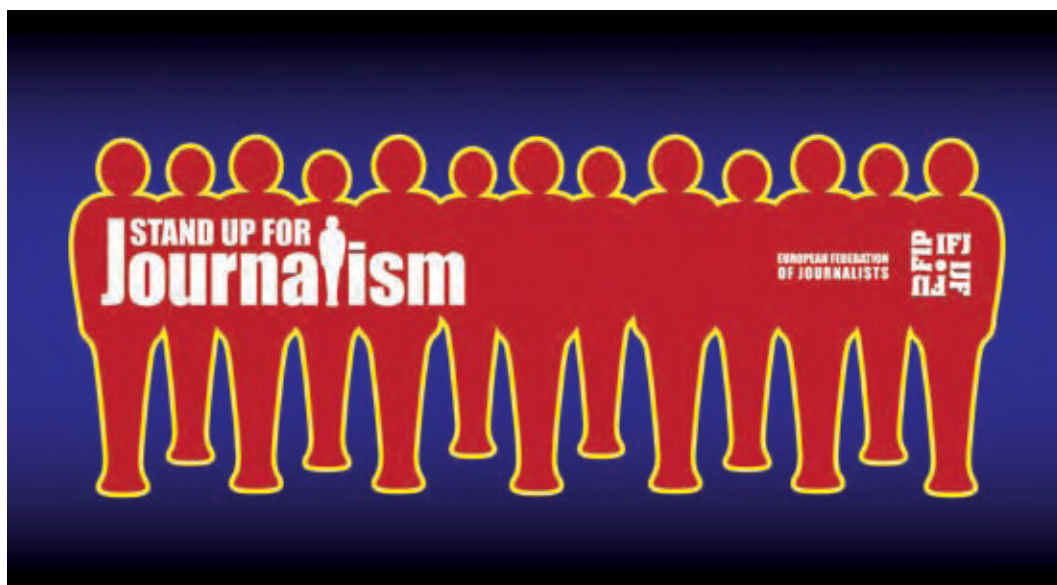
around them. They need access to reliable information and they need analysis, context and perspective about what that information means

Without a people-centred approach tuned to the needs of community, the information revolution may become a chaotic universe in which the poor, marginalised minorities, and people without the inclination, capacity or skills to board the technology bandwagon will be rendered invisible. There are dangers in a world where someone’s opinion of what the facts might be gains greater attention than an account where the facts have been well researched and checked.

For that reason alone it is vital that there are more rather than fewer full-time competent journalists and that we strive for a new professionalism, as well as the proliferation of voices. We need some rhythm to the music of information not just the babble and squeak of the Internet.

Media must open themselves up not just to notions of how to make the best of converging new and old media, such as the *Huffington Post* and a hundred other new sites like it. They need also to use the opportunity to put quality and standards to the top of the editorial agenda.

They should encourage journalists to join the blogging revolution, but they must then give their reporters space to think and speak outside the limits of the traditional newsroom.



Handout Journalism

Media Turn to Non-Profit Support to Fill Funding Gaps

The question facing media struggling to keep their feet in changing markets is who will pay for quality? The next generation of readers and consumers appears comfortable with notion of getting news from a range of Internet-based sources free of charge.

The traditional press business model based on paid-for sales and revenue from display and classified advertising is broken in many countries while prime time television news is losing audience share, leading to weaker advertising. In these conditions, media are trying to develop new revenue sources, to pay for labour-intensive newsgathering and investigative journalism.

In the United States, funding from philanthropic institutions is an increasingly popular option for cash-strapped media. Charles Lewis, the founding Executive Director of the Center for Public Integrity from 1989 to 2004, raised and cheerfully spent more than US\$ 30 million on journalism projects in that time.

Today a growing number of non-profit, grant-funded news operations have emerged, including the Pulitzer Center on Crisis Reporting and the investigative news operation ProPublica, launched in January 2008 with a budget of US\$ 11 million a year for at least three years. Stories are offered free to selected news outlets, whose own staff may also join in the newsgathering and have their results showcased on the ProPublica website.

Geneva Overholser, the American journalist and scholar, was editor of the *Des Moines Register* when it won the Pulitzer Prize for Public Service, and is now director of the School of Journalism at the Annenberg School for Communication in Southern California. In 2006, she issued a challenge on the future of her profession, publishing *On Behalf of Journalism: A Manifesto for Change*. In it she supports the view that foundations and philanthropists should formulate a Marshall Plan to create more innovation in support of public-minded forms of news coverage.

Dan Gillmor, who has launched a centre for digital media entrepreneurship at Arizona University's journalism school, has suggested paying the salary of a local investigative journalist or providing seed funding for a network of local blogs and media sites, while adding cash to train participants in journalism.

Foundations have become more involved because traditional news media, rather than investing in investigative journalism, are cutting back on editorial spending. In 2005, foundations in the United States contributed US\$ 158 million towards

media and communications, including grants for journalism. The Knight Foundation, set up with the support of the major regional newspaper chain Knight-Ridder, has invested almost US\$ 300 million in journalism in the United States and around the world, with an emphasis on mid-career training in the 1980s, journalism in education in the 1990s and digital media innovation in the 2000s. In 2007, the Foundation announced more than US\$ 54 million in journalism grants — more than doubling the level of the previous year.

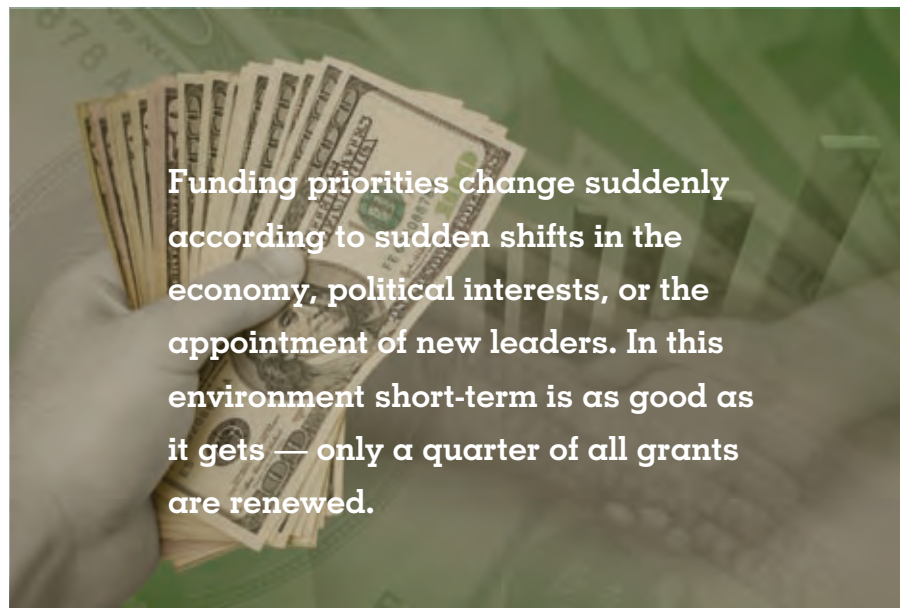
This development is not without concerns, particularly over whether the changing funding patterns of investigative journalism will lead to new conflicts of interest and induce media to pull their punches when reporting in areas of particular interest to funders.

This is not a new problem in the United States where the public broadcasting system — National Public Radio (NPR) — has for years been the poor relation of the nation's media family. As a privately supported membership organisation NPR obtains a third of its revenue from grants, contributions and sponsorships. But it rigorously separates the work of its news and business operations.

"Funders may have their own interests," says NPR President Kevin Klose, "but they cannot dictate story focus. By designating funding, a grantmaker aims to raise the visibility of an issue or area and expand public knowledge."

However, non-profit journalism can be subject to changing markets and circumstances, just as much as commercial news operations. Funding priorities change suddenly according to sudden shifts in the economy, political interests, or the appointment of new leaders. In this environment short-term is as good as it gets — only a quarter of all grants are renewed.

But major results can be achieved. Speaking from Maryland University's Journalism Center on Children and Families, senior editor Carol Guensburg says that reporting by the *Charleston Gazette* exposed the damaging social costs of cuts in school spending in rural West Virginia. The project, which documented children enduring bus rides of several hours to school, won the Education Writer Association's grand prize in 2003.



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For journalists, help from outside funders can make a big difference. "The majority of long-term investigative projects that we do here would not have been possible otherwise," says Eric Eyre of the *Charleston Gazette*. A journalist receiving a grant to examine the coal industry was able to contribute to breaking stories on the deadly Sago mine collapse in December 2005 and stay on to produce a detailed report and series on the government's mine safety policies.

But some editors are nervous about any hint of outside influence on their journalism. The editor of the *Lexington Herald-Leader* in Kentucky obtained a US\$ 37,500 grant from the Center for Investigative Reporting to allow a reporter six-months of unpaid leave to look into a Republican senator's political fundraising practices and suggestions of influence. Before publication, the senator's staff raised a potential conflict of interest as the Center had also made donations to Democratic candidates and causes. The Gazette's owners and leadership, which had changed during the research period, decided to repay the grant. They were not uncomfortable with the journalism, but the relationship with the outside group was sufficiently unorthodox for them to have second thoughts about taking the money.

In fact, the Center, like other foundations and non-profit media supporters, maintains a firewall between editorial and

Working Conditions that Crush the Spirit of Journalism

Working conditions for journalists are not mainly about a pleasant environment of plant pots and air conditioning, but about issues that are crucial to building a structure for quality and ethical media. These include having enough people and time to do the job properly and creating an atmosphere in the newsroom which respects professional ethics and experience. Many journalists feel stifled by a spiritless conformity.

Journalism is still a magnet for aspiring youngsters, but it faces a bleak future if the most talented and energetic of them lose heart and drift away because of a lack of respect in the workplace.

Media organisations and media support groups often neglect this area of journalists' concern, even dismissing it as mere "labour issues" to be dealt with in the framework of bargaining between unions and managements and, therefore, outside the orbit of concern over media freedom and ethical conduct.

This attitude to some extent explains the unhappy relationship that most organised journalists' unions have with some press freedom advocacy groups. It is mistaken and dangerous, because it ignores the roots of the professional malaise that has overtaken much of modern journalism.

Despite the problems facing the media, most journalists love their jobs, but many will leave the profession, given the chance, because of the indignity of poor conditions that are driving down morale.

An academic survey carried out in Belgium in 2008 throws light on conditions in the modern news- across Europe and much of the developed world.²⁸ The report concludes that morale is low, despite journalism still being a romantic pick for young people choosing a career path. The survey found:

- ▶ **82 per cent** of journalists love their job (more in television and radio and less in agencies and the press). They like it not because they can travel and become famous but because of opportunities to meet people (56 per cent); the diversity of subjects they cover (44 per cent); and because they constantly learn new things
- ▶ **40 per cent** of journalists would change their job because of poor conditions
- ▶ **80 per cent** say journalism is getting worse because of media concentration and the demands of a multimedia environment (particularly having to "feed" a web-site as well as keeping up the day job, which was a factor among under 35s).

The changing working environment makes day-to-day journalism increasingly hard and has an impact on quality. Among the major factors which were highlighted by journalists were

- ▶ Not enough trained people to do the job (25 per cent)
- ▶ Not enough time to work efficiently (21 per cent)
- ▶ Conformism in the news-rooms (18 per cent)
- ▶ Economic pressure on journalists (14 per cent)

A majority of those who took part in the survey — 56 per cent — said that to defend the professional standing of journalism working conditions have to be upgraded.

fundraising, and believes that funders of public-interest journalism should keep their support as general as possible. Project-specific initiatives can run into problems when people on the receiving end of difficult journalistic questions look for ethical vulnerabilities in the reporting process.

Ruby Takanishi, president of the Foundation for Child Development, encourages more critical coverage of philanthropy but sees that there is a potential problem. "How does journalism cover philanthropy? It's sort of biting the hand that feeds you."

Edward Wassermann, the Knight Professor of Journalism Ethics at Washington and Lee University in Lexington, Virginia, says that he is especially uneasy with "an almost direct line between funder and news organisation", a structure emerging in health news services.

"I could very readily see that this opens the door for various trade groups to bankroll reporting that could in itself be perfectly okay, but, in terms of subject matter, would have a tilt toward topics of greatest interest to the funders: biofuels coverage, for instance, funded by Archer Daniels Midland [*one of the world's largest processors for soybeans, corn and wheat*]. You get into a murky area pretty quickly."

For his part Charles Lewis says that there should not be any greater danger to editorial integrity from donor influence than from advertiser influence in the traditional model. Non-profit journalism ventures should ensure transparency and credibility, and are often more ready to do so than a commercial outlet. The golden rule, he says, as in all forms of media management and journalistic activity, is to be transparent. To preserve newsgathering integrity, non-profit organisations in journalism "must disclose their donors".

Outside the United States the non-profit foundation model for filling gaps in media funding is less well established, although public and private funding of media and journalism in poorer regions — particularly those in conflict zones — has been with us for decades. Sometimes these arrangements do cause unease about undue influence.

In the 1990s the IFJ was involved with a range of national and international donor organisations in supporting a massive project to launch an independent broadcast-



In the 1990s the IFJ was involved with a range of national and international donor organisations in supporting a massive project to launch an independent broadcasting operation in Bosnia.

MOSTAR, BOSNIA: Divided communities needed a media bridge. © 2008 Jupiterimages Corporation

ing operation in Bosnia — the Open Broadcast Network, bringing together local television stations to support and carry a national news-driven broadcast service. It made a lot of sense, but there were questions over the potential for political influence. Even though the journalism was of a high standard and, on the whole, beyond reproach, the resentment over the millions spent on the project by its political supporters meant it struggled for credibility with many independent journalists and became unkindly known locally as “Bildt TV” in reference to the High Representative in Sarajevo Carl Bildt.

In the early years of the Millennium, the European Commission funded some radio stations in accession countries to make programmes about the EU for their populations. Was this a disinterested attempt to educate people as the countries decided whether to join, or was the EU aware that this funding was unlikely to be used to campaign for a ‘no’ vote?

In most European countries the state, through the careful and controlled deployment of taxpayers’ money or the creation of special arrangements — public broadcasting levies, for example — provides subsidy and support for media activity and journalism outside the traditional market framework. In the best

models the state provides finance but has no influence over editorial content or the appointment of the top editorial or executive positions.

However, in many countries support for media is under pressure, as struggling private media protest at the state providing a stream of public support for the public sector.

The debate about the future of funding for public broadcasting is once more on the national and international agenda, not least because emerging technologies and changing consumer habits have altered perceptions of the role of public broadcasting. Questions over access to advertising markets and public funding for news web-sites as well as traditional radio and television platforms have sharpened the discussion.

The notion of journalistic independence and public service values in news gathering and programming remains critical. There is more evidence than ever that the free market is unable to deliver the quality and pluralism that complex multicultural societies require. The case for reinforcing financial support for public broadcasting is unanswerable, but whether the answer is to maintain public service institutions which in many countries are closely associated with state control and which have remained ossified, is another matter.

²⁸ Survey by Celine Fion at the Catholic University of Louvain, reported in *Le Soir*, 9 October 2008. This survey of 2,000 French-speaking journalists had a response of more than 36 per cent — a remarkably high response according to the Belgian journalists’ union the AGJPB.

The IFJ and its unions have developed an extensive campaign to reinvigorate and expand thinking about public service values in media and are working with other groups to open up the debate with governments and civil society about aims, objectives and funding of public media across new platforms as well as old. In a world of changing habits, there is good reason to rethink the mechanisms that are needed to maintain pluralism. Can public support be reformulated to sponsor new initiatives for quality and diversity?

Whether in its public or private face, the image of media and journalism is changing. For many journalists the immediate challenge is to identify ways of filling the funding gaps for areas of journalism that can no longer pay their way. The foundations provide one route, another may be via the creative and efficient deployment of public funds, but neither will succeed unless the rules of the game are clear about the need for professionalism, quality and transparency and ensure that whoever pays the piper does not call the tune.

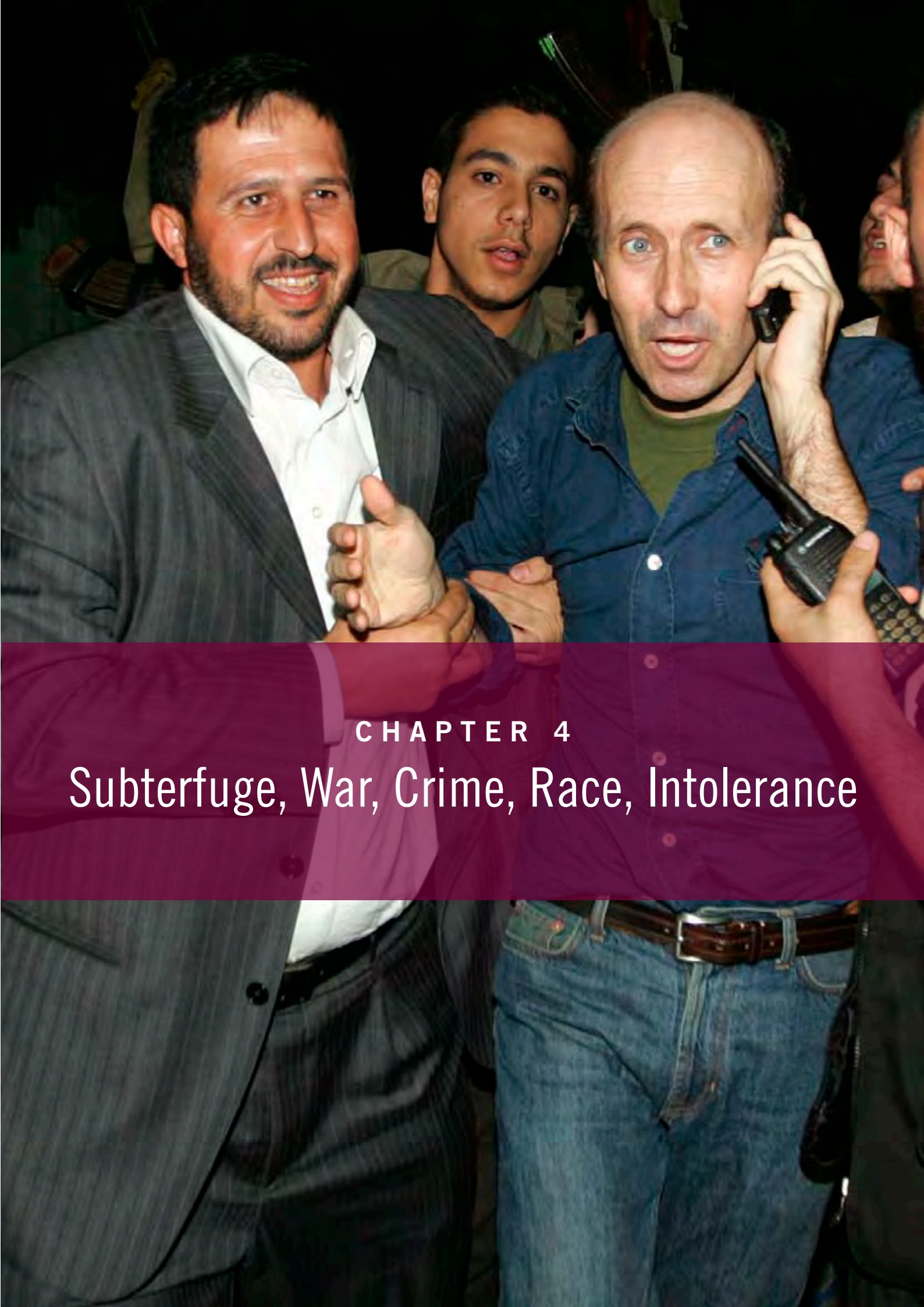


Reuters correspondent Kurt Schork is shown in this August 4, 1992 photo aiding a woman following a mortar attack at a funeral in Sarajevo. REUTERS/Corinne Dufka

BOSNIA

The United States reporter Kurt Schork, who was killed with fellow journalist Miguel Gil Moreno while on assignment in Sierra Leone in 2004, was notorious for putting his humanitarian instincts before the story. As one of the many tributes to him put it, “the mark of his superiority as a journalist was the fact that the story never came before the people.” A colleague in Sarajevo during the Bosnia war recalled eating pizza with him one day when shells began to fall on a neighbourhood nearby. “My first reaction was to drive away, his first reaction was to drive towards the shells,” he says.

They came across a group of wounded and bleeding civilians. Kurt immediately jumped out and started loading them into the car. Some French soldiers arrived in an armoured vehicle, took one look and drove off. Kurt insisted on getting everyone who could be helped to hospital. He knew better than most how to walk the fine line between doing what he had to do to be a reporter and doing what he needed to do to help people.



CHAPTER 4

Subterfuge, War, Crime, Race, Intolerance



Deceptive Handling of the Truth

Ethical journalism involves fair methods to obtain news, photographs and documents.

The journalist shall regard plagiarism as grave professional offence.

(IFJ Code of principles)

In her marvellous and provocative introduction to *The Journalist and the Murderer*, the writer Janet Malcolm makes a statement that should be in the mind of every reporter when they strike up a conversation:

Every journalist who is not too stupid or too full of himself to notice what is going on knows that what he does is morally indefensible. He is a kind of confidence man, preying on people's vanity, ignorance or loneliness, gaining their trust and betraying them without remorse.

Like the credulous widow who wakes up one day to find the charming young man and all her savings gone, so the consenting subject of a piece of non-fiction writing learns — when the article or book appears — his hard lesson.

Journalists justify their treachery in various ways according to their temperaments: the more pompous talk about freedom of speech and “the public's right to know”; the least talented talk about Art; the seemliest murmur about earning a living.

Malcolm's book is a disturbing story about a journalist who betrays the confidence of a

family campaigning against what they perceive to be injustice, but it reminds us that the use of subterfuge, misrepresentation or deception in journalism is justified only in the most extreme circumstances; only when it is in the public interest and only when it is beyond doubt that information cannot reasonably be obtained by other means.

In fact, there is much subterfuge in journalism and media, much of it indefensible and unseemly deception, but a small part of it is splendid and essential to the traditional mission of media to serve a public interest.

The ugly forms of deception are unforgivable and largely due to incompetence, greed or political chicanery. The worst comes in the falsification of news or the practice of plagiarism. In an age when journalism is increasingly driven by Internet search-engines and under the time constraints of a 24-hour news cycle, the threat of cut-and-paste reporting with minimal checks on the facts requires constant vigilance on the part of journalists.

There may be occasions when media have to make fools of their readers — but it has to be in a good cause and have a public interest justification. In Belgium the French-language public broadcaster interrupted programming in 2006 and switched


to a news flash which announced (in all seriousness with a well-known anchor breaking the news) that a coup d'état had taken place. The king was leaving the country, they announced, and the country's Flemish majority had declared independence.

It was a hoax, of course, which they announced in due course but not before it had caused widespread anxiety and jammed their switchboards. The broadcaster justified the subterfuge as a device to shake-up a stagnant political debate over the future of the country and it did, indeed, stimulate fresh discussion about the simmering rivalry between the two communities. It was not quite as dramatic as the panic created in some parts of the United States by Orson Wells and his radio reading in the 1930s of *War of the Worlds* by H G Wells about invasion by aliens, but it was a reminder that media have to be careful when they use deception, even as what they believe to be a legitimate editorial device.

Journalists in their daily work often have cause to use subterfuge when they are on the tail of crooks and hypocrites in public life. At the mildest end, this may simply amount to feigning lack of interest in the object of the story or in not identifying oneself as a journalist. At its most extreme, it may involve elaborate subterfuge. In this regard, few journalists can rival the work of Günter Wallraff, the veteran German writer and reporter who made a career out of humbling authority and exposing unethical conduct, including within journalism.

However, he also won himself lifelong loathing from some staff of the German tabloid *Bild-Zeitung* after he posed as an editor for four months in 1977 under the name "Hans Esser." He uncovered a deeply unpleasant news-gathering culture which he detailed in books — *Der Aufmacher* (Lead Story) and *Zeugen der Anklage* (Witnesses for the Prosecution). The anger within the Axel Springer group, owners of the *Bild Zeitung*, lasted for years and Wallraff went to court in 2004 to demand that the group refrain from calling him a collaborator with communist secret services.

Perhaps this caused so much anger because the target was the newspaper culture — a case of the biter bit. Less controversially, Wallraff used the technique to



Subterfuge is a technique that should surely be used sparingly because it can too easily be abused, and because of the fine line between subterfuge and entrapment.

expose a number of scandals that, without deception, may have remained unreported. Notably he posed as an immigrant Turkish worker and highlighted mistreatment by employers, landlords and Government bureaucrats.

This controversial style of reporting has been challenged by his victims, but German judges backed Wallraff, ruling that public interest and free press considerations give him protection under the German constitution.

Subterfuge is a technique that should surely be used sparingly because it can too easily be abused, and because there is a fine line between subterfuge and entrapment.

In 1999, a British aristocrat and his friend were charged with drug use after front page revelations by *The News of the World* — a flagship title of the Rupert Murdoch empire. The evidence was overwhelming — they were caught on camera snorting the drug. However, the prosecution case rested entirely on video footage shot by an undercover team of journalists.

The jury felt uncomfortable about the elaborate "sting" used by journalists to encourage the offence — clearly feeling that if the journalists had not been present, the offence would not have taken place. They told the judge when returning a guilty verdict that if they had been allowed to take the actions of the journalists into account the men would have been acquitted. The judge expressed his sympathy for this view by handing out suspended sentences on convictions that would normally have put the men in jail and he pointedly gave the journalists a warning about their conduct.



SWEATSHOP SCOOPS: Undercover reporting has exposed child labour scandals. © Khemka A.

Just as journalists furiously resent police or public authorities rifling through their contacts books and files on the off chance that some morsels of potential evidence may emerge, journalists need to have some *prima facie* evidence to justify the use of subterfuge.

The use of clandestine listening devices and video cameras on the off-chance of discovering wrong-doing — “fishing” for stories — can never be justified. Plying people with drinks or encouraging them to commit acts of mischief is not investigative journalism. Entrapment may delight readers or viewers and bring in revenue for cash-starved networks, but when the details behind the operation become known they often arouse public distaste.

However, deceptive journalism is not harmful practice *per se*, providing that those taking part understand that they must have good reason for their actions and be able to explain these later. Where deception is required in order to tell the truth, it can only be justified if it is genuinely aimed at exposing corruption and the people who practice it.

In most countries incitement to commit a crime is a crime in itself and journalists play with fire if they ignore the fact. Journalists also have to be conscious of the dangers in co-operating with people who themselves

are breaking laws. If there is no public interest offence, journalists too can be prosecuted.

In the Pentagon Papers case, for example, first *The New York Times* and then *The Washington Post* actively colluded with a law-breaking public official in the preparation of a series of articles based on a secret Defence Department history of the United States’ involvement in the Vietnam war.

They had been provided the documents by Daniel Ellsberg, a former Defence Department and Rand Corporation official who had come to loathe the war and who, while still engaged in government work, secretly copied classified papers.

These revealed that, for years, successive administrations had made decisions at the highest level in ways that deliberately deceived the nation over the Vietnam War. The White House and government departments were systematically lying to the people.

The government asked the courts to restrain publication but when the case finally reached the Supreme Court in June 1971, the court ruled in favour of journalists, despite the fact that Ellsberg had broken the law and that the newspapers were implicated in these offences.

Part of the court verdict, which resonates with the role of the governments of the

United States and the United Kingdom in dealing with evidence of weapons of mass destruction in Iraq during the run up to the 2003 invasion of Iraq, spelled out why the public interest takes precedence in situations like this. Justice Hugo Black said:

“Paramount among the responsibilities of a free press is the duty to prevent any part of the government from deceiving the people and sending them off to distant lands to die... far from deserving condemnation for their courageous reporting, The New York Times, The Washington Post, and other newspapers should be commended ...”

In recent years undercover journalism has exposed corruption in high places, maltreatment of asylum seekers and sweatshop conditions in factories. In 2007, for instance, *The Observer* in London and the German television network *WDR* went undercover to film and report on the hardships faced by young workers in the back streets of New Delhi where unscrupulous sub-contractors were employing children in conditions close to slavery to supply goods for Gap, one of the world's leading fashion retailers. This was flagrant violation of the company's rigorous social audit system launched in 2004 to weed out child labour in its production processes.

Similar methods were used by journalists working on the 2005 BBC production *Asylum Undercover — The Real Story?*, which revealing evidence of racism and a culture of violence towards detainees in the UK's asylum system, and was based upon the work of two journalists who spent three months working undercover in a detention centre.

Many stories like this could not be told without an element of deceit on the part of journalists. But they and their colleagues understand that investigative journalism at its best is never entered into lightly — all journalists and their media must be ready to justify their actions, they must have a strategy for disclosure to the public and all parties involved, and they must remain dedicated to the principle of honest dealing.

In normal dealings with sources and contacts, ethical journalists tell their own truth about their intentions and their objectives. They do not dupe or con people into

embarrassing or humiliating circumstances, they do not use duplicity to get access to vulnerable people, they do not lie or give misleading impressions about how they will use the information they obtain.

That is not always easy, because sometimes journalists start out with the best of intentions but come across information which they feel obliged to reveal, and this may hurt and anger their sources.

One journalist who felt the sting of rebuke from an unhappy source is Åsne Seierstad, the Norwegian foreign correspondent, who built a formidable reputation with daring reporting from the frontline of the Iraq war and then, internationally, with the publication of her best-selling book *The Bookseller of Kabul*, a touching and perceptive story of a family in Afghanistan with whom she stayed for some months in 2002. The book was acclaimed for its finely-drawn portrait of the patriarchal bookseller — intellectually refined and politically astute in his

LEBANON

Journalists in Lebanon in 2006 turned themselves into rescue workers when they were the first to arrive in the stricken villages of the south after the Israeli bombardment. When a convoy of reporters from Beirut arrived at the strategically important town of Bint Jbail they found people wounded and helpless, without food and water. The town had been virtually destroyed after four weeks of ground assaults as well as pounding by Israeli artillery. No humanitarian organisations had arrived.

Omar Nashabeh, a Lebanese journalist for the paper *Al Akhbar*, says the dozen or so international journalists he was travelling with were pulling people from the rubble, giving them water and first aid and taking them to hospitals. “We just had to help,” he said. “It is a big dilemma: if you see someone dying do you help them or photograph them? The photographers and video cameramen put their equipment aside to help. In some villages we were the only people who could; the Red Cross would not go because it was too unsafe. We had no stretchers so carried people on a ladder that we found.”

dealings with the outside world, but harsh and forbidding at home with his family. This insight may have struck a chord at the time with many in the west, but the bookseller was furious, accusing her of distortion, betraying his trust and abusing the family's hospitality. His anger led him to write a book of his own challenging her account.

When Seierstadt published a later work — *Angels of Grozny: Orphans of a Forgotten War* — based upon her experiences in

Chechnya and time spent examining the plight of children in the conflict, many of them deeply troubled victims of war and terrorism, she was at pains to avoid any misunderstanding. This time, Seierstadt writes, she showed the portions of the book to the carers of children whose lives she followed to get approval for her accounts. She changed the names of all the children and let the adults decide for themselves whether they wanted to be identified.²⁹

²⁹ *The Angel of Grozny*, Basic Books, (2008).

FRANCE: National Campaign for Media Quality Puts Sarkozy on the Spot

The whole European press and media industry is in flux, but in France the crisis is at its most acute. The iconic brands of the French national press, *Le Monde* and *Liberation*, are in perpetual crisis, the public broadcasting system is stripped of its capacity to earn much-needed revenue, and although the government of Nicolas Sarkozy has put media reform on the agenda, there is deep suspicion that he intends to deliver more control over the country's media to industrialists who have already pocketed the print and broadcasting jewels.

Nevertheless, rebellion is in the air. An unprecedented coalition of media unions, journalists and civil society groups are mounting a concerted campaign to shape a people-centred media strategy that will stop the manipulation of French media policy and journalism by political and business interest.

In 2007, French journalists and their unions mobilised national action to defend journalism and strengthen quality. The points of crisis they identify are:

- ▶ **Media concentration:** industrialists such as Bouygues (public works), Dassault (aeronautics) and Lagardère (arms) use the media they own and their friendship with the President for their own business interests
- ▶ **Public service broadcasting:** the paltry income from the licence fee (the lowest in Western Europe and not increased since the mid-1990s) and attacks on advertising income have generated speculation over its capacity to survive
- ▶ **Working conditions:** cuts and under-funding has seen the near extinction of investigative journalism, while harsh employment regimes increase the workload of journalists who struggle to maintain standards
- ▶ **Civil liberties:** France has been a serial offender at the European Court of Human Rights in Strasbourg where it has

been regularly condemned by judges for violating journalists' right to protect their sources

- ▶ **Labour law:** threatened reforms may weaken or remove specific aspects of the clause of conscience which has for years provided journalists with the right to express their independence in the face of media policies.

Members of the Syndicat national des journalistes and the SNJ-Confederation Générale du Travail have joined a broad coalition of 150 journalists' organisations and civil society groups and organised their own 'Etats généraux' for pluralism in news and media". (This expression refers to a system of extraordinary assembly, dating back to the 14th Century, to deal with a crisis and to come up with solutions.) The coalition is backed by a range of NGOs, citizens' associations and political groups.

The campaign reflects a yearning for change to bolster the flagging mainstream media and for a more open and profound debate about the future of French media.

In May 2008, the second session of this movement endorsed a declaration — *Information and public service: it's our business* — setting out the minimum standards needed for quality media, including public service values, access to information, protection of sources, pluralism, and decent working conditions.

In response to the deepening crisis, President Sarkozy officially launched on 2 October 2008 his own forum on the future of the written press, the "Etats généraux de la presse écrite". Although media campaigners and journalists courteously welcomed the initiative, there was immediate concern about the not-so hidden agenda. While the President declared that "the press is not and will never be a product like the others", he also suggested relaxing rules on media concentration and challenged the status of authors' rights protection. These were described as "amazing contradictions" by the European Federation of Journalists and the French unions.

The Ethical Choices When Media Go to War

In wartime governments, understandably, put a priority on building the morale of their 'own' people and armed forces. Governments do not go into conflicts saying that the other side is much like us, they probably believe their cause is just, their soldiers are just as brave as ours and their families will grieve just as deeply when they are killed or injured. They abandon notions of fairness and objectivity and use propaganda and lies to demonise the enemy, its leadership and its people. After all, they argue, that is what the enemy is doing to them.

You could convincingly argue that before and during a conflict people have an even greater need for accurate, well checked information that will help them to understand the context and the mindsets of all those involved. They need these insights so they can make judgements and potentially influence the course of events, at least in a democracy, by giving or withholding their support for the conflict. To provide this essential service, journalists need the same coolness and objectivity that soldiers need on the battlefield. Too many journalists, however, model their coverage of conflict on the strategy of First World War generals: charging over the top screaming death and defiance at the enemy, at least metaphorically. Journalists who work in or near the battlefield see too much injury and death to promote a romantic patriotic view for long, but those who link and front programmes from the safety of their media offices are often the ones who shout loudest.

Just as in the ethnic wars in the former Yugoslavia, the Government controlled channels like Serbia TV, became advocates for the war, not reporters, so too in the sec-

ond Gulf war did some Western media channels — Fox News comes to mind — abandon all pretence at objectivity and become cheerleaders for the American forces and their allies.

In an atmosphere that is often filled with hate and emotion, ethical journalists struggle to avoid stereotypes and propaganda and to portray events and people in an informed context, avoiding the vivid



Protecting the Journalist

The 1997 adoption of Additional Protocol I to the 1949 Geneva Conventions reinforces the rights of journalists and recognises that they are legally entitled to greater autonomy than most civilian non-combatants — reporters can be detained, but only for “imperative reasons of security”.

They have the right not to answer questions. They are not to be treated as spies. It’s important to note, though, that journalists are now advised not to wear clothing that too closely resembles military uniform.

Apart from the practical business of staying alive, in times of war journalists face unprecedented pressure to bury their professional sensitivities and bow to a popular mood of patriotism, or the strategic interests of government and the military when they are served up information they should ask themselves searching and pertinent questions before they commit themselves to publish:

► What is the need to know?

Why does the public need to know this information? Is it credible and useful?

Is there context and understanding in our words and images or have we sacrificed something for drama and emotion? Will publication of the information help the public understand the situation better and help them make informed decisions about policy and the performance of government?

► What interests are at work?

Are we responding to government pressure? Are media being used for strategic or political purposes? Is there a deliberate attempt to manipulate news media?

► How useful is the information?

Are our sources credible and reliable? Have we verified information by using other sources? Have we a balance of opinion — official, institutional, community — from a variety of sources? What is the impact of publication? Who will suffer? Who will benefit?

The most difficult questions arise when there are appeals to censor information, for strategic reasons or for public safety. Journalists do well to question the circumstances and actions of officials at all times, but particularly in times of war.

The instinctive response of governments, even those with democratic credentials, is often to close down inconvenient voices — by one means or another. When the IFJ protested over censorship by Georgia of Russian language media broadcasting to its own Russian-speaking citizens in the disputed regions of Abkhazia and South Ossetia during the conflict with Russia in August 2008, the Georgian State Minister Temur Iakobashvili dismissed free speech concerns. “It is a part of an ordinary media war and we had to do it,” he said.

‘We had to do it, to counter propaganda’ was also the NATO justification for bombing Radio Television Serbia in 1999, killing 16 media staff in an act that was later used to justify the destruction of Palestine Broadcasting Authority studios by the Israeli army. Both acts were violations of international humanitarian law.

As always, journalists have to understand the strategic interests at work and the propaganda value that governments and other combatants place on the information in their hands. This is not just an ethical question; the lives of journalists may depend on it.

contrasts that governments prefer in their own black and white visions of the conflict. Reporting from the battlefield presents correspondents with a conflict of personal interests, in particular the challenge of patriotism versus professionalism.

It has always been like this, ever since the first recognisable war correspondents put on their boots to report the Crimean War in the Nineteenth Century. As former *Sunday Times*, Editor Harold Evans points out, truth gets buried under the rabble-rousing and rubble of war. Only after the conflict, he says, is there time to sift the ashes for truth.

In his updated edition of his award-winning book *The First Casualty*, which traces a history of media reporting of wars and conflicts, Phillip Knightley warns that it could be getting worse:³⁰

The sad truth is that in the new millennium, government propaganda prepares its citizens for war so skilfully that it is quite likely that they do not want the truthful, objective and balanced reporting that good war correspondents once did their best to provide.

Soon after he wrote these words, the Iraq war in 2003 proved his point, as the American and British communications control system successfully designed an embedding arrangement that gave the media ‘access’ to the action, while ensuring that they remained closely supervised by the military.

The presence of 600 embedded journalists allowed the military to maximise the imagery and drama of battlefield conditions while providing minimal insight into the issues. Information was carefully filtered, massaged and drip-fed to journalists. There was a limit to fact and context, lies were part of the package, and setbacks were glossed over. The military carefully planned what range of topics could be discussed with reporters and spun information so that it had the appearance of reality as it appeared to come from troops on the ground.³¹

The only alternative to this carefully orchestrated vision of the conflict provided by military spin doctors came from up to

³⁰ Phillip Knightley, *The First Casualty*, (Prion Books, 1975, 2000 revised edition) p.525

³¹ History Channel, August 21, 2004, titled War Spin: Correspondent.



CENSORED BY AGREEMENT: The Prince in Afghanistan

An example of self-censorship at the request of government occurred at the end of 2007 when media in Britain were asked to suppress news that Prince Harry Windsor, a grandson of the Queen, was off on a tour of active service with the British army in Afghanistan.

The government argued that a media focus on his deployment would encourage targeted action by media-savvy Taliban forces and would put the royal soldier and those close to him at heightened risk.

The media decided to accommodate what they regarded as legitimate government interests by delaying release of this information, with promises of media access to the royal soldier and his unit during the tour.

This agreement satisfied the government's need for confidentiality and served the primary public interest of not putting soldiers at undue risk. In the event, the news that a British Royal was serving on the front-line in Afghanistan was leaked outside the country and he was brought home early. In this case it was estimated by media that little would be lost by withholding the information for future publication. Co-operation with government was disclosed publicly and when the news was published a full explanation was made available to readers, listeners and viewers on why the original information had been suppressed.

It has to be said, however, that the media earned its reward for its cooperation — an unprecedented opportunity to film the prince in action with his unit — while the military won itself a propaganda coup when the coverage was finally released. Whatever the operational reasons for deploying a young officer whom the British Army dare not lose in the front line, there were clearly good media management reasons for doing so. The media decision not to publish the information from the beginning was presented as an act of responsible self-control, but is more convincingly seen as a self-serving decision to collaborate in a propaganda exercise.

Safety is an Ethical Issue



When it comes to defining the conditions for ethical journalism Chris Cramer, Global Editor for Multi Media at Reuters News, knows exactly where to begin.

“Management of news organisations have a duty of care towards all their staff, particularly those deployed to hostile zones. This is a moral and an ethical responsibility,” he says. “If news

organisations have scarce resources they absolutely cannot scrimp on safety and a duty of protection to all their staff. Our journalists and those who work with them are our most valuable treasure.”

Cramer, who lives in the United States, has experience of journalism under pressure in the field and he understands equally well the realities of modern editorial management. He has been a print, radio and television journalist and manager for more than 40 years and was held hostage inside the Iranian Embassy in London in 1980 before moving on to become Head of Newsgathering at the BBC and President and then Managing Director of CNN International. He is a pioneer of news safety and one of the most vocal advocates for more industry action in this field. He was a founder and is currently honorary President of the International News Safety Institute (INSI).

The creation of the Institute in 2003, launched on the initiative of the IFJ and the International Press Institute, has established the first global network of media and journalists’ unions committed to improving standards of safety in journalism.

The INSI has provided safety training for almost 1,000 journalists and news people in some of the world’s most dangerous areas, including Iraq, Palestine, Afghanistan, Sri Lanka, and Colombia and has carried out a forensic analysis of killings of journalists and media staff since 1991. Its report — *Killing the Messenger* — reveals tellingly that the vast majority of journalists who are targeted and killed for their work die in their own countries, outside formal conflict zones.

Aware of the wide-ranging threats to the welfare of his staff, Cramer, both at the BBC and at CNN was instrumental in introducing rigorous and mandatory safety training for all staff including the introduction of confidential counselling for media workers suffering from stress. It is this work that has won him the Dart Center for Journalism and Trauma’s first ever distinguished media leader award in 1993 for work on safety and emotional support and the 1997 international achievement award from the North American Broadcasters Association for similar work.

2,000 independent or “unilateral” journalists spread out over the territory of Iraq looking for stories that might provide insight into the reality of war. But some of them paid a heavy price.

The Iraq conflict has been, by any stretch, the most extensive and expensive media campaign in recent history. It was also the most dangerous. By the end of April 2003 16 journalists and media staff had been killed. Five years later the number was up to 260 according to figures from the Iraqi Union of Journalists (many of this large number is made up of Iraqi journalists killed in the struggle, and dying largely without comment by the outside world).

The danger facing journalists who chose not to become embedded reporters was tragically brought home on 8 April 2003 when the United States military fired on the Palestine Hotel, a make-shift media centre in Baghdad filled with foreign journalists. Two journalists, Taras Protsyuk working for Reuters and José Cuoso, a cameraman for the Spanish network Telecinco, were killed in the attack which took place the day before the city fell. The incident provoked outrage among journalists when the United States falsely claimed that troops had been fired on from the hotel. More anger followed when a secret US investigation cleared the military of any responsibility.

The IFJ published a detailed report — *Justice Denied on the Road to Baghdad* — outlining dissatisfaction within journalism about the failure to properly investigate incidents in which journalists were killed. Besides the Palestine Hotel deaths, questions remain about the deaths of Tareq Ayoub, a journalist killed during a targeted US air-strike on the offices of *Al Jazeera* in Baghdad; the killings of British ITN reporter Terry Lloyd and his colleagues Fred Nerac and Hussein Osman, which led a British coroner to call for the prosecution of American soldiers; and the shooting by US soldiers of Reuters cameramen Mazan Dana.

All of these journalists were “unilateral,” taking their own, ethical route to the story and beyond the controlling reach of armed commanders and military spin doctors.

Five years later the evasions, lies and misinformation about these controversial cases began to unravel when the Inter-

net news and current affairs broadcaster *Democracy Now!* carried an exclusive interview with a former US army Sgt. Adrienne Kinne who said that the Palestine Hotel, despite official denials, was on a list of military targets. She also admitted eavesdropping on American journalists as part of a media surveillance operation.

As Harold Evans indicated, the truth emerges in its own time. There is much to suggest that faced with the possibility of a hard battle to take Baghdad the decision to fire upon the Palestine Hotel was less of a tragic mistake, but a calculated warning from military authorities to media working outside the tent of embedded journalism to keep their distance.

Going into the war zone, then, requires journalists to make from the outset, a clear

ethical choice about how they intend to do their work. There are risks attached to every choice, but choosing to maintain independence and work outside the protective arm of the military carries with it more risks, which is why journalists and the media who send them on mission, should prepare themselves more diligently for the task.

Regrettably, many journalists head to war ill-prepared for the challenge. Many of them have little or no hostile environment training and very often they are unaware of the conditions they can expect to face or indeed of their legal rights and responsibilities, such as they are. Few journalists, for instance, are aware that international law governing armed conflict recognises that reporters play a special role in times of war.

VERONICA GUERIN: Brave, Foolish or Just Doing Her Job?

Irish freelance Veronica Guerin was shot dead in 1996 by gangsters in Dublin after two years reporting their activities in a series of high profile pieces in the *Sunday Independent*. The killing shocked Irish society and journalists who had perhaps naively assumed that her position would protect her.

Her work and her death provoked a variety of responses. Many see her as a hero and role model, and she was portrayed in a successful 2003 film bearing her name and starring Kate Blanchett. However, she was also criticised as a “bad mother” in a book about the case, which pointed out that before her death gangsters had threatened to kidnap and abuse her child.³² The author, Emily O'Reilly, told the BBC that Guerin had blurred the line between journalist and detective in her hunt for a story and made herself and her son a target.

“There is an awful lot of guilt — including media guilt — about Veronica’s death,” she said in an interview.³³ “Veronica had a child-like ignorance of danger. No Gardai (police) would have done what she did without back up from six squad cars and a direct phone line to the commissioner of police.” While reluctant to criticise Ms Guerin outright she says: “It’s always difficult for journalists but (former BBC war correspondent) Martin Bell didn’t bring his children along to the frontline in Bosnia.”

There are many things mixed up in the Guerin story — there is no doubt the fact she was a woman polarised opinion, and the mother of a young child doubly so. After all, men are not castigated as “bad fathers” when they tackle dangerous stories, and mothers are just as entitled to be good professional journalists as fathers. But the comparison with Martin Bell illustrates the fundamental difference between reporting a conflict in another country and reporting day to day conflict at home, where you never leave the danger behind.

Certainly in the Irish media, Guerin’s killing was seen as a warning that internal procedures are needed to protect journalists and to ensure — so far as it is possible — that they are not left to make decisions alone that could see them put their lives at risk. There is still much to do according to Irish journalists’ leader Seamus Dooley, the secretary of the National Union of Journalists in Dublin. Some media employers are not yet meeting their responsibility to protect investigative reports. A notable exception, says Dooley, is the *Sunday World*, where Paul Williams, one of the country’s leading reporters on crime and corruption, works in a closely monitored environment, and has, on occasion following death threats, received police protection.

³² Veronica Guerin: The Life and Death of a Crime Reporter, Emily O'Reilly, 1998

³³ BBC News online, The second fall of Veronica Guerin, May 6 1998



MEDIA TARGET: An Iraqi policeman stands next to the bullet riddled satellite news-gathering van of the Al Arabiya television in Samarra, 100 km (62 miles) north of Baghdad February 23, 2006. Gunmen killed a correspondent for Al Arabiya television and two members of her crew. REUTERS/Stringer

The Geneva Conventions offer special protections to journalists and media staff. All combatants, whether engaged in full-blown shooting wars, civil strife or low-level territorial disputes, should be reminded of it.

The link between safety and ethics may not be immediately obvious, but the same ambitions and economic factors that pressure inexperience and poorly prepared freelance journalists to enter battle zones, also encourage journalists to present the news as they think that their paymasters most want to hear it. The news becomes what sells best, and certainly at the start of a conflict, accounts of the horrors of war and pictures of dead soldiers (at least from “our” side) are not what senior television executives prefer to be putting out.

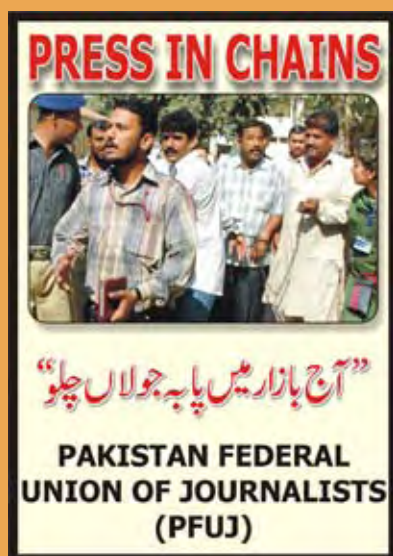
An antidote to this ignorance and a book that should be read by all journalists seriously interested in reporting deeply and creatively about people’s rights is *Crimes of War: What the Public Should Know*, edited by Roy Gutman and David Rieff.³⁴

³⁴ For information see www.crimesofwar.org

It contains useful information for any reporter heading for the frontline. There are some simple, practical tips that journalists can follow to keep safe. For instance:

- ▶ **Don’t travel without preparation** — get yourself some training, understand the basics of first aid, keep with you at all times a copy of the Geneva Conventions that spell out your rights.
- ▶ **Never tell lies or pretend** that you are doing something other than honest journalistic work (unless, that is, if your life depends on it and that’s a situation you should be able to judge after some training);
- ▶ **Never carry a gun.** It is a powerful myth that journalists need arms to protect themselves. Journalists and media people should pack protective clothing and medicines when going to war, but avoid the carrying of weapons and the wearing of uniforms.

PAKISTAN: Incitement to Murder Adds Urgency to Calls for Ethical Media



Pakistan's mushrooming electronic media has transformed the political landscape in a country where illiteracy closes off newspapers from large parts of the population. It has also exposed dangerous ethical weaknesses in media and thrown up new challenges for journalists.

Loose talk and violent language can cost lives. In September 2008 two people belonging to a minority religious sect were killed shortly after a broadcaster on one of the country's main networks urged viewers to kill "blasphemers" and "apostates" as part of their religious duty.

The journalist, Amir Liaquat Hussain, anchoring a programme on religion on the widely viewed GEO TV, said that the murder of members of the Ahmadi sect was the righteous duty of Islamic people. Within hours Abdul Manan Siddiqui, a doctor and head of the Ahmadi community in Mirpur Khas, Sindh province, was shot and killed. The next day Sheikh

Muhammad Yousaf, a rice trader and district chief of the Ahmadi sect, was gunned down in the city of Nawab Shah, also in Sindh province.

In a country where there is no effective media complaints process, incitement to violence from within media is a constant threat and both the IFJ and the Pakistan Federal Union of Journalists (PFUJ) believe media and their intemperate staff should be held accountable. Commenting on Hussain's broadcast, the IFJ's Asia-Pacific Director Jacqui Park spelled it out: *"Under legal standards for curbing hate speech in the media, the burden of proof is on the journalist and the channel that broadcast this programme to prove that they do not bear some responsibility for the murder of two innocent men."*

This sort of editorial atrocity has driven the PFUJ to demand urgent action to combat unethical conduct in media and the adoption of a country-wide ethical journalism programme, including the creation of a credible body for the self-regulation of media.

In August 2008 a national summit of journalists in Lahore, organised by the PFUJ adopted a plan of action to strengthen journalism and media ethics in Pakistan. In what the IFJ described as "a breakthrough moment" for journalism, more than 120 journalists and media leaders endorsed a programme to establish a national code of journalistic ethics; a proposal for an independent media complaints commission; and to ensure that journalists across the country receive long-overdue wage increases.

Editors and publishers present at the meeting agreed to implement immediate increases in staff salaries and endorsed the program for strengthening professional ethics and self-regulation of Pakistan's media.

The summit adopted a 26-point draft code of ethics and agreed to a work programme that would investigate setting up an independent media complaints commission, to be adopted in collaboration with associations of publishers, editors and broadcasters. (See Appendix.)

The summit took place amid increasing threats and attacks against the media by state and non-state actors. Improving news safety goes hand-in-hand with demands to improve the performance of journalism in the broadcast and printed press.

The Federal Minister for Information and Broadcasting, Sherry Rahman, said that the Government would support any endeavour from the journalists' community to adopt an independent code of ethics. Whether this commitment will be turned into action remains to be seen, but journalists realise that change will require a new and more mature relationship between owners, editors and journalists across the country.



TRAINING FOR THE WORST: An IFJ supported safety course in the Philippines. ©INSI

Journalists should also know that although they always run the risk of being captured and shot as spies, international humanitarian law says that accredited journalists travelling under the protection of an army are to be regarded as part of the accompanying civilian entourage.

If captured by opposing forces they must be treated as prisoners of war. Those who threaten or execute journalists on the battlefield should be brought to trial to face punishment that is sanctioned by international law.

That's the theory at least. The problem is that the days of the war correspondent in full uniform are as much a distant memory as the set-piece armed struggles of traditional warfare. Journalism has become as much a guerrilla activity as the style of conflict that disturbs the peace of Chechnya, Iraq and Afghanistan.

Interestingly, there was one conflict in modern times where journalists were largely spared from being killed, although they were often in danger. Remarkably,

when *Sunday World* reporter Martin O'Hagan was shot dead apparently by "loyalist" paramilitaries — in September 2001, he became the first journalist to be killed during the conflict. "For 30 years there was an unwritten rule in Northern Ireland that journalists were not shot," notes Michael Foley, former media correspondent of the *Irish Times* and now a journalism lecturer.

One reason for this was the role of the NUJ. Foley notes:

"Journalists in Northern Ireland were always members of a union that offered solidarity and a bridge across the sectarian divide, regardless of the editorial stance of their publications. They stood together, loyalist and nationalists, in their opposition to censorship."

Journalists in Northern Ireland and in other parts of Ireland and the UK (the union covers journalists in both countries) asserted their independence from governments that

sometimes expect the media to act as state propagandists. When the UK government banned broadcast journalists from broadcasting the voices of Sinn Féin leaders and certain other political activists between 1988 and 1994, this resulted in repeated protests by the NUJ and was eventually lifted after the nationalist paramilitary group the IRA declared a ceasefire.

Reporting on the Frontline of Tragedy

Reporters, editors, camera staff are involved in the coverage of many tragedies. They range from frontline reporting of wars to acts of terrorism and coverage of disasters of all kinds — air crashes and road accidents; earthquakes and natural calamities; murder and street violence in all its forms.

In covering tragedy journalism has to take account of the impact of the event on three groups — the victims, the community at large, and the journalists themselves. The impact of death and the violence of everyday life come as a shock to everyone but often people in journalism and media are less equipped to deal with it than the victims they cover.

It should go without saying that dealing with the victims of violence and loss requires sensitive and careful reporting, but the rush to publish and to deliver sensational, timely images of shocking events often leads to impressions of hurtful indifference.

It's at times like this that journalists need to ask themselves the hard questions — is this bloody image too graphic to show? Am I violating someone's personal grief? Am I affected by what I've seen? What is the impact of publication?

This is a time for a compassionate understanding of what is happening to groups on both sides of the story — those reporting it and those devastated by uncertainty and fear. Journalists need to balance carefully the need for emotion without sacrificing better understanding of the drama of their reporting.

One of the most useful, if absurdly small, contributions to this discussion is *Tragedies and Journalists*, a booklet first produced in 2003 by the Dart Center for Journalism and Trauma, a Washington



Propaganda at Work on the Iraqi Front

When it comes to information warfare the United States is the world leader. In 2008 the American government launched a three-year US\$ 300 million mass propaganda programme to produce undercover news stories, entertainment programmes and public service advertisements for Iraqi media in an effort to “engage and inspire” the local population to support United States policy.

The US information campaign includes public service broadcasts and advertising that praises improvements in government services, supports the Iraqi military and encourages Iraqis to report criminal activity.

Since the invasion of Iraq American private communications companies have been producing video pieces and passing them off as Iraqi productions on local television. “They don’t know that the originator of the content is the United States government. If they did, they would never run anything,” one spokesman candidly told the *Washington Post*.³⁵ “In the Middle East, they are so afraid they’re going to be westernised . . . that you have to be careful when you’re trying to provide information to the population.”

³⁵ 3 October 2008.

Photo above: [Iraq] Women in Fallujah waiting to hear news on loved ones who have gone missing. © IRIN



GENOCIDE IN FOCUS: Skulls of victims lying at the Murambi Genocide Memorial site in Rwanda. © IRIN

University-based organisation that has spawned a global network of groups committed to raising the debate within journalism about the consequences of reporting on tragic events.³⁶

This small booklet, now updated, is an essential guide for journalists which can and should be used to stimulate more discussion within media about how to do a better job in covering the disaster story. The group has produced specific materials on the Asia tsunami, the Rwanda genocide and Aids in Zambia and has developed an extensive resource on coping with post-traumatic stress within journalism, a notion that until a few years ago had little credibility in the hard-nosed newsrooms of media.

A changing attitude towards dealing with stress in journalism is just one aspect of an improving environment when it comes to report from the frontline of war, or more often, from the urban and rural fringes

where criminality and corruption make journalism an increasingly dangerous business.

Mexico: A Code for Survival and Reporting Crime

Reporting on the infighting, rivalries and business of crime carries with it evident dangers for journalists. Sometime the threats become so great and so routine that journalists may be forced to recalibrate their professional objectives to keep the public informed without endangering their lives. This is the case in Mexico where more than 20 journalists and media staff have been killed since January 2007 in reprisals from drug traffickers in the border regions with the United States or as a result of rising intercommunal violence between indigenous groups and the authorities.

³⁶ *Tragedies and Journalists — a Guide for more Effective Coverage*, by Joe Hight and Frank Smyth. www.dartcenter.org. Dart Center groups are now at work in the United States, Europe and Australia.

The Mexican daily newspaper *El Mundo*, in Cordova, has drafted a code of ethics for its staff to oversee reporting of illegal drug trafficking, tackle problems of internal corruption and put the safety of journalists at the heart of the editorial agenda. The aim is to balance the need to protect journalists while keeping the public in touch with the story.

The new policy recognises that a newspaper is not a law enforcement agency and that its job is to report on drug issues as a broad social and political problem rather than investigating or accusing particular individuals, sometimes on the basis of unverifiable allegations.

The paper, based in the State of Veracruz, “maintains a neutral, cautious position” by avoiding investigations that dig too deeply and dangerously into the intricacies of the illegal drugs trade. This does not, editorial managers argue, contribute to changing the situation but only endangers the lives of journalists.

The code provides guidance for journalists writing on crime-related issues including drug running, kidnapping and suicide. In an interview with journalist Homero Hinojosa, the General Director of *El Mundo* Raul Arróniz, says the code originates from a case where two reporters faced death threats from drug traffickers. The paper called in the authorities to investigate the threats and carried out its own internal review. The review uncovered evidence of editorial misbehaviour with some journalists using the threat of publication to extract money from sources.

“All of this motivated the creation of a Code of Ethics,” said Arróniz. “We think that elaborating such a code should go beyond the problems of corruption and must also take into account the reality of the country.”

The new editorial policy helps journalists covering potentially dangerous topics by applying an editorial stance that eschews sensationalism. There is a conscious decision not to investigate too deeply into the details of drug traffic cases.

Raul Arróniz is convinced that going into the detail of who’s who in the underworld, retelling the details of internal disputes and gang warfare and using leaked information from different groups engaged in drug running does not necessarily result in better journalism and, indeed, can be positively

dangerous. The paper warns journalists to be cautious about using information that has not been verified, and to avoid naming names if they are not certain of responsibility for crimes committed.

“*El Mundo* will address issues related to drug traffic from the point of view of the social, health and family impact,” says Arróniz. Reporting drug trafficking issues as a social and legal phenomenon means putting community interests and concerns before sensational and dramatic news reporting, he says. “Reporting is not an opportunity to play detective.”

Priority is given to protecting journalists from threats posed by organised criminal gangs. The code instructs reporters to “immediately inform the management of any explicit threat or insinuation of violence from a source, or any group” and warns against any form of heroics. Journalists are told to avoid a confrontation at all times and “not make any personal response” if threatened.

The code commits the paper to work vigorously against all threats, including using authorities at national and international level as well as the pages of the newspaper itself to condemn threats and to demand guarantees of security. By-lines and other credits are removed from articles and material in reports on crime and police matters dealing with organised criminal activity.

PAKISTAN

In the early 1990s *The Star*, a tabloid in Pakistan, turned down advertisements worth millions of rupees from the investment company Samad Dadabhoy. Instead, they began a thorough investigation of the company and its methods, uncovering evidence of fraud and wrong-doing. As their campaign gathered pace, competitors kept their silence while still helping themselves to lucrative advertising revenues from the company. Needless to say, the racketeering side of the company’s operations was exposed and the owner fled. *The Star* stories hit their mark, even if they missed the bottom line.

The code also covers editorial handling of difficult issues such as kidnapping, domestic violence, editing and publishing of photographs and images as well as the need to take account of general issues of public security. Despite the change of editorial tone and new rules of day to day practice, Arróniz says the intention is not to limit the journalist's initiative or to minimise harsh social realities, but to look for better ways of reporting the crisis without causing harm.

Although the code has caused some criticism from those who believe it has introduced self-censorship, the paper believes that omission of unnecessary detail and less sensational reporting will keep its people safe. This is a policy decision unprecedented in Latin American journalism, and perhaps worldwide. However, the IFJ's Director of Latin American affairs in Caracas, Gregorio Salazar, sees the *El Mundo* declaration as a sort of Code for

Survival for media caught in the crossfire of competing values — the desire to report in detail events as they happen, and a duty of care to their staff. "It should motivate interest and thoughtful reflection by everyone concerned about news coverage of media based in any of the world's dangerous reporting zones," he says.

Further evidence of media adjusting to the crisis in Mexico comes from Pascal Beltran del Rio, Director of the daily *Excelsior*, who tells how newspapers were faced with a new challenge when drugs gangs began to use the scene of their atrocities to leave messages. They began with simple pieces of card or cardboard left near the dead bodies of their victims with simple warnings, such as, "this is what happens to informers". They then became more sophisticated and started leaving their messages on banners hanging from bridges and buildings. "I remember one of them calling on soldiers to desert," says del

NEPAL: When \$57 Symbolises a New Era for Journalism

Journalists in Nepal have placed themselves at the head of the queue to get reforms underway in a country that is slowly emerging from 20 years of instability and almost 240 years of autocratic rule. Leaders of two journalists' unions presented a 15-point media reform programme for press freedom and independent journalism in October 2008, only four months after the country's King was voted out of office and a new democratic parliament declared a republic.

Governments in Nepal had been unstable since the monarchy gave up absolute rule in 1991, falling either through internal collapse or parliamentary dissolution by the monarch. The 2005 coup by the king led to the abduction, torture and murder of some journalists.

The Federation of Nepali Journalists and the National Union of Journalists (Nepal) jointly presented their proposals for change to the country's Minister for Information and Communications, Krishna Bahadur Mahara, creating a framework for dialogue, to ensure that the guarantee for press freedom becomes an unalterable element of the country's newly developed constitution.

Major proposals include a commission to investigate violence against journalists since the royal coup, a restructured media law to ensure editorial independence from political interference and a Working Journalists' Act to protect working conditions.

The journalists insist that press freedom and media independence are crucial to Nepal's new democracy and have called for open dialogue between the government and leading journalists' organisations.

A sign of better times ahead was a successful application by the National Union of Journalists (Nepal) in September 2008 under the Right to Information Act for the release of a committee report on minimum wages. The information minister told officials to post the report on the Ministry's website with immediate effect. Among its recommendations are that the minimum wage for media personnel should be at least 4,000 rupees (US \$57) a month.

It is a low figure, but after years of conflict and confrontation, is a welcome sign that the culture of repression against media is ending.

Rio, “as if they were a normal employer offering superior working conditions and encouraging soldiers to join them.”

Through those banners they issued warnings to the authorities, or provided names of policemen on their list for execution. His newspaper decided to stop publishing pictures of the banners and their contents because they could not confirm their origins and they did not want to become the messenger service of gangsters. “They just want to use as a vehicle to spread fear,” he said.

Drug running is big business, and casts a long shadow over much of society in Latin America where journalists have to deal with the complexities knowing that the lives of media staff are at stake. Many wonder whether the *El Mundo* code could be a viable option for more journalists in affected regions.

In countries such as Colombia and Peru journalists have thought long and hard about how to write about the ruthless gangs that run the drugs trade and address the insidious power and influence of these networks that reach deep into communities and touch young people in particular. The drugs trade is at the root of institutional corruption and engenders a sense of powerlessness and resignation within society at large.

HAITI



Carolyn Cole, an award-winning photographer for the *Los Angeles Times*, was taking pictures of a rampaging mob in Haiti in the aftermath of the 1994 United States invasion when the crowd began attacking someone with the clear intention of beating him to death. She put down her camera and confronted the mob, leading the man away and saving his life. This well-documented incident featured in a cover story in the *New York Times*.

The scale of the operations is rarely acknowledged outside the region, but the facts are startling. According to the Drug Enforcement Administration of the United States the average annual sale of cocaine coming from Latin America between 1998 and 2000 was more than US\$ 49 billion, comparable with recent annual sales of Microsoft (US\$ 44 billion), the Walt Disney media empire (US\$ 32 billion) and Coca-Cola (US\$ 24 billion).³⁷

³⁷ Data taken from *Nuestro Hombre en la DEA (Our Man in DEA)*, by journalist Gerardo Reyes. Editorial Planeta, 2007.



Journalism in the Face of Intolerance and Racism

For centuries people have crossed continents for a better life, creating an increasingly diverse worldwide mix of people, races and faiths which in turn has triggered new political, economic and cultural dynamism across the globe. However, the darker side of these societal upheavals is not difficult to see.

There is friction and strain in the shifting social fabric as communities from different cultures, faiths and traditions adjust to living together. Traditional communities within countries feel a loss of self-confidence, and immigrant communities also feel that their ways of life can be under threat. Immigration is not new; waves of population movements have followed wars and pogroms throughout history. The United States was built on immigrant communities and many European countries have well-established, long standing and successful minority ethnic communities whose parents, grandparents or great-grandparents originally came from former colonies. Usually, those who start a life in a new country are people of energy and industry, often fuelled by a desire to do better for themselves and their families.

Today, as often in history, economic pressures drive millions across borders in search of decent work and prosperity, while migration is also fuelled by wars and conflict at home. Many risk their lives and undertake hazardous journeys to bring themselves to safety.

In the coming years more people will be on the move. In the next decade almost 1.2 billion will come into the global jobs market, but according to the World Eco-

nomic Forum there will only be 300 million jobs for them.³⁸

Many good things come out of human migration. However, in Europe and in some Asian and Middle Eastern states, intolerance is on the rise, with racism and xenophobia re-emerging and anti-foreigner political parties gaining in popularity. This process has generated a new mood of intolerance in many countries.

In Europe, there is a weakening confidence of the old approach of multiculturalism and growing intolerance. Attacks on non-white minority groups are depressingly routine in many countries, leading in turn to the growth of extremism among minority communities. In some areas communities live alongside each other but have limited mutual understanding and respect. Extremists and fanatics encourage sectarianism and discord in many countries. Ethnic and religious discord is also rampant in developing nations caught between the conflicting values of modernity and conservatism. In some Asian and Middle Eastern states, the conflict over who speaks in the name of Islam — the moderates or the radicals — is a daily occurrence, often fought on the streets.

In Denmark, as in much of Europe, fears of terrorism are often linked to con-

³⁸ World Economic Forum, Dubai, November 2008.

cerns about immigration, particularly the influx of Muslims. About 15 million Muslims make up about 3.3% of the 456 million people living in the 25 countries of the European Union. Roughly 200,000 (3.7%) of Denmark's 5.4 million people are Muslim. A right-leaning government was elected in November 2001, on the back of public concerns over rising immigration. Nearly overnight, the government reversed Denmark's generous immigration policies, tightening requirements for asylum-seekers and for foreign residents trying to bring in spouses.

In other countries of Europe similar political shifts have had their effect — in Italy, Roma have been the target of repressive government policy from the government of Silvio Berlusconi; in the Netherlands, the killing of Theo Van Gogh sparked anti-Muslim sentiment; in Belgium (where the whole country has an identity crisis), a new right wing government exploits anti-immigrant

anxieties; in Austria hard right anti-foreigner parties swept into power in September 2008.

Journalists need to navigate with care around racism and extremism to avoid stirring up intolerance, and to report fairly the mosaic of languages, religion, cultures and different historical perspectives that shape modern society. It is an issue at the heart of the Ethical Journalism Initiative.

Many newspapers, broadcasters and other media outlets have failed to rise to the challenge of portraying the global social revolution. Instead of raising awareness and challenging ignorance, they stoke the fires of intolerance and racism.

However, some previously indifferent governments are paying attention to promoting minority rights, fighting discrimination and combating prejudice. And most significantly, once-shy minority groups are increasingly assertive as they emerge from years of self-imposed silence and exclusion to take their rightful place in society.



For centuries people have crossed continents for a better life ... which in turn has triggered new political, economic and cultural dynamism across the globe. However, the darker side of these societal upheavals is not difficult to see.

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ITALY: Journalists Find a Code to Combat Racism

Like many European states Italy has a rising numbers of migrants, many of them from poorer countries. According to official figures, the number of resident immigrants in Italy more than doubled in a decade to 2.7 million in 2004.³⁹

This accounts for around 5% of the population but while the change has been rapid, the numbers are lower than in many other European countries and with falling birth rates and an ageing community, Italy can hardly survive without foreign labour.

Nevertheless this influx of new people, many of them Africans and Muslims, as well as Roma from Eastern Europe, has sparked an outcry in Italy fuelled by right-wing politicians, who link their arrival to terrorism and crime. Many Italian migrants complain they suffer discrimination. They struggle to find jobs, obtain loans, or to climb the social and political ladder.

There is particular concern over discrimination faced by the estimated 150,000 Roma, also known as “gypsies” and “nomads”, many of whom live in squalid shanty towns on the fringes of Italian cities. Police arrested hundreds of suspected “illegal immigrants” in raids on Roma camps across the country, prompting criticism from the United Nations High Commissioner for Human Rights.

The new government, led by media magnate Silvio Berlusconi, and composed of restyled former Fascists and traditional conservatives began to flex its anti-immigrant muscle with decrees on crime and immigration and a controversial proposal to fingerprint Roma and their children. Critics include the European Parliament and religious leaders, who draw a parallel with the tagging of Jews by Nazis in the 1930s.

With feelings running high and politicians ready to stir up public discontent, Italian journalists led by the National Journalists Association and the National Federation of Italian Journalists (FNSI), issued an industry Code of Conduct — the Charter of Rome — to strengthen reporting of refugee and immigration issues.

This unprecedented exercise in professional co-operation, which included press owners, academics and policy experts, came after the United Nations High Commission for Refugees (UNHCR) gave the country’s media a public dressing-down over sensational and racist coverage of a multiple murder in Northern Lombardy in December 2006.

Three members of a migrant family and a friend were found dead from stab wounds and some sections of the media pinned the blame on an absent husband with a criminal record. They were mistaken, but poisonous media coverage followed and in an open letter to editors-in-chief of major media, the UNHCR said: *“Strong and unexpected evidence of xenophobic sentiments emerged, as*

did a media system ready to act as the sounding board for the worst manifestations of hate.”

The protest opened up a long-overdue dialogue on alarmist media coverage of refugee and migration issues which has been blamed for stirring up hostility and intolerance.

The FNSI, says the Charter of Rome, which provides guidelines for media on how to be more responsible will help calm the atmosphere in a country where political extremists are only too willing to exploit community divisions.⁴⁰ The Charter was presented to the President of the Republic, Giorgio Napolitano, in a public ceremony where he welcomed the initiative.

“Journalists are not promoting fearful politics — the blame for that rests with unscrupulous political parties who are cynically exploiting people’s anxiety and “fear of the other” for electoral purposes,” says Roberto Natale, the FNSI President. “Journalists have a duty to avoid fanning the flames of racial hatred. We do not ask them to be ‘militant’ but simply to do their job and respect the truth as they see it and always within the law that guides our profession.”

In particular, the code says Italian journalists must:

- ▶ Use appropriate language, stick to the facts and avoid terms that inflame the situation;
- ▶ Avoid spreading inaccurate, simplified or distorted information;
- ▶ Protect asylum seekers, refugees, or victims of trafficking and migrants who choose to speak with media by protecting their identity when appropriate;

Italian journalists also agreed to insert issues relating to asylum seekers and migrants into training courses for journalists and to arrange a series of national and regional debates on how media do their job.

It was also agreed, in collaboration with the UNHCR, to create an independent observatory which will monitor coverage to ensure media are doing their job properly when dealing with discrimination, xenophobia and intolerance.

Finally, the journalists also committed themselves to establish awards specifically dedicated to media coverage of asylum seekers and migrants.

It is doubtful that these actions alone will stem the flow of prejudice and ill will that some political groups and extremists bring to the table whenever migrants and foreigners are under discussion, but they may find media less inclined to give them uncritical publicity they may have enjoyed in some quarters in the past.

Once-silent civil society groups are also making their voices heard with confidence. Demands for reform, access to education and the rights of minorities and women are on the rise in many nations. Under pressure to change, governments are gradually opening up political systems, introducing democracy, recognising the legitimate rights of women and minority groups.

In line with these developments, more media are challenging prejudice. Broadcasters, particularly those with a public service mandate, are focusing on minority issues in their programmes.⁴¹

In the Netherlands, for example, the public broadcaster NPS made headlines with its challenging programme *Bimbos and Burqas* broadcast in 2007 in an entertainment format which focused attention on the national debate over individual freedom and religious values. In a country which for decades had fostered tolerance and political correctness, the killing of film-maker Theo van Gogh by a Muslim youth in 2004 had created a new mood in which controversial opinions were expressed without restraint — accompanied, too, by attacks on gays and Muslim community leaders. The programme provided a platform for intense debate about free expression and cultural values and involved religious and community leaders, politicians of every colour and members of the public. More than a million people watched. People raged or praised according to their taste, but it succeeded in finding new ways to put serious dilemmas and debate before a mass audience.

However, there is some alarming and near-hysterical coverage of minorities. Media in every country are often guilty of providing a simplistic, one-sided view of “the other”.

Sensationalist reporting may help to sell newspapers but it has also contributed to an increasingly fearful climate between communities. The changing media landscape, which has led to declining investment in editorial quality and a decline in social and employment conditions in many areas, has lowered morale in journalism and undermined attachment to traditional ethical values.

When the news agenda becomes dominated by inaccurate, inflammatory and biased articles — giving prominence to those who engage in hate speech and popu-

list, anti-foreigner rhetoric — racism is exacerbated and intolerance is bolstered.

In Europe, the Middle East and Asia regional conflicts based upon communities divided by language, religion or ethnicity provide the backdrop for a news agenda dominated by images of violence and apparently senseless confrontation. The need for journalism to provide balanced, inclusive and informed coverage has never been tougher or more important.

A number of journalists' unions and media, including public broadcasters, have established specialist working groups and guidelines committed to combating racism that go beyond the good intentions of ethical declarations. At the same time national Press Councils have adopted codes which challenge intolerance and have taken up complaints from members of the public over racism in media, with varying results. Some have seemed to interpret their codes in the narrowest possible terms and have refused to find against newspapers even where there appears to be a strong *prima facie* case. (See panel — UK: A Collective Voice Against Prejudice)

During the 1990s the National Union of Journalists in Great Britain and Ireland and its Black Members Council together with the Netherlands Association of Journalists and the working group Migranten & Media formulated some general recommendations for journalists. Other journalists' organisations in Germany (the Deutscher Journalisten Verband) and Belgium (the AGJPB/AVBB) and the Union of Journalists in Finland joined the IFJ in an industry-wide initiative — the International Media Working Group Against Racism and Xenophobia.

These groups drafted guidelines for everyday reporting and suggestions for reporters on how to deal with assignments that involve racist or extreme right wing groups that promote racism and intolerance.

Diversity Checklist

- What are my own personal assumptions about the people I am reporting on?
- Am I open to accepting ideas for stories that go beyond my own cultural standpoint?

³⁹ European Migration Network, Italian Contact Point. <http://www.emnitaly.it>

⁴⁰ The Code is a Protocol to the Journalist's Charter of Duties (Carta dei Doveri del Giornalista) and was drafted by a national Consultative Committee whose members included representatives of the Italian Interior Ministry, the National Office Against Racial Discrimination, the Department for Equal Opportunities, universities of La Sapienza and Roma III, as well as Italian and foreign journalists.

⁴¹ The European Broadcasting Union, for instance, has developed a special programme of work (see http://www.ebu.ch/en/union/under_banners/CulturalDiversity.php), which includes some co-productions in the field — where minorities are put on screen.

- ▶ Have I any prejudicial attitude to the issue at the heart of story I am covering?
- ▶ Have I ensured that my work does not reflect stereotypes?
- ▶ If I mention colour, ethnicity or physical appearance is it strictly relevant?
- ▶ Am I sensitive to the needs of the people involved directly in the work?
- ▶ Am I using the correct terms to describe people or their culture?
- ▶ Have I considered the impact of the story or the images on the lives of others?
- ▶ Have I talked with experienced colleagues or people from different backgrounds about the story?
- ▶ Have I used a variety of opinions and sources including from minority groups?
- ▶ Is there a dominant discourse? Have I questioned this approach?

These activities led to the world's first international conference on racism and journalism. *Prime Time for Tolerance: Journalism and the Challenge of Racism* in Bilbao in 1997 was attended by journalists from more than 60 countries. A ground-breaking declaration between the European Federation of Journal-

UNITED KINGDOM: A Collective Voice Against Prejudice

In the United Kingdom tabloid journalism has a reputation for stretching the truth to the limits of tolerance and beyond. The National Union of Journalists (NUJ) and its members are increasingly concerned over how owners attempt to build circulation on the back of sensationalism and prejudice.

NUJ members at the Express group of national newspapers have mounted a long campaign of resistance to pressure from their proprietor to produce brutally racist headlines about immigrants and immigration. The journalists have not been helped in their campaign to uphold standards by the fact that the 'self-regulatory' body in the UK, the Press Complaints Commission (PCC) is dominated by industry employers and consistently rejects complaints that may threaten their autonomy.

The Express group, which owns two daily and two Sunday papers — one "middle-market" and one down-market of each — is owned by tycoon, Richard Desmond, who made his millions in pornography before he bought the papers in 1998.

Desmond believes that racism, particularly the xenophobic strain, sells newspapers — (even though the sales of all his papers are in sharp decline). In August 2001, he pressured executives into leading the front page with racist headlines on stories about immigration for six days in a row. The NUJ chapel on his papers declared that "the media should not distort or whip up confrontational racist hatred, in pursuit of increased circulation," and asked the NUJ to complain to the PCC. The complaint that the asylum stories breached the PCC's own code of practice would seem to be self-evidently true, but was rejected by the PCC on the innovative grounds that "no individuals" had been named.

The PCC Code says: "The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender,

sexual orientation or to any physical or mental illness or disability."

As interpreted by the PCC, this allows media to escape censure if they whip up hatred against entire ethnic groups, so long as they do not mention any particular individual, a licence that would have been welcomed by media promoting ethnic hatred from the former Yugoslavia to Rwanda. It contrasts poorly with the IFJ Code of Principles and the NUJ Code of Conduct which states: "A journalist shall neither originate nor process material which encourages discrimination, ridicule, prejudice or hatred."

Three years later Express journalists threatened to resign after a week long campaign demonising enlargement of the European Union, under which citizens of the accession states were to be allowed to Britain to work. Front page headlines included 'As 1.6 Million Gypsies Ready to Flood In' and 'We Can't Cope with Huge Gypsy Invasion'. Journalists were receiving calls from racists saying, "Well done, keep it up".

The leader of the Express chapel, Michelle Stanistreet, says: "It was very upsetting. There was a great deal of anguish." A crowded and angry meeting of Express journalists decided to write to the PCC, this time to raise the need to protect journalists unwilling to work against the NUJ Code of Conduct — effectively calling for a "conscience clause" to allow them to refuse to do such work without jeopardising their jobs. Their argument was that they had no problem with paper campaigning over European Union enlargement, but that the editorial line and the shape of the stories — biased, inaccurate and pandering to racism — crossed an ethical line.

The PCC, true to its mission of never threatening the interests of newspaper magnates, again rejected the complaint, saying that this was "a matter between the employer and the employee," and not a matter for them.

ists, the European Newspaper Publishers Association and the European Broadcasting Union committed the groups to a fresh dialogue to combat racism and intolerance.

The groups agreed to engage in a dialogue with civil society as a whole in order to reinforce efforts to confront racism. They also agreed to work on improving admission criteria for training courses in the media sector; to incorporate into training programmes modules on how to report on intolerance; to establish models for improving professional awareness and standards; and to carry out a full review of policy and methods of recruiting staff to improve levels of participation in the media workforce from minority communities.

Ten years on, the problems remain current and require further effort. The Ethical Journalism Initiative will promote a new round of activities designed to:

- **establish a network** of journalists' groups working to combat racism in media
- produce an **updated manual for journalists** covering issues related to migration, relations between different communities, policing, security, asylum policy, intolerance and racism
- **develop structures for dialogue** to improve industry policies related to recruitment of media personnel, with the aim of elimi-

In July 2005 the Express combined two of its most corrosive prejudices with a splash headline 'Bombers were all sponging asylum seekers'. The story, that four Muslim suicide bombers who had blown themselves up on public transport in London three weeks earlier, killing more than 50 people, were asylum seekers, was untrue. Their identities were not known at the time, and in fact all four turned out to be indigenous UK citizens. Again there was a complaint to the PCC against the headline, which was turned down on the grounds that it was consistent with the story beneath it.

In October 2006, Express journalists had the first clear success when they forced the scrapping of a page in the Daily Star. The page, headlined "The Daily Fatwa", was a supposed to be a spoof of what papers would look like if British Muslims controlled the press. Their pastiche of the downmarket Star included a "Burka babe" veiled from head to foot and a promise of "a free beard for every bomber". As the page was about to go to press NUJ members called an urgent meeting and asked editors to pull it, which they did. Combative owner Richard Desmond was out of the office, and editors gave the impression they were quite relieved by the union action — there was no strike threat. The action was greeted as a triumph by those concerned at the spread of Islamophobia in the British press.

The NUJ's "conscience clause" proposal echoed concerns the union had been raising for 70 years. In 2005 it formally adopted the text for such a clause to its Code of Conduct. It read: "A journalist has the right to refuse assignments or be identified as the author of editorial which would break the letter and spirit of the code. No journalist can be disciplined or suffer detriment to their career for asserting his/her rights to act according to the code."

The NUJ insists that ethical issues are a legitimate topic to take up with management, particularly at a time when editorial cuts and job losses have had a devastating impact on the quality of journalism. Undue pressure on journalists to behave unethically and the creation of precarious employment conditions are two sides of the same coin.

In the past managers' response has been that if journalists don't like the way they are treated they can always quit, and a number have done so, notably from Rupert Murdoch's national newspapers, over the way their copy was handled on stories about the IRA, Israel and the Iraq war. But the notion of "principled resignation" by individuals as a form of resistance to commercial pressure is hardly an option, given the power relations in modern media.

The NUJ has been in the vanguard to defend for example the quality and reputation of Britain's global media leader — the BBC. When the government and judiciary targeted the BBC over its coverage of the Iraq war in 2003 and 2004 a spontaneous protest involving thousands of staff and backed by the union challenged the removal of the Director-General and deplored the "grovelling apologies" made to government by the BBC governors. In 1985, all NUJ members in the broadcasting sector — commercial as well as public — staged a one-day strike in protest at censorship of a BBC TV documentary on Northern Ireland. The Times of London reported that the 24-hour walkout "represented the most serious industrial action ever undertaken in British television, and attracted more support than has ever been won by a pay claim."

The union's actions have never threatened, as proprietors have tried to argue, the notion of press freedom. The NUJ rarely use union muscle to try to control what goes into media, but sees its core responsibility to improve journalistic standards by other means.

The NUJ created an Ethics Council in 1986 to promote higher standards through a process of education and to hear complaints against members who were alleged to have breached the union's code. The council's work has focused increasingly on raising awareness, and trying to create a more ethical climate within newsrooms, rather than acting as "policing" body. An NUJ spokesperson described the Code of Conduct as "a beacon for journalists to aim for rather than a means to punish."

nating discrimination where it exists; to update training and further materials in dealing with these questions; and to promote newsroom debate and discussion on ways of improving the quality of media reporting by, for example, challenging stereotypes, improving the range of sources used by media and developing benchmarks for editorial standards

- ▶ seek to ensure that journalists are entitled to act according to their conscience and to refuse to work on racism material without putting their employment at risk
- ▶ establish a **dialogue** between policy-makers, relevant civil society groups and media on actions to raise awareness of the role of media in dealing with these issues
- ▶ develop a **programme of education and training**
- ▶ organise **discussion and debate** between journalists from different regions — for instance Europe and North Africa — on positive actions to challenge misconceptions and discrimination in media reporting while promoting awareness and better understanding of ethnic, religious and other cultural differences.

Journalism and Combating Intolerance: Those Cartoons

In an era of insecurity and anxiety over community relations, issues of religious intolerance, terrorism and ethnic conflict feature strongly on the news agenda. Rarely has this happened with such an intense focus on the work of journalists as in early 2006, following the publication of a handful of cartoons in a Danish local newspaper *Jyllands Posten*. The drama which followed took everyone by surprise. Within months the issue was the talk of the world's media and sparked street protests, mob violence and the deaths of at least 139 people, mostly due to police firing on crowds in Nigeria, Libya, Pakistan and Afghanistan.

Suddenly, and quite unexpectedly, media standards came under scrutiny as some angry Muslims protested at the perceived casual disregard of cultural sensitivities over the publication by the newspapers



DRAWING FIRE: London protests over the cartoons.

— soon followed by others as the controversy exploded — of cartoon images of the Prophet, which, through custom rather than doctrine, is never done in Muslim societies. Although Islamic art is highly regarded, mosques never display images of people.

This row was, of course, mainly focused on religious sensibilities, but many of those protesting saw the cartoons in the context of what they perceived as a wider attack on their countries, customs, religion and cultures.

It sparked much debate about the interpretation of what constitutes freedom of expression. Media were accused of displaying ignorance about other cultures, even when they form substantial minority communities within the local population. Some inside media argued the right to publish cartoons of this kind was a fundamental test of free expression rights.

The controversy served as something of a wake up call for media, initiating a round of debate and analysis about how journalists



The row has challenged media professional groups to establish a dialogue on how best to balance cultural and religious sensitivity and the right to free expression.

do their job and what they need to do, if anything, to improve their performance.

The reaction of many journalists was, at first, defensive. Media are used to criticism and wary of where it comes from. In many western countries media instinctively recoil when vested interests — political or cultural communities among them — try to interfere with editorial decision-making. In other countries where media are subject to routine monitoring and official sanction they know that when media are taken out of the hands of professionals they can become destructive weapons.

In the 1990s, conflict in the Balkans and genocide in Rwanda provided brutal reminders that human rights law, journalistic codes and international goodwill count for little when unscrupulous politicians, exploiting public ignorance and insecurity, use compliant media to encourage violence and hatred.

In the 2000s, a new war in the Middle East and the mobilisation of public opinion to

counter the “war on terrorism” contributed towards a more fearful relationship between people coming from Christian or Muslim traditions. It is indisputable that the reaction to the attacks on the United States on 11 September 2000 reignited tensions between communities, particularly in Europe where there was a resurgence of urban conflict, dramatically exposed by violence in the great cities of France, the UK, the Netherlands and elsewhere, all stirred centuries-old resentments about foreigners.

The problem of intolerance is a constant threat to good journalism everywhere. Urban violence in North America and Europe, the rise in influence of extremist right-wing political parties, the re-emergence of anti-Semitism, widespread religious intolerance in parts of Africa, Asia and the Middle East, and prejudice and discrimination against national minorities on the basis of language and social status, are all part of the global landscape of daily news reporting.

In this complex news environment, jour-

nalists can become casual victims of prejudice and political manipulation. Too often, ignorance and a lack of appreciation of different cultures, traditions and beliefs lead to media stereotypes that reinforce racist attitudes and strengthen the appeal of political extremists. Certainly that's how many people in the Muslim world saw the row over cartoons of the Prophet Mohammed.

They point to media stereotypes of the Arab world that seem to be greater and more dangerous than they have been for decades. They say that media fail to distinguish between fundamentalism and mainstream Islam and appear to regard engagement with religious communities as compromising progressive values rather than an opportunity for dialogue in order to win people over.

It is an obsession, fed by sensationalist and superficial reporting of conflict in the Middle East and nurtured by extremist politicians, and it has contributed to an increasingly fearful climate within previously stable metropolitan communities in Europe.

Today in countries with a history of tolerance in past decades like Belgium, France, Austria and the Netherlands, and in the Nordic region, a toxic cocktail of prejudice and ignorance about Arab culture is leading to a resurgence of extremist politics not seen for 50 years.

The cartoons controversy provides something of a case study on the positive and negative role media can play in turbulent times. What began as a legitimate journalistic exercise (*Jyllands Posten* were following up a story in another Danish newspaper *Politiken* about the difficulty encountered by a writer who was unable to find an illustrator for a book on the Prophet Mohammed) got out of control when it became politicised. Some journalists and media joined the fray and became engaged in editorial activity which provided nourishment for some deeply unpleasant politics.

The argument of editorial legitimacy and relevance for publishing the cartoons, not for reporting the argument, became more difficult the further the story travelled from its point of origin. It became for many a test case for basic democratic values and free expression.

No story in recent history has been more discussed in so many newsrooms. In almost every daily newspaper, television and



online news business, not just in Europe, but around the world, the discussion raged — whether or not to publish these cartoons. Arguments flowed back and forth about how to cover the story — with or without the cartoons? If they are published what will be the impact? How will the community react? Whose political interests are at work? What risks are there — for staff, for the business?

When the dust had settled and the final totals were examined there's no doubt about the majority verdict. In the end, hardly one per cent of publications in Europe and many fewer across the world decided to publish. On television the numbers were even less. Today the cartoons are available for all to see on the net, but the story has moved on.

Was it right to publish the cartoons? Yes, and No. Yes, if the news judgement was that it was appropriate to the story. For instance, when journalists in Denmark were threatened for doing their work and when their fears that free expression was under attack (as was felt by many media in Denmark and some other parts of Europe at the time) many journalists felt it was right to stand up against bullying and intimidation.

On the other hand the vast majority of journalists elsewhere in Europe and around the world at the time considered the issue in different circumstances — would this create more problems? What would be the impact on community relations? Would it encourage dialogue and debate? — and most decided against publication. Many media were particularly aware of the possibility of a violent backlash in their communities.

Regrettably, some who decided to publish, particularly in many parts of the Muslim world suffered most, some being sent to jail, illustrating in the most painful manner the distance yet to be travelled by some countries along the road to democracy and free expression.

This controversy raised a number of serious questions about how media work. How do news media defend themselves from outside pressure? What can journalists do to improve ethical standards, particularly when they are in the crossfire of social conflict? What standards do media professionals need to set to bring balance and equality into the way media work that will, in the process, improve the quality of reporting?

Above all, the row has challenged media professional groups — in both Europe and the Arab world — to establish a dialogue on how best to balance cultural and religious sensitivity and the right to free expression.

To kick-start this process the International Federation of Journalists brought together some leading professional groups, journalists and others, including the European Commission, UNESCO and the Council of Europe, in February 2006 to talk through some of the arguments. The discussions centred on some valid questions:

- ▶ Is religious sensitivity a justification for limiting free expression?
- ▶ Do we need laws to forbid publication of material offensive to religious society?
- ▶ What are the limits of tolerance to be expected in democratic society?
- ▶ How do media make themselves accountable and engage in dialogue with their communities?
- ▶ Is it right for journalism ever to be seen to be giving in to threats of violence?

We emerged, predictably, with no magical or simple set of solutions, but at least with agreement on a rejection of violence, the need for more effective and profound structures for dialogue, a restatement of democratic values, and for journalists to be allowed to work freely without interference. A joint declaration was signed by all professional groups present except newspaper publishers.

Another professional meeting was held at the end of March 2006 in Oslo bringing together journalists and experts from the Arab world, Norway and Denmark.

The conclusions were much the same — that media need to make themselves more aware of the issues, that they need to display more professionalism, and they need to remember that pluralism is about ensuring minority views, framed in an informed context, are heard alongside the consensus voice of the settled majority.

These initial discussions also reveal that freedom of expression is not some inflexible, one-size-fits-all concept. It differs from country to country. We all grow up with taboos, which vary from culture to culture, but when they are applied with widespread and common consent, they do not compromise principles set out in Article 19 of the Universal Declaration of Human Rights which states that everyone has the right to receive and impart information.

But there is much inconsistency in how we apply this principle. In Europe many countries still have punitive laws on blasphemy and there are places where you can be prosecuted for wearing Nazi insignia. As the historian David Irving discovered in Vienna in 2007, there are also countries where you can go to prison for denying the Holocaust. While freedom of expression fundamentalists have no problem in confronting all taboos, without fear, mainstream media in the West do take account of national customs, traditions and cultural thinking in making their news judgements. No wonder some Muslims are confused when their complaints over the cartoons are dismissed as an attack on European ideals of freedom of expression.

ETHIOPIA

In early 1989 during the transfer of Falashas from Ethiopia to Israel, some European media knew about the operation but they kept their silence until the Falashas had reached a safe haven. They decided that in order to protect the Ethiopian Jews from the military regime they had to delay publication.

At the same time in the Arab world, where organised and violent demonstrators laid siege to western embassies amidst calls for trade boycotts and reprisals against Danish and European media, there were no blushes, apparently, over the fact that Arab newspapers have for years carried vicious caricatures portraying Jews and Israelis in a manner that any civilised person would find shocking and unacceptable. Many journalists asked how this grotesque contradiction sits with complaints about cultural sensitivity.

The reality is that prejudices are easily formed and hard to dislodge, particularly when — as in the case of the Arab-Israeli conflict — they are formed over decades and centre around a sense of profound injustice that exists on both sides of the divide.

The meetings in Brussels and Oslo gave birth to an important international debate organised through the Global Inter-media Dialogue, sponsored by the Governments of Norway and Indonesia, which held three major events concluding in June 2008 with a final conference in Bali and, like many other discussions triggered by the cartoons crisis, provoked restrained, professional and balanced exchanges between media people from vastly different traditions and cultural backgrounds.

There is agreement all round, at national and international level, that discrimination within media should be eliminated and that journalism should put populist and dangerous ideas under proper scrutiny. We need standards for reporting which ensure people get the information they need, without lashings of bias and prejudice.

But how? As a modest start, the meetings in Oslo and Brussels and Bali called for new co-ordinated structures for dialogue within media to encourage actions at national level to bridge the gulf of misunderstanding between cultures that led to the cartoons controversy in the first place.

In Brussels the IFJ was asked to play a role in this work and the Ethical Journalism Initiative is one of the outcomes. If the cartoons controversy did nothing else, it at least gave birth to an injection of fresh energy into a professional debate that has been around for decades, but which has in recent times taken a dangerous turn.

The starting point of the EJI is to raise awareness within media about diversity issues

and to promote changes that will strengthen journalism by putting the focus on media quality. Ethical codes will not solve all the problems of intolerance in media, but they help journalists to take responsibility and they encourage journalists to act according to their conscience.

Regulating ethics is the collective business of journalists, not principally of the corporations which commission and carry their journalism, and especially not of governments. When it comes to what news media write or broadcast, governments have no role to play, beyond the application of general law. The debate around the cartoons issue did reinforce opinion with journalism against new codes and supranational rules imposed by governments.

The controversy was positive proof that editorial judgement, exercised freely, is what works best. Ethics, therefore, have to be actively supported, and particularly the prohibition of discrimination on the basis of religion, race or nationality, which is one of the most general features of professional codes agreed at national and international level. But like all the other skills of journalism: it takes training, time and effort to become good at applying ethical codes which direct thinking and permit conscious decision-making.

One conclusion of all this talk, reinforced again and again, is the need to campaign vigorously to recruit more people from different ethnic and cultural groups into journalism. To be effective, journalism must be inclusive, accountable and a reflection of the whole community.

At the outset of this process Norway, which is one of the world's leading democracies and renowned for its traditions of decency, had only a handful of journalists from different social, ethnic or cultural backgrounds working in media. Editors and journalists pledged to do something about this. The argument for internal diversity is not about "do-gooder" journalism, but aims to improve efficiency, professionalism and performance.

If these new initiatives gain support, they will provide some lasting benefits. In this sense the cartoons row is not all bad news. It has, at least, opened the eyes of many in western media and it should reinforce the efforts of journalists and others to support the movement for progressive change throughout the Middle East.



CHAPTER 5

The Legal Minefield

COUR MUNICIPALE

CONFIDENTIAL

Protection of Sources

Good journalism is as good as the sources of information that reporters have at their disposal. Most sources are personal, many are official and a few are anonymous whistleblowers. Together they provide journalists with the lifeblood of their trade — information that they hope is reliable, accurate and truthful.

The protection of the anonymity of sources is a cardinal principle of ethical journalism. Without confidentiality in relations between reporters and their primary sources, it is impossible for media to gain and exercise trust and so to play any kind of watchdog role or to monitor how people in power are behaving.

Protection of sources is well established in international law, and specifically recognised by the United Nations, the Council of Europe, the Organisation of American States, African Union and the Organisation for Security and Co-operation in Europe. In fact, the European Court of Human Rights has ruled that it is an essential part of freedom of expression.

This recognition is critical at a time when journalists are under pressure from police and authorities to hand over computer files, photographs, film or notebooks, containing information about what they have witnessed or details of contacts. Almost every week the International Federation of Journalists receives new information about the seizure of a journalist's work or a prosecution to try to force media to hand over confidential material.

Journalists must protect confidential sources but also have to exercise care that

anonymity is not an excuse for malicious briefing or misinformation. They must seek to verify as far as they can the information they receive from people who remain anonymous, particularly when they have a political axe to grind.

Before the invasion of Iraq in 2003, the press in the United States relied heavily on anonymous sources sympathetic to the administration. Media coverage was deferential and supportive of the case for war, despite abundant evidence of the government's misuse of intelligence information, eloquently detailed by Michael Massing in *Now They Tell Us*, in which he says that the press repeatedly let officials get away with inaccuracies and untruths.⁴²

Massing particularly takes aim at *New York Times* reporter Judith Miller. Miller produced stories in 2001 and 2002 about Saddam Hussein's capacity to produce weapons of mass destruction based largely on information that turned out, for the most part, to be false. The *New York Times* later publicly apologised for its reporting and Miller left her job, but not before she had become a media personality herself. Her close relationship with the White House was further demonstrated by her involvement in the controversy that blew up after the CIA

⁴² Michael Massing, contributing editor to the Columbia Journalism Review, "Now They Tell Us," *New York Review of Books* (April 2004).

agent Valerie Plame was illegally named by officials (seen as a reprisal because Plame's husband had vigorously attacked the Bush administration over policy on Iraq).

This incident shows the strengths and weaknesses of protected sources. Miller went to jail briefly because she rightly refused to name her White House source and she was well supported by the global press freedom community, including the IFJ, which condemned her incarceration. However, her use of confidential sources tarnished her reputation as, rather than holding the executive to scrutiny, in effect if not in intention, she aided the executive in perpetrating an untruth. She protected powerful people as sources who misled her over the stories that generated public support for a controversial war.

When courts and public authorities ask journalists to hand over material or information that will reveal a source of information, the ethical reporter will instinctively demur and, if necessary checking with the source first, protect that source even at cost to themselves. But there are occasions when journalists come to a different ethical conclusion. Their conscience impels them to cooperate with the authorities. Journalists who

reported on the Bosnian war in the 1990s, like Ed Vulliamy of *The Guardian*, testified before the International War Crimes Tribunal in Yugoslavia and helped convict some of the gangsters who committed war crimes during that conflict.

Although some journalists warned that they were setting a very unhappy precedent, Vulliamy and others are unapologetic. They say that bringing to justice war criminals is a cause in which journalists, like other citizens, have a duty to join if only in defence of the civilised values that allow democracy and free journalism to function.

The ethical issues were even sharper for Serbian journalists who were covering the conflict and who were revolted by what they saw. Dejan Anastasijevic, a reporter for *Vreme* magazine, named the former head of Serbian counter intelligence Aleksandar Vasiljovic as the source of information about the handing over of Croatian prisoners to army reservists who later killed 200 of them. He did so after Vasiljovic himself decided to give evidence to the International Criminal Tribunal for the Former Yugoslavia sitting in The Hague.

Speaking in 2003 at a meeting in Prague on the protection of sources, Anastasijevic said: "I did not come to cover the



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SPAIN

An editor in Spanish public television news called his correspondent in Paris and asked him to do a news clip on the banning by some secondary schools of girls from wearing G-strings to school. What do the girls think about the ban? Can we get pictures of them showing the tops of their skimpy underwear?

Naturally the assignment involved getting into the schools, talking to the pupils and taking suitably provocative shots of the G-strings. The correspondent demurred. He pointed out the rules about interviewing young people and the need to get permission. It was unethical, probably illegal and not his sort of journalism. Fire me if you don't like it, he said. A blazing row later and the story was reallocated and when it emerged was a story low on sleaze and a mite stronger on discussion of adult attitudes to teenage dress.

war in Yugoslavia because of a sense of adventure or because I wanted to be a war correspondent. The war came to me and I believed it was my duty to contribute and to shed a light on the events that took place in my own country.

"For any nation it is difficult to face the crimes committed in the name of that nation and Serbia is no exception. I wanted to prove it was possible for citizens of Serbia to come and talk about the crimes. I think I have achieved that. After I did that, more Serbian witnesses came and spoke without protection. Some of them took much more personal risk than I did."

His colleague Jovan Dulovic gave evidence about what he had learned about the killing of prisoners in Vukovar in Croatia while a correspondent for *Politika Ekspres*, and named sources inside the military. When asked to testify he said: "I had no professional or ethical problems with that. This was based on my notes but also on what I saw, because I saw things that just got imprinted on my mind and stay for a very long time."

"Even if someone tried to damn me for testifying, I would still have found a way to do it, because I feel that war criminals need

to be prosecuted. I have no doubt that there were also crimes from the other side in the war, but I could only give evidence of what was seen by own eyes and that was the Serbian side."

However, some journalists refused to testify. Former *Washington Post* reporter Jonathan Randall won his appeal against being subpoenaed to give evidence, when the Tribunal agreed that to compel journalists to do so could have "a significant impact upon their ability to obtain information".

These cases show how journalists who set out to work in an ethical manner may come to different decisions when facing a dilemma, depending on their situation, circumstances and evaluation of the evidence. Working in an ethical framework does not always mean coming to the same conclusion.

In the 1980s another case involving *The Guardian* caused widespread consternation within media circles and much criticism beyond. An anonymous letter contained a document that revealed how the UK government planned to spin the arrival of cruise missiles from the United States on British soil. It was turned into a front page scoop by the newspaper. The editor was ordered by judges to hand over the document or face fines and possible imprisonment. The court was determined to identify the person who leaked the information (and broke the UK's notorious Official Secrets Act). After much hand-wringing, the editor complied even though he knew that this would lead to the whistleblower being discovered. He decided that defiance of the system of justice was untenable for a liberal newspaper founded on principles of democracy.

To the terrible embarrassment of *The Guardian*, Sarah Tisdall, a young government worker of good character and conscience who believed she was doing the right thing, was hauled before the courts and sent to jail. She was contemptuous of *The Guardian's* offer of a job on her release.

It is not possible for anyone else to substitute for the individual journalist; in this case, the editor himself took responsibility to comply with a court order to reveal a source. Journalists have to make their own decisions, according to their own conscience and sense of moral responsibility. Revealing a source of information is never to be taken lightly.



Years ago a young reporter on the now-defunct *Peterborough Standard* newspaper in Britain, was given little choice when ordered by his editor in the presence of a senior policeman to hand over a notebook that contained information which would reveal information about informants in a story dealing with drug use. Many others find themselves in similar difficulties and they often rely on editors to support their reporters.

Freelance journalists usually do not have anyone except their union to provide that support. In 2008, Greater Manchester Police ordered British freelance journalist Shiv Malik to hand over all his source material for a book on terrorism. Their application was supported by a lower court. After a legal battle in which Malik was supported by the National Union of Journalists, the High Court ruled that the terms of the order had been too wide.

Lord Justice John Dyson, one of the three judges on the judicial review panel, said the courts needed to protect journalism as well as fight terrorism. "A balance has to be struck between the protection of confidential material of journalists and the interest of us all in facilitating effective terrorist investigations.

"Where, as in the present case, such material is in the possession of a journalist, there is a potential clash between the

interests of the state in ensuring the police are able to conduct terrorist investigations as effectively as possible and the rights of the journalist to protect his or her confidential sources," he said.

But he said that Parliament did not give reporters an absolute right to protect their sources.

Malik, speaking after the case, said:

*"There are sometimes people and places that only journalists can reach; where the whole of society benefits from questions being asked. If they had been successful the police would have struck a severe blow to the future of investigative journalism. It would have called into question a journalist's ability to protect their sources and discouraged whistleblowers from speaking out."*⁴³

Police and investigating authorities should do their jobs without trawling through journalists' files to identify people leaking information. Nor should they monitor who journalists are talking to, or tap their telephones, although this has become somewhat routine these days, even in some of the world's leading democracies.

Many of these actions have been made easier by the widening war on terrorism and the cloak of security, which has become convenient window-dressing for attacks on civil liberties and the rights of reporters.⁴⁴ (See Chapter 3 *Uncertain Futures — Rights and Wrongs of Fearful Politics*).

In 2007 the IFJ challenged the governments of the United States, Great Britain, Germany, Italy, the Netherlands and Denmark over telephone tapping, planting spies in newsrooms, judicial intimidation and mischievous prosecution of reporters to unearth information about their contacts.

In Belgium, a German journalist, Hans Martin Tillack was raided by local police as a result of a complaint by the European Union trying to get their hands on a whistle-blower who had been feeding him information about corruption in Brussels. Tillack also faced a trumped up charge of bribery. Six years after the raid and with a judgement of the European Court in his favour, the journalist was still waiting for his name to be formally cleared.

⁴³ *Guardian* 19 June 2008.

⁴⁴ See the IFJ-Statewatch Report *Civil Liberties, Journalism and the War on Terror* for information on how laws around the world have been enacted that compromise legitimate journalism.

GERMANY: Media and Journalists on the Same Page

“The future of journalism is in quality, but it is not the role of the manager to define what quality journalism is. His role is to provide the best conditions for journalists to do their work well.”

— BODO HOMBACH, CHIEF EXECUTIVE, THE WAZ NEWSPAPER GROUP

In Germany social dialogue between trade unions and employers has moved beyond the normal ritual of bargaining over wages and working conditions to put quality media and press freedom firmly on the agenda. In a breakthrough agreement in 2007, the German publishing company WAZ Group and the International Federation of Journalists established a transnational social dialogue covering the countries where the WAZ Group, Germany's second largest newspaper publisher is active.

The two German journalists' unions — the journalist's section of the industrial union Ver.di and Deutscher Journalisten Verband — have been supporting the establishment of codes of conduct within the major news outlets and the IFJ-WAZ agreement encouraged the negotiation of a detailed editorial code involving the works council and the management.

A similar code applies in the Axel Springer company, and in October 2008 Bertelsmann, one of the world's largest media conglomerates, adopted a code which is under discussion within the works councils of the company at Gruner und Jahr and RTL. The Springer code has been around for years and forms part of the working contracts of individual journalists, but given the dubious reputation of the company's flagship tabloid title — the daily Bild Zeitung — it is uncertain whether this commitment to “journalistic credibility” is the main driver of editorial standards.

The WAZ agreement (see appendix) signals a departure from the solely economic and social agenda of unions and managements including a joint commitment to non-discrimination in which both sides commit themselves to:

“The promotion of universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, gender, language, national extraction, social origin, political opinion or religion.”

The agreement provides an umbrella for discussion of complaints about problems in labour relations from some of the eight South Eastern European countries (Albania, Austria, Bulgaria, Croatia, Romania, Macedonia, Hungary, and Serbia) where the WAZ Group publishes newspapers or magazines.

To give life to the process, the two sides agreed to organise an annual meeting, the first of which was held in May 2008 in the Zollverein coal mine complex in Essen which is now a UNESCO world heritage site. Delegates from both sides — management and journalists — agreed among other things to

- ▶ Establish a regional council of ombudsmen representing each of the company's titles to examine complaints and resolve disputes
- ▶ Consider the adoption of a group-wide code of conduct based upon the code already in place for the WAZ German newspapers
- ▶ Launch a Courage in Journalism Award for the countries in which WAZ is operating; and
- ▶ Prepare a group-wide employment contract covering labour rights for the company's journalists.

“When the industry is facing an uncertain future this sort of union-management co-operation sends a positive signal,” says Arne König, Chair of the European Federation of Journalists. “Ethical goals are not to be abandoned in times of trouble. In fact we want more employers in the media sector to get the message that quality counts and to follow the lead of WAZ and the German journalists.”

But it is not just government spooks who are spying on journalists. In Europe and America some leading companies have been exposed for hiring detectives for surveillance of journalists writing stories that are critical of them. In 2006, Hewlett-Packard recruited private detectives to spy on nine reporters, including a *Wall Street Journal* reporter. Her social security number was fraudulently used to enter her home, her rubbish was searched and her telephone records were illegally accessed. The scandal cost the company Hewlett-Packard boss Patricia Dunn her job as well as a damages bill of US \$14.5 million.

Even more sinister were revelations in 2008 that one of Germany's most prestigious firms — the communications giant Deutsche Telekom — had hired former spies from the ranks of the former East German secret service, the Stasi, to spy on journalists. In a scandal broken by the magazine *Der Spiegel*, the company was said to have hired consultancies in Britain and Germany to gain information about the whistleblowers and sources being used by investigative journalists working for the business magazine *Capital* and the *Financial Times Deutschland*.

It is unlikely that these are isolated cases. The systematic surveillance of journalists trying to monitor the business of politics and high finance means that whistleblowers are becoming more cautious, according to Germany's two leading unions for reporters — the Deutsche Journalisten Verband and Ver. di, which have been campaigning vigorously against illicit surveillance.

They say that official attacks and private snooping require a strong response from within the industry. Journalists who are being put under pressure should receive backing from their media. Normally, this is the case, as with Tillack, who was fully backed by the news magazine *Stern*, his employers, as well as by the unions and the European Federation of Journalists.

Most reputable media are ready to take their responsibility, but some are not and journalists may benefit from a clause in their contracts or their agreements that clearly states their duties and obligations in this area. National Public Radio (NPR) in the United States has a clause in its guidelines that spells it out:



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Journalists must not turn over any notes, audio or working materials from their stories or productions, nor provide information they have observed in the course of their production activities to government officials or parties involved in or considering litigation. If such materials or information are requested in the context of any governmental, administrative or other legal process this must be reported to the company.

The internal rules are important, but journalists face a dilemma when trying to protect their sources — do they rely on the moral force of ethical charters and codes, such as those at NPR, or do they seek more legal protection, even if that opens the door to difficult discussions about exceptions, national security, for example? The European Federation of Journalists has produced a detailed assessment of the criteria that unions should consider when making their minds up on an appropriate strategy to follow.⁴⁵

One of the most comprehensive national laws on protection of sources in the world can be found in Belgium, where the law

⁴⁵ Report by Patrick Kamenka and Philippe Leruth 2008. Contact EFJ for further information: efj@ifj.org

FAQs about protection of sources

When debate arises over the need for law to protect journalistic sources it inevitably raises a number of tricky questions:

Who is a journalist?

The definition of the journalist must be as broad as possible, to avoid any harm to press freedom. People who earn their living from the practice of journalism? People who are linked by employment or association with a union or other group to an ethical code? People who make the transition from blogging to providing information in the public interest? All of these for a start. Freedom of expression does not belong to journalists, but to all citizens. However, courts may insist on having a working definition of a journalist, if they are to have an exemption in law.

Who should benefit from the protection of journalistic sources?

Journalists and any person taking part in the journalistic process (including bloggers, noted above, who are attached to principles of media freedom and ethical conduct).

What do we mean by a source?

Someone who provides a journalist with information, in the knowledge that they will make use of it in their reports. Usually the source has access to information that few others have. Of course, not all sources are confidential. In the case of a confidential source there will almost always be a discussion about protection, and the journalist will give his or her word not to breach that confidentiality.

Are sources ever paid?

A source should not be paid unless there are exceptional circumstances. It is common practice in some areas of tabloid journalism to pay sources, but this is almost always unethical. Sometimes police officers or other public servants take money from journalists to tip them off about investigations into high profile people. There is usually public appetite for this information, but no real public interest, and this relationship owes more to corruption than to journalistic ethics.

Which sources are to be protected?

All sources, and particularly whistleblowers, whose jobs or personal security may be in jeopardy if they are exposed. People who take risks to provide information it is in the public interest to disclose, deserve protection. Anonymity should not be given lightly, but it should be given in cases where people are at risk if they are exposed.

Which actions of the authorities should be prohibited?

All surveillance and investigation of the legal activity of journalism which is designed to identify a journalistic source must be illegal. This includes “fishing expeditions” and raids and searches of newsrooms or homes of journalists, any tapping of telephones or interception of mail, electronic or otherwise. Information gathered in violation of journalists’ rights in this area should be inadmissible as evidence.

Are there exceptions to the protection of source which are acceptable?

Where there are exceptions these must be applied in strictly controlled circumstances. In Belgium, for instance, the law provides that only a judge can decide to ask a journalist to disclose a source and then only when it is clear that:

- there is a serious threat to the physical integrity of the persons,
- the information sought is crucial to prevent any harm to the physical integrity of people, and
- the information required cannot be obtained by any other means.

In the end this is a decision for journalists to take. The law should respect the right of journalists to act according to conscience and they should not be punished when they do so. However, it is inevitable in the present climate that they will continue to be punished.

gives broad protection to journalists and people they work with, forbid surveillance or searches to bypass this protection, and protect journalists from prosecution for refusing to testify for receiving stolen documents or breaching professional secrecy.

In the United States, where a number of journalists have gone to jail to protect their sources, leading journalists' groups, including IFJ affiliates, and media are campaigning for a federal legal shield to protect journalists' sources. A new administration in Washington opens the door to this possibility.

One of the questions to be answered by anyone looking for legal protection is to define who is covered by the law. The changing nature of media and of journalistic work is transforming the media labour market. Laws need to be modified and updated to take account of journalists working in a new media environment. The rights of bloggers, pod-casters and so-called citizen journalists also need to be defined. This, of course, raises new questions, such as who is a journalist and how can they be identified?

Journalists' unions have their own answers, based upon national customs and traditions, but essentially there is common agreement — if you earn your living from the practice of journalism, or if you recognise and follow the core principles and codes of the profession, or if your actions are motivated by public interest — you should expect the protection of the law and rules of good governance when you protect the rights of those who provide you with information that people need to know.

Protecting Sources: The Hard Questions

Journalists are increasingly faced with demands to reveal their sources. When deciding how to respond, journalists need to consider the impact of their actions and ask themselves a number of questions:

- ▶ Was the source promised confidentiality?
- ▶ Who will benefit if this source is revealed?
- ▶ Who will suffer and who will lose out?
- ▶ Will a criminal or powerful figure guilty of malpractice escape justice?
- ▶ Is this a case where the police and other investigating authorities are genuinely unable to provide the required information?
- ▶ Will the work of other journalists and the mission of media be compromised by revealing information?
- ▶ Will sources be less likely to come forward in future?
- ▶ Will the public interest be served or not be served by co-operation?

The answers in 999 out of 1,000 cases will indicate that a journalist is right to resist and, if necessary, take the consequences, including fines and jail if necessary. Protection of sources is a cardinal principle but is worth nothing unless reporters and editors are willing to sacrifice their own comfort to defend it. In this era of official surveillance and lack of respect for civil rights, it is even more important for journalists to stand by their commitment to protect sources. One must expect more journalists to go to prison.

The Two-Edged Sword of Legal Protection

The role of law in the newsroom is a tricky one. Journalists rightly resist judicial interference in editorial matters, but the support of the courts is welcome, particularly when it exposes violations of free expression or when it reinforces the importance to the public of journalists' work. Courts can help to redress the balance between investigative journalism and powerful groups in society. Without some form of constitutional or legal protection, and the collective protection of their colleagues, journalists are more likely to come under pressure.

Nearly 100 countries have adopted specific legal provision for journalists to protect their sources, either in the general laws or within constitutional protections for free speech. In at least 20 countries those protections are near absolute. In countries without any legal cover, journalists are more open to coercion to divulge their sources, but in many democratic states exceptions that undermine this right are being extended while political and legal pressures are increasing, often on the back of concerns about national security.⁴⁶

The judgements of the European Court of Human Rights, set up 50 years ago to deal with alleged violations of the European Convention on Human Rights (applicable in the 47 member states of the Council of Europe), have over the years provided important support in the fight for press freedom.

In a landmark ruling in 1996, for instance, the European Court ruled that British judges had violated the rights of Bill Goodwin, a magazine journalist, who was convicted of contempt when he refused to name the source of leaked information

that a company claimed threatened their business. The Court found that the balance between free speech and the rights of others should weigh in favour of the public interest, even if publishing confidential information might cause the firm financial harm and even lead to job losses.

The ECHR said that an order to disclose a source had a "potentially chilling effect" on the exercise of press freedom. *"Without such protection sources may be deterred from assisting the press in informing the public on matters of public interest. As a result the vital public watchdog role of the press may be undermined and the ability of the press to provide accurate and reliable information may be adversely affected".*

This case, vigorously supported by Goodwin's union, the National Union of Journalists in the UK and Ireland, and the European Group of the IFJ, was an unprecedented victory for journalists. It established that the right of journalists to protect confidential sources of information was covered by free expression rights under European law.

⁴⁶ More information is available from the European Federation of Journalists which produced a report (September 2008) on these matters and from www.privacyinternational.org/foi/silencingsources.pdf

Ten years later, the Court again upheld press freedom principles and struck down action by Belgian police who raided the offices and seized personal files of the German journalist Hans Martin Tillack. The action had been prompted by the European Union which was trying to unmask a “mole” inside its Brussels operation who was leaking confidential information.

Although the Court has been a defender of the principle of protecting sources, it has always made it clear that this protection is not absolute. And in recent rulings, it appears to have weakened its resolve, and begun to take a worrying interest in the professionalism of journalists, an important topic, but not one that should be dealt with by the courts.

In 2006, the Court held that Switzerland had violated free expression after journalist Martin Stoll was fined 800 Swiss Francs (US \$700 or €500) for publishing “official confidential deliberations”. The story dated back to 1996, when the Swiss ambassador to the United States produced a “strategic document” in the course of negotiations between, among others, the World Jewish Congress and Swiss banks, regarding compensation due to Holocaust victims for unclaimed assets deposited in Swiss banks.

The story had been reported in a robust manner, and some criticised it as being too sensational. The Swiss Press Council surprised many media people by concurring in this view and ruling that Stoll had “irresponsibly made the ambassador’s remarks appear sensational and shocking.”

The European Court found that the journalist should not have been convicted by the Swiss courts or fined, asserting that the public interest in aspects of the strategy to be adopted by the Swiss Government in negotiations concerning the assets of Holocaust victims and Switzerland’s role in the Second World War was more important than the style of presentation. The Court concluded: *“In the context of a political debate such a sentence would be likely to deter journalists from contributing to public discussion of issues affecting the life of the community and was thus liable to hamper the press in performing its task as purveyor of information and watchdog.”*

However, the Swiss government called for a review and the European Court’s 17-mem-



ber Grand Chamber controversially overturned this opinion. This second judgement recognised that the articles of Stoll were published in a context of an important public debate with an international dimension, but found that the disclosure of the ambassador’s report could undermine the climate for successful conduct of diplomatic relations and could have negative repercussions on the negotiations being conducted by Switzerland.

The judges agreed that the journalist did not act illegally by obtaining the leaked document, but they said that as a journalist he could not claim in good faith to be unaware that disclosure of the document was punishable under the Swiss Criminal Code. Like the Swiss Press Council, the Court found shortcomings in the quality of the articles — saying that they were written and presented in a sensationalist style which suggested that the ambassador’s remarks were anti-Semitic, and that they were trivial, inaccurate and likely to mislead the reader.

A very different view was taken by a group of five dissenting judges who warned that the majority decision was a *“dangerous and unjustified departure from the Court’s well established case-law concerning the nature and vital importance of freedom of expression in democratic societies”*.

The majority judgment contrasts remarkably with the principle enshrined in the 19

December 2006 Joint Declaration by human rights leaders from the United Nations, the Organisation for Security and Co-operation in Europe, the Organisation of American States and the African Commission on Human and People's rights. On 19 December 2006 they stated: *"Journalists should not be held liable for publishing classified or confidential information where they have not themselves committed a wrong in obtaining it"*.

SWEDEN: Journalists Lead Battle over Snooping

As one of Europe's oldest democracies, Sweden has set high standards for press freedom over generations. In June 2008, it joined the ranks of countries where civil liberties are at risk, when its parliament agreed a new law to allow the police and secret service extensive surveillance of citizens' E-mails and international telephone calls.

The Swedish Journalists Association (SJF) describes the new law as "an attack on civil liberties that will create a 'big brother' state."

"The move is astonishing," says SJF Vice President Arne König, who is also Chairman of the European Federation of Journalists. "It confirms our fears that in the age of security, anonymity and privacy in private communications are all but dead. We journalists face new battles to protect our sources of information."

The Swedish union has demanded a "truth commission" to establish how far Swedish authorities have already been monitoring telephone calls and E-mails in breach of Swedish law.

Taken aback at the strength of the opposition, the country's Alliance government announced a new version of the surveillance law in September 2008 claiming its changes would satisfy its critics.

A special court would be created to oversee requests to intercept telecommunication messages; telephone calls and E-mails could only be monitored after a specific application was approved. The monitoring bodies would also have to report to the court on what they had done. Another new provision would allow individuals who have been the subject of monitoring to contest whether or not the operations were carried out for the wrong reasons.

These improvements go part of the way towards satisfying some opponents, but cut little ice with journalists. The Swedish union says that while the protection of the integrity of the individual has been extended, there is no comfort for investigative journalists because of the risk to their sources.

Union president Agneta Lindblohm Hulthén led a protest on the steps of the parliament in June and says she is prepared to take their challenge to the European Court on Human Rights. "This is not enough to meet the demands of the Swedish constitution which includes within it the protection of journalists' sources," she said.

What is of most concern about the European Grand Chamber ruling is that judges involved themselves in the question of whether the story had been responsibly handled or well written. When judges begin to ponder editorial issues of taste and professional presentation alarm bells should ring around the newsrooms. Case law in favour of press freedom and public interest values in journalism is welcome, but when courts cast their eyes over headlines, pictures and the behaviour of reporters and editors rather than the public interest value of stories, journalists rightly fear undue interference in their work.

In one recent case in Moldova, the European Court went further suggesting that unethical actions by journalists may completely undermine their right to publish information even where it raises public interest.⁴⁷

The case concerned a 2003 article in *Flux* about a High School in Chisinau, the capital of Moldova, which criticised the headteacher on the basis of an anonymous letter from a group of parents alleging that he misused school funds and that he had taken bribes of up to US \$500 (€340) to enrol children in the school. *Flux* refused to publish a letter from the headteacher, which accused the paper of sensationalism, of using anonymous sources and of failure to properly investigate the allegations.

Another newspaper did publish the headteacher's letter and *Flux* published a second article repeating some of the earlier criticism and promising to bring forward people ready to testify in court about the bribes. When the headteacher brought a civil action for defamation, three witnesses testified under oath that the claims of bribery were true. The district court rejected their testimony and found, that *"to be able to declare publicly that someone is accepting bribes, there is a need for a criminal-court decision finding that person guilty of bribery"*. Since the headteacher had never been found guilty of bribery, they said, it was not right to accuse him of it. The newspaper was found guilty of defamation, ordered to apologise and to pay compensation of €88. This extraordinary judgement was upheld by the Court of Appeal in Moldova, which confirmed the notion that no media could make allegations unless someone had already been convicted of a



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crime, effectively dismantling the watchdog role of the media.

When the newspaper appealed to the European Court in Strasbourg, it divided the judges, but in July 2008 the majority (four votes to three) found against the newspaper, saying that the conviction was not a violation of free expression. In making this ruling they judged that shortcomings in journalistic quality outbalanced the public interest in serious allegations of bribery.⁴⁸

The Court noted that:

- ▶ the *Flux* journalist made no attempt to contact the headteacher to ask his opinion about the allegations nor conducted any form of investigation into the claims;
- ▶ the newspaper refused to give the headteacher a right of reply to the anonymous letter;
- ▶ the second article in *Flux* was a reaction to the letter from the headteacher being published in a rival newspaper, and was regarded by the judges as an act of spite.

The Court rejected the absurd reasoning of the Moldova court that allegations of serious misconduct cannot be made unless they have first been proved in criminal proceedings. However, it also found that the right to

freedom of expression does not confer on newspapers an absolute right to act in an irresponsible manner by charging individuals with criminal acts in the absence of a basis in fact at the material time. The Court came to the conclusion that the newspaper acted in flagrant disregard of the duties of responsible journalism and thus undermined the Convention rights of others.

The three dissenting judges voted without hesitation in favour of the newspaper. They pointed out that the newspaper had made enquiries about persistent rumours and found three witnesses whose integrity had not been put in doubt. They said that the Court had penalised the newspaper not for publishing untruths but for 'unprofessional behaviour'.

Journalists see a threat to press freedom in this judgement, not least because as the dissenters put it *"disregard for professional norms is deemed by Strasbourg to be more serious than the suppression of democratic debate on public corruption."* Most would certainly agree with the minority's final words: *"When subservience to professional good practice becomes more overriding than the search for truth itself it is a sad day for freedom of expression"*.

Most journalists would criticise the behaviour of *Flux* and its handling of this story. The headteacher should indeed have been asked to comment on the allegations and been given a right of reply. The Ethical Journalism Initiative is itself a response to the lack of professionalism of the sort that was on display here. However, the courts in Moldova clearly made a judgement that echoed attachment to political management of media in the recent past, and the European Court should have given precedence to the public interest, over and above the unseemly conduct of the journalists.

But there is little to suggest that this message is getting through. Indeed, a new judgement in October 2008 reinforces fears that the European Court has lost its way when dealing with the media and free expression rights. The case involved a French political cartoonist, Denis Leroy, who was convicted in 2002 over a cartoon published in a Basque weekly newspaper *Ekaitza*. On 11 September 2001 he submitted a drawing representing the terrorist

⁴⁷ D. VOORHOOF, European Court of Human Rights: Case of Flux nr. 6 v. Moldova, IRIS, Legal Observations of the European Audiovisual Observatory, 2008/9 (in print)

⁴⁸ Judgment by the European Court of Human Rights (Fourth Section), case of Flux (nr. 6) v. Moldova, Application no. 22824/04 of 29 July 2008, available at <http://www.echr.coe.int>. See also ECtHR 22 May 2008, Alithia Publishing Company Ltd. & Constantinides v. Cyprus; ECtHR 8 July 2008, Backes v. Luxembourg and ECtHR, 16 September 2008, Cuc Pasco v. Romania.

KOSOVO

Spanish journalists from the broadcaster TVE travelling in an armoured media car through Kosovo came across a distraught crowd of villagers. They found a young man — a guerrilla for the Kosovo Liberation Army — who had been badly injured and was likely to die without hospital care. His mother pleaded with them — help him, but first retrieve the body of his little brother lying dead in the woods. Under risk of fire from Serbian fighters nearby they drove into the wood, found the corpse, frozen stiff, and took it back to the boy's mother.

They then considered how to take the eldest son to hospital in nearby Pristina. They knew that if discovered they would be accused of being, at least, traitors or spies. They debated but the conclusion was, as José Antonio Guardiola, the journalist from (TVE) said, "Fuck, forget for a moment this bloody war. The point is to save a youngster's life". They put the young man in the 4x4, tucked him into blankets to give the impression he was sleeping, and made their way through three nerve-racking check points. On arrival at the hospital the Serb doctors welcomed them and treated the injured boy who survived the ordeal. Heavy interrogation by Serbian soldiers followed. The experience and particularly the contact with the Serbian doctors was, said the journalists later, a lesson in mutual professionalism.

attack on the World Trade Centre in New York, with a caption which parodied an advertising slogan: *"We have all dreamed of it... Hamas did it."*[sic]

The drawing was published two days later and, unsurprisingly, caused a storm of protest. In its next issue, the magazine published reactions, including from the cartoonist himself, who contritely admitted that when he drew the cartoon he failed to take account of the human suffering caused by the attacks. His intention was not to add to the hurt of the victims, but to communicate his own anti-Americanism through a satirical image illustrating the decline of American imperialism. By any standards the cartoon was insensitive (some might say gratuitously offensive given the timing) but, as most journalists acknowledge, that is what cartooning is about.

Nevertheless, the public prosecutor, charged Leroy and the newspaper's pub-

lishing director with condoning terrorism under France's Press Act of 1881. The director was convicted for condoning terrorism and Leroy was found guilty of complicity in condoning terrorism and each was fined €1,500.

The cartoonist took his case to the European Court. Surely, he argued, it was not against the law to communicate his anti-Americanism through satire. The Court rejected his appeal, finding that the cartoon went beyond criticism of American imperialism, by supporting and glorifying the violent destruction of the United States. By approvingly commenting on the attacks, said the judges, the cartoonist had diminished the dignity of the victims. It upheld the verdict of the French court and said that the conviction of the cartoonist was "necessary in a democratic society."

If the term "chilling effect" (as used in the Goodwin case) has any meaning at all, it applies to the consequences of the Leroy judgement, which is perhaps the most damaging of recent findings by the Court. Previous Court findings have been careful to define a line between genuine incitement to violence or provocation to commit acts of terrorism and the right of journalists and others to "offend, shock and disturb" on matters of public interest.

It is also a judgement that opens the door to more prosecutions and convictions over media content that is regarded as deeply offensive rather than posing serious and meaningful threat to people and society.

Many journalists and free speech advocates will scratch their heads wondering how the Court was unable to make a distinction between an isolated, provocative and disrespectful anti-American cartoon and the commission of deliberate, obvious and repeated incitement to hatred, genocide or terrorism. Others will be angry at the fearful damage done to media freedom by guardians of justice at the heart of European democracy. The ruling appears to have validated judicial interference in media content and, by implication, legitimised the jailing of journalists, not least the cartoonists who were imprisoned by courts in Jordan and Yemen in 2006 for publishing cartoons of the Prophet Mohammed.



Freedom of Information

Over the past decade the scope for developing watchdog journalism has increased dramatically as dozens of countries have enacted formal statutes guaranteeing their citizens right of access to government information. Today around 70 countries, covering more than half the world's population, have freedom of information legislation.

Throughout the world, freedom of information movements are providing journalism with the tools that can make public scrutiny of the rich, famous and powerful more effective and more meaningful.

Changing the definition of democratic governance is about enshrining the people's right to know how elected officials are exercising power and how taxpayers' money is being spent.

Ground-breaking stories about political corruption have emerged as more governments and legislators have been forced to reveal information. Many would never have seen the light of day were it not for Freedom of Information laws.

The origins of the campaign for open government are distant — stretching back to 1766 in Sweden where the constitution established a rule that everything is publicly available and where citizens have the right to ask for and receive any document. This culture of openness is probably unique. Today in Sweden people can request access to an individual's personal tax return, something that in many other democratic countries would be unthinkable.

In many of the settled democracies of Europe there are weaker legal guarantees of the public's right to access information than in the younger democracies of Eastern

Europe. A 2006 survey by the Open Society Justice Initiative found that authorities in Armenia, Bulgaria and Romania significantly outperform countries like France and Spain in providing information. Countries with particularly poor legislation in this field are Austria, Spain and Italy, which do not have a public interest imperative for releasing information.⁴⁹

In Austria the authorities cannot release information related to public security, defence, international relations or economic/financial interests of the government. In Spain there is a blanket ban on information on national defence and security. In Italy whole categories of information, including national defence and international relations, are excluded from public scrutiny and the law restricts the right to request information to people with 'a personal concrete interest to safeguard in legally relevant situations'.

Freedom of information is not always absolute and can be allowed selectively by governments. In China, for instance, where the Communist Party keeps a tight control on political and ideological expression, rules have been introduced to give public access to information in order to eradicate corruption in the provinces and local government. The government is trying to send a signal that bureaucrats will be exposed to public scrutiny.

⁴⁹ For more information, see David Banisar, Freedom of Information around the World. A Global Survey of Access to Government Information Laws. <http://www.privacyinternational.org/foi/foisurvey2006.pdf>

In fact, the campaign against corruption is driving much of the modern movement towards more open government. Wherever rules of open and transparent administration do not apply, corruption thrives. In Nigeria, for example, there is little information available to the public about the vast oil revenues that flow into the country. Public ignorance about the country's financial realities remains an obstacle to building confidence in political and social development programmes.

Politicians with something to hide are reluctant to embrace transparency or open themselves to media scrutiny that they understand may end their careers.

When in power, former Mexican President Vicente Fox backed a law in support of the public's right to government information. Mexico is a country where a powerful executive branch has historically overshadowed a weak Congress, and where a dysfunctional judicial system and a malleable press mean that the public has had no access to information about the most fundamental ways in which government affects daily life. That has now changed and they can find out about how public money is spent.

Fox can take some credit for that, but his legislation reached further than he anticipated. Late in 2007 the Mexican political magazine *Emeequis* used the very freedom of information law that Fox championed, to research stories alleging that, while in office, he used public funds to conduct political polling to test support for a presidential run by his wife. Other questions about goods and land have followed. In Boca del Rio, a crowd pulled a statue of the President to the ground.

In Guatemala on Mexico's southern flank new openness laws have been agreed after ten years of debate and public discussion led by, among others, the country's media community. The new law permits the public to freely access information relating to public budgets, salaries of officials, and expenses for programmes and public works. The law gives public employees 10 days to furnish the requested information. If not, penalties take effect.

Nevertheless, the brakes are being put on the freedom of information bandwagon by governments and politicians who feel the pain of journalistic scrutiny. A BBC report on freedom of information found that the clas-





The experience of freedom of information campaigns around the world is sweet and sour, with the taste of success being followed quickly by resistance from political and official institutions that constructing bureaucratic obstacles to limit transparency.

sic official reaction to public enthusiasm for access to official information is to introduce fees, as has been done in Thailand and Australia. Another tactic is to reduce the number of staff available to deal with requests leading to lengthy delays in providing the requested information.⁵⁰ Former US president Jimmy Carter told the BBC, that there has been “a serious deterioration in access to information” under President Bush. “In theory requests must be answered within 20 days, but in practice government departments now stretch the time limits — up to 30 months in the Department of Agriculture and three years in the Department of Environmental Protection.”

In Canada, journalists and newspaper organisations commissioned a report about the increasing number of federal government delays in responding to requests for public information and its failure to update the 25-year-old Access to Information law. In September 2008, the report *Fallen Behind: Canada's Access to Information Act in the World Context*, detailed the decline in access to timely information.

At the same time, the war on terror has led to a narrowing of information that is made available with an increasing list of exceptions to what must be released. Such restrictions are spread through international institutions such as the European Union and the United Nations.

In Sweden, journalists have protested that European Union influence means there are more exceptions to what journalists can discover. Soon after Sweden joined the EU in 1995 the Swedish Journalists Federation applied to their government in Stockholm for access to 20 documents distributed at a European Union security meeting and received 18 of them. They made the same request to the European Union Council of Ministers and received just two.

The experience of freedom of information campaigns around the world is sweet and sour, with the taste of success being followed quickly by resistance from political and official institutions that constructing bureaucratic obstacles to limit transparency. The campaign that ten years ago started out with the aim of putting open government on the international agenda has only been partly won. Some countries have yet to take the first steps and among those that have, new battles have to be fought to keep them on track.

⁵⁰ BBC World Service, Right to Know, 16 August 2008



Privacy and the Rights of Journalists

Journalists should understand the need for privacy — they, too, have private lives — and most see no contradiction between honest reporting and privacy protection. However, journalists do not accept that “privacy” should become a protective cover for “secrecy” when matters of public interest are at stake.

The right to privacy is a human right, like freedom of expression. People who campaign for privacy, are committed to respect the primacy of truth and principle. Many of them operate in countries ruled by totalitarian and military regimes where invasions of privacy routinely intersect with violations of other fundamental rights and freedoms including media freedom.⁵¹

Privacy and media freedom are instrumental and appear in most charters of human rights because they facilitate the enjoyment of other rights such as freedom of expression, freedom to act according to conscience and freedom of association. The key question is how do journalists balance respect for privacy rights with their own need for legitimate investigation, scrutiny and disclosure?

Journalists may rarely reflect on the importance of privacy, because they see their role as one of creating transparency and openness, not helping to build barriers to public scrutiny. But the fight for privacy is also a struggle in favour of transparency—especially about transparent rules to govern how the state and others use their power. This is particularly true at a time when infor-

mation technology provides governments and their agents with new capacities to oversee the lives of citizens and when a counter-terrorism and security agenda presses for ever greater intrusion.

In the UK in October 2008, the outgoing Director of Public Prosecutions, Sir Ken Macdonald, warned the Government that technology had given the state “*enormous powers of access to knowledge and information about each of us, and the ability to collect and store it at will.*” He issued his warning one week after the Government said it was looking at ways of keeping a database of phone, E-mail and Internet traffic by every citizen. Macdonald said that people could end up living with something they could not bear: “*We need to take very great care not to fall into a way of life in which freedom’s back is broken by the relentless pressure of a security State.*”

Privacy rules are an important check on the use of power because they ensure that people are free to exercise some control over their own personal information.

Ethical journalists are conscious of the need to respect personal privacy but are generally less concerned about state or

⁵¹ A key global organisation campaigning for privacy is Privacy International <http://www.privacyinternational.org>



How do journalists balance respect for privacy rights with their need for legitimate investigation, scrutiny and disclosure?

corporate confidentiality, because claims to “a private life” within public affairs is often about limiting accountability and disguising hypocrisy. Nevertheless, rules about confidentiality of the state (normally set out in detailed rules and laws covering what is a matter of state security) and laws that protect the business interests of commercial enterprises are normally clearly drawn.

Privacy for commercial concerns involves making sure that they can keep secret the information about their business that would otherwise subject them to unfair competition, but that does not mean they are immune from transparency, especially over meeting their legal obligations for disclosure and how they use personal information they obtain in the course of their business, especially information about people’s habits of buying and selling.

Opinion surveys consistently indicate overwhelming concern that people feel they have lost control over information about themselves. They do not trust organisations to protect the privacy of their information. Commercial confidentiality and the right to personal privacy are not the same thing and the transparency in the way public and private institutions use information about people’s lives has to embrace some key principles:

- ▶ People have the right to know, and to correct, information which is being kept about them,
- ▶ People have the right to know what is happening to their personal information when they are cooperating with a business and to make decisions about how it is used,
- ▶ And in a democracy, people have the right and the obligation to hold their government and the private sector to the highest standards of care with the information they gather.

Public authorities, local and national government, also need to be monitored through systems of transparent administration. In open societies that means any restrictions on the general access to information have to be narrowly defined.

Journalists, who are monitored and subject to official surveillance on a scale never before imagined, should be among the first to demand protection for privacy rights, not least in defence of the independence of their own professional work.

They should support privacy groups, nationally and internationally, for the implementation of principles of good practice and statutory rules on the permitted use of data.

Journalism itself is a necessary part of the means by which power is held to account, but on its own, it is not enough. The fabric of accountability also requires an independent judiciary and trustworthy lawmakers as well as statutory watchdogs, auditors, ombudsmen and privacy authorities, all able to play a role in keeping society open and transparent and sensitive to the rights and liberties of citizens.

Journalists will always put the emphasis on transparency as the most effective way to extract accountability from governments, but transparency is an obligation which media also have to apply to their own activities. The public has a right to know how journalists collect, store and use their information.

Often journalists fail to understand the concerns of those outside media and sometimes they do not exercise proper reflection before they make decisions about intrusion. These choices need to be justified. Sometimes, too, they fail to fully disclose their actions and their relation to the public interest, all of which may contribute to incomprehension outside the newsroom about the way that journalists work.

There needs to be a proper balance between journalism and respect for the privacy of people's lives and their personal affairs, but that cannot be achieved without some common agreement in society on the types of information to collect and disclose and the groups of people that it is in the public interest to subject to public scrutiny.

In recent years there have been fears of new laws to limit press invasions of privacy. In some cases, judges try to rein in media that overstep undefined limits of privacy rights. One startling case in 2008 that kept the pulse racing in the world of motor sport involved Max Mosley, the son of the 1930s British Fascist leader Sir Oswald Mosley, who sued Europe's largest newspaper the London-based *News of the World* after the paper filmed him cavorting with five prostitutes. However, he did not sue for libel but alleged that the paper had misused private information about him.

The paper said he was indulging in a "Nazi orgy" and acting out Nazi fantasies. The newspaper put their film — described as a "sick Nazi orgy" and a "truly grotesque and depraved" event — on its web site and attracted millions of hits. Mosley admitted

to a 45-year involvement in sadomasochism but vigorously denied playing the role of a concentration camp commandant. He took action against the newspaper under privacy laws after the newspaper alleged: "*In public he rejects his father's evil past but secretly he plays Nazi sex games.*"

Judges awarded £60,000 in damages to the 68-year-old Mosley, who had been fighting attempts to sack him as President of the Formula One governing body Federation Internationale de l'Automobile, as a result of the revelations. The award dwarfs all earlier privacy ruling damages prompting fears over the future of legitimate journalist investigations as well as the likelihood of new court cases. Mosley says he now intends to launch defamation actions and sue media organisations in France, Germany and Italy that published photographs without his consent.

Few people will have sympathy for the tawdry behaviour of the newspaper which was accused of bullying and blackmailing prostitutes to get them to co-operate in the case, but the amount of damages was three times the previous largest award for invasion of privacy and worried press freedom defenders. It may become almost impossible for serious media to publish anything touching on the fundamental aspects of a person's private life such as their family life, sexual behaviour, orientation or medical conditions and show that such publication is in the public interest.

Mosley's privacy case was bolstered by Human Rights legislation which elaborates a new civil law known as "misuse of private information". His victory could lead to a flood of similar cases by celebrities whose private lives have been the subject of tabloid newspaper revelations. The courts and Mosley may have handed powerful public figures a new stick with which to beat legitimate and serious journalism.

One answer to this must be in more clear definition of the rights of legitimate journalism and of privacy and more journalistic attachment to privacy rights. In Australia, for example, the Commonwealth Privacy Act exempts media organisations for acts or practices done in the course of journalism where the organisation is committed to observe privacy standards.⁵²

This points towards scope for more effective self regulation and the need for

⁵² Paul Chadwick, Victorian Privacy Commissioner, address to Conference Regional Media Challenges and Change, 3 May 2003

FINLAND: Privacy and Public Interest in Court Reporting

The case of Finnish freelance Pentti Eerikäinen illustrates a worrying development for journalists who may soon find themselves under the cosh of legal action for defamation or invasion of privacy, even where they have properly balanced public interest concerns and the reporting is about people who they correctly surmise are up to no good.

In 1997, Eerikäinen wrote an article about criminal proceedings pending before the courts concerning a woman charged with various counts of tax fraud. The article, published in the magazine *Alibi*, did not mention the woman by name but in the table of contents her first name was mentioned. The article included a reproduction of an old article, published several years earlier by another magazine, with her photograph.

The woman lodged a criminal complaint against the reporter and when this failed she turned to the civil law. She claimed the article had insulted her, compromised the presumption of her innocence (it was published before she was convicted of the offences), and that publication of the picture had caused her mental suffering. It was, she said, an invasion of her privacy.

In March 1998 the District Court found in her favour supporting the claims of defamation. The journalist, his editor and the magazine publishers appealed to Helsinki's Court of Appeal where, in December 1999, the conviction against them was quashed.

The judges reasoned: *"It was clear from the text of the article that it concerned a pending public trial. Her identity was not revealed in the headline, thus she could not be assumed to be guilty of an offence only by reading the headline. Neither was her identity disclosed in the table of contents. Publishing an article about charges brought before a public trial is justified, even though it might cause suffering for the accused. The act did not amount to defamation... An article about this kind of case, and the publication of a photo, is not a violation of her privacy."*

In May 2000 the woman was convicted of five offences of tax fraud and two offences of aggravated fraud and sentenced her to one year and ten months' imprisonment. Nevertheless, she appealed to the

Supreme Court and in September 2001 the Court ruled that although the journalist and his publishers had not committed defamation, they had violated her privacy by reproducing a picture from an old article. They said:

"... Although the criminal charges concerned substantial financial benefits, it was not a case, viewed on its own, of such general public interest that it would have been reasonable to reproduce, as part of an article and without consent, another article that included her name and photograph. Although the purpose might have been to draw attention to the abuse of social benefits in general, and thus to a negative social phenomenon, it was not necessary or justified to publish without authorisation, an illustration revealing the identity of an accused or convicted private person..."

The journalist, his editor and publisher have protested at this decision and taken their case to the European Court. But, as the European Federation of Journalists, the IFJ regional group, pointed out in its evidence they face a major problem in resolving the vastly different approaches that apply across Europe.

There is, for a start, no hard and fast rule set out in the journalists' code of the Union of Journalists in Finland. The code, which dates from 2005, merely urges caution and sound editorial judgment, especially when a case has not yet come to court.

In fact, it is often public officials who set the pace of disclosure in advance of legal process. In the immediate aftermath of a shooting at a Finnish school in September 2008 the Minister of the Interior revealed the name of the young (alleged) killer in a live televised press conference, a few hours after the fact.

Rules vary from country. In most cases, there are restrictions on publishing the names of convicted persons in such a way to reveal the identity of victims, particularly children, and restrictions if the person convicted is a minor.

In some countries journalists carry out their own investigations during a trial and interview witnesses and publish the results while the trial is still running. In other countries this would constitute contempt of court.

THE PHILIPPINES

During the coverage of the 2004 tsunami in Indonesia 68H Radio, based in Jakarta, had to rebuild its network of affiliates in provinces like Aceh that were devastated by the wave. It redirected the mission of its Banda Aceh station so that as well as reporting on the devastation its team was also involved in helping people to access drinking water.

journalists to be more precise in explaining their role when they argue that the public has a right to know and that the public interest outweighs the privacy interests of the person involved. Journalists and media need to face up to the challenge to understand the distinction about what is private and what is not. To do that means to consider also what people outside the newsroom will tolerate as information about people's lives that it is reasonable to make public.

In all cases where privacy is in danger of violation, a journalist should be considering the nature of someone's place in society, their reputation, and their position in public life.

Do they have status because of their public position — such as that enjoyed by politicians, judges, and others in elected office who exercise power and who, for reasons of democracy and accountability, suffer a loss of privacy?

Do they have the status of celebrity, as film stars, pop singers, sporting icons, or business leaders, many of whom invite publicity and rely on it for their continued success and, in the process forfeit their right to privacy?

Or is their status just a passing fancy, as in the Andy Warhol's notion of everyone being "famous for 15 minutes"?

Often people will be randomly caught up in tragedy and disaster or, occasionally, good fortune, if they are lottery winners. Often they do not willingly sacrifice their privacy, but it can be taken from them.

There is also the status enjoyed by those who are associates of the rich, famous and powerful and, of course, the infamous. The wives, husbands and family of high profile criminals may enjoy reflected fame but it is rarely an enjoyable experience. Their privacy, like that of others in the same position, may be breached legitimately when they are implicated in the actions of the person with which they are associated.

The list is not exhaustive, but there is enough food for a thoughtful meal and more ethical reflection on how journalism needs to be clear about its actions when violating privacy rights. There will always be tension between privacy and media, certainly in the context of celebrity, but journalists have less to fear when they are transparent in their balancing of privacy and the need for legitimate disclosure.

In Great Britain the code of conduct of the National Union of Journalists sets out basic principles of responsible independent journalism and has been the model for numerous other journalists' codes. It states, among other things, that a journalist *"Does nothing to intrude into anybody's private life, grief or distress unless justified by overriding consideration of the public interest."*

It is that last consideration, 'what constitutes the public interest?' which in the end defines the rights of journalists to ask questions, file stories and make fair comment about individuals.

The Law and Religion, Terrorism and Hate Speech

Religion

Many states have rules and regulations that offer broad protection to religious or other groups. These protections put limits on what is found to be acceptable to say, write or publish, whether they cover blasphemy or hate speech laws. Most journalists accept the need for laws to protect people from hate speech, but fear that the extension of legislation to 'hurt feelings' can cause problems for journalists and become a threat to free expression.

In recent years, laws have been applied harshly in some countries and journalists have been prosecuted, fined and in some cases jailed as a result. While it might appear that Muslim states are most repressive in this respect, strict rules on blasphemy seem to be applied mainly in countries with little tradition of free expression or independent media, rather than being linked specifically to any particular religion. In some respects, the prohibition on anything that might cause religious offence can be seen as analogous with laws that prohibit material that might cause offence to the head of state.

For many journalists, blasphemy laws seem particularly difficult to navigate, especially when they provide special protection for the core beliefs of a particular religion, but do not extend the same immunity to other sorts of beliefs, not least ideas based upon a secular view of the world.

Blasphemy laws still exist in most European countries (they have been repealed in Sweden and Spain) but application of the law is rare, and convictions



In many countries where there was or is still a strong link between religion and the state, the law only protects one religion.

are rarer still. The fact that these laws remain on the statute books of long established democracies is used as justification by states that do not have a tradition of press freedom to keep or strengthen their own penal legislation, especially to retain blasphemy as a criminal offence.

In many countries where there was or is still a strong link between religion and the state, the law only protects one religion. British blasphemy laws for example, only protect the Anglican faith, and were used by Christians to try to ban one of the most successful comedy films of all time, *The Life of Brian*, in the 1980s, and again in



Recent research confirms that news coverage of the attacks on the World Trade Centre still contributes to a distorted media image of Islam as associated with terrorism.

2005 to try to prevent a television showing for the long running stage show Jerry Springer — The Opera. Later British Muslims called unsuccessfully for the prosecution of the author Salman Rushdie for his alleged blasphemy in the Satanic Verses and, in 2006, Danish Muslims attempted to force prosecution over the cartoons of the Prophet Mohammed. Perhaps the most notable aspect of all these legal actions was that they failed.

Many free speech advocates, including the IFJ, consider blasphemy laws to be unjustifiable, because they provide religious beliefs with a special immunity not afforded to other sorts of beliefs. Although not aiming their sights (yet) at journalists there are fundamentalist Christian groups in the United States that seek to prohibit the teaching of evolution and natural selection in schools, and mandate teachers by law to teach “intelligent design”.

However, there are many complaints that media coverage of religious affairs is unbalanced and unfair. Recent research confirms that news coverage of the attacks on the World Trade Centre still contributes to a distorted media image of Islam as associated with terrorism. Almost half of all statements about Islam have been negative in the American ABC, CBS and NBC network news. In the UK, BBC and ITV news showed a less negative tone towards Islam, but news about Islam was still dominated by coverage of violent attacks.⁵³

In Germany Muslims receive 20 times more coverage than Buddhists or Jewish communities, but Islamic religious life plays no major role in the news reports. Researchers say that as long as the news selection conforms to existing stereotypes, people have no chance to develop a balanced opinion on the merits of Islam.

⁵³ According to the Zurich-based research institute MEDIA TENOR, see www.mediatenor.com



Terrorism

It was noted in Chapter 3, that high profile acts of terrorism and the response from governments are steadily introducing a culture of surveillance and increased legal powers which stray into the areas of freedom of expression.

The debate about how to balance anti-terrorism protections with individual freedoms is at the top of the agenda for European nations particularly in Denmark, Spain, the UK, Italy and Poland — countries which actively supported the invasion of Iraq. By mid-March 2008, 39 States had signed the Council of Europe Convention on the Prevention of Terrorism (18), and six had ratified it.

The Convention requires States to criminalise ‘provocation’ of terrorism, defined as ‘distribution, or otherwise making available, of a message to the public, with the

intent to incite the commission of a terrorist offence, where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed’.

This wording, according to the anti-censorship group ARTICLE 19, is excessively broad: international standards limit restrictions to free expression on the grounds of national security only when there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence. This principle has been endorsed by the UN Special Rapporteur on Freedom of Opinion and Expression as well as by the European Court of Human Rights and many national courts.

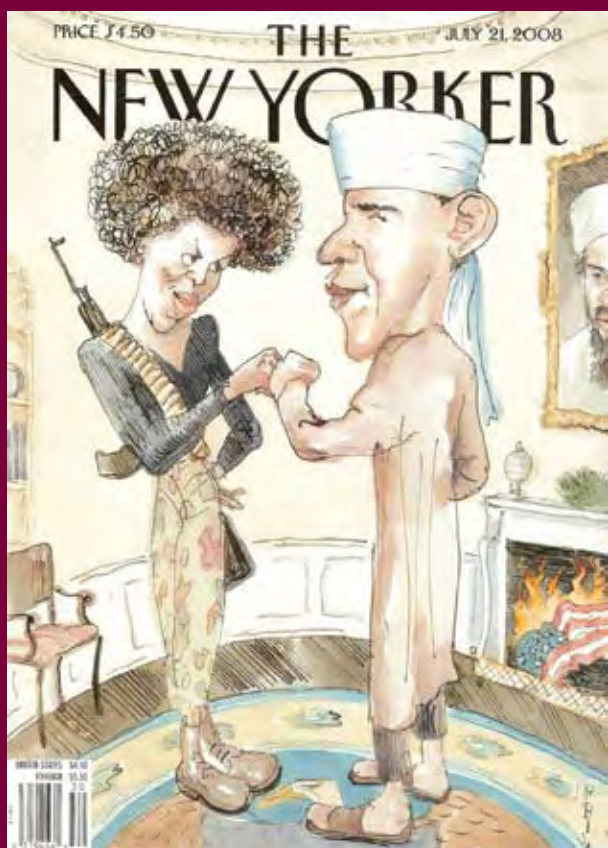
In the United Kingdom, the 2006 Terrorism Act banned not only direct incitement to terrorism but also anything that can be interpreted as “indirect encouragement” or “other inducement” of terrorism, including in some circumstances glorification. This makes people frightened of raising views in public that could be interpreted as sympathetic to not only terrorism, but some of the global issues that fuel terrorism, issues on which every strand of opinion needs to be heard. It inhibits valid discussion and has a detrimental effect on community relations. It is fundamental to the guarantee of freedom of expression that any restriction for the purpose of national security, including preventing terrorism, is exclusively linked to preventing violence, not to force people into silence.

The new law is reminiscent in many ways of restrictions and practices in force when the IRA was actively promoting armed conflict in Northern Ireland and planting bombs on the British mainland. At that time, Sinn Féin, a legal political party, was banned from the airways (as were a number of loyalist groups) and the “discussion” of the conflict on mainstream media was often confined to whether the speaker would or would not “condemn” the latest act of violence. Of course such measures are always counter-productive.

A Report from the Joseph Rowntree Trust, published in November, 2006 concluded that *“the government’s counter terrorism legislation and rhetorical stance are between them creating serious losses in human rights and criminal justice protections...and so are prejudicing the ability of*

The Hateful Power of Stereotype

The negative impact of anti-Islam stereotypes in the United States was revealed constantly during the 2008 Presidential election campaign. Calling someone a Muslim was considered an insult suggesting links to terrorism and extremism. Media reported ‘accusations’ that Democratic candidate Barack Obama was a Muslim, hinting that even practicing religion was itself a crime. Two incidents summed up sensitivities over this. In July *The New Yorker* published a cover page with an image assembling all of the prejudices in one expressive cartoon. It depicted Obama, dressed in a turban and fist-pumping his wife, Michelle Obama, who was made up to look like a fully-armed 1960s Black Panther. In the background, an American flag burns while a portrait of Osama Bin Laden hangs on the wall. It is in the best traditions of satire — a ludicrous exaggeration, but caused a stir with many, particularly Democrats, complaining that “small-town Americans” would not understand it. Equally telling was the response of the Republican candidate John McCain later in the campaign when in front of the cameras a supporter said she couldn’t support Obamba because he was an Arab, “No, ma’am,” said McCain to take the heat out of the moment “he’s a decent family man.”



the government and security forces to gain the very trust and cooperation from individuals in those communities that they require to combat terrorism.”

In its 2006 annual report, the London-based human rights group Amnesty International said Britain was damaging the rule of law and the independence of the judiciary through its anti-terror legislation. It castigated governments for “*fear-mongering and divisive policies*” that undermined the rule of law and sowed the seeds for more violence and conflict.

France, with Europe’s largest Muslim communities — 6 million people — has strengthened anti-terror laws that were already among Europe’s strongest. Britain can ban or deport those who incite terrorism, close bookshops or places of worship used by radical groups and criminalise speech that “foments, justifies or glorifies” terrorism.

In Denmark, a Moroccan-born Danish citizen who had distributed CDs containing inflammatory jihadist speeches and gruesome images became the first person ever to be charged under an anti-terrorism law enacted in 2002 that forbids instigating terrorism or offering advice to terrorists. This law contains curbs on free speech that are remarkable in a country famous for tolerating all points of view.

This illustrates how democracies across Europe are sacrificing civil liberties knowing that the groups that protest are, in the short term at least, relatively isolated. Public support for these measures has increased following terrorist attacks in 2005 in Madrid, which killed 191 people, and in London in 2007, which killed 56 people. In surveys 80 percent of Danes support new laws to battle terrorism and control immigration. In Britain, 73 percent of people polled by the *Guardian* newspaper were willing to give up some civil liberties to improve security.

This trend is not confined to Europe or the United States. Australia’s tough anti-terror laws have impacted strongly on the media and contrasted with more relaxed policies in New Zealand and the Pacific, according to the Pacific Journalism Review. Bond University Media Law Professor Mark Pearson and researcher Naomi Busst said that Australia’s spate of legislation since 2001 “*has drawn strong criticism from civil rights groups and*

media organisations for compromising the basic freedoms... journalists have faced real and potential impositions, including restrictions on their reportage of some terrorism operations, new surveillance and interception powers jeopardising the confidentiality of journalists' sources, and a reinvigoration of ancient sedition laws".⁵⁴

Hate speech and laws of denial

Non-discrimination is a central tenet of ethical journalism and media need to guard against forms of hate speech that are intended to degrade, intimidate, or incite violence or prejudicial action against people, individually or collectively. Article seven of the IFJ Code of Principles on the conduct of journalism spells this out:

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.

Journalists coming from different traditions are aware that central to the hate speech debate is how to balance concepts of what is acceptable and unacceptable depending on the cultural and religious traditions.

In France 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 — Europe is only two generations away from the Holocaust — 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.

In parts of Africa and the United States, some religious groups and leaders suggest that homosexuality is "immoral" or harmful and claim that condemnation of gays is a valid expression of values because it conflicts with their religious beliefs. To others, this is just an expression of homophobia that generates harmful attitudes, encourages dis-

crimination and can lead to violence.

The Balkan wars of the 1990s and genocide in Rwanda have made media much more sensitive to their role in isolating those who use inflammatory language and stir up hatred on the basis of race and religion.

No journalist should ever doubt the capacity of media to do great harm when it is under the control of fanatical and ruthless forces. At the time of the Rwandan genocide, *Radio Television Libre des Mille Collines* became infamous as a result of its radio broadcasts inciting Hutus to kill Tutsis. Established in 1993, the privately-owned radio initially criticised peace talks between the government of President Juvenal Habyarimana and the Tutsi-led rebels of the Rwandan Patriotic Army. After Habyarimana was killed when his plane was shot down in April 1994, the radio called for a "final war" to "exterminate the cockroaches" (i.e. Tutsis). It played a role in organising militias, broadcast lists of people to be killed and, above all, incited hatred:

"In truth, all Tutsis will perish. They will vanish from this country ... They are disappearing little by little thanks to the weapons hitting them, but also because they are being killed like rats."

As the forces of the Rwandan Patriotic Front moved down through the country during 1994, the broadcasters of Radio Mille Collines fled across the border into what was then Zaire (now the Democratic Republic of the Congo). Some of those responsible were found and tried by international courts and jailed.

During the same period, the Balkan conflict unleashed equally fearful examples of media being used to turn communities against one another. Media in Serbia, Croatia and parts of Bosnia, egged on by ruthless political leaders and obsessive academics and historians with twisted theories of superiority, became cheerleaders for violent nationalism, and played their role in creating hostility between communities which for decades had managed to live side by side.

As mainstream media became an obstacle to peace, independent media voices were gathered together by the IFJ and the newspaper publishers' organisation the World Association of Newspapers. Each year at the

⁵⁴ Pacific Journalism Review, February 2006



PAKISTAN PROTESTS: Journalists strive for dialogue.

height of the war, journalists from the warring sides would meet together to voice opposition to hate speech in media. They did so at great personal risk. In Belgrade, those who opposed the war were singled out as traitors. Yet had their voices been heard and the media done its job ethically, the drive towards war and violence across the region could have been slowed and the history of the region might have been very different.

The same interest in peace and respect for minority voices is found today in the efforts of journalists' unions in Sri Lanka, Pakistan, India, Cyprus, Iraq and Palestine who strive to prevent media from being recruited to serve the cause of propaganda for war and hatred.

Inevitably, history plays an important role in defining the limits of tolerance in this area. Some European countries devastated by Hitler's fascism, 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 IFJ believes that those who deny the Holocaust should be exposed to public ridicule rather than being imprisoned. The history of this era is too well documented for it to be open to opinion as to whether it happened or not. However, it does not believe that this type of law is an appropriate or effective way to combat racism. Free expression and media freedom are important parts of a democratic State's strategy for eradicating bigotry

and enlightening citizens. As the European Court of Human Rights has said free speech extends also to statements which "shock, offend or disturb." Media freedom is how journalists apply that principle in the context of their ethical responsibility to minimise harm.

Most journalists will argue that truth is established through vigorous debate, not through legislative act. The few prosecutions of Holocaust deniers to date have served to give publicity to discredited historians like the Briton David Irving, who was jailed in 2006 for three years in Austria after pleading guilty to Holocaust denial. This may augment their status as dissenters than address the very real problem of racism.

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. Meanwhile, Turkey prohibits the use of the term genocide in relation to the killings of Armenians by the Ottoman Empire. Turkey prosecuted the writer Orhan Pamuk for "public denigration of Turkishness" after he referred to the killing of one million Armenians and 30,000 Kurds. The trial was halted in 2006 on technical grounds, but the law stays on the statute book and is often defended by reference to similar provisions in Western European laws. The journalist and writer Hrant Dink was convicted in 2005 for writing about the Armenian genocide. He received threats from nationalists, who viewed him as a traitor and he was murdered in January 2007. In September 2008 another Turkish writer, Temel Demirer, was charged under the same law after speaking out about Dink's murder.

This raises the ludicrous prospect of different states pursuing 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.

Hate speech laws are a legitimate way of combating racism, insofar as they protect vulnerable groups from objective harm, such as incitement to hostility, discrimination or violence. One problem is that in some countries hate speech laws go beyond this and prohibit any statements which are perceived as offensive.

Defamation

One of the first lessons learned by cub reporters is that reputation is everything in journalism. It's what drives the enthusiasm for bylines and recognition inside the newsroom, it's what encourages media interest in the celebrity lives of others, and it's the main concern of lawyers, editors and owners in every news organisation when they report on issues that damage or diminish the lives of others.

In many countries, however, defamation is a blunt weapon of law used by governments and powerful people to punish intrusive journalists and to stifle honest reporting. Many states fail to recognise the need to achieve an appropriate balance between the protection of reputation and media freedom. In particular they use defamation laws for the *criminal* prosecution of journalists rather than seeing defamation as a matter for civil action between parties.

In China and Yemen reporters can be sent to jail for doing their job. The use of

defamation legislation to silence critics was a common weapon in the Milosevic era in the former Yugoslavia, and sometimes the court hearing took place without an editor even knowing that their publication was being tried. Punitive fines were imposed that a publication had no way of paying, and then their assets were seized.

For some years, the IFJ and many press freedom advocacy groups have been calling for a global ban on the use of the criminal law against media. But even in democratic countries there are still criminal provisions in defamation statutes which, even if rarely used, remain an obstacle to creating a universal ban.

In 2005, for example, five of the six freedom of expression cases decided by the European Court of Human Rights involving Western European States, involved defamation laws and the Court found a violation of free expression in four of these five.

Defamation is still treated as a crime in the vast majority of Western European countries, punishable by a fine and even imprisonment. According to official figures from the Dutch government, between January 2002 and June 2004 more than 100 people were incarcerated in the Netherlands for defamation, libel and insult.



PHOTO: Imprisoned Chinese journalist Shi Tao. ©CPJ

Journalists have also been imprisoned in Belgium, Denmark, Finland, Italy, Malta, Norway and Switzerland.

Most of these provisions date back to the 19th century or earlier. In some countries, they are rarely applied but remain on the books. In the United Kingdom for instance, they have not been applied for 30 years but neither have they been repealed.

The trend towards decriminalisation is visible in younger democracies — such as Bosnia and Herzegovina, Ukraine, Georgia, Ghana, Togo and the Central African Republic — has not yet been picked up in many European countries. It is possible that these countries are aware of the need to abolish criminal libel because they have lived through periods where this was often used to stifle honest reporting and dissent.

Journalists worry about these laws not least because they are often used to shield public figures, the State, and government bodies, despite the clear intention of human rights law that public figures and bodies should tolerate more criticism than ordinary people, not less.

The Austrian penal code still prohibits “publicly disparaging the Austrian State or its national symbols”. The Italian criminal law contains a long list of provisions on offences to the President, Republic, Armed Forces, State emblems, and others. In the Netherlands, “insult to the King” is forbidden.

Although rarely applied today, laws that remain on the statute books may be arbitrarily revived, and they seem to justify provisions in other countries which pose a serious threat to freedom of expression.

The problem goes beyond the use of perverse statute against the fair comment of journalists or the right of all citizens to express themselves freely, even where it may cause offence to individuals or the state.

Although the most important free expression demand must be to abolish defamation as a criminal offence, even civil defamation cases can inhibit the free exercise of journalism when there is the application of excessive damages. Businessman Denis O’Brien, one of Ireland’s ten richest men, was in 2006 awarded €750,000 following a false accusation of corruption by an Irish newspaper, despite the fact that the newspaper had conceded the story was

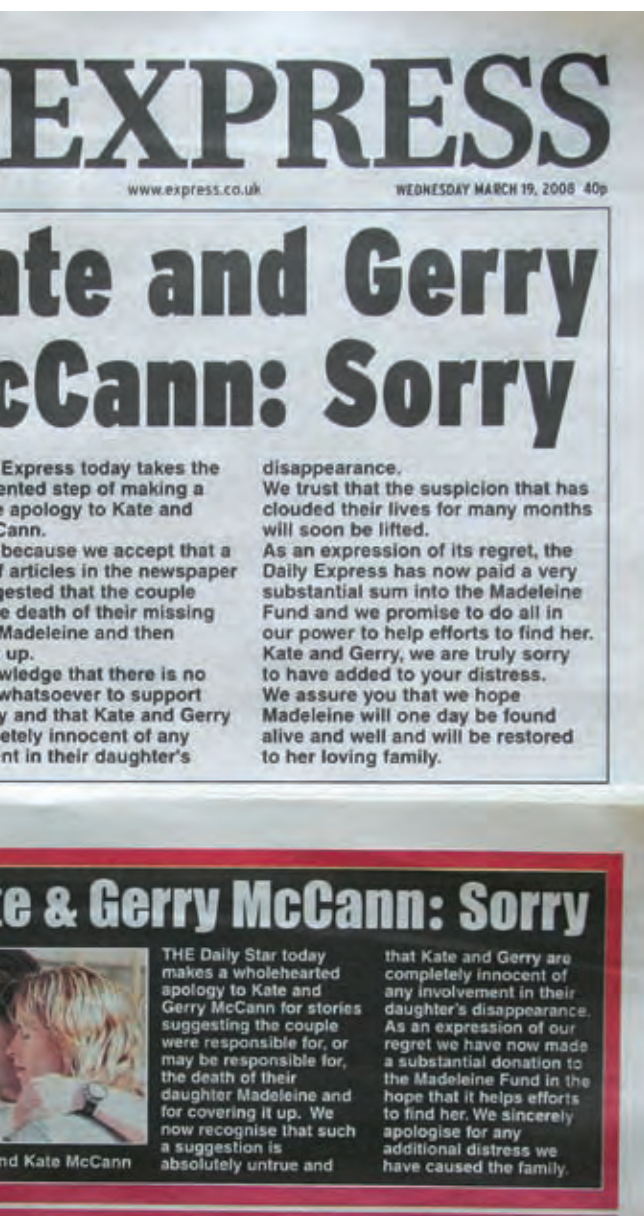


MAKING UP: How the tabloids apologised. ©AFP Photo/Alessandro Abbonzio

wrong. O’Brien is in many ways a public figure who, according to the case law of the European Court of Human Rights, should display a high degree of tolerance towards criticism.

In the United Kingdom, which is notorious for its claimant-friendly libel laws, efforts to change attitudes among lawmakers and judges continue, but the task is often not made easier when sensation-seeking media use dubious and often unjustified methods of inquiry, compromising both the ethics of their trade and undermining arguments for reform of the law.

The fact that Britain has become a happy hunting ground for celebrities looking for a pay-off from media who bruise



One stunning example was coverage of the story of the disappearance of Madeleine McCann, the toddler daughter of Kate and Gerry McCann from their holiday home in Portugal in May 2007 and the way that newspapers compromised the principle that people are innocent until proven guilty.

review the use by lawyers of no-win no-fee contracts in defamation cases.

High profile examples of poor standards in journalism inevitably take their toll on public support for media and make it harder to redress the balance in defamation legislation. One stunning example was coverage of the story of the disappearance of Madeleine McCann, the toddler daughter of Kate and Gerry McCann from their holiday home in Portugal in May 2007 and the way that newspapers compromised the principle that people are innocent until proven guilty.

The child's parents won almost a million dollars in libel damages (£550,000) from the *Daily Express* and the *Daily Star* for suggesting that they had been responsible. Another 11 UK newspapers paid even more — £600,000 — to a local resident Robert Murat over allegations that he had been involved.

Express newspapers were stung for a further £375,000 for libelling friends of the family who had been dining with the McCanns in a restaurant close to the couple's apartment at the time of the child's disappearance. They were falsely accused by tabloids of covering up for the parents and misleading the authorities in the investigation.

The Madeleine McCann case dominated the headlines in Britain, Portugal and much of Europe for months and further damaged the reputation of the British press. The coverage made the prospects of early action to discourage use of punitive libel laws by the rich and powerful even more remote.

⁵⁵ *The Independent*, 13 October 2008

their egos is shown by the number of stars of stage and screen resorting to legal action which has doubled since 2005, and accounted for a third of all libel actions brought in England and Wales in 2007-2008, helping to make London the defamation capital of the world.⁵⁵

American-based stars, such as Nicole Kidman and David Hasselhoff are discovering it is easier to win defamation claims in the UK than in their own courts. The increase in celebrity-based cases reflects also the growth in celebrity-based stories, but others are concerned that the lawyers' practices are encouraging more cases. In 2008, the United Nations Human Rights Committee called on the UK government to

BRAZIL: Journalists Demand a Standard for Quality and Social Rights at the Point of Entry

Journalism is an open and democratic profession which attracts people who bring know-how and experience from a range of social and cultural backgrounds as diverse as the communities they serve. At the same time, credible and quality journalism needs competent and skilled people working in a secure professional and social environment. How do we balance the aspirations for ease of access to the profession with the need for minimum standards?

In Brazil the national journalists' union and press employers are locked in a battle over standards that could decide the future of journalism in the country. On one side, media owners want a free for all, with the right to hire people without restraint. The unions fear this is an attempt to create more precarious employment with journalists employed in insecure conditions and limited social protection. Traditionally, professional qualifications have been the pathway to social protection in Brazil. Journalists insist that a journalists' diploma and legally-protected rights at work are essential to maintain and preserve standards. Without minimum protection, they say, the days of quality journalism are numbered.

Media employers seek the abolition of any form of restrictive standard setting, claiming it is an attack on press freedom. But journalists have little doubt that this is a strategy to reduce salaries and employment rights by encouraging the employment of cheap, unskilled labour.

In Latin America, access to journalism was for years regulated by law through national membership groups known as *colegios*. Some were criticised for imposing unacceptable restrictions on the right to practice journalism.

The IFJ and its unions oppose official licensing systems and proscriptive forms of accreditation because of the tendency to restrict journalism to an elite who represent the interests of the establishment. Unions and associations have led the way in changing the landscape and eliminating unfair restrictions. Access to journalism, they say, must be conditional on respect for ethical standards and those who enter the profession must be entitled to decent working conditions.

The recognition of the journalism diploma in Brazil was part of this process of opening up access to the profession, which until that time had been dependent on personal political connections. It is recognised as an instrument to support the integrity of journalism and freedom of the press. The argument of some employers that the regulation and minimum standards threaten press freedom is untenable say journalists. Far from threatening free journalism, the diploma provides a benchmark for quality.

Leading the defence of these principles is Brazil's *Federação Nacional dos Jornalistas* (FENAJ), which says the diploma of journalism and the minimum social conditions to which its holders have been legally entitled for 40 years must remain at the heart of the way journalism is organised in the country, despite the objections of press owners.

In 2008, more than 300 delegates representing Latin America's leading community of journalists at the FENAJ Congress called on the country's Supreme Court to maintain minimum social and professional standards for people entering journalism.

The President of FENAJ, Sergio Murillo said: "Our profession faces a serious risk of decline in standards and quality if we lose protective regulation gained after years of struggle." He says that lower salaries, less social welfare and further casualisation of employment will have a devastating effect on media quality and ethical journalism. "It is an attack on quality of information and the right of citizens to be properly informed."

The IFJ President Jim Boumelha applauded the "exemplary" intervention by Brazilian journalists to defend standards, and noted that journalists' unions around the world have witnessed declining quality and standards as a result of deregulation. Protecting the social conditions of journalists will build morale and confidence within an industry where, as in other regions of the world, public confidence about the role of media is uncertain.



CHAPTER 6

Building Trust and Credibility



Building Trust and Credibility

Developing and working to ethical standards and codes is the first step in building public trust in journalism. When media act ethically and have systems in place for monitoring their journalism, admitting their mistakes and explaining themselves to the public they create loyalty and attachment.

However, holding media to account is getting ever more difficult as newspapers and broadcasters cut back on editorial staff to save costs and in the process sacrifice quality and credibility. Competition and commercial pressures are inflicting deep wounds on the body of journalism. There is less investigative reporting and fewer editors to correct errors of fact and tone; there is softer, celebrity news and a focus on 'reality' entertainment that feeds on greed, humiliation, and human misery. The line has become blurred between what constitutes gossip and rumour and what can be established as fact.

As a result, notions of public good have become disconnected from the media mission, which many people see today as being far more concerned with the rich and famous and distant from their own social realities, concerns and anxieties.

To counter these developments a wholesale re-examination of the principles of self-regulation, internal monitoring and the process of review of journalism is urgently needed.

The challenge for media unions and managements is how to create conditions for quality content and, just as importantly, how to establish dialogue and connections with civil society to restore public trust.

The first test of quality in journalism is how media deal with their own mistakes and what steps they take to root out corrupt and unethical practice. If people cannot trust their newspapers and broadcasters to get things right, and to correct their errors, they will turn elsewhere for their news.

The monitoring of media mistakes is more effective than it has ever been. Today every word and image produced by journalists circles the globe and is scrutinised, contested and rebutted. Media cannot play fast and loose with the truth and expect to get away with it. In the online world it is ever more essential that the media voice is recognisable, truthful and reliable.

Wise journalists understand and welcome this dramatic shift in power, which means that readers and consumers are able to monitor and respond to their work. They know it is no longer enough to rely on the 'letters to the editor' section as a mechanism for press conversation with its readers. High level exchange with the public is not just an inevitable consequence of change; it is desirable and beneficial.

One weakness of modern journalism has been its failure to develop trustworthy systems of self-regulation. If media accountability is to remain in the hands of journalists and not subject to legal controls, it will have

to be more credible and more consistent. For that reason media people must commit themselves to transparent, accessible and honest accountability. Only then will appeals for recognition of mission in journalism as a public good begin to ring true.

There is an ongoing argument in and around journalism about the effectiveness of self-regulation and, in particular, the value of voluntary mechanisms over the law. In most countries the law is used in one way or another to regulate media content — particularly in the broadcast sector — and where it is not, there are usually press councils, very often created by newspaper publishers and editors, to head off government-threatened legislation to curb the excesses of irresponsible media.

At the same time, new technologies and converging media platforms — text, broadcast, online — have created increasingly overlapping areas of media jurisdiction: regulatory bodies need to work together more closely to provide an integrated service that delivers accountability across the whole media landscape. Internet journalism raises new questions about how to enforce standards in journalism that extend beyond national boundaries.

Journalists' unions have on the whole tended to favour self-regulation, arguing from experience that government regulation of journalism tends to become self-serving, leading to forms of censorship and undue interference, even if its intentions are good at the outset. In most countries there are already hundreds of regulations that affect journalists, including laws dealing with libel, defamation, insult, contempt of court, privacy, reporting of children and, increasingly, media coverage of terrorism and security matters.

However, attempts by unions to enforce their codes of conduct have been only partly successful. Most journalists' unions cover professional issues as well as wages, terms and conditions but membership of a union or professional body is not obligatory. Journalists are therefore in a different position from doctors or lawyers, who must conform to the professional code or risk losing their right to work. Indeed, many media owners do their best to weaken the influence of unions in the workplace without

making any serious attempts to inculcate the newsroom with high standards or to promote ethical debate.

Unions today tend to see their role as educative and supportive rather than disciplinary and punitive. While this is effective for many journalists who want a forum for discussion, it is not effective to deal with journalists who are reckless or who deliberately disregard their codes.

In many cases, these 'worst case' journalists get their support from managements who want the end product to boost sales without having to worry about the ethics of how it was achieved, or indeed, the accuracy and balance of the material. If they get found out, then the managements and owners declare themselves to be horrified and say they did not know, but in truth they set the system up so that thoughtful journalism is at a disadvantage.

The law has its place, as is set out earlier in this book but not in providing oppor-

McDonalds in the News

Clandestine advertising in the form of product placement has long been a controversial feature of the entertainment and feature film industry, but it is now creeping into the newsroom. Television outlets in the United States have begun to sell space on the desks of their news presenters, raising ethical questions over whether putting well-known brand names under the noses of news presenters is further eroding standards.

The economic troubles of the broadcast industry, which has suffered a downturn in advertising income as a result of Internet competition and a harsh financial climate, has meant that many companies are turning to new cash streams that will make most journalists flinch.

One affiliate of the Fox television network in Las Vegas, California (owned by the Rupert Murdoch conglomerate News Ltd) has agreed to allow McDonalds to place two of its iced coffee cups, filled with a bogus fluid and fake ice cubes glinting under studio lights, in front of news presenters. According to the New York Times, similar deals have been reached with television current affairs shows in Chicago, Seattle and New York. It's an advertising compromise that's difficult to swallow for news people who value their independence.

tunities for governments to undermine the watchdog role of journalism. Where the law can be usefully applied is to guarantee free access to official information; to protect journalists from being forced to disclose confidential sources; to give journalists a “conscience clause” statutory right to uphold their Codes of Conduct without risking their employment; to ensure the transparent financial administration of media business; and to set out rules that protect pluralism by preventing excessive consolidation and concentration of media ownership.

But when applied to regulation of how journalists work, the law can undermine freedom of expression and the right of media to scrutinise power. Self-regulation will never be as ruthless and efficient as the law in keeping journalism under a tight rein, but if it is credible and seriously applied it can be a working example of democracy, particularly if it involves bringing journalism into the heart of the community and giving people access to media without government interference.

For that to happen, self regulation must become part of the culture of journalism and media management, running through the operation of the newsroom and the business department. It must be credible; it must be rooted in the defence of editorial and media freedom; it must defend journalists; it must promote the highest quality and standards; and it must deliver trustworthy results.

For journalists that means constant self-questioning about how we practice journalism — striving for accuracy and good conduct in the telling of compelling and engaging stories — while dealing with the complexities of editorial decision-making.

Each day hundreds of thousands of journalists — reporters, editors and backroom staff — make judgement calls behind which are major ethical questions:

- ▶ Have I accurately and fairly reported what this person said?
- ▶ Have we dealt with personal trauma and grief with sensitivity and discretion?
- ▶ Was it right to pay for information?
- ▶ Is this interview with a child appropriate and properly organised?
- ▶ Has privacy been invaded and was it right to do so?
- ▶ When is it right to deceive and to use subterfuge?
- ▶ Have we reached the limits of tolerance and decency?

The process of self regulation begins inside the newsroom. Journalists need to be able to freely discuss the problems and concerns about the work they do in their offices.

One way to ensure this happens is to have regular meetings of journalists led by editors and department heads, outside the normal news gathering routine. These are an essential way of opening up a newsroom to discussion about how work is done.

Journalists’ unions and associations are key players in such debates. They have access to networks that are often closed to editorial managers and can help unearth the problems that lie hidden in the culture of a news organisation that may give rise to unethical conduct.

Without this open exchange of views, codes of journalism can become a proscriptive list of do’s and don’ts. They bring purpose and meaning to the debate about the quality of daily reporting when they are tested, through forms of peer review, in the heat of editorial realities inside and outside the office. In the last resort unions of journalists must defend their profession and, if it is necessary, be prepared to take action to help individual members to uphold their ethical principles.

Calling Journalism to Account: **Peer Review**

When journalists fail to meet the minimum standards expected of them they should be accountable to their own community, both within the office and beyond. Reputation and good name is everything to journalists. It marks them out as special within a profession that is more competitive than most. In this sense, accountability is about how they explain themselves and their actions under the scrutiny of colleagues.

This can take the shape of industry based press councils, creative forms of in-house monitoring or more informal systems of peer review that flow from within journalism itself.

In France, where there is no national press council to deal with complaints from readers or any formal system to apply sanctions over media misdeeds, major newspapers media and broadcasting networks have appointed editorial *mediateurs* who deal with complaints and who act as internal ombudsman to promote discussion on questions of standards. (See Panel).

Systems of internal review are helped enormously by the considerable fascination that media have with themselves, which has led to the growth of specialist programmes and publications that provide invaluable opportunities for journalists to debate the activities of their colleagues.

In Britain, for instance, twice-monthly editions of the satirical magazine *Private Eye* are pored over by media people for gossip and insider news about editorial misbehaviour within the British media. This sharp-toothed coverage provides cutting analysis, not only of corporate failings but

also of the lack of moral fibre of individual reporters and commentators, a sentiment too often forgotten in discussion about the crisis facing journalism.

In India, *The Hoot*, a web-site developed by a Delhi-based media research group, which claims to be “watching media in the sub-continent” promotes research work to enhance media freedom and independent journalism, while monitoring the development of journalism in one of the world’s fastest-growing media markets.⁵⁶

In the United States, a tradition of assessing the performance of journalism and calling attention to its shortcomings and strengths began in 1961 with the launch of the *Columbia Journalism Review*, produced by the Journalism School of Columbia University. Since then others have joined the process, including the media watch group *Fairness and Accuracy in Reporting* (FAIR), which has been offering well-documented criticism of media bias and censorship since 1986.⁵⁷

In many countries the publications of journalists’ unions, *The Journalist* in the UK, *de Journalist* in the Netherlands, *The Guild*

⁵⁶ See <http://www.thehoot.org/web/home/>

⁵⁷ See: <http://www.fair.org/>

Reporter, in the United States and in Australia the *Walkleys Magazine*, for instance, are all produced by IFJ affiliates concerned and active in the debate about ethical issues.

Discussion about ethics and media performance inside the workplace, unions and social networks that journalists frequent is at the heart of developing a culture of accountability. However, the public at large lack access to such debates, and their opportunities to contest, challenge and debate the performance of journalists are limited to letters, E-mails, text messages or taking their complaints formally to the regulators.

Press and Media Councils

In the newspaper world, the press council has provided the traditional framework for self-regulation. Some press councils are statutory but most are 'independent' although in practice set up by the industry. They adjudicate complaints according to codes agreed to by media. Independence is achieved by making sure that the membership of the board is appointed in a way that ensures there is a balance between the interests of the industry and the consumers or readers. Independence also means financial independence and that the state grants or the industry financial contributions have "no strings attached" and no impact on decisions.

In Germany, for example, the press council is supported by the IFJ's affiliates the Deutscher Journalisten Verband and Ver.di and press employers. The government also makes a contribution, but under legal conditions which protect the council from political interference.

A challenge for press councils to ensure their credibility as regulators is to achieve transparency and disclosure. Annual reports, a searchable adjudications database and other materials about the self-regulatory body need to be easily available. Legitimacy can be earned through disclosure over a period of time. This, in turn, helps with ensuring compliance in view of the weak enforcement powers of press councils. Press councils also issue guidelines on matters where they are likely to experience a high number of complaints. Many publish guidelines on reporting

⁵⁸ For example the Australian Press Council has guidelines on reporting suicide and mental health, see www.presscouncil.au. Mediawise, <http://www.mediawise.org.uk> also has resources in this area.

This is one reason why, if voluntary systems are to prosper, there needs to be more investment in co-operation between journalists, editors and owners on the need for new ways to strengthen quality journalism.

suicide, or mental health issues.⁵⁸

It is extremely important, especially in the early days of a press council, that all its decisions are respected. International experience indicates that the self-regulatory experience is doomed to failure if this is not the case. The Austrian press council ceased activities in 2001 because it was undermined by the refusal of the main newspapers to publish its decisions. A similar fate befell the American National News Press Council (NNC), which ended its operations after a decade due to a lack of support from the press and the public as well as a lack of funding.

At the last count there were 60 countries with functioning press councils or similar bodies, most of them in Europe. Some of them are well established — the Swedish Council dates back to 1916 and its code of conduct to 1923 — but most are recent creations. For example, the Press Council of Ireland and a Press Ombudsman started work in January 2008.

Press councils normally act as a complaint service for the public. If complaints are upheld, publications are morally obliged to publish the findings. In some countries, like Sweden and Denmark, self-regulation is binding and the press council has the power to require publication of apologies and corrections and, in some exceptional circumstances, to impose fines. But in most cases,

such as Germany and the United Kingdom, the press council only exerts moral force with no power to sanction any publication which refuses to comply with its adjudications.

The Swedish Press Council was the result of an initiative of three press organizations, The Publisher's Club, The Swedish Union of Journalists and The Swedish Newspaper Publisher's Association. In the 1960s, after the Swedish Parliament considered legislation to curb sensationalism in the press, the industry responded by setting up the first Press Ombudsman (in 1969) and by strengthening its code of ethics.

Where a newspaper is in breach of the Charter of the Press Council, the Council can apply fines (which are known in Sweden as "fees") of up to around 1,100 Euro if the circulation of the newspaper is up to 10,000 copies and up to nearly 3,000 Euro if the circulation is higher. The Council can also order the publication of its decision.

The Dutch Press Council, which was set up in 1960, acts as a mediator and issues opinions on the basis of complaints regarding "good journalistic practice" in the print or the broadcast media. It resolves disputes taking into consideration, inter alia, whatever codes have been adopted by individual media. It has no code of ethics of its own and endorses the code of the International Federation of Journalists although it does not systematically refer to it in its decisions.

The press councils in Luxembourg and in Denmark are statutory creations but have guarantees, built into the statutes, of their independence from government.

Some press councils lack the power to impose penalties on media, beyond printing a statement. William Gore of the British Press Complaints Commission argues that imposing fines or compensation upon offending media "would conflict with the notion of the system being self-regulatory".⁵⁹ He further rejects the notion of suspending publication of an offending journal as "punishing the public" as much as the newspaper", and he rejects the notion of an automatic right of reply.

Many journalists would question this view, as a piece of special pleading on behalf of the industry, not least because a self-regulatory body with no power to impose its decisions is entirely dependent on the

goodwill of editors and publishers. This is one reason why, if voluntary systems are to prosper, there needs to be more investment in co-operation between journalists, editors and owners on the need for new ways to strengthen quality journalism.

The public are not disinterested bystanders in this process, although they have little influence on how press councils make their decisions. In an age of unprecedented public access to media, there is no hiding place for the irresponsible and unprofessional journalist. In fact, the best mainstream media now openly welcome feedback — negative and positive. Reporters' by-lines are often accompanied by E-mail addresses and viewers are encouraged to join website debates and put their own views into the mix of discussion on political or social issues that were previously the preserve of a charmed circle of experts and correspondents.

Some form of self-regulation is considered necessary in more and more countries, and by an increasing number of individual newspapers, radio or television networks, partly in response to the altered environment in which the news media work. The development of E-mail, in particular, has created the expectation of quick and easy access and response.

This dialogue needs to be expanded and strengthened to include partnership with the public. If we truly believe that we live in an age of genuine and open communications, a new approach is needed.

Indonesia and South Africa

Taking government out of the newsroom

The desire to build and nourish public trust in journalism through self-regulation is strong in countries with a difficult political inheritance such as South Africa and Indonesia. In both countries, the wish to reinforce the status of journalism in the country's democratic architecture is reinforced by another motive — to protect media and journalists from government interference and to minimise the use of law against journalists.

The Indonesian press council was formed in 2000 and its work is based on the country's 1999 press law. In its first

⁵⁹ *The Media Self-Regulation Guidebook*, 2008, www.osce.org

OMBUDSMAN OR READER'S EDITOR?

One of the world's smallest, but potentially significant self-regulating communities is the network of ombudsmen and readers' editors who work independently within news organisations as the uncomfortable interface between journalists and their readers, listeners and viewers.

Newspapers have had complaints departments of one sort or another for almost 100 years, but the media ombudsman is a relatively new phenomenon. The first appointment of someone whose job was solely to handle relations between readers and journalists was 40 years ago at the *Courier-Journal* in Louisville, Kentucky. Since then some of the world's leading newspapers and public service broadcasters — the *Washington Post*, the *New York Times*, *The Guardian*, *The Independent*, *Le Monde*, and *Radio France Internationale* — have created similar positions. In the best cases, the readers' editors or ombudsmen have dedicated space and complete freedom to comment without their material being edited.

In 2006 in Madrid a conference on self-regulation in news organisations, convened by the Federation of Press Associations of Spain (FAPE), launched the country's first nationwide ethical code for newspapers. Spain now not only has an ethical code, it has news ombudsmen on three leading newspapers, *El País*, *La Vanguardia* and *La Voz de Galicia* as well as in the national public broadcaster RTVE.

This is the kind of self-regulation that can build trust between a specific news organisation and its readership or audience through the rapid, systematic and impartial handling of complaints, and the open discussion of ethical issues raised by readers. Ideally, the ombudsman keeps the newsroom honest by encouraging self-criticism, acts as a listening post for disgruntled members of the public and provides a credible form of problem-solving dialogue.

To its supporters, this system offers a real chance to build a new, stronger relationship between journalist and reader by improving editorial quality and increasing public trust in the way news is produced.

While everyone may agree that visibility and independence is critical to the role of readers' editors, some media are concerned about losing editorial control. In newspapers the ombudsman normally has a free-ranging weekly column, which cannot be edited, cut or modified without their permission, but there has been less willingness to open up the airwaves. The ombudsman for *RCN TV* in Colombia, and of *TV 4* in Sweden have their own weekly television shows, but those working for *Danish Broadcasting Corporation* and *société radio Canada* publish their reviews of complaints about television and radio on the web, not on air.

In cash-strapped times this fledgling movement of self-regulating, quality-inspired professionals is in danger of being extinguished by a combination of economic pressure and indifference within the industry. Editorial managers looking for newsroom cuts are increasingly wary of investing money in discussion of editorial misdemeanors. During 2008, the editorial axe eliminated ombudsman and public editor positions on seven of the major regional newspapers of the United States, including, ironically, the pioneering post at *The Courier-Journal*.

Even the *New York Times*, which first added an ombudsman in 2003, following a scandal over fabrication and falsification of stories, considered eliminating the ombudsman, known as the Public Editor, in an unprecedented round of editorial job cuts. The proposal caused an outcry and was shelved.

Stephen Pritchard, the Readers' Editor of *The Observer* in London, and President of the Organization of News Ombudsman, an international network with around 60 members, says of the crisis:⁶⁰

"Today, there are ombudsmen working in Europe, Africa, Asia, Australia and South America, following the lead set by the United States and Canada, but by a cruel irony it is in America today where this system is most under threat. United States ombudsmen are losing their jobs alongside their fellow journalists."

⁶⁰ See: <http://www.newsombudsmen.org>

Some managements view the position of ombudsman as an indulgence they can no longer afford.

“They are wrong. An ombudsman engenders trust in an audience, and trust is a positive asset in any business, but particularly in the media. Readers, viewers or listeners are empowered when they know there is an independent arbiter they can turn to. Remove that post and the audience is left voiceless and suspicious of your motives. If anything, ombudsmen are needed now more than ever.”

Those like Pritchard who have worked as ombudsman are, unsurprisingly, full of enthusiasm and not without reason. However, Alicia Shepard, Ombudsman at National Public Radio (NPR) in the United States says that there are now only 34 “public editors” or “reader representatives” left to act as Ombudsmen in the US media, and only four of these posts are in broadcasting.

Those who do survive play a useful role. A survey of 132 newspapers in the United States, for instance, found that 24 had full-time or part-time in-house critics or ombudsmen.⁶¹ Among the positive benefit this group reported were:

- ▶ A regular place for publication of corrections was created
- ▶ Advertising of pornographic material was banned
- ▶ Extra space allotted to headlines on important news stories to avoid distortion and improve scope for accuracy
- ▶ Attention to local groups and local sports was increased
- ▶ Addresses of witness in local crime stories no longer used
- ▶ Systematic accuracy checks on stories with directly quoted sources to identify any errors
- ▶ Reader opinion polls analysed and used more carefully
- ▶ Fairer coverage of racial controversies.

Nevertheless, even before the editorial axe was brought down on many of these foot soldiers for quality journalism, serious doubts have been expressed over the value of the system. Some believe that the ombudsman is an insider who, no matter how well-intentioned, ends up diverting attention from more systematic, independent and sophisticated criticism from outside the news room.

Ben Bagdikian, a crusading campaigner over media monopolies and their impact on quality journalism, spoke for many journalists in the United States when he said they were better than nothing. *“It’s been a kind of self-indulgent, self congratulatory gesture by a lot of publishers, but I think it’s also been a useful mechanism and frequently very effective. It’s a beginning step in the realisation that most newspapers are increasingly detached from their communities and it may be a way to get the leadership of the paper more closely acquainted with the real community...”*⁶²

This comment from the 1980s provides a challenge that still resonates today in the multi-platform universe inherited by modern media — what structures do we need to bring the “real community” closer to journalism?

If there is a ray of hope, it is in the number of media looking to appoint Ombudsmen in countries where press freedom has not always been taken for granted. In 2007, Estonia created the post of Ombudsman for its public radio and TV. Tarmu Tammerk, the first person in the post, writes internal criticism four or five times a week and has a monthly radio show. He sees great potential for Ombudsmen in Central and Eastern Europe. *“These countries — the new member states in the European Union — have been able to build up free and democratic media systems for the past fifteen years,”* he says. *“There’s an even bigger potential for media Ombudsmen in the former Soviet republics, which are still struggling with how to turn former government broadcasters into public broadcasters, which would be journalistically independent.”*⁶³

⁶¹ Quoted by Edmund Lambeth, *Committed Journalism*, p 89

⁶² Cassandra Tate, “What do Ombudsmen Do?”, *Columbia Journalism Review*, May/June 1984

⁶³ Alicia C Shepard, NPR Ombudsman, 5 June 2008. http://www.npr.org/ombudsman/2008/06/does_the_world_need_more_news.html

seven years, the council dealt with more than 1,300 complaints and in 99 per cent of cases honour was satisfied, disputes were resolved and the courts were untroubled by expensive, punitive and time-consuming law suits.

It is a remarkable achievement, says Bambang Harymurti, who is a serving member of the council. Harymurti has been on the receiving end of government pressure, official sanction and hostile law suits as editor of the independent news magazine *Tempo*.

The council provides a reasonable alternative to using the courts to make journalists accountable and at the same time has become an effective lobby in favour of freedom of the press. It is the final arbiter in disputes regarding the application of the code of professional ethics.

It organises training sessions for judges, police chiefs and official prosecutors on the press law. It embodies the paradigm of self-regulation in contact with society. People are encouraged to avoid the reflex to take their complaints against media and journalists to court, but instead to use the council's own complaints procedure.

In a country where democracy is maturing and there is no established culture of tolerance of fair comment and respect for media scrutiny of people in public life, the council is constantly alert to the dangers that continue to lurk for press freedom. In July 2008 it was outspoken in its criticism of the legal uncertainty that still exists over media governance when four people who had letters published in a local newspaper were taken to court. One of them was found guilty of defamation under the criminal code and ordered to pay US \$108,108 in damages, but another defendant was found not guilty by a different panel of judges who tried the case under the press law.

The council says that all published articles, including opinion pieces and letters of protest, are journalistic works because the media was responsible for editing and publishing them. And it promotes urgent remedy. It has encouraged media to adopt the policy implemented by *The Jakarta Post* of confirming all incoming complaints and seeking to deal with them in two days. This





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While press council jurisdiction covers the printed press, it is also the conscience of the wider media industry.

would allow the media the chance to publish both the complaint and response on the same day.

While press council jurisdiction covers the printed press, it is also the conscience of the wider media industry. Issues of ethical conduct and journalistic practice in the broadcasting sector are routinely referred to the council by the country's broadcasting commission, which deals with technical regulation of audiovisual media.

The financing of the council is defined in law, which permits "unrestricted donations." The council may seek financial support from central government. For the first five years of its existence it was able to get by without an injection of taxpayers' money, but the workload has increased significantly. It now has a team of 30 staff, funded with public money.

The council is administered by an executive director who is appointed by the board. The council itself has nine members — three appointed by journalists' associations; three nominated by publishers; and three respected representatives of civil society chosen by the journalists and publishers together. The council chairman is not from the media, but is chosen from among the civil society representatives.

Article 15 of the Press Law says, "a Press Council is established in an effort to develop freedom of the press and expand the existence of national press". It stipulates that the Council has the following functions:

- ▶ To protect freedom of the press from outside interference
- ▶ To conduct studies to develop the existence of the press
- ▶ To enact a journalistic code of ethics and control the compliance of the code
- ▶ To give consideration and find solutions to complaints lodged by the public towards cases concerning press reports
- ▶ To develop communication between the press, public and government
- ▶ To facilitate press (journalists and media owners) organisations in establishing media regulations as well as to increase the quality of journalistic professionalism

AFGHANISTAN

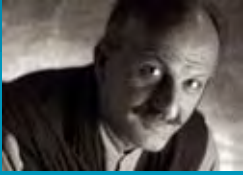


Photo-journalist Reza Deghati who supports and promotes the development of independent media in Afghanistan, told the Barcelona Forum in 2004 how he was working near Kabul in 1989 just after the fall

of the Russian government in Afghanistan. He was present when a landmine exploded under a minibus full of refugees: "From out of the smoke, flames and confusion, a girl covered in blood got up and ran towards me; I prepared to take a photo that would have won many prizes...but stopped because that girl needed to be hugged, not photographed".

- To gather data of media companies.

The council accepts public complaints about all aspects of media content. It does not take up complaints that are the subject of legal action unless the complainant signs a formal pledge not to use the council's findings in any legal process.

The winning formula in its complaints procedure is the use of the right of reply by which individuals or groups have the chance to respond to the contents of articles or broadcasts in which they were sources or subjects of reporting. This right is guaranteed in law and the council has found it to be the shortest, most practicable and least expensive way to resolve disputes.

In the cases where it does not solve the problem, the council has its complaints procedure and, if that fails, there is still the option of taking the matter to court.

In many countries press councils will not hear cases at all if complainants maintain their right to take their complaints to the courts.

In South Africa the press council was set up in August 2007 and was widely welcomed. There had been complaints that press self-regulation was lagging behind broadcasters who have had their own Complaints Commission since 1993, which has dealt with more than 10,000 complaints, of

which 1,000 came before a tribunal and 100 were upheld.

To establish its credibility and accountability the press created a structure built around a Press Council, an Ombudsman and an Appeals Panel which presents itself as an integrated self-regulatory mechanism. The aim is to provide, as in broadcasting, impartial, rapid and cost-effective adjudication of disputes between readers and newspapers and magazines.

The council aims to defend press freedom and independent journalism through promoting excellence in journalism. There is a national press code which guides the Ombudsman and the Appeals Panel. More than 640 publications signed up to the code at the launch in 2007.

It is a fresh start for an industry which, during the years of apartheid, successfully fended off government control by agreeing to set up its own press council, but which became moribund. The council is not just a recycled version of the old body, according to Guy Berger, of Rhodes University, since it retains the Office of the Press Ombudsman, which was created in 1996 to replace the discredited system.⁶⁴

The council is proactive in promoting media ethics. It engages with the public and represents the interests of the press community to the government. There are still questions to be answered, not least concerning public representation on the council, the obligation for complainants to forfeit their right to go to law by accepting the ombudsman's jurisdiction, and whether or not there ought to be an option to fine media and journalists over the most extreme violations of ethical conduct.

The South African system is a three-stage process: firstly, informal meetings to try to reach amicable settlement of complaints; second, a formal hearing between the parties involving the Ombudsman and two members of the Press Appeals Panel (one press representative and one public representative); thirdly (if that fails) the case is sent for a formal hearing of the Appeals Panel where its Chair, a former Supreme Court judge is assisted by a public representative and a press representative.

The code, which is designed to promote news "*that is truthful, accurate and fair*" and

⁶⁴ Quoted in *Mail and Guardian*, 1 August 2007

comment that is “*an expression of opinion without malice or dishonest motive*”, contains a strong section dealing with discrimination:

2. Discrimination and Hate Speech

2.1 The press should avoid discriminatory or denigratory references to people’s race, colour, ethnicity, religion, gender, sexual orientation or preference, physical or mental disability or illness, or age.

2.2 The press should not refer to a person’s race, colour, ethnicity, religion, gender, sexual orientation or preference, physical or mental illness in a prejudicial or pejorative context except where it is strictly relevant to the matter reported or adds significantly to readers’ understanding of that matter.

2.3 The press has the right and indeed the duty to report and comment on all matters of legitimate public interest. This right and duty must, however, be balanced against the obligation not to publish material which amounts to hate speech.

The experience of South Africa and Indonesia illustrates just how impossible and unworkable is the idea of a global model for press



PRESS COUNCIL TARGETS HATRED: Refugees from Zimbabwe and Mozambique in Johannesburg, South Africa, June 2008 taking cover after xenophobic attacks on foreigners the country. © Tebogo Letsie/IRIN

council-style regulation. One media society is seeking to put distance between its new democracy and the racist discrimination of the past; the other is looking to establish a culture of dialogue and democratic exchange in a country that has for decades seen media subdued by military rule and dictatorship. Each country finds its way, with or without the guiding hand of protective legislation, according to customs and social realities that shape the community’s vision of democracy.

Gifts, Politics and Reporting Money

Avoiding Conflicts of Interest

Conflicts of interest can arise in every job, and journalists are particularly vulnerable because they are the target for lobbying by governments, private companies and NGOs, which lobby and spin news with great skill. Responsible journalists must be careful to deal with them without reflecting their bias of interest and influence, or appearing to do so.

Journalists should avoid outside interests or commitments which could damage their reputation for impartiality, fairness and integrity. When journalists fail to do so they leave themselves open to accusations of bias or corruption.

Normally, journalists should not accept gifts or personal benefits for themselves, their family or close friends from organisations or people with whom they might have professional dealings. Unacceptable personal benefits might include gifts, cash, loans, discounts or special services, gratuities, or entertainment outside normal business hospitality. If in doubt these questions need to be discussed internally.

Of course, some newsrooms are flooded with free material and privileged opportunities for journalists — books and music for review, sponsored holidays, fashionable clothing, free tickets to sports and cultural events. Many media have open and transparent systems in place for dealing with these free goods and services.

If systems are not in place, this should be discussed. The principle to be followed is to promote disclosure, both internally and externally. If a free holiday is offered and

taken and an article or travel programme results, readers and viewers should be told who paid the bills, if it was not the journalist or the media organisation.

High profile journalists — such as popular presenters of television programmes or leading newspaper columnists — particularly need to be seen as impartial.

Most media have rules that activities



The journalist shall regard as grave professional offence the acceptance of a bribe in any form in consideration of either publication or suppression.

(IFJ CODE OF PRINCIPLES)

outside the office should not compromise their reputation for independent reporting and analysis. These will vary from company to company. The detailed guidelines of the BBC, for instance, state that journalists in their employ should not:

- ▶ state how they vote or express support for any political party
- ▶ express views for or against any policy which is a matter of current party political debate
- ▶ advocate any particular position on an issue of current public controversy or debate or exhort a change in high profile public policy.⁶⁵

This is a high standard, expected of a public service institution, but does not apply in the press where comment on matters of policy and even voting intentions at election time is part of the opinion-forming traditions of newspaper journalism. Even so, a look at the *Ethical Journalism Handbook* of the *New York Times*, shows that opinions, when expressed, have to be framed within ethical parameters.⁶⁶

The paper's guidelines state: *"No journalist has a place on the playing field of politics. Staff members are entitled to vote, but they must do nothing that might raise questions about their professional neutrality..."*

Staff members are forbidden from giving money or raising funds for any political cause or candidate. That doesn't mean pulling punches in reporting, however, says the Public Editor Clark Hoyt, who during the 2008 Presidential election campaign found himself fending off constant attacks, mainly from distraught Republicans, over perceived bias in favour of Barack Obama.

All journalists involved in making editorial and programming should, as far as possible, be free from inappropriate outside commitments. They need also to be sure

that their families and close friends do not have associations that may create a likely conflict of interest.

Normally journalists should declare any personal interest to their editor or senior manager which may affect their work. Again, an internal system needs to be operating that provides clarity to journalists and managers on how to avoid conflicts.

Leading media such the Canadian Broadcasting Corporation and National Public Radio in the United States, for instance, have detailed information on how they deal with these matters.

It is important that journalists know their obligations, but they also have rights. Rules should be developed in a context that ensures journalists can exercise their own democratic rights as citizens.

Financial reporting is always an area of particular concern. Journalists should make sure their work is not compromised by their own commercial, business or financial interests.

Journalists should also declare to their editors any

- ▶ paid or voluntary political work undertaken for outside organisations
- ▶ significant shareholdings, loans (other than private mortgages) or financial interests which they, their partners or family, may have and which may in any way constitute a conflict of interest.

Anyone who is working on a story or factual programme dealing with finance or business is in effect involved in financial journalism and must on no account use early information acquired in the course of their work to take advantage of market trading or other business opportunities. This is highly unethical, corrupt and, in most countries, illegal. Procedures must be in place to ensure that financial journalists cannot 'tip' shares they or their families are holding.

⁶⁵ See <http://www.bbc.co.uk/guidelines/editorialguidelines/advice/conflicts/>

⁶⁶ See <http://topics.nytimes.com/top/opinion/thepubliceditor/index.html>



Glittering Prizes Quality Journalism on a Pedestal

Journalism prizes are useful if they promote and enhance standards in journalism. They shine a light on the best of journalism and provide an opportunity to showcase the excellence that is often eclipsed by the mediocre, sensationalist and celebrity-obsessed content which is to blame for journalism's generally poor public ratings.

The Walkley Awards in Australia, an industry-wide initiative, strongly supported by the Media Arts and Entertainment Alliance, provides a good example. Each year more than 1,500 entries are received and finalists are chosen by more than 90 judges across the country — representing 30 news outlets. They cover all sectors of media.

Journalism of every kind gets a look in — news stories, features, sports, business, sub-editing, television and radio reports, magazine work, photography, cartoons, commentary. There is a focus on both local and metropolitan media, as well as those covering indigenous affairs.

The Walkley process also includes organising meetings in major cities to encourage public debate on the work of Australian media, where some of the country's most senior journalists and media commentators gather to discuss and debate issues that go to the heart of journalism and the media. Forums have addressed questions like the role of media in reporting politics and how far public relations influence the work of media. These are unique opportunities for regional media liaison.

Almost every country hands out awards for reporters and editors, often in tribute to the achievements of courageous journalists.

Each year on 3 May, World Press Freedom Day, UNESCO presents the Guillermo Cano World Press Freedom Prize in honour of the veteran Colombian journalist and Editor Guillermo Cano Isaza who was assassinated in 1986 at the offices of *El Espectador*, where he had served as the editor since the age of 27.

In 2008 the award went to Mexican reporter Lydia Cacho Ribeiro, a freelance reporter based in Cancun, Mexico, for her courage in exposing political corruption, organised crime and domestic violence in the face of death threats, an attempt on her life and legal battles. Cacho named powerful people connected with a Cancun child pornography ring, and became a target. She was picked up by police and only urgent intervention from government and human-rights groups saved her life. After half a day, she was released unharmed. A few months later tapes emerged of a regional governor plotting with a businessman Cacho had named as orchestrating a child pornography ring to imprison and intimidate Cacho.

Cacho also founded and directs the Refuge Center for Abused Women of Cancun and is the president of the Center for Women's Assistance, which aids victims of domestic violence and gender discrimination.



Lydia Cacho Ribeiro: An outstanding ambassador.

Cacho recently accepted Amnesty International's Ginetta Sagan Award for Women and Children's Rights. She is by any standards an outstanding ambassador for the profession, but she acknowledges that it's not enough for journalism to honour its individual heroes. "We in journalism have to act together to defend our profession and standards. That is not easy. In Mexico, for instance, there is too much competitiveness in media and too little solidarity among journalists," she says.

The International Federation of Journalists has supported prize-giving in the area of human rights and tolerance as part of its programme to combat racism and discrimination by contributing to an understanding of cultural, religious and ethnic differences. Tolerance prizes have been awarded in Europe, Asia, Latin America and Africa.

Prizes can spotlight models of reporting that break out of the ordinary. In South Eastern Europe where problems of racism and discrimination in media persist, the IFJ and the German press company WAZ Media Group are launching a regional prize to honour courageous reporting.

The quality of prize-giving requires close attention to the context and the environment in which awards are made. Sometimes, in conditions where professionalism and media independence are not secure, they can be used inappropriately and even diminish the standing of journalists. Tunisian journalists discovered this when their national association decided in 2001 to present a press freedom award to President Ben Ali, whose regime is notorious for its denial of free expression rights. They did so to keep on good terms with this powerful leader, but at cost to their credibility. The action prompted widespread criticism.

At an official ceremony in Sofia, in May in the presence of leading politicians, members of Parliament and journalists, the 2008 "Chernorizetz Hrabur" prizes for contributions to Bulgarian journalism were awarded, including a special young journalism award to Kalin Rumenov, a journalist employed by the daily *Novinar*. The award caused a storm of protest and a national campaign led by a hundred writers, civil society leaders and journalists to have it withdrawn. Rumenov, despite his talents, was also renowned for his racist and intemperate views about the country's Roma community. Eventually, the prize was withdrawn.

"Journalism is not without responsibility to the public interest," said the IFJ about this case. "It's time for a new and searching debate about how to distinguish robust and challenging journalism from unacceptable prejudice and intolerance."

Publishers and journalists in Bulgaria responded to the controversy by pledging to work together to reinforce quality and eliminate intolerance in media.

Money, Money, Money

Journalism in Deficit

A global recession and international financial crisis, marked by the sudden and extraordinary collapse of the world banking system and dramatic falls on world stock markets marked 2008 as the year when an era of free-wheeling market capitalism finally came to a spectacular end.

The sudden demise of neo-liberal, lightly regulated economics came in the wake of decisions by governments in America and Europe to spend billions of their taxpayers' money to rescue failing banks and financial institutions.

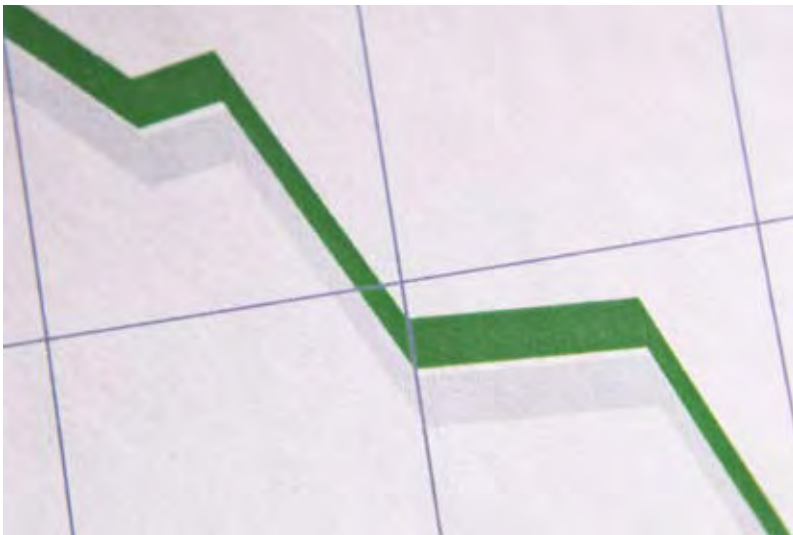
One group with a special interest in this turn of events is the World Economic Forum which has created a Global Agenda Council on the Future of Journalism. One topic put before this team of media experts was the performance of financial journalism in reporting the crisis.

How was it that after a decade in which financial journalism has been one of the few areas of expansion within the traditional media sector — new ticker-strewn channels on satellite and cable networks proliferate and there is a flourishing business press — that this crisis came as a surprise? Did media do enough to warn of impending problems before the story moved from the financial pages to the front pages?

Why did mainstream media fail to help the public fully understand the complexities and uncertainties of the market during the years of optimism, when the economic cycle was in the ascendancy and when the news was dominated by heady tales of “masters of the universe” in Wall Street and elsewhere? Were they as guilty as corporate spin doctors, negligent regulators and doctrinaire politicians of helping to lull people into a dangerously false sense of security?

It appears that journalists as well as regulators believed major financial institutions, in which the public put their faith and money, were being run by people who knew what they were doing.

The British journalist Paul Lashmar, with 30 years experience in covering big stories, says media coverage lacked depth and failed to respond to early signals that the financial



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How was it that after a decade in which financial journalism has been one of the few areas of expansion within the traditional media sector ... that this crisis came as a surprise?

system was running out of control. He carried out research into the quality of reporting prior to the sub-prime market collapse in 2007 and concluded that very few journalists had made any serious investigation into how significant economic risks were being disguised and hidden in complex offshore structures. Too often, he said, the journalists simply accepted the line that these structures formed part of a new “innovative” form of financial capitalism.⁶⁷

One problem is the internal structure of media in which there is often a gulf between financial and mainstream journalism. While many expert journalists and commentators, through their specialist newsletters and inside page commentaries, did see the sub-prime crisis brewing, mainstream media failed to take notice of the warnings — until the crisis hit. When the markets ran into problems, media pressed the panic button, often exaggerating the impact of events and making the situation even worse.

The concerns of journalists about worryingly high levels of debt and unsustainable levels of leverage — using borrowed money to increase returns on share dealing and investments were often dismissed by complacent authorities either as alarmist or not relevant because they concerned offshore dealings, beyond the jurisdiction of national regulators.

Financial journalists also had problems getting the attention of mainstream media news desks because of the pervasive influence of public relations companies and corporate communicators who present polished and soothing messages that clever city people know what they are doing and have solved problems that often worry lesser mortals (like journalists).

In one telling report *Private Eye* (September 2008) revealed how smooth-talking public relations people for Icelandic banks generated free publicity from British media to coax thousands of savers and millions of pounds of personal savings into their dodgy dealings. They provided free press trips to Reykjavik and even organised an “Ice Bar” that toured editorial rooms giving free refreshments as they spoon-fed journalists information on the advantages of investing in the banks of a country that was brought to its knees by the financial crisis.

As the crisis unfolded media went into panic mode and then began to reduce the temperature, exercising a new caution in their treatment of the story. A *Wall Street Journal* spokesman — now part of the Rupert Murdoch News Corporation group — said that words like ‘crash,’ ‘panic,’ ‘pandemonium,’ and ‘apocalypse,’ were “words

FOOD IN THE NEWS: A rice seller in Minguindano Province, Southern Philippines. Rice prices have surged to a 20-year high as a result of global food inflation. © Manoocher Deghati/IRIN

⁶⁷ Report in *UK Press Gazette*, 18 July 2008

we're staying away from." This was an interesting example of self-restraint, but given the desperate realities that are now evident in the financial sector, it may have denied its journalists access to the very vocabulary that was most appropriate for describing a worsening and difficult condition.

Meanwhile, the *New York Times* economics writer, David Cay Johnston, urged colleagues to be sceptical of proposals to use billions of dollars of public money to rescue failing banks and finance houses. "Don't repeat the failed lapdog practices that so damaged our reputations in the rush to war in Iraq and the adoption of the Patriot Act," he said in a memo published by Poynter Online. "Don't assume that there is a case just because officials say there is."

This advice to be wary of official pronouncements came late according to observers like the Tax Justice Network (TJN) an international, coalition of researchers and activists concerned about the harmful impacts of tax avoidance, tax competition and tax havens. It highlighted the consequences of complacent reporting and pointed to three clear elements to the media failure to report the gathering crisis in the markets:

Firstly, the bulk of financial "innovation" in the past decade has been both complex and opaque, and therefore difficult to investigate. Put simply, not enough journalists — nor enough economists, regulators and politicians for that matter — really understood the consequences of what was happening.

Second, the advertising revenue from banks, accounting firms, and other major financial market players, contributes a significant income to financial newspapers and the specialist media, which may have dulled the objectivity of their coverage.

Third, and perhaps most insidiously, major media companies throughout Europe and America are themselves owned by individuals and companies who use complex offshore structures (for example, the Byzantine and convoluted structure of Rupert Murdoch's global media empire) rendering editors less likely to take a critical stance of how tax havens are used.

All of this suggests that media have much to mull over if they want to rebuild public confidence and trust in their capacity to examine more critically and in more depth the economic and social realities of global trade and complicated financial dealings. That will not happen unless media companies are prepared to reverse their policies of cutting editorial budgets, face up to their own conflicts of interests and reduce the influence of corporate lobbyists on the news agenda.

The Ethical Journalism Initiative aims to strengthen the watchdog role of media in this area, not least by encouraging more training on the complex world in which global and national capital operates to help journalists better understand the business brief. As ever, the bottom line is the need for more support for investigative journalism and more healthy scepticism over "expert" opinion.



Distorted Visions: Bias Keeps Women Out of Focus

In most societies there are assumptions about the role of men and women that reflect traditional or cultural bias. These are entrenched in language and custom. One of the greatest challenges facing journalists, both men and women, is to work against these stereotypes in our everyday work. Sadly, on the contrary, many journalists seem to work to strengthen and refine distorted visions.

The media are full of images and stereotypes about women and girls. Many are relatively harmless, but some, often the most powerful, portray women as objects of male attention — the glamorous sex kitten, the sainted mother, the devious witch, the hard-faced corporate and political climber. In every region and culture there are fixed images, deeply entrenched prejudices and biased reflexes that pose challenges to journalists and media.

In spite of the progress made over the last 25 years — and there are more women in media and more female executives than ever before — media still churn out female stereotypes that limit the power of women in society.

It is more than 40 years since laws began to be introduced penalising discrimination against women and providing for the allocation of basic political and social rights, equal pay and employment rights. But prejudices do not disappear at the dictate of lawmakers, and battles for equality are still being fought in every country.

The fact that television, film and popular magazines and the online world continue to provide images of women that are outdated

and unfair is an indication of economic interests as well as age-old customs at work.

The IFJ has made setting standards for women in journalism a core issue. In successive congresses of the Federation in 2001, 2004 and 2007 fresh efforts have been made to encourage unions of journalists and media organisations to take seriously the achievement of gender equality. However, gender is often put to the margins when the time comes to establish priorities for work. One of the problems is that equality is a continuing campaign. It is not likely to be achieved any time soon anywhere, but it will not be achieved at all unless journalists and their unions are conscious of the importance of bringing the question into the mainstream of their affairs. Despite advances in national legislation, unions became distracted by other issues in recent years and took their foot off the accelerator, slowing the process of social change.

As a result, the crisis of discrimination, both within media content and in media operations, continues to undermine journalistic standards and sap the confidence of women working in the industry.

In many countries women are strongly represented in newsrooms but media are



The region [Africa] is characterised by civil strife and political upheavals ... Too often these events are seen through the eyes of men.

OUT OF SIGHT: The stories of African women like 50-year-old Silvia Alak at a camp for internally displaced persons in northern Uganda, often get missed. Silvia and her seven children survived the ravages of the Lord's Resistance Army (LRA). Her husband did not.
© Manoocher Deghati/IRIN

still very male dominated when the top positions are examined.

In some places, women have not yet even got their foot onto the bottom rung of the ladder. An IFJ survey in Africa in 2008 found that less than 20 per cent of editorial places are filled by women. Gabriel Baglo, Director of IFJ Africa, says that this bias exists despite a booming industry. "The survey reveals how much remains to be done to achieve gender equality in journalism in the region." The region is characterised by civil strife and political upheavals including the long drawn civil war in the Sudanese region of Darfur, the persistent problem of rebel activity in Northern Uganda, the relentless fighting and militia activity in Somalia, the rivalry between Ethiopia and Eritrea, the fighting in Burundi and the January 2008 political unrests in Kenya. Too often these events are seen through the eyes of men.

The survey found that only 17 per cent of news sources are female (although women make 52 per cent of the population), less than 10 per cent of the sources for politics, economics and sports stories are women. Only 8 per cent politician

sources are women even though 17 per cent of the members of parliament in the region are women.

The report states that some media houses "violate rights of women journalists such as presenting them as sexual objects; sexual harassment, intimidation, abuse, undervaluing or ignoring their work, successes, efforts, rights and by symbolically destroying or frustrating them".

The worldwide reality is reflected in a detailed survey of media in 70 countries carried out by the Global Media Monitoring Project in 2006, which examined how the world's media represents and portrays women and men in the news. "Who makes the news?" reveals how women are marginalised in the news on television, radio and in the press and that, when present, they are frequently represented in stereotyped ways.⁶⁸

The author, Margaret Gallagher, says the results challenge media to ensure that fair gender portrayal becomes a professional and ethical aspiration, similar to respect for accuracy, fairness and honesty. The monitoring showed that women make up only 21% of people featured in the news. Their stories are not being told.

⁶⁸ See: http://www.whomakesthenews.org/who_makes_the_news/report_2005

Men's voices dominate especially in hard news about topics such as government, the economy and politics. Women are more likely to be found in "soft" stories, dealing with celebrity and the arts, where they make up 28% of news subjects. Women sometimes have to contort themselves to make an impact on media terms. Who can forget, the image of Hilary Clinton seeking to convince media of the quality of her home-made cookies during coverage of the United States election primaries?

Expert opinion is still held by media to be male opinion, while women more often than not can only speak for themselves — men make up 86% of spokespeople in news stories and 83% of 'experts'. Women are usually represented as expressing their personal experience or popular opinion.

News is still mainly reported and presented by men, except on TV, where 57% of TV news stories are presented by women. In newspapers, only 29% of stories are written by women reporters. Only 32% of stories

FROM AFGHANISTAN TO CYPRUS: The Threats against Women in Journalism

Equal rights for women journalists may be more or less taken for granted in many parts of the world, but in Afghanistan female media leaders work in a culture of discrimination and can be targeted in violent attacks. In April 2008, a grenade was thrown into the home of radio journalist Khadija Ahadi in Herat province, the second attack on her home in two weeks. Khadija is the deputy editor-in-chief of Radio Faryad and a producer of a talk show addressing political and social issues. She had received anonymous calls warning her to quit her job. Radio Faryad, an independent radio station established by Herat University journalism student graduates, is known for its critical commentary of the Government.

The Afghan Independent Journalists' Association (AIJA) reported that unidentified gunmen were responsible for the attack. The IFJ's Asia-Pacific Director Jacqueline Park says that independent media and the equal representation of women journalists are essential for the free flow of information and diversity of opinions needed for a successful transition to democracy. "Efforts of hard-line groups to pressure Afghanistan's government to interfere with media, especially in relation to the role of women as journalists and the portrayal of women in the media are unacceptable," she says

Farida Nekzad the managing editor and deputy director of *Pajhwok Afghan News* and vice president of the South Asia Media Commission is an unsung media hero. She frequently receives death threats. During the funeral service of her colleague, Zakia Zaki, who was a victim of targeted assassination, she received calls saying that she would have the same fate. After she wrote a story in 2003 about a warlord, she narrowly escaped a kidnapping attempt.

She frequently switches the car she drives, changes her schedule daily and sleeps in a different room in her home each night to prevent ambush by potential attackers. Despite working under tremendous pressure at a time when Afghani women journalists are under threat, Nekzad intends to stay in her country to work for a free press and equality for women journalists.

In 2008 she and another threatened journalist, Sevgul Uludag, a leading member of the Union of Cyprus Journalists, were winners of *Courage in Journalism Awards* from the International Women's Media Foundation in the United States. Uludag, a reporter for *Yeniduzen* newspaper, began writing about missing people and mass graves in Cyprus. She started a public debate about the issue that led to official searches and exhumations. She lives in the northern (Turkish) part of the island but through her reporting makes efforts to ease the rivalry and division between Greek-Cypriot and Turkish-Cypriot communities. In doing so, she has faced many obstacles, including violent attacks. In April 2003, the daily paper *Volkan*, mouthpiece of the nationalist movement, issued death threats against her.

AFGHANISTAN: AN UNTOLD STORY

On Saturday, November 8, 2008, Mellissa Fung, a television reporter for the Canadian Broadcasting Corporation was freed after being kidnapped in Kabul and held for ransom. What is extraordinary about her ordeal is that it went unreported for the entire 28 days of her captivity. On receiving word of the abduction CBC received advice from government and military officials warning that publicity would put Mellissa's life in greater jeopardy.

The network made direct calls to news organisations in Canada, the United States, Europe and Afghanistan. Every conversation dealt with the conflict of putting a life at risk against the instinct of news media to report what they knew. As a result a self-imposed global news black-out was put in place. Among those who signed up were Associated Press and Reuters; *The New York Times*, *The Washington Post*, *The Chicago Tribune*, BBC, CNN, CBS and many others.

on politics and governments are reported by female journalists, compared to 40% of stories on social issues such as education or family relations.

News stories are more likely to reinforce than challenge gender stereotypes — only 10% of news stories have women as their central focus, and 96% of news stories do not highlight issues of gender equality or inequality. Women are much more likely than men to be described in relation to someone else, often being identified as “the wife of” or “daughter of”.

The survey, first carried out in 1995 and organised across the globe every five years, shows some improvement, but it is painfully slow says Gallagher: *“The situation in media gender equality is not enviable, but some progress has happened since 1995. If it continues to change at this rate, we will need another 75 years to achieve fair and balanced gender status in media.”*

To tackle gender issues in media effectively, journalists' unions have to ensure that

their own internal structures and activities are up to the mark by improving the representation and presence of women in union activities and administration.

The IFJ has established an International Gender Council with regional representation to try to bring policies that aim to improve the rights of women in journalism into the mainstream of union work. Extensive programmes have already been carried out in the Arab world, Africa, Asia, Latin America and in Europe.

This work has been based around the concept that equality is not just a women's issue; everyone benefits from eliminating discrimination. A theme has been to create links between women and men — both inside and outside journalism. Reports and seminars have advised journalists and unions on how to avoid sexism in their work, whether through use of language or visual representation, and actions that need to be taken to make equal rights and representation a reality of union life.

There is some evidence of change. Social and economic transformations underway in the Middle East and North Africa, for instance, are paving the way for improved gender equality.

The IFJ has set up a Women Partners in Trade Union Leadership campaign to encourage women journalists in the Middle East and North Africa region to engage in trade-union work, through training, networking, communication campaigns and lobbying and stand for election to the decision-making bodies. The campaign was launched in Tunis in April 2008 by women journalists representing journalists' unions from eleven countries and involves a comprehensive plan for work to strengthen the representation and presence of women in union work and leadership. Since then, national gender seminars have been carried out in Iraq, Algeria, Palestine (with a second meeting in the Gaza Strip), Dubai, and Yemen, often involving local equality campaign groups. Across the region women in media are stepping up to demand their rights.

Children: Telling Stories that Show Respect

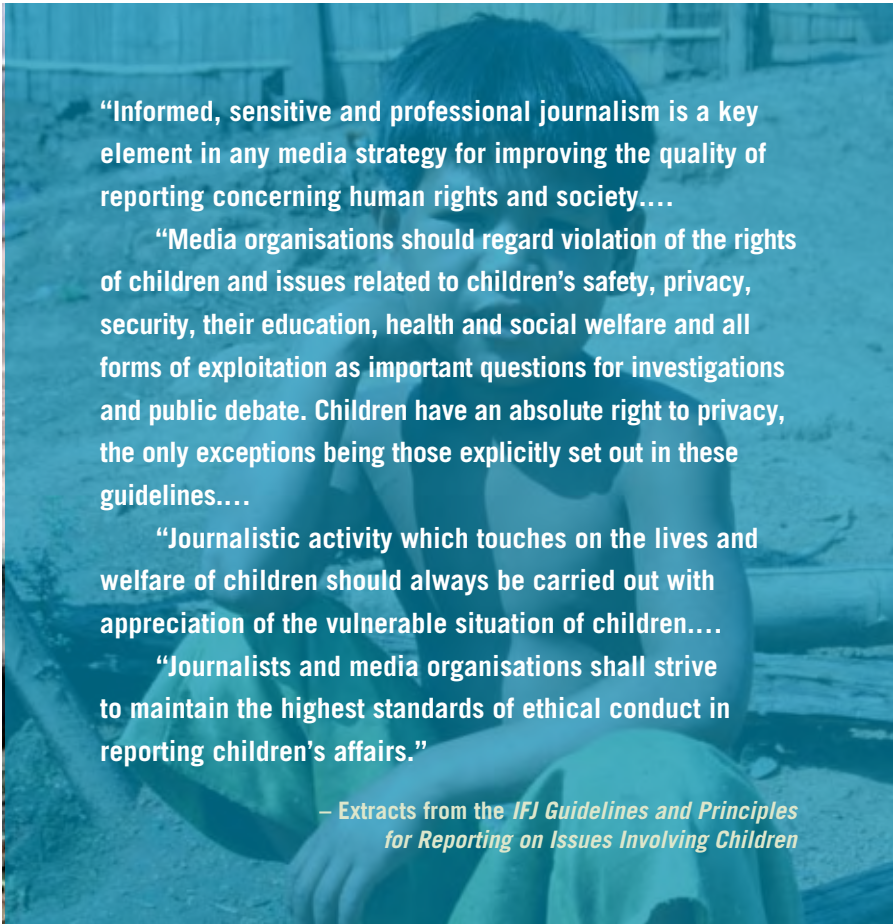
Telling stories about the lives of children requires from journalists and media the most precise balancing of responsibility between the rights of young and vulnerable people and the public interest. The way that media portray children has a profound impact on society's attitude to children and childhood, and to a child's view of the world. This is no place for ignorance and insensitivity.

Raising awareness about the rights of children and promoting children's rights is a challenge that requires media to report fairly, honestly and accurately on the experience of childhood, and to provide space for the diverse, colourful and creative opinions of children themselves.⁶⁹ Whether in news and current affairs, or the complex world of creative and performing arts, media professionals and their organisations have a responsibility to recognise children's rights and reflect them in their work.

While media are vital to telling the story of child abuse, they can themselves become the exploiter, by creating sexually provocative images of children in news or advertising, or, at worst, as the vehicle (for example through advertisements) through which children are exposed to abusers.

The Internet has raised international concern, particularly because of the wide scale availability of pornography, and because of the way that people who target children for abuse can use this technology.

⁶⁹ Material for this section is been drawn from two IFJ publications: *Putting Children in the Right: Guidelines for Journalists and Media Professionals*, published in 2002, and *Telling their Stories, Child Rights, Exploitation and the Media*, published in 2004.



“Informed, sensitive and professional journalism is a key element in any media strategy for improving the quality of reporting concerning human rights and society....

“Media organisations should regard violation of the rights of children and issues related to children's safety, privacy, security, their education, health and social welfare and all forms of exploitation as important questions for investigations and public debate. Children have an absolute right to privacy, the only exceptions being those explicitly set out in these guidelines....

“Journalistic activity which touches on the lives and welfare of children should always be carried out with appreciation of the vulnerable situation of children....

“Journalists and media organisations shall strive to maintain the highest standards of ethical conduct in reporting children's affairs.”

– Extracts from the *IFJ Guidelines and Principles for Reporting on Issues Involving Children*

More than a decade ago, the IFJ drew up the draft of the first international guidelines for journalists covering children's rights. Regional discussion on these guidelines took place in Latin America, Africa and Asia and they were formally adopted at the Congress of the International Federation of Journalists in Seoul in 2001. The aim is to raise the standards of journalism in reporting on issues involving children, and to encourage media to promote children's rights and give them a voice. The code promotes:

- ▶ respect for the privacy of children and protection of their identity unless it is demonstrably in the public interest;
- ▶ the need to give children access to media to express their own opinions;
- ▶ the obligation to verify information before publication;
- ▶ the need to consider the consequences of publication and to minimise harm to children.

Codes do not guarantee ethical reporting, but they identify professional dilemmas that journalists and media face, and challenge

journalists and media to be aware of their responsibilities.

Perhaps the most important way by which child rights can be better delivered is to make children more visible in media. Stories may be about the worst conditions in which children find themselves, for example, the 250 million children worldwide who are forced to work in order to survive, the plight of street children in cities, or the million children a year that UNICEF estimates are recruited into the commercial sex trade.

But the positive story of children and their lives is often not told. Children have a stake in almost every area of life, education, health, issues of violence and peace, sport, entertainment and the environment. Children are especially affected by economics, but rarely figure in stories about a financial crisis or world trade. Journalists should give young people opportunities to express themselves and have their opinions and experiences used and valued in accordance with their age and maturity. At the same time, they should recognise that a young person may not be as confident as he or she looks, and not exploit vulnerability.

Subterfuge and lying to children a “serious breach”



In 2001, the British Press Complaints Commission upheld a complaint against the London Evening Standard after a reporter spent a week pretending to be a classroom assistant, to write an 'exposé' about a school. The PCC upheld 'serious breaches' of the Code of Practice on two grounds. One was that the reporter used subterfuge to

gain access to the school. The other was that his reporting (accidentally) made it possible for people who knew the school to identify a child who had been subjected to a sexual assault. The PCC rejected a defence that the report was in the public interest. Lying to the children (essential to carry out the assignment) was a factor that weighed heavily with the PCC.

Interviews with children should, except in exceptional circumstances, always take place with someone acting in the best interests of the child (such as a parent or teacher) on hand, to protect the child and to call a halt if necessary. A journalist who interviews a child should be sure that the child understands that what he or she writes will be published or broadcast. Older teenagers can speak for themselves, but there is a danger they may be misled or make a snap decision they later regret. Journalists should consider whether even older teenagers properly understand how material is to be used and whether they can give informed consent.

Should children be named in stories and pictures? Worries over identification are often associated with negative media coverage. However, one of the fundamental rights of a child is the right to a name. The IFJ code is drafted to put the onus on the media to show that where they name a child they can justify it in the public interest. One concern is to ensure that media coverage will not lead to a child being put at risk (for example by giving their home address).

Photography and filming

In general, children should never be photographed or filmed without their specific consent. However, there are clearly difficulties if children in public places (for example, kicking a ball on a beach) can never be filmed. It is hard to see how making children disappear from our TV screens or newspapers advances their rights. Photographers, however, need to give extra consideration to whether the right of the child to privacy is being abused. They have done nothing to deserve the attention of intrusive or insensitive paparazzi style behaviour. Except where there is a clear and strong public interest to do otherwise, permission must be sought from a responsible adult and from the child.

Whose responsibility?

The onus is on media and journalists to show that they acted ethically and properly in their dealings with young people. The primary responsibility to ensure that young people are not harmed or exploited by media coverage lies with media organisations. They should put into place clear protocols

THE RIGHTS OF THE CHILD

The Convention on the Rights of the Child, which seeks to protect children and guarantee their human rights, is the most widely ratified of all conventions. And the International Labour Organization convention ILO 182 on the prohibition and elimination of the worst forms of child labour, including the sex industry, was unanimously adopted by representatives from all 176 member States. But while these emphasise the rights of children (defined as young people under the age of 18), in reality, children lack the power to secure these rights on their own.

The Convention gives children the right to form their own views and express them, including in the media.

Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. (Article 12)

and

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. (Article 13)

States are also expected to legislate to protect the privacy of children as well as to protect them from slander and libel. Journalists should know about such legislation and have clear policies and protocols for interviewing young people.

for deciding when it is appropriate to film or interview young people, whether and how permission needs to be sought and how well this will be explained to the young people themselves. In addition, media organisations should have clear methods for discussing and resolving difficult cases.

There is not only a collective responsibility on an organisation. Each individual journalist and media professional also has an individual responsibility to act ethically, even if he or she is under pressure to bring back results. 'Following orders' cannot be used as excuse for inflicting harm on children. Journalists and media professionals have their own obligation to follow their own Code of Conduct and to work according to their consciences, even if that means falling out with managers.

Ethical Health Care Reporting

Few subjects are more important to readers and viewers than health. But too often health reporting is influenced by the pharmaceutical industry which spends millions, not just in trying to find the latest cures, but in buying editorial influence.

In the battle for space in news and features one of the world's most powerful lobby groups deploys a sophisticated public relations arsenal to maintain profile for new drugs and existing products.

In the United States two journalism groups issued a joint warning to news media in 2008 over ethical problems arising from too-cosy relations between reporters and private hospitals and health care providers.⁷⁰ The Association of Health Care Journalists and the Society of Professional Journalists (AHCJ and SPJ) issued a joint warning when they found that hospitals were paying media to publish and broadcast pre-packaged stories, reports, news releases and interviews.

The AHCJ complained that in a number of cases hospitals exerted editorial control by supplying pre-packaged stories and other content to news media and many paid for this special influence. One newspaper sold its weekly health page to a local hospital and put the hospital in charge of providing content. Some broadcast media were airing hospital-produced segments and leading viewers to believe the local station reported the story.

The two organisations gave a list of guidelines for news outlets which urge that:


- ▶ Media should fully disclose the source of all editorial information not independently gathered, (video, audio, photograph or words)
- ▶ Media should not run prepackaged stories produced by hospitals, health case authorities or drug companies unless they are clearly and continuously labelled as advertisements
- ▶ Media should not favour advertisers or sponsors when choosing sources or story topics and should strive to employ a wide variety of sources
- ▶ Media should develop guidelines for the public disclosure of sponsors and advertisers
- ▶ News staff should not participate in sponsored programming or advertisements.

The global prescription drug market grew by 6.4 percent in 2007 to an estimated US \$712 billion.⁷¹ Much of this growth is taking place in the newer markets — Asian markets, (excluding Japan, Australia and New Zealand), grew by more than 13% and Latin American markets by more than 11%.

Cancer medicines pulled ahead of cholesterol-lowering drugs as the top

⁷⁰ Reported in *Editor and Publisher*, August 2008

⁷¹ Data compiled by IMS Health. Source Reuters <http://uk.reuters.com/article/health/idUKN1546365220080415>



Media often plays a direct role in boosting the income for drug companies while encouraging expensive support for the drugs by the state — sometimes on dubious evidence.

worldwide therapeutic category with sales of US \$41.4 billion.

One of the new star drugs is Gardasil which has the potential to protect girls and women against some of the most important strains of HPV, the human papillomavirus that causes cervical cancer. Merck manufactures the drug that is marketed in Europe by Sanofi Pasteur MSD.

A Coalition against Cervical Cancer was launched with a charter signed by celebrities, including the former Romanian gymnast Nadia Comaneci, former Wimbledon champion Gabriela Sabatini and Belgian tennis star Justine Henin.

Sarah Boseley, health editor of the UK paper, the *Guardian*, revealed how journalists were paid to attend the event. “A group of freelance health journalists from the UK had not only their travel, meals and accommodation but also their time paid for by the drug company. A PR company working for Sanofi offered the *Guardian* flights to Paris and transport to and from Charles de Gaulle airport.”⁷²

Pharmaceutical companies also fund patient groups which are the source for many media stories about the need to speed up the introduction of new and expensive drugs. The potential of new drugs does

indeed need to be brought to public attention. But media coverage is too often uncritical of the claims of the drug producers, ignoring the potential risks. Media play a direct role in boosting the income for drug companies while encouraging expensive support for the drugs by the state — sometimes on dubious evidence.

Linda Garman won the ‘best reportage’ film at the first ever film festival about cancer in Geneva in September 2008. She made *The Truth About Cancer* in reaction to the death of her own husband from mesothelioma and she explored the gap between hype and reality in the treatment of cancers.

The daughter of a US space scientist, with in her own words “an unquestioning faith in America’s ability to solve problems with science and technology”, she went back to the Boston hospitals where her husband had been treated to ask probing questions about the nine out of ten people with metastatic cancer (i.e. cancer that has spread to more than one organ) who do not survive for more than five years.

One aim of her relentlessly honest film was to challenge media myths.

“We have a cancer industrial complex here in the United States and the media

⁷² Alarm at ‘battering ram’ tactics over cervical cancer, *The Guardian* 26 March 2007



UNRELIABLE SOURCE: Journalists have to test the facts wherever they come from. This Police Chief in India, Gurdarshan Singh, fed media distortion in a high profile murder case. © UNI

feed into it, helping the cancer field to hype things that shouldn't be hyped. You have really irresponsible coverage of so called breakthroughs. I am old enough to have lived through several of them, interleukin, interferon, Glivec. It is not that those drugs did not prove to have utility for a small window of cancers; it is just that the way that we cover that in the media is so over the top, and the coverage does not ask the right questions.

"At the other end of the spectrum is the media as personified by the Oprah Winfreys of the world. They invite cancer patients onto their show who say the reason they are alive is because they practice yoga and churn up green drinks in the blender every morning, when in fact those people have treatable forms of cancer with the best that medicine can offer right now.

"At either end of the spectrum, you are doing a huge disservice to cancer field, to patients and to the decision we make as a society about resources and what we should focus on."

How can this be turned around? One proposal being discussed by journalists and their unions is the need to disclose any financial support offered to journalists by the

INDIA: Ethical

Indian media are, like other players in the national economy, enjoying a revival. There is a growing middle class anxious for more entertainment and with time on their hands. Changes in foreign investment rules and technology have led to an explosion of new media outlets, particularly in broadcasting.

However, fierce competition and a lack of regulation have created a dangerously competitive environment in which ethical and professional standards have been sidelined. In broadcasting, for instance, where 40 television news channels compete for viewers in one of the world's most crowded media markets 'sting journalism' — some might call it voyeurism and entrapment — has come to dominate the news mix.

Journalists have always justified using deception in the honorable business of exposing corruption, as in the case of the news magazine Tehelka.com whose journalists posed as middlemen in an arms deal to expose politicians and army officers taking bribes. In other cases, parliamentarians have been caught on camera seeking cash for questions and their share of constituency funds; officials have been caught taking bribes; doctors have been filmed selling infants from hospitals; clerics shown issuing fatwas for money. A policeman was caught demanding bribes to hand over the body of a man to his family.

Some of the new media players appear to have less honourable motives. There has been a proliferation of crime news channels and tabloid television that has led to what critics see as a cottage industry of sleaze and slime. One channel rigged up a husband reportedly beaten by his spouse with secret cameras and sent him back home to show how his wife thrashed him.

Unsavory as it is for the victims, 'sting journalism' has popular support given the paucity of public confidence in the country's bureaucracy, police and judiciary. What concerns many journalists is that public interest values and journalism for public good are often less of a consideration than increasing audience and advertising share.

Shocks Spark Calls for Forum

Similar fears surround the controversial action by India's largest publishing group, Bennett, Coleman & Co, a privately held media and entertainment company that publishes a number of leading newspapers and magazines. It plans to introduce paid-for news to be placed in its flagship title, the Times of India. A business division called Medianet functions like a paid news desk through which, for a price, advertisers and public relation agencies place editorial content in supplements of the Times of India. The only clue for readers that the copy is paid for is the word Medianet at the end of the article.

For many journalists the story that eventually brought unease over media quality to the boil was the coverage of the case of dentist Dr Rajesh Talwar. On 15 May 2008 his 14-year-old daughter Aarushi and a domestic servant Hemraj were brutally murdered by intruders in Noida, a modern suburb of Delhi. The horror was made far worse for Talwar and his wife by an unprecedented media frenzy of sensational, prurient and voyeuristic coverage that followed, shocking even some hardened observers of India's robust tabloid journalism.

A toxic combination of spectacular police incompetence and media indifference to the available facts, led to Dr Talwar's arrest and his detention in the infamous Dasna jail. Police announced to a salivating press corps that on the evening of the murders he left the family home, returned a couple of hours later, found his daughter and a family servant together and killed them both "in a fit of rage."

In fact, Dr Talwar as he told investigating officers, was surfing the net at home and sending E-mails at the time police say he was brutally slaying his daughter. A simple check of computer and Internet records would have shown he was in e-mail conversation with the website of the American Academy of Implant Dentistry. And, far from dishonouring the virtue of his daughter, it later appeared that Hemraj the domestic servant was killed trying to defend her from her attackers.

Media speculated about Aarushi, her attitude to sex, her private thoughts; about rumours of an affair between her father Rajesh Talwar and a colleague which she might have discovered; about the Talwars being a part of a sordid club; about Hemraj's sexuality and his so-called links with Maoists in Nepal — all of it rumour, speculation and, in the end, shocking defamation of the living and the dead.

This story, which for weeks made front page headlines and prime time bulletins throughout India, shocked many journalists, including leaders of the three IFJ affiliated unions. They believe that when media are in the heart of competition for drama and sensation they can too easily lose respect for the simple values of truth-telling and proper investigation.

As the truth finally began to emerge, the negligent police officers were sacked or moved and Dr Talwar was released.

Commenting on this woeful media performance Santosh Desai, media critic and Chief of Futurebrands, says, "What is particularly striking and disturbing is that the media amplified rather than filtered the information. It ended up being an accomplice in the miscarriage of justice."

The fallout from the case has been some soul-searching inside media and the threat of legally-enforceable rules on how media report cases under investigation. In July 2008 judges ordered media to exercise restraint and to stop tarnishing the reputation of Dr Talwar.

In the wake of this controversy and in response to public concerns over the unsavoury reporting in many of the news channels, a newly-formed Indian News Broadcasters Association (NBA) announced the setting up of a News Broadcasting Standards Authority to enforce Association's code of ethics and broadcasting standards

Indian journalists' unions have taken the lead in launching a new national debate about the need for quality in journalism and support for journalists who insist on acting within the principles and values of the profession. They have called for the establishment of a National Forum for Media and Democracy to stimulate a debate about the media crisis across the country and have decided to work together using the IFJ's Ethical Journalism Initiative in an effort to raise awareness within media of the need for change.

At a meeting in Delhi on 29 July 2008 the National Union of Journalists (India), the Indian Journalists Union and the All India Newspaper Employees Federation Employees agreed to invite other stakeholders including media employers, the Editors Guild and the Press Council to launch a national campaign to restore ethical standards. The aim is to challenge the drift in media towards news as a form of entertainment.



pharmaceutical industry or their agents. If a journalist is flown to cover the launch of a new product and the flight and hotel bills were picked up by the industry, then surely that fact ought to be disclosed in whatever they write.

Health reporters need the ability to interact with scientists and doctors, and ability to understand risk and statistics and to explain them in clear and simple terms, and at the same time, the ability to talk to people who

may be ill and frightened without exploiting or patronising them.

Many journalists achieve these high standards and focus on the issues that really matter.

Viktoria Kun won the European Best Cancer Reporter's Award in 2005 for her articles in *Nepszabadsag* newspaper, Hungary, highlighting the need for better treatment. She says that in countries that are not rich, writing about cancer is crucial, but also contains ethical challenges.

"If you say cancer most people understand death. When you know about this subject you can face it much better. I have ethical problems because I know the medicines and I wonder if I should write about them, because there are many people who cannot obtain these medicines."

Jacqueline Montes Eguino, Reporter for *La Razon* newspaper in Bolivia, spoke about the need to inform women about the need for screening for cervical cancer, which make up 30% of the cancers in the country. "In rural areas people do not know how to fight against cancer. They think they can use traditional medicine and a poultice. They don't have access to information. They don't know how to read and write. They are very suggestible. The media is not doing its job properly to fight against cancer in the country. We do not have enough articles talking about it. People with cancer don't have access to surgery or medicines and unfortunately they just die with their cancers."

EPILOGUE

Time for a New Solidarity and Humanity in Journalism

This book illustrates how journalism that poses questions and delivers quality is enriched by the solidarity of journalists and helps to improve the lives of people and to strengthen democracy. But will this form of journalism play a leading role in the future?

A global economy in decline, old rivalries and new conflicts, and a transformed media landscape have radically altered the ways journalists work and the ways people connect with one another. Journalists and their unions are thinking hard about the future and asking searching questions about how to defend the social and professional rights of their members.

The capacity to mobilise people to exert political pressure is a vital benchmark of democracy. That requires more media freedom and a more vigorous, professional and confident community of journalists. Unions of journalists at national level have grown strong and credible on the basis of their defence of press freedom and the social rights of their members. They have already shown a capacity for international campaigning and they know the value of cross-border solidarity.

Journalists at work still need protection — perhaps more so than ever. The period since the ending of the cold war has seen a fundamental recasting of the conditions in which journalists and their unions operate. On the plus side, journalists' unions can now operate in countries where for decades freedom of association was prohibited, and many have joined the ranks of the international movement. But at the same time the political impulses that underpin censorship and media interference have remained in place.

Globalisation has placed much of the core media business firmly into the international arena — but we have yet to develop international structures or methods to handle it in a way which commands support and confidence.

National journalists' unions continue to play the significant role. Journalists continue to find their way to their associations and unions in increasing numbers. Often they do so, not just with the expectation that unions will fight for employment and working conditions

but that they will also speak out in defence of their professional needs.

There is anxiety among some journalists about the best form of defence of their interests. Most are attached to collective organisation, which remains at the heart of vigorous union work, but many of them also seek targeted support. Unions need to respond to this organising challenge. The evidence is that if their union can deliver the services they need, such as training, or solutions to their welfare and insurance problems, or protection of their professional identity, people will join.

The isolation of journalists from the workplace, the dislocation caused by changing employment trends, and the intolerable pressure to satisfy the voracious appetite of new media markets combine to weaken professional solidarity and reduce the capacity for humane, sensitive journalism.

This is made worse by the fact that many journalists are prohibited, prevented, intimidated or discouraged from joining a union.

Structural changes in employment have taken a toll. In many areas unions have not been able to follow the migration of work to new locations and unionise them. The new media economy poses real difficulties — small work units, precarious employment, high labour turnover, absence of union traditions and employer hostility.

In this age of profound uncertainty workplace organisation and the defence of jobs that provide quality journalism is a key to delivering change.

The crisis of global recession, uneven media development policies, attacks on press freedom, and the need to raise standards provide a national and international agenda crowded with big issues.

Journalists' unions are by far the largest organisations representing journalists and should lead this debate. It does not always work like that. Sometimes, the loudest voices in the debate with government come from non-governmental civil society groups active on media freedom issues.

Journalists' unions do not need to compete with these bodies, and have a lot to gain from cooperation

with those which share our values and objectives on a clear understanding of our respective responsibilities.

As the wheel of history turns unions of journalists remain key players in defining the future. They have no reason to renege on their past history and achievements or principles and values. But it is a common sense conclusion of the transformation of the world of journalistic work in the last 20 years or so that if we value the strength, vitality and creativity that delivers humanity in our journalism we shall have to reinvigorate our role.

The fact is that the way we did things yesterday won't necessarily work tomorrow. Standing still while everything around us is changing at unprecedented speed is an unlikely recipe for success.

That is why the leaders of the IFJ, meeting in Paris in November 2008, decided to focus work in the coming years on how to develop global labour strategies and — perhaps more importantly — to equip unions at national and regional level with the means of carrying them out.

There are two essential challenges: first, to put in place the type of regulation and policies we (and society at large) regard as essential for media democracy at the national level and, secondly, to strengthen the way unions work to ensure so they are capable of representing journalists effectively in that setting.

Many of the IFJ's affiliates have thriving sections for freelance and self employed journalists; they provide legal protection, insurance, professional training, and services that suit the needs of a rapidly-changing media jobs market. We may complain, with good reason, about fixed term contracts and casualisation of employment, but in the end these workers also need unions to represent them.

It's increasingly obvious that existing structures of media regulation and forms of engagement with the public and the state are not "fit for purpose." There needs to be more social partnership, more dialogue with citizens and more respect for journalists' rights to speak for themselves and to be heard. This will only work when there is more respect for collective representation.

Good journalism is what makes society more decent, government more honest and life more tolerable.

The life-saving instances of journalists at work reported in this book are not isolated cases. Reporters in the field and editors at their desks intervene routinely to put respect for people and their communities at the heart of their work. Journalism is full of dilemmas, but it is not

spontaneous or extraordinary to find generosity of spirit in the work that journalists do — for most of them it is merely putting into practice the values and commitment that led them to do the job in the first place.

This is why journalists' unions campaign for a global media system underpinned by national attachment to values and subject to effective, equitable, governance. The triumphant forces of neo-liberalism have had their day, in media too, and it is very clear to see what has gone wrong in media society and what needs to be done to repair the damage.

The state needs to shake off the overweening power of media conglomeration. It needs to be given some backbone and sent back to the fight with a commitment to guarantee citizens' rights to quality media and information pluralism. If the media economy requires regulation, it must be in such a way that produces socially acceptable and democratic outcomes.

Governments must take their responsibilities to defend the integrity of public service values in media, building upon the core support for public service broadcasting, but looking forward to provide support for pluralism and democratic exchange wherever the market is unable to provide it.

Journalists and their unions need to engage in energetic and important discussions about their work with civil society. These relations must never be too close lest they compromise the independence of journalism, but dialogue is at the heart of democratic process and, for the most part, those who discount its vital importance have never had to experience its absence.

The right way forward for the union movement in journalism is as a committed actor in the triangular dynamics of unionism, progressive politics and civil society activism.

Quality journalism remains a key to eliminating the sense of powerlessness, resignation and disillusion in societies where unregulated capitalism and centralised political power has done fearful damage.

The journalists' movement and the radical reporters who formed it have over the years exposed injustice and helped to bring about social progress and a deeper sense of civilisation and humanity. Today's journalists are surely no less brave or committed than those who have gone before — the unions that represent them also have to be up to the challenge.



Appendices

APPENDIX A

Framework Agreement

The first international framework agreement between journalists' unions and a transnational media employer was signed in July 2007 between the Westdeutsche Allgemeine Zeitung Mediengruppe (WAZ), which operates in Germany, Serbia, Bulgaria, Austria, Croatia, Hungary and Romania and the International Federation of Journalists/European Federation of Journalists (IFJ/EFJ). The agreement is a joint commitment to work together on the defence and the promotion of press freedom, quality journalism and sound industrial relations in WAZ Medien-gruppe operations.

Framework Agreement between Westdeutsche Allgemeine Zeitung Mediengruppe (WAZ) and International Federation of Journalists/European Federation of Journalists (IFJ/EFJ)

1. PREAMBLE

- 1.1 WAZ is the German-based publishing and media company with business operations in several countries in Europe. The EFJ represents trade unions of journalists that organise workers in the media industry of Europe.
- 1.2 WAZ and the IFJ/EFJ record their mutual interest in the developments and sustainability of media and publishing enterprise in Europe and worldwide, and in the development of high quality media and journalism as well as good human resources and relations practice.
- 1.3 WAZ and the IFJ/EFJ agree to give effect to their common interest, and accordingly enter into this agreement to:
 - **create** an effective channel for an ongoing dialogue between them to protect and advance their mutual interests particularly in the supply of high quality, professional and ethical media and information services;
 - **affirm** the principles and values of press freedom and agree to work together to oppose undue political influence that may interfere with the right to publish or the free exercise of journalism;
 - **affirm** also the value of internationally accepted labour relations and human resource practice; and
 - **establish** a procedure for the resolution of disagreements that may arise from time to time.
- 1.4 In pursuance of these objectives and of advancing the interests of all stakeholders in the media industry, the parties seek to promote a media environment that is safe, humane and professional.

2. APPLICATION

This agreement is intended to apply to operations, wherever situated, over which WAZ has direct managerial control. The parties agree that no additional processes or rights other than those specified in this agreement will be imposed upon this agreement and that this agreement does not prejudice or replace any existing or future arrangements between the company and its employees nor does it override national labour law or national collective agreements.

3. FUNDAMENTAL PRINCIPLES AND VALUES

The parties respect the following principles and values:

- the promotion of universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, gender, language, national extraction, social origin, political opinion or religion ;
- the rights of free expression with due regard to Article 19 of the Universal Declaration of Human Rights and Article 10 of the European Convention of Human Rights;
- Freedom of association with due regard to the principles underlying ILO Convention 87;
- The determination of the terms and conditions of employment through appropriate mechanisms, with due regard to the principles underlying ILO Convention 98;
- The principles set out in the Organisation for Economic Co-operation and Development guidelines for Multinational Enterprises
- The provision of a safe and healthy working environment for media staff by the application of industry best practice;
- The promotion of good relationships with civil society and a positive and meaningful inclusive engagement with the community at large on the work of media;
- Those principles and values referred to in the UN General Secretary's initiative, the Global Compact.

4. IMPLEMENTATION

4.1 Review and Application

- The parties agree to meet as often as is necessary, but at least annually, to review past practice and to preview future plans relevant to their interests, and to discuss the terms of this agreement.
- The annual meeting shall consist of a group forum in which union representatives from each national unit and local management shall meet with IFJ/EFJ and company representatives to share information and to discuss issues of common concern.
- A sub-committee will be established to consider the structure and content of the group forum discussions. This sub-committee shall also discuss plans and proposals placed before it by either party following any alleged breach of accepted standards of conduct that could not be resolved at the level of local and national operation.

4.2 Information Sharing and Training

The parties agree to distribute copies of this agreement throughout their organisations to each appropriate level and area, and to advise the parties of their rights and duties under this agreement.

5. ADMINISTRATION AND DURATION

- 5.1 The General Secretary of the IFJ/EFJ or a designated nominee and the Chief Executive Officer of WAZ or a designated nominee is responsible for the administration of the agreement.
- 5.2 The agreement will come into effect once signed and remains in force unless otherwise agreed or amended, or terminated by either party giving three calendar month's notice, in writing, to the other.

Signed

On Behalf of WAZ Mediengruppe: Bodo Hombach

On Behalf of IFJ/EFJ: Aidan White

Date: 4 July 2007

Place: Essen

APPENDIX B

Professionalism and Honesty in the News Media

Code of the Newspaper Guild-CWA covering journalists, news media and commercial staff

Recognizing that newsgathering institutions have the trusted responsibility to create a fair, balanced, honest and accurate product that reflects not only the overall integrity of the collective services performed by employees who work for the news organization, but the integrity of the organization itself, The Newspaper Guild-Communications Workers of America promotes these principles:

- ▶ Those who work for newsgathering institutions shall be guaranteed freedoms of speech, beliefs and association in their workplaces.
- ▶ Individuals who work for news organizations have the right to be treated fairly, equitably and professionally and to have their skills and judgment respected.
- ▶ News organizations shall provide all employees, whether editorial, technical or commercial, with the support, equipment and independence necessary for them to practice their crafts safely and professionally.
- ▶ News organizations shall adhere to the same high standards of fairness and integrity they demand of their employees. These employees have the right to expect that they will not be required to do anything illegal or unethical. Additionally, they have the right to refuse to perform any illegal or unethical function without fear of reprisal.

Newsroom Employees

- ▶ The goal of newsgathering institutions and the reporters, editors, photographers, audio, video, graphic and web professionals who work for them is to report the news in a truthful, accurate and impartial way in order to inform the public.
- ▶ Those who gather and present the news shall at all times strive for honesty, accuracy, fairness and balance in order to maintain their credibility as guardians of the public's right to know.
- ▶ They shall identify themselves and their organizations when dealing with sources of information, except when that information can be obtained only through undercover reporting or such identification would put them at risk
- ▶ Stories, photographs, audio recordings and video material shall not be altered so as to deliberately distort what was said or present a knowingly misleading version of an event.
- ▶ News organizations shall have clear guidelines for attribution of material, so their employees can present their work in a manner free of any taint of plagiarism.
- ▶ Newsgathering institutions and individuals who work for them share a duty to further the open exchange of ideas and information and protect freedom of expression, not just on behalf of those who own the media but for the benefit of all. They shall respect diversity, reflect it in hiring policies, stories and delivery of information, and guard against prejudice or discrimination.

- ▶ Those who gather and present the news and the organizations that employ them have a right and responsibility to protect the identity of confidential sources.
- ▶ Those who work for newsgathering institutions have a right to be treated fairly, equitably and professionally and to have their skills and judgment respected. In defending the public's right to know and right to freedom of expression, individuals must not be asked to sacrifice their own freedoms of expression, association or belief.
- ▶ Those responsible for gathering and presenting the news retain their rights to private lives free of restriction, provided there is no actual conflict with their ability to be trusted sources of information.
- ▶ It is the shared duty of newsgathering institutions and those who work for them to oppose any attempts to suppress news and prevent important stories from being told. No employee shall be disciplined for exposing such unethical conduct, regardless of the level at which it takes place.

Commercial Business Employees

- ▶ The public has the right to expect that a news organization and its employees who provide any professional customer service shall never offer any form of benefit or service that could promote discrimination or prejudice.
- ▶ Individuals who work for news organizations shall retain their rights to private lives free of restriction.
- ▶ A news organization's customers shall be treated fairly and equitably in any business transaction, and these customers have a right to expect disclosure of any information that might affect the ability of the news organization or its individual representatives to do so.
- ▶ A news organization's customers and the public have the right to expect information concerning circulation figures or ratings of the news organization to be complete, true and accurate.
- ▶ A news organization's customers and the public have the right to expect that there will be no technical manipulation or altering of data provided to the Audit Bureau of Circulation and/or any recognized governing entity.
- ▶ The public has the right to expect newsgathering organizations, their sales staff and other professionals to work together to meet particular needs or complaints in advertising, circulation and billing and to be the public's advocates in matters pertaining to use of the organization.
- ▶ To that end, these professionals have the right to defend their customers' legitimate interests to the organization without fear of reprisal.
- ▶ The public has the right to expect that a news organization and its employees will maintain and respect the clear line between advertising and news.
- ▶ The public has the right to expect that a news organization and its employees who provide any professional customer service recognize that they have an obligation to respect the confidentiality of any information obtained from their customers.

Further information: Bernie Lunzer, President TNG-CWA, blunzer@cwa-union.org

APPENDIX C

Draft Code of Ethics for Journalism in Pakistan

Pakistan Federal Union of Journalists,
submitted for industry discussion August 2008

PREAMBLE

The following Code of Principles for the Conduct of Journalism in Pakistan is based upon the belief that fair, balanced and independent journalism is essential to good governance, effective public administration and the capacity of people in Pakistan to achieve genuine democracy and peace.

The code recognises that the creation of a tolerant, peaceful and just society depends upon the freedom of citizens to have access to responsible journalism through media that respect principles of pluralism and diversity.

For this code to be effective, journalism and media policy in Pakistan must be guided by the following principles:

- ▶ That media, whatever the mode of dissemination, are independent, tolerant and reflect diversity of opinion enabling full democratic exchange within and among all communities, whether based on geography, ethnic origins, religious belief or language;
- ▶ That laws defend and protect the rights of journalists and the rights of all citizens to freedom of information and the right to know;
- ▶ That there is respect for decent working and professional conditions, through legally enforceable employment rights and appropriate regulations that guarantee editorial independence and recognition of the profession of journalism;
- ▶ That there is credible and effective peer accountability through self-regulation by journalists and media professionals that will promote editorial independence and high standards of accuracy, reliability, and quality in media.

CODE OF ETHICS

1. Journalism is a profession based upon commitment to principles of honesty, fairness, credibility and respect for the truth.
2. A journalist is obliged to uphold the highest professional and ethical standards and shall at all times defend the principle of freedom of the press and media.
3. A journalist shall ensure that information he/she provides is fair, accurate and not subject to falsification, distortion, inappropriate selection, misrepresentation or any form of censorship.
4. A journalist shall avoid the expression of comment and conjecture as fact.
5. A journalist shall protect confidential sources of information.

6. A journalist shall not distort or suppress the truth for commercial, institutional or other special interests.
7. A journalist shall not accept personal favours, bribes, inducements, nor shall he/she allow any other factor pertaining to his/her own person to influence the performance of his/her professional duties.
8. A journalist shall disclose any potential conflict of interest where they involve financial gain or political affiliations.
9. A journalist shall mention a person's age, sex, race, colour, creed, illegitimacy, disability, marital status, or sexual orientation only if this information is strictly relevant. A journalist shall neither originate nor process material which incites discrimination, ridicule, prejudice or hatred.
10. A journalist shall not take prior advantage of information gained in the course of his/her professional duties for private gain.
11. A journalist shall obtain information, data, photographs, and illustrations only by straightforward means. The use of other means can be justified only by overriding considerations of the public interest. A journalist is entitled to exercise a personal conscientious objection to the use of such means.
12. A journalist shall avoid intrusion into private life, grief or distress, except when there are overriding considerations of public interest.
13. A journalist shall not exceed the limits of ethical caution and fair comment because of time constraints or to gain competitive advantage.
14. A journalist shall not glorify the perpetrators of illegitimate acts of violence committed under any garb or cause, including honour and religion.
15. A journalist shall never indulge in plagiarism. Using or passing off the works of another as one's own and without crediting the source is a serious ethical offence.
16. A journalist shall strive to ensure that his writing or broadcast contains no discriminatory material or comment based on matters of race, national or ethnic origin, colour, age, sex, marital status or physical or mental handicap.
17. A journalist shall respect and uphold principles of gender equality both in performance of his/her professional duties and in his/her relations with fellow journalists. A journalist shall not discriminate and shall avoid sex-role stereotyping and exploitation in his/her work.
18. A journalist, while reporting on communal, ethnic, or sectarian violence shall not identify victims by race, ethnicity or sect unless it is in the public interest. When this is the case he/she shall ensure that information is not presented in any manner which may incite hatred or social disharmony.
19. A journalist, when reporting on sectarian or communal disturbance, including broadcast media, shall be aware of the danger of publishing images (or words) that may incite public discontent and anger.
20. A journalist shall not publish or broadcast extreme images of violence, mutilation, corpses or victims of tragedy irrespective of the cause unless it is necessary in the public interest.
21. A journalist shall respect the rights and needs of vulnerable members of society including women, children, marginalised communities and people suffering from disability.
22. A journalist shall not identify or photograph minor children, infants who are the offspring of sexual abuse, forcible marriage or illicit sexual union, or where they are victims of trafficking or forcible drafting into conflict.

- 23.** A journalist shall always be conscious of the need for safety and shall take no action that endangers themselves or their colleagues in their work.
- 24.** A journalist shall at all times respect other journalists and shall defend journalists where they suffer discrimination or are victimized for the exercise of their profession.
- 25.** A journalist shall respect the public right to know and shall always act quickly to correct errors of fact or omission.
- 26.** A journalist shall honour the decisions of the Media Complaints Commission.

Lahore, 2 August 2008

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Useful Links

Media Ethics and Media Accountability Systems

<http://www.media-accountability.org>

Most of the 400-odd codes listed were drafted and adopted by individual media organisations or unions or press councils or associations.

PressWise Codes of Conduct

http://www.presswise.org.uk/display_page.php?id=40

Has a searchable database of more than 70 journalistic codes.

EthicNet: European codes of journalism ethics

<http://www.uta.fi/ethicnet/>

Collection of codes from most of the European countries, translated into English.

Ethics Cases Online

<http://www.journalism.indiana.edu/Ethics/>

Created for teachers, researchers, professional journalists and consumers of news to help them explore ethical issues in journalism.

PoynterOnline

<http://www.poynter.org/subject.asp?id=32>

The ethics page provides a toll-free ethics hotline number, case studies, tips on ethical reporting, and a bibliography of websites and books.

New York Times – Handbook on Ethical Journalism

http://nytco.com/pdf/NYT_Ethical_Journalism_0904.pdf

BBC Standards of Ethical Journalism

<http://www.bbc.co.uk/guidelines/editorial-guidelines>

Columbia Journalism Review

<http://www.cjr.org>

American Journalism Review

<http://www.ajr.org>

Ethics and the law: ARTICLE 19

<http://www.article19.org>

Freedom of Information

<http://www.freedominfo.org>

Privacy International

<http://www.privacyinternational.org>

Transparency International

<http://www.transparency.org>

Center for Public Integrity

<http://www.publicintegrity.org>

Associated Press Managing Editors

<http://www.apme.com/ethics>

Eye on Ethics – Asia media watch

<http://www.eyeonethics.org>

Fairness and Accuracy in Reporting

<http://www.fair.org/index.php>

Institute of Communications Ethics

<http://www.communicationethics.net>

Journalism ethics for the global citizen

<http://www.journalismethics.ca>

Pew Research Center

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

Some other web-sites covering ethical issues of interest for journalists:

Society of Professional Journalists

<http://www.spj.org> (US)

Campaign for Press and Broadcasting Freedom

<http://www.cpbef.org.uk/> (UK)

Center for Media Freedoms and Responsibility

<http://www.cmfr-phil.org/> (Phillippines)

Centre for Defending Freedom of Journalists (Jordan)

<http://www.cdfj.org>

Crimes of War project

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

Dart Center for Journalism and Trauma

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

International News Safety Institute

<http://www.newssafety.com/>

Online More Colour in the Media

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

Media Diversity Institute

<http://www.media-diversity.org>

Journalism in Southern Africa

<http://www.journalism.co.za/>

Journalism in South Asia

<http://www.thehoot.org>

Internews – gender in the media

http://www.internews.org/openmedia/om_gender.shtm

Women in media and news

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

Global Network for Women in News Media

<http://www.iwmf.org>

Global Media Monitoring

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

Faith and media

<http://www.faithandmedia.com/>

Forum Against Islamophobia and Racism

<http://fairuk.org>

Get Religion – blog by journalists covering religious stories

<http://www.getreligion.org>

International Center for Journalists

www.icfj.org

International Journalists' Network

<https://www.ijnnet.org/>

European Journalism Centre

<http://www.ejc.nl>

British Journalism Review

<http://www.bjr.org.uk>

Media Monitoring South Africa

<http://www.monitoringsa.com>



The International Federation of Journalists is the global voice of journalists. It was formed in 1926 and today is the world's largest organisation of journalists, working across all sectors and representing more than 600,000 news staff in unions and associations of journalists from 120 countries.



The Ethical Journalism Initiative is a global campaign of programmes and activities to support and strengthen quality in media. It was adopted by the World Congress of the IFJ in Moscow in 2007 and was formally launched in 2008.

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