RESOURCE FOR BROADCASTERS AFTER 15 MARCH ATTACKS

The role of broadcast media during a crisis is critical. The right to freedom of expression includes the broadcaster's right to impart ideas and information, and public's rights to receive that information. During a crisis, expectations on media to exercise this right with care and ethical consideration is amplified, and arguably more so when the crisis is terrorism.

There are a range of checks and balances that operate in New Zealand to guide broadcasters in how they approach this important role. Censorship laws and Court suppression orders play a key role. In addition, broadcasting standards exist to guide media to meet their ethical obligations to avoid harm when exercising their right to freedom of expression.

We are aware that broadcasters/media have been carefully considering ethical issues around the coverage of the attacks and the court process that is underway. The BSA has undertaken research of publicly available local and international resources that provide guidance and principles for media reporting on terrorism and crisis events. This is a research report only. The BSA offers it as a resource and encourages reporters, editors, journalists and producers to circulate this paper so that it may be used to assist where appropriate.

1. **Broadcasting Standards Codebook – New Zealand**

Broadcasting standards that are likely to be relevant include:

Good taste and decency: The purpose of this standard is to protect audience members from viewing or listening to broadcasts that are likely to cause widespread undue offence or distress or undermine widely shared community standard. The broad limit is that a broadcast must not seriously violate community norms of taste and decency.

Violence: The purpose of this standard is to protect audiences from unduly disturbing violent content. Broadcasters should protect audiences by ensuring violent content is justified by context, and by ensuring viewers are adequately informed of likely content and warned if content is likely to disturb a significant number of viewers.

Law and order: The purpose of this standard is to prevent broadcasts that encourage audiences to break the law, or otherwise promote criminal or serious antisocial activity. This standard does not prevent broadcasters from discussing or depicting criminal behaviour or other law-breaking, even if they do not explicitly condemn that behaviour. It does not require broadcasters to promote law and order. It does not prevent genuine criticism – even provocative criticism – of laws or their enforcement by the courts and police.

Discrimination and denigration: The purpose of this standard is to protect sections of the community from verbal and other attacks, and to foster a community commitment to equality. Serious commentary, factual programmes, legitimate drama, humour and satire, are valuable forms of speech, and are unlikely to breach the standard unless the content of the broadcast amounts to hate speech or a sustained attack on a particular group.

Privacy: The standard is concerned with identifiable individuals who feature in programmes or are directly affected by programmes – not with the general audience. When considering showing footage of individuals, especially in vulnerable situations our privacy guidance can be of use.

Fairness: The purpose of this standard is to protect the dignity and reputation of those featured in programmes. Where programmes deal with distressing circumstances (e.g. grief and bereavement) broadcasters should show discretion and sensitivity.

General guidance

2. **Reporting on terrorism -** *Principles from the International Journalists' Network*:[1]

- Provide context and don't oversimplify. Such events don't happen in a vacuum.
- Don't speculate on anything. Deal in facts only and what is known and can be verified.
- What we report should not jeopardize human life and in many of these cases we need to cooperate with security forces/government officials to avoid putting others in harm's way.
- Avoid panicky and sensational headlines
- Don't use inflammatory, inappropriate or derogatory words
- Ensure your story includes input from multiple sources.
- Promote social cohesion, peace and patriotism without being the voice or mouthpiece of any actor/agent
- Tell stories about communities' resilience, good intervention and other positive angles.
- Use careful phrasing of the events described, so as not to influence the public's perception.

- Measure the value of immediate on-site testimonies: provide context, stop broadcasting if they prove wrong or correct false information immediately.[5]

3. **Considerations regarding naming the attacker**

- Adhere to the journalistic principle to "Minimize Harm," keeping in mind the responsibility of balancing the public's need for information vs. potential harm.[2]
- Report the facts surrounding the mind-set, demographic and motivational profile, without adding complimentary colour to the individual or their actions, and downplay the individual's name and likeness, unless the alleged assailant is at large.[2]
- Limit the name to once per piece as a reference point. After initial identification, limit the name and likeness of the individual in reporting.[2]
- Elevate the names and likenesses of all victims killed and/or injured to send the message their lives are more important that the killer's actions.[2]

4. **Covering the trial**

Terrorism trials are the platforms where victims may regain their voice and where their fate, as a consequence of the terrorist's offence, is put centre stage. Such trials offer a powerful platform for revealing and challenging the terrorists' narratives by confronting them with the messages of horror, pain and destruction they inflicted upon their victims.[3]

Trials are key moments in collective mourning and the establishment of justice as an essential part of the democratic response to terror.

Court orders will provide some direction as to what can and cannot be reported.

International materials indicate that when reporting on terrorism trials media should:

- Inform and educate the public on terrorist acts and terrorism in general.[4]

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[1] International Journalists' Network – Tips and resources for covering terrorism
[2] No Notoriety, a campaign for responsible media coverage of acts of mass violence
[3] Terrorists on Trial: A Performative Perspective Dr Beatrice de Graaf
[4] Terrorism and the Media: A Handbook for Journalists – p88

- Refuse to broadcast/publish self-serving statements, photos, videos and/or manifestos made by the individual[2] and not broadcast pictures of the perpetrator in glorifying poses.[5]
- Prevent trials from becoming spectacles, and ensuring that terrorists do not have another opportunity to 'mediatise' their actions.[4]
- Establish and clarify the facts, check that the procedure is lawful and that fundamental rights are respected, reveal the manipulations of the terrorists, the lawyers or the State, etc.[4]
- Ensure they do not compromise justice, at the risk of seeing defence lawyers claim that their clients have already been judged in the press and that they will thus be deprived of a fair trial.[4]
- Select and present interviewed experts adequately, informing on their backgrounds and potential vested interest.[5]

5. After the trial

The verdict educates the public about the importance of the rule of law in a democratic society, creates a collective memory and sets standards for future conduct of states and people.[3]

Interviewing terrorists should be carefully considered. It can shock the public, who often think it indecent, and antagonise the authorities, who are tempted to denounce the media's complicity.[6]

The mere fact that the terrorist is interviewed by respected media representatives and treated 'as someone whose contribution to public debate is worthy of attention' elevates the person virtually to the level of a legitimate politician.[7]

6. Opinion pieces: hot takes, clickbait and avoiding hate speech

Standard 6, Discrimination and Denigration of the Broadcasting Code provides guidance on avoiding hate speech or a sustained attack on a particular group.[8] This may come into play when referring to motivations, or beliefs of the perpetrator.

While the Codebook does not contain a definition of hate speech, there are useful international definitions. Hate speech laws are currently under review by Justice officials in New Zealand.

Hate speech defined in international resources

Hate speech:

- begins when a statement becomes demonstrably false and dangerous, inciteful of violence or even criminal. [9]
- is the public incitement to violence or hatred on the basis of certain characteristics, including race, colour, religion, descent and national or ethnic origin.[10]

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[5] Media coverage of terrorist acts: French CSA adopts Code of conduct
[6] Terrorism and the Media: A Handbook for Journalists – p84
[7] Brigitte Nacos, Media and Terrorism, p. 66
[8] Broadcasting Standards in New Zealand Codebook, p16
[9] Public Media Alliance Webinar: Developing guidelines & codes of conduct to report hate speech and acts of terror for South East Asia
[10] EU law (Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law)

- is all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, gender, gender reassignment, nationality, race, religion, or sexual orientation.[11]

When it comes to hate speech, journalists and editors should pause and take the time to judge the potential impact of offensive, inflammatory content.[12] Consider:

1. Status of the speaker
    - How might their position influence their motives?
    - Should they even be listened to or just ignored?
2. Reach of the speech
    - How far is the speech travelling?
    - Is there a pattern of behaviour?
3. Goals of the speech
    - How does it benefit the speaker and their interests?
    - Is it deliberately intended to cause harm to others?
4. The content itself
    - Is the speech dangerous?
    - Could it incite violence towards others?
5. Surrounding climate – social / economic / political
    - Who might be negatively affected?
    - Is there a history of conflict or discrimination?

BROADCASTING STANDARDS POST 15 MARCH 2019

The BSA does not currently have a standard that directly addresses anti-terrorism, and we do not have detailed guidance on what constitutes hate speech. We intend to work with broadcasters to determine whether a set of relevant standards should be developed in these areas. These issues will be considered having regard to the review being undertaken by Justice officials to review hate speech laws in New Zealand.

Useful Resources:

1. *International Journalists' Network – Tips and resources for covering terrorism*
2. *Ethics & Public Policy Center: Don't Name Mass Shooters*
3. *No Notoriety, a campaign for responsible media coverage of acts of mass violence*
4. *Terrorists on Trial: A Performative Perspective Dr Beatrice de Graaf*
5. *Terrorism and the Media: A Handbook for Journalists – p88*
6. *Media coverage of terrorist acts: French CSA adopts Code of conduct*
7. *Terrorism and the Media: A Handbook for Journalists – p84*
8. *Brigitte Nacos, Media and Terrorism, p. 66*
9. *Broadcasting Standards in New Zealand Codebook, p16*
10. *Public Media Alliance Webinar: Developing guidelines & codes of conduct to report hate speech and acts of terror for South East Asia*
11. *EU law (Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law)*
12. *Ofcom: Section Three of the Broadcasting Code*
13. *Ethical Journalism Network – Hate Speech*

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[11] Ofcom: Section Three of the Broadcasting Code

[12] Ethical Journalism Network – Hate Speech