

Ethical Guidelines in Reporting on HIV and AIDS for the South African Media

It is recognised that the actions of media have consequences in real peoples lives. This is more so in the area of reporting on HIV and AIDS where harmful reporting may result in negative implications for the persons concerned as a result of stigma and discrimination. In addition it is recognised that media reporting can of itself perpetuate myths and stereotypes thereby contributing to stigma and discrimination. Reporting on HIV and AIDS is different and necessitates the need for a separate guide in reporting on the epidemic. This guide aims to complement existing codes of conduct that govern media reporting on HIV and AIDS and provide a standard for media reporting.

The Guideline was developed by a group of leading journalists in South Africa who have considerable experience in reporting on HIV and AIDS. It is based on their experiences and existing literature pertaining to media ethics and reporting on the epidemic.

Appreciation is also expressed to the AIDS Law Project for their contribution in terms of the Constitutional and legislative frameworks that govern media reporting in South Africa.

These guidelines focuses on the rights of people living with HIV and AIDS, Gender: HIV and AIDS, the rights of children infected and affected by HIV and AIDS, Rights and responsibilities for media practitioners in reporting on HIV/AIDS, Language: HIV and AIDS.

The Rights of People living with HIV/AIDS

1) Privacy, Confidentiality and informed consent

The right to privacy and confidentiality is recognised within the Constitution of the Republic of South Africa and applies to all persons.

In the context of media reporting on HIV and AIDS the following need to be taken into account:

- The HIV status of an individual is private unless indicated otherwise.

- All people have the right to bodily autonomy and therefore the right to control personal information even where such information is contained in public/semi-public documents.
- Children have a right to privacy

2) Confidentiality

The name or photograph of an individual with HIV should not be published without the person's expressed informed consent.

3) Informed consent

- Media representatives should clearly identify themselves when interviewing or photographing people living with HIV and AIDS.
- The purpose of the interview, photograph and the context in which these may be utilised and the potential ramifications for the individual, their family and their children should be stated.
- Media should ensure that the person being interviewed has disclosed their status to their partners and families.
- Where possible informed consent should be obtained in the person's own language.
- Promises that cannot be upheld should be avoided
- Consideration should be given as to whether people living with HIV and AIDS are in a position to provide informed consent.
- Journalists, photographers and camerapersons should be sensitive to the dangers of implying or placing a person in a situation that may imply HIV status.
- These guidelines apply even where organisations working in the area of HIV and AIDS have facilitated media interviews.

It is recognised that there are exceptions to the right of privacy, which is not an absolute legal right. Confidentiality can be breached if there is an identifiable risk to an identifiable person. Where issues are considered to be of public interest informed consent may be departed from. These include:

- Detecting and exposing crime
- Detecting and exposing anti-social conduct
- Detecting and exposing issues of public health and safety
- Preventing the public from being misled
- Detecting and exposing hypocrisies and falsehoods on the part of public figures or institutions.

Interviewing people living with HIV and AIDS

- Journalists who may be ill should be aware of the health risks they present when coming into contact with persons whose immune systems may be compromised. In such instances it is advised that interviews be postponed.
- Where possible people being interviewed should be interviewed in their own language.

- Not make payment directly to obtain interviews or material although support may be considered which should be provided through a third party and where it is deemed in the interest of the person concerned.

Gender and HIV

- Media should be aware of and able to present the gender dimensions of the epidemic, as women are the most infected and affected.
- Gender relations affect every aspect of the epidemic from prevention to transmission, care, support and treatment and as such should be reflected in media reporting.
- Media should also be aware of gender-based assumptions and prejudices and should guard against the continuous negative stereotyping.

The rights of children infected and affected by HIV

- Journalistic activity, which touches on the lives and welfare of children, should be carried out with appreciation of the vulnerable situation of children.
- Reporting on children should uphold their right to privacy, confidentiality and informed consent as defined above and where possible this should be obtained with the knowledge and consent of children or a responsible adult, guardian or carer.
- Journalists and media organisations should strive to maintain the highest standards of ethical conduct in reporting children's affairs.
- Strive for standards of excellence in terms of accuracy and sensitivity when reporting on issues involving children.
- Avoid programming and publication of images, which intrude the space of children with information, which is damaging to them.
- Avoid the use of stereotypes and sensational presentation to promote journalistic material involving children.
- Consider carefully the consequences of publication of any material concerning children.
- Guard against visually or otherwise identifying children unless it is demonstrably in the public interest.
- Ensure independent verification of information provided by children and take special care to ensure this takes place without putting child informants at risk.
- Avoid the use of sexualised images of children.

Rights and responsibilities for media practitioners in reporting on HIV/AIDS

- **Access to Information:** Media have a constitutional right of access to information especially where such information is deemed to be in the public interest.
- **Legitimate criticism of a public officer** is permissible where this relates to the execution of their constitutional and public duties.

- **Advocacy Journalism:** Media are justified in motivating their own views; as such it is a duty and a responsibility for reporters to use advocacy journalism especially where the actions of stakeholders are viewed not to be reasonable and objective. As such advocacy journalism on HIV and AIDS is just as relevant today as what it was in the 1980's when reporting on apartheid. However, it is important for journalists to be self-regulating and to guard against twisting the facts.
- **Conflict of Interest** individual journalists should disclose whether there is a conflict of interest especially when receiving gifts or sponsorships from organisations, institutions and corporations.
- **Act Independently** and maintain a healthy distance from activists, government and others so as to ensure that independence and judgement are not compromised.
- **Accuracy:** Media practitioners should ensure that all reports are accurate through keeping themselves informed of current scientific information relating to HIV and AIDS and by participating in training programmes. Where media are unsure of facts these should be verified through obtaining the assistance of experts.
- **Informed reporting through providing context:** Statistics should be placed in context taking into account and acknowledging the underlying historical, racial, cultural, gender and socio-economic factors that fuel the epidemic.
- **Balance:** Reports should be balanced not only in relation to content but also in terms of placement of stories and between positive and critical reports.
- **Sensationalism:** Media should guard against being sensationalistic especially in relation to the use of language, headlines, captions and banners especially where such headlines may result in offering false hope of cures or perpetuating stigma and discrimination.
- **Sources:** Media should ensure proper sourcing including at least two sources per article and protect the identity of their sources.
- **Diversity and non-discrimination** in media reporting is encouraged taking into account cultural norms and values. There is a need to de-racialise the portrayal of HIV/AIDS in the media.
- **Be sceptical** of claims when reporting on claims by government, organisations, special deals of drug companies, new treatments, drug trials, vaccine developments etc. Special consideration should be given to claims of cures, which should be substantiated by peer-reviewed articles published within a medical journal, or through obtaining the views of experts on the topic of concern. It is of public interest to alert the public to false claims of cures so as to prevent harm.

Language: HIV/AIDS

The following guideline is being provided in relation to use of language and media reporting on HIV and AIDS. At all times media should strive to use language that is sensitive and non-stigmatising.

- **HIV and AIDS** – HIV is the virus that causes AIDS. AIDS is clinically defined when a persons CD4 cell count is below 200. A person can live

for many years prior to the onset of AIDS. Therefore media are encouraged to distinguish between HIV and AIDS.

- **People living with HIV / HIV positive** – are preferred rather than HIV victim / sufferer and AIDS/HIV carrier.
- **HIV epidemic** is preferred to the terms AIDS scourge or plague which is viewed to be sensationalistic and may fuel panic, discrimination and hopelessness, adding to perception that those with HIV/AIDS are to be avoided.
- **HIV (Antibody) Test, CD4 Cell Count Test, Viral Load Test** – are preferred to the term AIDS Test. An **HIV (antibody) test** detects the antibodies, which are produced within 3-8 weeks of infection.
- **The CD4 cell count** measures the strength of the immune system and the **Viral Load test** measure the amounts of the virus particles in the blood. These tests are used to measure the progress of HIV to AIDS.
- **Specify the fluids involved in the transmission of HIV semen, breast milk, blood, vaginal fluid** – not all bodily fluids transmit HIV.
- **Contract HIV** – is preferred to catch HIV as no one can catch HIV.
- The use of the word “innocent” is discouraged as no-one chooses to contract HIV, no one ‘deserves’ to get HIV, suggests that someone is guilty.
- **Sex worker** – Is preferred to the term prostitute which is considered derogatory, insulting, value laden, negative connotation.
- **Gay/homosexual/ men who have sex with men/ same sex** – it is advisable that media check with the person concerned as to which term would most appropriate.

Implementation and Monitoring

This guide is self-regulatory and all news rooms are encouraged to bring this guide to the attention of their staff and to discuss the contents and to explore the integration thereof into in-house codes of ethics and in-service training programmes.

In addition it is recognised that advocacy needs to be undertaken with editors and sub-editors on issues pertaining to HIV and media reporting. In addition this guide should be discussed with SANEF and media regulatory authorities so as to explore the integration thereof into existing codes of media ethics in South Africa.

The guide is to be provided to schools of journalism for integration into existing curricula so that students are sensitised to the particular issues surrounding reporting on HIV and AIDS.

Monitoring of the implementation of the guide will be undertaken through continuous research on media reporting on HIV and AIDS.