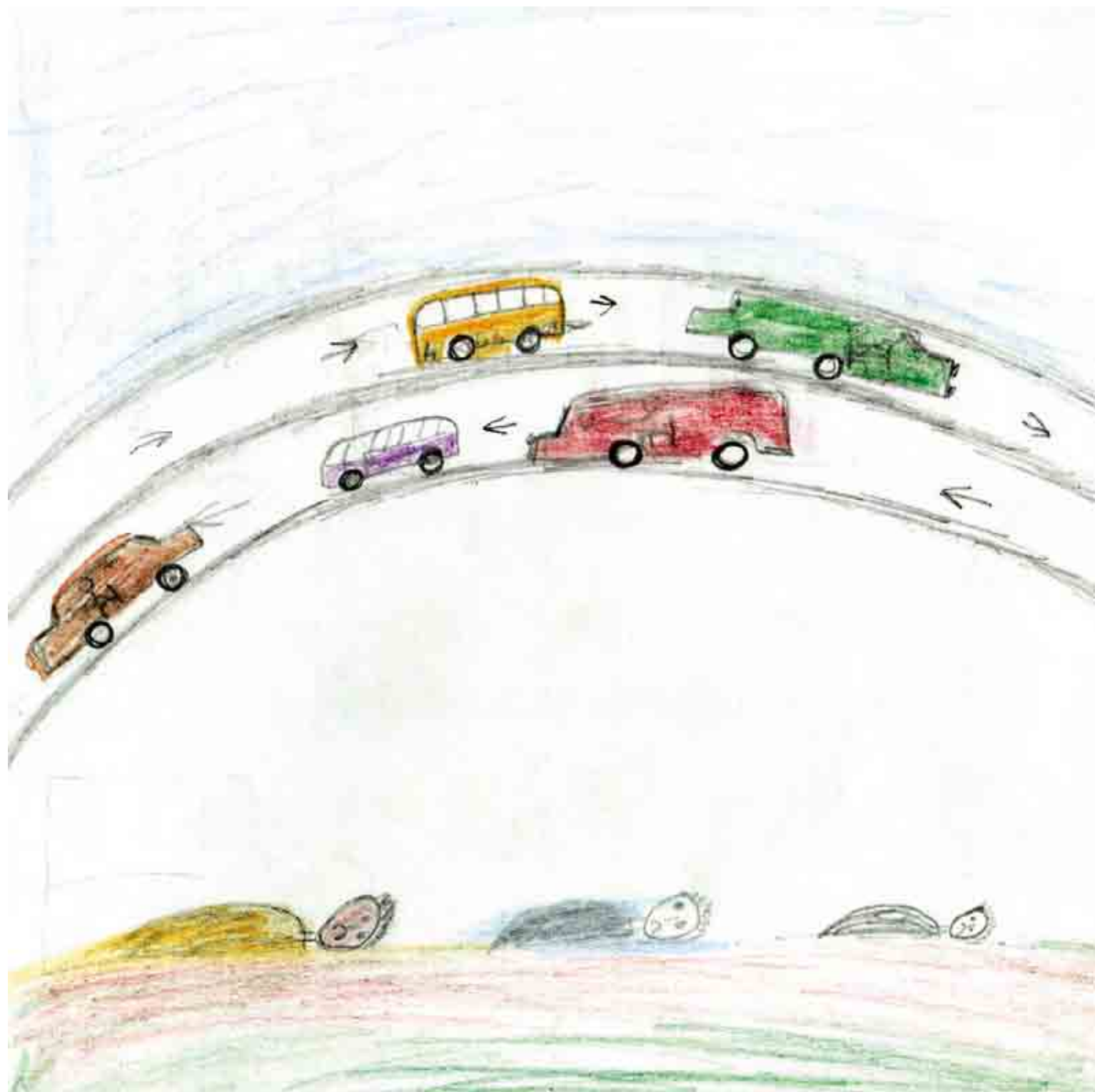


all sides of the story

reporting on children: a journalist's handbook

*I dislike when childrens
live in streets*





all sides of the story

reporting on children: a journalist's handbook

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why this handbook?

South Africa is signatory to a range of international treaties which deal with children's rights, including the Convention on the Rights of the Child. The South African Constitution, one of the world's most progressive, gives even more protection to children as a special category than the Convention. We have an Office on the Rights of the Child in the Presidency, a National Plan of Action for children, and laws and regulations that are aimed at children's protection.

Unfortunately, children are still at risk. They are exposed to some of the most inhuman cruelties and endure the worst forms of abuse. Because children are afforded special protection under the law, and because of the notions of innocence and purity that we attach to them, the violation of children is often very newsworthy.

The media plays an important role in protecting and promoting children's rights, and in many instances, in exposing their abuse and their triumphs.

The South African Constitution guarantees freedom of expression, including freedom of the press and other media, and access to information. These rights do not stand alone, however. The right to privacy, dignity, and specific rights protecting children are also constitutionally guaranteed.

Satisfying the public's right to hear stories about and affecting children, while at the same time respecting children's rights to privacy and dignity, is a delicate and difficult balancing act. Journalists reporting on children are confronted with ethical dilemmas of an extraordinarily complex and diverse nature.

To explore how media workers may report on children in a way that balances the rights of the public, media, and children, the United Nations Children's Fund (UNICEF) South Africa and the Media Monitoring Project (MMP) hosted a seminar in Johannesburg in 2002.

The gathering was attended, in the main, by media workers and journalists. Professionals

What is a child?

The South African Constitution defines a child as any person under the age of 18.

involved with children's issues, representatives from the legal fraternity, non-governmental organisations (NGOs), and the Government Communication and Information Systems participated.

This handbook presents the complex questions around reporting on children raised and debated at the seminar; it makes use of contributions from media experts, and is endorsed by the South African National Editors' Forum, the National Association of Broadcasters, and the National Prosecuting Authority.

This is the first user guide of its kind in South Africa, written by a media professional to bring together the contributions and support of media bodies, children's rights experts, the legal fraternity, a UN agency, and NGOs.

One of the aims of this handbook is to promote a human rights-based approach to reporting on children. It provides a solid ethical framework for balancing some of the most complex ethical problems any media worker is likely to face.

To this end it outlines ways of navigating those ethical dilemmas. The many guidelines drafted world-wide on the subject of reporting on children and children's issues are outlined, and an analysis of the issues that inform these codes has been tailored to the South African context.

Your feedback on this handbook is welcomed so that it can be used for updated versions.

Please email: **The Media Monitoring Project: mmp@wn.apc.org**

"The child's right to dignity and privacy is more important than the media's right to freedom of expression"

Jimi Matthews, Head of TV News, SABC

"The South African Constitution guarantees freedom of expression, including freedom of the press and other media, and guarantees access to information. These rights however do not stand alone: the right to privacy, dignity, and specific rights protecting children are also constitutionally guaranteed"

Gilbert Marcus, Senior advocate and media law expert.

using this handbook

Children and young people have all the rights of adults. In addition, they have the right to be protected from harm. This handbook is meant to support the best intentions of ethical reporters – serving the public’s interest for information without compromising the rights of children.

Journalists need to work out a structure for their stories that will result in reporting that is balanced, fair and accurate – and also sensitive to children’s particular needs and vulnerabilities.

Every story is different, and there is no formula for the “perfect” report. But paying attention to some basics – story ideas, ethical balances, children’s voices and views, the way children are portrayed, visuals accompanying stories – will help ensure that the dignity and rights of every child are respected in every circumstance, as well as adding value to your story.

Using a human rights-based approach to reporting also means having knowledge of the various laws, codes, and guidelines on reporting on children.

Broadly, it should be remembered that in reporting on children, special attention should be given to each child’s right to privacy and confidentiality, to have their opinions heard, to participate in decisions affecting them, and to be protected from harm and retribution.

If you are looking for story ideas, see pages 11 to 38. If you already have a story, but want to check out how to handle ethical dilemmas, see page 40. See page 51 for telling children’s stories. Using children’s voices and perspectives in your story is covered on page 50, and showing children visually on page 54.

This is a practical guide to support media workers in dealing with the complexities of reporting on children and children’s issues on a day-to-day level, to generate story ideas, and to assist in integrating the protection and promotion of children’s rights into the journalistic process and the media industry.

Putting together a child-related story involves an initial idea, thinking about telling the story and the ethics involved, and may include children’s views and images.

Cut this model out and keep it on your desk to remind yourself of the most important elements of your story. You may want to paste it on some heavy board first.



2003

RIP
N
P
A
M

RIP
Died due
to Aids
Rest in
Peace

RIP

RIP

2004

RIP

RIP

RIP

RIP

RIP

RIP

RIP

RIP

RIP

2005

RIP

RIP

RIP

RIP

RIP

RIP

RIP

RIP

RIP

RIP

RIP

RIP

RIP

NB! LETS try and teach our people or soon we
will be in this situation!

God invented Safe Sex "Marriage"

2006

No more Grace!

1

A Story Idea

Children's Issues

Often children are reported on in a very limited way: as charming “innocents” or silent “victims”. Remember that children's issues, and stories that may relate to children, span a wide range.

The best interests of each child should be protected over any other consideration, including over advocacy for children's issues and the promotion of child rights more broadly.

Don't, for example, develop a story about a particular child living with HIV/AIDS simply to promote a general agenda around breaking the stigma associated with the disease. No child should be put at risk of harm or retribution in the interests of a “greater good”.

The following section identifies themes, linked to articles of the United Nations Convention on the Rights of the Child and adapted from material developed by PressWise, to help journalists keep children's rights on the news agenda. It is aimed at helping journalists generate story ideas, and to check the extent to which the protection and promotion of children's rights have been integrated into the journalistic process.



Children and HIV/AIDS



storylines

- There is fierce debate about what government and civil society should be doing to tackle the epidemic and its impact. What impact do government health policies and have on children infected with, and affected by, HIV and AIDS; and what are civil society groups doing to make a difference?
- What is the role of business in relation to these issues?
- Investigate statistics about HIV prevalence rates in South Africa and the region; mother-to-child transmission rates; child infection rates at birth.
- Investigate the impact / adequacy of state health and home-based care services in looking after children affected by HIV and AIDS. How are these institutions run? Who supports them?
- Is there effective monitoring of treatment interventions?
- Use “human interest” features to explore the issues of children affected by HIV/AIDS. Are children discriminated against? In what ways? What are the coping strategies of children living with sick caregivers, or who have been orphaned, or living without adults in so-called “child-headed households”?
- What support systems exist for children infected with or affected by HIV/AIDS? Investigate how families, communities, health services, and NGOs are assisting these children.
- What type of psycho-social support is being given to children affected and infected by HIV/AIDS?

ALSO REFER TO:



Getting the ethical balance right:

Is your story about the experience of an HIV-positive child sensitive to his or her dignity and privacy? Has its “shock value” been exaggerated - even if it exposes discrimination and neglect?

What is the likely impact of profiling children affected by HIV/AIDS? Have support systems been set up to protect them?



1 A Story Idea

If the story is about HIV/AIDS, it is particularly important that a child understands the consequences of disclosing their HIV status. In some cases, using a child's identity – their name and / or recognisable image – is in the child's best interest. However, when the child's identity is used, they must still be protected against harm. See page 40

Do you use the label “AIDS orphans” or “children orphaned by AIDS”? By focussing on “AIDS orphans” you draw attention to the illness and stigmatise the child or children who themselves may not be infected. The phrase “children orphaned by AIDS” puts the focus on the children.



Children have a voice:

If you are seeking to raise young people's awareness of HIV/AIDS, have you included their own account of the dilemmas and problems they face? Did you check with the child and his or her guardians, about whether the child's, or other household members' HIV status may be revealed? See page 50



Telling children's stories:

Does your story encourage understanding or incite prejudice about HIV/AIDS? Balanced, well-informed coverage can do a lot of good, but insensitive or irresponsible reporting can do serious damage. See page 51



Showing children:

Is it important in this situation to reveal or to obscure the identity of the child? Is the child in danger of being shunned or harmed in any way if images or the child's name are used in your story? Don't reveal the identity of child who is HIV-positive, living with AIDS or who has died from AIDS, unless the child, parent or guardian gives fully informed consent. See page 52



Check the law:

Have you applied the World Health Organisation's recommendations for journalists covering health stories? See page 69



Abuse and Exploitation of Children

storylines

"It is very important that stereotypes be avoided when reporting child abuse – such as describing a girl who has been raped as provocative."

*Retha Meintjies,
Deputy Director of Public
Prosecutions*

- Investigate the sexual abuse and exploitation of children. Is accurate data collected and published by the authorities? How are police, social workers, teachers and health staff trained to deal with them? How is confidentiality, protection, support and counselling arranged?
- Is it an offense to produce, disseminate or possess child pornography? Investigate the efficacy of measures to prevent child abuse and prostitution, and protect children from pornography and Internet porn.
- Report on the legal procedures surrounding this issue. Do child witnesses get protection and support; are they treated as criminals, or harmed by the investigation process? Can South African citizens or residents be prosecuted or extradited for the abuse or exploitation of children in other countries?
- Consider the gendered nature of abuse.
- Investigations about the sexual abuse of children should be conducted with appropriate security and professional support, for both the children and reporters. As with investigations of commercial exploitation of children, their safety must be paramount.
- What systems and institutions protect abused children and help them to negotiate the justice system?

ALSO REFER TO:



Getting the ethical balance right:

Is your story about the sexual abuse or commercial sexual exploitation of children scrupulously accurate? Has its "shock value" been exaggerated - even if it exposes criminal activity or official neglect?

What is the likely impact of publication on the children involved? Have support systems been set up to protect them? See page 40



“Promoting a child’s right not to be sexually abused by publishing an article on the subject should not take place at the expense of that child’s right to privacy. Getting the balance is crucial, but not easy as often there are so many people involved in the process”

Garton Kamchedsera, international human and child rights expert, University of Malawi

1 A Story Idea

Children have a voice:

Was it possible and appropriate to give the child space to speak for him or herself?

See page 50

Telling children’s stories:

Have you ensured that your story does not glamorise the idea of “sex tourism”, pornography, or any other form of child exploitation? Have you made sure that it will not appear in the context of material promoting sexual services?

Have you portrayed the abused or exploited child as a victim, a criminal, or a human being with rights and dignity?

Child abuse must be reported. But reporting almost exclusively on the dramatic elements in these stories, and not on other issues that affect children, leads to stereotyping children as helpless victims - rather than as human beings in their own right. See page 51

Showing children:

Did the children agree to be photographed? Was a responsible adult present? Do the images used to illustrate your story appear to sexualise children, or give the impression that a child is a willing participant in abuse or exploitation? As a general rule, do not name or identify a child offender, or a child who is a victim of abuse or other crime, unless exceptional circumstances mean that it is clearly in the child’s interest to do so. See page 54

Check the law:

Only judges or judicial officers can authorise the publication of a child’s identity in criminal proceedings.

People are innocent until proven guilty. As South African law stands, you may not identify a person accused of a sex crime until they have pleaded in court. This may be long after they have been charged. See page 55

Children with Disabilities

storylines

- Investigate the legal and social status of disabled children. Do they lack equal opportunities because of prejudice? Do attitudes and opportunities vary according to the disability? Talk to children about where prejudice comes from. They can help to dispel myths and misrepresentation about people who are “different” by talking about their own experience.
- Many disabled children fail to achieve their potential because adults think they have none. Are they provided with support and encouraged to participate fully in civil society? Are they consulted about their special needs in terms of transport, town planning, access to public buildings, leisure facilities, etc? What support is available when they encounter discrimination?
- Can the parents of a disabled child get advice, financial assistance and practical help? Is it free or “means-tested”? Report about self-help and other organisations working with disabled children and their families.
- Disabled children face practical problems because their special needs are ignored by designers, builders and manufacturers. Report about products and services that result from a collaborative design process. How is the state improving access to public buildings, transport etc?
- Expose ill-treatment in institutions for disabled children – especially if the children have no-one to speak for them. Who runs them, and how do they get their funds? Report about positive techniques for treatment and care. What do the children think of them?



ALSO REFER TO:



Getting the ethical balance right:

If you have mentioned a child's disability, is it strictly relevant? Have you asked the children if and how they want their disability mentioned? See page 40



Children have a voice:

How can you involve children in the telling of their own stories? See page 50



Telling children's stories:

Does your story focus on the disability or does the child really feature as a human being?

Have you used the correct terminology to describe a disability? If in doubt consult an expert – and that could include the child with the disability. Generic terms should be avoided unless they are appropriate – are you talking about a “blind” or a “partially-sighted” child, or a child with a particular form of sight-impairment?

Have you used the same language you would about able-bodied children, or relied upon “popular” terms or stereotypes which may be insulting or insensitive? If in doubt, check your language by talking to people with disabilities. See page 51



Showing children:

Remember to respect children's right to dignity when using their image. See page 54

Children and Crime



storylines

- Are children and young people treated differently to adults before the law? Are young people more likely to become victims or perpetrators of crime? How are young victims of crime perceived and treated? Are the rights of young offenders and suspects protected and monitored?
- How do children perceive the police? How do the police treat children, especially homeless children and those they arrest as suspects? How are judges, lawyers, police and prison officials trained and appointed? Are they made aware of children's rights?
- Investigate restrictions on media reporting of children caught up in the justice system – court cases, detention and aftercare. Are they appropriate? Are there laws to prevent the disclosure of names of children who are accused of breaking the law?
- Is the focus of the justice system on rehabilitation, restorative justice or retribution? Investigate the number of children in all forms of custody in the welfare and correctional services system, and the conditions in which they are kept. Are custodial sentences used only as a last resort? Are the probation and rehabilitation services for young people adequate and effective?
- Investigate the use of drugs and solvents among children. Why are they using drugs? Is it easy for them to obtain dangerous drugs?
- Investigate 'child-on-child' violence. Why would a child rape?



Getting the ethical balance right:

As children are one of the most vulnerable groups in our society, their interests need to be protected, particularly by the media – whether they are perpetrators of a crime or victims thereof. See page 40

Telling children's stories:

Violent and anti-social behaviour by children invariably has its roots in adult violence and attitudes towards them. Does your coverage imply that young offenders are deserving of fewer rights than other people? See page 51

Showing children:

Do not identify a child who has been accused of a crime unless you have authorisation from the court or the director of public prosecutions if criminal proceedings have not yet started. Gratuitous identification may put them at extra risk, by encouraging a sense of notoriety, for instance, and reducing their chances of rehabilitation. See page 54

Check the law:

Just as child victims have rights, so do child offenders and witnesses to crime. Make sure you don't violate the Criminal Procedure Act: only judges or judicial officers can reveal the identity of a child involved in a criminal proceeding. See page 55



Children and Discrimination



storylines

- Is discrimination endemic in South Africa? Explore the reasons and the effects - especially upon children. Give children who suffer as a result of discrimination opportunities to tell the public how it affects them, and what it feels like.
- Which agencies collect and publish data on children? Is the data collected in a way that reveals discrimination between boys and girls, rich and poor, rural and urban, able-bodied and disabled, ethnic groups, etc.?
- Does the recognition of equal rights for all extend to girls and young women, refugees and immigrants? How are children from these groups treated by the health, education or employment services?
- Investigate the state's priorities, targets and programmes of affirmative action to reduce discrimination. How are they being monitored, and by whom? Report on the work of state agencies responsible for implementing non-discrimination policies, and those NGOs working to overcome prejudice.
- Report on the measures adopted by government to ensure that legislation, policies and service delivery are non-discriminatory, including the strategies they adopt to tackle any problems.
- Report on the state's efforts to help vulnerable or disadvantaged children – such as those living in poverty or those affected by AIDS. Find out if the children feel such efforts are making a difference to their lives.



Getting the ethical balance right:

Is your story about HIV-positive children, or those affected by AIDS, medically accurate and properly substantiated? Speculative or sensational stories can exacerbate prejudice. See page 40



Children have a voice:

Children are often the survivors of the worst forms of discrimination – and they have some powerful, honest opinions. Just ask them! See page 50



Telling children's stories:

Journalism should be about specifics – but often relies upon generalisations unsupported by evidence. Have you fallen into this trap, or have you challenged claims implying that children of a particular community – such as street children – are entirely responsible for “crime waves” or damaging social stability? Such sweeping claims are rarely valid and merely encourage discrimination.

If you have mentioned a child's race, ethnic origin, religion or disability, is it strictly relevant to the story?

Have you made assumptions about a child's cultural, ethnic, or religious background? Check the facts before publishing. See page 51



Showing children:

It may strengthen the impact of your story to show a child who has experienced discrimination – but consider the effect on their rights to dignity and privacy. See page 54



Children and the Family



storylines

- How is “the family” defined in law? Does it include the extended family or just nuclear families? Are family laws and divorce procedures fair and in the best interests of children? Do children have a say about what happens when the courts or welfare authorities intervene in their lives?
- The survival strategies adopted by single-parent and child-headed families can make compelling human interest features, if handled sensitively. They are also a good barometer of the effectiveness of social policies, such as child care provision. Find ways of reporting on children brought up in unconventional family settings.
- Investigate teenage pregnancy and parenthood. How are they coping? How did their families and friends react? What difference do they think their age will make to their children?
- Is the effect on children considered before parents are imprisoned? Can imprisoned mothers keep their babies with them? Report on research about the impact on their children, and campaigns to improve facilities.
- Child-headed households are acquiring greater recognition and systems are being developed for their support. Are the systems and policies that are being developed in relation to child-headed households simply an easy way out for the state, avoiding its responsibility to children? Consider that the Bill of Rights guarantees children the right to family care or appropriate alternative care.
- How does the state deal with applications from families wishing to enter or leave the country? Report on the efforts by families to stay together when faced with the prospect of being separated by circumstances or officialdom. Ask the children about their feelings and experiences.

ALSO REFER TO:



Getting the ethical balance right:

Is your report of a custody battle fact-based and accurate? Have you avoided naming or using emotionally exploitative pictures of the children? If you are reporting an acrimonious “celebrity divorce”, have you considered the consequences of the coverage for their children? Have you raised this with the parents and lawyers involved? See page 40



Children have a voice:

Where children are not in a position to freely offer an opinion, did you follow the procedures for obtaining permission to talk to the children or young people involved? Is their right to express an opinion respected by the authorities?

When writing about children placed in public care – a children’s home, boarding school or foster family – have you checked the rules about identification, and discovered whether the children can still see their parents if they want to? Where possible have you asked the children and included their views? See page 50



Telling children’s stories:

Does your story help people to understand how government policies are likely to affect families? Are you providing information that will enable members of the public to assist children in need of care and protection, or obtain the necessary help from state or non-governmental bodies? See page 51



Showing children:

Even if the story is negative, positive family images can be used with the story. See page 54



Check the law:

Does your story help to explain how the family law system works? For example: when covering divorce proceedings where children are involved, does your story make clear what rights children have when alimony is being set, or decisions are being made about which parent they will live with? See page 55

Child Labour

storylines

- Run stories about the state's efforts – information campaigns, regulation and inspection of workplaces, education, training – or failures, to protect children from economic exploitation.
- Look for hidden forms of child labour – secret factories, child prostitution, bonded labour, girls kept away from school to help in the home. Talk with working children but protect their identities. What hours do they work? What are they paid? What are the departments of labour and social development, trade unions and the Human Rights Commission doing in this regard?
- The child's right to play includes the freedom to explore ideas, use imagination, develop talents and interact with others. Are children really free to enjoy their lives if they are in poverty or isolated from family and friends?
- Many children in poor families or child-headed households are the sole breadwinners. How do we balance the child's right to education and leisure against the reality of them being the sole breadwinner?
- What are the legislative frameworks and policy guidelines on child labour and who is monitoring their implementation?
- Features and images about children at play, their talents and cultural activities are fun, and can be inspirational. Accidents caused by dangerous play equipment also make “good copy”, and emphasise public responsibility for play safety.





Children have a voice:

Have you considered safe ways of including the views or voices of working children as part of your story? See page 50



Telling children's stories:

Have you consulted NGOs and trade unions as sources for stories of commercial exploitation? They may also be able to identify useful international contacts, and markets, for your stories.

Have you publicised cases of employers who are penalised for employing children?

Remember not to identify children who are victims or witnesses in criminal proceedings.

Have you drawn attention to the most obvious forms of child labour – farmworkers, street-sellers, car cleaners, etc – and found out why they are working, who they work for, and what they are paid? Does your story highlight the hazards working children face, and identify those guilty of coercing or exploiting them? See page 51

Im a child
we have rights.

Children's Health and Welfare

storylines

- Keep an eye on official reports and statistics about child health: mortality rates at birth; deaths before the age of five; levels of preventable diseases like tuberculosis. Seek explanations from acknowledged experts. Look for patterns of discrimination in statistics.
- Investigate childhood illnesses and their causes, including environmental issues and the impact or adequacy of state health services. Are there mass immunisation programmes? How does the state manage child health care? Compare levels of funding with other public services.
- Use "human interest" features to explore maternity and paediatric services. Is there a high incidence of birth problems? How efficient and child-friendly are hospital services for children? Investigate the availability of advanced treatments for children, such as bone marrow transplants for leukaemia. Are there long waiting lists for essential operations?
- How are children infected with and affected by HIV/AIDS treated and accommodated? What support systems exist? Investigate the effectiveness of health education campaigns in helping children make informed decisions about their lives.
- Investigate the environment in which children live, learn and play. What is being done (in schools, for instance) to improve awareness about healthy life-styles (diet, drugs, pollution, recreation, road safety, sexuality, smoking, sport)?
- Consider the implications of breast feeding which, if the mother is HIV positive, may spread the virus to the child. What are the alternatives? Formula feeding may address the potential spread of the HI Virus but problems of access to the formula, as well as the need for clean drinking water, weigh heavily against it. Are there any other alternatives?

I dislike when c
Live in streets



Getting the ethical balance right:

Is your story thoroughly researched and accurate? Unsubstantiated health “scare stories” can do more harm than good, by encouraging unwarranted mistrust of medical professionals and the media, and even causing public panic. See page 40



Telling children’s stories:

Will your coverage help people to understand childhood disease, preventative measures and treatment procedures? Have you identified sources of information and help about the specific medical condition?

Have you obtained sufficient and reliable information from the authorities? Does your story help people to make sense of reports and statistics about child health? See page 51



Check the law and guidelines:

Have you applied the World Health Organisation’s recommendations for journalists covering health stories? See page 69



1 childrens

The Child's Identity

storylines

- When and how can children make autonomous decisions about their nationality? What official records are kept about their lives and can children gain access to such records?
- Investigate the adoption and fostering system. How does a child's national, ethnic and religious identity impact? Examine the rights and identity problems of orphans, displaced, fostered or adopted children. Do they have the right of access to all available information about their origins? Can they establish their parentage by genetic testing or other means? Can they speak freely to the media?
- Many children's births are not registered and the lack of a birth certificate can prevent access to basic rights. Consider the implications regarding access to child grants as well as a possible explanation for why children are not in school.
- Examine the importance of a child having a name and an identity.



ALSO REFER TO:

**Getting the ethical balance right:**

Is your story likely to encourage discrimination or incite hatred, or is it more likely to generate understanding and accommodation among different racial, cultural or religious groups? Are the best interests of children – their safety and security – served by your story? Is the story presented in a rational and balanced way? See page 40

**Children have a voice:**

How have you recorded the child's identity in your coverage? Did you check with the children and their parents about how they want to be described? See page 50

**Telling children's stories:**

Have you been fair and even-handed in coverage of stories about children or their parents challenging the state on identity issues – such as the right to practice the religion of their choice, or to protect their cultural values?

When reporting claims made about the political intentions of cultural or minority groups, have you considered the views and motives of all parties involved, and especially the impact of the controversy on the lives of the children concerned? Producing stories from the perspective of the children may be a revealing way of examining such problematic issues. See page 51

Also refer to the Child Care Act on page 58

Children's Opinions

storylines

- Include children and young people when seeking opinions about local and national government policies. Publicise their views, especially about welfare, education or infrastructure projects which directly affect them, and encourage them to say what they feel about plans for the future.
- Investigate children's access to information, including the rationale behind restrictions on their access to information materials. Which is it easier for children to get hold of – films or publications depicting violence, or sexually explicit material? At what point does seeking to protect children from harm turn into unjustifiable censorship?
- How do children make use of their right to express their opinions – producing their own publications; using the Internet or keeping private diaries.
- Run features on youth groups and associations for young people, especially if they are run by children. How and why were they set up? How do they work and what difficulties have they encountered?
- Girls are often marginalised: seek their views.



ALSO REFER TO:



Getting the ethical balance right:

When reporting on children's protests, have you ensured that you are not exposing the children involved to risks of imprisonment, violence or other forms of retaliation? See page 41



Children have a voice:

Can your publication or programme assist children to express their opinions, and contact others who share their views, interests and aspirations?

Have you covered stories about children organising things for themselves, including school councils, street children's groups, and campaigning groups as well as clubs devoted to arts, sports and leisure pursuits, and enterprises (commercial/artistic)?

Have you reported on the impact of children speaking out? For instance, the support they have received, the changes they have managed to achieve, the reactions of public figures?

See page 50



Telling children's stories:

Do your stories exploit children's vulnerability or seek to impose upon them values and attitudes which they may not understand?

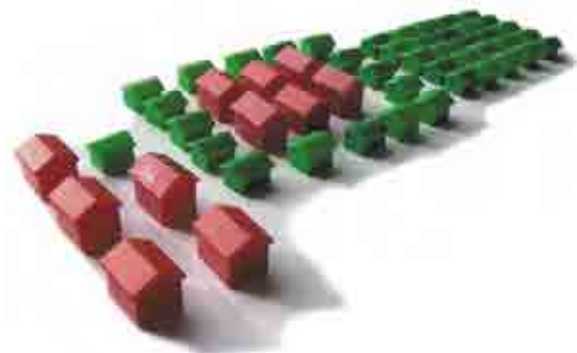
Has your publication or programme considered ways of illustrating cultural diversity among children – through guest columnists/presenters, competitions or sponsored events, for instance?

Has your publications or programme given coverage to those (including children and young people) who promote the rights and opinions of children? See page 51

Children in State Care

storylines

- What is being done to improve conditions in institutions in which children live and learn? How are staff trained and monitored? Is corporal punishment prohibited, and the prohibition effectively enforced? How is abuse in children's homes checked and prevented? Do children have a secure means of raising complaints and concerns about all aspects of their lives? Are there effective and independent systems of investigation and follow up?
- How many children are in state care, and why? How many are adopted, fostered, or run away? What happens to them when they outgrow public care (academic and job prospects, life expectancy)? Talk to those who have come through the residential care system. Where are they now? How did their experience affect their lives? How do they think things could be improved?
- What is being done to encourage adoption and fostering within the country? Are the children's views and rights being taken into account?
- Is the transfer of children to another country for adoption regulated or monitored? What choice are children given? How are they protected from abuse and exploitation? If you come across children who have been taken away from home, see if they are willing to describe their new lives. Talk to parents who have given up a child for adoption. Do they regret their decision? Were they tricked in any way? Have they been able to remain in contact with their child?
- Are institutions the only places that can provide support to children? What about the role of the community? If the community is poor there may not be sufficient capacity to offer support. How can communities be encouraged to play a supportive role?



ALSO REFER TO:



Children have a voice:

Have you made the most of opportunities to give children in public care a presence and a voice in the media? See page 50



Telling children's stories:

Have you included positive “angles” to avoid the risk of alienating the public from the plight of abandoned children, and perpetuating negative stereotypes? Does your story identify or patronise children who are at risk, or lay them open to public antipathy?

Have you incorporated information about organisations that can help young people facing difficulties at home or in institutions? Are there organisations that specialise in assisting children brought up apart from their biological parents?

If children have been abandoned and/or taken to crime, it is not necessarily their fault. Have you made sufficient enquiries to establish why and how children came to be in public care?

Have you reported on opportunities for children in public care to join clubs and make links with other young people? Positive reporting about opportunities for children in care to become reintegrated within mainstream society can help to reduce ignorance and prejudice.

See page 51



Showing children:

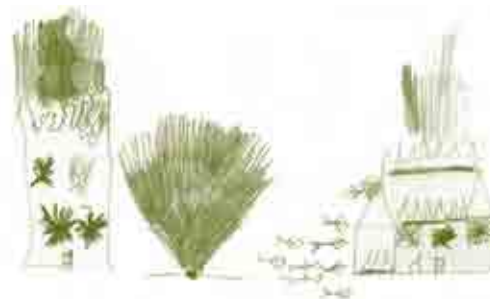
Consider carefully which child you choose to show – there may be legal implications if they are in state care. See page 54



Check the law:

Does your story help to explain how the residential care system works? Is it clear as to what legal rights children (and their parents) have to challenge the system? See page 55

Children and the Media



storylines

- Arrange to visit schools and youth groups to talk with children about your work – use the opportunity to listen to what children have to say. They can be excellent sources for journalistic material, and provide new angles on stories, because they see things differently to adults and can offer fresh insight on subjects that affect them directly – education, play, bullying and other forms of abuse, etc. Try and talk to groups of children who are broadly representative of society.
- Monitor the activities of government departments and the President's Office in their dealing with children's issues. Do children feel they are adequately represented by them? Contact NGOs working with children – they may be able to put you in touch with children who have interesting stories to tell. But remember all institutions have their own agendas to promote.
- It is worth remembering what children from around the world have said they dislike about the way they are represented in and by the media: For example, being treated as a joke, being made to perform like circus animals, or being “shown up” as ignorant; the use of “cute” or distressing images just to evoke an emotional response; being patronised and spoken down to, adults speaking for them when children know more about a subject, putting words in their mouths, or interrupting them; being treated as homogeneous “problem” groups.

ALSO REFER TO:



Getting the ethical balance right:

Has your publication or programme made arrangements to provide reliable (and, where appropriate, confidential) support or advice to children who respond to items concerning personal health, physical or sexual abuse, commercial exploitation or other forms of criminal activity?

See page 40



Children have a voice:

Statistics South Africa shows children make up 43% of the population, yet they are mentioned in less than 10% of news items. Why are children's issues disproportionately represented in the media?

Did you approach your story with a fixed view about how you want the children to respond? Have you done justice to what the children actually said? Will they recognise themselves in what you have published, or have their ideas been reinterpreted from an adult perspective?

When conducting interviews with children did you:

- ensure that the children were comfortable and not under duress?
- allow enough time to explain your intentions?
- obtain their consent for the use of their names and the taking and publication of their image?
- make sure they knew how to contact you, and to obtain a copy of the finished item?

See page 50



Telling children's stories:

Media professionals have an obligation to respect children's human rights in how they operate and how they represent children. Would your work stand up to scrutiny in this regard?

See page 51



Showing children:

Have you assessed the risk to the child of using her or his image, and discussed it with the child, the child's parents or guardian, and with editorial colleagues? See page 54



Check the law :

Have you applied the same fact-checking procedures as you would with adult informants, before publishing allegations or assertions made to you by children? See page 55



Children and Education

storylines

- Investigate the real extent of equal opportunities for all children within the education system – girls and boys; rural and urban; those with disabilities and those who are very poor.
- Can the students influence rules and discipline procedures through school councils? Discover whether and how parents can influence the curriculum and education services. What role do they have in school management?
- Is our education system equipping children to enter the workforce or study further? Has the Outcomes Based Education (OBE) system made a difference yet? What are the positives and what are gaps?
- Look into teacher/pupil ratios. What difference does class size make? What resources are available to teachers and children?
- Are “alternative” approaches to education permitted? How do teaching methods, attendance, discipline and results compare with mainstream schools?
- Is corporal punishment still used by teachers? When excluded or expelled from school do children have a right of appeal? Is there a problem of violence on school premises and, if so, what are the causes?
- Investigate the impact of sexual abuse at schools. How can the abuse of girls be addressed? How can schools be made gender friendly? What is the role of male teachers?

ALSO REFER TO:



Children have a voice:

Does your publication or broadcaster have a specialist education unit? Are educationalists and teachers involved in the editorial process? How are children and young people encouraged to contribute?

Does your education story include the perspective of the learners as well as that of the head-teachers and managers? Have you obtained comments from parents, school governors, and classroom teachers and their unions?

Have you made sure children are aware they may be quoted, and checked that your story won't cause them problems they hadn't thought about? See page 50



Telling children's stories:

Are you familiar with how South Africa's education service is supposed to work? Have you made yourself aware of current problems, changes or positive initiatives in education legislation systems by visiting educational institutions?

What can you do to help children understand the role of the media in society? Has your media company considered ways of producing information in accessible forms that might attract children and even assist teachers in their classroom work with children? See page 51



Check the law:

A good measure for testing the value of a change in the law or policy is to consider the extent to which children will benefit or suffer as a consequence. See page 55

State Responsibilities and Children

storylines

- How far has government got with implementing the United Nations Convention on the Rights of the Child? What are the implications of the Convention for government? Has it complied with the requirement to publicise its principles and provisions? Is it behind schedule on submitting its reports? If so, what are the reasons? Has there been any public consultation?
- Has any publicity been given to the response of the Committee on the Rights of the Child? What actions are planned as a result? When is the next Report scheduled? Investigate the work of the Committee. Interview the representative for South Africa.
- Interview those responsible for supervising implementation of the Convention in South Africa. Challenge them about (lack of) progress. Find out the questions children would like answered? Seek official pledges about child-friendly policies or action on specific problems affecting children.
- How has government involved NGOs in its efforts to improve the lives of children?
- Have NGOs in South Africa made their own submissions to the Committee on the Rights of the Child?
- How factually accurate is the evidence they have collected, and does it challenge the government's claims?
- Report about campaigns to improve the lives of children. How do children view them?
- What have government and NGOs reported to the Committees after the Convention on the Rights of the Child (CRC) in Geneva? What are the states' obligations in terms of the CRC? (see pages 63 for a journalist-friendly version of the CRC)

ALSO REFER TO:



Children have a voice:

Have you talked to experts, child rights activists and children themselves to inform yourself about the problems facing children in South Africa? See page 50



Telling children's stories:

Journalists are ideally placed to demand action by the state to honour its international obligations. Are there campaigns your programme or publication could initiate to improve awareness of the Convention among the public and politicians?

Do your stories improve public understanding about children's rights – in your own and other countries – and the role of government policies in promoting and protecting them?

Have you sought explanations from local and central government about shortcomings in the provision of services for children, and the defence of their rights? See page 51



getting the ethical balance right

The special status of children should be recognised and respected along with the rights of the media, and children should not become mere objects in the information dissemination process. Always consider factors in favour of, and against, running a story.

For example, reporting on an instance of child abuse may raise public awareness of the problem. If the child's rights to privacy and dignity are respected, the story may have a positive impact all round. However, on the other hand, reporting on an instance of child abuse without backing the story up with contextualising facts may perpetuate stereotypes and myths.

There are no easy solutions or clear rules to achieving an ethical balance in a story. Context must always be taken into account.

In the case of a child being abducted, the media may decide to name and identify the child in an effort to locate him or her. Technically, it is illegal to name a child who is the victim of a crime. However, it may be argued that identifying the child is in his or her best interests in a case – and in this context running the story would be the best thing to do.

If the child is then located, and it is discovered that he or she has been abused, it is no longer in the child's best interests to be identified. The fact that the child may have been identified whilst missing does not mean this principle should be ignored.

The fact that a publication or station may have named a child, does not legitimate another publication or station doing so. The argument for continuing to name a child in such a circumstance has been rejected by the South African courts.

In some instances the act of reporting on children places them (or other children) at risk of retribution or stigmatisation. It may also have severe consequences for a child involved in legal action.

When in doubt, the reporter should err on the side of caution and the right of the child to be protected from harm.

Some ethical dilemmas to ponder:

ETHICAL DILEMMA 1

The three-year old daughter of a government minister is abducted from her day-care centre. A child of your close friend happens to go to the same day care centre. She calls you about the incident. You contact the minister who asks you not to report the story as it is a private affair.

Do you report it?

Does it make any difference that it is the minister's daughter who is involved? (i.e. would you still cover the story had the parents not been well known?)

Does the minister's request have any bearing on your decision to report or not report the story?

Do you name the minister/and or the daughter? If so, why?

You learn that a newspaper has just published the name of the minister and is running a picture of the daughter on the front page. The police have launched an official investigation and a case has now been opened.

Do you name or identify the child? If so, why? If not, why not?

Two days later the police arrest two men in connection with the abduction. They inform the media of their success and believe that they know where the child is being held.

Your source in the South African Police Services (SAPS) tells you where and when the SAPS are to strike. You go along. The arrest is dramatic, with a shoot-

out ensuing with the police and the abductors. Two additional men are arrested. The child is found locked in a dingy room. The police follow procedure and a female child protection officer brings the child out of the house. The child is evidently traumatised and crying. The child is reunited with the minister and her partner who are at the scene.

You have a cameraperson with you. Do you show the arrest and shoot out?

Do you show the child/and or the reunion?

Following a medical examination, the police charge all four men with sexual assault of the child. The charge sheet includes details of the sexual assault.

Do you report the story?

Do you name the child/minister?

Do you give details as to the charges levelled?

Are there any general principles you can think of in relation to stories similar to this one especially with respect to the naming and identification of children that could be applied?

“Balancing the media’s right to freedom of expression and children’s rights to dignity and privacy is like skating on thin ice. Every reporter risks hurting the very child he or she wishes will be protected by the State and the public, while using a single incident to highlight the plight of children in general”

Hopewell Radebe, Chief Political Correspondent, Business Day.

ETHICAL DILEMMA 2

An 11-month infant is raped. It appears that her mother (who has just turned 16) had left the infant in the care of the child's father, a 22-year old man.

The infant is taken to the Chris Hani Baragwanath Hospital for medical care. The police move swiftly and six men are arrested. All six are charged with sexual assault and rape. The father is one of the men charged. Three of the others are in their early twenties, One of them has turned 18, while the last, his brother, is 16.

Do you report the story? If so, why?

You know that where possible one should avoid naming a child where possible. Do you name the accused? If so, why and which of the accused?

The resident paediatric surgeon responsible for the infant's care presents a detailed report of the infant's current condition and the damage inflicted. The detail is graphic and disturbing.

Do you report it? If so, how?

It transpires that the mother is a material witness and she tells her version of events to you. She also says she doesn't mind if you name her and/or take a picture of her outside her home.

The mother has given her consent, do you name her/identify her? If so, why?

Do you report her version of events? If so why?

Many months later the case is brought to court. Tragically due to a technical error the DNA tests of the accused cannot be submitted. There is a public outcry and threats from members of the public to take the law into their hands. While the mother positively testifies as to the identity of two of the accused, she can only identify the others from their pictures in the media. They are acquitted. The defence for the remaining two accused shows inconsistencies in the evidence given by the mother between a media report and her official statement. The state is unable to prove beyond a reasonable doubt that the accused committed the crime – they too are acquitted.

Do you think the media has any role to play in trying to reintegrate the accused back into their communities? If so, how?

Do you think there are any general principles that can be extracted to help in relation to identifying people accused of these crimes?

Do you think there is a need for or space for concept such as “informed consent” in relation to such cases?

“Building better journalism must involve consistent training, review and debate about the ethics of the profession”

Hopewell Radebe, Chief Political Correspondent, Business Day.

ETHICAL DILEMMA 3

Following months of racial slurs and insults, a fight breaks out at a high school. A 17-year old black boy stabs a 17-year old white boy. It is clear that the white boy started the fight after waving a Vierkleur flag in the boy's face. Two teachers and several learners witness the event.

Do you report the story? If so, why?

Who, if anyone, do you name/identify?

Do you name the school?

Who do you access for comment? Why?

It turns out that, as the school was having an open day, community media were present, including a cameraperson. The cameraperson took pictures of the boy who had been stabbed in the chest, as well as of the boy who had done the stabbing. The picture of the stabbed boy is very dramatic. The knife is embedded in the child's chest, there is a pool of blood around the boy's body and he can be seen clenching the Vierkleur flag he had used to taunt the boy in his fist.

Do you use the image/s? If not why not? If so, why?

Sadly the boy dies as a result of being stabbed.

Does this have any effect on the way in which you would report the story? (in terms of who is identified etc?) If so, how?

Would you use any of the images taken at the scene?

The case comes to court ten months later, and the child who did the stabbing is repeating his matric year but has now turned 18.

How do you remind the listeners/readers of the case?

Do you name and identify him?

Do you think there are any general principles that can be extracted in terms of how we may deal with images of children?

Are there any general principles that can be applied in relation to representing crimes in which children are involved both as victims and or witnesses?

How can we ensure that children's voices are heard in the media in cases such as these?

ETHICAL DILEMMA 4

A five-year old boy is beaten by one of his teachers with a plastic pipe. A charge is laid against the teacher. The boy is badly injured as a result of the beatings, so badly in fact that he loses an eye.

Do you report the story? If so, why?

Do you name /identify the child or the teacher/school?

The boy is teased at school, and he is isolated and humiliated by fellow pupils. You learn the reason for this because the child is HIV-positive. The boy's mother happens to work for NAPWA (National Association for People Living with HIV/AIDS). She has revealed her status and tells you that she wants to address the issue of people being stigmatised because of their HIV/AIDS status.

Do you report her story?

Do you identify her and/or her son?

Does the fact that this is a child have any impact on this story in terms of revealing his HIV/AIDS status?

Who, if anyone, has the right to reveal his status and or name him? Is it the media, his mother and/or father? What about the boy himself?

The boy is disfigured as a result of the physical abuse. He is in need of expensive plastic surgery, as well as another operation that will allow him to have a glass eye. Sadly the boy's family cannot afford the medical fees for the two procedures.

Your editor wants you to do a story to appeal to the public for assistance to help fund the boy's operation.

In doing the story, do you show the boy?

Do you name and/or identify the boy?

Who do you access to tell the story?

There are two similar cases on the same weekend.

An impoverished woman has a mentally disabled child, he is ten years old and has a limited grasp of language; he is not toilet trained and soils himself as a result. The boy also has a tendency to run away. As a result his mother has tied him to a tree which allows him limited movement.

Shack fires often result not only in deaths but also severe burns which often require expensive plastic surgery to deal with the scars. A seven-year old girl is the only survivor of such a fire – her family died as a result of the blaze. The child is severely disfigured and requires extensive reconstructive surgery.

Do you name or identify the child?

Which of these three stories do you report? Any or all of them?

Are there any general principles that can be extracted that may be used when reporting stories such as these? In particular with regard to the identification of such children and their families, or places of dwelling.

Should the dramatic elements of a story be emphasised both for their news value and in order to generate public sympathy to assist the children?

How does one balance the dramatic elements with the potential consequences for the child's rights to dignity and privacy?

Does one argue that the end (in this case of getting financial assistance from the public for operations etc) will ultimately outweigh any possible infringement on her/his rights currently?

ALSO REFER TO:



Check the law and guidelines:

Use these to help resolve some of the ethical dilemmas and be clear on the law. See page 55



Children have a voice:

Can you incorporate the opinions of children in a way that might help resolve some of the ethical dilemmas? See page 50



Telling children's stories:

Remember if you do decide to use a child's views, consider how to do so. See page 51



children have a voice

Children are dependent, trusting and easily exploited or abused. By providing children with opportunities to speak for themselves – about their hopes and fears, their achievements, and the impact of adult behaviour on their lives – media professionals can remind the public of children's rights.

Journalists, photographers and programme-makers frequently expose the plight of children caught up in circumstances beyond their control or abused or exploited by adults. It is important that media professionals consider the “children’s angle” in this news coverage.

The way in which the media represents, or even ignores children, can influence decisions taken on their behalf, and how the rest of society regards them.

In general,

- Ensure that the child or guardian knows they are talking to a reporter. Explain the purpose of the interview and its intended use.
- No staging: Don't ask children to tell a story or take an action that is not part of their own history.
- Pay attention to where and how the child is interviewed. Limit the number of interviewers and photographers. Try to make certain that children are comfortable and able to tell their story without outside pressure, including from the interviewer. In film, video and radio interviews, consider what the choice of visual or audio background might imply about the child and her or his life and story. Ensure that the child would not be endangered or adversely affected by showing their home, community or general whereabouts.
- Where possible, get the child's opinion. Children have interesting things to say, and often tell the truth when adults do not.
- Access children who are often marginalised, such as those in impoverished circumstances.

ALSO REFER TO:



A story idea:

For some ideas: see pages 11-38



Check the law and guidelines:

Sometimes even the best efforts may not be in the child's best interests. See page 55



telling children's stories

When reporting on children, always provide an accurate context for the child's story or image.

Do not further stigmatise any child and avoid categorisations or descriptions that expose a child to negative reprisals, including additional physical or psychological harm, or to lifelong abuse, discrimination or rejection by their local communities. Think about the effect of the story and the possibility of reprisals – the child will be there long after you go home.

Consider whether or not it is in the child's interest to be identified in the story.

Confirm the accuracy of what the child has to say, either with other children or an adult, preferably with both.

When in doubt about whether a child is at risk, report on the general situation for children rather than on an individual child, no matter how newsworthy the story.

Avoid questions, attitudes or comments that are judgemental, insensitive to cultural values that place a child in danger or expose a child to humiliation, or that reactivate a child's pain and grief from traumatic events.

Where possible, adopt a child's perspective. It may enrich the story.



Guidelines for interviewing children

Ensure that the child and guardian have given their informed consent. This means that the child and the guardian need to understand the purpose of the interview, as well as how it will be used. (It may also be a good idea to allow the child to have a support person present during the interview if the child requests it.)

Speak to the child in language that he/she uses and will understand (this will ensure a more accurate story and also help the child to feel at ease).

Speak to the child at his/her physical level; this also makes the child feel more at ease.

Don't judge the child e.g. by expressing shock at his/her story as the child may feel uneasy and change the story for what he/she thinks the journalist wants to hear.

Avoid asking the child questions that would reactivate his/her grief or pain from past traumatic events.

Respect the child's right to dignity and privacy by ensuring that the child is not asked a question that could compromise him/her in any way.

Ensure that necessary measures are taken to hide a child's identity when it would not be in the child's best interests to be identified. It is often not enough that a child's name and face remains hidden, as voice is still a powerful identifier.

Always provide an accurate context for the child's story and make sure that the child is telling the story from his/her own history.

Where possible confirm the accuracy of what the child has to say with other children and/or adults.

Potential difficulties in interviewing a child

Interviewing children is not always easy. Consider how you would copel with some of the following difficulties if :

The child goes into graphic detail about his/her abuse

The child starts to cry

The child freezes

The child reveals the name of his/her perpetrator

The child reveals his/her own name

The child reveals that he/she is HIV positive

You suspect the child is not telling the truth or his/her own story

ALSO REFER TO:



A story idea:

Including childrens' perspectives will further enrich a great story idea. See pages 11-38



Check the law and guidelines:

The child may give you permission to be interviewed, but is it legal? See page 55



showing children

When choosing visuals to accompany the story, do not use an image or picture which might put a child, siblings or peers at risk even when identities are changed or obscured.

If obscuring a child's identity is important for his or her protection in the story, but the child's identity is likely to be revealed (for example because his or her parents are famous), the story should not be undertaken.

Try to avoid images that stereotype or offend the child's right to dignity.

Get permission from the child and his or her guardian for all interviews, videotaping and, when possible, for documentary photographs. When possible and appropriate, this permission should be in writing. The child's and guardian's permission should not be coerced in any way and they must understand that they are part of a story that might be disseminated locally and globally.

Sometimes you may want to do a story on a child with a disability who needs treatment, and the aim of the story is to illicit sympathy and possibly help raise funds. Sometimes the story may be about disfigurement or tragedy – in all cases ensure that the child is represented with dignity and where possible reflect the child's own wishes and hopes. This will make the story more sympathetic and more powerful.

If you decide not to name or identify a child, make sure that the measures you take to protect the child are adequate. Often simple black strips across the eyes are used to veil identity but such efforts do not succeed. Try to find alternative ways of representing children where their identities need to be protected.

ALSO REFER TO:



Check the law and guidelines:

Article 42 on the Convention of the Rights of the Child, relating to juvenile offenders, requires media respect for the identity of children involved in the juvenile justice system. See page 62

"It should be clear that parental authority cannot trump the Presiding Officer's decision or discretion to reveal the identity of the child"

Jacqui Gallinetti, Co-ordinator, Child Rights Project, University of the Western Cape



check the law and guidelines

The rights of children in relation to the media are protected by the South African Constitution, the International Convention on the Rights of the Child (which South Africa has ratified), the Child Care Act (1983) and the Criminal Procedure Act 51 of 1977. The Office of the Presidency, and Office on the Status of the Child have also released guidelines for representing children in the media.

South Africa's Constitution, which contains a Bill of Rights, is supported by an office on the rights of a child in the Presidency, a national plan of action for children, and various provincial plans of action.

"The South African Constitution puts it more clearly than any other constitution that a child is a subject of his or her rights, and that all levels of society have a duty to promote, respect protect and fulfil those rights"

*Garton Kamchedsera,
international human and
child rights expert, University
of Malawi*

Regionally, South Africa has ratified the African Charter on the Rights and Welfare of the Child.

The protection of children against discrimination, cruel and inhuman treatment, neglect and abuse is currently being investigated by the South African Law Commission, particularly through its review of the Child Care Act.

The Child Justice Bill, which aims to establish a criminal justice process in which the rights of children are entrenched, is currently before Parliament.

Unfortunately, the fact that these policies, institutions and laws exist does not mean children escape human rights violations.

Apartheid's legacy is with us. South Africa faces serious problems around crime, violence, unemployment, poverty, health and inequality – and often, children bare the brunt of this reality.

In grappling with how to tell stories that don't rob the children of their privacy and dignity - but which respect the public's right to information and the media's right of freedom of expression - journalists must exercise integrity, responsibility, sensitivity and judgement. It is important for each case and story to be taken on its merits and in context.

Following laws and codes of conduct on children's rights can, however, simplify the complex issues involved in reporting on children.

Children's rights and the South African Constitution

In South Africa, children's rights are enshrined in Section 28 of the Bill of Rights of the Constitution, which states that "the child's best interests are of paramount importance in every matter concerning the child".

According to the Bill of Rights, every child has the right:

- to a name and nationality from birth;
- to family care or parental care, or to appropriate alternative care when removed from the family environment;
- to basic nutrition, shelter, basic health care and social services;
- to be protected from maltreatment, neglect, abuse or degradation;
- to be protected from exploitative labour practices;
- not to be required or permitted to perform work or provide services that
 - are inappropriate for a person of the child's age; or
 - place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;
- not to be detained except as a measure of last resort, in which case, in addition to the rights a child enjoys under sections 12 and 35 (relating to freedom and security of the person and rights of arrested, detained or accused persons), the child may be detained only for the shortest appropriate period of time, and the right to:
 - be kept separately from detained persons over the age of 18 years; and
 - be treated in a manner, and kept in conditions, that take account of the child's age;
 - have a legal practitioner assigned to the child by the state, and at the state's expense, in civil proceedings affecting the child, if substantial injustice would otherwise result;
- not to be used in armed conflict, and to be protected in times of armed conflict.

"The special status of children should be recognised and respected along with the rights of the media, and children should not become mere objects in the process of information dissemination" Jacqui Gallinetti, Co-ordinator, Child Rights Project, University of the Western Cape

The Child Justice Bill

The Bill aims to establish a justice process which entrenches the rights of children. It seeks to involve parents, families, victims and communities in the criminal justice process – holding children accountable for their actions, and involving the harmed person or community in the justice process.

Greater co-operation between the relevant state departments (the departments of justice, safety and security, correctional services, and social development) and agencies involved in the implementation of child justice is another aim.

The Bill applies to any person within the borders of South Africa, irrespective of their nationality, country of origin, or immigration status. It proposes raising the age of criminal capacity from the age of 7 to 10 years, and presumes that children between the ages of 10 and 14 lack criminal capacity unless the state proves such capacity beyond a reasonable doubt.

“We as journalists tend to think that just because someone is a criminal, they don’t have any rights, even if they are a child. This is an indictment on the kind of society that the child was brought into. We often lose sight of that” *Portia Kobue, News Manager, Kaya FM*

When a police official informs a probation officer that a child has been arrested, served with a summons, or issued with a written warning to appear at a preliminary hearing, a probation officer must assess the child prior to the child’s appearance at the hearing. The magistrate conducting the enquiry must decide whether the child may be released into the care of a parent, whether the criminal matter may be diverted, or whether the case should be transferred to a Children’s Court.

“Diversion” of criminal cases committed by children prevents the child from getting a criminal record, and aims to promote reconciliation between the child and the affected person or community. Reintegrating the child into the family or community is another aim.

The Bill proposes the establishment of one-stop justice centres, where relevant government departments integrate their services, giving children the support they need.

See IDASA’S PIMS Monitor – a plain language database of all bills, acts and policy documents – www.pims.org.za/monitor. The database will keep you updated on all relevant bills; including the Children’s Bill and any changes to the Child Care Act.

Note!

The Child Care Act will be replaced by the upcoming Children's Bill. The Children's Bill will deal with wide ranging issues relating to the welfare and protection of children, and contains a similar clause to the Child Care Act. Remember to check the latest developments on www.pims.org.za or www.gcis.gov.za

The Child Care Act

The act stipulates that:

- no person shall publish information relating to children's court proceedings.
- the identity of the child involved shall not be revealed.
- publicity should serve the interests of the child.
- information provided must be approved by the minister/commissioner.

The Criminal Procedure Act

Section 154(3) of the Criminal Procedure Act states that "No person shall publish in any manner whatever information which reveals or may reveal the identity of the accused under the age of 18 years or of a witness at criminal proceedings who is under the age of 18 years."

Criminal proceedings are understood to start the moment it is clear that a crime involving a child has been committed, or where a charge has been laid.

In interpreting the concept of identification, courts have held that identity may be revealed directly or by "reasonable inference". So the provision of this Act is contravened by interviewing a person or releasing facts by which the identity of a child can be discerned. A child may be indirectly identified by revealing their school, home, or teacher, for example.

Assessing whether or not to reveal these sorts of details may not always be clearly legal or illegal but should be determined on an ethical and human rights basis by protecting the child's right to dignity and privacy.

In a case where a child has been abducted and the media decide, or are given permission, to reveal the child's identity – and the child is then found, and discovered to have been abused – it can be argued that, because the child has already been identified,

"There's often pressure from listeners. They call in and ask why we are not carrying a story – the public want to hear"

Portia Kobue, News Manager, Kaya FM

identification by the media may continue. It can also be argued that the child should continue to be named if the media have been following up story as a means of satisfying public interest in the matter.

These arguments are, however, problematic. It must be remembered that best interests of the child are paramount. If a child is found (alive) after being abducted, it is not in the best interests of that child to continue to be named and identified, especially if it is alleged that the child may have been abused.

In *Citizen Newspapers (pty) Ltd & another (1980)* it was held that “the proper approach to be adopted in determining whether the subsection [on identity] has been contravened is to enquire whether the article in question might have revealed or reveals the identity of the juvenile ... to a hypothetical average reader of the article who has no prior or special knowledge of any of the incidents or persons referred to in the article.” This suggests that, while the media may have some sense of precedent (in that they were allowed to name the child in the first place), by naming the child again several months later they may be in contravention of Section 154 (3) of the Criminal Procedure Act. Again such decisions are to be balanced against the best interests of the child.

Other important elements to consider are:

Section 154(2)b of the Criminal Procedure Act states that no information relating to an indecent act, extortion or similar act may be reported on before the accused has pleaded to the charge.

Note: An indecent act can be interpreted fairly broadly as to include something society considers to be obscene or against their morals or offensive.

No information may be published that might reveal the identity of the complainant in such a case, unless a magistrate, taking the complainant’s wishes into consideration, authorises the publication.

Note: The complainant is, within this context, the person against whom the crime has been committed.

If the complainant, witness or accused is under 18, in any matter section 154(3) would apply and their identity may not be published.

The penalty for breaking the law in these cases is R1500 or one year's imprisonment, or both.

The Sexual Offences Bill

The new Sexual Offences Bill proposes that, in the case of a contravention of the law relating to a witness or accused under the age of 18, the punishment be increased to a fine, three years imprisonment or both. The Bill also proposes that the victim of a sexual offence whose identity is revealed by the media (contrary to their wishes) will be able to apply for compensation for physical or psychological injury, including loss of income.

(With children always exercise extreme care when dealing with the identity of witnesses or accused under 18. If in doubt, hide their identity.)

The new Sexual Offences Bill prohibits the publication of the identity of the victim of a sexual offence, as well as prohibiting the identification of that person's family, or information that may lead to the identification of the victim or their family.

The guiding principle in these cases is that complainants should have the right to confidentiality and privacy and to protection from publicity about the offence. The vulnerability of children should further entitle them to speedy and special protection and provision of services by all role-players during all phases of the investigation, the court process and thereafter.

The offence of Contempt of Court also needs to be reckoned with.

Examples are:

- publishing comments (i.e. comment which could influence witnesses or affect the presiding officer, or comment on the character of a witness or accused on a sub judice case.

What is a sub judice case? A working understanding is that a case is *sub judice* from the moment a complaint has been laid or the police have launched an investigation, up until the stage the proceedings have been finally concluded. (This could include if the decision is made not to prosecute; if there is an acquittal or after the accused has been sentenced.)

- publishing the contents of documents that have not yet been dealt with in open court.

The SA Police Services Act of 1995 prohibits the publication of the photo of a person who is in prison pending a decision about whether that person will be prosecuted, or pending criminal proceedings which have not yet started.

ALSO REFER TO: **Getting the ethical balance right**

See page 40

“Often the dilemma facing the media is the fact that the majority of perpetrators are family members of the affected children. Exposing them also means a tacit revelation of the child’s identity and an infringement of her privacy. Meanwhile, the nation wishes to know the culprit and to have him/her identified”

Hopewell Radebe, Chief Political Correspondent, Business Day.

“A clear distinction must be made and constantly remembered: the difference between bad journalism and illegal journalism ...How one fosters good journalism, how one fosters ethical journalistic practice are separate problems”

Gilbert Marcus, senior Advocate and media law expert

Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child sets out what governments and individuals should do to promote and protect the indivisible human rights of all children.

In ratifying the Convention in 1995, the South African government committed itself to ensuring that children can grow up in safe and supportive conditions, with access to high quality education and health care, and a good standard of living.

It means that government agrees to protect children from discrimination, sexual and commercial exploitation and violence, and to take particular care of orphans and young refugees.

It is also an acknowledgement that children have the right:

- to express opinions, especially about decisions that affect them;
- to freedom of thought, expression, conscience and religion;
- to a private life and the right to play;
- to form their own clubs and organisations;
- to have access to information – particularly from the state and the media;
- to make ideas and information known themselves.

The Convention provides a benchmark against which the efforts of each government to improve the lives of children can be measured.

Every five years, governments must report to the UN Committee on the Rights of the Child.

The Committee reviews their progress, meets with government representatives and listens to the views of NGOs, before making recommendations about how each country could do better.

The Convention: a journalist's summary

1. Definition of a child

All people under 18, unless by law majority is attained at an earlier age.

2. Non-discrimination

All rights apply to all children without exception, and the state is obliged to protect children from any form of discrimination. The state must not violate any right and must take positive action to promote them all.

3. Best interests of the child

All actions concerning the child should take full account of his or her best interests. The state is to provide adequate care when parents or others responsible fail to do so.

4. Implementation of rights

The state is obliged to translate the rights in the Convention into reality.

5. Parental guidance and the child's evolving capacities

The state has a duty to respect the rights and responsibilities of parents or the extended family to provide appropriate

direction and guidance to children in the exercise of their rights.

6. Survival and development

The child has an inherent right to life, and the state must ensure the maximum survival and development of the child.

7. Name and nationality

Every child has the right to have a name from birth and to be granted a nationality.

8. Preservation of identity

The state is obliged to protect and, if necessary, re-establish the basics of a child's identity (name, nationality and family ties).

9. Separation from parents

Children have the right to live with their parents unless this is incompatible with their best interests; to maintain contact with both parents if separated from one or both; and the right to be informed by the state of the whereabouts of their parents if such separation is the result of action by the state.

10. Family re-unification

Children and their parents have the right to leave any country and to enter their own in order to be reunited or to maintain the child/parent relationship.

11. Illicit transfer and non-return

The state is obliged to try to prevent and remedy the kidnapping or retention of children in another country by a parent or third party.

12. The child's opinion

The child has the right to express an opinion and to have that opinion taken into account in any matter or procedure affecting the child.

13. Freedom of expression

Children have the right to obtain and make known information and to express their views, unless this would violate the rights of others.

14. Freedom of thought, conscience and religion

The child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance and national law.

15. Freedom of association

The child has the right to meet with others and to join or set up associations, unless doing so violates the rights of others.

16. Protection of privacy

Children have the right to protection from interference with their privacy, family, home and correspondence and from libel/slander.

17. Access to appropriate information

The media has a duty to disseminate information to children that is of social, moral, educational and cultural benefit to them, and which respects their cultural background. The state is to take measures to encourage the publication of material of value to children and to protect children from harmful materials.

18. Parental responsibilities

Both parents jointly have primary responsibility for bringing up their children and the state should support them in this task.

19. Protection from abuse and neglect

The state is obliged to protect children from all forms of physical or mental violence perpetrated by parents or others responsible for their care, and to undertake preventive and treatment programmes in this regard.

20. Protection of children without families

The state is obliged to provide special protection for children deprived of their family environment and to ensure that appropriate alternative family care or institutional placement is made available to them, taking into account the child's cultural background.

21. Adoption

In countries where adoption is recognised and/or allowed, it shall only be carried out in the best interests of the child, with all necessary safeguards for a given child and authorisation by the competent authorities.

22. Refugee children

Special protection is to be granted to children who are refugees or seeking refugee status, and the state is obliged to cooperate with competent organisations providing such protection and assistance.

23. Disabled children

Disabled children have the right to special care, education and training designed to help them to achieve greatest possible self-reliance and participation to lead a full and active

24. Health and health services

The child has the right to the highest level of health and access to health and medical services, with special emphasis on primary and preventive health care, public health education and the reduction

of infant mortality. The state is obliged to work towards the abolition of harmful traditional practices. Emphasis is laid on the need for international cooperation to ensure this right.

25. Periodic review of placement

A child placed by the state for reasons of care, protection or treatment, has the right to have all aspects of that placement evaluated regularly.

26. Social security

Children have the right to benefit from social security.

27. Standard of living

Children have the right to benefit from an adequate standard of living. It is the primary responsibility of parents to provide this and the state's duty to ensure that parents are able to fulfil that responsibility. The state may provide material support in the case of need, and may seek to ensure recovery of child maintenance costs from absent parents or guardians.

28. Education

The child has the right to education and the state has a duty to ensure that primary education, at least, is made free and compulsory. Administration of school discipline is to reflect the child's human dignity. Emphasis is laid on the need for international co-operation to ensure this right.

29. Aims of education

The state must recognise that education should be directed at developing the child's personality and talents, preparing the child for active life as an adult, fostering respect for basic human rights and developing respect for the child's own cultural and national values and those of others.

30. Children of minorities or indigenous people

Children of minority communities and indigenous people have the right to enjoy their own culture and to practice their own religion and language.

31. Leisure, recreation and cultural activities

Children have the right to leisure, play and participation in cultural and artistic activities.

32. Child labour

The state is obliged to protect children from engaging in work that constitutes a threat to their health, education or development, to set minimum ages for employment, and to regulate conditions of employment.

33. Drug abuse

The child has the right to protection from the use of narcotic and psychotropic drugs and from being involved in their production or distribution.

34. Sexual exploitation

The child has the right to protection from sexual exploitation and abuse, including prostitution and involvement in pornography.

35. Sale, trafficking and abduction

The state is obliged to make every effort to prevent the sale, trafficking and abduction of children.

36. Other forms of exploitation

The child has the right to protection from all other forms of exploitation not covered in articles 32, 33, 34 and 35.

37. Torture and deprivation of liberty

The prohibition of torture, cruel treatment or punishment, capital punishment and life imprisonment. Arrest and any form of restriction of liberty must be used only as a last resort and for the shortest appropriate time. Children have the right to appropriate treatment, separation from detained adults, contact with their family and access to legal and other assistance.

38. Armed conflicts

States are obliged to respect and ensure respect for humanitarian law as it applies to children. No child under 15 years of age should take a direct part in hostilities or be recruited into the armed forces, and all children affected by armed conflict should benefit from protection and care.

39. Rehabilitative care

The state is obliged to ensure that children damaged by armed conflict, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social reintegration.

40. Administration of juvenile justice

Children alleged or recognised as having committed an offense have the right to respect for their human rights and, in particular, to benefit from all aspects of the due process of law, including legal or other assistance in preparing and presenting their defence. Recourse to judicial proceedings and institutional placements should be avoided wherever possible and appropriate.

41. Respect for existing standards

If any standards set in national law or other applicable international instruments are higher than those of this Convention, it is the higher standard that applies.

42-54. Publicising and implementing the Convention

The state is obliged to make the rights contained in the Convention widely known to adults and children.



International Federation of Journalists Guidelines

These guidelines for journalists covering children's issues were adopted by the Federation in Recife, Brazil, in 1998.

All journalists and media professionals have a duty to maintain the highest ethical and professional standards and should promote within the industry the widest possible dissemination of information about the International Convention on the Rights of the Child and its implications for the exercise of independent journalism.

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 investigation 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 and, in particular, they shall:

- 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 upon the media 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 and shall minimise harm to children;

6 Check the law and guidelines

- guard against visually or otherwise identifying children, unless it is demonstrably in the public interest;
- give children, where possible, the right of access to media to express their own opinions without inducement of any kind;
- ensure independent verification of information provided by children and take special care to ensure that verification takes place without putting child informants at risk;
- avoid the use of sexualised images of children;
- use fair, open and straightforward methods for obtaining pictures and, where possible, obtain them with the knowledge and consent of children or a responsible adult, guardian or carer;
- verify the credentials of any organisation purporting to speak for, or to represent, the interests of children; and
- not make payment to children for material involving the welfare of children or to parents or guardians of children unless it is demonstrably in the interest of the child.

Journalists should put to critical examination the reports submitted and the claims made by governments on implementation of the UN Convention on the Rights of the Child in their respective countries.

Media should not consider and report the conditions of children only as events but should continuously report the process likely to lead or leading to the occurrence of these events.

ALSO REFER TO:



“Childrens’ Rights and the Media; a Resource for Journalists” produced by Soul City. The booklet contains valuable information. email: www.soulcity.org.za

World Health Organisation Guidelines

These guidelines for media professionals covering health issues were adopted by the WHO European Health Communications Network in 1998.

- First, do no harm.
- Get it right. Check your facts, even if deadlines are put at risk.
- Do not raise false hopes. Be especially careful when reporting on claims for “miracle cures”.
- Beware of vested interests. Ask yourself “who benefits from this story?”
- Never disclose the source of information imparted in confidence (unless compelled to do so under national law).
- When dealing with individuals who may be sick or handicapped, and especially with children, be mindful of the consequences of your story. They will have to live with it long after you are gone.
- Never intrude on private grief.
- Respect the privacy of the sick, the handicapped and their families, at all times.
- Respect the feelings of the bereaved, especially when dealing with disasters. Close-up photography or television images of victims or their families should be avoided wherever possible.
- If in doubt, leave it out.

Resources for reporting on children

Amnesty International
www.amnesty.org

Childline
011-484 1070
www.childline.org.za

Children's Budget Project, IDASA
021-467 5600
www.idasa.org.za

Children First - Journal
031-307 3405
www.childrenfirst.org.za

Child Health Unit, UCT
021-689 8312
web.uct.ac.za/depts/chu

Childwatch International Research Network
www.childwatch.uio.no

Child Protection Unit
021-393 2363
www.saps.org.za

Children's Rights Project Community Law Centre, UWC
021-959 2950
www.communitylawcentre.org.za

Department of Health
012-312-0121
www.doh.gov.za

FAMSA
011-975 7106
www.famsa.org.za

Government Communication Information Systems
www.gcis.gov.za

Human Rights Watch Children's Rights Project
www.hrw.org

International Confederation of Free Trade Unions
www.icftu.org

International Labour Organisation (ILO)
www.ilo.org

Lawyers for Human Rights
012-320 2943
www.lhr.org.za

Media Monitoring Project
011- 788 1278
www.sn.apc.org/mmp

Molo Songololo
021-726 5420
www.molo.com

National Children's Rights Committee
011-339 1919

Office on the Rights of the Child in the Presidency
012-300 5505

Planned Parenthood Association of South Africa
011-880 1182
www.ppasa.org.za

SA Council for Child and Family Welfare
011-339 5741
www.childwelfare.org.za

Soul City
011-643 5852
www.soulcity.org.za

South African Human Rights Commission
011-484 8300
www.sahrc.org.za

Street Kids International
www.streetkids.org

United Nations Children's Fund (UNICEF)
012- 354 8201
www.unicef.org

United Nations High Commissioner for Refugees (UNHCR)
www.unhcr.org

United Nations Population Fund (UNFPA)
www.unfpa.org
www.unicef.org.za

United Nations Programme on HIV/AIDS (UNAIDS)
www.unaids.org

World Bank
www.worldbank.org

World Health Organisation (WHO)
www.who.int/children/

A man killed his family



who am I left
with. Can anyone
find me a disant
family.

all sides of the story

reporting on children: **a journalist's handbook**

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media
monitoring project

unicef

