

Report

on

Dialogue with Media on Child Rights

Date- 25th May 2016

Venue – Vista International, Jaipur

unicef 
unite for children


Resource Institute for Human Rights

अन्ताक्षरी

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Background:-

Protecting children and promoting their welfare is a collaborative action and collective responsibility of several stakeholders - the Government, Child Rights Practitioners and Media. The Constitution of India guarantees several rights to children and enables the State to make provisions to ensure that these rights are protected. Children in India are, therefore ensured equality, dignity, liberty, freedom and protection. India has signed and ratified the United Nations Convention on the Rights of the Child (UNCRC), 1989 which also guaranteed several rights for children.

All the children have equal right to protection from any kind of exploitation, violence and abuse. One of the rights defined in UNCRC also states that all the children have right for accessing information from media on other hand it also provides protection from any kind of harmful publication.

The dignity and rights of every child are to be respected in every circumstance. In interviewing and reporting on children, special attention is needed to ensure 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, including the potential of harm and retribution.

A Media Consultation was organized by Antakshari Foundation and Resource Institute of Human Rights with the support of UNICEF in the project titled "Strengthening of Child Protection System in Rajasthan" for Protection of Child Rights. The consultation focused on sensitizing journalists, and photographers, so that children's issues are covered in a more dignified manner while protecting their rights. The Dialogue was organized on the constitutional and legal provisions for children and adolescents and developing a shared understanding on the role of the media in addressing violations of rights of Children's.

In India laws related to children have also defined the role and responsibility of print and electronic media which mainly talks about privacy and confidentiality rights of children as well as promotion of the rights of children. These laws also stated that if at any level if the privacy and confidentiality of any children breaches then it will be considered as violation of their rights. Media can be an important ally in reaching positive results.

Key provisions related to media reporting on children:

Section 228A - Indian Penal Code, 1860

Section 13 (2) (b) - Press Council of India Act, 1978

Section 23 - Protection of Children from Sexual Offences (POCSO) Act, 2012

General Principle 3(11) and Section 74 - Juvenile Justice (Care and Protection of Children) Act, 2015

In continuation of the same Mr. Govind Beniwal, Former Member RSCPCR and Project Director Antakshari Foundation welcomed the delegates on the Dialogue held with Media on 25th May 2016. The purpose of organizing dialogue is based on the need for developing a sense of responsibility among the media personnel to deal with issues relating to child rights and protection adequately and sensitively. More than half of the women in India are married before the legal minimum age of 18. By contrast, men in the same age group get married at a median age of 23.4 years. 16%¹ of men aged 20-49 are married by age 18 and 28 percent by age 20.

He further continued and gave a brief that whole can be seen under two level, i.e. JJ Act, 2015 (changes within the act from the past 10 years) and Delhi High Court in better reporting on children issues by the media as described in the Guidelines. The media play a significant role in forming and influencing people's attitudes and behaviour. Media attention to child abuse has, at times, positively influenced public, professional and political responses to the circumstances in which children and young people find themselves. Understanding media influences, and how to use the media constructively, may thus be an essential tool for those who advocate for children.

The support of media can be seen from the past 2 years that due to their efforts the effect and changes made in the sector of child rights due to which establishment of homes and about the polices related to various issues related to children. Any negative coverage lay negative effect on the future of children.

On the behalf of Antakshari Foundation and UNICEF, he expressed his sincere gratitude to all the members present in the meeting. He then welcomed everyone in the meet and brief about the purpose and objectives of the dialogue like:

1. To orient the media personnel about the legal provisions and guidelines related to media reporting on children.
2. To sensitize them towards reporting, broadcasting, publication of news, programs related to children.
3. To discuss the challenges faced by media personnel while they reporting children issues.

Participants: The Participants of the dialogue has been comprises of media personnel, journalists, representative of journalists forums and students pursuing journalism. There was a gathering of 57 participants in the consultation.

¹ (Source: Summary of Findings, NFHS-3)

Inaugural Session: Role of Media in Child Rights

Mr. Beniwal invited Mr. Narayan D. Bareth, Sr. Journalist and Professor, Hardev Joshi University of Journalism, Rajasthan, to throw light on the role of media in child rights issues. The discussions majorly focused on the need for more nuanced media coverage for children. He also mentioned that media will be the representative of children's voice and concern in country and state.

It was echoing the sentiments expressed by him and other panelists, stressed that in this age of online information, media still has a powerful role in moulding opinions and requested journalists to create spaces for Children's to highlight their issues and concerns.

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

When trying to determine the best interests of a child, the child's right to have their views taken into account are to be given due weight in accordance with their age and maturity. Those closest to the child's situation and best able to assess it are to be consulted about the political, social and cultural ramifications of any reportage. Do not publish a story or an image which might put the child, siblings or peers at risk even when identities are changed, obscured or not used.

Human rights apply to all age groups, and children have the same fundamental human rights as adults. However, there are rights that only apply to children due to their unique needs and particular vulnerabilities. Human rights impact assessments should include all internationally recognized human rights instruments as a framework for evaluating the full suite of risks and opportunities for all rights holders. In regard to children, companies will need to consider the Convention on the Rights of the Child (CRC) as part of the international framework. The CRC elaborates the human rights of children, recognizing the interdependence of their civil, political, economic, social and cultural rights. It also recognizes that children may need particular accommodation or protection in order to fully enjoy these rights.

He then invite Mr. Hemant Singh, Dy. Secretary, Rajasthan State Legal Service Authority regarding reporting the issues related to children by the media, he further initiated that



media plays an important role in reporting of the cases related to children also there are several legal provisions related to media reporting on children. Media is considered as the fourth pillar of Indian democracy, which has raised several issues related to children and bring it on the notice of government at regular intervals.

Media have a crucial role to play in any social change that happens. There is tremendous potential and a demonstrable need for media and communications to contribute to the protection of child rights. Media can act as a preventive medium for encouraging and ensuring protection of children by creating awareness and sensitizing children, parents, community, government, legislatures and people's representatives. Also, by creating public opinion and creating pressure for law enforcement in terms of ensuring justice and establishing preventive measures in the society by not disclosing the identity of child if it isn't necessary and even if in any circumstances the same can be done by taking permission from CWC and parents.



Mr. Bareth then invited Mr. Lokesh Kumar Sharma, Public Relation Officer, Governor House,

Rajasthan to express his views on situation of children's in our country he shared the impact of parents towards the life of children, and a case after the 12th result through various examples.

In the end, Mr. Bareth emotionally drew light to media on to the need of giving importance and coverage to the issues related to children and Do no harm to any child; avoid questions, attitudes or comments that are judgmental, 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. Do not discriminate in choosing children to interview because of sex, race, age, religion, status, educational background or physical abilities. The best interests of each child are to be protected over any other consideration, including over advocacy for children's issues and the promotion of child rights.

Technical Session: 1 Situation of Child Rights

Mr. Beniwal then invited, Mr. Sanjay Kumar Nirala, Child Protection Officer, UNICEF to throw light on the overview and current scenario of Child Rights and Child Protection. Mr. Nirala welcomed everyone present in the workshop and initiated his session on brief about Child Rights and violations of their rights.

He further said that from the birth of the children they are not seen as an economic market & are not commercialized, there is a big issue on how to attract media regarding the problems related to children. There are various other problems and complications in Rajasthan like (neo natal death 20-25 % of the birth is of the children and mother who is less than 18years of age) with respect to children which doesn't seek attention of the media.

He in his speech, highlighted the critical role of media in promoting the voices of children. He strongly advocated that 'the best interest of the child' should be the guiding principle for media to promote the cause and issues of children in society.

Media needs to consider children as right holders so as to safeguard their rights. The session also deliberated on the significance of adolescents (10-19 years of age) as they constitute nearly 22 per cent of the population and yet are largely invisible in the media and have limited opportunities for representation. Often they are portrayed without sufficient attention paid to issues of confidentiality, and without providing opportunities for meaningful participation or representation. He presented the glimpses of the situation of Rajasthan as due to increase in the rate of child marriage hampering the life of the girl child as they are getting pregnant at the early age which accounts for about 45%.

At the end, Mr. Hemant Singh spoke about only making of law, SOPs and guidelines will not lead to a prosperous Country. There are N numbers of Acts and Policies with respect to Child Rights then there is a need to find out where we are lacking. All the stake holders, (Media, Judiciary, Practioners etc,) are responsible somewhere. There is a need for the collective efforts a general public have blind trust on the media. So media is a responsible



person and plays a crucial role by showing the real mirror of child related issues in their coverage for its major positive implications. In the end he concluded that “Person having eyes but are not able to see”.

Technical Session: 2 Legal provisions related to Media Reporting on Children

Mr. Beniwal then invited Mr. Prateek Kasliwal, Advocate, Rajasthan High Court to share his views and throw light on Role of media under various laws and directions of Hon’ble Delhi High Court. He in his session he initiated that according to the UNCRC Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, color, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. The UN finds these rights interdependent and indivisible, meaning that a right cannot be fulfilled at the expense of another right.

Hon’ble Delhi High Court vide order 05.12.2012 that Media coverage on matters relating to children may have long term consequences on their overall development (physical, mental, psychological, emotional, moral, social, economic etc.), life and dignity and lack of care by Media in this regard may entail real risk of children facing harm, stigma, disqualification, retribution etc. He further speaks that there are various modalities which have been taken care of and some duties which a journalist needs to abide with:-

- ❖ A responsibility to give children access to the media
- ❖ A responsibility to portray children faithfully
- ❖ A responsibility not to exploit children
- ❖ A responsibility to respect children's privacy
- ❖ A responsibility to consider the consequences
- ❖ A responsibility to be a role model
- ❖ A responsibility to evaluate the interview
- ❖ A responsibility to ask the children for their thoughts

The guidelines given by Hon’ble Delhi High Court are a welcome step towards maintaining journalism proficiency.

Guidelines for reporting on Children:

- 1- Media shall not further stigmatize any child; avoid categorizations 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.
- 2- Always provide an accurate context for the child's story or image.

- 3- Always change the name and obscure the visual identity of any child who is identified as:
 - 4- A victim of sexual abuse or exploitation
 - A perpetrator of physical or sexual abuse
 - HIV positive, or living with AIDS, unless the child, a parent or a guardian gives fully informed consent
 - Charged or convicted of a crime.
- 5- In certain circumstances of risk or potential risk of harm or retribution, change the name and obscure the visual identity of any child who is identified as:
 - A current or former child combatant
 - An asylum seeker, a refugee or an internal displaced person.
- 6- In certain cases, using a child's identity - their name and/or recognizable image - is in the child's best interests. However, when the child's identity is used, they must still be protected against harm and supported through any stigmatization or reprisals. Some examples of these special cases are:
 - When a child initiates contact with the reporter, wanting to exercise their right to freedom of expression and their right to have their opinion heard.
 - When a child is part of a sustained programme of activism or social mobilization and wants to be so identified.
 - When a child is engaged in a psychosocial programme and claiming their name and identity is part of their healthy development. When a child is engaged in a psychosocial programme and claiming their name and identity is part of their healthy development.
- 7- Confirm the accuracy of what the child has to say, either with other children or an adult, preferably with both.
- 8- 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.
- 9- At the end he concluded that all journalists have responsibilities. These responsibilities are heightened when working with children who can be particularly vulnerable, sensitive and impressionable.



He further initiated the Acts wise provision regarding the role of media reporting on Child Rights, Like:

1. **Juvenile Justice (Care and Protection of Children) Act, 2015:**

- **Section 3 (xi)**- Principle of right to privacy and confidentiality: Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.
- **Section 74-**
 - a. No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published: Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.
 - b. The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.
 - c. Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.

2. **Protection of Children from sexual offences (POSCO) Act, 2012**

- **Section 23:**
 - a. No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.
 - b. No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighborhood or any other particulars which may lead to disclosure of identity of the child: Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.
 - c. The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.
 - d. Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both

After several technical sessions of Mr. Kasliwal on Role of media under various laws and directions of Hon'ble Delhi High Court, Mr. Govind Beniwal invited Mr. Mahendra Kumar Dave, Chief Judicial Magistrate & Deputy Registrar, State Consumer Forum, Rajasthan to take the session on UNICEF guidelines and NHRC strategies on ethical reporting.

Mr. Dave shows his gratitude to Antakshari Foundation and UNICEF for organizing the Media Consultation for the sensitization Media is considered as the fourth pillar of Indian democracy, which has raised several issues related to children and bring it on the notice of government at regular intervals. He further stated that:

- ❖ There is provision in Section 43 of PCOSO Act, 2012 that the central government is responsible for the Public awareness about the act that wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provision of POCSO Act, 2012.
- ❖ There are various challenges faced at the time of dealing with the issues of children like lack of trained police, Judges and other official also maximum of the posts of the officers are vacant in the state leads to lack of gaps in the smooth functioning and implementation of the Child Protection System.
- ❖ He also states that NHRC has published the provisions of the POCSO Act, 2012, provisions of JJ Act and UNICEF Guidelines in the simple language.
- ❖ He also spoke that a child posses all the basic rights as per the human or adult rights abut also they have some additional rights to protect them
- ❖ At the stage of Investigation, Inquiry and Trail in all 3 cases the identity of the children need to be kept hidden.
- ❖ If the child itself wants to express as a volunteer that he wants to file and case regarding the offence then his identity and name can be disclose by the media. But in case of missing child the case may be different; it is based on the ethical and can be done after the permission of CWC, JJB, courts.
- ❖ Also, don't introduce a child as vulnerable rather he/she is having tremendous rights, laws, policies, and variety of schemes (Palanhar, Mukhiya Mantri Hunar Vikas Yojana and Victim Compensation Scheme etc.) governments, civil societies, Judiciaries etc are working for the rights of children.
- ❖ If media come across any such cases that somewhere there is something wrong abuse happing with the child and media is not filing a complaint of the same then there is also a provision of punishment regarding the same under POCSO Act, 2012 in section 20 and section 21.

Open Discussions:

The open session was held to figure out the problems of the media. Various question and doubts has been cleared which was been faced as the challenge by the media personal while reporting the cases of the children. They are as follows:

1. At the time of the interviewing a child media has to identify and ask for the facts and figures relating to the cases for its authentication? (DNA)
1. As per the act the disclosure of the identity of children is considered as an offence, but in the context of the reporting the facts finding needs is also important. The thing which need to be kept in mind that is the disclosure necessary and what is the projection and consent of the child, and will it lead to any kind of hamper and repercussion of the child is taken into consideration then it will not lead to the violation of their rights.
2. A case of Bikaner a girl has been sexually assaulted & she died and her identity is also being disclosed in the media and the entire social site. Is it the violation of Child Right?
2. The Act is very clear which states that the discloser of privacy and confidentiality of media is violation of child rights, various guidelines has been made regarding the social media. The social media works very fast as compared to other media and there are no rules and guidelines to stop them though it is a violation of their rights but we don't have restrained over them.
3. We should not show hyperness and we should be more sensitive in handling a children related issues. (Varsha Ji, IDS)
4. Is the identity of the person who is giving the news can be disclosed necessary?
4. It is not necessary or mandatory to disclose the identity of informer or complainant.
5. Concern were raised regarding the media role in reporting of cases pending at CWCs and JJBs. They should protect the rights of children and the authentication of information should be maintained. In such cases, editor should check all facts before its finalization.
6. We have witnesses that from to time media has highlighted various issues related to the implementation gaps of JJ Act and POCSO Act which has impacted on government action.
7. The concern was all raised regarding the disclosure of identity by foreign media agency. Speakers said that till now Indian laws are not equipped to address these issues.

Concluding Remarks:

In the end, Mr. Radhakant Saxena, Rtd. IG (Prison), Rajasthan and Consultant, CHRI gave the thanks note and concluded the above 2 sessions that the manner in which such issues are covered and the manner in which adolescents and children are represented can have an impact on the way society views them and even graver consequences for the children sense of self.

The discussions highlighted that a significant number of concerns around the representation (or lack of) children and adolescent issues in the media stems largely from a lack of understanding on 'children as rights-holders' and not merely beneficiaries. The recommendations from the deliberations, therefore, focused on the need for engaging with grassroots journalists for developing sensitization and awareness on the rights of children.

He then thanked all the key speakers, media persons & other participants and said the media play a important role and with respect to child rights that the identity of the child is a very small aspect, the context of the media is to bring a change in the society with the help of media which should be done with the best interest of the child. The coverage related to all these should be made maximum in the print and electronic media.
