



A Resource Kit for Journalists

**Children's
Media
Mentoring
Project**



EMPOWERING children
& media

This page is the CD FLAP-Die CUT Holder
in separate document.

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Introduction

Why is a resource kit for about reporting on children necessary?

"They only show bad things that happen to children. They never speak about good things that we do as children."

"In every news bulletin there are children who are raped, street kids, orphans and more. This is bad for children."

"There is nothing on the radio news about children. These guys, they don't think our issues are important."

These quotations were spoken by children who participated in the Media Monitoring Project (MMP)'s Empowering Children & Media Project, which analysed and assessed the representation of children in the South African news media. The comments express one of the MMP's key findings: children rarely feature in the South African media, and if they do, then are often shown as voiceless victims.

Almost half of South Africa's population (more than 19 million people) is under the age of 19, yet only 6% of the news monitored during the MMP's research contained children. In 2003, the MMP monitored more than 22 000 items in 36 different South African media. In a first for South Africa, the MMP included and involved children as monitors in the monitoring process. More than 70% of the items contained children, but children were not used as sources of information. The results showed that children were quoted in only 13% of the monitored items. The MMP's research shows that children are an untapped news resource.

Children are also afforded special protection in international and South African laws, guidelines, and conventions. Yet the media is often guilty of violating children's rights to protection and privacy. Many journalists consider interviewing children as too difficult, as something that requires too much effort, with too many legal risks.

This resource kit provides journalists with the necessary information to enable children's voices to become a part of daily media coverage, without violating children's rights, South African laws, or international norms and standards. The resource kit is designed to allow journalists and editors easy access to guidelines and laws during the production of news. We hope that you will use this resource, and the valuable information contained within it, to help to bring more children's voices into the South African media, in positive ways, which do not harm children.

Children's Rights and South African Law

This section of the resource kit provides information about relevant South African laws in relation to children's rights. It includes the South African Constitution, relevant sections of the Criminal Procedure Act, the Children's Bill, and the Sexual Offences Bill.

Children's Rights and the South African Constitution

In South Africa, children's rights are enshrined in Section 28(2) of the Bill of Rights of the Constitution, which states:

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 a 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;
 - 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 Criminal Procedure Act

Section 154(3) of the Criminal Procedure Act states:

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". This Act is contravened by interviewing a person or releasing facts by which the identity of a child can be discerned. Revealing the name of a child's school, home, or teacher, for example, may indirectly identify a child.

Revealing these 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, 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 a story as a means of satisfying public interest in the matter.

These arguments are problematic. Always remember that the 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:

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, as 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. Such decisions need to be balanced against the best interests of the child concerned.

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. An indecent act can be interpreted fairly broadly to include something society considers to be obscene, 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.

The Children's Bill: A Summary

The first part of the Children's Bill (the Section 75 Bill) was passed by the National Assembly on the 22nd of June 2005. The Section 75 Bill was referred to the National Council of Provinces (NCOP) and was expected to be passed by the NCOP by the end of 2005. Once the Section 75 Bill has been passed by parliament, signed by the president, and the costing process has been completed, the second bill, the Section 76 Bill, will be tabled in parliament. This is expected to take place in March 2006. It is estimated that the Section 76 Bill will take at least a year to be passed. Once the second Bill has been passed, the two Bills will be merged into a single Children's Act.

The Section 76 Bill includes clauses and provisions for:

- Partial care (crèches) and early childhood development centres;
- Foster care;
- Child and youth care centres (children's homes, places of safety, secure care facilities, schools of industry, and reform schools);
- Shelters for street children;
- Drop-in centres for vulnerable children;
- Prevention and early intervention services (to assist families to prevent abuse and neglect);
- Protection services for children who have been abused and neglected.

The Children's Bill Working Group, a national network of umbrella organisations that work with children, celebrated the passing of the Section 75 Bill as a major milestone for South Africa in the struggle to protect children from abuse and neglect. However, some problems remain. Below you will find an edited version of the "Children's Bill Progress Update: Report on Amendments Made by the Portfolio Committee on Social Development", written by Lucy Jamieson and Paula Proudlock of the Children's Institute, University of Cape Town (27th of June 2005). It summarises and comments on the positive and negative aspects of amendments made to the Bill.

(For the full version of the Bill go to the CD.)



The Bill is aimed at giving effect to constitutional rights to protection, social services and family care.

The Bill is aimed at giving effect to the following three children's rights:

- The right to family care, parental care or appropriate alternative care;
- The right to social services;
- The right to protection from abuse, neglect, maltreatment and degradation.

The Bill also emphasises the core international and constitutional principle that in every matter concerning a child, the child's best interests should be the primary consideration.

The chapters in the Bill are aimed at giving effect to these rights and the principle of the best interests of the child. This is an important development because the Act that this Bill will eventually repeal, the 1983 Child Care Act, was not written from a child's rights perspective. The Child Care Act was written in the 1980s, by the apartheid government, when South Africa did not have a Bill of Rights, and was not a democracy. It did not take into account key concepts such as equality for all children, equality for parents, regardless of their gender, and the principle of the best interests of the child.

The Bill obliges all government departments to take reasonable measures to the maximum extent of their available resources to achieve the realisation of the Act.

The inclusion of the words "maximum extent" before "available resources" is a major victory for children. This means that all departments need to prioritise children when they are making decisions about budgets and the allocation of resources. These words come from Article 4 of the United Nations Convention on the Rights of the Child, and are aimed at ensuring that children's issues are prioritised in budget decisions.

The Bill obliges all departments to deliver services to children in an integrated, co-coordinated and uniform manner.

Protecting children from abuse and neglect is a task that involves at least seven different government departments at national, provincial, and local levels of government. Currently, a major problem that affects the system is the lack of co-ordination between all of the different departments. As a result, many children suffer terrible secondary trauma when they are in the system.

In recognition of this problem, the Bill has two clauses that strongly oblige all role-players to co-operate with one another and to co-ordinate their services to ensure integrated service delivery to children. The actual mechanism to ensure co-ordination is not stipulated in the Bill.



The Bill has a special focus on children with disabilities and promotes equal opportunity and protection for children with disabilities.

Major advances have been made in recognising the rights of children with disabilities or with chronic illnesses, and in guaranteeing that these children have access to all of the services provided by the Bill. The disability task team worked closely with the members of the committee and the drafters to make certain that the Bill creates an enabling environment and responds to the special needs of children with disabilities. The general principles section of the Bill recognises that to have equal access to those services, disabled children may require special support.

The biggest advance is the addition of a section dedicated to children with disabilities and chronic illnesses:

11. (1) In any matter concerning a child with a disability due consideration must be given to:
- (a) providing the child with parental care, family care or special care as and when appropriate;
 - (b) making it possible for the child to participate in social, cultural, religious and educational activities, recognising the special needs that the child may have;
 - (c) providing the child with conditions that ensure dignity, promote self-reliance and facilitate active participation in the community; and
 - (d) providing the child and the child's caregiver with the necessary support services.

Cultural, religious and social practices that have the potential to harm children have been prohibited or regulated.

Female genital mutilation and virginity testing have been banned, and a male child now has the right to refuse to be circumcised. Anyone who violates these provisions or who fails to protect the child from such an abuse, is guilty of an offence. Controversy surrounded the banning of virginity testing, and various cultural groups that support the tradition of virginity testing are expected to lobby the National Council of Provinces.

The age for consent to medical treatment has been changed from 14 to 12-years-old.

Children under the age of 12 need the consent of their parents or caregivers to receive medical treatment. Children over the age of 12 can give consent to obtain medical treatment themselves. Children over 12 years can also consent to a surgical operation, but must be assisted by their parent or guardian. Caregivers can now give consent for medical treatment to children under the age of 12. Consent for a surgical

operation, in a non-emergency, may only be given by the minister or by the High Court, where no parent or guardian is available.

The important shift from the concept of parental power to the new, enlightened concept of parental responsibility is recognised.

The debate on replacing the terms "access" and "custody" with "care" and "contact" dogged the committee. The committee members finally decided that it was important to shift the concept of parental power to a new emphasis on parental responsibilities and rights, and that the new terminology was essential for this shift to take place. They, therefore, decided to use the new terms "care" and "contact".

The committee also voted to have the following subsection inserted into the interpretation section:

1. (2) In addition to the meaning assigned to the terms "custody" and "access" in any law, and the common law, the terms "custody" and "access" in any law must be construed to also mean "contact" and "care" as defined in this Act.

Guardianship applications will now remain the exclusive jurisdiction of the High Court; thereby preventing caregivers in rural areas from being able to protect the property rights of orphans in their care.

The Children's Court should be empowered to hear guardianship applications in order to ensure that orphans' property rights are protected. However, the deputy minister of justice argued against extending the jurisdiction of the Children's Court to include guardianship, as he was concerned about corruption, capacity, and cost. Guardianship, therefore, remains the exclusive jurisdiction of the High Court. This is a major problem for the many caregivers who need to protect the property rights of the orphans in their care, especially those living in rural areas.

Legal Aid Board will decide whether a child needs a lawyer in the Children's Court.

Magistrates must now consider whether or not a child needs a lawyer when a case appears in the Children's Court. If the court is of the opinion that it would be in the best interests of the child to have a lawyer, the court must refer the matter to the Legal Aid Board. The Legal Aid Board must then make a decision as to whether to grant the child a lawyer at state expense. Regulations will guide the courts and the Legal Aid Board as to which situations would result in substantial injustice if the child does not have a lawyer.

National Child Protection Register incorporated into section 75 Bill.

A provision for the establishment of a National Child Protection Register has been reincorporated into the Section 75 Bill. The amended



chapter includes changes to the data held on children, allowing for disaggregation on the basis of age, gender, and disability, in order to monitor trends in abuse and neglect, and to adapt services accordingly.

All welfare organisations that work with children must check the names of staff and anyone who has access to the children in their care. This includes current employees. Everyone who is placed on Part B of the Register (people unsuitable to work with children) will be notified and will be eligible for dismissal. Anyone who commits more than one offence against a child will remain on the register in perpetuity.

Children in need of care and protection.

The categories of children identified as in need of care and protection have been redefined. Only orphans without any visible means of support are included, rather than all orphans. To determine whether they are in need of care and protection, a social work investigation is compulsory for children who fall into one of the following categories:

- Street children;
- A child who is a victim of child labour;
- A child who is a victim of trafficking;
- A child in a child-headed household;
- An unaccompanied foreign child.

Adoption

The Bill creates a register of adoptable children and adoptive parents. The financial test that prevented many poor people from adopting children has now been removed. A provision that allowed the adopting parents to pay the biological mother compensation for loss of earnings has been removed. This removes a possible form of unfair inducement to a mother to pressurise her to consent to the adoption of her child.

Section 233(1)(a) requires that a parent who is a minor (under 18 years of age) must be assisted by her guardian in giving consent for her child to be adopted. Under the current law, a 16-year-old who wants her child to be adopted can give consent on her own, without her parents' knowledge. Requiring the young mother to tell her parents about her pregnancy may prevent many young mothers from considering adoption as an option.

Inter-country adoption

The Bill closes the loophole on back-door, inter-country adoptions. Any application for guardianship or rights to remove a child from the country will now be regarded as an inter-country adoption, and will have to go through a well-regulated procedure.

Trafficking

The Bill makes trafficking of children an offence. Various people in the trafficking chain can now be arrested for trafficking. This includes those who are involved in advertising, harbouring, or transportation activities. Syndicates can now also be prosecuted. Assistance for victims of trafficking is stipulated; this includes that children may apply for asylum if returning them to their country of origin would return them to an unsafe environment.

The Bill and the Media

The Bill makes only a few references to the identification of children in the media. These focus largely on prohibiting the publication of information relating to the facilitation of child trafficking. Section 74 is of greatest practical importance to journalists:

No person may, without the permission of a court, in any manner publish any information relating to the proceedings of a children's court which reveals or may reveal the name or identity of a child who is a party or a witness the proceedings.

While the protection of the child's identity is paramount, stories about children's court proceedings are to be encouraged.



The Sexual Offences Bill

The Sexual Offences Bill proposes:

- 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;
- 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, as well as loss of income.

The Bill will also broaden the definition of rape and include boys and men as victims of rape. Under current common law boys and men can only be indecently assaulted or sexually abused, which carry lesser sentences than rape.

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

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

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.

Please note: For the past few years, the Bill has been stuck in parliament, as some issues are still being considered for addition to the Bill. It is unclear when it will be passed. Please check with the Ministry of Justice (www.doj.gov.za) or www.pims.org.za/monitor for the latest developments.

The Convention on the Rights of the Child: A Journalist's Summary

The United Nations Convention on the Rights of the Child (UNCRC) was ratified by the South African government in 1995. The UNCRC sets out what governments and individual citizens should do to promote and protect the human rights of all children. By signing the UNCRC, South Africa has committed itself to ensuring that children can grow up in safe and supportive conditions, with access to quality education, health care, and a good standard of living. The UNCRC acknowledges children's rights to express their thoughts and opinions freely, to play and form their own clubs and organisations, to access information and to make their ideas and information known.

1. Definition of a child

All people under the age of 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 UNCRC 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).

(Continued ...)

The Convention on the Rights of the Child (cont)

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.

(Continued ...)

The Convention on the Rights of the Child (cont)

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 preventative 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 co-operate 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 life.

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 co-operation 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.

(Continued ...)

The Convention on the Rights of the Child (cont)

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 practise 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.

(Continued ...)

The Convention on the Rights of the Child (cont)

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 offence 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. Publicising and implementing the Convention

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

Codes of Practice

Both the Press Code of Professional Practice and the Broadcasting Complaints Commission of South Africa (BCCSA) Code make specific reference to children.

(For the full text of the BCCSA Code please go to the CD.)

Press Code of Professional Practice

Preamble

The basic principle to be upheld is that the freedom of the press is indivisible from and subject to the same rights and duties as that of the individual and rests on the public's fundamental right to be informed and to freely receive and disseminate opinions.

The primary purpose of gathering and distributing news and opinion is to serve society by informing citizens and enabling them to make informed judgments on issues.

The freedom of the press to bring an independent scrutiny to bear on the forces that shape society is a freedom exercised on behalf of the public.

The public interest is the only test that justifies departure from the highest standards of journalism and includes:

- detecting or exposing crime or serious misdemeanour;
- detecting or exposing serious anti-social conduct;
- protecting public health and safety;
- preventing the public from being misled by some statement or action of an individual or organisation;
- detecting or exposing hypocrisy, falsehoods, or double standards of behaviour on the part of public figures or institutions and in public institutions.

The code is not intended to be comprehensive or all-embracing. No code can cover every contingency. The press will be judged by the code's spirit – accuracy, balance, fairness, and decency – rather than its narrow letter, in the belief that vigilant self-regulation is the hallmark of a free and independent press.

In considering complaints the Press Ombudsman and Appeal Panel will be guided by the following:

1. Reporting of News

1.1 The press shall be obliged to report news truthfully, accurately and fairly.

- 1.2 News shall be presented in context and in a balanced manner, without an intentional or negligent departure from the facts, whether by:
 - 1.2.1 distortion, exaggeration or misrepresentation;
 - 1.2.2 material omissions; or
 - 1.2.3 summarisation.
- 1.3 Only what may reasonably be true having regard to the sources of the news, may be presented as facts, and such facts shall be published fairly with due regard to context and importance. Where a report is not based on facts or is founded on opinions, allegation, rumour or supposition, it shall be presented in such manner as to indicate this clearly.
- 1.4 Where there is reason to doubt the accuracy of a report and it is practicable to verify the accuracy thereof, it shall be verified. Where it has not been practicable to verify the accuracy of a report, this shall be mentioned in such report.
- 1.5 A newspaper should usually seek the views of the subject of serious critical reportage in advance of publication; provided that this need not be done where the newspaper has reasonable grounds for believing that by doing so it would be prevented from publishing the report or where evidence might be destroyed or witnesses intimidated.
- 1.6 A publication should make amends for publishing information or comment that is found to be harmfully inaccurate by printing, promptly and with appropriate prominence, a retraction, correction or explanation.
- 1.7 Reports, photographs or sketches relative to matters involving indecency or obscenity shall be presented with due sensitivity towards the prevailing moral climate.
- 1.8 The identity of rape victims and victims of sexual violence shall not be published without the consent of the victim.
- 1.9 News obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published unless there is a public interest.
- 1.10 In both news and comment, the press shall exercise exceptional care and consideration in matters involving the private lives and concerns of individuals, bearing in mind that any right to privacy may be overridden by a legitimate public interest.
- 1.11 A newspaper has wide discretion in matters of taste but this does not justify lapses of taste so repugnant as to bring the freedom of the press into disrepute or be extremely offensive to the public.

2. Discrimination

- 2.1 The press should avoid discriminatory or denigratory references to people's race, colour, ethnicity, religion, sexual orientation or preference, physical or mental disability or illness, or age.
- 2.2 The press should not refer to a person's race, colour, ethnicity, religion, sexual orientation or preference, physical or mental illness in a prejudicial or pejorative context except where it is strictly relevant to the matter reported or adds significantly to readers' understanding of that matter.
- 2.3 The press has the right and indeed the duty to report and comment on all matters of public interest. This right and duty must, however, be balanced against the obligation not to promote racial hatred or discord in such a way as to create the likelihood of imminent violence.

3. Advocacy

A newspaper is justified in strongly advocating its own views on controversial topics provided that it treats its readers fairly by:

- 3.1 making fact and opinion clearly distinguishable;
- 3.2 not misrepresenting or suppressing relevant facts;
- 3.3 not distorting the facts in text or headlines.

4. Comment

- 4.1 The press shall be entitled to comment upon or criticise any actions or events of public importance provided such comments or criticisms are fairly and honestly made.
- 4.2 Comment by the press shall be presented in such manner that it appears clearly that it is comment, and shall be made on facts truly stated or fairly indicated and referred to.
- 4.3 Comment by the press shall be an honest expression of opinion, without malice or dishonest motives, and shall take fair account of all available facts, which are material to the matter, commented upon.

5. Headlines, posters, pictures, and captions

- 5.1 Headlines and captions to pictures shall give a reasonable reflection of the contents of the report or picture in question.
- 5.2 Posters shall not mislead the public and shall give a reasonable reflection of the contents of the reports in question.
- 5.3 Pictures shall not misrepresent or mislead nor be manipulated to do so.

6. Confidential sources

A newspaper has an obligation to protect confidential sources of information.

7. Payment for articles

No payment shall be made for feature articles to persons engaged in crime or other notorious misbehaviour, or to convicted persons or their associates, including family, friends, neighbours and colleagues, except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.

8. Violence

Due care and responsibility shall be exercised by the press with regard to the presentation of brutality, violence and atrocities.



The BCCSA Code

Under the Section 2 of the Independent Broadcasting Authority Act No. 153 of 1993, the Independent Broadcasting Authority (IBA) is required to ensure that broadcasting licensees adhere to a Code of Conduct. In terms of section 56(1) of the Act, "all broadcasting licensees shall adhere to the Code of Conduct for Broadcasting Services". All licensees are required to ensure that all broadcasts comply with this Code and are further required to satisfy the IBA that they have adequate procedures to fulfil this requirement.

The Code defines children as any person under the age of 16. In Section 18 of the Code, specific requirements relating to children are outlined:

Children

18. Broadcasters are reminded that children as defined in paragraph 3 above embraces a wide range of maturity and sophistication, and in interpreting this Code it is legitimate for licensees to distinguish, if appropriate, those approaching adulthood from a much younger, pre-teenage audience.
- 18.1 Broadcasters shall not broadcast material unsuitable for children at times when large numbers of children may be expected to be part of the audience.
- 18.2 Broadcasters shall exercise particular caution, as provided for below, in the depiction of violence in children's programming.
- 18.3 In children's programming portrayed by real-life characters, violence shall, whether physical, verbal or emotional, only be portrayed when it is essential to the development of a character and plot.
- 18.4 Animated programming for children, while accepted as a stylised form of story-telling which can contain non-realistic violence, shall not have violence as its central theme, and shall not invite dangerous imitation.
- 18.5 Programming for children shall with due care deal with themes which could threaten their sense of security, when portraying, for example, domestic conflict, death, crime or the use of drugs.
- 18.6 Programming for children shall with due care deal with themes which could invite children to imitate acts which they see on screen or hear about, such as the use of plastic bags as toys, use of matches, the use of dangerous household products as playthings, or dangerous physical acts.
- 18.7 Programming for children shall not contain realistic scenes of violence, which creates the impression that violence is the preferred or only method to resolve conflict between individuals.

18.8 Programming for children shall not contain realistic scenes of violence, which minimise or gloss over the effect of violent acts. Any realistic depictions of violence shall portray, in human terms, the consequences of that violence to its victims and its perpetrators.

18.9 Programming for children shall not contain frightening or otherwise excessive special effects not required by the story line.

The Code makes specific reference to children under the sections dealing with:

- **Language:** "Offensive language, including profanity, blasphemy and other religiously insensitive material shall not be used in programmes specially designed for children" and: "No excessively and grossly offensive language should be used before the watershed period on television or at times when large numbers of children are likely to be part of the audience on television or radio."
- **Sexual conduct:** "Licensees shall not broadcast material, which judged within context, contains a scene or scenes, simulated or real of any of the following: a person who, or is depicted as being under the age of 18 years, participating in, engaging in or assisting another person to engage in sexual conduct or a lewd display of nudity."
- **Watershed period (defined as the period between 21h00 and 05h00 and applying ONLY to television services):** "Programming on television which contains scenes of violence, sexually explicit conduct and/or offensive language intended for adult audiences shall not be broadcast before the watershed period" and: "Some programmes broadcast outside the watershed period will not be suitable for very young children. Licensees should provide sufficient information, in terms of regular scheduling patterns or on-air advice, to assist parents to make appropriate viewing choices."

For the full text of the BCCSA Code of Practice, visit:
<http://www.bccsa.co.za> or go the CD.

Guidelines for Reporting on and Interviewing Children

The overall guiding ethical principles should be:

- Seek the truth and report it as fully as possible;
- Act independently;
- Minimise harm.

(Bob Steele, Poynter Institute)

You must also consider the law. For example, according to Section 154(3) of the Criminal Procedure Act:

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.

(Also consult the Children's Bill on the CD in this resource kit.)

Reporting Children

When covering children and juveniles, journalists should always keep the best interests of the child in mind. Because of their vulnerability, children need and are afforded additional protection, which is recognised under numerous national and international laws and conventions. As Al Tompkins of the Poynter Institute argues: "Strict policies against identifying juveniles can prevent the public from understanding important issues." However, when deciding whether to identify a juvenile or how to report on children, **ask yourself the following questions before proceeding to report on a child** to ensure you have thought through the consequences. Make sure, too, that you get informed consent from the child and its caretakers (see the informed consent section of this resource kit).

The best interests of the child must always prevail.

- Who is served by identifying this child? Why does the public need to know the child's identity? **What is my journalistic purpose in identifying the child?**
- If the child is charged with a crime, what is the strength of the evidence? **Have formal charges been filed, or is the child just a suspect?** How likely are the charges to stick and the child be prosecuted?
- If you do not name the child, who else could be implicated by rumour or confusion about who is charged?
- If the child is charged with a crime, will the child be tried as an adult?
- What is this child's record? **What is his/her history?**

- How would shielding that child's identification and history expose the public to potential harm?
What could happen if you do not name the child?
What harm could occur if you do?
- **What is the level of public knowledge?**
Is the child's identification widely known already?
- **How does the child's family feel about identifying the young person?**
Has the family granted interviews or provided information to the media? Has the child talked publicly?
- **Once a child is identified, some damage is done to that person that can never be completely reversed.** Even if charges against the child are dropped or proven untrue, do not discount the value of stopping further damage by not identifying the child. **The journalist should continuously evaluate the decision to name a child, always testing the value of the information against the harm caused to the child.** Just because a child's name has already been reported is not an iron-clad reason to continue reporting the name.
- How does naming the child allow the journalist to take the story into a deeper, more contextual level of reporting? **What would identifying the child allow the journalist to tell the audience that they could not understand otherwise?** For example, perhaps a deeper understanding of the child allows us to understand the circumstances of a crime or incident.
- **What is the tone and degree of your coverage?** How often would the child be identified? How big is the coverage? **How will the child be characterised in the coverage?** What guidelines do you have about the use of the child's pictures or name in follow-up stories or continuing coverage?
- **What are the legal implications of your decisions?** What laws apply with regards to child identification?
- How old is this child? **How much does the child understand about the situation they face?**
- **Who, besides the child, will be impacted by your decision?** Other children? Parents? Families? Victims?
- In the absence of a parent or guardian, can the journalist find someone who can act in an unofficial capacity to raise concerns on the child's behalf so the child's interests are not lost in the journalist's quest to tell a story?

Two of the most important and frequently ignored questions are:

- **What alternatives have you considered besides identifying the child?**
- **How will you explain your decision to identify this child to the public, to your newsroom?**

Interviewing children

Interviewing children requires extra care and preparation. Interviewing children is not the same as interviewing adults. As two US reporters who won awards for their articles on children said: “You can’t just show up and interview them and expect good material.”

These are some points to consider:

- **Take your time.** You cannot rush children. Become aware of their silence and their discomfort.
- **To the child, you’re just another adult.** They might worry that they will look stupid if they can’t answer your questions, or, they might close up if they see you as another authority figure.
- **You’ll only get some quotations in a formal interview.** It is better to be around when they talk to their family, friends, or teachers.
- **You can fill in the blanks on details for your story from caretakers or teachers.** From the child you want to hear his or her feelings, thoughts, and opinions about a situation.
- **Don’t be patronising.** As another US journalist said: “Get over the cute thing.”
- **Don’t assume it’s okay to touch the child.** Adults frequently touch children, even children whom they don’t know. The child may not be comfortable being touched by a stranger. This is particularly true for abused children.
- **Get down to their level, play with them, and sit on their child-sized chairs.** Let them show you their room and talk about the things you see there, or ask to see their favourite toy.
- **If you have come to the interview with a camera or sound equipment, let them see it, hold it, talk into it.** Perhaps record something they say and play it back to them, or let them hold the still camera. This will make them feel more comfortable around the equipment.
- **If you have the opportunity, meet the child first without a notebook or camera.** Get to know them a little and then go back for an interview.
- **Children who have experienced conflict situations have had to develop survival strategies, some of which involve telling reporters what they think they want to hear in the hope of getting some benefit in return.** Don’t judge them, but rather understand what they’ve been through. If you doubt some of the facts, check with the caregivers.
- **Never ever make promises to a child you cannot or do not intend to keep.** It is highly unethical to promise a child that you will find his/her parents, take the child back to his/her home or country, or provide shelter or food in return for an interview.

If you wish to help, be guided by your own ethical standards. You could, for instance, donate some money or materials to the child's school or the children's home where he or she lives.

- **Be aware of the stigma surrounding HIV and AIDS.** Identifying a child as an "AIDS orphan" stigmatises the child and could harm him or her. It also implies that the child is HIV-positive. Unless there is an overwhelming public interest, and the child and parent/caregiver have provided full informed consent (see informed consent forms in this resource kit), do not reveal a child's HIV-positive status.

(Sections of this material were sourced from the Poynter Institute, www.poynter.org)

Most importantly:

- Treat children with respect;
- Talk to them just as you would an adult whose opinion really matters to you;
- Don't laugh at anything and really listen;
- Remember, a child will have to live with your story long after it has been published

(Also see the WHO, UNICEF and IFJ guidelines for media professionals in this resource kit)

Guidelines of the World Health Organisation (WHO) and the International Federation of Journalists (IFJ)

WHO Guidelines

The WHO guidelines for media professionals covering health issues were devised by PressWise and adopted by the European Region of the WHO at its Moscow Convention in 1998

1. First, do no harm.
2. Check facts, even if deadlines are put at risk.
3. Be careful not to raise false hopes, especially when reporting on claims for "miracle cures".
4. Beware of vested interests. Ask yourself "who benefits from this story?"
5. Never disclose the source of information imparted in confidence, unless compelled to do so under national law.
6. Be mindful of the consequences of your story. The "subjects" will have to live with it long after you are gone.
7. Be sensitive to situations involving private grief.
8. Respect the privacy of the sick and their families.
9. Respect the feelings of the bereaved, especially when dealing with disasters. Close-up photography or television images of victims, survivors or their families should be avoided wherever possible.
10. If in doubt, leave it out.

IFJ Guidelines

1. All journalists and media professional 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 journalism.
2. Media organisations should regard violation of the rights of children and issues related to children's safety, privacy, security, 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.
3. Journalistic activity that touches on the lives and welfare of children should always be carried out with appreciation of the vulnerable situation of children.
4. 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 that intrude on the space of children with information that is damaging to them.

UNICEF Guidelines

These are the ethical guidelines and principles for reporting on children developed by the United Nations Children's Fund (UNICEF)

Principles for ethical reporting on children

Reporting on children and young people has its special challenges. In some instances the act of reporting on children places them or other children at risk of retribution or stigmatisation.

UNICEF has developed these principles to assist journalists as they report on issues affecting children. They are offered as guidelines that UNICEF believes will help media to cover children in an age-appropriate and sensitive manner. The guidelines are meant to support the best intentions of ethical reporters: serving the public interest without compromising the rights of children.

I. Principles

- The dignity and rights of every child are to be respected in every circumstance.
- In interviewing and reporting on children, special attention is to be paid 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, including the potential of harm and retribution.
- 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 that might put the child, siblings or peers at risk even when identities are changed, obscured or not used.

II. Guidelines for interviewing children

- 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.

2. Do not discriminate in choosing children to interview because of sex, race, age, religion, status, educational background or physical abilities.
3. No staging: Do not ask children to tell a story or take an action that is not part of their own history.
4. Ensure that the child or guardian knows they are talking with a reporter. Explain the purpose of the interview and its intended use.
5. Obtain 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. Permission must be obtained in circumstances that ensure that the child and guardian are not coerced in any way and that they understand that they are part of a story that might be disseminated locally and globally. This is usually only ensured if the permission is obtained in the child's language and if the decision is made in consultation with an adult the child trusts.
6. 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.

III. Guidelines for reporting on children

1. Do not further stigmatise any child; 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.
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:
 - a. A victim of sexual abuse or exploitation;
 - b. A perpetrator of physical or sexual abuse;
 - c. HIV positive, or living with AIDS, unless the child, a parent or a guardian gives fully informed consent;
 - d. Charged or convicted of a crime.

4. 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. A current or former child combatant;
 - b. An asylum seeker, a refugee, or an internally displaced person.
5. 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 stigmatisation or reprisals.

Some examples of these special cases are:

- a. 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.
 - b. When a child is part of a sustained programme of activism or social mobilization and wants to be so identified.
 - c. When a child is engaged in a psychosocial programme and claiming their name and identity is part of their healthy development.
6. Confirm the accuracy of what the child has to say, either with other children or an adult, preferably with both.
 7. 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.

Informed Consent

Informed consent is defined as:

An agreement to do something or to allow something to happen made with complete knowledge of all relevant facts, such as the risks involved, or any available alternatives.

Here are two samples of informed consent forms, one for print and one for broadcast, which you can use to ensure that the child you are interviewing and his or her caretaker fully understand why the interview is being conducted, and what the consequences might be of granting an interview.

PRINT

Informed consent form

For caregivers of children to give permission for newspaper article to be written and published.

Topic of newspaper article(s): _____

This consent form will be explained verbally. A copy will also be given to caregivers to take away with them. This form will only be used for those children who will feature in a newspaper article.

I am _____

I work as a journalist at _____

I am working on an article about _____

_____ to be published in _____

I live in Johannesburg/Cape Town/_____

I would like to write a newspaper article that includes your child's comments and/or story. I would also like to interview you and include your words in the story.

The newspaper article will go into a newspaper that many people will read, maybe even people who know you, go to school with your child, or live near you. If you don't want the newspaper article to name you or your child, I will not use your or your child's name.

I promise to make a reasonable effort to show you the article before it is published but because of deadline pressures, this may not always be possible.

If there is anything you say that you decide you don't want to be published, I will take it out of the article.

You can choose to be interviewed. You can choose to allow your child's story to be told in the newspaper article.

If your child is part of a support programme, it will not make any difference to your child's participation in the support programme if you choose not to allow your child's story to be told.

Just to make sure you understand and agree that it is okay for me to write a newspaper article about your child and to interview you I will ask you to sign a form. You can decide to withdraw your child at any point.

Remember, you can choose to allow your child's story to be told in the newspaper article.

You can contact me at _____

if you have any questions about this form or about the newspaper article.

Caregiver's statement consent for newspaper article

I agree to allow my child's story to be told in the newspaper article.

I agree to be interviewed for the article.

Signature of caregiver

Date

BROADCAST

Informed consent form

For caregivers of children to give permission for radio/television broadcast

Topic of broadcast: _____

This consent form will be explained verbally. A copy will also be given to caregivers to take away with them. This form will only be used for those children who will feature in a radio or television broadcast.

I am _____

I work as a journalist at _____

I am working on a radio or television programme about _____

_____ to be aired on _____

I live in Johannesburg/Cape Town/ _____

I'd like to produce a radio or television broadcast that includes your child's comments and/or story. I would also like to interview you and include your words in the story.

The programme will be aired on radio or television that many people will hear or see, maybe even people who know you, go to school with your child or live near you. If you don't want the programme to name you or your child or to show your faces, I will not use your or your child's names and make sure you or your child's face cannot be recognised on TV.

I promise to make a reasonable effort to show you the TV/radio piece before it is broadcast, but because of deadline pressures that may not always be possible.

If there is anything you say that you decide you don't want to be aired, I will take it out of the programme. You can choose to be interviewed. You can choose to allow your child's story to be told in the radio or television programme.

If your child is part of a support programme, it will not make any difference to your child's participation in the support programme if you choose not to allow your child's story to be told.

Just to make sure you understand and agree that it is okay for me to produce a radio or TV programme about your child and to interview you, I will ask you to sign a form.

You can decide to withdraw your child at any point.

Remember, you can choose to allow your child's story to be told in the broadcast.

You can contact me at _____

if you have any questions about this form or about the radio or TV broadcast.

Caregiver's statement consent for radio/TV broadcast

I agree to allow my child's story to be told in the radio or television programme.

I agree to be interviewed for the programme.

Signature of caregiver

Date

Resources for reporting on children

Here is a list of useful organisations, their contact numbers, and website addresses. Use the blank pages to record your own contacts or any changes to the details given below.

Amnesty International

www.amnesty.org

Amnesty International South Africa

Tel: (012) 320 8155
www.amnesty.org.za

Child Health Unit, UCT

Tel: (021) 689 8312
www.uct.ac.za/depts/chu

Childline

Tel: (011) 484 1070
www.childline.org.za

Children's Budget Project, IDASA

Tel: (021) 467 5600
www.idasa.org.za

Children First - Journal

Tel: (031) 307 3405
www.childrenfirst.org.za

The Children's Institute

Tel: (021) 689 5404/8343
<http://web.uct.ac.za/depts/ci/index.htm>

Childwatch International Research Network

www.childwatch.uio.no

Family Violence, Child Protection and Sexual Offences Unit

National Head Office:
Tel: (012) 393-2363
Mobile of Unit Commander: (082) 778 5619
www.saps.gov.za
http://www.saps.gov.za/children/childrens_corner.htm

For contact numbers for each province: <http://www.saps.gov.za/org%5Fprofiles/core%5Ffunction%5Fcomponents/fcs/establish.htm>

Children's Rights Project Community Law Centre, UWC

Tel: (021) 959 2950
www.communitylawcentre.org.za

Department of Health

Tel: (012) 312-0121
www.doh.gov.za

FAMSA

Tel: (011) 975 7106
www.famsa.org.za

Family Health International

www.fhi.org/en/index.htm

Government Communication Information System

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

Tel: (012) 320 2943
www.lhr.org.za

Media Monitoring Project

Tel: (011) 788 1278
www.mediamonitoring.org.za

**Molo Songololo**

Tel: (021) 726 5420

www.molo.com

National Children's Rights Committee

Tel: (011) 339 1919

Office on the Rights of the Child in the Presidency

Tel: (012) 300 5505

Planned Parenthood Association of South Africa

Tel: (011) 880 1182

www.ppasa.org.za

SA National Council for Child and Family Welfare - KZN

Tel: (031) 369 5458

Child Welfare South Africa

Tel: (011) 492 2888

www.childwelfareafrica.org.za

Soul City

Tel: (011) 643 5852

www.soulcity.org.za

South African Human Rights Commission

Tel: (011) 484 8300

www.sahrc.org.za

Street Kids International

www.streetkids.org

United Nations Children's Fund (UNICEF)

Tel: (012) 354 8201

www.unicef.org

www.unicef.org.za

United Nations High Commissioner for Refugees (UNHCR)

Tel: (012) 354 8000

www.unhcr.org

United Nations Population Fund (UNFPA)

Tel: (012) 354 8000

www.unfpa.org

United Nations Programme on HIV/AIDS (UNAIDS)

Tel: (012) 354 8000

www.unaids.org

World Health Organisation (WHO)

Tel: (012) 354 8000

www.who.int

World Bank

www.worldbank.org

