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unicef 

Reading and Reference Materials on Child Rights and Child Protection For Media Reporters



Upholding Child Rights-Media and Child Protection Workshop on Media Reporting

On June 4th Saturday 2016

At Hotel Chancery, Lavelle Road Bengaluru

Organised by:

Karnataka State Integrated Child Protection Society (ICPS),
Department of Women and Child Development,
Department of Information and Public Relations,
Karnataka Madhyama Academy,
Bengaluru Television Journalists Association, VERBINDEN Bengaluru and
Unicef Hyderabad.

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Chapter-1

UNDERSTANDING CHILD PROTECTION

'Child protection' has been central to the discourse on child rights over the last decade in India, as elsewhere in the world and the Ministry of Women and Child Development Government of India, has placed high priority through protective legislation, policies and programs for ensuring protection of children. Child Protection, as articulated in UNICEF strategy document refer to preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking and sale of children, child labour, harmful traditional practices such as child marriage; addressing vulnerabilities; while simultaneously ensuring access to services and promoting conducive environment through institutional mechanisms. The Ministry's and UNICEF's child protection programmes also target children who are uniquely vulnerable, such as when living without parental care, living on streets, subjected to distress migration, in conflict with the law, armed conflict, etc. Children subjected to harm, exploitation, abuse and neglect are at risk of death, poor physical and mental health, HIV/AIDS infection, educational deprivation, displacement, homelessness, vagrancy and poor coping skills later in life.

Violations of the child's right to protection take place across the country, and the major issue is that there is massive under recognition and under reporting of violations, acting as barriers to child survival and development, in addition to being human rights violations.

Under the Convention on the Rights of the Child and other international treaties, all children have the right to be protected from harm and exploitation. UNICEF approach and program of cooperation with both Central and state governments are guided by the existing international normative framework for the rights of the child, as well as decisions and policies agreed in United Nations inter-governmental bodies.

Facts and figures

- Approximately 126 million children aged 5–17 are believed to be engaged in hazardous work, excluding child domestic labour.
- More than 1 million children worldwide are detained by law enforcement officials.
- It is estimated that more than 130 million women and girls alive today have undergone some form of female genital mutilation/cutting.

A Protective Environment for all Children

Preventing and responding to violence, exploitation and abuse is essential to ensuring children's rights to survival, development and well-being. The vision and approach of UNICEF is to create a protective environment, where girls and boys are free from violence, exploitation, and unnecessary separation from family; and where laws, services, behaviours and practices minimize children's vulnerability, address known risk factors, and strengthen children's own resilience.

This approach is human rights-based, and emphasizes prevention as well as the accountability of governments. The Integrated Child Protection Scheme, a flagship program of the MHRD, Government of India, launched in March 2009 draws extensively from this approach.

As per the UNICEF strategy document this protective environment rests in 2 strategic pillars: strengthening of national systems and social change, which translate into the following 8 key strategies:

1. **Governmental commitment to fulfilling protection rights:** includes social welfare policies, adequate budgets, public acknowledgement and ratification of international instruments.
2. **Legislation and enforcement:** includes an adequate legislative framework, its consistent implementation, accountability and reformative justice for children.
3. **Attitudes, traditions, customs, behaviour and practices:** includes social norms and traditions that condemn injurious practices and support those that are protective.
4. **Open discussion, including the engagement of media and civil society:** acknowledges silence as a major impediment to securing government commitment, supporting positive practices, discussions in public spaces and ensuring the involvement of children and families.
5. **Children's life skills, knowledge and participation:** includes children, of all genders, as actors in their own protection through use of knowledge of their protection rights and ways of avoiding and responding to risks.
6. **Capacity of those in contact with the child:** includes the knowledge, motivation and support needed by families and by community members, teachers, health and social workers and police, in order to protect children and provide the sensitive environment.
7. **Basic and Targeted Services:** includes the basic social services, health and education to which children have the right, without discrimination, and also specific services that help to prevent violence and exploitation, and provide care, support and reintegration assistance in situations of violence, abuse and separation.
8. **Monitoring and oversight:** includes effective systems of monitoring such as data collection, periodic reviews of implementation and impact for required course corrections and evolving mechanisms to keep up with changing trends.

Chapter-2

CONSTITUTION OF INDIA

The Constitution of India recognises the vulnerable position of children and their right to protection. Following the doctrine of protective discrimination, it guarantees in Article 15 special attention to children through necessary and special laws and policies that safeguard their rights. The Right to Equality, Protection of Life and Personal Liberty and the Right against Exploitation are enshrined in Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e) and 39(f) of the Constitution and reiterate India's commitment to the protection, safety, security and wellbeing of all its people, including children. Here is what the relevant Articles say:

Article 14: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15: The State shall not discriminate against any citizen on grounds of only religion, race, caste, sex, and place of birth or any of them.

Article 15(3): Nothing in this Article shall prevent the State from making any special provision for women and children.

Article 19(1)(a): All citizens shall have the Right (a) to Freedom of Speech and Expression.

Article 21: Protection of Life and Personal Liberty: no person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 21A: Free and compulsory education for all children from the age of 6 to 14 years.

Article 23: Prohibition of traffic in human beings and forced labour: Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 24: Prohibition of employment of children in factories, etc: No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39: The State shall, in particular, direct its policy towards securing:

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength;

(f) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Chapter-3

UN CONVENTION ON THE RIGHTS OF THE CHILD

The Preamble

- **recalls** the basic principles of the United Nations and specific provisions to certain relevant human rights treaties and proclamations such as the Universal Declaration of Human Rights;
- **reaffirms** the fact that children, because of their vulnerability, need special care and protection; and,
- **places** special emphasis on the primary caring and protective responsibility of the family, the need for legal and other protection of the child, the importance of respect for the cultural values of the child's community, and the vital role of international co-operation in achieving the realization of children's rights.

Article 1: Definition of a child.

Children are defined as all people up to the age of 18 years.

Article 2: Non-discrimination

All rights in the Convention apply to all children without exception, and the State has an obligation to protect children from any and all forms of discrimination including that resulting from their parents or guardians status.

Article 3: Best interests of the child

All actions concerning the child must be based on his or her best interests.

Article 4: Implementation of rights

The State has an obligation to translate the rights of the Convention into reality. **Article 5: Parental guidance and the child's evolving capacities as he or she grows** The State has a duty to respect the rights and responsibilities of parents and the wider family or others involved in the upbringing of the child in a manner appropriate to the child's evolving capacities.

Article 6: Survival and development

The child has an inherent right to life, and the State has an obligation to ensure to the maximum extent possible the survival and development of the child.

Article 7: Name and nationality

The child has the right to be registered, to have a name from birth and to be granted a nationality. In addition, the child has the right to know and be cared for his or her parents.

Article 8: Preservation of identity

The State has an obligation to protect and, if necessary, re-establish the basic aspects of the child's identity (name, nationality and family relations). Children's Rights Alliance, Summary of the UN Convention on the Rights of the Child, July 2013 **Article 9:**

Separation from parents

The child has the right to live with his or her parents unless it is not deemed to be in his or her best interests; the child has the right to maintain contact with both parents if separated from one or both.

Article 10: Family reunification

The State has an obligation to foster and enable family reunification where children and parents live in separate countries; the child whose parents live in a different state has the right to maintain personal relations and direct contact with both parents.

Article 11: Illicit transfer and non-return of children from abroad

The State has an obligation to try to prevent and to remedy the illicit transfer and non-return of children abroad by a parent or third party.

Article 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, in accordance with his or her age and maturity.

Article 13: Freedom of expression

The child has the right to obtain and make known information, and to express his or her own views, unless this would violate the rights of others.

Article 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.

Article 15: Freedom of association

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

Article 16: Protection of privacy

The child has the right to protection from interference with privacy, family, home and correspondence, and from libel or slander.

Article 17: Access to appropriate information

The State has an obligation to ensure that the child has access to information and material from a diversity of media sources and to take measures to protect children from harmful materials.

Article 18: Parental responsibilities

The State has an obligation to recognize and promote the principle that both parents and legal guardians have common responsibilities for the upbringing and development of the child; the State shall support parents or legal guardians in this task through the provision of appropriate assistance.

Article 19: Protection from abuse and neglect

The State has an obligation to protect children from all forms of abuse and neglect, to provide support to those who have been abused and to investigate instances of abuse. Children's Rights Alliance, Summary of the UN Convention on the Rights of the Child, July 2013

Article 20: Protection of children without families

The State has an obligation to provide special protection for children without families and to ensure that appropriate alternative family care or institutional placement is made available to them, taking into account the child's cultural background.

Article 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 the child and under the authorisation of competent authorities.

Article 22: Refugee children

Special protection is to be granted to children who are refugees or seeking refugee status, and the State has an obligation to co-operate with competent organisations providing such protection and assistance.

Article 23: Children with a disability

Children with a mental or physical disability have the right to special care, education and training designed to help them to achieve the greatest possible self-reliance and to lead a full active life in society.

Article 24: Health and health services

The child has the right to the enjoyment of the highest possible standard of health and to have access to healthcare and medical services. In its provision of health services, the State shall place special emphasis on primary and preventative health care and public health education.

Article 25: Periodic review of placement in care settings

The child who has been placed in a care setting by the State for reasons of care, protection or treatment has the right to have all aspects of that placement reviewed and evaluated regularly.

Article 26: Social security

The child has the right to benefit from social security.

Article 27: Growing up free from poverty

The child has the right to an adequate standard of living; parents have the primary responsibility to provide this, and the State has a duty to assist parents, where necessary, in fulfilling this right.

Article 28: Education

The child has the right to education; the State has a duty to make primary education compulsory and free to all; to take measures to develop different forms of secondary education and to make this accessible to all children. School discipline should be administered in a manner consistent with the child's human dignity.

Article 29: Aims of education

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; developing respect for the child's own cultural and national values and those of others; and developing respect for the natural environment. Children's Rights Alliance, Summary of the UN Convention on the Rights of the Child, July 2013

Article 30: Children of minorities or indigenous peoples

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

Article 31: Leisure, recreation and cultural activities

The child has the right to rest and to engage in leisure, play and recreational activities and to participate in cultural and artistic activities.

Article 32: Child labour

The State has an obligation to protect children from engaging in work that negatively impacts their health, education or development; to set a minimum age for employment; and to regulate conditions of employment.

Article 33: Drug abuse

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

Article 34: Sexual exploitation

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

Article 35: Sale, trafficking and abduction

The State has an obligation to prevent any form of abduction of children or sale of or traffic in children.

Article 36: Other forms of exploitation

The child has the right to protection from all other forms of exploitation prejudicial to their welfare.

Article 37: Torture and deprivation of liberty

The State has an obligation to ensure that no child is subject to torture, cruel, inhuman or degrading treatment or punishment, capital punishment, life imprisonment, and unlawful arrest or deprivation of liberty. A child who is deprived of liberty must be treated with humanity and respect and in a manner that is appropriate to his or her age. Children who are detained should be separated from adults, have the right to contact with family, and access to legal and other assistance. **Article 38: Armed conflicts**

The State has an obligation to respect, and to ensure respect for humanitarian law as it applies to children in situations of armed conflict. States must ensure that no child under the age of fifteen can take direct part in hostilities or be recruited into the armed forces. States must take all feasible measures to ensure protection and care of children who are affected by armed conflict.

Article 39: Rehabilitative care

The State has an obligation to take all appropriate measures to promote the physical and psychological recovery and social integration of children who have been victims of any form of neglect, exploitation or abuse, torture or degrading treatment or of armed conflict.

Article 40: Administration of juvenile justice

Children accused of, 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. States have an obligation to promote alternative procedures and measures so as to ensure that recourse to judicial proceedings and institutional placements can be avoided wherever possible and appropriate.

Article 41: Respect for existing standards

If standards set in the national law of a country which has ratified the Convention, or in other applicable international instruments, are higher than those in the Convention on the Rights of the Child, it is the higher standard that will apply. **Articles 42-45 define how compliance with the Convention is to be monitored and fostered.**

Article 42 The State has an obligation to make the rights contained in the Convention widely known to adults and children alike.

Article 43 and Article 44

States which ratify the Convention must submit a report on implementation two years after ratification and every five years thereafter. This report is submitted to the UN Committee on the Rights of the Child which consists of eighteen child rights experts elected by State Parties for the purposes of examining progress made by State Parties in implementing the Convention. State Parties are required to make their reports widely available to the general public in their own country.

Article 45

In order to “foster the effective implementation of the Convention and to encourage international cooperation”, the specialised agencies of the UN (such as the ILO, WHO, UNHCR, UNESCO and UNICEF³) are involved in the process of considering international reports. Non-governmental organisations (NGOs) may also submit relevant information to the UN Committee on the Rights of the Child. The Committee may invite the UN specialised agencies and NGOs to advise on the optimal implementation of the Convention.

Articles 46 – 54

Articles 46-54 define the conditions under which the Convention comes into force.

Chapter-4

INTERNATIONAL CONVENTIONS AND DECLARATIONS

India is a signatory to a number of international instruments and declarations pertaining to the rights of children to protection, security and dignity. It acceded to the United Nations Convention on the Rights of the Child (UNCRC) in 1992, reaffirming its earlier acceptance of the 1959 UN Declaration on the Rights of the Child, and is fully committed to the implementation of all provisions of the UNCRC. In 2005, the Government of India accepted the two Optional Protocols to the UNCRC, addressing the involvement of children in armed conflict and the sale of children, child prostitution and child pornography. India is strengthening its national policy and measures to protect children from these dangerous forms of violence and exploitation. India is also a signatory to the International Convention on Civil and Political Rights, and on Economic, Social and Cultural Rights which apply to the human rights of children as much as adults. Three important International Instruments for the protection of Child Rights that India is signatory to, are:

The Convention on the Rights of the Child (CRC) adopted by the UN General Assembly in 1989, is the widely accepted UN instrument ratified by most of the developed as well as developing countries, including India. The Convention prescribes standards to be adhered to by all State parties in securing the best interest of the child and outlines the fundamental rights of children, including the right to be protected from economic exploitation and harmful work, from all forms of sexual exploitation and abuse and from physical or mental violence, as well as ensuring that children will not be separated from their families against their will.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is also applicable to girls under 18 years of age. Article 16.2 of the Convention lays special emphasis on the prevention of child marriages and states that the betrothal and marriage of a child shall have no legal effect and that legislative action shall be taken by States to specify a minimum age for marriage.

The SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution emphasizes that the evil of trafficking in women and children for the purpose of prostitution is incompatible with the dignity and honour of human beings and is a violation of basic human rights of women and children.

ILO Worst Forms Convention 182 (C182), 1999 calls for international spotlight on the urgency to initiate immediate and effective measures to prohibit and eliminate the “worst forms of child labour”, which are (a) all forms of slavery and slavery-like practices, such as child trafficking, debt bondage, and forced labour, including forced recruitment of children into armed conflict; (b) using a child for prostitution or the production of pornography; (c) using a child for illicit activities, in particular drug production and trafficking. Child applies to all persons under the age of 18 years.

Chapter-5

NATIONAL POLICIES AND LEGISLATIONS

The Fundamental Rights and Directive Principles of the Indian Constitution provide the framework for child rights. Several laws and national policies have been framed to implement the commitment to child rights.

(a) National policies

The major policies and legislations formulated in the country to ensure realisation of child rights and improvement in their status include the:

• National Policy for Children 2013

The National Policy for Children 2013 reiterates India's commitment to safeguard, inform, include, support and empower all children within its territory and jurisdiction, both in their individual situation and as a national asset. The State is committed to take affirmative measures – legislative, policy or otherwise – to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged; to ensure that all children have equal opportunities; and that no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their rights.

• National Policy on Education, 1986

The National Policy on Education (NPE) is a policy formulated by the Government of India to promote education amongst India's people. The policy covers elementary education to colleges in both rural and urban India. The first NEP was promulgated in 1968 by the government of Prime Minister Indira Gandhi, and the second by Prime Minister Rajiv Gandhi in 1986. It emphasizes three aspects in relation to elementary education:

- Universal access and enrolment,
- Universal retention of children up to 14 years of age, and
- a substantial improvement in the quality of education to enable all children to achieve
- Revival of Sanskrit and other classical languages for contemporary use

• National Policy on Child Labour, 1987

India formulated a National Policy on Child Labour in 1987. This Policy seeks to adopt a gradual & sequential approach with a focus on rehabilitation of children working in hazardous occupations. It envisioned strict enforcement of Indian laws on child labour combined with development programs to address the root causes of child labour such as poverty. In 1988, this led to the National Child Labour Project (NCLP) initiative. This legal and development initiative continues, with a current central government funding, targeted solely to eliminate child labour in India. Despite these efforts, child labour remains a major challenge for India.

• National Nutrition Policy, 1993

The nutrition policy of 1993 outlines the nutritional status of India and the importance of such a document. At the time in 1993 there were already a number of mechanisms in place to address the issue of mal-nutrition and under-nutrition such as the Integrated Child Development Services (ICDS), Special Nutrition Programme, and Wheat Based Nutrition

Programme etc. The policy outlines a few additional provisions to ensure proper nutrition of all populations. Under the direct, short term services section the policy calls for the need to expand the ICDS and similar programmes to cover the actual population of children in India. It is also required that mothers be given the proper information and support to provide for their children by growth monitoring for effective nutrition. Adolescent girls and expecting mothers also need to be taken into the purview of programmes. Foods provided to society need to fortify against nutrient loss, low cost nutritious food needs to be produced for poorer families, and programmes should attempt to address and prevent nutrient deficiencies especially among women, expecting and nursing mothers and children.

• **National Policy on Health, 2002**

The National Health Policy was endorsed by the Parliament of India in 1983 and updated in 2002 and it applies to all children between the ages 0-18 years. The policy attempts to address inequity in access to health services and proposes an increase in primary health expenditure in order to open more health care centres. Programmes that address children's need such as Reproductive and Child Health including the Universal Immunization Programme need to continue to function to achieve the desired goals. The policy points out that people are not using the public health services because they do not provide the patients with essential drugs. Hence the policy outlines the need to improve delivery of necessary drugs through increased central government funding. The policy outlines provisions of additional and supplementary training of health sector professionals. In order to expand the number of professional, the state health departments should include allopathic disciplines and doctors in their system, especially to delivery basic and primary health services. The policy outlines the priority to school health education programmes that teach preventive techniques. This will encourage children to learn appropriate health seeking behaviours.

• **National Charter for Children, 2004**

Underlying the National Charter for Children 2004, is the intent to secure for every child the right to a healthy and happy childhood, to address the root causes that negate the healthy growth and development of children, and to awaken the conscience of the community in the wider social context to protect children from all forms of abuse, while strengthening the family, the society and the nation. This Charter has the following sections on child protection:

- Survival, life and liberty
- Protection from economic exploitation and all forms of abuse
- Protection of the girl child
- Care, protection, welfare of children of marginalised and disadvantaged communities
- Ensuring child-friendly procedures.

• **National Plan of Action for Children, 2005**

The National Plan of Action for Children (NPAC) was formulated by the then Department of Women and Child Development (now MWCD) in 2005. The Plan is being monitored by the Prime Minister's Office. The Action Plan aims at ensuring all rights to children up to the age of 18 years. It affirms the government's commitment towards ensuring all

measures for the survival, growth, development and protection of all children. It also aims at creating an enabling environment to ensure protection of child rights. States are being encouraged to formulate State Plans of Action for Children in line with NPAC. The Plan has identified several key priority areas that include children's right to survival, development, protection and participation besides monitoring and review of policies and programmes. NPAC also stresses the need for budgetary allocations to achieve child protection goals.

(b) National legislations

Some of the important legislations related to children rights promulgated in India are discussed below:

(i) Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994

This is an Act for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders, chromosomal abnormalities or certain congenital malformations or sex-linked disorders, and for the prevention of misuse of such techniques or the purpose of prenatal sex determination leading to female foeticide and for matters connected therewith or incidental thereto.

(ii) Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 is a comprehensive legislation that provides for proper care, protection and treatment of children in conflict with law and children in need of care and protection by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under the Act. It conforms to UNCRC, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985, the UN Rules for the Protection of Juveniles Deprived of their Liberty and all other relevant national and international instruments. It prescribes a uniform age of 18 years, below which both boys and girls are to be treated as children. A clear distinction has been made in this Act between the juvenile offender and the neglected child. It also aims to offer a juvenile or a child increased access to justice by establishing Juvenile Justice Boards and Child Welfare Committees. The Act has laid special emphasis on rehabilitation and social integration of children and has provided for institutional and non-institutional measures for the care and protection of children. The non-institutional alternatives include adoption, foster care, sponsorship, and after care.

(iii) Child Labour (Prohibition and Regulation) Act, 1986

The Act was formulated to eliminate child labour and provides for punishments and penalties for employing children below the age of 14 years in various hazardous occupations and processes. The Act provides power to State governments to make rules with reference to the health and safety of children, wherever their employment is permitted. It provides for regulation of work conditions, including fixing hours of work, weekly holidays, and notice to inspectors, and provision for resolving disputes as to age, maintenance of registers, etc. Through a recent notification, child domestic workers up to 14 years of age working in hotels and dhabas have been brought within the purview of the Act. It is one step towards the total elimination of child labour.

(iv) The Prohibition of Child Marriage Act, 2006

The Child Marriage Restraint Act, 1929 has been repealed and the major provisions of the new Act include:

- Every child marriage shall be voidable at the option of the contracting party who was a child at the time of the marriage

- A Child marriage is a cognisable and non-bailable offense.

The Court while granting a decree of nullity shall make an order directing the parties, parents and guardians to return the money, valuables, ornaments and other gifts received

- The Court may also make an interim or final order directing the male contracting party to the child marriage or parents or guardian to pay maintenance to the female contracting party to the marriage and for her residence until her remarriage

- The Court shall make an appropriate order for the custody and the maintenance of the children of child marriages

- Notwithstanding that a child marriage has been annulled, every child of such marriage shall be deemed to be a legitimate child for all purposes

- Child marriages to be void in certain circumstances such as minor being sold for the purpose of marriage, minor after being married is sold or trafficked or used for immoral purposes, etc

- Enhancement in punishments for male adults marrying a child and persons performing, abetting, promoting, attending, etc a child marriage with imprisonment up to two years and a fine up to one lakh rupees

- States to appoint Child Marriage Prohibition Officers whose duties include prevention of solemnisation of child marriages, collection of evidence for effective prosecution, creating awareness and sensitisation of the community, etc

(v) Commissions for the Protection of Child Rights Act, 2005

The Act provides for the Constitution of a National as well as State Commissions for the protection of child rights in every State and Union Territory. The functions and powers of the National and State Commissions will be to:

- Examine and review the legal safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation

- Prepare and present annual and periodic reports on the working of these safeguards

- Inquire into violations of child rights and recommend initiation of proceedings where necessary

- Undertake periodic review of policies, programmes and other activities related to child rights with reference to treaties and other international instruments

- Spread awareness about child rights among various sections of society

- Establish Children's Courts for speedy trial of offences against children or of violation of child rights

- Get State governments and UT administrations to appoint a Special Public Prosecutor for every Children's Court

Apart from these laws mainly concerning children, there is a host of related social legislations and criminal laws which have some beneficial provisions for the care, protection and rehabilitation of children. The laws relating to commerce, industry and trade have some provisions for children, but they hardly provide any protection or cater

to their developmental needs. Despite the legislations, there are still major gaps in the legal provisions relating to child abuse in myriad situations, particularly in cases of trafficking, sexual and forced labour, child pornography, sex tourism and sexual assault on male children. The Ministry of Women and Child Development is formulating a comprehensive legislation on Offences against Children.

(vi) Right of Children to Free and Compulsory Education Act, 2009

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words 'free and compulsory'. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age group. With this, India has moved forward to a rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act.

(vii) Protection of Children against Sexual Offences (POCSO) Act, 2012

The Protection of Children from Sexual Offences Act (POCSO), 2012 has been drafted to strengthen the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children. The POCSO Act prescribes five sexual offences against children - penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment, and using a child for pornographic purposes. Abetment of or an attempt to commit these offences is also punishable under the Act. These offences are gender neutral vis-à-vis the perpetrator as well as the victim. The Act requires the State Governments to designate the Sessions Court in each district as a Special Court to try offences under the Act. If, however, a Children's Court under the Commissions for Protection of Child Rights Act, 2005 or Special Court for a similar purpose has been notified in a district, then that court will try offences under this Act.

Chapter-6

CHILDREN – DIFFERENT NEEDS AT DIFFERENT AGES

Childhood is by definition a time of change and development, and what is appropriate for a child at one age may be unsuitable at another. UNCRC defines children as young people up to the age of 18, but the point at which someone ceases to be a child and becomes an adult cannot so easily be pinned down and they grow up at different rates. Most countries extend adult rights to young people at a variety of ages, including the right to marry, the right to vote, and the right to join the armed forces. In the first decade of life most children are totally dependent on adults for food, shelter and personal care. A child below the age of ten cannot, for example, make an informed decision about being interviewed or filmed.

Over the second decade of life the child gradually becomes an adult. Adolescence is a time of rapid change and experimentation. As young people mature physically they can look and behave in many ways as adults, they become more autonomous and expect to take more decisions for themselves. At the same time this can be a period of maximum vulnerability, in a world full of conflicting advice and messages. For many young people this is a time when dreams are destroyed by poverty, by the drudgery of enforced labour, by the consequences of early and unprotected sex or by drugs, alcohol, accidents or violence. For example, according to the World Health Organization, 7,000 young people are infected with HIV every day.

Journalists, like other adults, should respect young people and give them opportunities to express themselves and have their opinions and experiences, used and valued. At the same time, they should recognise that a young person may not be as confident as he or she looks, and not exploit such vulnerability. Journalists should consider whether even older teenagers properly understand how material is to be used and whether they can give informed consent. Media influences, particularly TV, music shows, fashion and drama are perhaps at their strongest with young people, who often adopt ways of dressing, speaking and behaving that reflect what they see on television or in advertising.

There are often complaints that young people have been encouraged to 'act up' for the cameras when a TV crew is investigating crime by young people or simply filming behaviour that may shock their parents. The onus should be on media and journalists to show that they acted ethically and properly in their dealings with young people properly informed them why they were filming or asking questions, did not exploit the vulnerability of young people and sought and received permission from an appropriate adult, where the child or young person could not give informed consent.

Positive role of the media

In general, UNCRC sees the role of the mass media as a positive one in the development of the child. Under Article 17: States Parties recognise the important function performed by

the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

States shall undertake to

- Encourage the mass media to disseminate information and material of social and cultural benefit to the child.
- Encourage international cooperation in the production, exchange and dissemination of information and material from a diversity of cultural, national and international sources.
- Encourage the production and dissemination of children's books.
- Encourage the mass media to pay attention to the language needs of the child who belongs to a minority group.
- Encourage the development of guidelines for protecting children from material 'injurious to his or her well-being', bearing in mind Articles 13 (Freedom of Expression) and 18 (Parental Responsibility)

Protection from abuse

UNCRC encourage States to protect children from exploitation or sexual abuse. Under Article 19: States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Article 34 says that States must protect a child from all forms of sexual exploitation and abuse, and specifically the exploitative use of children in pornographic performances and materials. In 1990, the United Nations also adopted Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) which place a social responsibility on the media towards young people, especially in relation to pornography, drugs and violence.

Chapter-7

LEGAL PROVISIONS FOR MEDIA COVERAGE

Media coverage on matters relating to children may have long term consequences on their overall development (physical, mental, psychological and emotional). Therefore, the privacy,

dignity, physical and emotional development of children is of the utmost importance, which are to be preserved and protected at all times, while reporting and broadcasting of publication of news, programmes and documentaries on and for children.

Some of the legal provisions in India that protect children from being exposed to media are mentioned below:

1. **SECTION :74.(1) THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015.** 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.
(2) 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.
(3) 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. **Section: 20 THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012** Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit or to the local police, as the case may be,
Section 23 (3) 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.
Section 23 (4) 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

3. Section 228 A India Penal Code (IPC) punishes whosoever who discloses by printing or publishing the identity of the rape victim.
4. Section 293 IPC prohibits the sale, hire, exhibition or circulation of obscene books, or print material to persons below 20 years.
5. Section 327 (3) of the Criminal Procedure Code prohibits any reporting of a court case that deals with the sexual exploitation of a child, without specific permission of the court.
6. Immoral Trafficking Act, 1956, prohibits the publication of the name of a victim, below the age of 18 years, or the identification of place of the offence so as to protect the identity of the victim.
7. Cinematography Act, 1952, prohibits the glorification of crime against children, and sexual exploitation and abuse of children in films.
8. Medical Termination of Pregnancy Act, 1971, prohibits publication of the name of women below the age of 18 years.
9. Young Person Harmful Publication Act, 1956, prevents dissemination of certain publications that are harmful for young person's that propagate or glorify sexual abuse and exploitation of children.
10. Indecent Representation of Women (Prohibition) Act, 1986, forbids the depiction of women in an indecent or derogatory manner in the mass media.
11. The Press Council Act lays down the norms to be followed by the media, keeping in mind the rights of children.

Chapter-8

PRINCIPLES OF REPORTING ON CHILDREN

Given the challenges of reporting on children, journalists should commit themselves to reporting on children in an ethical manner and specifically try to:

- seek the truth and report as fully as possible
 - act independently
 - support the Constitutional protections of children
 - encourage reporting on all matters involving children only when the matter is relevant
 - play a positive role in representing children and their rights
- In order to preserve the above principles, the journalists should adhere to the following ethical code in dealing with matters

Involving children:

1. The dignity and rights of every child are to be respected in every circumstance.
 2. 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, even potential harm and retribution.
 3. The best interests of each child are to be protected over and other considerations, including advocacy for children's issues and the promotion of children's rights.
 4. Those closest to the child's situation and best able to assess it are to be consulted about the diverse ramifications, including potential political, social and cultural ramifications of any reportage. It is especially relevant when one visits the tribal hinterland to tell the stories about the tribal children.
 5. No stories or images will be published that might put the child, siblings or peers at risk even when identities are changed, obscured or not used. When it is editorially necessary to publish a picture of a child that is potentially harmful to such child, the identity of the child shall be obscured in such a manner that the child cannot be recognised. In this regard, the face of the child shall be blurred or 'pixilated' completely. Pixilation of the face alone is not good enough; such pixilation should include anything in the photo that may identify the child, like a bracelet or picture.
 6. In all stories in which a child has been involved in a crime, either as a witness, victim or perpetrator, the child's identity will not be revealed directly or indirectly.
 7. Whenever the identity of a child is disclosed under exceptional circumstances, whether pictorially or in print:
 - a) The statutory restrictions on the naming or identification of children shall be observed and adhered to. The Section 21 of Juvenile Justice Act is relevant in this regard. It prohibits disclosure of the name, address or school or any other particulars regarding a child in conflict with law in a report being carried by any newspaper, magazine, news sheet or visual media.
- It also prohibits publication of any picture of any such child.

The law also provides for a fine for violating the Act in this regard. The Act, however, empowers the authorities holding the enquiry, citing reasons to be recorded in writing to permit the newspapers to disclose the name, address or school or any other particulars regarding a child in conflict with law, if in its opinion such disclosure is in interest of the juvenile.

b) The journalists should also seek consent of the child and parent or guardian of any child in all cases where the identity of the child is to be disclosed.

8. To prevent harm and possible stigmatisation, a child's HIV status will not be revealed, unless there are exceptional circumstances and informed consent from both the child and parents has been attained.

9. Negative stereotypes about children based on race, gender, class, culture, and/ or sexual orientation are particularly harmful for children and will be challenged where possible.

10. Girl and boy children have equal rights and gender based stereotypes will not be perpetuated when reporting on children.

What does it mean to identify a child?

- In terms of images it means to show an image of a child in such a manner that the child may be recognised by people who know the child
- In terms of text, it means to provide the child's name or information about where the child lives, what school the child attends, or any other indirect means where a child may be recognised by people who know the child
- In all stories where identifying the child may cause harm, be sure to avoid indirect identification of the child through showing family, a school, residence, friends or a combination thereof **When deciding whether to identify a child, ask yourself the following questions before proceeding to report on a child, to ensure all the consequences have been thought through:**

1. 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?

2. 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 be proven and the child prosecuted?

3. If you do not name the child, who else could be implicated by rumour or confusion about who is charged?

4. If the child is charged with a crime, will the child be tried as an adult?

5. What is the 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 result if you do?

6. What is the level of public knowledge? Is the child's identification widely known already? Beware however of identifying a child just because another media organization has done so.

7. 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?

8. 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.

9. 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 knowledge of the child allows us to understand the circumstances of a crime or incident.

10. 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 characterized 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?

11. What are the legal implications of your decisions? What laws apply with regard to child identification?

12. How old is this child? How much does the child understand about the situation she/he faces?

13. Who, besides the child, will be affected by your decision? Other children? Parents? Families? Victims?

14. 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?

Principles on Showing Children's Images

Images of children can be extremely powerful and have a significant impact on people. However, the dramatic images of children used without context and for gratuitous value not only lose much of their impact, but can also violate the rights of the children involved. Dramatic images of children should therefore be used with extreme care and be contextualized within a story.

In addition, the following points should also be considered:

1. Try to avoid images that stereotype children. Strive to find alternative angles and images.

2. Get permission from the child and his or her guardian for all interviews and images. When possible and appropriate, the permission should be in writing. It is vital that the permission of

children and their guardians is not coerced in any way, and that they understand that they are part of a story that might be disseminated locally and globally.

3. If there is a story on a child with a disability that needs treatment and the aim of the story is to elicit sympathy and possibly help raise funds, or if the story is about disfigurement or tragedy, in all cases ensure that the child is represented with dignity. Where possible, reflect the child's own wishes and hopes, as this will make the story more sympathetic and more powerful.

Hearing the Child's Voice

Children have the right to participate in matters that affect them. At the same time, children are dependent, trusting and easily exploited or abused. By providing children with opportunities to speak for themselves—about their hopes, fears, and achievements, and the impact of adult behaviour of their lives—media professionals can remind the public of children's rights. The way in which the media represents or even ignores children can influence decisions taken on their behalf, and how the rest of society regards children.

Why should journalists consult children?

- Children bring fresh perspectives to stories
- Children reveal a range of different and unique stories, which contest many of the widely held stereotypes about children
- Children reflect and highlight varied experiences and views from different economic and cultural backgrounds
- Children can tell you how they would like to be referenced and identified in news stories (informed consent and ethical practice, however, is critical).

Practical Tips in Interviewing Children

Interviewing children requires extra care and preparation. It is not the same as interviewing adults. These are some points to consider:

1. Take your time. You cannot rush children. Become aware of their silence and discomfort.
2. To the child, you are 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 an authority figure.
3. You will only get some quotations in a formal interview. It is better to be around when they talk to their family, friends, or teachers.
4. You can fill in the blanks on details for your story from guardians and teachers. From the child, you want to hear his or her feelings, thoughts, and opinions about a situation.
5. Don't be patronising.
6. Don't assume it is 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.
7. Get down to their level and play with them. Let them show you their room and talk about the things you see there, or ask to see their favourite toy.

8. If you have come to interview with a camera or sound equipment, let the child see it, hold it, talk into it. Perhaps record something the child says and play it back to him/ her, or let him/ her hold the still camera. This will make the child feel more comfortable around the equipment.

9. If you have the opportunity, meet the child first without a notebook or camera. Get to know him/her a little and then go back for an interview.

10. 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 have been through. If you doubt some of the facts, check with the guardians.

11. Never ever make promises you cannot or do not intend to keep. It is highly unethical to promise children something in return for an interview. If you wish to help out, be guided by your own ethical standards. You could, for instance, donate some money to a child's school.

12. Be aware of the stigma surrounding HIV and AIDS. Identifying a child as an 'AIDS orphan' stigmatises the child and could harm him/her. It also implies that the child is HIV-positive. Unless there is overwhelming public interest, and the child and parent have provided full informed consent, do not reveal a child's HIV positive status.

13. Most importantly, treat children with respect, talk to them just as you would to an adult whose opinion really matters to you, don't laugh at anything, and really listen and remember, a child will have to live with your story after it has been published.

14. Gender Perspective: As with adults, gender stereotypes about children are common. Always try to avoid gender stereotypes about children; in particular it is important to challenge the roles of girls and boys as children.

- Consider whether there are gender dimensions to the story you are reporting and see if these can be highlighted in the story.
- Consider also the roles of men and boys in family-focused stories.
- Consider the roles of girls and women in sports and achiever focused stories.

Chapter-9

GUIDELINES FRAMED BY THE INTERNATIONAL FEDERATION OF JOURNALISTS

These guidelines were first adopted in draft by journalist organisations from 70 countries at the world's first International Consultative Conference on Journalism and Child Rights held in Recife, Brazil, on May 2nd 1998. After regional conferences and workshops, they were finally adopted at the Annual Congress of the International Federation of Journalists (IFJ) in Seoul in 2001. The guidelines were presented by IFJ at the 2nd World Congress against Commercial Exploitation of Children held at Yokohama, Japan, in December 2001.

Preamble

Informed, sensitive and professional journalism is a key element in any media strategy for improving the quality of reporting concerning human rights and society. The daily challenge to journalists and media organisations is particularly felt in the coverage of children and their rights. Although the human rights of children have only recently been defined by international law, the United Nations Convention on the Rights of the Child is already so widely supported that it will shortly become the first universal law of humankind. To do their job of informing the public effectively, journalists must be fully aware of the need to protect children and to enhance their rights without in any way damaging freedom of expression or interfering with the fabric of journalistic independence. Journalists must also be provided with training to achieve high ethical standards.

Putting Children in the Right

The following guidelines for journalists have been drawn up by IFJ on the basis of an extensive survey of codes of conduct and standards already in force across the world. The purpose is to raise media awareness of children's rights issues and to stimulate debate among media professionals about the value of a common approach which will reinforce journalistic standards and contribute to the protections and enhancement of children's rights.

All journalists and media professionals have a duty to maintain the highest ethical and professional standards and should promote within the industry the widest possible dissemination of information about the International Convention on the Rights of the Child and its implications for the exercise of independent journalism. Media organisations should regard violation of the rights of children and issues related to children's safety, privacy, security, their education, health and social welfare and all forms of exploitation as important questions for investigations and public debate. Children have an absolute right to privacy, the only.

The following statement was also endorsed at the Recife Media and Child Rights Conference: **"The IFJ is deeply concerned at the creation of paedophile Internet sites and the fact that certain media publish or broadcast classified advertisements**

promoting child prostitution. The IFJ calls on its member unions to: intervene with media owners over the publication or broadcasting of these advertisements; and to campaign with public authorities for the elimination of these sites and advertisements.” exceptions being those explicitly set out in these guidelines. Journalistic activity which touches on the lives and welfare of children should always be carried out with appreciation of the vulnerable situation of children.

Journalists and media organisations shall strive to maintain the highest standards of ethical conduct in reporting children’s affairs and, in particular, they shall

1. **Strive** for standards of excellence in terms of accuracy and sensitivity when reporting on issues involving children.
2. **Avoid** programming and publication of images which intrude upon the media space of children with information which is damaging to them.
3. **Avoid** the use of stereotypes and sensational presentation to promote journalistic material involving children.
4. **Consider** carefully the consequences of publication of any material concerning children and shall minimise harm to children.
5. **Guard** against visually or otherwise identifying children unless it is demonstrably in the public interest.
6. **Give** children, where possible, the right of access to media to express their own opinions without inducement of any kind.
7. **Ensure** independent verification of information provided by children and take special care to ensure that verification takes place without putting child informants at risk.
8. **Avoid** the use of sexualised images of children.
9. **Use** fair, open and straightforward methods for obtaining pictures and, where possible, obtain them with the knowledge and consent of children or a responsible adult, guardian or caretaker.
10. **Verify** the credentials of any organisation purporting to speak for or to represent the interests of children.
11. **Not** make payment to children for material involving the welfare of children or to parents or guardians of children unless it is demonstrably in the interest of the child. Journalists should put to critical examination the reports submitted and the claims made by governments on implementation of the UN Convention on the Rights of the Child in their respective countries. The media should not consider and report the conditions of children only as events but should continuously report the process likely to lead or leading to the occurrence of these events.

Broad Principles

1. The dignity and rights of every child are to be respected in every circumstance.
2. 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.

3. 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.
4. 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.
5. 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.
6. 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.

Interviewing/ Reporting on 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.

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; or
 - 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 recognisable 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 its right to freedom of expression and its right to have opinion heard.
 - b. When a child is part of a sustained programme of activism or social mobilisation 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.

Chapter-10

MEDIA CODE OF CONDUCT

Guidelines for Media:

The media shall follow the below mentioned guidelines when including children in media spaces.

1. **Child participation:** Child participation is the involvement of children in media. This entails including children's perspectives and opinions in media, and also recognizing children as the 'active producers' of media and media content. It can be defined as creating spaces where children can express their opinions of the realities around them and anything else.
2. **Respectful:** Children should be seen as persons and individuals with opinion, views etc and capable of making informed and age-appropriate choices, and not as 'objects'. Children should at all times be able to refrain from participation and children should be presented in the media as they wish to be presented. Communication with and representation of children in media should display children as 'subjects'.
3. **Child-friendly:** Children have the right to information that is accessible, easy to understand and be interpreted by them.
4. **Inclusive:** Children should not be discriminated based on gender, age, language, religion, region, caste, class, ethnicity and abilities for access to or during representation in media. Also, the perspectives of children are context specific. Therefore media should account for heterogeneity in the representation of children and childhood.
5. **Safe:** When programming, reporting, interviewing and photographing children, children's issues, stories and images must be presented in ways that do not violate the safety, dignity, respect, privacy and development of children.

Checklist:

Role of Media in Prevention of child abuse and ensuring protection:

- Media should present information on child protection through different media forms, simple language or pictorial (animation or cartoon) so that children can access, understand and interpret it easily.
- Media should publicize information on various child protection and other complaint mechanisms such as the SJPU (CWOs in police stations), Child Welfare

Committee, Child line 1098, DCPUs etc thus creating awareness among children, families and general public.

- Information about Gram Sabhas, specifically Makkala Grama Sabhas should be given wide publicity during the month of November which will enable access to share issues faced and also share best practices.
- Mass media should be used to spread awareness on children's rights, issues faced by children and child protection systems that they can approach.
- The media should accord priority and devote space for information on child protection that children need and want in the media.

Child Participation:

- ◆ Media should recognize that children have the right to represent their own concerns on child protection and therefore they must facilitate expression of children's perspectives, view points and suggestions on this, through a participatory process.
- ◆ Children must be facilitated to learn the skills to access and use media to represent their perspectives and opinions on child protection and other safety issues.
- ◆ Children must be facilitated to select appropriate media for communicating their issues on child protection and other safety issues.

Interviewing children on child protection:

- ◆ The reporters should respect a child's right to decline being interviewed or participate or photographed
- ◆ If a child of an educational institution, other child care institution, government homes, hostels etc is being interviewed, they will have to abide by the Child Protection Policy or code of conduct of the organization/institution
- ◆ The reporters should introduce themselves as persons from the media and inform children of the nature and purpose of the interview and ensure they have understood it
- ◆ The reporters should interview the child only in the presence of an authorized adult facilitator. This is specifically so in the case of children with special needs
- ◆ The reporters should be sensitive to the child's situation/condition and conduct the interview in an environment that is comfortable and non-threatening.

1. When interviewing children, the reporter should allow the child to tell her/his story at their own pace and in their own way – time and space for natural flow. They should also not badger the child with questions that intimidate her/him

2. When reporting, the media should limit the number of interviewers and photographers and not overwhelm the child

3. While interviewing the reporter must be sensitive to traumatic or painful experiences of children. The child always decides what she/he wants to share

Reporting on children's issues:

1. On Child Protection to sensitise the public, create awareness on issues, legislations for children and the stringent punitive measures
 - a. Media needs to report on violations on children's rights and cases of abuse
 - b. The media needs to report on good practices on child protection
 - c. The convictions and punishment/penalty in cases of child sexual abuse or other forms of exploitation or crimes against children that will instill fear in offenders
2. When reporting on cases of child abuse, the child's privacy must be respected
 - a. Media should uphold the privacy of children and not publish information such as name, family details, school or college, neighbourhood etc that will reveal the identity of the child. Pseudonyms can be used.
 - b. The media should only report facts that do not violate the confidentiality aspects
 - c. Media should take the informed consent of parents/guardian or children themselves when they are of the age to understand the implications before publishing photos or stories.
 - d. Media should represent children only in ways they want to be represented. The media should check with and ask feedback from children.
3. Reports, images and quotes on child abuse should not be used for purpose of sensationalisation as it leads to re-victimisation, a violation of child rights to protection and hence can be penalized.
4. Media should not represent children as sexual objects, expose them to pornography or portray them in sexualized images and stories. This is punishable with stringent measures under the POCSO Act.
5. Media reporting of abuse or violation of children's rights and protection should also wherever required, provide the context or backdrop such as various socio-cultural factors, political dynamics, discriminatory practices, conflict situations etc. Such balanced coverage would enable review and impact policy and legislative reforms and measures to address them

References:

1. Child Rights-A Hand Book for Journalists; published by: Press Institute of India Chennai and Unicef Chennai office.
2. Unicef website; unicefindia.org