राजस्थान सरकार निदेशालय बाल अधिकारिता

जी 3/1 अम्बेड़कर भवन विस्तार, 22 गोदाम पुलिया के पास, जयपुर

क्रमांकः एफ 14(2)() आई.सी.पी.एस. / नि.बा.अ. / सान्याअवि / 13 / 14910

जयपुर दिनांकः 23.07.13

आदेश

' माननीय दिल्ली उच्च न्यायलय, नई दिल्ली द्वारा सिविल रिट पीटिशन नं. 787/2012 में मीड़िया (प्रिन्ट एंव इलेक्ट्रोनिक) की बच्चों के संबंध में रिपोर्टिंग हेतु आदेश जारी किया गया है। उक्त आदेश को सम्मिलित करते हुए राजस्थान राज्य बाल अधिकार संरक्षण आयोग द्वारा विस्तृत दिशा—निर्देश तैयार किये गये है। अतः आयोग द्वारा बच्चों के संदर्भ में मीड़िया द्वारा की जाने वाली रिपोर्टिंग के लिये तैयार किये गये दिशा—निर्देश तुरन्त प्रभाव से लागू किए जाते है।

संबंधित जिले की जिला बाल संरक्षण इकाई, बाल कल्याण समिति एवं किशोर न्याय बोर्ड द्वारा इसकी प्रभावी निगरानी सुनिश्चित की जावे।

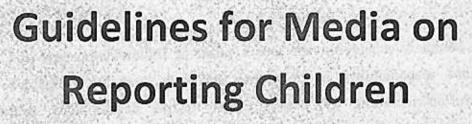
> बाल अधिकारिता जयपुर दिनांकः 13.07.13

- 1. अतिरिक्त मुख्य सचिव, महामहिम राज्यपाल महोदया, राजस्थान।
- 2. प्रमुख सचिव, माननीय मुख्यमंत्री महोदय, राजस्थान।
- 3. निजी सचिव, माननीय मंत्री महोदय, सान्याअवि., राज. जयपुर।
- 4. निजी सचिव, मुख्य सचिव, राजस्थान सरकार।
- 5. निजी सचिव, अतिरिक्त मुख्य सचिव / प्रमुख शासन सचिव गृह / सामाजिक न्याय एवं अधिकारिता / बाल अधिकारिता / विधि विभाग, राजस्थान सरकार, जयपुर।
- निजी सचिव, निदेशक, सूचना एवं जनसंपर्क विभाग, जयपुर।
- 7. मुख्य कार्यकारी अधिकारी, राजस्थान स्टेट चाइल्ड प्रोटेक्शन सोसायटी, जंयपुर।
- 8. सदस्य सचिव, राजस्थान राज्य बाल अधिकार संरक्षण आयोग, 2, जल पथ, गांधी नगर, जयपुर।
- 9. समस्त जिला कलक्टर एवं अध्यक्ष, जिला बाल संरक्षण इकाई।
- 10.समस्त पुलिस अधीक्षक / उपायुक्त......।
- 11.समस्त सहायक निदेशक, जिला बाल संरक्षण इकाई।
- 12.समस्त अध्यक्ष बाल कल्याण समिति.....।
- 13.समस्त प्रिसीपल मजिस्ट्रेट, किशोर न्याय बोर्ड......।
- 14.समस्त संपादक, प्रिंट एवं इलेक्ट्रोनिक मीडिया......।
- 15.समस्त अधीक्षक / व्यवस्थापक, राजकीय सम्प्रेक्षण एवं बाल गृह / गैर राजकीय बाल-पूह......।

16.रक्षित पत्रावली।

निदेशक

बाल अधिकारिता



Rajasthan State Commission for Protection of Child Rights (RSCPCR)

INTRODUCTION

Media is considered the fourth pillar of Indian democracy and shoulders. Immense responsibility in upholding and safe guarding principles of Indian constitution including the child's rights to life, development, protection and participation. Media plays a significant role in forming and moulding opinions, highlight events of immense importance, bringing about awareness and issue of importance & sensitizing the public to stand &speak for what is right and raise their voice against injustice. However, while reporting cases the child's right to privacy in often violated. photographs of victims of rape, violence, abuse, children who have committed crime are published without hiding their faces, names, address and family details which violates their right to privacy and confidentiality example Phalak case of AIIMS, New Delhi.

An exemplary example of the fact that an issue can be very well highlighted without giving personal details can be seen during media coverage of Damini rape case in New Delhi in Dec. 2012. It shook an entire nation without disclosing the name and personal details of the victim.

Delhi High Court has issued guidelines under Writ Petition Civil No. 787 of 2012 for media while reporting on children. We share these with you, hoping that these will be used to sensitize the reports & editors, So, that children's issues are covered in a more dignified manner, protecting the rights of children.

The Rajasthan State Commission for Protection of Child Rights (RSCPCR) will be monitoring the implementation of the guidelines in state of Rajasthan. We hope children's issues will be covered with more sensitivity in future.

GUIDELINES FOR MEDIA REPORTING ON CHILDREN:

Media coverage on matters relating to children may have long term consequences on their overall development (physical, mental, psychological, emotional, moral, social, economic etc.), life and dignity and lack of care by Media in this regard may entail real risk of children facing harm, stigma, disqualification, retribution etc. 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/broadcasting/publication of news/programs/ documentaries etc. on and for children.

The guidelines are in the backdrop of the existing legal framework, as detailed in SCHEDULE hereto, to secure and protect the rights of children and to set-out the minimum parameters of responsibility to be borne by print and electronic media (hereinafter referred to as Media) in relation to reporting/broadcasting/ publication of news/programs/documentaries etc. on and for children.

1. Meaning of terms used:

- 1.1 Child or children shall mean a person(s) who has/have not completed 18 years of age.
- 1.2 Media shall include, but not be limited to, any newspaper, magazine, news-sheet or electronic media.

2. PRINCIPLES:

- 2.1 Involvement of children in news/programs/documentaries etc. must evidently be editorially justified including from a child rights perspective.
- 2.2 Media shall ensure that child victims of rape, other sexual offences, trafficking, drug/substance abuse, elopement, organized crimes, children used in armed conflicts, children in conflict with law and child witnesses etc. are automatically guaranteed anonymity for life.
- 2.3 Media must ensure that due consideration is given to a child s right to privacy and to prevent the child from being exposed to anxiety, distress, trauma, social stigma, risk to life and safety and further suffering in relation to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.

- 2.4 Media shall ensure that a child s identity is not revealed in any manner, including but not limited to, disclosure of personal information, photograph, school/institution/locality and information of the family including their residential/official address.
- 2.5 Media shall not sensationalize issues or stories, especially those relating to children, and should be conscious of the pernicious consequences of disclosing/highlighting information in a sensational form and the harm it may cause to children.

2.6 INTERVIEWING A CHILD by the MEDIA:

This shall be governed by the following principles:

- a) That the interview is in the child s best interest.
- b) That the interview does not aggravate the child's situation further.
- c) That the manner and content of the interview doesn t affect/interfere with the child s right to privacy.
- d) That if the interview is in the child s best interest, the same shall be done under supervision and consent of the child s parent(s) or legal guardian, or in the alternative, the competent authorities for the child.
- e) That while interviewing a child, his/her consent may be obtained, depending upon his/her age and maturity.
- f) Frequent interviewing of a child must be avoided.
- g) The child s refusal to be interviewed must be honored.
- b) Before interviewing the child he/she must be duly informed about the purpose and manner of the interview.
- The child and/or his/her parents/guardian or any person having control over him/her shall not be coerced or enticed in any manner including financial or other inducement to secure consent for the interview.
 - 2.7 Media must verify the credentials and authority of individuals/ organizations whose consent is sought on behalf of the child.
 - 2.8 Media shall not give any financial or other inducement to the child or parent/guardian or others in relation to reporting/broadcasting/ publication of news / programs / documentaries etc. on and for children.
 - 2.9 Media must balance its responsibility to protect children from unsuitable content with the right to freedom of expression and the right to know.
 - 2.10 To protect the identity of the child media shall ensure that any visual

showing the face of the child must be completely morphed in cases where privacy /anonymity is required as illustrated in Principle 2.2.above.

2.11 Media shall orient/sensitize its editorial personnels, including editors/ editorial team / reporters / correspondents / producers / photographers etc. about laws, rules, regulations and guidelines related to reporting/ broadcasting/publication of news/programs/documentaries etc. on and for children.

2.12 The media shall proactively promote the children s right to information and freedom of expression.

2.13 PUBLICITY:

The Department of Information and Public Relations of all State Governments and U.T. Administrations, the Directorate of Field Publicity, Directorate of Advertising and Visual Publicity (DAVP) of Ministry of Information and Broadcasting, Prasar Bharati (AIR and DD), Self Regulatory Bodies etc. shall give due publicity at appropriate intervals to the laws, rules, regulations and guidelines (including the Guidelines) related to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.

2.14 MONITORING:

The compliance with the applicable laws, rules, regulations and Guidelines (including these ones) related to reporting/broadcasting/publication of news/programs/ documentaries etc. on and for children shall be monitored by the following:

(a) the self-regulatory bodies.

(b) the regulatory mechanisms of Ministry of Information and Broadcasting, such as, Electronic Media Monitoring Center (EMMC) and Inter-Ministerial Committee (IMC).

(c) Press Council of India through their respective procedures.

2.15 Monitoring:

NCPCR/SCPCRs shall file a report in this Court on yearly basis regarding the compliance level of the applicable laws, rules, regulations and Guidelines (including these ones) by all concerned.

The foregoing are only broad Guidelines and are not meant to be

exhaustive.

1. Legal Framework:

1.1 International:

The UN Convention on the Rights of the Child Article 16

- No child shall be subjected to arbitrary or unlawful interference with his
 or her privacy, family, or correspondence, nor to unlawful attacks on his
 or her honour and reputation.
- 2. The child has the right to the protection of the law against such interference or attacks.

Article 40 of the Convention, states that the privacy of a child accused of infringing penal law should be protected at all stages of the proceedings.

2.2 National:

2.2.1 The Juvenile Justice (Care and Protection of Children) Act, 2000 Section 19: Removal of disqualification attaching to conviction.

Section 21: Prohibition of publication of name, etc. of juvenile in conflict with law or child in need of care and protection involved in any proceedings under the Act.

The Juvenile Justice (Care and Protection of Children) Rules, 2007 Rule 3: Fundamental Principles to be followed in administration of these rules:

Principle II Principle of dignity and worth.

Principle IV Principle of Best Interest.

Principle VII Positive Measures.

Principle XI Principle of right to privacy and confidentiality.

Principle XIV Principle of Fresh Start.

1.2.2 Press Council of India Act, 1978:

The Press Council of India under the mandate of Section 13(2)(b) of the Act has THE NORMS OF JOURNALISTIC CONDUCT 2010

The 2010 edition of Norms of Journalistic Conduct updates the norms evolved since 1996 on the basis of adjudications and other pronouncements and covers to a large extent almost every aspect of compulsions and compunctions in journalistic practice.

6(i) The Press shall not intrude or invade the privacy of an individual, unless outweighed by genuine overriding public interest, not being a prurient or morbid curiosity. So, however, that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by the Press and the media, among others.

Explanation: Things concerning a person's home, family, religion, health, sexuality, personal life and private affairs are covered by the concept of PRIVACY excepting where any of these impinges upon the public or public interest.

- 6(ii) Caution against Identification: While reporting crime involving rape, abduction or kidnap of women/females or sexual assault on children, or raising doubts and questions touching the chastity, personal character and privacy of women, the names, photographs of the victims or other particulars leading to their identity shall not be published.
- 6(iii) Minor children and infants who are the offspring of sexual abuse or 'forcible marriage' or illicit sexual union shall not be identified or photographed.
- Ensure Sensitivity on Child-Related Stories

The identity of children infected and affected by HIV should not be revealed. Nor should their photographs be shown. This includes orphans

and children living in orphanages, juvenile homes etc.

Press Council (Procedure for Inquiry) Regulations, 1979

Complaint procedure against a newspaper, news agency, editor or other working journalist under Section 14(1) of the Act for professional misconduct.

1.2.3 Indian Penal Code, 1860 and Criminal Procedure Code, 1973:

Sec. 228-A of the Indian Penal Code makes disclosure of identity of victim of certain offences punishable with upto 2 years imprisonment or fine or both. The restriction does not relate to printing or publication of judgment of High Court or Supreme Court. But keeping in view the social object of preventing social victimization or ostracism of the victim of a sexual offence for which Sec. 228 A has been enacted, it would be appropriate that in the judgments be it by the Supreme Court, High Court or Lower Court, the name of the victim should not be indicated.

Section 228A IPC and Section 327(3) Code of Criminal Procedure also specify similar bars on publication of court proceedings dealing with sexual exploitation of the child.

1.2.4 THE CABLE TELEVISION NETWORKS (Regulation) ACT, 1995 and its RULES, 1994

The Programming and Advertising Codes as per Rule 6 and 7 provide that no program or advertisement which denigrates children should be carried in cable service.

1.2.5 The Protection of Children from Sexual Offence (POCSO) Act, 2012

Section 20- Obligation of Media, Studio and Photographic facilities to report cases.- 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 person 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- Procedure for Media-

- No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.
 - No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighbourhood, or any other particulars which may lead to disclosure of identity of child:

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

- 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.
- 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 extent to one year or with fine or with both. (This was not a part of order of Delhi High Court)

1.3 ETHICAL STANDARDS / GUIDELINES:

1.3.1 NHRC UNICEF Report (A Guidebook for the Media on Sexual Violence against Children)

MEDIA DOS AND DON TS WHEN CREATING PROGRAMMES ON CHILD SEXUAL ABUSE AND EXPLOITATION.

(http://nhrc.nic.in/Publications/MedGuideChild.pdf)

DO

Keep in mind the rights and best interests of the child. Promote a
positive attitude towards the victim.

- Make programmes relevant to various target segments.
- Focus your programmes emphasize on one or two messages.
- Before filing a story, consult resource persons and organisations in the area.
- Treat the subject with understanding and sensitivity.
- Be positive in the portrayal of the child, he/she is a victim and not a party to the crime.
- Be aware of various legal provisions, laws and regulations with regard to child rights.
- Remember, though the child is vulnerable and voiceless, he/she has the same human dignity, rights and worth as any adult.
- Meticulously verify your stories and sources.
- Identify ways to deal with problem situations.
- Provide clear action points for viewers.
- Promote gender equity and the rights of the girl child.
- Create awareness and demand for support services.
- Focus attention on the gravity of the crime.
- Make programmes to encourage a wider discussion of the sexual abuse and exploitation of children. Ensure that these are broadcast/ televised/ published in a sustained manner.

DON T

- Don t disclose the identity of the victim or the victim s family.
- Don t sensationalise or glorify acts of sexual abuse or exploitation of children.
- Don t make the child re-live the abuse by asking him/her to recount the abuse/exploitation.

- Don t re-victimise the child by repeated or incessant questioning.
- Don t depict the child as insignificant.
- Don t treat the child as a sexual object.
- Don t glorify either the crime or the offender.
- Don t project the child as powerless or without legal support.
- Don t stigmatise the child, family or community.

1.3.2 UNICEF GUIDELINES ON ETHICAL REPORTAGE:

UNICEF (India) have developed these principles to assist journalists as they report on issues affecting children. They are offered as guidelines that will help media to cover children in an age-appropriate and sensitive manner.

(www.unicef.org/india/EthicalReportage.pdf)

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.
- Do not discriminate in choosing children to interview because of sex, race, age, religion, status, educational background or physical abilities.
- No staging: Do not ask children to tell a story or take an action that is not part of their own history.
- Ensure that the child or guardian knows they are talking with a reporter. Explain the purpose of the interview and its intended use.
- 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.

- 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.

Guidelines for reporting on Children:

- Do not further stigmatize 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.
- Always provide an accurate context for the child's story or image.
- 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.
- 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
- a. A current or former child combatant,

- b. An asylum seeker, a refugee or an internal displaced person.
- In certain cases, using a child's identity their name and/or recognizable image is in the child's best interests. However, when the child's identity is used, they must still be protected against harm and supported through any stigmatization or reprisals. Some examples of these special cases are:
- 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.
- Confirm the accuracy of what the child has to say, either with other children or an adult, preferably with both.
- When in doubt about whether a child is at risk, report on the general situation for children rather than on an individual child, no matter how newsworthy the story.

1.4 SELF REGULATORY MECHANISMS:

- 1.4.1 News Broadcasting Standards Regulations, 2008 and Code of Ethics and Broadcasting Standards by the News Broadcasters Association, New Delhi.
- News Broadcasting Standards Authority (NBSA)
- 1.4.2 Self Regulation Guidelines, Content Code and Certification Rules for the General Entertainment and Non-News and Current Affairs Broadcasting Sector by the Indian Broadcasting Foundation, New Delhi.
- Broadcasting Content Complaints Council (BCCC) established under Content Code and Certification Rules, 2011.

National Human Rights Commission (NHRC) Strategies for Media

(What to say, who to talk and what to do)

Target Audience- Parents/Guardian/Caretakers of Children-

Messages-

- Value children-both boys and girls.
- Be Aware of situations where abuse, violence and exploitation against children can occur. Be Alert.
- Know the laws relating to children.
- Prepare and caution children against potential abusers.
- Teach children to be assertive and confident so they know they have the rights to say "No". No one has the right to touch them without permission.
- Tell your child that he/she can confide in you.
- Recognise signs of abuse-mental or physical.
- Listen to him/her.
- Believe the child.
- If the child is abused, seek help.
- Do not blame the child or yourself.
- Do not punish or humiliate the child.
- Do not compel the child to re-live the abuse.
- Be empathetic and understanding.
- Give positive verbal and non-verbal support to the child.

Target Audience-Children-

- Learn about your rights.
- Your body is private-you have the right to say NO to anyone touching you.

- You are not responsible for any violence you experience.
- Confide in a trusted adult when you are abused or exploited by anyone.

No Part Marriage

- You have the right to be medically examined.
- You have the right to demand that the police conduct an investigation.
- Refuse to be alone with anyone or in a situation that makes you uncomfortable.
- Stay in groups wherever possible.
- Running away from home is risky/dangerous unless the danger is inside the home.

Target Audience-Teachers-

Messages-

- Recognise children have rights.
- Create awareness about children's rights.
- Make yourself accessible to your students so they can confide in you if they are abused or exploited.
- Believe the child.
- Know all the laws dealing with children.
- Learn to recognise signs of abuse, violence and exploitation in a child.
- Report all the violence against children.
- Ensure that your actions do not put the child at risk.

Target Audience-General Public-

- Create awareness about the serious nature and consequences of abuse,
 violence and exploitation of children.
- Abuse, Violence and Exploitation can happen to anyone-even within your family.

- Dispel myths regarding sexual intercourse with children (sex with a child DOES NOT cure STDs or make a person virile.)
- Children who have suffered any Violence, Abuse or Exploitation are Victims and are in no way responsible for what happened.
- Learned about laws relating to children.
- Be vigilant about any violence, abuse or exploitation against children and report cases to the Police, Court, Government Employee, Local NGO or support Group.

Target Audience-Police/ Judiciary-

Messages-

- Know Child Rights.
- Be aware of the impact of abuse, violence and exploitation on children.
- Be aware of the laws relate to children.
- Become sensitised to the law enforcement machinery.
- Be sympathetic/ sensitive to victims.
- Maintain confidentiality of victims-publicising names/ photographs, etc., leads to further victimization.
- Enforce the laws keeping in mind the best interests of the child.
- Enforce time-bound justice for cases of abuse.
- Advocate for more stringent laws against child abusers and exploiters.
- Legally recognise and involve NGO's in procedures related abuse, violence and exploitation against children.

Target Audience-Legislators and Policy Makers-

- Ensure Laws are implemented effectively.
- Strengthen existing laws for the children.
- Advocate to change laws relating to abuse, violence and exploitation against children to ensure consistency with international standards.

- Create child friendly courts and procedures.
- Insist on in-camera testimonies for children.
- Legally recognise and involve NGO's in procedures related to abuse,
 violence and exploitation against children.

Target Audience-Employers

Messages-

- Know the rights of children.
- Respect the rights of children.

Target Audience-Doctors/ Health Professionals-

- Recognise signs of Abuse, Violence and Exploitation in a child victim.
- Report cases of Abuse, Violence and Exploitation against children.
- Know the Legal procedures in cases of Abuse, Violence and Exploitation against children.
- Know and Respect the rights of children.
- Keep in mind the best interests of the child while conducting a medical examination.

The Rajasthan State Commission for Protection of Child Right (RSCPCR)

The Rajasthan State Commission for Protection of Child Right (RSCPCR) is an independent state level statutory body which was set up in February 2010 by Government of Rajasthan by virtue of power given to it U/S 17 of the Commissions of Protection of Child Rights Act, 2005. RSCPCR works to recognise, promote and protect all rights of all children in the state of Rajasthan. The role, power, function and other modalities of the RSCPCR is enshrined in the Rajasthan State Commission for Protection of Child Rights Rules, 2010 notified in April 2010.

The Commission's Mandate is to ensure that all Laws, Policies, Programmes, Administrative Mechanisms and activities in the state, no matter whether managed by government or non-government organisations, are in conformity with the Child Rights perspective as proclaimed in the Constitution of India and the United Nations Convention on the Rights of the Child (UNCRC), 1989 to which India is a signatory. For the Commission all the rights of children are of equal importance and they are mutually reinforcing and interdependent. The mandate of the Commission is to ensure that children lead a life with dignity and their voices are heard with utmost sincerity and priority at every level. The RSCPCR consists of a Chairperson and four members appointed by the State Government.

One of the major mandates of the Commission is to inquire into complaints of child rights violations. The Commission can also take suo moto cognizance of serious cases of violation of child rights. The Commission can be contacted to register complain against violation of children's right. Complaint must be sent to the Chairperson, Rajasthan State Commission for Protection of Child Rights in written form either in Hindi or English or in any language convenient to the complainant through post/mail/fax.



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