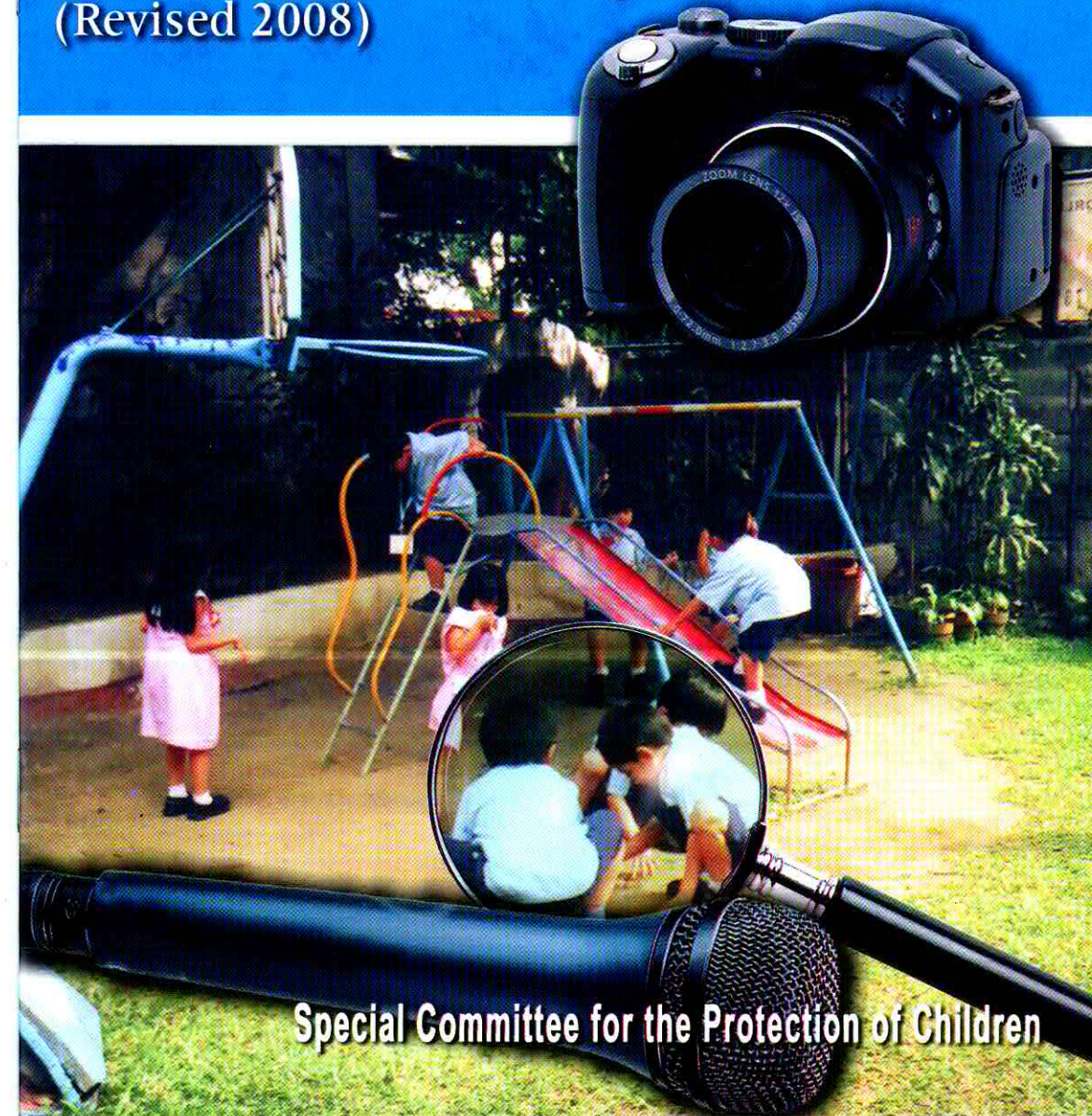


Guide for Media Practitioners on the Reporting and Coverage of Cases Involving Children (Revised 2008)



Special Committee for the Protection of Children

**Guide for
Media Practitioners
on the
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of Cases Involving
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Special Committee for the Protection of Children
Department of Justice
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RATIONALE

One of the landmarks of a democratic society is the access to information on matters of public concern. Thus, Article III, Section 7 of the Philippine Constitution provides:

“The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law”.

As a cornerstone in a democratic society, Media provides the means for a free market of ideas. Access by media to information is given wide latitude most especially when it comes to matters of governance, public and political affairs. However, it must be noted that the very Constitutional provision recognizing the right to access to information likewise states that the right is not without limitations. Access to information is “subject to limitations as may be provided by law”. One such limitation is the access to information, and the publication thereof, on matters pertaining to children.

The challenge to media practitioners is to carry out their duty of informing the public effectively and at the same time being aware of the need to protect and enhance the rights of the child without in any way compromising the freedom of expression or undermining their independence as journalists. They are in the position to assess the efforts along this line and challenge everyone to comply with domestic laws and international commitments on the rights of the child.

This guide is intended to raise media awareness on issues concerning the rights of the child and at the same time reinforce journalistic standards, through self-regulation, and contribute to the protection and promotion of these rights.

Existing laws passed protecting the child provides for confidentiality. The confidentiality clauses are meant to protect the child's right to privacy and to prevent the child from trauma, social stigma, and further suffering arising from inappropriate publicity or approaches to media coverage.

With the passage of new laws relating to children, the **Special Committee for the Protection of Children** saw the need to update the guidelines it formulated in 2000, consistent with the provisions provided in the laws.

DECLARATION OF STATE POLICY

The 1987 Constitution declares that the State recognizes the sanctity of family life and shall protect and strengthen the family as a basic institution. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.

The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism, nationalism, and encourage involvement in public and civil affairs.

The State, in the exercise of *parens patriae*, has the inherent duty to defend and care for its citizens, children included, considering the special care they need vis-à-vis the right to press freedom and the right to expression.

Children need special safeguards and care due to their size, vulnerability and young age. Every effort must be exerted to ensure that children are accorded special protection to enable them to grow and develop in an atmosphere of peace, dignity, tolerance, freedom, equality and solidarity. The best interest of the child shall be the primordial and paramount concern of everyone.

The United Nations has recognized that children need special care and protection. The Convention on the Rights of the Child, to which the Philippines is a state party, recognizes that a child's rights need to be protected and enhanced, among these, the right to privacy, honor and reputation either as a victim or in conflict with the law.

There are groups of children who need special protection. Children as victims of abuse and those who are in conflict with the law need to be shielded from inappropriate media coverage and unwarranted publicity. Reporting of their cases should be done in a manner that would promote their best interest

LEGAL BASES

- **Presidential Decree No. 603 (Child and Youth Welfare Code)** provides for the destruction of the records of the case such as files of the National Bureau of Investigation, any police department and any other government agency, after the charges have been dropped.
- **Republic Act No. 7610 (Special Protection of Children Against**

Child Abuse, Exploitation and Discrimination Act) requires "strict confidentiality" on the identity of child abuse victims and to all records pertaining to the case.

- **Republic Act No. 8369 (Family Courts Act of 1997)** provides that all hearings and conciliation of the child and family cases shall be treated in a manner consistent with the promotion of the child's and family's dignity and worth, and shall respect their privacy at all stages of the proceedings. It further provides for the confidentiality of all records of cases and the identity of the parties involved therein unless necessary and with court authority.
- **Republic Act 9165 (Comprehensive Drugs Act of 2002)** provides for the confidentiality of records of children under both the voluntary and compulsory submission program or those of children discharged after compliance with conditions of suspended sentence. It further provides for confidentiality of records of probation and community service of the child.
- **Republic Act No. 9208 (Anti-Trafficking in Persons Act of 2003)** provides for confidentiality of proceedings at any stage of the investigation. It shall be unlawful to cause publicity of any case of trafficked persons when prosecution or trial is conducted behind closed-doors.
- **Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004)** provides that all records pertaining to cases of violence against women and their children shall be confidential... and the right to privacy of the victim shall be respected. Whoever publishes or causes to be published, in any format, the name, address, telephone number, school, business address, employer, or other identifying information of a victim or an immediate family member, without the latter's consent shall be liable to the contempt power of the court.
- **Republic Act No. 9344 (Juvenile Justice and Welfare Act of 2006)** mandates that all records and proceedings involving children in conflict with the law from initial contact until final disposition of the case shall be considered privileged and confidential.
- **Rule on Examination of Child Witnesses** as promulgated by the Supreme Court.

The said laws/rule provides for penal sanctions for any violation of the

abovementioned confidentiality provisions.

COVERAGE & DEFINITIONS

This guide is primarily intended for media practitioners in the reporting and coverage of cases involving children.

- A. For purposes of this guide, the term "media practitioners" refers to all persons who are involved in any form of mass media, including internet, and are not limited to editors, publishers, reporters, columnists, writers, photo journalists, cameramen, announcers, program hosts, program content producers and directors and film content producers and directors.
- B. The child refers to a person below eighteen (18) years of age or one who is eighteen (18) years of age or over but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition. In particular are the following:
 - a. Child Victim – is a child who suffered from abuse, exploitation, neglect and discrimination (e.g. sexual, physical, emotional, verbal, psychological, economic). The term includes Children Involved in Armed Conflict (CIAC).
 - b. Child in Conflict with the Law (CICL) – refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws
 - c. Child Witness – is any person who at the time of giving testimony is below the age of eighteen (18) years

PRINCIPLES & GUIDE

Principle 1

Children have an absolute right to privacy. The highest ethical and professional standards in reporting and covering cases of children must be observed such that in all publicity concerning children, the best interests of the child shall be the primary concern.

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1. In the best interest of the child, the identity of a child victim of abuse, child witness, CIAC or a CICL shall not be disclosed whether directly or indirectly. No information that would lead to the identity of the child or any member of his/her family shall be published or broadcast.
2. Photographs, images, or video footages of the face or any distinguishing feature or information of a child victim of abuse, child witness, CIAC or a child in conflict with the law including his or her family members shall not be taken, published, or shown to the public in any manner.

Exception to this are missing children, children looking for their parents or relatives or any other similar cases where revealing the identity, is for the best interest of the child.

3. The disclosure of any private or graphic detail of the case, including the medico-legal findings, in public, is a violation of confidentiality provisions under the law.
4. The access, use or dissemination as well as the provision of records of a child shall be subject to sanctions under existing laws. Records, materials and other evidence recovered or confiscated during rescue operations of child victims are considered confidential when they form part of police, prosecution or court records.
5. In the best interest of the child, interview(s) of a child victim of abuse, child witness, child involved in armed conflict and a child in conflict with the law should be conducted only when the child interviewee is assisted by a psychologist or a social worker known to her or him. In this case, the media practitioner should take into consideration the level of comfort of the child when asking questions and the length of time spent in the interview. This is to prevent the child from further traumatization or victimization.

6. In reporting or covering cases on abuse and exploitation involving children, media practitioners are encouraged to discuss the issues surrounding the case rather than the personal circumstances of the victim.

Principle 2

The child's dignity must be respected at all times.

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1. The use of sexualized images of children is a violation of the child's rights.

Obscene or pornographic materials, videos, photographs and other related media should not be subjects of circulation, publication or broadcast as it is a violation of the right of the child to dignity and self-worth.
2. Crimes of violence by or against children must be reported factually and seriously without passing judgment, stereotyping, or sensationalism.
3. There should be a conscious effort to avoid sensationalism and exploitation of the child in need of any assistance. The release of the child's identity to elicit financial support or aid for the child's medical care is strongly discouraged.
4. The personal circumstance of the child which will tend to sensationalize the case must be avoided. The child's life should not be treated as a movie.

Principle 3

Children have the right to be heard. Access to media by children should be encouraged.

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1. Whenever possible, give children access to media for them to be able to express their own opinions without inducement of any kind, in any

manner or procedure affecting them.

2. When the child is the source of crime-related news or information, his/her identity should be protected at all times.

Principle 4

The mass media is a partner in the promotion of child rights and the prevention of child delinquency, and is encouraged to relay consistent messages through a balanced approach.

Journalistic activity which touches on the lives and welfare of children must be carried out with sensitivity and appreciation of the vulnerable situation of children, so that children are not re-victimized or re-traumatized.

Guide

1. On media coverage of specific cases, the present, as well as the long-term implications for the child's recovery, rehabilitation and reintegration shall be taken into consideration by all those involved in deciding on and implementing the said approaches to media coverage.
2. It is the responsibility of the media to verify the status of an organization which purports to speak or represent the child, before any airing, broadcasting or publication in behalf of the child. The organization must be duly accredited, registered or licensed by the Department of Social Welfare and Development (DSWD) or by any appropriate government agency.
3. Media is urged to undertake investigative journalism and to report on violations of children's rights, and other issues relating to children's safety, privacy, security, education, health and social welfare and all forms of exploitation and discrimination.
4. There are government agencies responsible for the care of children such as the Department of Social Welfare and Development (DSWD), or the local social welfare offices, Department of Labor and Employment (DOLE), Movie and Television Review and Classification Board (MTRCB), including private organizations or institutions which have adopted and are implementing guidelines on dealing with child sensitive coverage, reportage, and access to media. Media organizations are urged to develop their own internal policies and

procedures aligned and consistent with these guidelines, including monitoring systems and protection mechanisms on the engagement of children in any media program to ensure that children are free from physical and psychological risks and that they are not exploited for commercial purposes.

5. Media organizations are encouraged to exercise self-regulation through responsibility in programming, publication or posting of any information affecting the physical, social, emotional, mental and moral development of the child. The publication of images or broadcast of programs containing information detrimental to child development should be shown or aired outside of the time slots allotted for children.

REFERENCES:

RANo. 8369, Sec. 12; RANo. 9165; RANo. 9208, Sec. 7; RANo. 9262, Sec. 44; RA No. 9344, Sec. 23; Supreme Court Rule on the Examination of Child Witnesses and the UN Convention on the Rights of the Child.

ADDITIONAL REFERENCE

International Federation of Journalists' Draft Guidelines and Principles for Reporting on Issues Involving Children (Adopted at Recife, Brazil, 2nd May 1998)

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

Media organizations should regard violations of the rights of children and issues related to children's safety, privacy, security, their education, health and social welfare and all forms of exploitation as important questions for investigation and public debate. Children have an absolute right to privacy, the only exceptions being those explicitly set out in these guidelines.

Journalistic activity which touches on the lives and welfare of children should always be carried out with appreciation of the vulnerable situation of children. Journalists and media organizations shall strive to maintain the highest standards of ethical conduct in reporting children's affairs and, in particular, they shall:

- Strive for standards of excellence in terms of accuracy and sensitivity when reporting on issues involving children;
- Avoid programming and publication of images which intrude upon the media space for children with information which is damaging to them;
- Avoid the use of stereotypes and sensational presentation to promote journalistic material involving children;
- Consider carefully the consequences of publication of any material concerning children and shall minimize harm to children;

- Guard against visually or otherwise identifying children unless it is demonstrably in the public interest;
- Give children, when possible, the right of access to media to express their own opinions without inducement of any kind;
- Ensure independent verification of information provided by children and take special care to ensure that verification takes place without putting child informants at risk;
- Avoid the use of sexualized images of children;
- Use fair, open and straight forward methods for obtaining pictures and whenever possible, obtain them with the knowledge and consent of children or a responsible adult, guardian or care giver;
- Verify the credentials of any organization purporting to speak for or represent the interest of children;
- Not make payment to children for material involving the welfare of children or to parents or guardians of children unless it is demonstrably in the interest of the child;

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

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



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