

## MEDIA ETHICS AND KEY CHALLENGES IN INDIA WITH REFERENCE TO CHILDREN'S ISSUES

Suman Kumar Kasturi ★

The fundamental objective of journalism is to serve the people with news, views, comments and information on matters of public interest in a fair, accurate, unbiased, sober and decent manner. To this end, the Press is expected to conduct itself in keeping with universally recognised norms of professionalism or what is more aptly known as ethics of journalism. The norms and other specific guidelines which have been formulated by the concerned authorities, when applied with due discernment and adaptation to the varying circumstance of each case, will help the journalist to self-regulate his or her conduct.

Way back to the history of Human Rights, before 165 years somewhere around 1849, the German Parliament, the Reichstag drafted directory of Human Rights. To complete this task, the Parliament wanted to give the Kaiser or Emperor democratic authority by giving him the crown itself. "The Kaiser refused: a Kaiser, the Kaiser by divine grace, cannot be offered a crown by a parliament elected by the people!" (Thomas Fleiner 1999, 14)

The idea that people have sacrosanct rights is found in many philosophies and cultures around the world. The entrenchment of Human Rights is a written document first occurred in the form of English Magna Carta of 1215. Despite the declaration of their belief in Human Rights, the princes, with their right to rule, never allowed themselves to be controlled. They always expressed the view that Human Rights would be protected whenever seen by the princes themselves (Ibid).

As far as Children specific rights are concerned, in the archaeological find, nobody thought to give special buttressing to children. In the Middle-Age, children were considered as small adults (Donald J Shoemaker 2009, 12). Nonetheless, in the middle of the 19<sup>th</sup> century, the idea appears in France to give children special shield, enabling the progressive growth of minors' rights. Since 1841, laws start to protect children in their workplace (Peter N Stearns 2012, 88).

The Universal Declaration of Human Rights (UDHR) was consequently formulated from an initial outline produced by John Humphrey (Daniel Moeckli et al 2010, 35), and a British Draft. Following many sessions of the drafting committee and approval by the plenary commission, on

December 10, 1948, the UDHR was stated publicly by 48 states in the UN General Assembly. Undeniably, the years 1948 and 1949 proved to be significant ones for Human Rights standard-setting. Ultimately, the Universal Declaration of Human Rights made the universal applicability of Human Rights, which is expressed in the preamble, where the declaration is proclaimed "as a common standard of achievement for all peoples and all nations" (<http://www.un.org/en/documents/udhr/>). The universality of the pronouncement is also noticeably expressed in its first two articles enouncing the ideology of equality and non-discrimination. Article 1 of UDHR states that "all human beings are born pre and equal in dignity and rights" and first paragraph of Article 2 of UDHR states that "everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Eva Brems 2001, 5).

From the other corner, the United Nations Convention on the Rights of the Child (UNCRC) came into force on September 2, 1990 (Michael Freeman 2012, 363). Indian Government ratified it on November 12, 1992 (Neela Dabir et al 2011, 147). UNCRC starts out what governments and individual citizens should do to promote and protect the rights of all children. By signing the UNCRC, Indian Government has steadfast itself to ensuring that children can grow up in safe and supportive conditions, with access to quality education, health care, and a good standard of living. UNCRC concedes children's rights to express their thoughts and opinions freely, to play and form their own clubs and organisations, to access information and to make their ideas and information known.

According to the Convention on the Rights of the Child, "all people under the age of 18, unless by law, majority is attained at an earlier age" (Sophie Jeleff 1996, 67), is called a child. The Convention on the Rights of the Child has been ratified by all states around the globe except Somalia and the United States of America (Thoko Kaime 2011, 7-8) meaning that it is a fundamental document within the international legal obligations of these countries. Given the

★ News Editor (Web), The Hans India, Buddha Nagar, Hyderabad, Andhra Pradesh, India

CRC's focus on both international prescriptions as well as respect for the local cultural values of India, there is a need for proper conceptual framework for elaborating children's rights within local cultural contexts. This chapter will attempt to elucidate such a framework on children's rights.

Further, human rights in general and children's rights in particular are going ground within the guarantees of Indian constitution and legalisation in the world. Children everywhere suffer a lot from deleterious cultural practices and notions which enjoy more legitimacy than norms of international children's rights. At this juncture, there is a need for the mass media to take up this issue seriously and should campaign for the better practicing of the children's rights so that the very purpose of guaranteeing of such rights would be meted out.

### **Ethics of Journalism and contemporary journalistic practices**

Every journo who gets formally trained in the mass media studies is familiar with the ethics of journalism but seldom have we found the formally trained media personnel, who know all the rules and regulations pertaining to the area of their coverage, apart from knowledge on the ethics of the profession of journalism. As part of the academic curriculum, ethics of journalism turns to be one of the important topics. In fact - something becomes imperative in academic curriculum - only because of the significance it is coupled with. But, when it comes to the actual practice, hardly any journo in general or the media organisations as a whole are practising ethics of journalism. Practicing ethical journalism isn't just a state of mind or a commitment a journo sign in the fall when he joins the media. It's the hard work - every instant.

Often there exists a conflict between fairness and accuracy, while reporting the children's issues. Fairness is possibly harder to achieve than accuracy. The experience can be a sturdy teacher to address this crucial factor.

As far as contemporary media is concerned, yellow journalism or the yellow press is in vogue. Techniques varying from exaggeration of news events, scandal-mongering, or sensationalism are the main ingredients of such journalistic practices.

Also sensationalism is a type of editorial bias in mass media in which events and topics in news stories and pieces are over-hyped to increase readership numbers. Sensationalism may include reporting on commonly trivial matters and events that don't influence overall society and biased

presentations of remarkable topics in a trifling or lurid manner. Deliberated obtuse, appealing to emotions, being controversial, intentionally omitting facts and information, being loud and biased and acting to obtain attention are the few techniques involved in sensationalism (Ibid).

Inconsequential information and events are sometimes misrepresented and exaggerated as important or considerable, and often includes stories about the actions of individuals and small groups of people, the content of which is often insignificant and irrelevant relative to the major commonplace events that take place worldwide. Additionally, the content and subject matter typically doesn't affect the lives of the masses and doesn't affect the society - and rather is telecasted and printed to attract viewers and readers. The publication of articles should not be primarily aimed at getting prizes and awards (Ibid).

### **Children, News Coverage and Challenges in Indian Perspective**

Given the huge numbers and formats in media, post-globalisation, opportunities to raise issues and encourage interactivity have grown at a never-before rate. But even as children appear more and more in news coverage, their voice finds little or no representation. News reporting that ignores child rights often further exacerbates the injustice towards them.

However, 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: (<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>)

- 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).

Also, 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 parents, legal guardians or any other person who has the care of the child.

Furthermore, 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 (Ibid).

Ensuring sensitivity on child-related stories is a must for all journalists. However, such practices are hardly seen in contemporary Indian Media. It is mostly because of - the lack of awareness of the knowledge about the children's rights as well as the lack of awareness of the guidelines imposed on the media personnel to cover all such issues - that sensitivity gets grounded. There is an essential need for every media personnel dealing with children's issues to be aware of the guidelines framed by the International Federation of Journalists (IFJ) at this juncture.

Indubitably, the above facts reveal that so many national and international policies and the constitutional guarantees aimed at the protection of the children's rights have been just confined to policy files & books - and simply gathering. Children are accorded a low priority in national policy and governance decisions which turns to be a serious problem and the need of the hour is to ensure timely action so that the mentioned policies and constitutional guarantees might be implemented both in letter and spirit.

### **Guidelines Framed by the International Federation of Journalists**

At the world's first International Consultative Conference on Journalism and Child Rights held in Recife, Brazil, on May 2, 1998, these guidelines were first adopted in draft by journalist organisations from 70 countries. 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(UNESCO 2009, 47-52).

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

- Strive for standards of brilliance in terms of accuracy and sensitivity when reporting on issues involving children.
- Avoid programming and publication of images which intrude upon the media space of 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 minimise harm to children.
- Guard against visually or otherwise identifying children unless it is demonstrably in the public interest.
- Give children, where possible, the right of access to media to express their own opinions without enticement 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 sexualised images of children.
- 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.
- Verify the credentials of any organisation purporting to speak for or to represent the interests 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.
- In general, the following may be followed as the Broad Principles:
  - The dignity and rights of every child are to be respected in every circumstance.
  - In interviewing and reporting on children, special attention is to be paid to each child's right to privacy and confidentiality, to have their opinions heard, to participate in decisions affecting them and to be protected from harm and retribution, including the potential of harm and

retribution.

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

It is for obvious reasons that the interests of media conglomerates certainly aim at achieving top ranks among their competitors. Success may be achieved by practicing the yellow journalism overnight. Nevertheless, certainly it won't last longer. Of the many issues the journalistic ethics talk about, the mass media prestige is one. As it is rightly said - conflicts of interests damage the prestige of the mass media. For obvious reasons, the journalists should not become dependent on sources of information or someone's interests. The facts should be considered as the first and foremost things to be reported.

Another key aspect that a journo should keep in mind is - about the informed consent - that may be defined as: An agreement to do something or to allow something to happen made with complete knowledge of all relevant facts, such as the risks involved, or any available alternatives. It is also a mandatory requirement that sensitivity on child-related stories is ensured. 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. International and national laws specifically prohibit publication of any information or photograph that may lead to the identification of these children and violate their rights.

Considering it as a social responsibility, the media channels should volunteer to take up such tasks of promoting children's rights, thereby contributing their best for the betterment of children in general and the society as a whole. 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.

The future of journalism depends on how well the media personnel master these essential elements of journalistic integrity and ethics. Else, that day is not far away when parents would shilly-shally open the newspapers or electronic news channels in front of their wards.

---

## References

- Brems, Eva. (2001). *Human Rights: Universality and Diversity*. The Hague: Martinus Nijhoff Publishers.
- Convention on the Rights of the Child (2014, July 07). United Nations Human Rights Convention on the Rights of the Child. Retrieved July 07 2014, from <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- Dabir, Neela., & Athale, Naina. (2011). *From Street to Hope*. New Delhi: Sage Publications India Pvt Ltd.
- Fleiner, Thomas. (1999). *What are Human Rights?* Annandale: The Federation Press.
- Human Rights. (2014, July 08). What are Human Rights? definition and meaning. Retrieved July 08 2013, from <http://www.businessdictionary.com/definition/human-rights.html#ixzz374YpbC2C>
- Jeff, Sophie. (1996). *The Child as Citizen*. Belgium: Council of Europe Publishing.
- Moran, Gabriel. (2013). *Uniquely Human: The Basics of Human Rights*. Bloomington: X Libus LLC.
- Naime, Thoko. (2011). *The Convention on the Rights of the Child: A cultural Legitimacy critique*. Groningen: Europa Law Publishing.
- Kasturi, Suman K (2013). *Satellite Television and the Internet: History, Development and Impact*. New Delhi: Kanishka Publishers.
- Kasturi, Suman K (2014, October 08). Ethics of journalism Vs Contemporary Mass Media. Retrieved October 08 2014, from <http://sumankasturi.wordpress.com/2014/09/16/ethics-of-journalism-vs-contemporary-mass-media/>
- Moeckli, Daniel., Shah, Sangeeta., & Sivakumaran, Sandesh. (2010). *International Human Rights Law*. New Delhi: Oxford University Press.
- Shoemaker, Donald J. (2009). *Juvenile Delinquency*. Maryland: Rowman & Littlefield Publishers, INC.
- Statistics on Children in India (2014, July 10). Statistics on Children in India. Retrieved July 10 2014, from <http://www.cry.org/rights-to-know/statistics-on-children-in-India.html>
- Stearns, Peter N. (2012). *Human Rights in world History*. Oxon: Routledge.
- The Universal Declaration of Human Rights. (2014, July 06). *The Universal Declaration of Human Rights*. Retrieved July 06 2014, from <http://www.un.org/en/documents/udhr/>
- UNESCO. (2009). *Child Rights: A Handbook for Journalists*. New Delhi: Press Institute of India.