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Profits vs. rights? Exclusive images

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The latter half of the 16 Days campaign has seen a number of stories naming or identifying children who have been abused or have witnessed crimes. While the overall intention of the stories has been clearly positive in raising issues of abuse, they have further violated the rights of the children concerned. Specifically this update will address such stories on e-tv, the *Saturday Star* and *Daily Sun*.

Exclusive images and child abuse

e-tv's prime-time news of the 3rd of December 2005 led with a story about a family shooting that had taken place on Friday morning. It is alleged that the father went on a "drunken killing spree", shooting a friend, his wife, his 5-week-old baby girl, and then himself. The story was clearly well intentioned, and it was followed by another item that highlighted e-tv's support for the 16 Days of Activism campaign. However, the item both names and clearly identifies the father, the baby, and the surviving sibling. The surviving sister is interviewed in the story and shown in a close-up shot that intensifies her grief and trauma. No attempt to protect the identity if any of the family members was made. In so doing, the item clearly violates Section 154(3) of the Criminal Procedure Act, which states: "No person shall publish in any manner whatever information which reveals or may reveal the identity of the accused under the age of 18 or a witness at criminal proceedings who is under the age of 18 years". The broader concern, however, is the violation of one of the key ethical tenets of journalism: to minimise harm. According to the Poynter Institute¹, to minimise harm includes:

Recognise that gathering and reporting information may cause harm or discomfort, but balance those negatives by choosing alternatives that maximize your goal of truth telling

¹ <http://www.poynter.org/column.asp?id=36&aid=4349>



This Saturday, the 3rd of December 2005, the *Saturday Star* led with an exclusive story: "Swiss sex tourist's victim" (03/12/2005, p.1). The story was a follow-up to a story earlier in the previous week, where Peter Zimmermann, as part of a plea bargain agreement, was given a R10 000 fine on admission of guilt of having sex with a young boy. (The age has been reported differently in the media ranging from 14 to 16 years of age.) In response to the public outrage following the low fine, the National Prosecutions Authority (NPA) were reported to have stated that the plea bargain was the best possible option, as the police had been unable to find the boy concerned (The Citizen, 02/12/2005, p.12). The story highlights the power and positive action that media can, and in many instances do provide, by finding not only the child concerned, but also four other alleged "victims" of Peter Zimmermann.

The story provides excellent investigative journalism around the case of the paedophile, and points to questionable police work on the case. The journalists assess the different angles of the story and provide multiple perspectives, including the children's own stories about Zimmermann. The MMP's research has highlighted the importance of hearing children's voices in stories that affect them. Importantly, the story does not name or identify any of the children. The story was afforded further coverage in three other stories in the same edition.

Notably, the rest of the edition of the *Saturday Star* provided extensive and in-depth coverage of children and many related children's issues and concerns. The theme of child sexual abuse was covered in a number of other items throughout the main body of the newspaper. The other stories examined different angles to the case, so that overall, the edition provided a comprehensive understanding and analysis of the case, child sexual abuse, and the different stakeholders' positions. In addition, the paper also reported on child trafficking, and children affected by and surviving HIV/AIDS. The medium is to be commended for devoting so much of its copy to addressing some of the most severe social issues that affect children.

If only the *Saturday Star* had sold these angles instead of resorting to unprofessional and unethical practice by publishing an image of the boy on its front page. "Exclusive image" was used as the tagline on lamppost billboards. True to the billboards' claims, a full-colour, medium-shot photograph of a boy, dressed in an open jacket that revealed his bare chest, dominated the cover of the weekly newspaper. The boy's left hand is raised to shield his eyes in an insufficient attempt to protect his identity. However, despite this attempt, the boy is easily identifiable from the photograph, which is a clear violation of the law. It is cause for concern that the medium chose to advertise the image of the boy and not the story. The billboards' proclamation that the *Saturday Star* had an "exclusive image" provides the focus on the picture of the boy rather than the broader, and far more important story about child abuse, justice being served, and possible police incompetence. And notably it is the picture and not the story that has raised concern.



This story was discussed in depth at the Media and Minors radio conference on Sunday, the 4th of December 2005. The conference, a first for South Africa, was organised by the Media Monitoring Project, in partnership with SAfm and Save the Children Sweden. Sunday marked the second session of the conference, which was held on the two Sundays of the 16 Days of Activism campaign. The radio conference tabled discussions of secondary abuse of children in and by the media. This week, the conference guest speakers included former Human Rights commissioner, Shirley Mabusela, and president of the South African Professional Society on the Abuse of Children, Retha Meintjes. Both Mabusela and Meintjes were adamant that the *Saturday Star* violated a number of ethical, legal, human rights, and journalistic principles by publishing the image.

The media and the law

It must be stated that the picture used was not only extremely prominent, but also extremely powerful. Its use may have served to draw people's interest and attention, and make them want to read the story. The billboards promoting the exclusive image may also have helped to sell a few more copies of the *Saturday Star*. The question to be asked, however, is at what cost? Does the selling of more copies outweigh the importance of the rights of the child?

The South African Constitution states: "the best interests of the child are of paramount importance in every matter concerning the child" (section 28(2)). It could be argued that while the story may be in the child's best interests (in so far as it highlighted that he could be found and cared for), it is difficult to argue that a photograph that clearly identifies the boy is in his best interests.

One of the central ethical tenets of journalistic practice is to minimise harm; again, something, it could be argued, that the image clearly violates. The United Nations Convention on the Rights of the Child, which South Africa has ratified, protects children's identities and privacy, both of which are violated by the publication of the photograph. And finally, the new Children's Bill, which was passed by the National Assembly in June 2005, specifically protects the identification of children involved in criminal proceedings by the media in Section 74.

Profit vs. rights

The MMP's research has found that one in ten children is identified in the media in stories about child abuse. To this extent, there are a number of media that seemingly choose profit over the rights to dignity and privacy. The MMP's daily monitoring during the 16 Days of Activism campaign has shown that the *Daily Sun* violates these ethical and legal principles.

In "Young boy raped by teen drug addict!" (*Daily Sun*, 22/11/2005, p.5), the medium details the story of a 16-year-old boy who was gang raped by four other teenagers. Notably, while the medium does not name or identify either the boy



concerned or his alleged perpetrators, it names the rehabilitation centre where the boys were living. This indirectly serves to identify both the boy and his alleged perpetrators.

"Evil voices torment teen!" (*Daily Sun*, 21/11/2005, p.2) tells the story of a teenage girl who survived rape and is now "tormented" by "wicked voices". While the girl is not named in the story, the story is accompanied by a profile image of the girl with her head in her hands. She is clearly identifiable from the image.

Another story provides similar cause for concern. "Mum throws baby away!" (*Daily Sun*, 24/11/2005, p.1) explains that due to her "poverty stricken" status, a young mother abandoned her child. This time the medium acknowledges that it is against the law to name the woman: "the young mother...cannot be identified as she faces court charges". Again, however, an image accompanies the story. The image, a profile shot of the woman with her forehead bowed against her knee, clearly identifies the woman.

While there is no question that these stories, like the story in the *Saturday Star*, should be reported, it is important that in raising awareness and reporting crimes of abuse, the rights of those concerned are not further violated in and by the media.

"Victims" of abuse

It is concerning that the *Saturday Star* chose to access the boy as a "victim" of sexual abuse. There have been a number of debates in non-governmental and media circles about the media's tendency to access "victims" rather than "survivors" of abuse, especially during the 16 Days of Activism campaign. One of the MMP's key findings of the media coverage during the 2004 16 Days of Activism campaign was that the media had made an increased effort to access "survivors" of abuse, rather than "victims". In 2005, then, it is concerning that on the Sunday prior to the campaign, the SABC 3 prime-time news bulletin reported on woman abuse and domestic violence, but made reference to "victims" of abuse throughout the report (SABC 3, 20/11/2005, 19h00). With the *Saturday Star* story, a print medium has chosen not only to headline the story "Swiss sex tourist's victim", but also refers to the boy throughout the story as a "victim" of the abuse. While there is no doubt that the boy concerned was victimised by Zimmerman, it provides him with little or no agency to be referred to throughout the report as a victim not a survivor of the abuse.

In many instances, people are spoken about as objects of the stories and their views are seldom heard. The MMP's research has highlighted that most sources in gender-based violence and woman and child abuse stories tend to be men, and tend to be medical or legal officials, rather than the people or groups directly affected by the abuse. In those circumstances where it is possible (as in the cases referred to



above) the person may be asked how s/he would like to be referred to within the story: as a victim or survivor.

What we're doing and why?

The annual 16 Days of Activism campaign began on the 25th of November 2005. As a human right organisation, and following on from previous years' research, the Media Monitoring Project (MMP) is monitoring the South African media's coverage of the campaign and gender-based violence and child abuse. This year, the Heinrich Boell Foundation and the Foundation for Human Rights are supporting the MMP's monitoring and research. The MMP is monitoring around 50 print, radio, and television media, from across South Africa, for the duration of the campaign. One of the MMP's key activities for the period includes a specially designed rating system for media, which will rate the different media's coverage of the campaign against one another.

Comments, queries, or suggestions?

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