

# REPORTING ON CHILDREN IN THE MEDIA

**MEDIA**MONITORING  
AFRICA

A young girl with dark skin and short hair is speaking into a black microphone. She is looking slightly to the left of the camera. The background is blurred, showing what appears to be a classroom or a school setting with a colorful banner or poster on the wall.

**A JOURNALIST'S GUIDE TO REPORTING ON CHILDREN IN THE MEDIA**

PREPARED BY ALT ADVISORY ON BEHALF OF  
MEDIA MONITORING AFRICA

# 1. ABOUT MEDIA MONITORING AFRICA

[Media Monitoring Africa](#) (MMA) is a nonprofit organisation based in South Africa. It was established in 1993 to monitor the coverage of the first democratic elections of 1994 but since then, the organisation has grown to include the implementation of media strategies by using technology, social media and data tools.

MMA's objectives are to promote the development of a free, fair, ethical, and critical media culture in South Africa and the rest of the continent. Through its work, MMA engages in a range of legislative, litigious, and advocacy processes relating to the triad of information rights, which include the rights to privacy, freedom of expression, and access to information. For MMA, children's information rights are paramount to the realisation of their best interests. Accordingly, for nearly two decades, MMA has worked with children to advance their rights and freedoms.

MMA has pioneered efforts towards meaningful children's participation, having empowered children through media literacy workshops and providing editorial guidelines to the media and reporting on children. Over the last 17 years, MMA has been monitoring and analysing media coverage of children. Through the Make Abuse Disappear Online Accountability Tool (MADOAT) Project, MMA seeks to ensure ongoing engagement with editors, producers and journalists on how children are portrayed ([MMA](#)). Additionally, MMA has on behalf of and with children, made parliamentary submissions, submissions to various Ministries, and submissions to the United Nations Committee on the Rights of the Child. In addition to these activities, MMA engages in strategic litigation on a range of media freedom and children's rights-related issues. Most notably, MMA participated as an applicant in the matter of Centre for Child Law and Others v Media 24 Limited and Others (Constitutional Court, [2019](#)). Following the judgment, MMA developed a discussion document and guidelines on children, the media and the law, with a focus on the legal positions that inform how children are reported in the media (MMA, [2020](#)).



## 2. ACKNOWLEDGMENTS

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With the support of the Australian Volunteers Program under the Gender Equality, Disability and Social Inclusion grants (GEDSI), MMA seeks to conduct skills training for the media in order to promote diversity of voices and sources in news reporting. The Inclusive Media Reporting project has a special focus on training and sensitising journalists to pay more attention to ordinary citizens, children and women.

**Australian**  
*Volunteers*

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### 3. ABOUT INCLUSIVE MEDIA PROJECT

Since the early 2000s, MMA has been monitoring the coverage of children in the media in order to observe, evaluate, and support the media's adherence to ethical and legal frameworks on reporting on children. MMA has found that children are often under-represented in the media and, when they do appear in the news, they are shown as victims, or their rights to privacy and dignity are violated, resulting in secondary trauma and, in many cases, contravening the prevailing legal positions. In recent years, MMA has observed commendable improvements when it comes to respecting the rights of children, however, as set out in its most recent analysis of media coverage of children, MMA found that there are still gaps existing in media coverage of children including failing to elevate and adequately capture children's voices (MMA, [2023](#)). MMA found that children only feature in the news at 6% and even when they feature in the news, their voices are seldom heard at 8%. Further, MMA noted concerns that the children's rights are still violated, and the media struggle to provide sufficient details in stories to help the readers fully understand the context of what is being reported.

These findings show that more can be done to promote better levels of representation of children in news reporting as well as better adherence to the constitution, our legal framework, and integral ethical considerations. Therefore, MMA would like to build the media's capacity in ethical reporting of children.

This toolkit forms part of a series of toolkits and trainings aimed at promoting inclusivity and diversity in the media.



## 4. REPORTING ON CHILDREN IN THE MEDIA MODULE

### 4.1 MODULE OVERVIEW

Reporting on children can be empowering, and informative, and can have a positive impact on children and society more broadly, impacting how society views children and how children view themselves. There are, however, risks involved when reporting on children, particularly when such reporting does not safeguard their rights, and instead perpetuates harm, stifles their development and diminishes their self-worth. Telling stories that sensationalise a child's experiences, undermine, or ignore a child's responses, or expose a child to further risk or harm increases the vulnerability of children and can have a detrimental effect on their development. As a result, there are important legal and ethical considerations and nuances that need to be applied when it comes to the coverage of children in the media.

In this context, two overarching and interlinking concepts inform how the media engages with and reports on children. The first relates to **identification** – how children are identified in the media in terms of the legal framework and established editorial principles. The second pertains to **representation** – how stories about children are portrayed and how the media engages with children and their caregivers. Both these concepts are tied to the principles of the best interests of the child – a right protected in terms of international law and the South African Constitution.

In MMA's experience, there is generally an acceptance from the media that certain ethics, standards and considerations apply when it comes to reporting on children. However, there is a need to constantly reinforce the legal and ethical positions, and ensure children are given adequate space in media coverage and their voices are sufficiently sourced. Moreover, MMA has observed that tensions arise from time to time, where members of the media may err or may be frustrated by the legal and ethical positions, taking the view that this impedes their ability to report a story.

Structured in three parts, this module seeks to support and capacitate the media with the relevant tools and knowledge so that the media can fulfil its role in informing the public, whilst ensuring the rights of children are respected and protected:

- **PART I** unpacks the position on identification, demonstrating that striking an appropriate balance between the rights and interests of children and those of the media is possible.
- **PART II** discusses children's representation in the media, why representation matters, and how the media can portray children in empowering rather than disempowering roles.
- **PART III**, a combination of identification and representation, gives guidance on engaging with children, the importance of including their voices, and knowing how to navigate interviews with children, particularly when it comes to sensitive topics.

Participants of this module have the common experience of being journalists or editors whether affiliated with an organisation or freelancing or, working in mainstream media or small and community media.

## 4.2 LEARNING OBJECTIVES

By the end of this module, participants will be equipped with the skills and knowledge to:

- Understand the legal position when it comes to reporting on children in the media.
- Apply the ethical considerations of reporting on children including considerations around obtaining consent.
- Identify when reporting goes against legal standards and ethical considerations.
- Recognise the impact and importance of representation in media coverage of children.
- Capture children's voices and experiences in meaningful and empowering ways, including the use of preferred terminology and considerations around consent.

## 5. PART 1 - IDENTIFYING CHILDREN IN THE MEDIA

The purpose of this section is to set out the legal position and ethical considerations that inform how children are reported on in the media, with a particular focus on the issue of identifying children in the media including children involved in various court processes. This section will provide an overview of different rights at play, recent legal developments, and the practical implications of when children should and should not be identified in the media.

### UNPACKING THE LEGAL POSITION

Identifying children in the media can put a child at risk and, in certain instances, it is not in the best interest of the child to publicly reveal their identity. This has promoted legal recognition that various harms can flow from identification and have led to the law prescribing situations in which the identity of children cannot be published.

#### Consider the following questions:

- Can you publish a child's name if the story is about a child who has been charged with committing a crime?
- Can you include a photograph of a child if the child is set to be a witness in a criminal matter?
- Is it necessary to name children in stories to give authenticity to news reports, promote reliable reporting and promote human interest in the story?
- Can you publish the name of a school where a child attends, if the story is about a child who is a victim of a sexual offence?
- Will not disclosing the identities of child victims of crime diminish readership on matters that demand society's attention?
- Can you publish the facts of a case provided the story does not allow for the child to be easily recognised?
- Should there be special dispensations for children who are victims of kidnapping or abduction?

## THE DEVELOPMENT OF THE LEGAL POSITION

Over the last few years, our laws have been developed to enhance identity protections for children involved in various capacities in the criminal justice system. These changes stem from a high-profile abduction case that began in the late 1990s and ended up in the Constitutional Court (Con Court) in 2019.

### The case of Zephany Nurse

The facts of this case began when a two-day-old baby was abducted from Groote Schuur Hospital in 1997. The story of 'Zephany Nurse' and her abduction was widely publicised. Seventeen years later, she was found by her biological parents. Her abductor, the woman she had understood to be her mother, was criminally charged and prosecuted. The story generated significant media attention and the soon-to-be 18-year-old girl, who was a potential, but unconfirmed witness, in the criminal proceeding, grew increasingly concerned that her identity would be revealed.

She approached the Centre for Child Law and assisted in protecting her identity from being revealed in the media. The matter evolved into a significant legal battle that highlighted the tensions between the best interests of the child and their rights to equality, dignity, and privacy, and the media's right to freedom of expression and the principle of open justice.

The case progressed to the Constitutional Court which was tasked with finding the appropriate "balance between protecting children, promoting agency and ensuring freedom of expression and open justice are not unduly curbed" (Con Court, [2019](#)). In doing so, the Court was called to consider the constitutionality of section 154(3) of the Criminal Procedure Act.

Up until this point, the law provided protection for children (under the age of 18) who were accused of committing a crime, or children who witnessed a crime. The protection meant that it would be a criminal offence to publish information revealing their identity. The protection was accompanied by a caveat that a judge could allow publication if it would be just and equitable and in the interest of any particular person.

In considering the constitutionality of the law, the Constitutional Court engaged with two key questions:

1. **Victim protection:** Whether children who are victims and survivors of crime should receive the same anonymity protection as children who witness crime and children who are in conflict with the law; and
2. **Ongoing protection:** Whether children – as witnesses, in conflict with the law and victims – should receive anonymity protection beyond the age of 18.

Ultimately, the court found that section 154(3) was unconstitutional. The Court found that the right to privacy is particularly pressing when it comes to children because they are still forming their self-identity and it is important to ensure respect for the dignity, personal integrity, and autonomy of children. The Court explained that the rights of children and their dignity and privacy are inherently intertwined, and to "lose control over how some of the most traumatic and intimate moments of a child's life are shared with the public strikes at the very core of the child's dignity."

In considering the implications for the media, the Court found that "the stories can still be told, the public will remain informed. The identity of the child participant is not essential for advancing freedom of expression and open justice."

The findings of the Constitutional Court have led to changes in the Criminal Procedure Act which have implications for the media and how the media can identify children and adults under certain circumstances. Following public participation processes and engagements with Parliament, amendments to the Criminal Procedure Act were signed into law in February 2022 (Criminal Procedure Amendment Act, [2021](#)).

## Understanding the new legal position - section 154(3)

### The General rule

No person shall **before, during** or at any stage after the conclusion of criminal proceedings, in any manner, **including on any social media or electronic platform publish any information which reveals or may reveal** the identity of an **accused, victim or witness** who is or was under the age of 18-years-old at the time of the **alleged commission of an offence.**

Consider the following scenarios and what can and cannot be included when reporting: (these examples are based on true events, but names and details have been amended)

- An uncle allegedly gives his nephews energy drinks laced with poison. Two of them die, two are critically ill in hospital and one survives as they didn't consume the drink.
- "A man from Johannesburg who allegedly poisoned nephews, killing two of them, has been arrested."
- "Two brothers from Johannesburg Primary School and Johannesburg Secondary School, Thabo (16); and John (9) have passed away being poisoned by their uncle at their home in Johannesburg North. Two of the brothers remain in critical condition and are being treated in Johannesburg Hospital after being poisoned by their uncle at their home in Johannesburg North."
- "The children, aged six to 16, from the Johannesburg Primary and Secondary School remain in a critical condition, while two have succumbed, after drinking energy drinks, allegedly given to them by their uncle."
- "The deceased siblings are 16-year-old Thabo and 9-year-old John. The other children aged 11 and 14 are in critical condition in hospital, while the youngest, an 8-year-old child did not consume the energy drink."
- "Two young boys were laid to rest this month after they drank energy drinks given to them by their uncle while preparing for school. The drinks were allegedly mixed with poison. The two brothers died after enduring stomach pains at school just before classes resumed. The elder brother died at school while the second died on his way to the hospital."
- Tweet: [In pictures] Thabo (16) and John (9) succumbed to stomach aches after drinking the energy drinks given by their uncle. [Full images of the children attached].

**Extra reading:** How the media failed in its paramount duty to protect the best interest of the child (Kalu, [2022](#))

**Consider the principles of the best interest of the child, open justice, public interest, and media freedom in the context of the scenario below. What should a court do if asked to grant media access?**

A case against 14 accused had been opened following the gang rape of eight women who were shooting a music video at an abandoned mine in Johannesburg. Following the widely publicised gang rape in Krugersdorp, it came to light that one of the accused was under the age of 18. The court restricted media access. Due to the nature of the crimes and the public outrage, political parties vowed to fight the media access decision because it was in the nation's interest to hear the developments of the case.

## Exceptions to the rule

There are sometimes exceptions to rules. Subject to the general rule, a judge in criminal proceedings, may authorise the publication of certain information if the publication would:

- Be just and equitable; and
- Be in the interest of any person; or
- Result in substantial injustice and no other means are available.

There are a few considerations that inform the exception relating to substantial injustice. The table below sets out some of the guidance relating to location, information, and the nature of the crime, which may assist when navigating when it may be appropriate to deviate from the general rule and disclose information. This may arise in the context of an abduction. It is important to note that the information below may only be published by **a police official or by any other person, who is authorised by the National Commissioner of South Africa** which reveals or may reveal the identity of a child.








	<b>When can information be disclosed</b>	<b>What type of information can be disclosed</b>
<b>Accused / child in conflict with the law</b>	Reasonable grounds to suspect that the accused child committed a serious offence.	The publication cannot reveal the age of the accused or the fact that the accused is involved in the commission of the offence.
	The accused child escaped from lawful custody or any other place of detention or was released on bail or a warning and failed to appear or remain in attendance at the proceedings.	
	SAPS has been unsuccessful in locating the whereabouts of the accused	
	It is a necessary measure to locate the whereabouts of the accused	
<b>Child witness</b>	It is a necessary measure to locate the whereabouts of the child witness to obtain a statement from them concerning the commission of any alleged offence or to testify in criminal proceedings.	The publication must not reveal the age of the person or the fact they may be a witness in criminal proceedings.
<b>Child victim/survivor</b>	It is necessary to locate the whereabouts of the child to prevent harm to the child.	All necessary information
	The publication is reasonably necessary for the circumstances to identify the child or any others who may have relevant information about the alleged offence or whereabouts of the child.	
<b>The child who a crime may or may not have been committed against</b>	It is necessary to locate the whereabouts of the child to prevent harm to such the child	All necessary information
	Reasonably necessary in the circumstances to identify the child or any other person who may have relevant information about an alleged offence which may have been committed against the person; or the whereabouts of the person.	

**Can you disclose the identity of a child victim, accused or witness once they turn 18 years old?**

- ✔ Yes, this may be done through court processes initiated by **the child victim, witness or accused when 18 or older or by an interested party.**

A court will need to consider various actions when granting an order authorising the publication of identifying information, this includes:

- The nature of the matter and the time that has passed since the matter concluded.
- The interest of the public or any person or category of persons in the publication of such information.
- The interest of society is to encourage the reporting of offences and the participation of witnesses and victims of offences in criminal justice processes.
- The likelihood is that the publication of the identifying information will also reveal the identity of any other person who is protected in terms of the Act.
- The nature and extent of any hardship that the publication may cause the affected person.
- Considerations around privacy, security, freedom of expression, and dignity.

Can the media publish:	
Identity / identifying features of child victims and survivors of criminal acts, children who witness criminal acts, and children in conflict with the law.*Unless the judge makes a ruling allowing publication	
Identity of an adult who as a child was a victim or survivor of a criminal act, a witness of a criminal act, in conflict with the law.*Unless there is a court order	
The facts of the case and the outcome of the case provided in the story do not allow for the child to be easily recognised.	
The identity of the above-listed children if the judge presiding over the criminal matter is of the view that it is just and equitable and in the interest of the child that their identity be published.	
The identity of the above-listed children if necessary to locate the whereabouts of a child either to prevent harm to the child or ensure the child's attendance at the proceedings	

In short, and read with the above exceptions and understandings of key decision-makers and in the context of criminal proceedings the table below gives further guidance:

- The media can still publish news. This can include the facts of the case and the outcome of the case, provided it does not allow for the child to be easily recognised.
- Ultimately, “the stories can still be told, and the public will remain informed. The identity of the child participant is not essential for advancing freedom of expression and open justice” (Con Court, [2019](#)).
- The notion of protecting the identity of children is not a novel concept and the media have been guided and trained on this for years ([MMA](#), [MMP](#), [UNICEF](#)).
- Notably, the new position is not all that different from the existing positions of media regulatory bodies:

<p><b>PRESS CODE</b></p>	<p>The media can “not identify children who have been victims of abuse or exploitation, or who have been charged with or convicted of a crime, without the consent of their legal guardians (or a similarly responsible adult) and the child (taking into consideration the evolving capacity of the child), a public interest is evident and it is in the best interests of the child” (Press Council, 2022).</p>
<p><b>BCCSA CODE OF CONDUCT</b></p>	<p>The identity of rape victims and other victims of sexual violence – which would include children who fall within this category – “must not be divulged in any broadcast, whether as part of news or not, without the prior valid consent of the victim concerned” (BCCSA, 2011).</p>
<p><b>SABC EDITORIAL POLICY</b></p>	<p>The Policy requires the SABC to recognise the vulnerability of children and consider topics with or about them with the necessary sensitivity. The editorial staff of the SABC “shall ensure that they familiarise themselves with the various laws aimed at protecting children and the regulatory frameworks for broadcasters” (SABC, 2020).</p>

## 6. PART 2 - REPRESENTATION

### *Why representation matters?*

The Constitutional Court judgement on identifying children in the media opens with the following quote: **“Stories matter. Many Stories matter. Stories have been used to dispossess and to malign. But stories can also be used to empower and to humanise. Stories can break the dignity of people. But stories can also repair that broken dignity”.**

This quotation aptly captures why the nature of stories and the depiction of children in those stories matters. The media often portrays children as their most vulnerable and most marginalised to highlight the extreme nature of the story which they feature. The challenge arises when the best interest of the child together with the special protections afforded in the law requires not only high levels of skill and knowledge to be exercised by the media but also careful balancing acts to take place to ensure that critical news stories can be told but also to ensure that children’s rights are respected. In its recent analysis of the media’s coverage of children, MMA found that:

“

“The portrayal and roles assigned to children in media can have a significant negative impact on children's self-esteem, self-image, and aspirations. It is therefore important for the media to portray children in empowering roles and this can be done by diversifying the topics reported so that more positive topics such as sports also feature on the list of most reported topics.”

”

However, negative and sensationalist reporting appears to take the lead, MMA found that the more common topics that involve children relate to crime, disasters or accidents, and the justice system (MMA, [2023](#)).

This is reinforced by a simple Google news search of “Children” that reveals the nature of stories told about children in South African media, some of the headlines inspire panic and concern and often tell stories of criminality:

UNDERAGE DRINKING OP-ED

Alcohol in schools — a move in the direction of doom

### **Crime updates: Manhunt in EC, rapist father sentenced, child murderer in custody**

*A manhunt is underway in Eastern Cape, a father was sentenced to 88 years for raping his daughter, and a 41-year-old man handed himself over after killing a 10-year-old boy.*

23 Jan

**Suspected child sex ring kingpin who faces over 730 charges expected to plead as trial begins**

news24 Alex Mitchley

SHARE   

23 Jan

## Children, aged 9 and 13, arrive home to find bodies of their mother and her boyfriend

news24 Ivan Pijoo

SHARE   



## Children are being sold online in South Africa

William Brederode 20 April 2023

23 Jan

## Libode: Four children drowned in quarry over past week

Babalwa Nclanya

SHARE   



FOR SUBSCRIBERS 21 Aug

## South African children's porn addiction crisis

City Press Pieter Steyn

SHARE   



That said, there are some examples of positive stories of children, generally in relation to education. These positive stories are important to inspire and empower children across the country and deserve to be reported on widely:

### 14-year-old Joburg girl to study medicine next year and has already completed a Harvard course

### Durban pupils crowned winners of the South African Kids' Lit Quiz reading competition

### Hard Work and Determination Pay off for Top Matric Achiever in South Africa

By SAPeople Contributor - Jan 23, 2023

Beyond the type of stories that are told, representation also matters in terms of identity. Here we are not talking about identification as discussed above, but rather, stories that children can identify with. This requires the media to be thoughtful and intentional when reporting on children, considering factors relating to age, ability, language, sex, gender, socio-economic status, ethnicity, and race, to name a few. Adjusting how the media reports and ensuring representation in healthy, positive, and identifiable ways can have a positive effect on children:



“The media we consume plays a critical role in shaping how we understand and make sense of ourselves, our identities, and the world around us. It can perpetuate stereotypes and bias, exacerbating injustice and inequities. But it also presents an opportunity to reduce bias, end division, and be a gateway to a more inclusive future.” (Inclusion Imperative Report, [2021](#)).



## Preferred terminology

The media know better than anyone that words matter. Words frame how the public understands various issues, words inform public perception, and words can either empower people or undermine their experiences. Reporting on children and the use of words requires particular consideration. The language used when reporting on children should try to promote the child’s perspective so that their experiences are captured and shared. The language should also, where possible, be positive and child-centred, and should be aimed at changing the narrative and combating ignorance. Outdated and harmful words can trivialise and undermine the experience of children and can perpetuate negative perceptions.

The table below provides guidance on different terms that can be used when reporting on children. It is important to note that this table provides guidance, it is not a banned list of words, and the intention is not to restrict journalists and the media or dictate how content should be written. This table provides suggestions based on contemporary understandings of some of the challenges facing children, as well as some current legal terminology.

AVOID SAYING	INSTEAD, TRY	WHY?
<p><b>Child Accuser</b></p>	<p><b>Child victim</b> <b>Child survivor</b></p>	<p>It is important to use language that distances accountability for abuse or sexual abuse from the perpetrator. The use of “accuser” can invalidate a child’s experience. Rather use language that legitimises the experience of the child. There is widespread debate about the use of the term’s survivor and victim, and this debate can become more complicated when reporting on a child’s experience. Where possible, the child should select the terminology they prefer. If this is not appropriate, the media should be mindful of the different connotations and implications that these terms can have for children and should take into consideration the different contexts, experiences, and responses that stem from violence and sexual violence. The media should avoid imposing definitions, identities, or responses on children (Con Court, 2019).</p>

<p><b>Abandoned child</b></p> <p><b>Street child</b></p> <p><b>Abused child</b></p> <p><b>Exploited child</b></p> <p><b>Neglected child</b></p>	<p><b>Child in need of care and protection</b></p>	<p>A child in need of care and protection is the wording of the Children’s Act, and it encompasses a child who has been abandoned or orphaned, lives on the street or begs for a living; has been exploited or lives in circumstances that expose the child to exploitation; is in a state of physical or mental neglect; is being maltreated, abused, deliberately neglected or degraded by a parent or caregiver. The use of the umbrella term “care and protection” is a positive language that recognises the value and vulnerability of a child. If it is necessary to identify the particular way in which a child is in need of care and protection, then a people-first approach is preferred. For example, instead of saying an “abused child”, rather try “a child who has been abused” (Children’s Act, 2005).</p>
<p><b>Custody Access</b></p>	<p><b>Care and contact</b></p>	<p>This is in line with the language used in the Children’s Act that recognises children as people rather than possessions. This is positive language that reinforces positive family interactions (Children’s Act, 2005).</p>
<p><b>Born female</b></p> <p><b>Born Male</b></p> <p><b>Female bodied</b></p> <p><b>Male bodied</b></p>	<p><b>Assigned female/male at birth</b></p>	<p>In the context of gender identity, sex reassignment surgery, and transition, Iranti explains: “Assigned’ language accurately depicts the situation of what happens at birth. ‘Bodied’ language is often interpreted as pressure to medically transition, or invalidation of one’s gender identity.” This distinction is important from a gender identity perspective as some people do not identify with the sex assigned to them at birth (Iranti, 2019).</p>
<p><b>Juvenile delinquent</b></p> <p><b>Juvenile offender</b></p> <p><b>Juvenile justice</b></p>	<p><b>Children in conflict with the law Child offender Child accused</b></p>	<p>Children in conflict with the law have replaced the old and pejorative terms such as juvenile delinquent or juvenile offender. Children in conflict with the law or child offenders are understood to incorporate a child-centred approach that combines the principles of restorative justice with accountability and responsibility (Skelton, 2013).</p>

<p><b>Disabled child Wheelchair-bound Cripple</b></p>	<p><b>Child with a disability Wheelchair user</b></p>	<p>When describing a child with a disability, it is preferable to refer to the child first and the disability second. People-first language, rather than identity-first language, is an important way to acknowledge the person regardless of any identifying features. It is necessary to note that this is a complex issue and there is no universal acceptance of this approach. As such, it is advisable to ask the child, their caregiver, or an appropriate organisation about the preferred terminology (Association of Health Care Journalists, 2019).</p>
<p><b>Historic Historical</b></p>	<p><b>Non-recent child abuse Abuse which occurred in (date).</b></p>	<p>While rape, abuse, or other experiences might have occurred years ago, referring to it as historic or historical can be inaccurate as for many victims and survivors, the physical and mental consequences are likely to form part of their current reality. The use of historic or historical can also fail to take into account the current experiences of those who have recently learned about or understood what had happened to them (NAPAC, 2016).</p>
<p><b>Admits Confesses</b></p>	<p><b>Shares Tells Reports</b></p>	<p>Admissions and confessions can denote a sense of responsibility or shame on the part of a victim or survivor, and for children, these words might be intimidating (Sonke, 2017). Sharing an experience or telling someone about your story denotes an empowering action. Sharing and telling are also encouraging terms that might make other children feel more comfortable about sharing their experiences.</p>
<p><b>Affair Fling Sex scandal</b></p>	<p><b>Child sexual exploitation</b></p>	<p>Flings, scandals, and affairs do not capture the uneven power dynamics, and the likelihood of exploitation, grooming, coercion, or deception that occur when a child is in a sexual relationship with an adult. (NAPAC, 2016). These terms imply a degree of consent and portray a salacious relationship rather than a sexually exploitative one.</p>

<p><b>Child porn Kiddie porn Child pornography</b></p>	<p><b>Child sexual abuse material</b></p> <p><b>Images and videos depicting child sexual abuse</b></p> <p><b>Sexually abusive images and videos of children</b></p>	<p>Using porn or pornography in relation to children can equate it to adult pornography and normalise the offence and can imply consent. This terminology does not describe the crime of sexual abuse and in many ways dilutes the impact of these crimes. The International Centre for Missing and Exploited Children (ICMEC) explains: "While the term 'child pornography' is often still utilised in national legislation, in line with recent global movement and international consensus, the term has been replaced with the term "child sexual abuse material" as it more aptly describes the true nature and extent of sexually exploitive images of child victims to which children can never consent." (ICMEC, 2018). The Children's Act uses "pornography in relation to commercial sexual exploitation and sexual abuse." However, in line with the explanation from ICMEC, child sexual abuse material, images depicting child sexual abuse and sexually abusive images of children should be used to reflect the abusive and harmful nature of these practices. The preferred terms also capture the full spectrum of the materials available.</p>
<p><b>Rent boy Child prostitute Child sex worker</b></p>	<p><b>Sexually exploited child</b></p> <p><b>Survivors and victims of rape</b></p> <p><b>Commercial sexual exploitation</b></p>	<p>Children who are exploited for purposes of prostitution should not be referred to as child prostitutes or even child sex workers. Sex work for adults is vastly different from the sexual exploitation and rape of children. Child exploitation for prostitution is not a legitimate form of sex work. Child prostitute as a term can imply that a child has consented to engage in some form of sex work, placing a level of responsibility on the child for their exploitation (Children's Act, 2005).</p>
<p><b>Fondled Groped Inappropriate touching</b></p>	<p><b>Forcibly touched</b></p> <p><b>Touched without consent Sexually assaulted</b></p>	<p>Fondling and groping could suggest that an act is gentle and does not capture that the act amounts to unwanted sexual contact. These terms are euphemisms that can undermine the seriousness of the offence and can create a belief that these offences are not a big deal (Bates, 2017).</p>
<p><b>Poor Child/ren</b></p>	<p><b>Child/ren from poor/indigent backgrounds</b></p>	<p>Poor child/ren is disempowering and most coverage where this term is used opens up the potential for stigma, ridicule, and humiliation of the child in the story.</p>


## 7. PART 3: IDENTIFICATION AND REPRESENTATION – NAVIGATING MEDIA ENGAGEMENTS WITH CHILDREN

Engaging directly with children is one of the most critical times when considerations around **identification** and **representation meet**. The respectful and meaningful interactions between journalists and children require various components. The principle of **the best interests of the child** is one of the primary legal and ethical principles that inform how the media engage with children. To better understand this principle, our Constitutional Court has given us some guidance:

“Individually and collectively all children have the right to express themselves as **independent social beings**, to have their own laughter as well as sorrow, to play, imagine and explore in their own way, to themselves get to understand their bodies, minds and emotions, and above all to **learn as they grow** how they should conduct themselves and make choices in the wide social and moral world of adulthood. And foundational to the enjoyment of the right to childhood is the promotion of the right as far as possible to **live in a secure and nurturing environment free from violence, fear, want and avoidable trauma**” (S v M, [2007](#)).

“[E]very child is unique and has his or her own individual dignity, special needs and interests. And a child has a right to be treated with **dignity and compassion**. This means that the child must ‘be treated in a caring and sensitive manner.’ This requires ‘taking into account [the child’s] **personal situation, and immediate needs, age, gender, disability and level of maturity**’” (DPP v Minister of Justice, [2009](#)).

“The contemporary foundations of children’s rights and the best-interests principle encapsulate the idea that the child is a **developing being, capable of change** and in need of **appropriate nurturing** to enable [them] to determine [themselves] to the fullest extent and to develop [their] moral compass” (J v NDPP, [2014](#)).



The best interests of the child must be of paramount importance in every matter concerning a child – including interviewing a child. The Court has also made it clear that children have evolving capacities. This leads us to an important discussion about consent.

## Informed Consent

It is important for the media to obtain fully-informed consent from the child (taking into consideration the evolving capacity of the child) and their caregivers. This is in line with the best interests of the child principle. When considering the issue of informed consent, it is important to bear in mind the principle of the “evolving capacity of the child”, a principle captured in international human rights law and understood as a developmental, participatory, and protective concept that recognises children as:

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“active agents in their own lives, entitled to be listened to, respected and granted increasing autonomy in the exercise of rights, while also being entitled to protection in accordance with their relative immaturity and youth” ([UNICEF](#), 2005).

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Whilst a small child of 3 or 5 is arguably unable to exercise informed consent, most would agree that a 16-year-old may have sufficient agency over their life to be able to understand and confirm the concept of informed consent and therefore participate meaningfully and hold an opinion in a published story.

It is, therefore, necessary for journalists to view informed consent on a sliding scale when dealing with consent from caregivers and children.

The younger the child, the less value their consent holds, the older the child, the more important it is for the journalist to take their wishes and directions into consideration when deciding whether there is informed consent.

Members of the media are encouraged to obtain fully-informed consent from caregivers and children (subject to their evolving capacity). It is advised that this should be in writing following a discussion on all relevant facts and risks involved in interviewing and publishing a story about a child. This could include where the information will be published and that the journalist will take out information about the child that the caregiver does not want disclosed. It is recommended that members of the media provide the child and caregiver with available alternatives as well, including not using the child’s name or other identifying features or assigning a pseudonym to the child.

## Example of a consent form for caregivers of children to give permission for articles to be written and published

Topic of the article(s) \_\_\_\_\_

This consent form will be explained verbally. A copy will also be given to the caregiver to keep. This form will only be used for children who will feature in the article.

### JOURNALIST

I am \_\_\_\_\_.

I work as a journalist at \_\_\_\_\_ publication. I am working on a story about \_\_\_\_\_  
\_\_\_\_\_ is to be published on \_\_\_\_\_ (date).

I would like to write an article that includes \_\_\_\_\_ (name of child)'s comments and/or story.

I would also like to interview you and include your words in the story.

The article will go into a newspaper/be published online and many people may read it, maybe even people who know you or your child, go to school with your child or live near you.

It is important to know that the law in South Africa prevents me from publishing the name of your child if they are victim/survivor, a witness of a crime or accused of a crime.

If your child does not fall into these groups, you can choose if you want their name or information about them like the school they go to be in the article.

If you do not want the article to include your name you or your child, I will not use your or your child's name.

If there is anything you say that you decide you do not want to be published, I will take it out of the article.

You can choose to be interviewed or not. You also have a choice to allow or disallow your child's story to be told in the newspaper article.

If your child is part of a support programme, it will not make any difference to your child's participation in the support programme if you choose not to allow your child's story to be told.

Just to make sure you understand and agree that it is acceptable for me to write a newspaper article about your child, and to interview you, I will ask you to sign a form. You can decide to withdraw your child at any point.

Remember, you can choose to allow or disallow your child's story to be told in the newspaper article.

You can contact me at \_\_\_\_\_ if you have any questions about this form or about the newspaper article.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### CAREGIVER:

I am the caregiver of \_\_\_\_\_ (child's name).

The above has been read out to me and explained to me in a language that I understand.


I understand the content of this information as well as the topic of the article and who is likely to read it.

I agree to allow my child's story to be told in the article.

I agree to be interviewed for the article.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

[1] This template has been adapted from the [Editorial Guidelines and Principles for Reporting on Children in the Media'](#) and [A Resource Kit for Journalists](#).



Journalists should avoid at all costs offering money or other items of value to sources. Ethics forbid this. The danger with offering financial help in exchange for a comment is that those sources will oftentimes tell the journalist what they think the journalist wants to hear.

**Some questions to consider when navigating the complexity of consent and engaging with children about their stories (UNICEF, [2018](#), MMA, [2014](#))**

- How did you learn about the story? Were you approached by the family, parent, caregiver, or child to tell the story? Have you considered why they want the story told?
- Even if consent is provided, have you considered the impact of the story on the child? Are there different ways to tell the story that can mitigate present and future harm?
- Have you considered the expectations that a family, parent, caregiver, or child might have about the story solving their problems? Have you made promises that have created unrealistic expectations? How can you manage such expectations?
- Does asking for consent to tell the story trigger negative responses or result in the child re-experiencing specific moments of a traumatic experience? What are the different ways you can approach a child about wanting to tell their story?
- How old is the child? How much does the child understand about the situation they face? Have you asked the child, suitably and understandably, how they feel about being part of the story?
- Are you able to ask the child what they think about the words used to describe them?
- Have you captured the child's achievements, hopes and understandings, or is the focus on their problems?
- Are you sure that the story will not create a feeling of shame or discomfort for the child? Will the story result in any negative treatment of the child by their peers or adults?
- Is the language and tone of the content patronising or dismissive? Is there a way it can be empowering and sensitive?
- What is the purpose of mentioning specific points about the child (age, race, abilities or disabilities, gender, sexual orientation, nationality, economic background, family structure)? Can you omit certain information without compromising the purpose and meaning of the story? Would being too cautious in your approach to the story perpetuate stigma? How does the child feel about the inclusion of these elements?
- How can you craft the story to challenge negative stereotypes about children and the conventional roles children occupy in the media?

There may not always be clear answers to these questions, but these questions can assist in generating new or different ways of thinking about a story and about the impact it will have. These are not meant to be prescriptive or limiting, but rather to encourage journalists to find interesting and empowering ways of telling the story.

## Some tips for a respectful and meaningful engagement with a child

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|---|---|
| <ul style="list-style-type: none"><li>• Do no harm.</li><li>• Be human first, a journalist second.</li><li>• Use age-appropriate language.</li><li>• Offer breaks if it is a long interview / enable the child to take breaks at any point during the interview.</li><li>• Explain why the interview is taking place - subject to the age of the child you may want to consider starting with a game or hosting a tea party.</li><li>• Find safe and comforting spaces to interview a child.</li><li>• Start with easier questions to build the child's confidence.</li><li>• Try to leave the interview on a positive note and explain the next steps.</li></ul> | <ul style="list-style-type: none"><li>• Observe the child and keep a lookout for signs of distress.</li><li>• Do not interrogate the child.</li><li>• Do not be judgmental or insensitive.</li><li>• Do not place a child in danger or expose them to humiliation.</li><li>• Do not ask leading questions.</li><li>• Do not assume a child is lying.</li><li>• Do not get frustrated if the child is struggling to explain their story.</li><li>• If a child does not understand the question, rephrase rather than repeat.</li><li>• Do not ask two questions in one.</li><li>• Do not ignore questions that children ask you.</li></ul> |
|---|---|

### UNICEF's 6 Principles

UNICEF has developed a set of principles to help journalists report on children's issues in a way that enables them to serve the public interest without compromising the rights of children, harming them, or putting them at risk ([UNICEF](#)):

1. Respect the dignity and rights of every child in every circumstance.

2. In interviewing (and reporting on) children, pay special attention 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.

3. Protect the best interests of each child over any other consideration, including advocacy for children's issues and the promotion of child rights.

4. When trying to determine the best interests of a child, give due weight to the child's right to have their views taken into account in accordance with their age and maturity.

5. Consult those closest to the child's situation and be best able to assess the political, social and cultural ramifications of any reportage.

6. Do not publish a story or an image that might put the child, their siblings or peers at risk, even when their identities are changed, obscured or not used.

## Navigating trauma and mandatory reporting

It is important to know your own limitations and understand your role as a journalist. An important element of the “**do no harm**” principle includes navigating trauma and knowing when to stop asking questions, when to comfort, when to end an interview, and when professional psycho-social support may be necessary.

Asking children questions can be triggering and it may not be in the interest of the child for an interview to continue if asking questions is causing harm to the child. Kindness, respect, and care are welcome in the context of an interview on a traumatic subject, giving advice, telling a child how they should respond, or taking a position on what happened may cause further harm to a child if this is not something you are trained in navigating.

In some instances, it may be necessary to suggest ending an interview and referring a child to psycho-social support services. In other instances, subject to the information being shared, you may need to refer the matter to the police. In terms of the law, there **are mandatory reporting responsibilities** for adults who become aware that a child may be subject to abuse, sexual abuse, and sexual exploitation ([Childline](#)). In the event that you become aware that a child is being harmed, you have a **duty to report it to the police**.



## 8. OVERALL TAKEAWAYS:

- In all cases, reporting must be carried out in a manner that gives paramount attention to the child's best interests.
- The media cannot publish the identity of children who are victims or survivors, witnesses or in conflict with the law without a court order or, in the absence of criminal proceedings, without the consent of the child's parents/guardians and confirmation that it is in the best interests of the child.
- The media cannot publish the identity of adults who were child victims or survivors, witnesses or in conflict with the law as children, without an order from a court.
- The informed consent of caregivers is necessary when publishing a story about a child. If the journalist is only able to get informed consent from the child, it is important to consider the evolving capacity of the child and the principle of the best interests of the child.
- When engaging with a child, also adopt the "do no harm" principle. Be kind, and respectful, listen to the child, and know when to pull back.
- If you become aware that a child is being harmed, you have a legal duty to report it to the police.
- The identity of the child must be protected in all instances where harm to the child is reasonably foreseeable as a result of the publication.
- Words matter and terminology evolves. The media should engage meaningfully with their choice of terminology when reporting on children.
- The media must:
  - Treat children with respect.
  - Talk to them just as you would an adult whose opinion really matters to you.
  - Do not laugh at anything that might offend the child and listen carefully.
  - Remember, a child will have to live with your story long after it has been published.
- Children's experiences including how they are portrayed, shape their development and determine what type of members of society they will be. It is therefore important to acknowledge the significant role of the media when portraying children's experiences.
- The media must shift its approach in reporting, but this should not deter the media, it should encourage the media to meaningfully engage with issues around trauma, rehabilitation, stigma, and agency. This shift presents a new opportunity for the media to encourage debate, change narratives, empower individuals, and ultimately tell stories that ought to be told.

## 9. REFERENCE LIST / ADDITIONAL READING

- Bates, '[It's not groping or fondling – it is sexual assault](#)'
- BCCSA, '[BCCSA Code of Conduct](#)'
- Centre for Child Law and Others v Media 24 Limited and Others [\[2019\] ZACC 46](#)
- [Child Justice Act](#) 75 of 2008
- Children's Media Mentoring Project, '[A Resource Kit for Journalists](#)'
- Irantzi, '[Media Guide](#)'
- Kalu, '[How the media failed in its paramount duty to protect the best interest of the child](#)'
- MMA, '[Children the Media and the law](#)'
- MMA, '[An analysis of media's coverage of children in 2022](#)'
- Media Monitoring Africa and Save the Children, '[Editorial Guidelines and Principles for Reporting on Children in the Media](#)'
- National Association for People Abused in Childhood (NAPAC), '[Media guidelines for reporting child abuse](#)'.
- Press Counsel, '[Press Code of Ethics and Conduct for South African Print and Online Media](#)'
- SABC, '[Editorial Policy](#)'
- Skelton, '[The Mpofu case: Sentencing of child offenders in serious cases](#)'
- UNICEF, '[Guidelines for journalists reporting on children](#)'
- UNICEF, '[Reporting Guidelines](#)'

# Questions? Contact us.



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