

# Child's Right to privacy, the Best Interest of the Child and the Media

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## Abstract

*In this paper, the author analyses the media normative framework in the Republic of Serbia relevant for the protection of child's privacy and dignity in the context of child's right to privacy in the media space. The author insist on the standpoint that the interest of the child to be protected, including child's right to privacy, is above all other interests and takes precedence over the public interest to receive information that includes personally identifiable information about a child and his/her family, which could damage his/her dignity and psychological integrity.*

*The paper is also focused on presenting some relevant data from the study: "Media Reporting on Child Labour in the Republic of Serbia"<sup>1</sup>. The selection of keywords and categories for the quantitative and qualitative content analysis of media reports covers the period from 1 October 2015 to 30 September 2016. It was carried out in cooperation with Kliping, a media monitoring and analysis agency in Belgrade. In the analysed period, the mentioned agency's archive contained 703,438 articles from the print media, 223,408 from Internet portals and 146,996 television reports.*

**Key words:** child, right to privacy, media, research

## 1. What the media has to keep in mind when reporting about children: introductory remarks

The primary role of the media is presenting media content through video, photos, audio and text that transmit the editorial design of information, ideas and opinions, as well as other content intended for public dissemination to an unspecified number of users. This information should be placed in the way that applies the rules of the journalistic profession with full respect for the rights of citizens to be informed accurately, fully and in a timely manner about matters of public concern. The development of the new media has largely changed the traditional unidirectional placement of information. The traditional media (TV, radio and print) have experienced radical changes: they have introduced online editions, and also developed a two-way

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<sup>1</sup> *Media Reporting on Child Labour in the Republic of Serbia*, unpublished analysis - the study was conducted by researching within the period from 1 October 2015 to 30 September 2016. The funding of this study was provided by the United States Department of Labour (Country Level Engagement and Assistance to Reduce Child Labour [CLEAR] Project) and International Labour Organization (ILO). The author of this paper participated in the study with suggestions and comments and has influenced the formulation of conclusions that observe the principle of professional journalism and are based on respecting the rights of children, their integrity and dignity.

communication with their audience through social networks. On the other hand, citizens have not only become an active factor of public communication, but social networks have also made it possible for every individual to become a "medium" (expressing personal views on social networks, blogging, creating photo and video content and publishing on Instagram, YouTube, etc.). Communication has become much faster, but its control has been significantly disabled.<sup>2</sup>

Bearing in mind the interest of the child, the key question regarding the role of the media is their impact on public opinion, namely, on those who make decisions about children – parents, adults who directly deal with children, decision-makers and institutions. The formulation and realisation of the state policy towards children is usually carried out in consultation with experts. However, priority setting and the way in which children and even the phenomenon of child labour are put on a state's social and political agenda depend on public opinion, which is largely formed under the influence of the media. Therefore, the importance of the role of the media in forming public opinion and their influence on setting social priorities, including the ones related to the issue of child labour, is extremely large. In relation to that, Dale Kunkel and Stacy Smith emphasise: "The way one state conceptualises childhood, how it perceives or stereotypes the behaviour of young people, how it treats its children – in terms of laws that should protect them and the policies that should favour them – depend on how children are seen by its citizens. All this is certainly influenced by the knowledge that people have about children, and one of the main sources of such information is the media"<sup>3</sup>. Protection of children from child labour should be conducted within a integrated system of protection from abuse, neglect and exploitation of children in the Republic of Serbia.<sup>4</sup> But, the normative framework in Serbia is not familiar with a uniform definition of child labour as abuse and exploitation. The worst forms of child labour are incriminated by specific offences contained in the Criminal Code,<sup>5</sup> such as: neglect and abuse of minors, solicitation of prostitution, display of pornographic material and exploitation of minors for pornography, exploitation of computer networks or other means of communication to commit offences against the sexual freedom of a juvenile, trafficking in human beings, etc. The latest amendments to criminal legislation for the first time contain a clear definition of the concept of abuse of children in pornography (child pornography).

The only explicit provision of the Family Law<sup>6</sup> that explicitly prohibits child labour is contained in the following formulation: "If a parent exploits the child by forcing him/her to excessive work, or work that jeopardises the moral, health or education of the child, or work that is prohibited by law", this can be defined as an abuse of rights or

<sup>2</sup> Stevanović, I., *The Right to Privacy of Children and Media in the Republic of Serbia (in the context of the protection of children labour abuse and exploitation)* in: Pavlović, Z. (ed.), *Freedom, Security: the Right to Privacy*, Novi Sad: Provincial Protector of Citizens - Ombudsman & Institute of Criminological and Sociological Research, 2017, p. 270.

<sup>3</sup> Korać, N., Vranješević, J., *The Invisible Child - The Image of a Child in Media Contents Intended for Adults*, Belgrade: Yugoslav Child Rights Centre, 2001, p. 59.

<sup>4</sup> Stevanović, I., Vujović, R., *The Role of the Legal System in Protecting Children Abuse and Neglect*, in: Išpanović-Radojković, V. (ed.), *Protection of Children from Abuse and Neglect Application of the General Protocols*, 2011, Beograd: Centar za prava deteta, pp. 164-173.

<sup>5</sup> Criminal Code of the Republic of Serbia, Official Gazette of the Republic of Serbia, No. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 94/2016.

<sup>6</sup> Family Law, Official Gazette of the Republic of Serbia, No. 18/2005, 72/2011, and other law 6/2015.

hard negligence of duties from the scope of parental rights and could be the basis for the deprivation of parental rights.

The duty of the media is to inform the general public fully, accurately and in a timely manner. However, the interest of the child to be protected, including the right to privacy, is above all other interests and takes precedence over the public interest to receive information<sup>7</sup> that includes personally identifiable information about a child and his/her family, which could damage his/her dignity and psychological integrity.<sup>8</sup> This is a rather disputable issue because the documents pertaining to this matter are not mutually harmonised, which further complicates their implementation in practice. For instance, the *Code of Journalists of Serbia* defines the professional and ethical standards of journalists. In accordance with the Code, the media are bound to place the interest of the public to receive full, timely and truthful information above all other interests. However, the *Law on Public Information and Media* determines that the interest of a minor that his/her privacy is protected outweighs the public interest to receive the information. The problem arises in the situations where parents have already approved the published content, i.e. have already given their consent, which endangers the right to privacy of the child. The presentation of children and minors in electronic media in a way that may jeopardize the best interest of the child, despite the consent of the parent or guardian, does not exclude the responsibility of the media services provider for published content in the context of media ethics.<sup>9</sup>

In this paper, the focus is also on the presentation of some relevant data of the study: "Media Reporting on Child Labour in the Republic of Serbia." The selection of the reports has been made on the basis of the available articles and texts archived by the Kliping agency. In the analysed period, the aforementioned agency's archive contained 703,438 articles from the print media, 223,408 from Internet portals and 146,996 television reports. The main intention of this study was to determine the extent to which the Serbian media report on child labour abuse, taking into account the importance of the role of media in shaping public opinion on children and the occurrence of child labour, as well as the impact of such public opinion on attitudes, decisions and procedures undertaken with regard to children. In order to recognise the phenomenon, as well as to improve the practices in reporting about it, it is necessary to educate editors and journalists to fully respect the parameters of professional journalism and not to threaten the dignity and integrity of the child.

## 2. Public information, protection of privacy of a child and the media

### 2.1. The National Legal Framework

The media and their work are defined by a series of relevant laws, but also by the codes of ethics and practice, as well as by the documents adopted by the REM, have a

<sup>7</sup> Law on ratification of the UN Convention on the Rights of the Child, *Official Gazette of the Socialist Federative Republic of Yugoslavia – International Treaties No. 4/96 and 2/97*.

<sup>8</sup> Vujić, N., *Prava dece na privatnost, najbolji interes deteta i porodični odnosi (evropsko pravo i šta mediji moraju da imaju u vidu kada izveštavaju o deci*, in Stevanović, I., Pavićević, O. (ed.), *Judiciary and Media*, Belgrade: Institute of Criminological and Sociological Research, 2016, p. 379.

<sup>9</sup> Pavlović, Z., *Protection of Privacy and Dignity of a Children in Media Space*, Stevanović, I. (ed.), *Child Friendly Justice*, Belgrade: Institute of Criminological and Sociological Research, 2018, pp. 95-97.

very important role in the regulation of this issue. This normative framework is important for the media and their role in informing the public and shaping public opinion in order to protect children. *Law on Public Information and the Media*<sup>10</sup> regulates the manner of exercising the freedom of public information, which particularly refers to: the freedom to collect, publish and receive information; freedom to form and express ideas and opinions; freedom to print and distribute newspapers and freedom of production, delivery and publishing of audio and audio-visual media services; freedom of expansion of information and ideas via Internet and other platforms; as well as freedom of publication of media and performing activities of public informing. This law also regulates the principles of public informing and public interest in public information. In addition, the law regulates the special rights and obligations of public informing, information about a person, the means and methods of legal protection, supervision over the implementation of the law, as well as penal provisions. Thus, the Law on Public Information and the Media introduces mandatory consent for the publication of information related to private life and correspondence. However, the aforementioned law does not contain special provisions for minors, which represents an oversight.

The law stipulates that a minor must not be recognisable when the information that may violate his/her rights or interests is published. The disclosure of information about private life is conditioned by the consent of the person they refer to. In the case of minors, it is the parents' consent, but also the consent of minors of a certain age. This age limit is not defined by the law, so it can be understood as the age of 16 since a child of 16 years of age can give their consent to the publication of information about their parents passed away, and consequently for themselves, unless the publication would be contrary to the best interests of the child.

As an exception, when the information about private life may be published without the consent of the person, the Law envisages a situation where the public interest for the publication outweighs the interest of a person who the information is about. This is the standard that has to be taken into consideration in the context of rules from other relevant laws in order to understand its range. First, we return to the *Code of Criminal Procedure*,<sup>11</sup> which as a rule provides that main hearings have to be public (the interest of the public to have the information outweighs the right to privacy of the persons participating in the criminal procedure). However, this rule is not applied in the cases when the procedure includes a minor as an injured party or as the offender because the law provides for the possibility of excluding the public in order to protect minors.

In the Law on Civil Procedure<sup>12</sup>, this procedure is based on the principle of publicity. The public may be excluded only when this is required by the law. One of the reasons given for this option is to protect the privacy and interests of minors. Furthermore, the Family Law<sup>13</sup> completely excludes the public in the disputes regarding family legal relations, which include the procedure for the protection of child's rights. So, the laws in general stipulate that *the interest of the minor to have his/her privacy protected outweighs the interest of the public to be informed*.

<sup>10</sup> Law on Public Information and Media, *Official Gazette of the Republic of Serbia* No. 83/2014 and 58/2015.

<sup>11</sup> Code of Criminal Procedure, *Official Gazette of the Republic of Serbia* No. 71/2011, 55/2014.

<sup>12</sup> Law on Civil Procedure, *Official Gazette of the Republic of Serbia* No. 72/2011, 55/2014.

<sup>13</sup> Family Law, *Official Gazette of the Republic of Serbia*, No. 18/2005, 72/2011, and other law 6/2015.

All laws governing the provision of services to minors in the domains of health, social issues and education clearly and unambiguously protect the child's right to privacy and determine the age limit whereby this right is protected, even with regard to the right of parents to obtain information about the child.

The conclusion that can clearly be drawn from the abovementioned is that the limits of the public's right to be informed are determined by the law as well as by the interest of minors that certain information about them should not reach the public. The legal system gives *absolute priority* to the rights and interests of minors, thus in the legal system of the Republic of Serbia the right of minors to the protection of privacy represents a stronger right than the right of the public to be informed.

*Law on Electronic Media*<sup>14</sup> regulates the conditions under which and the manner in which audio and audiovisual media services are provided, the conditions and procedures for issuing the licenses for providing audio and audiovisual media services, and other issues relevant to the field of electronic media. This law defines the organisation and operation of the REM, which is in charge of, *inter alia*, determining the detailed rules for the protection of minors (Art. 22, paragraph 1, item 15).

Rules on the protection of the rights of minors in the field of provision of media services<sup>15</sup> were adopted by the REM and principally governs the protection of minors from the information that may be harmful to them. The rules also regulate the issues "in connection with the participation of minors in the programme and the publication of information that is directly or indirectly related to minors" (Art. 1). Article 3 of the rules obliges the media service provider to act in accordance with the best interests of minors regarding the participation of minors in the content and the publication of information on the minor or his/her family. Article 20 of the Rules defines children's programmes (ages up to 12 years) and programmes designed for minors (ages 12 to 18).

*Law on Public Media Services*<sup>16</sup> regulates the operation of two public media institutions: Radio-Television of Serbia and Radio-Television of Vojvodina, including their activities and the principles that underpin the performance of activities, the public interest they serve, the publicity of their work, the method of selection of bodies and authority, the drafting of laws, as well as providing the tools for their work and the methods of their financing. The importance of this law lies in the fact that it regulates the work of public media institutions that are of great significance for creating public opinion on the issue of the protection of child rights, including the protection of children from child labour.

*Code of Journalists of Serbia*<sup>17</sup> defines the ethical and professional standards of journalists. In accordance with the Code, the media are bound to put the public interest to receive full, timely and truthful information above all other interests. However, the *Law on Public Information and Media determines that the interest of the minor that*

<sup>14</sup> <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2014/2512-14Lat.pdf>.

<sup>15</sup> <http://rem.rs/uploads/files/Pravilnici/6075-Pravilnik%20o%20zastiti%20maloletnika%20u%20oblasti%20pruzanja%20medijskih%20usluga%20za%20sajt.pdf>.

<sup>16</sup> <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2014/2513-14.pdf>.

<sup>17</sup> <http://www.savetzastampu.rs/cirilica/kodeks-novinara-srbije>. The Code is a joint document of the two journalists' associations. The Code of Journalists of Serbia was adopted in 2006 by the Independent Association of Journalists of Serbia and the Association of Journalists of Serbia. In 2013 the journalist associations amended the code with provisions on the prevention of corruption and conflict of interest.

*his/her privacy is protected outweighs the public interest to have the information.* In that context, the aforementioned should be underlined once again.

The Code contains special provisions related to the protection of the rights and dignity of children. A journalist is not allowed to use inappropriate, disturbing, pornographic and other content that can have a harmful impact on children. According to the Code, minors, as a rule, may be interviewed only in the presence of or with the consent of parents or guardians. The journalist is obliged to ensure that the child is not endangered or at risk due to the publication of his/her name or photograph or recording with his/her image, the house or the community in which he/she lives, or recognisable surroundings.

The Code also lays out guidelines that closely define the work of journalists in accordance with the code. The guidelines suggest that the representatives of state and public institutions dealing with the protection of children are sometimes unaware of the impact of the media and their way of functioning. Thus, the information they provide to journalists often reveal the identity of minors. A journalist, however, must not abuse their benevolence or ignorance. The information provided by physicians, social workers, educators, etc., that directly or indirectly indicate the identity of the minor should not be published. All decisions on whether the Code of Journalists of Serbia has been violated are delivered by the Appeals Committee of the Press Council. If the Appeals Committee decides that there has been a violation of the Journalistic Code, the media that published the disputable content has to publish the committee's decision.

## *2.2. The Regulatory Authority of Electronic Media, Self-regulatory bodies, professional and business organisations and associations*

### **a) The Regulatory Authority of Electronic Media**

The Regulatory Authority of Electronic Media (REM) is an autonomous independent regulatory organisation with the status of a legal person exercising public authority aiming at: effective implementation of the established policy in the field of providing media services in the Republic of Serbia; improving the quality and diversity of electronic media services; and contribution to the preservation, protection and development of freedom of opinion and expression, in order to protect the public interest in the field of electronic media and the protection of users of electronic media, in accordance with the provisions of the Law on Electronic Media and in the manner befitting a democratic society.

The REM is functionally and financially independent from the state bodies and organisations, media service providers and operators. For carrying out activities within its jurisdiction, the REM is responsible to the National Assembly, and for performing professional or administrative tasks professional REM services are formed, whose basic rules of organisation and operation are regulated by the statute of this organisation.

The authorities of the REM comprise the Council and the President of the Council. It has nine members elected by the National Assembly of the Republic of Serbia from the ranks of distinguished experts from relevant areas to carry out the activities covered by the REM's responsibilities.

### **b) Press Council**

In the Republic of Serbia, the only operating self-regulatory body in this area is the Press Council. The Press Council is an independent self-regulatory body that brings

together publishers, owners of print media and professional journalists. It was founded in early 2010 in accordance with the Law on Associations,<sup>18</sup> in order to monitor the compliance with the Code of Journalists of Serbia in the media and act upon the complaints related to media content submitted either by individuals or by institutions. The jurisdiction of the council also includes the mediation between the harmed individuals or institutions, as well as the issuing of public warnings in the cases of violation of ethical standards established by the Code of Ethics of Journalists of Serbia.

The council is also focused on educating relevant subjects to act in compliance with the Code of Journalists and as well as on strengthening the role of the media in Serbia. Each individual, organisation or institution that is directly affected by the published content can file a complaint to the council. The complaint may be filed on someone's behalf, but the written consent of that person must be provided. An appeal on behalf of a child may be filed either by a legal representative of the child or by a third party with the written consent of the legal representative. Complaints against television and radio programmes do not fall under the scope of the council, but of the REM.

All decisions on whether the Code of Journalists of Serbia has been violated are delivered by the Complaints Commission (consisting of the representatives of the media industry, professional associations of journalists and representatives of the public). If the Appeals Committee decides that there has been a violation of the journalistic code, the media that published the content in question must publish the committee's decision. Joining the membership of the council is on a voluntary basis.

#### c) Professional and business organisations and associations

In the Republic of Serbia, several professional associations of journalists are established and operating, mostly financed by their own funds (membership fees) and donations. The main function of these associations is to promote free and independent journalism and pluralism, as well as to improve professional and ethical standards in journalism and the media in general, to protect the rights and interests of journalists, to protect the public from media abuse and to promote ethically responsible journalism. Moreover, one of the important roles of these associations is their positive impact on all the important issues in the field of public information, as well as on the process of determining the strategic policy of the state in the field of development of a public information system, as well as the adoption of regulations in this area.

### 3. Findings on production of child labour abuse and exploitation issues in the media: some results of the research

In the study "Media Reporting on Child Labour in the Republic of Serbia"<sup>19</sup> the technique of content analysis of media reports has been applied in order to determine how and to what extent the Serbian media report on child labour abuse and exploitation.

<sup>18</sup> *Official Gazette of the Republic of Serbia*, No. 51/09.

<sup>19</sup> *Media Reporting on Child Labour in the Republic of Serbia*, unpublished analysis - The study which was conducted as a research within the period from 1 October 2015 to 30 September 2016. The funding for this study was provided by the United States Department of Labour (Country Level Engagement and Assistance to Reduce Child Labour [CLEAR] Project) and International Labour Organization (ILO).

The study is based on the analysis of the media institutional and normative framework in the Republic of Serbia relevant for the protection of children from child labour and conducted quantitative and qualitative content analysis of media reports. In addition, the study includes an analysis of monitored phenomenon in terms of respect of the rights of the child and their adequate conceptual determination. For the purpose of the analysis, a quantitative-qualitative methodological apparatus was developed, according to which an individual press release represents the unit of analysis.

The selection of the reports was made on the basis of the available articles and texts archived by the Klipping agency. In the analysed period, the aforementioned agency's archive contained 703,438 articles from the print media, 223,408 from Internet portals and 146,996 television reports. The main intention of this study was to determine how and to what extent the Serbian media report on child labour abuse, taking into account the importance of the role of the media in shaping public opinion on children and the occurrence of child labour, as well as the impact of such public opinion on attitudes, decisions and procedures undertaken with regard to children.

#### *a) Quantitative and qualitative content analysis of media reports*

The quantitative dimension of the research shows the level of representation of the selected media publications – in total, according to type, individually (singly), and according to the authors. The articles from the press are classified according to the frequency of their publication (daily, weekly, biweekly, monthly, periodically), the number of front pages about child labour, and the space they take up. All the announcements about child labour abuse are also classified depending on the number of photographs, as well as on the image content and their link to the text.<sup>20</sup>

In qualitative terms, the thematic focus as the broader context of the analysis of reporting included the following categories: a) gender of the child (male, female, unspecified); b) family status – visible or not visible (visible: the child lives in the biological family; the child lives in a foster family; the child lives in an institution; the child lives on the street; the child is a refugee, asylum seeker, or migrant; the child is in the readmission process; the child has an unresolved parental status; the child is without parents; other); c) nationality visible (Roma, Serbian, other) or nationality not visible; d) age; and e) forms of child labour.

When the category of age is concerned, for the purpose of the analysis it has been classified as follows: preschool children – up to 7 years; school children from 7 to 14 years; school children from 14 to 18 years, and general publications without the age definition of the child/children in them. As the most complex category, forms of child labour abuse were monitored in media reports as: strenuous farm work (referring to hard work in the field and/or work with livestock under difficult conditions, i.e. in high or low temperatures, for a long period of time or at night); child begging – passive solicitation of money; child mendicancy as a form of child labour (children earning for their families, children involved in living and/or working in the street); sexual exploitation – the use, procuring or offering of a child for prostitution, production of pornography or for pornographic performances; forced commission of criminal offenses – involvement in organised (criminal) forms (*e.g.* organised theft or commission of other

<sup>20</sup> Stevanović, I., *The worst forms of Child Labour in Serbia and Media Reporting*, in Stevanović, I., Pavićević, O. (ed.), *Judiciary and Media*, Belgrade: Institute of Criminological and Sociological Research, 2016, pp. 215-224.



crimes, trafficking in narcotics and stolen goods); abuse and exploitation of children in sports; collection of recyclable materials (waste); other forms of child labour (including children doing hazardous work, physical work on construction sites, street cleaning, as well as selling in markets and stalls); dual education; and general text (media reports about child labour as a phenomenon, presentation of research and normative regulation).

The most common form of child labour abuse and exploitation mentioned in the media is begging (31%), followed by sexual exploitation (27%), general text (18%), other forms of child labour (10%), forced commission of criminal offenses (5%), strenuous farm labour (3%), abuse and exploitation of children in sport (2%), dual education (2%) and the collection of recyclable materials/waste (2%). Of the total number of releases that report on child begging, in 41% this type of work is referred to as the phenomenon, in 31% of releases child begging is identified as a form of child labour (children earning for the family, children involved in living and/or working in the street), while 28% of releases refer to it as the passive solicitation of money.

The comparison of the age of minors whose work is abused in some form shows that 63% releases are about the persons whose age is unknown (135 media reports). In the second place are school children from 14 to 18 years of age (62 media releases or 23%), followed by children aged 7 to 14 years (27 media releases or 10%) and preschool children up to 7 years (10 media releases or 4%). By crossing these data with the form of abuse of child labour, it can be noticed that begging is almost equally represented in all age categories when they are visible (five, ten and six cases), while sexual exploitation is recognised mostly for children belonging to the age category between 14 and 18 years (20 cases). In the first age category, this form is not recognised, while in the second one it was analysed in four cases when it was possible to determine the age. In 135 media releases, when it was impossible to determine the age by the media content analysis, begging (71 cases) and sexual exploitation (62 cases) were also dominant, with a large number also included in the posts of the general type (42 cases).

The analysis showed that, most often – in over 50% of the coverage – the gender of children whose work is abused is not specified in the media (male children figured in 66 releases and female children in 71 releases, compared with 171 releases where the gender of the child is not specified). In the second place are male children (27%), while in 23% of the releases, girls are mentioned in the context of exploitation of child labour. Instead of specifying the child's gender, the media generally use the terms "minors" or "kids", or mention their initials, which hinders their gender identification.

When this information is crossed with the form of child labour, we see that 66 publications noted that in most cases the children identified as victims of sexual exploitation were male, in 14 instances it is a case of begging, in six cases the boys were forced into criminal activity, and in five cases the boys appear as waste collectors. Other forms of child labour that include boys doing dangerous work, physical work on construction sites, street cleaning, and selling in markets and stalls were identified in eight cases; two of them cite boys involved in strenuous agricultural work, and only in one case abuse in sport. In seven cases of general releases the male gender was recognisable. In 71 releases minors are females. Among them, the most common forms of child labour included sexual exploitation (29 cases) and begging (22 cases), which comprise more than two thirds of all the analysed content in which the female gender is documented. In ten releases "other forms" as the defined category are found; in three

cases girls were forced to participate in criminal activities; in a text about dual education one girl was recognised as a potential victim of child labour, which was also the case in six general releases.

In 171 of the analysed media releases in which gender was specified, begging and sexual exploitation were represented as the most common forms of child labour (in 56 cases and 34 cases, respectively), while seven of the analysed cases referred to detailed involvement of children in heavy farm work, eight cases referred to the forced commission of criminal offenses, five cases were about child abuse in sport, five cases mentioned dual education, and 15 texts analysed "other forms". In 41 cases of the general releases, the text did not specify the gender of the child/children mentioned in them.

When writing about this phenomenon, in more than half of the cases the media neglect the gender of the child as an important information/piece of data, which is, bearing in mind the very phenomenon, the wrong approach. The reason why the media report on gender status in this way is unclear, because very often they cite the initials of the child, which shows that they are familiar with the child's gender, but also that the initials are more important to them than the gender of the child. The expressions "minors" and "little ones" are often used without defining what these terms mean, probably thinking that this is about children – persons under 18 years of age. The term "little ones" is used to elicit compassion.

Comparative analysis of the visibility of family status shows that 162 media reports (69% of the cases) did not clearly indicate the family status of a child whose work is abused. In 31% of the releases, which is 74 media reports, the family status of the child is visible, and sexual exploitation (in 22 cases) and begging (in 20 cases) emerge as the dominant recognised forms of child labour. The number of these two most serious forms of child labour that are recognised – begging and sexual exploitation – given the number of analysed media reports in which the family status is not visible, is even greater: in 72 cases the media analysed begging and in 64 cases sexual exploitation, but failed to mention the data on the family status of the people they wrote about.

The largest number of releases in which the family status is visible shows that the child lives in the biological family (50% of releases), followed by children living in the street (19%) or in an institution (10%); other (8%); child refugees, asylum seekers, and migrants; children from the process of readmission (6%); and children without parents (5%) or in a foster family (2%). Another family status includes reports in which a minor child ran away from home.

#### *b) Semi-structured interviews with the representatives of the media*

With the aim of making the final conclusions of the research and pointing out the recommendations for media coverage of child labour in the Republic of Serbia, the researchers also conducted semi-structured interviews with the representatives of the media who were reporting on this topic. In the period between 13 and 20 February 2017, a total of five journalists and one deputy editor were interviewed. Of those, four were from print and two from electronic media.

The purpose of the interview was to obtain the answers to the following questions:

- Why do the media report on child labour abuse and exploitation in the presented manner?
- Do they recognise what the terms child work and child labour mean?

- What do they think is a motive for reporting?
- Are the reports on certain issues a matter of editorial policy or do they show the personal sensibility of a journalist who writes about a particular topic?

The authors of the study have opted for this approach for the reasons of confidentiality of data related to both - the journalists as well as the editorial offices they come from. In the light of the specificity of the topics covered, and for the reasons of their own safety, the representatives of the media particularly emphasised this before the interview.

All interviewed persons agreed that journalists and editors can neither recognise the very concept of child labour, nor make a difference between the terms such as child work and child labour. Hence the headlines of articles such as: "Children must not work!" appear in the media. Therefore, they are of the opinion that the informing and training of media professionals on the meaning of the concept of child labour and the distinction between the terms is a precondition for professional reporting on this topic. Four media professionals asserted that this lack of understanding contributed to the representation of a child who was in fact a victim as a "child hero".

*"Probably in the desire to show this as a model of good practice, we actually contribute to misunderstanding. Especially, as you have illustrated in the study, that the responsibility for the deliverance of the child from this situation does not come up."*

*"Perhaps it would be good to organise some joint events, campaigns, where for example the representatives of the media, civil society, and others would take active part, which would point towards the extent and understanding of the phenomenon."*

*"The headlines that clearly indicate that children should not work are from this perspective wrong, but..."*

*"We know how it should look, but someone else makes the decisions..."*

Most of the interviewees expressed that the initiation of research on child labour is of great importance and that it would certainly have a greater impact to report on this phenomenon on a larger scale. Also, such research would enable media professionals to have an insight into the situation, the prevalence of the phenomenon and the consequences it has for children.

*"I think that the research on this subject is necessary and useful, and that it can certainly result in greater media attention to the problem of child labour."*

*"It would mean a lot if there were more sources of information and different studies on this subject, which would provide the basis for further engagement in investigative journalism."*

The majority of the interviewed persons stated that certain issues are reported only because they are a part of the editorial policy, not because of the personal sensibility of journalists. The motives for reporting are predominantly the events that are attention-grabbing at the given moment. As the comparative analysis of the publicity showed, in a number of cases the initiatives for creating media content that discusses about child labour did not come from journalists themselves, but from the individuals or organisations whose interest the reporting followed.

*"Unless it is an issue of violence against children/bullying or some current event, the protection of children is predominantly discussed when reporting about some important dates related to children."*

Media professionals confirmed the results that indicate that the media do not sufficiently take into account the protection of the best interest, privacy, reputation and

personal dignity of each child who is the victim of child labour (70 headlines are sensationalistic or of offensive content, whereas almost half of all published texts are accompanied by a photograph of the child). The interviewees agreed with the statement that this is alarming and that such practices clearly show the character and the activities of a child as a means to grab the attention of the public. Therefore, improving media professionals' knowledge of the current normative framework on the protection of children's rights, with special emphasis on the protection of children from all forms of abuse and neglect, stands out as one of the priorities. Continuous training of editorial staff who influence the selection of topics and their final ranking is a necessity if we want to contribute to more professional reporting that respects the dignity and integrity of the person the media report is about. In addition, media professionals have indicated that when it comes to the violations of the law, it is important that the attention of all relevant stakeholders is drawn to this issue.

*"For example, it is important to draw attention to all those situations that represent violations of the Code of Journalists of Serbia. The Appeals Committee to the Press Council decides whether a violation of the Journalistic Code has occurred, and the media that posted the disputable content has to publish the decision of the Committee. Bearing in mind that the media are partially project funded and compete for, for example, European Commission projects, it is important to constantly mention this because if they violate the Code, they might have a problem with the application."*

*"The involvement of journalists of authority in educating regulatory bodies would greatly contribute to reporting in accordance with the law, the Code, regulations ..."*

*"The Press Council, as well as professional and business associations and organisations should take a clear position when it comes to reporting on this phenomenon."*

*"The responsibility for the publication of photos next to the text is particularly obvious when it comes to the death of a child, but the responsibility also lies with the family that concedes photos and information."*

All interviewees agreed that the media must have a proactive role in order to improve the situation in the field of protection of children in general, including in the area of child labour. They agreed that the power of the media and their importance is reflected not only in reporting but also in initiating social change through the presentation of measures for the protection of children and measures to contribute to the eradication of child labour.

*"...However, the media, in addition to writing about the phenomena they discover themselves, write about the social/state functioning related to these phenomena. So I think that it is necessary for the society/state to be present in the sense that they must take action against child labour, and then encourage the media to write about it. This recommendation is the result of discussions that gave rise to the article published in Vreme No. 1299, 'Children must not work'."*

*"One should write about this phenomenon in a critical manner."*

*"The media should be informed about what the additional institutions and organisations dealing with the protection of children are, besides social welfare centres and UNICEF."*

#### 4. Conclusion: challenges and recommendations

When reporting on the child perspective, the journalistic style appears to be full of stereotypes and prejudices, and numerous imprecise expressions (such as "kids"), still

seem to prevail. It can be concluded that a reporting method called “marginalisation of the marginalised” is applied continuously. This was also noted by the Child Rights Centre in its study *Newspaper on Children – “Bread and Games to Children and Juveniles”*, back in 2004.<sup>21</sup> Even then, the study recorded constant media neglect of some social phenomena and/or issues, namely, the right to protection from child labour (common known as the phenomenon of “street children”, although the problem is much wider): “If, according to the law, a person is considered a child until the age of 18, why is he/she referred to as ‘a little one’ (when it should cause pathetic feelings) or a minor (when it should evoke negative connotations) in numerous media releases? In both cases, the reports deal with a child as a person. Therefore, the kind of feelings we have, how we define childhood or which attitudes shape our behaviour in relation to children, should not collapse with our professional standards.”

Based on the research results, it can be concluded that the media do not sufficiently take into account the protection of the best interest, privacy, reputation and personal dignity of each child who is the victim. It can also be stated that if the media were more active in overcoming the populist manner of reporting and assumed a more significant educational function in the process of introducing and explaining the phenomenon of child labour, they would have a much stronger impact on the public. In their manner of reporting, the media should point to and contribute to launching the issues of systematic prevention and improvement of child protection. Since their authority, role and power are of paramount significance for the creation of public opinion, the media can have a serious impact on the decision-making process conducted by the responsible authorities and the state.<sup>22</sup>

The gender of the child and his/her family status often cannot be determined from the media reports. The media similarly report on the age of the child. But, regardless of whether these categories are visible or not, begging and sexual exploitation are most commonly recognised as child labour. All other forms of abuse are represented to a much smaller extent. From this it can be concluded that the phenomenon essentially goes unrecognised, which results in its incomprehension. The basic elements of gender and age are necessary to provide some information, and for further analysis the media should report the child's family status and nationality/ethnicity (if the respondent wishes to give these information). These elements, which are crucial for understanding the condition/situation the child is in, and hence the phenomenon of child labour in general, are not given in more than half of media reports. The knowledge about the topic and the presentation of the abovementioned relevant elements would allow the public to perceive the phenomenon in a realistic manner and improve its own behaviour, as well as stimulate the state to work towards the improvement of the situation with targeted measures.

Abuses by the media are also prohibited within the framework and according to the rules contained in media legislation and codes of ethics. It is the duty of the media to inform the general public fully, accurately and in a timely manner. However, the interest of the child to be protected, including the right to privacy, is above all other interests and

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<sup>21</sup> *Newspaper on children – Bread and games to children and juveniles*, Analysis of daily press in 2004, Belgrade: Child Rights Centre, unpublished analysis.

<sup>22</sup> Stevanović, I., *The Right to Privacy of Children and Media in the Republic of Serbia (in the context of the protection of children labour abuse and exploitation)*, in Pavlović, Z. (ed.), *Freedom, Security: the Right to Privacy*, Novi Sad: Provincial Protector of Citizens - Ombudsman & Institute of Criminological and Sociological Research, 2017, p. 286.

takes precedence over the public interest to receive information that includes personally identifiable information about a child and his/her family, which could damage his/her dignity and psychological integrity. This issue is particularly disputable because the documents pertaining to this matter are not mutually harmonised, which further complicates their implementation in practice. For instance, the Code of Journalists of Serbia defines the professional and ethical standards of journalists. In accordance with the Code, the media are bound to put the public interest to be informed in a full, timely and truthful manner above all other interests. However, the Law on Public Information and Media determines that the interest of a minor that his/her privacy is protected outweighs the public interest to have the information.

In order to create future strategic documents relevant to the realisation of child's rights and protection from violence and those that define state policy related to the media, as well as the acts of self-regulation of the media, it is necessary to incorporate the issues pertinent to the protection of children from abuse and responsibilities of the media to report in the way that takes into account the best interests of the child.<sup>23</sup> For instance, the abovementioned questions should be identified in the new National Plan of Action for Children, the Strategy for Preventing and Protecting Children from Violence, the Strategy for the Development of the Public Information System in the Republic of Serbia, the Code of Journalists of Serbia, etc.

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