



CHILDREN AND THE MEDIA

A GUIDEBOOK ON ETHICAL REPORTING



unicef 
for every child



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Useful resources:

[UNICEF Guidelines for journalists reporting on children](#)

[Child Rights and why they matter – E-course](#)

[Journalism for Social Change – E-course](#)

[Being a journalist: the state of the profession](#) (analysis by AEJ)

[Fake News and Disinformation Target Democratic Freedoms](#) (analysis by AEJ)

[“News... Close-by”](#) (analysis by AEJ)

[The Great Comeback of Political Pressure](#) – 2017 Annual Study of the Freedom of Speech in Bulgaria by AEJ

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‘Would you tell me, please, which way I ought to go from here?’, asked Alice.
‘That depends a good deal on where you want to get to,’ said the Cat.
“Alice’s Adventures in Wonderland” by Lewis Carroll

CHILDREN AND THE MEDIA

A GUIDEBOOK ON ETHICAL REPORTING

In front of you is the first Guidebook on ethical reporting on children in the media and corporate/commercial communication, elaborated by the United Nations Children’s Fund (UNICEF) and the Association of European Journalists – Bulgaria. As any guidebook, it offers guidance and support for those times when we are trying to stay on the right track. And the path we have chosen is the one of responsible professionals who should always put the best interest of the child first.

This guidebook is designed for all journalists, whether they work in television, radio, online or print media. A separate chapter is focused on photo and video coverage of children, and the last part is aimed at public relations and advertising professionals.

This edition would not have been possible without the active involvement and dedicated work of a number of practicing journalists and public relation specialists who helped us set our compass straight. In the book you will also find valuable recommendations from a psychologist and a lawyer, references to the legal framework in Bulgaria, illustrative examples of good and bad practices as well as the highest international standards on ethical reporting on children in the media. A key element in the handbook are the check up questions that can guide us on the right path when children are the characters in our stories. Some of the questions focus on the written rules – for example, making sure we have complied with all the laws. However, another part targets the “unwritten” rules – the territory of ethics and morality. Questions of the latter type are not always straightforward and may require an effort to put ourselves in the place of the child, imagine how they feel or how our actions would affect their feelings. As the popular phrase goes “to step into their shoes”.

The advantage here is that we, too, were once children, and we can count on our own personal and emotional experience. In other words, we don’t have to step into completely new shoes, but rather try to remember how we felt or how we would have felt when we were wearing a much smaller size of shoes than now. And we could make a comparison between answering the check-up questions and trying on the glass slipper from the Cinderella story – we ask a question and we look among all possible answers for the one that fits the best.

How can we be certain we have picked the best one? According to a popular theory, in order to reach the level of expert knowledge in a given field, a person needs to dedicate 10,000 hours to it. And each of us practised being a child for 18 years, which makes nearly 160,000 hours of experience in that field. If we were to just summon that experience and combine it with the professional knowledge and skills we have gained as journalists and PR specialists, that would surely lead to great results. This guidebook is designed to assist us every time we look for the right direction. Its mission is not to limit children’s presence in the media, but rather to make their voice heard on important issues while respecting their rights. The guidebook was created jointly by a group of professionals united by the UNICEF and AEJ’s mission, and firmly committed to the idea that ethical reporting on children in the media is a “mission possible”. Using this as a solid foundation, the two organisations will provide training sessions for journalists, photo reporters and videographers, public relations specialists and students, to give them the chance to draw on each other’s experience and find companions on the right path. This is the beginning of a truly exciting journey for all of us!

CHAPTER 1

CHILDREN AND THE MEDIA



FROM THE AUTHORS

This chapter is about all children. According to the United Nations Convention on the Rights of the Child (the most widely ratified human rights treaty in history, ratified by Bulgaria in 1991) and according to Bulgarian legislation, a child is every human being below the age of eighteen. What should we take into consideration when covering child-related topics and promoting and protecting child rights in Bulgaria through the media? Do we give enough visibility not only to the problems of children but also to their opinions and ideas as equal members of society?

DO YOU KNOW THAT...



As of the end of 2016, there were 1,194,454 children living in Bulgaria, or nearly 17 per cent of the country's population. Four out of every ten children in Bulgaria are living in material deprivation. By comparison, that share in the EU is one in ten on average. There are also many more factors for vulnerability in children that media professionals should take into consideration (e.g. ethnicity, religion, disabilities, social background, gender identification and social norms).

Sources: National Statistical Institute, TransMonEE Database

VOCABULARY

Words are the strongest weapon in the hands of the Fourth Estate – the media. Words (and images) can help and at the same time inflict irreparable damage to those affected, if improperly used. This applies with full force when covering child-related topics. The following brief wordlist is intended to facilitate media professionals in their choice of adequate vocabulary when referring to children:



Let's use: children, youngsters teenagers, boys and girls, youth, young people, adolescents, minors, underage, pupils, high-school students.



Don't use: : kids, nippers, pubescents, juveniles, minikins, teens. These words might sound patronising or offensive. When speaking of themselves, children do not self-identify like that.

WHAT THE LAW SAYS

The Persons and Family Act views the persons under the age of 18 in two age groups: minors (ones who have not attained the age of 14) and underage (ones who have attained the age of 14 but have not attained the age of majority - 18). Minors can carry out legal acts only through their legal representatives (parents or legal guardians/trustees) and underage persons have certain legal rights and assume obligations but within a limited scope. Therefore, the use of the terms "minor" and "underage" in media publications is appropriate, especially if we endeavor to be as precise as possible when presenting information concerning children.

NB: Every child is a full-fledged bearer of the whole range of inalienable rights, as set in the UN Convention on the Rights of the Child (for more information see the Useful Resources section below)

The Child Protection Act, last updated in 2017, grants every child the right to freely express an opinion on all matters of interest to the child and to seek assistance from the authorities and the persons to whom the child's protection is entrusted. This means that in principle children may feature in media publications by expressing their opinion on matters that concern them. Featuring children in broadcasts, however, should not put them in danger to their physical, mental, moral and/or social development, the responsibility for that being on their parents, legal guardians, trustees or other persons who take care of a child, including the directors of family-type small group homes and centres for children without parental care (article 8, paragraph 10 of CPA). In any case, if a child features in a media publication, no information and data about the child may be made public without the consent of the child's parents or lawful representatives (article 11a of CPA).

Please note that the consent of the child should also be requested by the media professionals, since every child is a rights-bearer and his or her opinion on whether and how to be featured in any media publication should also be taken into consideration.

LAWYER'S ADVICE

You must obtain the consent of the person responsible for the child in order to feature the child in a media publication. (Permission must be obtained for all interviews, videotaping and photographs. Ensure that the child and his/her parent/guardian know they are talking to a reporter. Explain the purpose of the interview and its intended use. Permission must be obtained in circumstances that ensure the child and guardian are not forced in any way and they understand they are part of a story that might be disseminated locally or globally. This is usually only ensured if the permission is obtained in the child's language and the decision is made in consultation with an adult the child trusts.)



Under exceptional circumstances, the rules of obtaining permission can be overridden if the child's participation in the media material aims to protect his/her rights and interests from violation by the very same adult or institution responsible for their care (in such cases those adults or institutions are unlikely to give permission to the child to speak in the first place). However, in such cases the child's identity must not be disclosed. Based on their findings of child rights violations, journalists must alert the competent authority, i.e. local Social Assistance Directorate or the State Agency for Child Protection.

NB: More information on how and where to report a case of violence or a child at risk read [here](#) (in Bulgarian)

LEGAL ASSISTANCE:

May I be prosecuted in court for unethical coverage of a child?

LAWYER'S COMMENTS

The ethical aspect of coverage is sanctioned not by the court but by the Council of Electronic Media (this includes radio and television, and does not include newspapers and online media).

Example: The decision establishing an administrative violation of the Radio and Television Act on the part of one of the big television channels covering a case of peer-to-peer violence among adolescents. In particular, the TV channel was found to have violated the following Council of Electronic Media criterion: "When covering events related to child abuse, child maltreatment or family problems the providers of media services must respect the privacy of children who have been victims of violence or family problems." The decision referred to was a segment in the channel's morning programme, covering acts of humiliation on behalf of two 16-year-old girls against a female classmate. The topic was developed as an opinion piece, discussing aggression and violence among children at school but the programme showed footage of the girls' actions from the video and the content was also uploaded on the internet. The face of the victim (covered by a TV mask) was featured and later also the body of the girl who was the object of the offensive acts was shown (she was beaten, pulled by the hair, forced to strip naked, while at the same time interrogated and humiliated verbally as well). There was sound silencing of particular segments of the video clip (which was downloaded from Facebook) but the entire dialogue between the girls was subtitled. Despite the blurring, one could see the girl undressing and being beaten by one of the other girls and the conversation could be heard and read (the child could also be heard crying). A decision was issued for a violation under the Radio and Television Act.

CHECKUP QUESTIONS

The following questions are useful to have in mind when preparing a topic or a piece of reporting about children.



Do we ensure sufficient visibility of the world of children, of their achievements and not only of their problems?

- 1 Have we obtained consent from the adult who takes care of the child (parent or legal guardian)?
 - 2 Have we asked the child in a suitable and understandable way how he/she is to be featured in our material?
 - 3 Are we convinced that revealing the child's identity will not harm him/her regardless of the consent obtained from the person responsible for him/her? Responsible media professionals should consider that adults may not be aware what the best interest of the child is.
 - 4 Are we sure that our material and the child's presence therein will not create a feeling of shame or discomfort?
 - 5 Is it possible that such feelings can appear years later when the child is an adult?
 - 6 Are we sure that our material will not be a cause for mockery among the child's peers or for negative treatment on the part of adults?
 - 7 Are we sure that the material does not offend the dignity of the child?
 - 8 Are we sure that the words we use to refer to the child do not sound patronising or dismissive?
 - 9 Can we ask the child what he/she thinks of the words we use to refer to him/her?
 - 10 Are we convinced that we do not exploit the child in order to make the material more impactful?
- Depending on the age of the child have we thought out well if we should address them in a formal or informal manner?

TOPICS ON WHICH IT IS ADEQUATE TO SEEK CHILDREN'S POINTS OF VIEW

- | | |
|----|------------------------|
| 1 | URBAN LIFE |
| 2 | HEALTH CARE |
| 3 | EDUCATION |
| 4 | FRIENDSHIP, SOLIDARITY |
| 5 | POLICIES/POLITICS |
| 6 | FAMILY RELATIONS |
| 7 | ENVIRONMENT |
| 8 | FOOD |
| 9 | SPORTS |
| 10 | CULTURE |



USEFUL RESOURCES:

[Children and the Media](#)

[Putting Children in the Right – Resources for Journalists](#)

[UNICEF reporting guidelines](#)

[UN Convention on the Rights of the Child](#)

[„The State of the World’s Children 2017 - the children in a digital world“ \(UNICEF flagship report about the opportunities and risks than ONLINE space creates for children\)](#)

CHILDREN RAISED IN PUBLIC INSTITUTIONS OR ALTERNATIVE CARE



FROM THE AUTHORS

This chapter is about children who, for one reason or another, are being raised in public institutions or in the so-called alternative care: in the families of relatives (extended family care), by foster parents or in different forms of residential services. There are numerous questions and topics that touch upon the lives and rights of children who are in formal care. The choice of topics and the approach to them in our journalistic materials can lead to real change to the benefit of the children we are covering. It would be good if we always do a thorough research into why and how it has happened so that children are being raised outside their biological families, but avoiding the risk of reaffirming the social stereotypes about them or any blame and stigma. Positive coverage of the opportunities for children in institutions to reintegrate into society can contribute to counteracting ignorance and prejudice. Giving such children the opportunity to be present in the media and express their opinions and views is also a positive step in that direction.

We should keep in mind that while it is not always possible for a child to live with his/her biological parents, it is always in the best interest of every child to live in a caring and supportive family environment (including the forms of alternative care that should resemble such a family environment to the maximum) – this is an inalienable right under the UN Convention on the Rights of the Child.

DO YOU KNOW THAT...



The number of children raised in specialised institutions in Bulgaria has dropped dramatically, with a more than 75% decrease since the year 2000 thanks to the so-called process of deinstitutionalisation and the introduction of alternatives to the life in public institutions. All large institutions for children with disabilities have been closed. As of 2017 there is a total of 906 children living in specialised institutions (homes for children without parental care and medical and social care homes), while 2320 are living in foster care. The ambitions of the state are to have all public institutions closed down and to provide alternative care for the children that would be closer in type to the family environment.

According to a UNICEF study from 2017, at least 2.7 million children live in residential care worldwide, but the rate in Central and Eastern Europe is the highest in the world – with 666 children per 100,000 living in residential care, over 5 times the global average of 120 children per 100,000. Research shows some of the key risk factors that result in children being placed in residential care include family breakdown, health issues, poor or unequal provision of social services, disability and poverty.

Source: Agency for Social Assistance, UNICEF Bulgaria Annual Report 2016, “Estimating the number of children in formal alternative care: Challenges and results” (UNICEF, 2017).

VOCABULARY



Let's use: children in public institutions, children in formal care, children at medical and social care homes, children being raised or living in a public institution, children being raised in residential-type or alternative care facilities, children living in family-type centers, children living in a family environment.



Be careful with (words and expressions not to use): children deprived of parental care, orphans, abandoned children, relinquished by their parents, nobody's children, children raised by the state. Such definitions might intensify their sadness and create a feeling of inferiority, stigma and exclusion.



PSYCHOLOGIST'S ADVICE

When covering children in institutions you can present them as children who manage to cope with their lives without parents. After all, they have managed to live through the initial abandonment, the separation from their parents, hardships and illnesses, and other trauma... This means they have the resilience to survive and thrive. This is how we should portray them. And then people will not pity them and feel guilty. It is very likely that they will even want to help them more.

WHAT THE LAW SAYS

According to the Child Protection Act a child whose parents are unable, in fact or by law, to take care of him/her, or whose family environment poses a risk to the child's physical, psychological, moral, intellectual and social development, can be placed outside his/her family. Cases when the child's parents allow or do nothing to stop his/her participation in a media broadcast that poses a danger for his/her development are also considered as grounds for the placement of the child in care outside the family. (articles 25 and 26 of CPA)

Placement of a child outside the family in institutional or residential care can be made in different forms as described in detail in the Social Assistance Act and the Rules on the implementation thereof:

- ① Placement in a residential-type social service facility. Such facilities are: family-type small group homes for children with or without disabilities and for young people with disabilities; crisis centre; transition homes.
- ② Placement in a specialised institution: this is an exception and is done only in cases where all opportunities for the child to remain in a family environment are exhausted (article 35 of CPA). Such specialised institutions are: homes for children without parental care, homes for medical and social care for children.

In case of media coverage of children placed outside the family, permission must be requested from the director of the family-type small group home or the specialized institution.

THE LAWYER'S ADVICE

In cases where a child is placed outside the family, the exercise of parental rights and obligations is granted to the director of the institution or residential type social service where the child is placed. This does not mean that the parents are stripped of their rights: such a measure can only be decided by the court and by means of special proceedings subject to the procedure stipulated in article 132 of the Family Code. But even if the parent is not stripped of his/her rights, the permission to take photographs or video footage must be obtained from the director of the institution or residential type social service because he/she is directly responsible for and represents the child.



Being in formal care, these children are under state protection and the directors of these institutions will require permission from the local Child Protection Department of the Agency for Social Assistance – or the journalists themselves will have to request and obtain such.

The access to children in institutional care is not easy and fast, and usually there is good reason for that (prevention of further stigmatisation or secondary victimisation by the media) – but at the same time those children should be visible to society and not hidden away, which means that media professionals should indeed pursue contact with them but should cover their stories ethically and responsibly, with respect and understanding.

CHECKUP QUESTIONS

- 📌 Are we sure that our material does not create conditions for stigmatisation and isolation of these children from society?
- 📌 What is the purpose of mentioning that the child has grown up in an institution: can that information be omitted without compromising the purpose and meaning of the story?

- Are we convinced that the presence of a child in our material will not cause negative treatment on the part of the people who take care of him/her?
- Do we pay enough attention to the risk that such institutions might be covering up irregularities behind the ostensible considerations for child protection? At the same time the protected status and vulnerability of children in institutions have to always be taken into account.
- Are we convinced that the way we present the child does not contain an element of condescension or belittling his/her worth as a human being?
- Do we allow in the material a negative suggestion to be made by third parties with respect to children being raised or placed in public care facilities?
- Are we sure that we do not mislead the child by arousing unrealistic expectations that we or our media can solve his/her problems? Are we careful about making promises?
- Are we sure that we do not cause or intensify a feeling of being „incomplete“ in the child?
- Do we manage to see and show the individuality beyond the stereotype of the child in an institution as a victim?
- Does our material help for a better understanding of the institutional care system of institutional care?

WHEN MEDIA COVERAGE DOES HARM



Case: Rape of an underage child from a home for children in Sofia

In 2016 three children ran away from a home for children in Sofia with the intention of visiting a female friend for the weekend. Their photographs were disseminated by the Ministry of Interior as “missing children” and many media shared them to help the search. Subsequently, it turned out that one of the three children, a minor girl, had been kidnapped and raped by a recidivist as communicated by the Prosecution Office. While most of the media hid the faces and the names of the children, some editions published detailed information about the incident, together with a photograph of the three children, their names and details of the crime. Their dignity and good name were violated, and some exceptionally painful aspects of their personal lives were exposed. Such an approach by the media poses a risk of causing permanent psychological and emotional consequences for the child victim as well as for her stigmatisation among relatives and acquaintances. Obviously, neither the principle of protecting the child’s best interests underlying the UN Convention on the Rights of the Child, nor the standards of the Code of Ethics of Bulgarian Media were respected.

POSITIVE EXAMPLE

Children from institutions have the right to be shown in positive media stories. The fact that a child lives in an institution should not lead to restricting his/her right of free expression and participation. Here’s an example from a campaign that UNICEF in Bulgaria did with the Bulgarian National Television – “My voice matters” – where they interviewed an adolescent boy living in institutional care, showing that he was elected by his classmates to be the President of the school council and to represent them in discussing school policies and defending their best interest. The focus was that he is not “different”, he has great potential and is not treated as inferior just because he lives in an institution. This case is also valuable with the fact that it was very difficult to obtain permission to show the face and name of the boy. The director of the institution would not allow the boy to be identified but lawyers explained that he was violating the boy’s rights to express his opinion freely and that the story was positive, not a negative one. On the contrary, it was about the boy’s protection status, but rather about his potential that he has the right to share with the general audience, without being restrained by the fact that he lives in residential care.



CHILDREN WITH DISABILITIES



FROM THE AUTHORS

Children living with disabilities are, first and foremost, children – and we should always see the child before the disability. According to the Child Protection Act children with disabilities and children with diseases that are difficult to cure are children at risk. As a society, we need to create suitable conditions for them to fully participate in every sphere of the public life – and their media exposure needs special attention. However, that should not be a deterrent for journalists from drawing public attention to issues related to children with disabilities. On the contrary, it is quite important to study the situation of children with disabilities and the possible limitations to their access to equal opportunities due to the lack of legal guarantees or discrimination and prejudice. Giving children a voice to express their opinions and describe their personal experience would be the best remedy against prejudice and harmful attitudes towards those who are viewed as “different”.

DO YOU KNOW THAT...



Disabilities are not diseases, although they are sometimes caused by such. Still, there are children with disabilities in Bulgaria who live in state institutions for residential care. At the end of 2017, according to data by the Agency for Social Assistance, there are more than 729 children living in family-type small group homes and according to data by the Ministry of Health another 405 children are living in the old-type homes for medico-social care.



**SEE MORE IN CHAPTER 2:
CHILDREN RAISED
IN PUBLIC INSTITUTIONS
OR ALTERNATIVE CARE**

Statistics from the Agency for Social Assistance for 2016 reveal that the overall number of children who have been registered with a 50% or over 50% level of disability established by qualified medical boards and are eligible for social assistance is over 26,000. In addition, between 900 and 1300 are the newly-registered children with a level of disability lower than 50% each year who do not receive social assistance. But beyond those who are officially registered, the real number of children with disabilities in Bulgaria is likely bigger and still unknown. In the school year 2016-2017 out of those approximately 30,000 registered children with disabilities, 17,347 were integrated in schools and kindergartens, which means that there were at least 14,000 children with disabilities left, who were excluded from early learning and access to quality education. In addition to the disabilities, children with special needs also include children with chronic diseases, children with autistic spectrum disorders, children with behavioral and emotional problems (shorter attention span, hyperactivity), speech impairment, children at risk of learning difficulties, etc. According to a national survey by the State Agency for Child Protection, conducted in 2015, 65% of the respondents revealed that they did not want children with mental disabilities to be part of their own child's class, and 20% did not want their children to study alongside children with physical disabilities.

Sources: Agency for Social Assistance, Ministry of Health, State Agency for Child Protection, UNICEF annual reports

VOCABULARY



Let's use: children with physical and intellectual disabilities, children with special needs, as well as medical terms if they sound accessible enough, for instance "children with Down syndrome", children with autism spectrum disorders.



Don't use: invalids, invalid children, crippled children, defective children, mentally retarded, autists.



PSYCHOLOGIST'S ADVICE

What is the most considerate way of approaching the topic of a child's disability?

In conversation with the child him/herself it should not be us who introduce the topic of disability. We should talk to the child about anything else but the disability. This topic should be introduced by the child if he/she wishes so. There is no adequate reason for us to be the ones who introduce the topic of the disability first – because we should be able to see the child first and then the disability (if the latter is at all relevant).

WHAT THE LAW SAYS

According to the Integration of People with Disabilities Act a disability is any loss or disturbance in the anatomical structure, physiology or mentality of an individual. The Law on Pre-School and School Education stipulates that “special educational needs” are: educational needs that can occur when a child has sensory difficulties, physical disabilities, multiple disabilities, intellectual difficulties, speech impairments, learning difficulties, autistic spectrum disorders, emotional or behavioral disorders.

📌 The law pays attention to the educational aspects for of children with disabilities and the responsibility for that is assigned to the Ministry of Education and Science. Except for the educational needs of children with disabilities, the legislation does not stipulate any other specific rules beyond the general requirements for integration of people with disabilities.

The UN Convention on the Rights of the Child emphasises that a child with a mental or physical disability should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community. The state is obliged to provide assistance for the child to ensure that he/she has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child’s achieving the fullest possible social integration and individual development. Children with intellectual or physical disabilities have the right to special care which is appropriate to the child’s condition and to the circumstances of the parents or others caring for the child.

CHECKUP QUESTIONS

- 📌 Have we made sure that when covering a child with specific needs his/her personality, skills, interests, feelings, etc. do not remain in the background in our material?
- 📌 Are we positive that we are not pressing the child to speak about the disability if he or she is unwilling to do so?
- 📌 Are we sure that a too cautious coverage of the specific situation of the child will not lead to the opposite result and increase stigmatisation?
- 📌 Covering children with disabilities often arouses emotions. Are we sure that we are not going to embarrass the child by showing negative emotions (for example pity)?
- 📌 Are we sure we are not offending the child’s dignity by asking him/her too delicate questions (thus, underestimating him/her) or questions he/she cannot answer or understand (thus, overestimating him/her)?
- 📌 What is the purpose of mentioning the child’s disability: can it be avoided without compromising the idea of the material?

A MODEL PLOTLINE

A group of children has won a math competition and one of them has a hearing impairment. If our material is centered on the presentation of the children, it is probably not appropriate at all to touch upon the topic of the impairment of one of them as this might move the focus of the story. If, however, we develop a material on the topic of whether children with disabilities must study together with their peers, or whether they must be isolated in specialized groups, the example of the child with a disability that has achieved success as part of the math team is illustrative and appropriate.



THE GOOD EXAMPLE



“TOGETHER FROM KINDERGARTEN”

Within their joint campaign “Together from Kindergarten” UNICEF and bTV broadcast a series of reportages about the real life stories of children with special needs and the benefits of their integration from the earliest years, since kindergarten is where the foundations of tolerance and inclusiveness are laid. The campaign is an example of journalism with a cause, where the media openly takes a stance to promote children’s rights. The aim is to achieve a lasting change in the societal attitudes so that children with various disabilities can take their place in society and develop alongside their peers.

The reportage is about three-and-a-half-year-old Kristina and the positive effect of her admission to kindergarten. This is a story about inclusiveness and overcoming prejudice. Both the mother and the principal of the kindergarten speak very well about the stigma of disability and the benefits for the whole society of raising tolerant young people.



BAD PRACTICE

“Invalid children” still in use in Bulgarian media

Despite the experts’ advice, some inappropriate and inadequate words and phrases are still in use. A simple search on the internet shows that children with disabilities have been stigmatised even on mainstream media.

CHILDREN OF MINORITY OR FOREIGN ORIGIN



FROM THE AUTHORS

This chapter is about coverage of every child that belongs to an ethnic, religious or language minority in Bulgaria. Ethnic minorities are often object of prejudice, discrimination and stigmatisation. It is the duty of the media to examine and expose the root causes and the consequences of that, especially on the youngest and most vulnerable representatives of those minorities. We should also seek to give children who have been the object of discrimination the opportunity to tell society how they feel as a result of the prejudice against them. The effects of discrimination and segregation of children of minority origin cover some key domains of life: access to education, health care, adequate justice and protection, and they carry some long-lasting consequences for their future development and inclusion into society.

Media has a key responsibility to promote respect for diversity and a culture of non-violation of child rights – this would have a longterm positive effect on society as a whole, promoting values such as peace, justice, equality and prosperity.

DO YOU KNOW THAT...



Bulgaria has a diverse ethnic makeup, the largest ethnic group after the Bulgarians being Turks, followed by the Roma people, Russians, Armenians, and others. As a result of the refugee crisis that escalated after the outbreak of the Syrian civil war and other conflicts in the Middle East in recent years, there are also asylum seekers, refugees and migrants who reside temporarily or settle permanently, or seek protection. There are recognised Bulgarian minorities living in Hungary, Romania, Ukraine and Albania. Do they also find their place in the media coverage and with what angle?

Source: National Statistical Institute

VOCABULARY



Let's use: children of Roma/Armenian/Turkish/Jewish, etc. origin, refugee child, migrant child, child seeking protection, child from an immigrant family, children on the move, unaccompanied and/or separated children.



Be careful with: Mentioning the racial, ethnic or religious belonging of children in the media is justified where it is closely connected to the topic of the material. Even in such cases it's preferable to avoid words that might be offensive to the children and reaffirm minority stereotypes, such as little Gypsies, Gypsy kids, aliens, etc.

WHAT THE LAW SAYS

The legislation in Bulgaria does not stipulate specific provisions for the protection of children of minority or foreign origin. They are subject to the general protection against discrimination laid down in the Protection Against Discrimination Act as well as the provisions of the Child Protection Act. In pursuance of the obligation to integrate children, the Ministry of Education and Science has adopted a Strategy on Educational Integration of Children and Students from Ethnic Minorities (2015 – 2020). According to the UN Convention on the Rights of the Child, ratified by Bulgaria in 1991, the signatory states encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous.

When examining topics concerning refugee or migrant children it is recommended that we should be familiar with the United Nations Convention Relating to the Status of Refugees (Geneva Convention) as well as the Asylum and Refugees Act and the Foreigners in Bulgaria Act. For example, the Foreigners Act bans placement of unaccompanied children in detention centers and the international standards recommend that such placement should not be allowed even for children having arrived with their relatives, because it is equal to deprivation of liberty – and such a measure can be issued only by a court of justice as an effective sentence for a crime.

As of December 2017, the Republic of Bulgaria has legally ended the detention of unaccompanied and separated children who are entering the country. Bulgaria, as an external border of the European Union, has been one of the main migrant routes for children and adults fleeing from violence, destruction and extreme poverty. In 2016, 19,418 people sought international protection in the country, of whom 6572 were children, with 2772 of them being unaccompanied and separated. In 2017, due to the changing European migration and asylum policies and the EU-Turkey agreement, the number of asylum-seekers and respectively of unaccompanied and separated children has decreased significantly to 440.

National courts in Bulgaria started issuing court orders for immediate release of unaccompanied and separated children in accordance with the new provision in the legislation that explicitly stipulates that unaccompanied and separated children cannot be detained. Under the new rules, they shall be referred to the child protection departments for implementation of child protection measures. Along with the prohibition, a new article in the Foreigners in Bulgaria Act states that unaccompanied and separated migrant children will be represented by the local child protection departments.

UN bodies like UNICEF have repeatedly urged governments around the world, including Bulgaria, to implement 6 steps to solve the problem: end the detention of refugee and migrant children and create child care alternatives; protect uprooted children from exploitation and violence; keep families together and give children legal status; help children seeking asylum to stay in school and stay healthy; combat xenophobia and discrimination. Media have a very important role to play in the last recommendation.

LAWYER'S ADVICE

Under the Bulgarian Constitution and respective laws, no specific data collection on ethnicity, religion, or other indicator of minority belonging is envisaged for the citizens of Bulgaria. The collection of such data within censuses, for example, is passive – it is done under the will and consideration of the person themselves who is given the option to self-identify (if they wish to do so) under specific signs such as ethnicity, religion, etc. – meaning the right to self-identification is the leading principle. It is guaranteed and protected under the Constitution of the Republic of Bulgaria (Art.54, Para 1).

Every person has the right to express belonging to national and universal human values, as well as to develop their culture in accordance with the ethnic group with which they self-identify – a right that is protected by the law. So, the collecting of such sensitive data is related only to the State's obligation to guarantee the rights to self-identification of its citizens, and to ensure their protection from discrimination and forceful assimilation.

In the Ethical Code of the Bulgarian media, the following principle is envisioned (2.5.2): “We shall not disclose the racial, ethnic, religious background or the sexual orientation, mental and physical status of any person if those facts do not have an absolutely crucial importance for the information”. Thus, media coverage that explicitly discloses the characteristics mentioned above, could be treated as use of hostile speech that, in turn, can lead to discrimination and incitement of hatred.

The bottom line is that journalists who cite the ethnicity of a child or a group of children in their materials when this has nothing to do with the topic of the story – are not only unethical, but are in breach of the law and the pursuit of facts. Because they can never be sure that the ethnicity that they are referring to is the actual belonging of the person (unless they specifically self-identified as such in front of them).



CHECKUP QUESTIONS

- Is it necessary to mention the ethnic origin of the child in view of the topic of the material? Does this pose a danger of discrimination and stigmatisation of entire groups?

- Would the ethnic origin be mentioned if the material was about a child of the main ethnic group in the same situation?
- Are we convinced that the language and the contents of the material do not stereotype the child and his/her family on the basis of their ethnic origin?
- Are we sure that we are not prejudiced because of the child's ethnic origin or religion before we make ourselves familiar with the facts under the case? Does this influence our material?
- Have we checked well enough the sources of information, especially if they come from extremely prejudiced groups, such as nationalistic or racist ones?
- Do we look for balance when covering opinions, including the children's points of view?
- Are we aware of whether the child's linguistic competence or knowledge are good enough for them to be interviewed and whether this would not embarrass or present him/her in a bad light? Do we take into consideration how we address the child when speaking to him/her?
- Do we display due respect, patience and attention to the child?
- Have we explained intelligibly and in detail the social and cultural context typical of the respective group? For instance: it is normal for refugees to have a different eating culture, attire, social behavior, etc.
- Do we always keep in mind that a child is a child and – regardless of ethnicity, religion, social status, origin, etc. ? Every child is entitled to the same rights.



Refugee and migrant children, especially the ones not accompanied by a parent or a relative, are one of the most vulnerable groups of people worldwide and thus as journalists we must approach the coverage of them with special attention. When interviewing such children, we must bear in mind that they could have undergone some exceptionally hard times and our questions could bring back the trauma and the memory of what they have experienced. Even in cases where taking photographs or video footage is easily accessible, we must obtain the explicit consent of the parent or the responsible institution and explain where and when the material will be aired or published. It is quite likely that the children and their families are object of persecution in the country they have escaped and that the publicity could cause serious problems for them or for their relatives at home. This is why it is highly recommended to keep the anonymity of children and hide their faces.



THE GOOD EXAMPLE

“NOBODY’S CHILDREN”, NOVA TELEVISION

“Nova’s Theme” tells the stories of unaccompanied children in Bulgaria by paying attention to their reasons to leave their countries alone, their problems, hopes and dreams. In addition, the program touches upon the shortcomings of the system for protection of unaccompanied children in Bulgaria. It casts light on various aspects of the problem, by including both many children’s voices and representatives of institutions and organizations. Due to the then functioning legal vacuum that did not allow for an adult to be determined as a responsible person (guardian) for an unaccompanied child, it was especially difficult for journalists to make sure they have the necessary permissions to interview or photograph representatives of that group. A good solution for that problem was found in Nova Television’s reportage where a young man aged 18 years was chosen as the main character. The age of majority enables that young man to assess on his own whether he should participate in the program and being still close to childhood age (an adolescent) makes him an adequate and competent interlocutor on the topic.



MISSION “EVERY CHILD”

The series “Every Child” of the Bulgarian National Television and UNICEF is focused on the lives of children living in extreme poverty and on the problems of their families. Such children do not necessarily have to be of minority or foreign origin but in reality, due to the isolation of such groups, that is often the case. The quoted materials are a good example because they do not emphasise on the ethnic belonging, but rather on the social problems the participants are facing.



The cases of children belonging to potentially marginalised communities and having a disability are particularly risky. We need to consult the chapter “Children with Disabilities” of this manual.

Working solutions implemented with the assistance of an organization such as UNICEF are presented. These reportages are good examples touching upon the topic of “Children and PR” developed in Chapter 8 of this manual.



THE BAD EXAMPLE

In 2012 three 17-year-old school students of Roma origin were involved in a scandal after publishing online controversial pictures of themselves doing inappropriate actions with the images of three of Bulgaria’s most honoured national heroes. The incident led to a number of hate-speech publications, even on mainstream national media.

The Association of European Journalists – Bulgaria (AEJ) called for the Sofia regional prosecutor’s office to investigate a case of racism and hate speech on national media. Unfortunately, the Prosecutor’s office refused to undertake any measures in this case. There were no consequences for the author who used the ethnicity of the individuals involved as a basis for stirring hate and confrontation among Bulgarian citizens from various ethnic groups. The scandal had a very negative impact on the three teenagers themselves. They were expelled from their school and failed to finish their education.



USEFUL RESOURCES:

[“Representation of Roma, refugees, and expats in Bulgarian online media during the 2017 election campaign”](#) (analysis by AEJ)

[“Roma people in the media: Going beyond the stereotypes](#) (analysis by AEJ)

CHILDREN HAVING EXPERIENCED OR WITNESSED VIOLENCE



FROM THE AUTHORS

In this chapter we touch upon one of the most sensitive and painful topics for society: violence against children, and its place in the media. Usually the cases of violence against children attract huge public and media interest and necessitate a rapid response from journalists. But before we set to work, we need to make sure that the affected child will get adequate protection and we must have carefully analysed the potential consequences on the child's life, security and mental health. An important aspect of the question that is rarely mentioned in professional circles is the need of support for reporters traumatised as a result of their work in such emotionally taxing situations. Do we talk to our editors at all about the consequences of such media work, not just on the people who are featured in it but also on ourselves, the narrators of the tough stories?

Bear in mind that violence against children exists in every society, cultural group and country in the world. It takes many forms: physical, psychological, sexual, economic deprivation, neglect, human trafficking, forced marriages, excessive labor, bullying, sextortion (online sexual bullying), etc. It can happen at home, at school, on the street, in institutions for residential care of children, online and more. It has devastating consequences for the physical and emotional development of the child and can in some cases result in death. Actually, a UNICEF global study shows that every 5 minutes a child dies as a result of violence around the world.

There is a growing body of research that confirms the long-term implications of violence for children’s emotional wellbeing, overall health, resilience capacity and their ability to reach full potential in life. Children exposed or being subjected to violence are much more at risk to develop depression, alcohol and drug misuse, criminal behavior, low self-esteem and chronic illnesses later in live. Individuals, who have been raised by violent parents are more likely to adopt similar parenting strategies in their own parenting style.

Recent studies show high tolerance and acceptance of violence in Bulgarian society and a weak understanding of some emerging forms of violence, such as online sexual exploitation of children and abuse. Out of all Bulgarian parents, 68% accept the use of “reasonable violence” (such as slapping) as a means of discipline – shows data from a country-wide survey conducted in 2012 by the National Center for Studying of the Public Opinion. Also, there are no major programmes to support parents to use non-violent parenting techniques. In 2016, child protection departments under the Agency for Social Protection received 3158 signals of violence against children and opened 681 cases. They are predominantly about severe abuse in the home of the child.

Sources: Agency for Social Assistance, UNICEF flagship reports, National Statistic Institute, National Centre for Studying of the Public Opinion.

VOCABULARY



Let’s use: child who has experienced/survived violence, harassment, child forced into child labor, child in a situation of exploitation, child against whom violence has been committed, child who has witnessed violence.

NB: The word “victim”. Why do we have to treat it with special attention?



PSYCHOLOGIST’S COMMENTS

“What is important is the verb preceding the expression “victim of violence” when we decide to use it. There is a difference between the phrase “the child is a victim of violence” (which is closer to a label and a qualification) and “the child was made victim of violence”, which explains what happened with no labelling and qualifications. This way it is clear that the child is a “victim” only with respect to the specific situation and act. The child is, first and foremost, a human being with their own dignity and protecting that dignity means we should be careful not to reduce his/her entire being to one event, to one situation, to one action.”

LAWYER’S COMMENTS

In the cases where children have been the object of a crime the term “having suffered” must be used because the Criminal Code does not use the term “victim”, so it is not part of any specific legal phrasing. This means that “having suffered” should be used in the cases involving legal proceedings before a criminal court or in cases where a verdict exists sentencing the person from whom the child suffered. The name and visual identity of a child who has suffered violence or abuse should not be disclosed.

The Child Protection Act that entered into force in Bulgaria in 2000, explicitly prohibits corporal punishment. Article 11 (2) stipulates that: “Every child has the right to protection against all methods of upbringing that undermine his or her dignity; against physical, psychological or other types of violence; against all forms of influence which go against his or her interests”. In the same way, the Family Code adopted in 2009 prohibits the use of force by the parent or the use of methods of education which degrade the child’s dignity. The prohibition is confirmed in the legislation applying to schools and other institutions working with children.



In the cases where the child has been object to **violence or exploitation** one can speak of “victim” if:

- the reason for placement outside the family exists for a child who is a victim of violence in the family;
- the definition of a “child at risk” is a child who is a victim of abuse, violence, exploitation or any other form of inhumane or humiliating treatment or punishment in or outside his/her family.

Therefore, in general cases where the child is object to some form of violence in or outside the family, the term “victim” can be used, speaking from the law’s perspective. The word, however, should not be used in an abstract sense: i.e. “a victim of the system”, “of circumstances”, etc. It must always be with reference to the specific case of negative impact exercised on the child.

WHAT THE LAW SAYS

The Child Protection Act contains a special provision aiming to ensure protection against violence and crimes regulated in article 11. In addition, the law stipulates that the child must be given a hearing in administrative and court proceedings affecting his/her rights and interests (including as a victim of crime) if he/she has attained the age of 10 years, unless such hearing would harm his/her interests.






The international legal framework encourages the protection of confidentiality of the identity of children who are victims or witnesses in legal proceedings, including the introduction of special measures of restraint with respect to the media. The purpose is to avoid harm being caused by undue publicity or by the process of labelling.

In order to be as exact as possible when covering cases of children who have suffered or witnessed violence, lawyers recommend that we make ourselves thoroughly familiar with the Child Protection Act (articles 15 and 11), the Criminal Procedure Code (article 140) as well as the Convention on Action against Trafficking in Human Beings and Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

Article 19 of the UN Convention on the Rights of the Child (CRC), ratified by Bulgaria in 1991, establishes that all children have the right to be protected from being hurt and mistreated, physically or mentally, and governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. Other important documents are the General Comment No. 8 to the CRC on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment; and General Comment No. 13 on the right of the child to freedom from all forms of violence.

CHECKUP QUESTIONS

- Why are we covering the case of violence?
- Can we provoke positive change of societal attitudes or are we after “sensationalist material”? For example, if a child has experienced physical violence in his/her family, by covering his/her story do we call upon the public to be vigilant about similar cases? Violence in the family is often noticed by teachers, neighbors, friends, but remains hidden from the institutions in charge.

-  Are we sure that our questions will not cause the child to re-experience specific moments of the traumatising situation?
-  Have we used all possible ways to gather information about what has happened, without involving the child? An example from practice is the so-called “Blue Room” for child-friendly hearing of witnesses or victims to avoid secondary victimisation. In this room the police, a child psychologist and a prosecutor get together **ONCE**, in one place (on the other side of a darkened mirror, where the child can not see them), to hear the story told by the child **ONLY** once and to avoid repeated trauma. When this method is employed, the “Blue Room” specialists can also provide proper information to the journalists.
-  However, if it is absolutely necessary to bring the child back to what he/she has experienced, are we doing so in a manner that is sufficiently caring and child-friendly? Have we looked for a specialist’s help?
-  Have we taken into consideration the child’s preference not to answer questions?
-  Are we sure that the presentation of what has happened will not have a negative effect on the child in the future?



PSYCHOLOGIST’S ADVICE

In this chapter we pay special attention to the advice provided by Vesela Bano-va, a psychotherapist specialised in children, as it involves work with children in a state of shock, stress and psychological trauma.

HERE IS WHAT IT WOULD BE GOOD TO REMEMBER

If the journalist is actually the only person with whom the child shares the story, the journalist must first make an effort to understand what kind of care the child needs at the moment. If we manage to take care of the child, at a later stage he/she can share the information with us without being pressured. First, we must make sure that the child is adequately aware of his/her identity, time and space. Then we can ask him/her if there is something that embarrasses him/her very much, or something he/she is afraid of.

We should not expect the child to give us very precise answers. Especially in cases where the child has experienced something amounting to sexual harassment and/or violence it is very difficult for him/her to find the words. This is difficult for the child. He/she stops, their speech is scattered. Sometimes he/she shares words he/she does not understand. There are moments of embarrassment and shame. Most cases in my practice where children talk smoothly and without interruption are the product of manipulation on behalf of adults or an expression of delusional phantasms (including family psychoses). Of course, the age and developmental stage of each child should always be considered individually, because there is a difference in the manner of expression of an 8-year old and a 15-year old child, for example.

WHEN MEDIA COVERAGE DOES HARM:



Case 1: The murder in the park Borisova Gradina

The coverage of the murder of a 16-year-old boy in 2015 in the park Borisova Gradina in the center of Sofia caused reactions from both professional organisations and the Commission of Journalist Ethics. In the hours after the murder the electronic editions of leading media and websites published photos on which one could see the body, the face and the wounds of the murdered boy. His identity was also revealed.



Other children, acquaintances of the murdered boy were involved in numerous reportages immediately after the crime was announced. In addition to being a gross violation of the Code of Ethics of Bulgarian Media such a journalist approach is an example of humiliating treatment of the memory of the deceased child, which can intensify the pain of his next of kin and relatives. Sensationalist coverage of such tragic events should not be allowed to cause trauma to victims' friends and peers who empathise with the tragedy.

Case 2: The rape in Strelcha

In early 2016, it became clear that a 16-year-old girl had been sexually abused by the then former mayor of the town of Strelcha. As soon as the incident gained publicity the girl's identity and details about her family, school and personal life were announced. The media published "juicy" details surrounding the incident. Those details had been revealed at the court hearings, although the proceedings were conducted behind closed doors – an option regulated by the Criminal Procedure Code for such cases. Unfortunately, numerous media focused not on the violation of the right to privacy that should have been protected by the investigating authorities, but on the leaked details concerning the criminal act. The outcome for the child and her family came soon thereafter when it became clear that the girl's family was forced to move to another town where she attends another school because of the trauma and shame she experienced. "Strelcha" remains an emblematic case of explicit violation of the rights of the child, on behalf of both the institutions and the media.



THE GOOD EXAMPLE: THE LEGENDARY "SPOTLIGHT"



"Spotlight" (2015), a film dedicated to the power of investigative journalism, was the great surprise at the 2016 Academy Awards. The story of the film is remarkable because it is completely based on true events. It tells about the investigative team of the US edition Boston Globe who in 2002 revealed numerous sexual assaults against children carried out by local Catholic priests as well as their systemic concealment by the Church. The five-member team called "Spotlight" spent months on their investigation going decades back in order to cast light on one of the biggest scandals in the history of the Catholic Church. The effect of the investigation was avalanche-like – thousands of victims of sexual violence by priests all over the world spoke out to tell their stories. The Vatican created a special tribunal charged with the task of investigating sexual assaults against children, even though its efficiency later came under of criticism. The "Spotlight" team won the most prestigious journalist award, the Pulitzer Prize for journalism in the public service. They will be remembered as the ones who "told the truth no one wanted to tell", in the words of The Guardian, in a feature about the film and the story behind it.

BBC DOCUMENTARY: “WHEN KIDS ABUSE KIDS”

The UK Panorama TV programme investigated a hidden world of child sexual abuse, one in which children sexually assault other children. It's often referred to as 'peer-on-peer' abuse and can happen in classrooms and even in the playgrounds of primary schools. In this part-animated film children, interviewed anonymously to protect their identities, talk candidly about the abuse they have experienced and describe how they felt let down when they tried to report it. The programme is a very illustrative example of ethical reporting – from the technical to the moral perspective. The programme also talked to parents, who say they struggled to get help from schools, social services and the police. Using freedom of information requests, the programme revealed an increase in sexual offences carried out by under-18s on other children and a dramatic rise in sexual assaults committed by children even on school premises.



“FUTURE FREE OF VIOLENCE FOR EVERY CHILD” A CAMPAIGN BY bTV AND UNICEF.

The story of little Niki (the name of the child has been changed) depicts how a child can be filmed sensitively (without revealing their identity) and how the topic of violence against children can be approached ethically.

This material shows in practice how a so-called „Blue room” is used and what the benefits of this approach are.



USEFUL RESOURCES:

[„A Familiar Face: Violence in the lives of children and adolescents” – UNICEF global flagship report 2017](#)

[Who perpetrates violence against children? Five findings from a global review](#)

[Brochure for experts – what is violence against children and how we can help \(in Bulgarian\)](#)

[Brochure for children – what is VAC and where to look for help \(in Bulgarian\)](#)

[Scandalous speech dominates media coverage of the Istanbul Convention in Bulgarian media \(analysis by Association of European Journalists\)](#)

CHILDREN IN CONFLICT WITH THE LAW



FROM THE AUTHORS

The media must serve as a guardian ensuring that justice for persons under the age of 18 is in conformity with children's interests. Children in conflict with the law are children at risk, too, and the media coverage of their cases must be approached very carefully. Violence and antisocial acts among children are often linked to violence on behalf of adults and with the way children have been treated. Young offenders have the right to a second chance. They need support for that, not stigma. Therefore it is right to ask ourselves the checkup questions: Are we sure that our materials do not suggest that they deserve fewer rights than other children? Do we examine carefully enough the risks faced by children in conflict with the law and whether the environment they live in provides opportunities for their resocialisation?

Annually, about 5000 children are investigated for committing various crimes in Bulgaria, according to the National Statistical Institute. For the time being, there are no sufficient guarantees that they will receive fair treatment and their rights will be safeguarded. Currently, around 200 children are placed in different types of closed-door institutions where they are practically deprived of freedom – and although all of them have court sentences, most are without a specified period for staying there.

Bulgaria remains the only member of the European Union which has not synchronised its legal framework on Juvenile Justice with the requirements of the UN Convention on the Rights of the Child and the international and European standards in a way that would guarantee access to fair trial and the realisation of the full range of rights to which all children, including those in conflict with the law, are entitled.

Source of information: National Statistical Institute, UNICEF Bulgaria annual reports

DO YOU KNOW THAT...



In Bulgaria, there are two types of correctional facilities for children under the Ministry of Education and Science: four correctional-educational institutions and two socio-pedagogical boarding schools. There is also one all-boys juvenile prison, called a 'correctional home' in Boychinovtzi, which is part of the Vratsa prison for men.

In 2017, a total of 183 children were living in the facilities supervised by the Ministry of Education.

More than half of them were aged 15-16 and almost a quarter were minors (under 14 years of age). Another 25 adolescents were living in the correctional home in Boychinovtzi run by the Ministry of Justice. Most children living in correctional facilities have come from other public institutions. The reform of the juvenile justice system is long overdue and Bulgaria is subject to systemic criticism by international institutions and Bulgarian human rights organisations due to numerous cases of violence and maltreatment of children, poor living conditions and the low-quality educational and health-care services in the facilities, as well as for isolating the children from the outside world.

Sources: Ministry of Education and Science; National Network for Children; Bulgarian Helsinki Committee

VOCABULARY

Whether the child in conflict with the law will be labelled and reduced to an „expendable piece of waste“ for society or whether he/she will be recognised as a living human being in a difficult situation, as a person who has the potential to change his/her life and himself/herself depends to a great extent on our choice of words. Journalists have the responsibility to educate their audiences and to change negative stereotypes that violate child rights.



Let's use: child in conflict with the law, child deprived of liberty, child perpetrator of a violation/offence.



Don't use: thieves, murders, criminals, scum, little Gypsies, hooligans and other qualifying words and degrading expressions.

WHAT THE LAW SAYS

In Bulgaria children bear different criminal responsibility depending not only on the offence committed but also on whether they are aged between 14 and 16 or between 16 and 18. Minors under 14 years of age do not bear criminal responsibility. Despite that, they are sent to correctional boarding schools.

Court hearings under cases against underage persons are conducted behind closed doors unless the court finds that hearing the case in public is to the best interest of society. When trying cases against underage persons their parents or legal guardians must be summoned. The child has the right to freely express his/her opinion and the latter should be taken into consideration. The child has the right not to give explanations. He/She does not have to tell or share anything of what has happened to him/her. The adults involved in the proceedings as well as the journalists who cover the case must respect that right and must act to the best interests of the child without exerting pressure on him/her.

The most important fact to remember is that the legislation under which children in conflict with the law are currently treated is nearly 60 years old (“Act on Combating the Antisocial Behavior of Minors and Underaged”) and is in breach of international law, both on the European and the global level. It is a stark violation of the UN Convention on the Rights of the Child.

Currently a new draft law (“Act on Diversion of Penal Proceedings and Implementation of Educational Measures for the Underaged”) is being proposed by the Ministry of Justice and it introduces much needed provisions to guarantee child rights. [Here](#) is a brief and practical comparison created by UNICEF between the old and the new law.

The Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice stipulate that the privacy and personal data of children who are or have been involved in judicial or non-judicial proceedings and other interventions should be protected. However, although the principle of preventing the disclosure of the child’s identity to the general public remains as a standard, there may be exceptional cases where the child would benefit if the case were publicised – for example cases of abduction. Equally, the issue in question might benefit from public exposure which would stimulate public debate or raise awareness.

How should we protect the identity of a child in conflict with the law for the needs of our media material?

Among the possible ways to protect a child’s identity in the media are, for instance, granting anonymity or a pseudonym, using protective screens or disguising voices, deleting names and other elements that can lead to the identification of a child from all documents, prohibiting any form of recording (photo, audio, video), etc.

CHECKUP QUESTIONS

- The identity of a child who has been charged or convicted of a crime should be protected. It can be disclosed only under exceptional circumstances. Before revealing the identity of a child investigated, accused or convicted as a perpetrator of a crime or an antisocial act, or a child witness to such an act, have we answered for ourselves the question whether the best interest of the child necessitates such disclosure?

- 📌 When seeking to protect the child's identity, are we sure we have taken all necessary measures such as not revealing the identity of other family members, the place where the child lives or goes to school?
- 📌 Do we have the understanding that the child in conflict with the law is first and foremost a victim and not a criminal – a victim of the environment, of the way he/she is treated by the institutions of the state, by their parents and peers?
- 📌 Have we made sure that the presumption of innocence of the child accused or suspected of an offence has been respected?
- 📌 Have we made sure that all rights of the child related to the investigation against him/her, his/her right to defence and specific care have been respected?
- 📌 Have we made sure that children placed in specialised institutions (boarding schools, incarceration facilities, pre-trial detention premises) are not subject to humiliating treatment and torture and have full access to education, qualification and health-care?
- 📌 Have we thoroughly checked the facts before we speak of children who have committed violence, are we sure that we know exactly what happened?
- 📌 Have we made an effort to collect information under the case with the assistance of specialists, while avoiding direct questions about what happened aimed at the child in conflict with the law?
- 📌 Are we sure that the questions we are asking are not misleading and do not imply the answer?
- 📌 Have we done everything possible in order to learn and present the context in which the events unfolded, the child's experience of what happened and the consequences for himself/herself?
- 📌 Do we manage to be objective by overcoming potential feelings of anger, indignation, disgust at the act committed by the child?
- 📌 Are we sure that the way we cover children in conflict with the law will not turn them into heroes and will not encourage their peers to imitate their behaviour? For example: letting runaway children or children who consume alcohol describe how good that is.
- 📌 Are we sure that we do not tolerate the attempts of children in conflict with the law to heroise themselves by glorifying what they have done? For example: a child sentenced for robbery telling how strong, fast and sly he/she is.

PSYCHOLOGIST'S ADVICE

Whatever a child has committed it can be presented in two ways:

- As an assessment that denounces the crime or the antisocial act and its perpetrator. There are no questions and doubts, only the facts as an end-of-story are presented.
- As a problem to be resolved. As an event for which we need time to make sense of. We could provide the age of the child perpetrator, the context, we can ask questions... We could ask ourselves questions.

WHICH APPROACH WOULD YOU CHOOSE?





THE GOOD EXAMPLE

GOOD PRACTICE ABROAD PRISON KIDS



In 2015, the US television channel Fusion shot the documentary *Prison Kids* about children serving time at US prisons. The television published a series of articles on the topic focusing on children in solitary confinement. Fusion started a petition to President Obama calling on him to ban solitary confinement for children and organised an overall campaign. The campaign included the creation of a special website, the use of multiple platforms, virtual reality enabling one to have a look at a child's solitary confinement cell, building a replica of such a cell in front of the New York Mayor's Office, involvement by politicians and opinion leaders. Four months later Obama announced a ban on solitary confinement for children. Fusion won the Shorty Award for "Television" and was a finalist in the "Integrated Campaign" category. This example is very illustrative of the fact that media have the responsibility not only to report ethically on child issues, but to also proactively advocate for the realisation of child rights.

GOOD PRACTICE IN BULGARIA

“Sentenced Childhood? Justice for Every Child” is a media campaign by Nova TV and UNICEF Bulgaria that combines awareness-raising, advocacy for juvenile justice reform, social mobilisation and ethical reporting. The videographer who worked on the stories was awarded in 2017 by the “Valya Krushkina” journalistic committee for his ethical video shooting of the child in conflict with the law – a welcome sign that the guild itself is recognising and embracing this model.

The story is about an 11-years-old child called in this reportage Zlatko. A passionate football fan from a poor family, he was sent to a boarding school just for stealing a magazine – despite the fact that he is younger than the minimal age for bearing criminal responsibility.



X BAD PRACTICE

In 2017 a 16-years-old boy driving his father’s car hit 5 persons in an accident near the village of Trigrad (Southern Bulgaria). Some of the victims had severe injuries and needed hospital treatment. The teenager disappeared immediately after the accident. In the next days, a number of media material appeared describing this “little hooligan” and using information from his Facebook profile. There were speculations on media that the boy had been hidden by his family to escape justice. Two weeks after the accident, the family found the body of the boy who had committed suicide.

TAKING PHOTOGRAPHS AND VIDEO FOOTAGE OF CHILDREN



FROM THE AUTHORS

This chapter is about all children who are the object of professional photo or video shooting. Protection of their rights, interests and personal dignity must be at the core of each filming team's work. We should always do our best to assess the possible future consequences for the child both as an object exposed to observation by others and as a subject that observes his/her public coverage himself/herself.

WHAT THE LAW SAYS

The Child Protection Act stipulates that parents, trustees, legal guardians or other persons caring for a child are obliged not to allow children to be featured in broadcasts which are disadvantageous for them or which put them in danger to their physical, mental, moral and/or social development. (article 8, paragraph 10). The law stipulates the following sanctions for failure to comply with that rule on the part of the parent or another person caring for a child: a fine amounting to BGN 1000 – 2000, and, in case of repeated violation: a fine amounting to BGN 2000 – 5000.

When covering quite sensitive topics, such as violence against a child, violence or criminal offence committed by a child, it is important to bear in mind that the consent of a parent or legal guardian does not necessarily grant the media clearance to feature the child. To put it simply, the lack of understanding on the part of the adult (which could be the reason they give consent) may not be taken as permission for the media to cover the case in a manner enabling the identification of the child or making him/her re-experience negative emotions, intensifying the emotional and mental trauma. The opinion and consent of the child should also be pursued.

The fact that information potentially harmful to the interests of a child is already disseminated on the internet should not be used as an excuse for the media to use and additionally publicise such information.

Exceptions shall be allowed when covering wars, disasters or other extraordinary news. In such cases judgment needs to be made on the basis of the worth of the story by consulting the editor-in-chief.

Please bear in mind that the internet makes it possible even for adults and children filmed in remote locations of the world to potentially be seen and identified by those around them, even when the material is broadcast in a different country or continent. That means caution should always be exercised when making decisions about revealing identity, regardless of the child's location in the world.



SEE CHAPTER 4:
“CHILDREN FROM MINORITY
AND FOREIGN ORIGIN”

NB: When covering positive stories – of child participation, talents, achievements, etc. – we still need the consent of parents/caregivers and the opinion of the children themselves, but we do not need to hide the child's identity (face, name, etc.), because the children in question are not vulnerable or under protection. On the contrary, we are supporting their rights to express their opinions freely and allowing their voice to be heard on matters that concern them directly or indirectly. In a way, we are empowering them. This delicate balance between empowerment and protection should always be considered, though not used as an excuse for violating the standards of ethical reporting – when for example the preservation of a child's anonymity is a must. The bottom line is that we don't have to hide the face and identity of every child we are photo/video-shooting, if that child is not at risk or when media exposure is actually in the best interest of the child.

Excerpt from the Code of Conduct of Bulgarian Media

“We shall not publish information or photographs about the private life of children unless such information or photographs are a matter of considerable public interest. However, this must be applied by taking into consideration article 10 of the Child Protection Act and no publication or coverage harming the child’s physical, mental, moral and/or social development shall be allowed.”

LAWYER’S ADVICE

Is permission necessary to photo/video-shoot a group of children playing on a playground?



It depends on the manner of filming.

- If a group of children forming the background of some other journalist content (e.g. their faces are not visible or are shot close-up but out of focus) is being shot, then no permission is needed. In such cases the child does not participate directly and in a personal capacity in the programme but is part of a frame.
- If a specific group of children who can be clearly identified and the topic of the programme deals precisely and specifically with them is being shot, then there is “participation” in the material and permission must be obtained for it from the adults responsible for the children. This is even more valid where children speak in front of the camera or react to it.



CHECKUP QUESTIONS

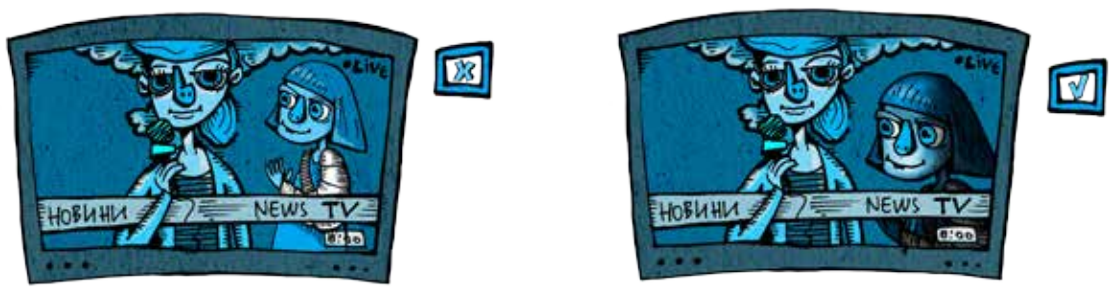
- Do we have the consent of the adults/institutions responsible for the child in order to disseminate his/her image?
- Despite the consent of the adults, have we thought out whether the dissemination of such image does not threaten the child’s physical, mental, moral and/or social development?
- Have we made sure that when notifying the adults responsible for the child and obtaining their consent they are aware of the possible future consequences for the child so that they can make an informed choice? People often do not assess the possible risks because of inexperience, incapacity or because their judgment is obscured by emotional factors such as anger, despair, depression, etc. or desire for media exposure and “fame”.
- Do we bear in mind that – despite the fact the general audience tends to take strong interest in information about violence against or on the part of children – this does not always make such information a matter “of considerable public interest”? (in other words – do we differentiate between the “public interest” and “interesting for the public”?)

- When uploading photographs on websites/internet platforms the consent of a parent or guardian must be obtained. When using such photos taken from professional image banks, the journalist is protected because evidence of obtained consent has been provided to have the image uploaded there. But it is absolutely crucial to use that image in a context that resembles the original intention (not to refer to image banks as an excuse to use misleading visuals).
- Do we take into account what impact the publication of a material taken from the internet which has been uploaded by the child himself/herself, by his/her acquaintances or friends or by his/her parents, will have on the child's present or future?

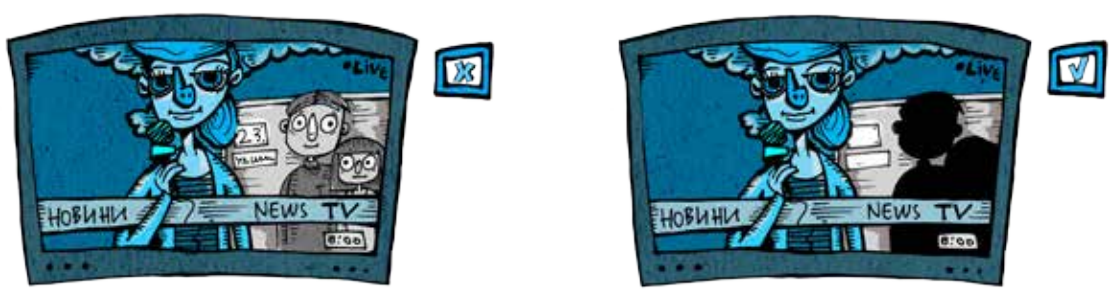
Are we careful not to unintentionally cover children who are present at scenes where improper acts are being committed (group acts of hooliganism, groups of people consuming alcohol or drugs, etc.) in an improper manner? In such cases, a parent or child consent might not be pursued, on the following condition: when taking photographs or video footage of groups of children who commit such acts it is recommended that the close-up shot is not close enough to enable the identification of their faces.



- Do we pay attention when selecting images of children engaging in negative acts that we do not end up promoting or advertising such conduct?
- Do we watch the shot video footage in advance to make sure that no child has been filmed, even in the background, in a manner compromising for him/her?
- Do we look for a manner of depiction of disadvantaged children that does not offend their dignity and does not intensify the shocking elements in the story?



When protecting the identity of a child at risk, have we made sure our shot does not accidentally expose any other details that would allow the child to be identified, such as address, school name, easily identifiable site near the residence of the child, etc.?



- Do we realise that the use of a photograph of another child in order to cover up the identity of the child who is the subject of the piece of reporting puts the second child into an inappropriate context and risk?
- For cinematographers and photographers: when working with a reporter covering child-related issues, are we watchful for any statements or vocabulary in their report that might not be ethical and might result in mental, social or moral harm to the children involved? Do we try to influence the reporter towards more ethical coverage?



PSYCHOLOGIST'S COMMENTS

Exposure to publicity may be examined in two aspects. One is “going on stage,” “exposing oneself to the gaze of everybody.” Different children react differently: from excitement and joy to acute embarrassment and blockage. We can never know whose expectation the child whom we expose to the public is meeting. We can, however, ask him/her questions that concern only him/her, his/her position, his/her participation. Thus, we can be sure that we have used the situation to his/her benefit.

The other aspect of publicity is that the child “enters the mouths” of a great number of people. They start talking about the child. The viewers borrow words and feed their fantasies from the way the child has been interviewed and presented. Among them are the child’s classmates, parents, other children with whom he/she goes to school, engages in sports, interacts, the neighbours, etc. The way other people talk of the child/adolescent has an impact on the child and his/her life.



UNICEF RECOMMENDS

Always represent children in a dignified, respectful manner. Children are never hopeless, nor are they passive victims.

Always obtain informed consent by the child’s parent or guardian.

Protect the identities of children who are victims of sexual exploitation and those charged with or convicted of a crime. Protect the identities of any children if being identified puts them at risk of reprisal.

Imagery that fully protects the subject’s identity can be as powerful and convincing as any other approach to documenting harsh realities. This can be done for example by asking a child to turn away from the camera, to cover their face, by leaving their face out of the shot, etc.



USEFUL RESOURCES

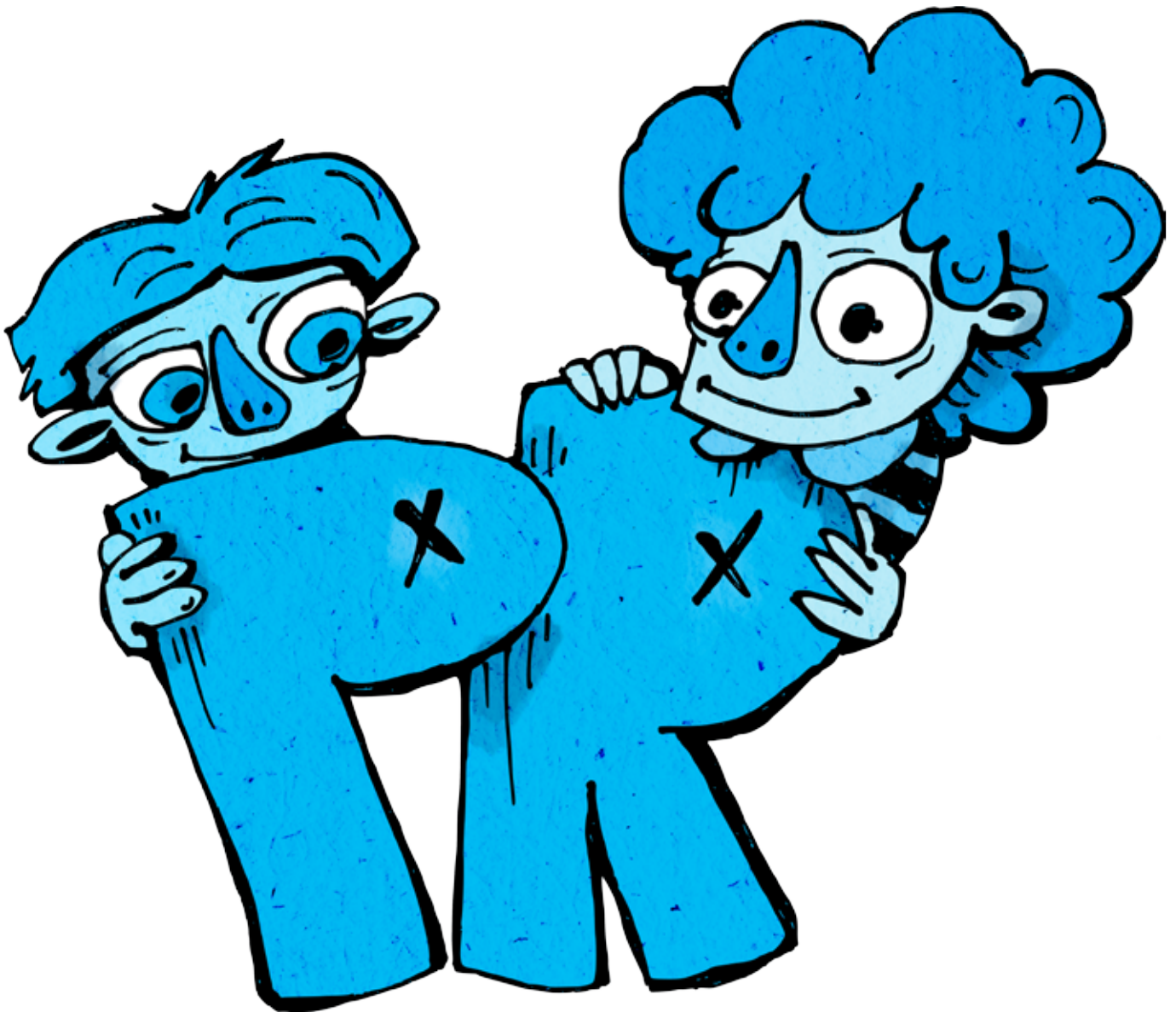
[Using photography to advocate for children: UNICEF images from 1990-2013](#)

[Protecting children’s life in corporate partner image use](#)

[Photography and social change](#)

[„Long live TV – or which are the media Bulgarians trust the most“](#) (analysis by Eurobarometer, article in Bulgarian)

CHILDREN AND PUBLIC RELATIONS (PR)



SCOPE

This chapter is aimed at public relations specialists and others who create strategic communication materials featuring children. Its scope includes corporate (commercial) and image-related (reputational) communication featuring children. At the same time, it should be noted that this chapter does not examine corporate communication which targets children as an audience.

GLOBAL PERSPECTIVE

“Business interacts with children on a daily basis. Business impacts the wide range of children’s rights – well beyond child labour. But it also has enormous power to improve the rights of children and protect them from harm through the way in which it treats employees, operates its facilities, develops and markets its products, provides its services, and exerts its influence on economic and social development.

But business can do more, especially for the most marginalised children. Despite the growth and increasing sophistication of corporate responsibility, corporate sustainability and the business and human rights agenda, children as stakeholders and their rights are still only rarely being addressed explicitly within the private sector.

Corporate social responsibility (CSR) goes beyond philanthropy. Child-focused CSR contributes to sustainable development, including the health and the welfare of children. It also takes into account the expectations of children and their family as stakeholders. In order for the Sustainable Development Goals to be achieved, business must be fit for children.

CSR within UNICEF refers to efforts towards positively changing business behaviour and practices as they affect children, positioning business within a web of relationships and obligations, intergovernmental standards and agreements, governmental regulation and policy, supply chains, multi-stakeholder business platforms and other key business influencers.

The UN Committee on the Rights of the Child General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children’s rights outlines that **all businesses must meet their responsibilities regarding children’s rights and States must ensure they do so.**”

Source: “UNICEF: Corporate Social Responsibility – Advancing Children’s Rights in Business”

STATUTORY FRAMEWORK

The Radio and Television Act in Bulgaria prohibits the showing of a sponsor’s logo in children’s and religious programmes (article 82, paragraph 6) as well as product placement in children’s programmes.

In pursuance of the law, the Electronic Media Council has also adopted [criteria](#) (the article is in Bulgarian) on the assessment of content that is either adverse to, or poses a risk of harming children’s physical, mental, moral and/or social development.

Excerpts from the National Ethical Rules on Advertising and Commercial Communication in the Republic of Bulgaria:

COMMERCIAL COMMUNICATION should not abuse the sense of pity for sick people, babies, children, adults and disadvantaged people.

7.1. Special care must be taken in commercial communication aimed at or featuring children and adolescents. Such communication should not undermine good socially accepted behaviour, universal human values, positive lifestyle and attitudes.

17.6. Children and adolescents should neither be depicted in dangerous situations nor in situations where they engage in activities that are harmful for themselves or for other people, nor should they be encouraged to engage in potentially dangerous activities or conduct. In particular, but not limited to the following:

17.6.1. The criterion of children's safety must be applied to all commercial communication showing children.

17.6.2. Children may be shown in dangerous situations only if the purpose of the communication message is to promote safety rules or safe conduct and to have a lesson to be learned by the audience.

17.6.3. Medicines, disinfectants, cleaning substances, acids/detergents and products that are dangerous for the health should not be shown in advertisements accessible to children without parental care and children should not be depicted using such products.

17.6.5. Children should not be shown without adult supervision on the road or in traffic unless it is shown that they are sufficiently mature to be responsible for their safety and to demonstrate responsible behaviour.

17.6.6. Children should not be shown playing in the street, in industrial sites, including high voltage areas, areas with dangerous explosives, chemicals, etc., unless in areas and sites clearly intended for child games or other safe areas.

17.6.7. Where children are depicted as participants in the road traffic (as pedestrians), communication must clearly show that children act in accordance with the traffic safety rules and principles.

17.7. Commercial communication should not suggest that the possession or use of the product being promoted will bring children and adolescents any physical, psychological or social advantages over their peers, or that the non-possession of such product would have the opposite effect.

17.13. In case of commercial communication regarding a product, which includes a possibility of such product being purchased or used by children (e.g. advertising communications on the internet offering a purchase by phone call) the advertisers must take special measures so that the children would have to obtain the consent of parents or caregivers before confirming the purchase or use of the product.

NON-COMMERCIAL COMMUNICATION

Non-commercial communication includes the involvement of children for communicating causes, internal communication activities and projects as well as information about the condition of children patients and/or children who have been injured in accidents.

- 1.** It shall be explicitly prohibited to disseminate in any channels and media, including the publication of, photographs depicting the condition of children who have been injured in accidents.
- 2.** It shall be explicitly prohibited to associate children with risky (dangerous) professions and/or place them in risk situations even if this aims to achieve a positive effect (strengthening the bonds between the workers and the company, encouragement of early career development, etc.).

3. Illustrating materials for internal communications with children must follow the guidelines on commercial communication.
4. Depiction of scenes with violence against children, reenacted by child-actors for the needs of a campaign aimed at raising the awareness of the general public or of separate groups about a specific problem - must undergo a thorough and detailed planning of the scenes, shooting and post-production, including the planning of “pre-premiere screenings” (testing) accompanied by discussion and analysis of the possible interpretations and damages that the video product might inflict on the audience or the children who participate in it.

This guidebook contains a non-exhaustive set of examples and guidelines.

CHECKUP QUESTIONS

- Have we ensured that we do not disseminate more data about the child than we are supposed to?
- Have we ensured that we do not disclose to the media the identity of the child where this is undesirable: children who are victims of crimes, children in conflict with the law and all other cases where we do not have an explicit confirmation from the adults responsible for the child?
- Have we made sure that we do not violate the presumption of innocence or other rights of the child?
- Have we considered how the child would feel if he/she sees the communication material featuring him/her that we make available to the media?
- Have we tried to imagine what the possible interpretations of the message we are sending to the media are and how that would affect the child? Have we done everything possible in order to be properly understood and avoid erroneous or malicious interpretations?
- When communicating fundraising campaigns, have we explored the causes of the problem and what can be done to find a systemic solution?
- Are we sure that we do not lower the dignity of the child whom we are involving to communicate a charitable cause?
- Every campaign aims to be effective but have we thought out well if we have abided by all ethical principles and we do not cause harm to our child-characters or to our target audience when we attempt to touch their feelings?
- Have we made sure that emphasising the disability of a child for the purposes of the specific campaign would not have a negative impact on such child’s self-esteem in the future?
- Have we ensured that we have taken care of the safety of the children that we feature in our materials, including by not showing them in situations that are potentially dangerous for their age?
- Do we have the understanding that every exposure to publicity, even on positive occasions, carries a potential risk for the children? Sudden “fame” could have a negative impact on children’s lives.

- ⚡ If we hesitate over whether a communication plan featuring child characters meets all of the aforesaid recommendations on child-friendly display of children, is there anyone we can ask for advice?
- ⚡ Have we asked for permission and have we explained in detail the project to the family of the child we want to photo/video-shoot?

GOOD AND BAD EXAMPLES

✓ GOOD EXAMPLES

UNICEF campaigns aiming to promote children's rights via corporate partners' channels and work practices.

Examples:

"Post Bank received the award "Best Donor Programme" for its strategic partnership with UNICEF Bulgaria" (Recognition by the President of Bulgaria)

"A toy designed by a child from Bulgaria supports the right of every child all over the world to play and develop"

(partnership between UNICEF and IKEA)

In 2011, 2012 and 2013 supported by Happy Bar & Grill three consecutive seasons of the show "That's life" were broadcast on bTV.

The documentary series is part of UNICEF's "Every Child Wants a Family" campaign and the foster care development project in 9 regions across the country, aiming at changing public attitudes towards foster care and early childhood development. It tells the audience the stories of several families with different social and material status who are at the same time united on one topic - positive parenting.

✗ BAD EXAMPLES

1. Disclosing the identity of a child who has been a victim of a crime by public relations specialists of the Ministry of Interior or the Prosecutor's Office. The public relations specialist must brief other employees who could release information to the media about the statutory requirements as well as the moral aspect.

2. Using children in election and political campaigns is never a good practice from the child's point of view. Although politicians might think it is a good idea, the results are disputable for them, too: e.g. some of the most notorious political figures also made use of children and instead of attracting voters, this might alienate them.
3. Corporate social responsibility campaigns at residential institutions for children. Charity on Christmas? Pleasing children in a public institution – giving them presents, taking pictures with them and uploading the pictures on social networks. It might look like a good idea and the intentions might be entirely positive, but it is worth giving it a second thought. Don't we create vain expectations of intimacy, care and belonging in children if we visit them just once a year? How would the children feel after we leave, won't they expect us to show up again? Don't we violate the rules by publishing their pictures on social networks? Do we have the necessary consent? What does the child think? And what would he/she think years later when he/she comes across that photo of him/herself?
4. Advertisements of unhealthy foods featuring children.
5. Advertisements of gambling where participants look like children (coming of age adolescents) and where part of the target group is children: e.g. the commercial "We are merely smelling the chocolate" which was recently taken off air due to violation of law and of ethical standards.

[Official position of the National Network for Children against the advertisement \(in Bulgarian\)](#)

[Decision of the National Council for Self-Regulation \(in Bulgarian\)](#)



GOOD PRACTICE

DO YOU KNOW THAT...



The National Council of Self-Regulation offers the service "Copy advice for advertising proposals"?

The Copy Advice might help advertisers, advertising agencies or media advance their ethical engagement and portrayal of children and avoid complaints from consumers and competitors and sanctions on the part of the Ethical Commission of the National Council of Self-Regulation and on behalf of other parties, which might be both expensive and damaging to the company's reputation.

Copy Advice may be sought at any phase of the creative process: idea, design, ready copy, but the sooner the better because the potential problem would be thus pointed out before spending time and resources in the wrong direction.

Looking for advice at an early stage of preparation of the advertising campaign provides advertisers and agencies with greater certainty that the commercial communication will meet the highest ethical standards in the practice. At the same time, Copy Advice provides greater confidence that the advertising campaign will not be stopped due to a violation of the ethical rules and that the damages to the company's public reputation will be avoided. In a broader context, Copy Advice ensures protection of advertising itself as a type of activity.

It is highly recommended by the authors of the current guidebook that such Copy Advice should be sought whenever the advertising proposal features children or targets an audience of children.



USEFUL RESOURCES:

[National Council for Self-Regulation - how to file a complaint against unethical advertisements](#)

[Protecting children's life in corporate partner image use](#)

[UNICEF and Corporate Social Responsibility](#)

(Here you can find more information on: Children's rights and business; Children's rights and business principles; Tools; Child Labor portal)

[How to cover news related to commercial brands – the right to information and hidden commercial messages](#) (Analysis by the Association of European Journalists – in Bulgarian)

