

Safeguarding the Privacy of Children in the Media

A Policy for Children Living in Children's Care Homes

Social Services Division

Ministry of Family Affairs

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1.0 INTRODUCTION

Child protection is at the heart of safeguarding children. Children in Seychelles are afforded special rights and protection under the Constitution of the Republic of Seychelles, United Nations Convention for the Rights of the Child and the Children Act 1982. By virtue of these instruments protection of children expands to a wide range of issues including the preservation of their rights to privacy and dignity in relation to the mass media.

The media has the responsibility to ensure that reporting on children is consistently professional, ethical and rights based. The taking of photographs and other images of children and young people without consent has raised significant concerns in recent times. At the core of this concern is the sensitivity that surrounds children placed in children's care homes under the responsibility of Social Services.

It is common for acts of goodwill towards the children's care homes to be portrayed in the media and this is done often without the consent of Social Services and without due consideration for the wellbeing of the children. On another level the use of mobile phones, cameras and mobile phone video cameras appear to have heightened these concerns due to their small size and availability. The use of unauthorised taking of images and the popular use of social media for different purposes is also a major cause for concern. However, this concern extends beyond any one type of technology. There is a need to safeguard the wellbeing and privacy of children from people with no legitimate purpose of taking, using, making, misappropriating or manipulating inappropriately the images of children and ensuring that children's right to privacy, confidentiality, participation and dignity are respected.

1.1 IMPORTANT DEFINITIONS

Child protection is the process of **protecting** individual **children** identified as either suffering, or likely to suffer, significant harm as a result of abuse. It involves measures and structures designed to prevent and respond to abuse.

Media: the main means of mass communication (especially television, radio, newspapers, mobile telephones and the Internet) regarded collectively.

Media production: The art and service of creating content and delivering a product through the use of any of the means of mass communication. This can include but is not limited to the production of radio and television programmes, commercials and news broadcast.

Children's Care Homes: out of home settings for children needing alternative care and protection. Children in these settings are often placed under the care of the Director Social Services by order of the Family Tribunal by virtue of the Children Act. They include President's

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Village, the Roman Catholic children's homes: Foyer de la Providence, Foyer de Nazareth, Foyer de la Solitude and any other institutions that are designated as children's home.

Child: a person under 18 years of age.

2.0 THE SOCIAL SERVICES DIVISION

The Social Services Division is mandated by law to safeguard the interest of children by protecting them from harm. There are many aspects of safeguarding the welfare of children and young people but includes keeping their personal details and environment safe. For this reason, the interests and safety of children and young people must take priority over any editorial requirements or any other agenda be it personal or public. This applies to the production of any audio, video or written material/content for public viewing via any form of any broadcast medium including the internet.

3.0 CHILD PROTECTION PRINCIPLES

The Social Services Division is guided in its work to protect children by the Constitution of the Republic of Seychelles, the Children Act 1982 and a number of local and international instruments most important of which is the Convention on the Rights of the Child. These instruments outline key principles on which this policy document is based.

- **The best interests of the child**

The child's best interests are of paramount importance in every matter concerning a child. This includes being mindful of the consequences of publication of any images concerning children and minimizing harm to them.

- **The right to privacy**

Article 16 of the Convention on the Right of the child states:

No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honor and reputation. The child has the right to the protection of the law against such interference or attacks.

- **Highest ethical standards**

In reporting on children, journalist and producers must maintain the highest standards of ethical conduct, excellence and sensitivity. To achieve this standard, on top of the approval required from the Director Social Services, the child should be consulted and his/her consent obtained (depending on age and maturity). The production itself should always be carried out in the presence of an authorised person.

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- **Confidentiality**

A child's images and identity must remain confidential, unless it is demonstrably in the best interest of the child and unless the Director Social Services and the child (depending on age and maturity) consents.

Great care needs to be exercised in preventing the indirect identification of a child through the naming or photography of a child's school, home, and place of care. This will depend on what activity the children's care home is hosting e.g. sponsors providing treats in the form of trips, parties donations etc. In cases for example where a child excels in sport the coverage should be about the achievement of the child or the experience of the child in that activity but should not include information which could expose the background of the child which could have the possibility of placing the child in undue risk.

4.0 PURPOSE OF THE POLICY

This policy targets journalist, producers, other media professionals, organisation working with children in children's care homes and all individuals to ensure that the privacy of children in children's care homes is safeguarded from unwanted exposure in the media. It serves to ensure that their images are not misused and that their personal information such as identity and location are not made publicly available without the consent of the Director Social Services and where possible, the child's knowledge and informed consent.

5.0 POLICY STATEMENTS

1. The approval of the children's care home manager is required for the production of any audio, video or written material/content for public viewing via any form of any broadcast medium including the internet within a children's care home or which has the participation of children from the children's care home.
2. The best interest of the child shall be of paramount consideration in all media production involving children from children's care homes with particular attention to children's rights to privacy and dignity.
3. All organisations working with children from children's care homes need to have in place a policy to prevent the use or misuse of images and information of these children whilst in their care.
4. The views of the child shall be sought regarding his/her participation in any media production or other private publication.
5. As much as possible, the child's image and identity shall remain confidential in media productions.
6. All acts of goodwill to the children's care homes which are to be portrayed in the media should portray the managers or workers of the children's care home and never portray

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the children unless in special circumstances where the Director Social Services has consented.

7. Images of children involved in legal proceedings should not be portrayed in the media at all.
8. Children from children's care homes shall not be used for advertisements without consent.
9. Children who are to feature in any media productions need to be decently and appropriately dressed.
10. Images of any child with a disability should be represented with respect and dignity.
11. All persons or organisations failing to abide by the policy statements and the guidelines provided herewith shall not be permitted to have any future access to the children's care homes or to the children accommodated there for the purpose of any media production or publication.
12. Refusal of consent should not in any way limit children or young people's participation in activities.

6.0 GUIDELINES FOR SAFEGUARDING THE IMAGES OF CHILDREN IN CHILDREN'S CARE HOMES

1. Make a formal request to the Children's Care Home Manager prior to the production of any media materials/content.
2. A formal request must be accompanied with the following information
 - (a) identity of requesting person / organisation
 - (b) purpose of request
 - (c) location of proposed production
 - (d) date and time of proposed production
3. The Children's Care Home Manager will scrutinise the request to see whether it will be in the best interest of the child/ children.
4. The Children's Care Home Manager upon the request of the person, should consult the Director Social Services on the request made and where there is a need, seek further clarification from the person making the request.
5. A request may be approved with or without conditions.
6. When a request is approved the following must be adhered to:
 - (a) It is the responsibility of the requesting person to inform the children's care home management in advance if and when the production will take place and of any changes.
 - (b) The journalist or producer should ensure that they follow their professional code of ethics.

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- (c) All media productions should only be used for the purposes agreed.
- (d) Images should only be used in the intended context.
- (e) Children should not be identified individually with the exception of when they are being publicly acknowledged (e.g. for a performance, or achievement for which consent has been given).
- (f) In instances whereby some level of identification is required in promotion of the child or an accomplishment of the child, the child should be identified by name and age but not the Children's Care Home he/she belongs to unless permission has been given to do otherwise.
- (g) Audio, video and any other forms of images should be safely archived and such materials/ content should not be sold, re broadcasted, re published unless approval is given by the Director Social Services.
- (h) Images should only be passed to third parties for their use where this has been agreed as part of the consent.
- (i) Where images are kept for future use, relevant names, dates and other contextual information should be stored with them as well as signed consent for when it will be used.
- (j) Use should only be made of equipment authorised by the organisation to take images of children or young people.
- (k) The use of surveillance devices or mobiles phones to discretely and with malice record events and capture the images of children in children's care homes is strictly prohibited.
- (l) Requesting persons or organisations should identify themselves through company badges or identity cards or as otherwise appropriate when entering the premises of the children's care homes and before starting any production.
- (m) If consent is withdrawn by the child at any point, the child's decision should be respected.

7.0 CONCLUSION

This policy is guided by the concern that child protection is heavily influenced by contemporary contexts. It addresses the need to have precise protocols to protect the human rights of children especially protected children and children in care. It is expected that it will positively influence the way media professionals perform their duties; create a framework to guide them to carry out their work with due consideration for the best interest of the children. It is recognized that it addresses only part of the concerns regarding the portrayal of children in the media and encourages individuals and companies that use or intend to publish information on or images of children from anywhere to seek advice from Social Services Division when in doubt.