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THE RIGHT TO PRIVACY OF THE CHILD AND MEDIA IN THE REPUBLIC OF SERBIA

In the context of the protection of children labour abuse and exploitation

Abstract: *In this paper the author based on analysis of the media institutional and normative framework in the Republic of Serbia relevant for the protection of children from child labour abuse and exploitation in the context of the right to privacy of the child, having in mind the quantitative and qualitative analysis of media reports: "Media reporting on child labour in the Republic of Serbia". The interest of the child to be protected, including the right to privacy, is above all other interests and takes precedence over the public interest to receive information that includes personally identifiable information about a child and his/her family, which could damage his/her dignity and psychological integrity. In order to recognise the phenomenon, as well as to improve practices in reporting about it, it is necessary to educate editors and journalists in such a way as to fully respect the parameters of professional journalism and not threaten the dignity and integrity of the child*

Keywords: *child, right to privacy, media, research*

Introduction

Protection of children from child labour should be done within a unified system of protection from abuse, neglect and exploitation of children in the Republic of Serbia (Stevanović, I., Vujović, R., 2011: 164-173). Abuses by the media are also prohibited in the framework and according to the rules contained in media legislation and codes of ethics. It is the duty of the media to inform the general public fully, accurately and in a timely manner. However, the interest of the child to be protected, including the right to privacy, is above all other interests and takes precedence over the public interest to receive information that includes personally identifiable information about a child and his/her family, which could damage his/her dignity and psychological integrity (Vujić,

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N., 2017: 379-391). This is especially pressing because the documents pertaining to this matter are not mutually harmonised, which further complicates their implementation in practice. For instance, the Code of Journalists of Serbia defines the professional and ethical standards of journalists. In accordance with the code, the media are bound to put the public interest for full, timely and truthful information above all other interests. However, the Law on Public Information and Media determines that the interest of a minor that his/her privacy be protected outweighs the public interest to have the information.

In this paper the focus is also to presenting some relevant data of the study: "Media reporting on child labour in the Republic of Serbia."¹⁹⁹ Selection of the reports was made on the basis of the available articles and texts archived by the Kliping agency. In the analysed period, the mentioned agency's archive contained 703,438 articles from the print media, 223,408 from Internet portals and 146,996 television reports. The main intention of this study is to determine how and to what extent the Serbian media report on child labour abuse, taking into account the importance of the role of media in shaping public opinion on children and the occurrence of child labour, as well as the impact of such public opinion on attitudes, decisions and procedures undertaken with regard to children.

Definition of Child Work and Child Labour Abuse and Exploitation

Child work may present an abuse and exploitation of a child, but not always and in all situations. Age, state of health of the child, the type of work, the circumstances under which it takes place, and difficulties in or disruption of education will determine whether it is permissible/useful child work or a case of child labour.

There is a distinction between *child labour* and *child work*, where *child labour* means work that is harmful to the health, mental and physical development of the child – unsuitable to the interest, age and developmental needs of the child – whereas *child work* is used for the so-called permissible work of a child in the right conditions. The Serbian language does not make a terminological distinction between the terms child work and child labour in this way. For this reason, at the very beginning of the study it

¹⁹⁹The study which was conducted by searching inside the period from 1 October 2015 to 30 September 2016. Funding for this study was provided by the United States Department of Labour (Country Level Engagement and Assistance to Reduce Child Labour [CLEAR] Project) and International Labour Organization (ILO).

is necessary to clarify why the precise expression is important when it comes to this phenomenon.

When a child helps his/her parents with housework, takes part in the family business or earns pocket money in his/her spare time or during the holidays, and at the same time all these tasks are appropriate to his/her age and mental-physical abilities, provision of safety equipment, and the nature of the task, then we cannot talk about this as an instance of child labour. On the contrary, the timely and occasional involvement of children in the performance of certain tasks can contribute to their development, teach them skills and give them experience important for the future (Vorkapic, 2002: str. 3). Also, this kind of work affects the adoption of positive values including knowledge of the relations between effort and realised benefits.

When the engagement of children (*child work*) takes place in accordance with the best interests of the child and within the law, it is not considered to be a case of child labour. In almost all countries in the world, it is considered that a child may be employed at 14, 15 or 16 years of age. This age usually coincides with the completion of primary education or some form of professional training of the child, which is also recommended by international law. In countries where there is appropriate consideration of the rights of the child, for ages 15–18 there are even special employment restrictions or prohibitions stipulated in relation to night work, work with hazardous chemicals, etc. However, problems arise where children at a very early age work under extremely difficult conditions, with minimal or no compensation, because this is when child labour occurs.

The term child labour refers to work that, by its nature and the circumstances in which it is carried out, harms the well-being of the child, abuses and exploits children and prevents or hinders their education, development and future life. This work can be paid or unpaid, may take place on the market or outside it, and can be in the form of regular or occasional jobs. Child labour corresponds to work that is mentally, physically, socially and morally dangerous and harmful to the child and that affects the child's education by:

- hindering the child from attending school,
- forcing the child to drop out of school prematurely, or
- obliging the child to attend school under extremely difficult conditions.

The International Labour Organisation (ILO) uses the term “child labour”, but also the terms “working children” and “economically active children”. When the ILO uses the term “child labour”, it refers to the abuse of child work. This work can be paid or unpaid, may take place in the market or outside it, and can be in the form of regular or occasional jobs.

According to the ILO Convention on the Worst Forms of Child Labour No. 182 (1999),²⁰⁰ the term “the worst forms of child labour” comprises:

- a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

It is important to note that this international document applies to all persons under the age of 18. Of special note is paragraph (d), indicating that hazardous child labour is work in dangerous and harmful conditions that may result in a child’s death or injury, or illness (often permanent) as a consequence of poor safety and health standards and business arrangements.

An ILO Member State has an obligation to determine what form of work that is, according to its national laws or regulations or by its competent authority, after consultation with the organisations of interested employers and workers, taking into account relevant international standards, in particular ILO Recommendation No. 190 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour. After consultation with the organisations of interested employers and workers, the competent authority identifies the existence of such types of jobs. The

²⁰⁰http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO

list of defined jobs is periodically examined and revised as necessary, in consultation with organisations of interested employers and workers.

The aforementioned ILO Recommendation No. 190 concerning the prohibition and immediate action for the elimination of the worst forms of child labour provides that in determining the types of work referred to in Article 3 (d) of Convention No. 182, and in identifying cases of their existence, it is necessary, inter alia, to consider: (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or work which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment in which children can be, for example, exposed to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

“For the forms of work referred to in Article 3 (d) of the Convention No. 182 and specified circumstances to be taken into account when determining the worst forms of labour – national laws or regulations or the competent national authorities could, after consultation with the interested organisations of workers and employers, give permission for employment or work from the age of 16 on condition that the health, safety and morals of the children concerned [be] fully protected and that the children [acquire] the corresponding actual experience or [complete] vocational training in the relevant branch of activity” (Jovanovic, 2016: 41).

The normative framework in Serbia does not recognise a uniform definition of child labour (Stevanović, 2017: 213). The worst forms of child labour are incriminated by specific offences contained in the Criminal Code, such as: neglect and abuse of minors, solicitation of prostitution, display of pornographic material and exploitation of minors for pornography, exploitation of computer networks or other means of communication to commit offences against the sexual freedom of a juvenile, trafficking in human beings, etc. The latest amendments to criminal legislation for the first time contain a clear definition of the concept of abuse of children in pornography (child pornography). In addition to the determination that a child who has attained 15 years of age may be given employment only with the consent of parents, adoptive parents or a guardian – and only if such work does not endanger his/her health and moral and educational development, or if such work is not prohibited by law – the Labour Law stipulates that

such an employee cannot perform particularly jobs. Under particularly difficult jobs the Labour Law includes those that would, based on the findings of the competent health authority, have increased and detrimental risk of affecting a child's health and life, taking into account his/her mental and physical abilities.

The role of the media, the right to privacy of the child and child labour abuse

The primary role of the media is placing media content through video, photos, audio and text that transmit the editorial design of information, ideas and opinions, as well as other content intended for public dissemination to an unspecified number of users. This information should be placed in such a way that applies the rules of the journalistic profession with full respect for the rights of citizens to be informed accurately, fully and in a timely manner about matters of public concern. The development of new media has largely changed the traditional unidirectional placement of information. The traditional media (TV, radio and print) have experienced radical changes: they have introduced online editions, and also developed a two-way communication with their audience through social networks. On the other hand, citizens have not only become an active factor of public communication, but social networks have also made it possible for every individual to become a “medium” (expressing personal views on social networks, blogging, creating photo and video content and publishing on Instagram, YouTube, etc). Communication has become much faster, but its control has been significantly disabled.

Bearing in mind the interest of the child, the key question regarding the role of the media is their impact on public opinion, namely, those who make decisions about children – parents, adults who directly deal with children, decision-makers and institutions. The formulation and realisation of the state policy towards children is usually carried out in consultation with experts. However, priority setting and the way children and even the phenomenon of child labour are put on a state's social and political agenda depend on public opinion, which is largely formed under the influence of the media. Therefore, the importance of the role of the media in forming public opinion and their influence on setting social priorities, including on the issue of child labour, is extremely large. “In relation to that, Dale Kunkel and Stacy Smith emphasise: ‘The way one state conceptualises childhood, how it perceives or stereotypes the behaviour of young people, how it treats its children – in terms of laws that should protect them and the policies that should favour them – depend on how children are seen by its citizens. All this is certainly influenced by the knowledge that people have

about children, and one of the main sources of such information is the media.’ (Korać & Vranjećević, 2001: 77-87)”.

Knowledge about children in general is the main prerequisite for prevention of any occurrence of child labour (Stevanović, I., 2017: 210). In addition to standard education programmes aimed at professionals and parents, the media are the ones who not only have the possibility but also a great responsibility to work on this very important task – not only within educational programmes and content, but also through systematic shaping of public opinion on children that is mostly carried out through programmes and content that reach the widest public. This applies primarily, but not exclusively, to informative, cultural and educational content. Thus, the education of journalists and editorial personnel (who make the selection of topics, as well as their placement) becomes even more important. In the first place, the basis of their training should be made of elementary knowledge about the development, needs and rights of children as well as the skills necessary for journalism related to, for instance, economy, sports and culture. Comprehensive knowledge is a necessity in order to provide an adequate journalistic approach to the coverage of anything child-related.

Overview of International and National Institutional and Normative framework for the Media Relevant to Protection of Children from Child Labour Abuse

The international framework relevant to the issues of preventing and protecting children from abuse and exploitation of child labour is encouraging, which enables states, the EU and international institutions and organizations to deal seriously with this issue by creating directions for future national measures.

In the Republic of Serbia ratified international treaties are implemented directly, and by their legal force laws on ratified international agreements are positioned immediately after the Constitution. However, the direct implementation of international treaties is in practice challenged due to both objective and subjective limitations. Therefore, in order to realise child rights, it is essential to ensure the implementation of ratified international treaties, as well as to comply legal texts with the ratified treaties.

The national normative and strategic framework of the Republic of Serbia is largely in line with international standards, but there is room for improvement and further harmonization. Hence, it is necessary to work on the creation, promotion and

implementation of the normative framework that will ensure a comprehensive institutional and systemic prevention of, and protection of children from child labour, especially the worst forms of child labour.

Selected International Instruments

The largest number of international documents regulating issues related to child labour was adopted within the ILO, founded in 1919, owing to which states have accepted a large number of conventions and recommendations governing the right to work. Analysis of the ILO conventions that are significant for the domain of child rights show that attention is primarily focused on the protection of children from exploitation in work.

*International Labour Organisation Convention No. 5 Fixing the Minimum Age for Admission of Children to Industrial Employment*²⁰¹ and *International Labour Organisation Convention No. 138 concerning Minimum Age for Admission to Employment*²⁰²

Throughout its existence, the ILO has at all times sought to establish a minimum age for admission to employment, as well as basic criteria for defining and regulating child labour. The first international agreement of this kind was enacted in 1919 with Convention No. 5 Fixing the Minimum Age for Admission of Children to Industrial Employment. This convention prohibits labour for children under the age of 14 in industrial plants. Conventions whose adoption follows this one represent an attempt to ban child labour, namely, the establishment of clear lines distinguishing acceptable and unacceptable forms of child labour. Convention No. 138 concerning Minimum Age for Admission to Employment (1973) is to date the highest standard in this area. This convention covers all areas of labour, paid or unpaid, and has very ambitious goals related to child labour in certain industries. While Convention No. 138 does not establish a minimum age for employment, it defines a policy that is aimed at the eradication of child labour and raising the age limit for admission to employment.

²⁰¹http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312150:NO

²⁰²http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312283:NO

*International Labour Organisation Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*²⁰³

In June 1996, at the regular meeting of the ILO, the governments of the organisation's Member States agreed to start the process of adopting a new convention that would particularly pertain to child labour. The suggestion was that the new convention put the focus on those types of child labour that can no longer be tolerated, in order to prohibit forms of child labour that are the most harmful and dangerous, and that involve the highest level of exploitation. In June 1999, the aforementioned Convention No. 182 was adopted (together with Recommendation No. 190)²⁰⁴ relating to the prohibition and immediate action in order to eliminate the worst forms of child labour. This international document applies to all persons under the age of 18 and obliges States Parties to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour. In addition to the definition of the worst forms of child labour, this document stipulates that countries prohibit any work of children that, by its nature and the circumstances under which it is performed, is likely to harm their health, safety and morals.

In addition to the conventions adopted under the auspices of the ILO, there are other international documents that regulate issues related to child labour. For the purposes of this study we highlight the most authoritative international document in the field of child rights, which guarantees, among other things, the protection of children from exploitation and child labour.

UN Convention on the Rights of the Child

By ratifying the Convention on the Rights of the Child (CRC), the States Parties have, inter alia, committed to the protection of every child from exploitation and from performing any work that is likely to be harmful to the life and health of the child, and that endangers and/or violates their physical, emotional and sexual integrity. By ratifying the CRC, our country has made a commitment to undertake measures to prevent child labour exploitation. The CRC obliges States Parties, in accordance with

²⁰³http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO

²⁰⁴http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312528:NO

the applicable international regulations in the field of labour, to determine the minimum age for employment, regulate working hours and working conditions, and provide for appropriate sanctions for non-compliance with these provisions. A specific article of the CRC prohibits the exploitation of child labour in terms of the obligation of the state to “recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development” (Article 32 of the CRC). In order to achieve this right, States Parties are required to take all legal, administrative, social and educational measures, and in particular to:

- provide for a minimum age or minimum ages for admission to employment;
- provide for appropriate regulation of the hours and conditions of employment; as well as
- provide for appropriate penalties or other sanctions to ensure the effective implementation of the right of the child to be protected from economic exploitation.

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography requires States Parties to, inter alia, undertake measures to ensure appropriate training, particularly legal and psychological, for the persons who work with victims of illegal activities prohibited under this protocol, and adopt measures to protect the safety and integrity of persons and/or organisations involved in the prevention and/or protection and rehabilitation of victims of such offenses.

On 19 December 2011, the UN General Assembly adopted the Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure. A communications procedure allows an individual, group of individuals or their representatives, who claim to be victims of a violation of rights committed by the State Party to the CRC to submit a complaint to the Committee on the Rights of the Child, under the condition that the State Party has accepted the procedure, and that the complainants have exhausted all viable domestic legal remedies (Stevanović, I. 2014: 13-29).

Relevant Legislative Framework for the Operation of Media

The media and their work is defined by a series of relevant laws, but codes of ethics and practice, as well as adopted documents of the REM, have a very important role in the regulation of labour. This normative framework is important for the media and their role in informing the public and shaping public opinion in order to protect children from child labour.

Law on Public Information and Media

This law regulates the manner of exercising the freedom of public information, which specifically includes the freedom to collect, publish and receive information; freedom to form and express ideas and opinions; freedom to print and distribute newspapers and freedom of production, delivery and publishing of audio and audio-visual media services; freedom of expansion of information and ideas over the Internet and other platforms; as well as freedom of publication of media and performing activities of public informing. This law also regulates the principles of public informing and public interest in public information. In addition, the law regulates the special rights and obligations of public informing, information about a person, the means and methods of legal protection, supervision over implementation of the law, as well as penal provisions. Thus, the Law on Public Information and Media foresees mandatory consent for publication relating to private life and writings, without special provisions for minors, which is an omission.

The law stipulates that a minor cannot be made recognisable in information that may violate their rights or interests. Disclosure of information from private life is conditioned by the consent of the person. In the case of minors it is the parents' consent, but also the consent of minors of a certain age. This age limit is not defined by law, so it can be understood as the age of 16 since a child of 16 years of age can consent to the publication of information about their deceased parents, and consequently for themselves, unless the publication would be contrary to the best interests of the child.

As an exception, when the information about private life may be published without the consent of the person, the Law envisages a situation where the public interest for the publication outweighs the interest of a person the information is about. This is the standard that we have to consider in the context of rules from other relevant laws in

order to understand its range. First, we return to the Code of Criminal Procedure,²⁰⁵ which as a rule provides that main hearings be public (the interest of the public to have the information outweighs the respect of the right to privacy of the person in the process). However, this rule does not apply when the proceeding includes a minor as an injured party or the offender because the law provides for the possibility of excluding the public in order to protect minors.

The Law on Civil Procedure²⁰⁶ bases this procedure on the principle of the public. The public may be excluded only when it is required by law. One of the reasons given for this option is to protect the privacy and interests of minors. Furthermore, the Family Law²⁰⁷ completely excludes the public in disputes relating to family legal relations, which include the procedure for the protection of child rights. So, the laws in general stipulate that *the interest of the minor that his/her privacy be protected outweighs the public interest in having the information.*

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

The conclusion that can be drawn unambiguously is that the limits of the public's right to be informed are bounded by law and the interests of minors that information about them not reach the public. The legal system gives *absolute priority* to the rights and interests of minors, thus in the legal system of the Republic of Serbia the right of minors to protection of privacy is a stronger right than the public's right to be informed.

*Law on Electronic Media*²⁰⁸

This law regulates the conditions and manner of audio and audiovisual media services, conditions and procedures for issuing licenses for the provision of audio and audiovisual media services, and other issues relevant to the field of electronic media. This law defines the organisation and operation of the REM, in charge of, inter alia, determining the detailed rules for the protection of minors (Art. 22, paragraph 1, item 15).

²⁰⁵ Code of Criminal Procedure, *Official Gazette of the Republic of Serbia* No. 71/2011, 55/2014

²⁰⁶ Law on Civil Procedure, *Official Gazette of the Republic of Serbia* No. 72/2011, 55/2014

²⁰⁷ Family Law, *Official Gazette of the Republic of Serbia*, No. 18/2005, 72/2011, and other law 6/2015

²⁰⁸ <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2014/2512-14Lat.pdf>

*Rules on the protection of the rights of minors in the field of provision of media services*²⁰⁹

This regulation was adopted by the REM and principally governs the protection of minors from information that may be harmful to them. The rules also govern issues “in connection with the participation of minors in the programme and the publication of information that is directly or indirectly related to minors” (Art. 1). Article 3 of the rules obliges the media service provider to act in the best interests of minors in the participation of minors in the content and publication of information on the minor or his/her family. Article 20 of the rules defines children’s programmes (ages up to 12 years) and programmes aimed at minors (ages 12 to 18).

*Law on Public Media Services*²¹⁰

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

*Code of Journalists of Serbia*²¹¹

The code defines the ethical and professional standards of journalists. In accordance with the code, the media are bound to put the public interest for full, timely and truthful information above all other interests. However, the *Law on Public Information and Media determines that the interest of the minor that his/her privacy be protected*

²⁰⁹ <http://rem.rs/uploads/files/Pravilnici/6075-Pravilnik%20o%20zastiti%20maloletnika%20u%20oblasti%20pruzanja%20medijskih%20usluga%20za%20sajt.pdf>

²¹⁰ <http://www.parlament.gov.rs/upload/archive/files/cir/pdf/zakoni/2014/2513-14.pdf>

²¹¹ <http://www.savetzastampu.rs/cirilica/kodeks-novinara-srbije>

The Code is a joint document of the two journalists’ associations. The Code of Journalists of Serbia was adopted in 2006 by the Independent Association of Journalists of Serbia and the Association of Journalists of Serbia. In 2013 the journalist associations amended the code with provisions on the prevention of corruption and conflict of interest.

outweighs the public interest in having the information. Therefore, at this point it is important to underline this again.

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

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

The code lists examples from the practice of the Appeals Committee of the Press Council.

Shortly after a minor E.B. was killed in Becej, his parents had shared with a mass circulation daily newspaper a picture of the dead boy with a visible hematoma on his face. Their wish was to deny the thesis that their child died in an accident, but to prove that he died of being beaten. The photo was published on the front page, to which the Child Rights Centre appealed. The Appeals Committee decided that in this case multiple points of Article IV of the Code of Journalists of Serbia had been violated: in addition to publication of inappropriate content that can have a harmful impact on children, it is a question of why was there no protection of "the rights and dignity of children, victims of crime, persons with disabilities and other vulnerable groups". Most members of the committee considered that the publication of such photos could not be justified by the public interest or the desire of the editorial board to prove that the young man was murdered and that the authorities were not doing their job. In their view, there was no need for such a dramatic act, especially because the photo is not accompanied by any serious analysis of events.

This case well illustrates the provisions of the code concerning the attitude towards sources of information – in this case, to the family of the deceased young man. Article VI states that a journalist must not abuse the emotions of other people or their ignorance – in particular, he/she has to bear in mind that the sources are not always aware of the power of the media and the consequences that their statements (or actions) may have for them personally, as well as other people. “Intentional abuse is incompatible with the profession of journalism, as well as negligence that can potentially result in abuse of interviewees”, according to the Guidelines’ Article V.

*Guidelines for the implementation of the Code of Journalists of Serbia in the online environment*²¹²

Although the Code of Journalists of Serbia is equally applicable to all media, regardless of the way they are released, it was necessary to give a proper interpretation and guidance for the successful and correct application of professional standards in the online environment. This gave rise to the passing of these guidelines, which are primarily intended for journalists and media available online, but are also applicable to other forms of expression on the Internet, where the editorial media content is present on different platforms. The aim is to clarify a number of concerns relating to the implementation of standards that require journalistic attention, the attitude towards sources of information, the way the media content is transmitted, respect for privacy, respect of authorship and other important matters governed by the code. The document is divided into chapters that follow the structure of the Code of Journalists of Serbia. It applies to media and communication channels over which the Press Council in accordance with its statute has jurisdiction, and also to other entities dealing with journalism in the broadest sense, and which are willing to accept the jurisdiction of the Press Council.

*General Protocol on Protection of Children from Abuse and Neglect*²¹³

The general protocol was adopted in 2005 by the Government of the Republic of Serbia. This document should contribute to the establishment of an effective coordinated procedure for the protection of children from abuse and neglect, and which should

²¹² <http://www.savetzastampu.rs/smernice-za-primenu-kodeksa-novinara-srbije-u-onlajn-okruzenju.html>

²¹³ http://www.pravadeteta.com/attachments/653_286_OPSTI%20PROTOKOL.pdf

provide adequate intervention, recovery and conditions for further safe development of the child. Following the adoption of the general protocol, relevant ministries adopted specific protocols for social care institutions (2006), the police (2006, as amended in 2012), the educational system (2007), the healthcare system (2009) and the judiciary (2009).

Institutional framework

Steering Committee on the Rights of the Child

On 14 July 2016 the National Assembly of the Republic of Serbia established the Steering Committee on the Rights of the Child of the National Assembly of the Republic of Serbia as its special standing working body. The Steering Committee on the Rights of the Child considers draft laws from the aspect of protection of child rights; it monitors the implementation and enforcement of laws and regulations governing the status and protection of child rights; it verifies the harmonization of national legislation with international standards related to child rights; it cooperates with national and international institutions and bodies, and local authorities; it initiates amendments to the regulations and proposes the adoption of certain acts and measures to protect the rights of the child; it promotes the rights of the child; and it considers other issues of importance to child rights.

The Council for Child Rights of the Government of the Republic of Serbia

The Council for Child Rights of the Government of the Republic of Serbia, in its new configuration, was constituted on 20 December 2016. This advisory body has existed since 2002, but it has not been operational in its full mandate. It was formed with the aim of initiating measures for the harmonization of government policies in areas relating to children (health, education, culture, social affairs), initiating measures to build a comprehensive and coherent policy towards children, and proposing policy for the realisation of the rights of the child in accordance with the Convention on the Rights of Child, as well as monitoring the realisation and protection of child rights in the country.

The Ministry of Culture and Information of the Republic of Serbia

The Ministry of Culture and Information of the Republic of Serbia, as a state administration body, was established by the Law on Ministries,²¹⁴ and its scope of work was defined by Article 15 of this Law. The ministry, among other things, carries out public administration tasks related to: the system of public information; monitoring the implementation of laws in the field of public information; monitoring the work of public enterprises and institutions in the field of public information; monitoring the activities of foreign information institutions, the media, and correspondent bureaus in the Republic of Serbia; informing national minorities; registration of foreign information institutions and assisting in the work of foreign journalists and correspondents; cooperation in the field of cultural heritage protection, cultural creativity and information in the languages and alphabet of the Serbian people in the region; the establishment and development of cultural and information centres abroad; and other activities specified by law. One of the sectors within the ministry is the Department of Information. Tasks performed within this sector include: preparation and implementation of strategic acts in the field of public information; analysis of the situation and suggesting measures for improvements in the field of public information; preparation of draft laws and regulations in the field of public information; overseeing the implementation of the laws governing the field of public information; monitoring, proposing and implementing measures of the media and audiovisual policy; providing expert opinions on draft laws and regulations in whole or in part related to public information; preparing draft laws to be adopted by the government; dealing with complaints as an appellate body in resolving administrative matters; digitalization of electronic media; normative regulation of new media; monitoring, proposing and implementing measures to protect the public interest in the field of information; providing conditions for the realisation and promotion of the right to information of persons belonging to national minorities; providing conditions for the realisation and promotion of the right to information of specific categories of persons; and preparation of reports on the implementation of the conventions of the United Nations and the Council of Europe on the situation of human rights in the Republic of Serbia within the jurisdiction of the department.

²¹⁴ Official Gazette of the Republic of Serbia, No. 72/12 and 76/13.

The Regulatory Authority of Electronic Media

The Regulatory Authority of Electronic Media (REM) is an autonomous independent regulatory organisation with the status of a legal person exercising public authority aiming at: effective implementation of the established policy in the field of providing media services in the Republic of Serbia; improving the quality and diversity of electronic media services; and contribution to the preservation, protection and development of freedom of opinion and expression, in order to protect the public interest in the field of electronic media and the protection of users of electronic media, in accordance with the provisions of the Law on Electronic Media and in a manner befitting a democratic society. The REM is functionally and financially independent of state bodies and organisations, media service providers and operators. For carrying out activities within its jurisdiction the REM is responsible to the National Assembly, and for performing professional or administrative tasks professional REM services are formed, whose basic rules of organisation and operation are regulated by the statute of this organisation. The authorities of the REM are the Council and the President of the Council. It has nine members elected by the National Assembly of the Republic of Serbia from the ranks of distinguished experts from areas of importance to carry out the activities under the REM's responsibilities.

Self-regulatory bodies, professional and business organisations and associations

a) Press Council

In the Republic of Serbia, the only operating self-regulatory body is the Press Council. The Press Council is an independent self-regulatory body that brings together publishers, owners of print media and professional journalists. It was founded in early 2010 in accordance with the Law on Associations,²¹⁵ in order to monitor compliance with the Code of Journalists of Serbia in the media and solve complaints from individuals and institutions related to media content. The jurisdiction of the council also includes mediation between the harmed individuals or institutions, as well as the issuing of public warnings for violation of ethical standards established by the Code of Ethics of Journalists of Serbia. The council focuses on education for acting in compliance with the Code of Journalists and strengthening the role of the media in Serbia. Each individual, organisation or institution that is directly affected by the published content

²¹⁵ Official Gazette of the Republic of Serbia, No. 51/09.

can file a complaint to the council. The complaint may be filed on someone's behalf, but the written consent of that person must be provided. An appeal on behalf of a child may be filed by a legal representative of the child or a third party with the written consent of the legal representative. Complaints against television and radio programmes are not the responsibility of the council, but of the REM.

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

Such self-regulatory bodies do not exist in the field of electronic media.

b) Professional and business organisations and associations

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

Analysis of Media Content in Print, Broadcast and Online Media in Serbia - Related to Child Labour -

Media reporting on child labour in the Republic of Serbia - The analysis sample consisted of 111 reports from 27 print media outlets, 108 posts on 54 Internet portals and 17 broadcasts on nine television stations. The analysis was conducted by searching within the period from 1 October 2015 to 30 September 2016. Selection of the reports was made on the basis of the available articles and texts archived at the Kliping media monitoring agency in Belgrade. In the analysed period, the agency's archive contained 703,438 articles from the print media, 223,408 from Internet portals and 146,996

television reports. For the purpose of making a relevant sample, 120 keywords related to the phenomenon of child labour in the Republic of Serbia were searched.

- In the selected sample, a total of 236 posts were recorded about child labour. Of the total number of archived articles at the Kliping agency (1,073,842), 0.02% are devoted to child labour.
- By media type, the most media texts were recorded in the press (111), three fewer were recorded on Internet portals (108), and television broadcasts had the fewest contributions (17).
- The largest number of articles were published in the daily newspaper *Blic*. As for the frequency of publishing, articles published in daily editions prevailed (96), followed by weeklies (13), biweeklies (one) and monthly magazines (one). The Internet portal of the daily newspaper *Blic* published the largest number of articles (11), and the television station *Kopernikus* and the public service television *RTS* recorded four broadcasts each. Among television stations with national coverage, the largest number of reports were recorded on *RTS1* (four), followed by *TV Pink* (three), *B92* (one), *Happy* (one) and *Prva* (one). Out of 111 analysed articles about child labour in print media, 18 were published on the front page.
- One third of total releases have no identified authors (87), followed by the posts of the news agency Tanjug (17). In third place are texts with signed authors, where the newspaper *Blic* takes the lead.
- The number of media reports per individual media outlet shows that in the top ten there are seven daily newspapers or their portals. The exception is the site of the public service *RTS*, with seven published articles on child labour.
- In relation to child labour, in the analysed period more than 65% of media reports cover current events. e.g. arrests of persons who in some way abused minors; events organised by ministries, NGOs and international organisations on the occasion of Universal Children's Day or World Day Against Child Labour; the publication of a report of an independent control body, such as the Ombudsperson, etc.
- The largest number of titles are informative – 149 (63%), while 70 (30%) are sensationalistic and 17 (7%) are offensive.
- Media releases on child labour do not include a variety of information sources. Thus 48 media posts (18%) originate from the police, 11 posts (5%) cite a centre for social work as a source of information on child labour, and

50% of posts cite information from other institutions, organisations and individuals. A significant number of posts (63, or 27%) report information from other unnamed sources.

- The analysis showed that, most often, the gender of child labourers is not specified in the media, i.e. in 50% of the coverage. In second place are releases identifying children of the male gender (27%), while in 23% of the releases, girls are mentioned in the context of exploitation of child labour. Instead of specifying the child's gender, the media generally use the terms "minors" or "kids/little ones", or mention their initials, which hinders their gender identification.
- Regarding the visibility of family status, in 69% of the releases the media do not clearly specify the family status of the child labourer. In 31% of the posts the child's family status is visible. The largest number of releases in which the family status is visible shows that the child lives in the biological family (50% of releases); this is followed by children living on the street (19%); children living in an institution (10%); other (8%); child refugees, asylum seekers and migrants; children in the process of readmission (6%); and children without parents (5%) or in a foster family (2%).
- When reporting on child labour, 87% of media releases do not indicate the child's nationality/ethnicity. A total of 13% of the releases do indicate the nationality. Out of the total number of releases indicating the ethnicity of the child, 35 of them (85%) note that the child was Roma.
- Comparison of the age of minors whose work is abused in some form shows that in 63% of the releases the persons' age is unknown. Next come school children from 14 to 18 years of age (23%), school children from 7 to 14 (10%), and preschool children up to 7 years of age (4%).

Conclusions

When the media write about this phenomenon, the dominant tone of reporting is sensationalistic and with a desire to ignite compassion in the general public, rather than critically examine the phenomenon. This is corroborated by the finding that almost half of all published articles are accompanied by a photograph of the child (sometimes specific, but usually not). Likewise, the fact that 30% of the headlines of the total number of analysed releases are sensationalistic, and 7% abusive, points to this trend. Also, the analysis showed that almost half of all published articles are accompanied by a photograph of a child (sometimes specific, but usually not), which clearly indicates the

use of the character of the child as a means of attracting public attention. In order to recognise the phenomenon, as well as to improve practices in reporting about it, it is necessary to educate editors and journalists in such a way as to fully respect the parameters of professional journalism and not threaten the dignity and integrity of the child.

Based on the research results, we can conclude that the media do not sufficiently take into account the protection of the best interest, privacy, reputation and personal dignity of each child who is a victim of child labour abuse and exploitation. We can safely conclude that there would be a significant impact on public opinion if the media were more active in overcoming the populist manner of reporting and assumed a more significant educational function in the process of identifying and familiarising the public with the phenomenon of child labour abuse. In their manner of reporting the media should point to and contribute to launching issues of systematic prevention and improvement of protection. Because its importance, role and power are of paramount significance for the creation of public opinion, the media further .

In order to create future strategic documents relevant both for the realisation of child rights and protection from violence and those that define state policy in relation to the media (Petrović, M., Stevanović, I, Golić-Ružić, M., Anđelković, M., 2015: 57-71) as well as acts of self-regulation of the media, it is necessary to incorporate issues of importance for the protection of children from abuse and responsibilities of the media to report in such a way that takes into account the best interests of the child and the right (for instance, the above questions should be identified in the new National Plan of Action for Children, the Strategy for Preventing and Protecting Children from Violence, the Strategy for the Development of the Public Information System in the Republic of Serbia, the Code of Journalists of Serbia, etc.).

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Dr Ivana Stevanović*

PRAVO DETETA NA PRIVATNOST I MEDIJI U REPUBLICI SRBIJI

- U kontekstu zaštite dece od prinudnog rada i eksploatacije -

Apstrakt: *Autorka ovaj rad zasniva na analizi medija, institucionalnog i normativnog okvira u Republici Srbiji relevantnog za zaštitu dece od prinudnog dečjeg rada i eksploatacije u kontekstu prava deteta na privatnost, imajući na umu kvantitativnu i kvalitativnu analizu medijskih napisa pod nazivom 'Medijsko izveštavanje o dečjem radu u Republici Srbiji'. Interes deteta da bude zaštićeno, uključujući i pravo na privatnost, je iznad svih drugih interesa i pretpostavljen je javnom interesu za informisanjem koji obuhvata lične informacije na osnovu kojih se dete i/ili njegova porodica može identifikovati, koje mogu narušiti njegovo dostojanstvo i psihološki integritet. U nastojanju da se ova pojava prepozna, kao i da bi se unapredila praksa izveštavanja o njoj, potrebno je edukovati urednike i novinare o tome kako da izveštavaju na takav način da u potpunosti poštuju načela novinarske profesije, bez ugrožavanja dostojanstva i integriteta deteta.*

Ključne reči: *dete, pravo na privatnost, mediji, istraživanje*

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