

# ETHICALLY PORTRAYING CHILDREN IN THE MEDIA. A COMPARATIVE PERSPECTIVE OVER 22 EUROPEAN PRESS COUNCILS' CODES OF ETHICS

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**ABSTRACT.** The study analyses the journalistic codes of ethics proposed by the press councils' members of the Alliance of Independent Press Councils of Europe (AIPCE) that set the foundation for the media representation and treatment of minors in their respective countries. The current research conducted by performing a textual analysis of the above-mentioned documents casts a comparative perspective over the definition of the child and young adult, as provided by these codes of practice, as well as over two of the most common instances in which media portray children, namely as criminals/delinquents and as victims of criminal activity.

**Keywords:** child, minor, crime, victim, media ethics.

## 1. Who can be considered a child according to the ethical codes?

Twenty out of twenty-two investigated journalistic ethics codes include explicit provisions regarding the recommended treatment of minors. However, the majority of these ethical codes do not offer journalists a

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definition of who is considered “a child” under their provisions, leaving room for personal interpretations regarding the capacity to consent to contribute to the final media product, either by accepting to be interviewed or even just mentioned or portrayed in the media. Several problems therefore arise. On the one hand, as members of society, children have the right to be seen and their voices to be heard, reflecting their perception of reality and events. The sensitivity and vulnerability of particular ages and developmental stages, however, can be exploited by the media in a manner that could be potentially harmful both to the child and its future self. On the other hand, as “especially emotional” witnesses of events and vulnerable actors (either as victims or as offenders), children offer a unique perspective that belongs to the general representation of current developments in society.

By performing the textual analysis of the ethical codes proposed by the press councils members of the Alliance of Independent Press Councils of Europe (AIPCE), we find that only eight ethical codes, relevant for seven of the studied countries, refer to the age of the child as a criterion based on which the journalists should adjust their deontological approach. The ethical codes proposed by the press councils of Cyprus, North Macedonia, and the UK’s IPSO and Impress refer to the age of 16 as a limit for various types of conditional consent, media contributions, and media representations of the child.

Regarding the visual portrayal or interview of the minor, the above-mentioned codes strongly advise that children below the age of 16 should not be presented without the consent of a parent or responsible adult, as the Cypriot code for example does under a series of special provisions about media representation of children<sup>2</sup>:

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<sup>2</sup> The Code 1997 - 20 <http://cmec.com.cy/el/%CE%BF-%CE%BA%CF%8E%CE%B4%CE%B9%CE%BA%CE%B1%CF%82/editors-code/#item-1122> (cmec.com.cy) consulted 24<sup>th</sup> Nov 2021

“Journalists do not normally interview or photograph children under the age of 16 in relation to matters relating to their situation or well-being, without the consent of their parent or other adults responsible for them. The media and its officers are obliged to comply with the provisions of the United Nations International Convention on the Children.”

or UK’s IPSO, under clause 6 on children:

“Children under 16 must not be interviewed or photographed on issues involving their own or another child’s welfare unless a custodial parent or similarly responsible adult consents. Children under 16 must not be paid for material involving their welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.”<sup>3</sup>, as well as the North Macedonian does under the clause that stipulates that “The journalist must not interview or photograph children under 16 years of age without agreement from the parents or legal guardians, unless that is in accordance to the children rights.”<sup>4</sup>

A matter of clear consensus is the fact that children below the age of 16 who either witnessed or were themselves victims of sexual abuse should not be identified or portrayed by the media; the Cypriot code<sup>5</sup> for example stipulates that:

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<sup>3</sup> <https://www.ipso.co.uk/media/2032/ecop-2021-ipso-version-pdf.pdf> consulted 24<sup>th</sup> Nov 2021

<sup>4</sup> <https://www.semm.mk/en/documents/useful-resorces/kodeks/398-code-of-the-ethics-of-journalists-of-macedonia> consulted 24<sup>th</sup> of Nov 2021

<sup>5</sup>The Code 1997 – 20 <http://cmec.com.cy/el/%CE%BF-%CE%BA%CF%8E%CE%B4%CE%B9%CE%BA%CE%B1%CF%82/editors-code/#item-1122> (cmec.com.cy) consulted 24<sup>th</sup> Nov 2021

“In particular, in the case of children, the following apply:

- (a) The identity of children under the age of 16, who are complainants, witnesses or accused in cases of committing sexual offences, is never disclosed.
- (b) No direct or indirect reference is made to the kinship or other relationship of the accused and the child, and
- (c) The term "incest" shall not be used, and the charge shall be described as a serious offence against children or adults or by another appropriate similar description.”

and UK IPSO’s code clarifying in a similar manner, under Clause 7 Children in sex cases<sup>6</sup> that

- “The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences. In any press report of a case involving a sexual offence against a child-
- i) The child must not be identified.
  - ii) The adult may be identified.
  - iii) The word "incest" must not be used where a child victim might be identified.
  - iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.”

Similar provisions regarding children can be found when analyzing the ethical codes that use the age of 18 as a limit. The Press Code of Kosovo<sup>7</sup>, for example, stipulates that “1. Journalists will not interview or photograph children under the age of 18 on matters related to their family, themselves or

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<sup>6</sup><https://www.ipso.co.uk/media/2032/ecop-2021-ipso-version-pdf.pdf> consulted 24<sup>th</sup> Nov 2021

<sup>7</sup> <http://presscouncil-ks.org/about-us/document-list/?lang=en>, consulted 25<sup>th</sup> Nov2021

their loved ones, without the consent of the parent or the adult responsible for the child", completely aligned with the Press and Online Media Code of BiH that stipulates under article 11 that "Journalists shall not interview or photograph children under the age of 18, regarding matters involving the child's family, in the absence of or without the consent of a parent or guardian"<sup>8</sup>. The same code recommends that journalists shouldn't identify children under the age of 18 when they are victims of crimes, nor should they identify children under 18 who are involved in criminal cases as witnesses, victims, or defendants. The German Press Code<sup>9</sup> concurs, stipulating under guideline 8.3 on children and young people that "In particular with regard to reporting on crimes and accidents, as a rule the identification of children and young people is inadmissible before completion of their 18th year", and a similar recommendation can equally be found within Azerbaijan's ethical code that stipulates that "If the crime was committed by teenagers or children (persons below 18 years of age), journalists should refrain from disseminating the names or pictures of the criminals."<sup>10</sup>

However, IPSO's Editors' Code of Practice<sup>11</sup> advises under its clause 9 regarding reporting of crime the fact that "particular regard should be paid to the potentially vulnerable position of children under the age of 18 who witness, or are victims of, crime. This should not restrict the right to report legal proceedings". The same code of practice further develops that media professionals should "avoid naming children under the age of 18 after arrest

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<sup>8</sup> <https://english.vzs.ba/index.php/press-council-in-bih/press-and-online-media-code-of-bih> consulted 25thNov 2021

<sup>9</sup> <https://www.presserat.de/en.html?file=files/presserat/dokumente/download/Press%20Code.pdf> consulted 25thNov 2021

<sup>10</sup> Code of professional ethics for journalists of Azerbaijan (presscouncil.az), consulted 25thNov 2021

<sup>11</sup> <https://www.ipso.co.uk/media/2032/ecop-2021-ipso-version-pdf.pdf> consulted 24<sup>th</sup> Nov 2021

for a criminal offence but before they appear in a youth court unless they can show that the individual's name is already in the public domain, or that the individual (or, if they are under 16, a custodial parent or similarly responsible adult) has given their consent. This does not restrict the right to name juveniles who appear in a crown court, or whose anonymity is lifted." The nuanced approach is singular among the codes of practice, that generally concur that when reporting on investigations and criminal court proceedings against under-aged persons and on their appearance in court, journalists "should exercise especial restraint out of consideration for their future."<sup>12</sup>

The majority of the analyzed ethical codes however do not refer to any particular age or characteristic in order to identify who should be considered a child. A solution would be introducing to the ethical codes a correlation between the nationally relevant age of consent in situations in which the topic of the reporting pertains to sexual acts or offences, the relevant national age for criminal responsibility for media reports regarding criminal activity, and the nationally relevant age for limited or full contractual capacity when the subject of the media product might damage or impair personal development. All of the above-mentioned situations have determined persons with the legal capacity to express consent or dissent regarding media portrayal of the child and, presumably, are also equipped with the knowledge and experience to assess the potential harm caused by misrepresentation.

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<sup>12</sup> <https://www.presserat.de/en.html?file=files/presserat/dokumente/download/Press%20Code.pdf> *Guideline 13.3 Crimes committed by young persons* consulted 25th Nov 2021

## 2. The child as an offender

According to UNICEF<sup>13</sup> around 261.200 children are estimated to be in detention globally. Western Europe and Eastern Europe have similar rates of 41 to 40 percent respectively, with an approximate total of 18.100 detained children. The purposes of the punishment: deterrence, incapacitation, rehabilitation, retribution, and restitution cannot be however fully served by the period spent in detention. Rehabilitation of juvenile offenders remains one of the most important aspects that needs to be taken into account, especially when pondering upon the manner in which mass-media, that has the role to inform society and form opinions, presents a juvenile offender. Several ethical codes advise against identifying the accused or convicted child to facilitate reintegration.

Examples include Bosnia-Hertzegovina's Press and Online Media Code<sup>14</sup> which advises an identical treatment of minors in the media, regardless of whether they are witnesses, victims, or offenders, as well as the Code of Honor of the Austrian Press<sup>15</sup> advises journalists not to proliferate reports on misconducts or crimes committed by young people, with the aim of not making it more difficult or even prevent their possible reintegration into society. Therefore, in such cases, full attribution is not permitted. We

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<sup>13</sup> Estimating the number of children deprived of liberty in the administration of justice <https://data.unicef.org/resources/children-in-detention-report/> consulted on 29<sup>th</sup> of Nov 2021

<sup>14</sup> "Journalists must not, under any circumstances, identify children under the age of 18 who are involved in criminal cases as witnesses, victims or defendants", <https://english.vzs.ba/index.php/press-council-in-bih/press-and-online-media-code-of-bih> consulted on 24<sup>th</sup> of Nov 2021

<sup>15</sup> article 6.4 of the Code, [https://www.presserat.at/rte/upload/pdfs/grundsaeetze\\_fuer\\_die\\_publicistische\\_arbeit\\_ehrenkodex\\_fuer\\_die\\_oesterreichische\\_presse\\_idf\\_vom\\_07.03.2019.pdf](https://www.presserat.at/rte/upload/pdfs/grundsaeetze_fuer_die_publicistische_arbeit_ehrenkodex_fuer_die_oesterreichische_presse_idf_vom_07.03.2019.pdf) consulted on 24<sup>th</sup> of Nov 2021

must note here that public interest, as defined by the tenth article of the same code, doesn't represent an exception to the rule as formulated. Therefore, it is our opinion that a thoughtful balance must be struck between the desirability of facilitating reintegration in society at a later moment versus the public interest defined, in the sense of the Code of Honor for the Austrian Press, as being particularly present when it comes to solving serious crimes, protecting public safety or health, or preventing the public from being misled.

Similarly, the Code of professional ethics for journalists of Azerbaijan insists<sup>16</sup> on the fact that the correct deontological approach consists of the journalists respecting children's rights while demonstrating a special responsibility in communicating their views. Children should be interviewed with the consent of their parents or lawful guardians, bearing in mind that an ethical journalist doesn't take advantage of a child's innocence and trust. Journalists should protect the identity of children involved in or affected by tragedy or criminal activity. The Hungarian Code of Ethics<sup>17</sup> advises that the journalist should devote particular attention to the cases where the person concerned is not in a position to fully represent their interests efficiently, examples including children and young adults as well as residents of prisons or people with disabilities.

Reasoned concern for the future of the children involved in criminal activity and prosecuted can also be noticed when analyzing the provisions of the German Press Code<sup>18</sup> that prescribe under Guideline 13.3 Crimes committed by young persons that "when reporting on investigations and

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<sup>16</sup> <https://presscouncil.az/en/code-of-professional-ethics-for-journalists-in-azerbaijan> consulted on 21st of Nov 2021

<sup>17</sup> <http://korrektor.hu/etikai-kodex/> consulted 24<sup>th</sup> of Nov 2021

<sup>18</sup> <https://www.presserat.de/en.html?file=files/presserat/dokumente/download/Press%20Code.pdf> consulted 25<sup>th</sup> Nov 2021

criminal court proceedings against young persons and their appearance in court, the Press must exercise especial restraint out of consideration for their future.”.

Several codes of practice have separate sections dedicated to the media representation of children involved in judicial trials. In the Flemish Code of Practice, for example, under guideline 23 about the identification of minors in a juridical context, the public interest is the limit, and the only criterion based on which details might belong to the sphere of privacy might be shared with the audience<sup>19</sup>. Presumption of innocence must be upheld throughout the juridical context, and the outcome of the trials must be presented, especially if a previously recognizable accused has been released or exonerated. Flemish journalists are advised to constantly weigh the public interest in the reporting against the chances of reclassification and reintegration. The instances during which the journalist can justifiably choose to identify the child include the case of police or justice departments publishing identification efforts as part of a search effort or the cases when the reporting topic doesn't mention the case or the measures imposed by the juvenile court.

The British Editor's Code of Practice<sup>20</sup> as well advises, under its section dedicated to crime reporting, that editors should “avoid naming children under the age of 18 after arrest for a criminal offense but before they appear in a youth court unless they can show that the individual's name is already in the public domain, or that the individual (or, if they are under 16, a custodial parent or similarly responsible adult) has given their consent.

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<sup>19</sup> “The journalist must respect the right to privacy and must not probe further than public interest requires.” <https://www.rvdj.be/sites/default/files/pdf/code-of-practice.pdf> consulted on 25th of Nov 2021

<sup>20</sup> <https://www.ipso.co.uk/media/2032/ecop-2021-ipso-version-pdf.pdf> consulted 21st of Nov 2021

This does not restrict the right to name juveniles who appear in a crown court, or whose anonymity is lifted.”. Although the approach seems to be more permissive, allowing even for the identification of minors under specific circumstances, upon consulting the clauses about the public interest, we note the fact that “An exceptional public interest would need to be demonstrated to over-ride the normally paramount interests of children under 16.”, the threshold for revealing the identity and various details regarding the crime and the child offender being higher than the reading of the clause would initially imply.

Sex offenders receive separate attention from the British Editor’s Code of Practice, as well as from the Cypriot Code<sup>21</sup> which insists that the identity of children under the age of 16, who are accused in cases of committing sexual offenses, is never disclosed. Reference to the kinship or other relationship between the accused and the child shouldn’t be made directly or indirectly. The British Editor’s Code of Practice<sup>22</sup> approach to the subject, almost identical to the Cypriot one, stipulates under the seventh clause about children in sex cases that in any press report of a case involving a sexual offense against a child, good ethical and deontological standards prohibit the identification of the child, allow for potential identification of the adult, strongly advise censoring the usage of the word "incest" if it would lead to a child victim might be identified. Special care regarding details that might disclose the relationship between the accused and the child should be exercised.

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<sup>21</sup> The Code 1997 - 20 <http://cmec.com.cy/el/%CE%BF-%CE%BA%CF%8E%CE%B4%CE%B9%CE%BA%CE%B1%CF%82/editors-code/#item-1122> (cmec.com.cy) consulted 24<sup>th</sup> Nov 2021

<sup>22</sup> <https://www.ipso.co.uk/media/2032/ecop-2021-ipso-version-pdf.pdf> consulted 21<sup>st</sup> of Nov 2021

Guidelines elaborated for the Serbian Journalist's Code of Ethics<sup>23</sup> warn journalists that occasionally, public office employees working in child protection might be unaware of how media function and their broader impact. Consequently, journalists shouldn't abuse their good intentions or ignorance and should censor information received that might involve the disclosure of the identity of juveniles. Therefore, information obtained from doctors, social workers, teachers, and so on, directly or indirectly referring to children's identity, must not be published.

Visual identification and other visual representations of the crime, the victim(s), or the offender should be avoided. The Federation of Associations of Journalists of Spain underlines in its Code that the right to privacy and own image, as well as the presumption of innocence, must be upheld when the subject of the reporting is under-aged. The code explicitly advises<sup>24</sup> journalists to refrain from interviewing, photographing, or recording minors on topics related to criminal activities or framed in the field of privacy.

The Press Council of Kosovo advises<sup>25</sup>, under the sixth section of the ethical code dedicated to the protection of children and minors, that the print media should never publish the name, paternity/maternity, and surname, photographs, videos, or other images of children under the age of 18 who are involved in violence and criminal offenses, nor should it identify children under the age of 18 who are involved in criminal offenses, whether as witnesses or defendants. The eighth section of the same code dedicated to privacy and the protection of sources strongly forbids media from publishing photos or videos from the crime scene without covering the

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<sup>23</sup> <https://savetzastampu.rs/en/documents/kodeks-novinara-srbije/> consulted 21st of Nov 2021

<sup>24</sup> <https://fape.es/home/codigo-deontologico/> consulted 21st of Nov 2021

<sup>25</sup> <http://presscouncil-ks.org/about-us/document-list/?lang=en> consulted 21<sup>st</sup> Nov 2021

identity or body of the victims after the accident, incident, violence, or crime, equating the publication of such media products to an insult to the feelings of the victim's relatives and sensitive to the public.

A concurring perspective about identifying visual representation and its detrimental consequences we find within the provisions of the Code of Montenegrin Journalists<sup>26</sup> that advises journalists to respect the principles of the UN Convention on the Rights of Children and to refrain from exposing children to media interference in their private and family life or personal correspondence or attacks on their honor and reputation. Consequently, journalists must show special consideration when reporting on minors suspected of involvement in illegal activities, upholding their right to presumption of innocence and avoiding sensationalist portrayals. The same set of guidelines warns that it is inadmissible to publish photographs of minors suspected of committing criminal offenses or to reveal their identity.

Although there seems to be a consensus regarding the fact that the child or young adult that has committed a crime should not be portrayed distortedly by the media, in order to facilitate his potentially full rehabilitation as a member of society, disparities continue to linger regarding whether "public interest" can be used as a valid argument in order to support a different ethical approach towards the topic. The cases that are transnational, determined by immigration, poverty, various political events, remain most vulnerable when facing different media ethics' perspectives in various countries. In is our belief that a unified approach of the press councils members of AIPCE would grant an enhanced protection to the rights of child offenders, regardless of the geography of their criminal activity.

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<sup>26</sup> [http://www.medijskisavjet.me/images/sampledata/dokumenti/Code\\_Of\\_Ethics.pdf](http://www.medijskisavjet.me/images/sampleddata/dokumenti/Code_Of_Ethics.pdf)  
consulted 21st of Nov 2021

### 3. The child as a victim

According to the Azerbaijani's Code of Professional Conduct<sup>27</sup> Principle 3 pertaining to Protection of honour and dignity, inviolability of personal life stipulates under paragraph 3.9 the fact that the journalist shall protect the identity of children involved in or affected by tragedy or criminal activity. Similarly, the Bosnia-Hertzevovina Press and Online Media Code <sup>28</sup> notes under Article 11 dedicated to the protection of children and minors the fact that Journalists shall not identify children under the age of 18 when they are victims of crimes. The Code of Ethics of the Bulgarian Media also states under clause 2.4<sup>29</sup> that the identities of children in distress or affected by crime should not be revealed in the situations in which doing so may harm them. The provisions are perfectly aligned with the perspective the code has over media's representation of crime and cruelty, clause 2.6.3 stating that caution must be exercised when revealing the identities of victims of crime and witnesses of crime, especially in cases of sexual violence, unless the victims themselves agree to be identified. Comparably, the Hungarian Code of Ethics<sup>30</sup> underlines that special care should be taken if the victim of an accident or a crime is a minor.

The Serbian Journalist's Code of Ethics<sup>31</sup> draws attention upon the fact that the journalist must ensure that a child is not endangered or placed

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<sup>27</sup> <https://presscouncil.az/en/code-of-professional-ethics-for-journalists-in-azerbaijan> consulted on 25th Nov 2021

<sup>28</sup> Press and Online Media Code of BiH (vzs.ba) consulted on 24th of Nov 2021

<sup>29</sup> *Code of Ethics of the Bulgarian Media* available at <https://mediaethics-bg.org/%d0%b5%d1%82%d0%b8%d1%87%d0%b5%d0%bd-%d0%ba%d0%be%d0%b4%d0%b5%d0%ba%d1%81-2/>, consulted on 24th of Nov 2021

<sup>30</sup> *Hungarian Code of Ethics*, <http://korrektor.hu/etikai-kodex/> consulted 24th of Nov 2021

<sup>31</sup> *Serbian Journalist's Code of Ethics*, <https://savetzastampu.rs/en/documents/kodeks-novinara-srbije/> consulted 21st of Nov 2021

at risk due to the publication of their name, photograph or recording with their image, house, the community in which they live or recognizable surroundings.

The Flemish Code of Practice <sup>32</sup> complemented by the guidelines, when compared to the majority of the European codes of practice has one of the most extensive sections dedicated to the situation of the child as a victim.. Under the guideline for article 22 with regards to the use of information and images taken from social media and personal websites, media workers are advised against identifying children under the age of 18 who are involved in criminal cases as witnesses, victims or defendants. Identification in juridical context (guideline 23) advises the journalist to be prudent when dealing with persons in a vulnerable situation, such as minors, victims of crime, disasters and accidents and those closest to them. According to the same guideline, underage victims, witnesses and other persons involved in a juridical context should, in principle, not be identified.

A preoccupation that correlates with the special treatment afforded to sex offenders extends over the category of under-aged victims of sex-offenders. The Code of Ethics of the Federation of Associations of Journalists of Spain<sup>33</sup> stipulates in this regard that “the naming of the victims of a crime shall be avoided, as well as the publication of material that may contribute to their identification, acting with special diligence in the case of crimes against sexual freedom.”, while UK’s Editor’s Code of Practice elaborated by the Independent Press Standards Organization<sup>34</sup> states, under the seventh section pertaining to Children in sex cases that mass-media must not, even if

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<sup>32</sup> code-of-practice.pdf (rvdj.be) consulted on 25<sup>th</sup> of Nov 2021

<sup>33</sup> Code of Ethics of the Federation of Associations of Journalists of Spain <https://fape.es/home/codigo-deontologico/> consulted 21st of Nov 2021

<sup>34</sup> *Editor’s Code of Practice*, Independent Press Standards Organization, *ecop-2021-ipso-version-pdf.pdf*, consulted 24th Nov 2021

legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences. Therefore, the media products covering a case involving a sexual offence against a child shouldn't identify the minor nor the relationship between the accused and the child.

We can conclude that the vulnerable position of the child victim of a criminal offense is paid due consideration and offered a similar system of protection just as the one offered to the child offender. Elements of identification of a child are defined symmetrically. The emotions of both children and adults, as well as the possibility to revictimize are taken into account. Potential improvements of the ethical clauses could take into consideration an improved definition of the persons (parents, tutors, legal guardians) who could consent to the media representation and identification of the minor as a victim of criminal activity or sexual offenses, potentially correlated with the legal capacity to pursue compensation for the damages incurred in the name of the child.

The Serbian ethical clause dedicated to warning the journalists from exploiting the lack of experience of capacity to fully grasp the consequences of the mediatic portrayal expresses a reasonable concern about the capacity of adults to reach the best decisions for the minors, and it shouldn't be treated lightly but addressed by ethical codes.

Equally important for the development of the protection afforded to minors remains the keen interest towards the consequences the media products create by their continuous availability in the online environment. The Declaration of Principles of Professional Journalists in Catalonia that addresses in a separate section the "continued availability of documents online" raises awareness regarding "the indefinite continuance on the web of documents and audiovisual materials" and the fact that it could lead to undesirable or uncomfortable situations for the people affected, and therefore a reasonable course of action should be made available for the

concerned persons to be able to request the erasure of the data, especially in the case of minors victims of criminal offences or sexual assault. A separate deontological provisions regarding the right to be forgotten would, for sure, prove to be one of the most useful tools that the media can offer as a remedy to the future self-aware adult that has been portrayed during his childhood or adolescence in the media.

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