

GUIDELINES

Guidelines on media coverage of children and adolescents under government guardianship

November 2019



**Consell
de l'Audiovisual
de Catalunya**



**Generalitat de Catalunya
Departament de Treball,
Afers Socials i Famílies**



**Col·legi
de Periodistes
de Catalunya**

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Editors:

Consell de l'Audiovisual de Catalunya
c. dels Vergós, 36-42
08017 Barcelona

Generalitat de Catalunya
Departament de Treball, Afers Socials i Famílies
Passeig del Taulat, 266-270
08019 Barcelona

Col·legi de Periodistes de Catalunya
Rambla de Catalunya, 10, pral
08007 Barcelona

1st electronic edition: November 2019

Introduction

These guidelines have been spearheaded by the Col·legi de Periodistes de Catalunya (Journalists' Association of Catalonia), the Catalan Audiovisual Council and the Catalan Department of Labour, Social Affairs and Families, with the secretariat of Children, Adolescents and Youth and the secretariat of Equality, Migrations and Citizenship. The Síndic de Greuges (the Ombudsman's Office) has also participated.¹

This document is grounded upon the principle that children and adolescents are active members of society and the subjects of rights which must be guaranteed. In this sense, the guidelines seek to become a guide to foster media treatment of children and adolescents that respects their best interests, especially those of the most vulnerable minors, with the goal of ensuring that no media action violates their universal rights.

What do we mean when we talk about *children and adolescents under guardianship*?

We are referring to those children and adolescents² either who are alone or whose families or legal guardians cannot care for them for a variety of circumstances. The government has the obligation to take responsibility for them, foster them and protect them from this situation of neglect and immediately take over as their guardians until the child or adolescent can return to their family, become independent or be adopted.

There are multiple causes for this neglect: abandonment; physical, psychological or sexual abuse; exploitation; prenatal abuse; supply of drugs, narcotics or

1 In May 2019, the Ombudsman's Office submitted to the Parliament the report entitled [*El tractament informatiu dels infants en els mitjans de comunicació*](#) (The Treatment of Children in the News Media).

2 The United Nations' [*Convention on the Rights of the Child*](#) defines children as people under the age of 18. Catalan [*Law 14/2010 dated 27 May 2010 on the rights and opportunities of children and adolescents*](#), defines a *child* as an individual under the age of 12 and an *adolescent* as a person between the ages of 12 and the legal age of adulthood stipulated by law. Catalan [*Law 33/2010 dated 1 October 2010 on youth policies*](#) establishes the administrative concept of *youths* as individuals between the ages of 16 and 29.

other substances; induction to begging, crime or prostitution; serious or chronic neglect; male violence, etc. Other causes for this neglect are risky situations which endanger the child or adolescent's safety or deprive them of the basic elements needed for the integral development of their personality.³ Children and/or adolescents who have migrated to our country alone are also in situations of neglect.

A variety of protective measures may be taken to exercise this guardianship, such as family foster care (with extended and new family) or residential foster care when the child, adolescent or youth enters a residential foster care centre run by the government.

Why are these guidelines needed?

A quick search with the terms *minors*, *guardianship* or *unaccompanied foreign minor*, just to cite three examples, on any Internet search engine brings up news items that are negative on the whole and associate children, adolescents and youths under guardianship with situations of conflict, delinquency, crime or even human trafficking and prostitution.

The negative image of children and adolescents under guardianship spread by the media often reinforces their stigmatisation. With unaccompanied immigrant minors, the situation is direr and even more delicate given their experiences in their home countries and their journey here, as well as the conditions under which they arrive in their host society.

We have to change the idea that if a child is under government guardianship it is because “they’ve done something” and begin to reflect on the fact that the main reason is that “something has happened to them”. It is essential to transform the stereotypical discourses which cast a negative light on children and adolescents under guardianship and instead bring elements to the debate that normalise their situation and reaffirm their image as people with rights, duties and opportunities identical to those of the population at large. In this sense, the role of the media as the creators and transformers of collective imaginaries is crucial.

In fact, the profile of adolescents under guardianship living in residences in Catalonia tends to be children who have suffered from neglect at some point in their lives, yet they share many characteristics with the other children in our society: they study and plan to continue studying, they play sports, they have

³ Section 1 of article 105 of Law 14/2010.

social skills and the ability to get along with others, and they go out with their friends. Furthermore, the vast majority of these children have never engaged in delinquency or had any contact with the juvenile court system.⁴

We should not lose sight of the fact that we are talking about children, adolescents and youths. The fact that the government has guardianship over them does not mean that they have lost their rights or capacities as active individuals. To the contrary, these rights and capacities need to be reinforced and protected.

The role of the media

According to the Convention on the Rights of the Child, **the best interest of the child shall be a primary consideration.**⁵ This guiding principle behind the Convention must also be respected when reporting news. Law 14/2010 on the rights and opportunities of children and adolescents stipulates that the media disseminated in Catalonia must take special care when reporting any information that affects children, adolescents and youths. Likewise, Law 22/2005 on audiovisual communication in Catalonia states that information that would allow these children and adolescents to be identified and could affect their honour, privacy or image may not be disseminated.

These guidelines seek to give media professionals the tools to properly cover children and adolescents under government guardianship. They encompass all information genres and formats, not only news in the strict sense but also all the information contained in infotainment, news documentaries, etc., regardless of whether they are disseminated by television, radio, digital media, social media or video exchange platforms. Likewise, the guidelines are also valid for press releases and public communiqués from the press offices of authorities, security forces, political parties, local entities and other institutions, as well as third-sector entities and professionals.

In addition to children, adolescents and youths under guardianship and unaccompanied immigrant minors, many of the recommendations contained herein can also be applied when reporting on children and adolescents in situations of particular vulnerability or in situations of social risk or at risk of protection provided for by law.⁶

4 Directorate General of Attention to Children and Adolescents (DGAIA). [*Quins són els perfils dels joves tutelats per la DGAIA*](#), 2017.

5 This is further reinforced by article 1 of the Spanish [*Organic Law 8/2015, dated 22 July 2015, amending the protection system of children and adolescents*](#).

6 Article 102 of Catalan Law 14/2010.

General Guidelines

1. Guarantee the rights of privacy, dignity and image of children and adolescents and avoid disseminating personal information that would allow them to be identified.

The media have to assess the pertinence, scope and proportionality of information and avoid disseminating any information which is unnecessary and could violate any of children and adolescents' rights. They should bear in mind regulations on protecting children and avoid disseminating their name, image or any information that would allow them to be identified, especially if the news being reported is related to their private life and could affect their honour, privacy or image. The media must also properly and ethically use the information posted by children and adolescents on the social media.

Given their vulnerability, it is essential to extend this protection to their milieu (household, school, centre, etc.). Just as a news item should not report on a child or adolescent's place of residence, nor should it spread information which could identify the residential centres within the guardianship system, especially if the situations are negative, conflictive or violent.

2. Raise citizens' awareness of the reality of children and adolescents under guardianship and of youths in situations of vulnerability.

The media should report on the universal rights of protection of children and adolescents and on the context and different causes behind situations of vulnerability and neglect. Thus, they should also shed light on the mechanisms, services and public protection resources available for children and adolescents, with both their strengths and shortcomings.

It is important to cast a critical eye and report on the functioning and purposes of the government's foster care and guardianship system for children and adolescents in order to inform citizens about a topic on which there is a widespread lack of knowledge. In this way, they could contribute tools to understand of the complex reality of children and adolescents under guardianship and promote public debate and social engagement on this issue.

3. Do not mention the previous family situation or the fact that the child or adolescent is under the guardianship of the government if not justified by the news story.

It is recommended not to mention that a child or adolescent is under guardianship or provide details of their previous family situation if it is not related to the news item or report because this is a private matter. Unfortunately, the concept of being under government guardianship does not have positive connotations and is stigmatised. In this sense, if it contributes nothing positive, it is advisable not to mention this in order to protect the child and prevent possible discrimination and value judgements against them.

4. Do not attribute the negative behaviours of specific individuals to all children and adolescents under guardianship.

The media can foster a normalising discourse about children and adolescents under guardianship which avoids negative topics like violence and delinquency. The idea is not to avoid reporting on the conflicts that occur, but when doing so not to generalise to all children and adolescents under guardianship or establish a tie between specific behaviour and the fact that they are under guardianship.

5. Report on cases of resilience and obstacles overcome.

One way to get beyond distorting stereotypes and provide a more realistic picture of children and adolescents under guardianship is to emphasise news stories that focus on the empowerment of children and youths under guardianship, such as teaching and learning processes, experiences of inclusion in the community, milestones achieved, and cases in which youths who were formerly under guardianship and reach adulthood have overcome obstacles.

Before reporting on individual success stories, it is important to request the person's explicit consent to mention that they had been under guardianship, since this is personal, sensitive information.

6. Use inclusive, careful language.

It is important to talk about children and adolescents under guardianship and never lose sight of the fact that you are reporting on children who have suffered from want, and often from traumatic experiences. It is recommended to exercise caution with expressions that could trivialise their situation.

Language like *minor* should be avoided, because it is an expression that minoritises them and implies that they are less than an adult. It is better to

use the terms *childhood*, *adolescence* and *youth* globally, or *child*, *boy*, *girl*, *adolescent*, *young man* or *young woman*, as appropriate.

It is also recommendable to use the terms *inclusion* or *social participation* instead of *integration*. In different social sectors, the term *integration* has negative connotations since it implies assimilation into the host society.

7. Ask for expert advice before reporting on a complex case.

Checking information and drawing from expert sources is a recommendation that is part of responsible journalistic practice. Furthermore, given that the best interest of the child has to prevail over any other consideration, before writing a news item about a sensitive topic that could negatively affect a child, adolescent or young person under guardianship, it is recommended to first ask for information and advice from expert sources like institutions, associations, professionals and third-sector entities in the field of child, adolescent and youth protection.

8. Consider children, adolescents and youths under guardianship as active social agents, not as passive subjects of the news items.

When writing news reports, it is essential to fulfil the provisions of the Convention on the Rights of the Child: to listen and bear in mind the opinions and considerations of children, adolescents and youths under guardianship, since they have the right to express their opinion on the matters that affect them. Furthermore, it is important to recall that just like any other person, they are also active recipients of the news published in different conventional and social media.

9. Ask the government for permission to interview or speak with children or adolescents under guardianship.

If it is essential to interview or speak with children or adolescents under guardianship, in family foster care or in residential centres to collect information for a news story, it is obligatory to secure the consent of the government⁷ which, as their legal guardian, is the only body that can authorise it. Furthermore, it is important to consider that the presence of the media in residential centres may disturb their usual operations and affect the people living there.

7 The DGAIA, through the department's Communication Office, acts as a clearinghouse for requests in accordance with the established circuits. The child, adolescent or youth must agree to participate in the interview.

10. Interview the child or adolescent under guardianship with particular care and bear in mind their potential vulnerability, emotional baggage and life experience.

First and foremost, the child has to agree to participate in the interview, and they may change their opinion at any time and end it whenever they want. Once they have given their consent, in addition to the usual precautionary measures that media professionals take when interviewing children and adolescents, special care should be taken when asking questions. Their vulnerability and the fact that they may carry complicated emotional baggage should be borne in mind. When preparing for the interview, it is recommended to avoid a paternalistic perspective and tone, not to focus exclusively on conflicts and not to ask questions that could foster stereotypes or prejudices.

The child or adolescent being interviewed should feel comfortable with the interviewer, with the place where the interview is held and with the pace of the questions, which they should be informed about previously. Moreover, it is important not to insist that they answer a question if they do not want to. It is important for the interviewee not to be confused about what they are being asked or the answers being given. Thus, it is important to address the interviewee with understandable, appropriate language. Translation or interpretation services should be used if needed.

11. Use archive pictures only if relevant, or avoid using them altogether.

It is advisable to avoid repeatedly using archive pictures to illustrate news stories that have nothing to do with these pictures, since it can lead to misunderstandings and at times reproduce stereotypes. Using archive pictures should be justified and make sense within the journalistic story. The media should take extreme caution when choosing these pictures to ensure that they truly provide context for the story instead of reinforcing a stereotypical, negative image of the children on whom they are reporting. It is better to not to use any archive pictures that are not pertinent or related to the topic or may harm the image of the children or adolescents. If such images are used, they should be properly referenced and meet the criterion of relevancy.

12. Raise awareness of the situation of youths formerly under guardianship and give them a voice.

When they reach adulthood, youths cease being under the guardianship of the government protection system, although they may continue to participate in it via adulthood transition programmes and specific guidance services. If the process

of maturity and personal autonomy is complicated for all youths, it is even more so for these youths.

The media are asked to be particularly sensitive to their situation. Unless it is directly related to the news story, it is advisable not to mention their previous ties with the protection system in order to avoid potential stigmatisation of the person being reported on.

This does not mean that it is not important for the media to report on the reality of youths who were formerly under guardianship. However, the recommendation is to give a voice to representatives of groups of youths formerly under guardianship as well as to related third-sector entities so they can share their perspective and viewpoint on the topic being reported.

Specific guidelines on unaccompanied immigrant children and adolescents

Children, adolescents and youths who have migrated by themselves may have experienced situations of extreme vulnerability with complex, specific problems that require the committed engagement of the government, citizens and media. Their status as children or adolescents must prevail over their status as immigrants, refugees or foreigners, and society is responsible for fostering and protecting them.

The migratory process may be motivated by dire circumstances, such as persecution for a variety of reasons (sexual orientation, ethnicity, religion, etc.), violence, armed conflicts, extreme poverty, male violence (forced marriage, rape, etc.), poor socioeconomic situations and social welfare and/or natural disasters or the impact of climate change in their homelands. People may also migrate because they aspire to a better life, motivated by the migratory stories of their family members or people in their milieu, or because of the image of the idyllic situation in Europe that they get from the media.

Many youths who immigrate by themselves do so with their families' consent. There are also cases in which children have started the journey with their parents or a trusted person and were forced to separate during the journey due to tragic circumstances. Adolescents travelling alone often do so in groups to support one another.

Fewer girls travel by themselves, given the higher risk that they may suffer from abuse or discrimination based on gender, for social or cultural reasons, or due to the risk of falling into human trafficking and exploitation networks. This latter situation also makes it more difficult to detect them and put protective measures into place.

The stereotypes associated with unaccompanied immigrant adolescents often refer to a standard profile: a boy aged 15 to 17 by himself, from Morocco or Sub-Saharan Africa, who runs away from residential centres and spends many hours

on the street, where he ends up involved in crime and drug use.⁸ This image presents them individually and collectively as a social threat and a law-and-order problem. Thus, it does not reflect reality, since it ignores many other boys and girls who have immigrated by themselves and it stigmatises them. Their profiles can be extraordinarily diverse depending on their gender, country of origin, rural or urban origin, migratory route, years of schooling at home, work experience, whether or not they know the language of the host society, whether or not their immigration plans were agreed upon with their family, etc.

In addition to applying the general guidelines for children and adolescents under guardianship or in situations of risk, below is a set of specific recommendations on how to treat unaccompanied immigrant minors in the media:

1. Reinforce the discourse on immigration as a structural reality, not as a threat or social problem.

Immigrating is a universal human right,⁹ and media discourses should provide elements of reflection that frame immigration as a structural phenomenon involving population displacement which has to be managed, not as a threat, yet without evading the problematic circumstances and tensions which this situation could cause at any time. The media can help counter the discourse of hate and racism.

In terms of unaccompanied immigrant children and adolescents, the emphasis should be on the fact that they are individuals with aspirations and personal plans who are seeking a better life. In this sense, it is important to take care not to use alarmist language or to refer to unmanageable situations by using terms like *avalanche*, *wave*, *illegal*, *undocumented*, *underground*, etc.

2. Do not refer to the nationality of the child or adolescent if it is not relevant to the news story.

The media have to weigh the pertinence and relevance of this information and not refer to nationality if it could harm the child, adolescent or youth. This recommendation is even more important if the news item reports on something

⁸ SOS Racisme. [Invisibles. L'estat del racisme a Catalunya. Report 2018](#)

⁹ Migrating is a right contained in article 13 of the [Universal Declaration of Human Rights](#) (1948): Everyone has the right to freedom of movement and residence within the borders of each state; Everyone has the right to leave any country, including his own, and to return to his country.

negative. By omitting the nationality, we avoid baselessly associating an isolated event with an entire community, thus precluding discriminatory stereotypes against all people from the same background.

3. Use alternatives to the phrase *unaccompanied foreign minor* whenever possible, especially in news stories with negative connotations.

Even though *unaccompanied foreign minor* is a term found in legal documents, its use is not recommended, since it is stigmatised. Alternatives could be *children/adolescents/youths who have immigrated/come by themselves, children/adolescents/youths with no family or adult referents*, etc.

Despite the difficulty of applying this recommendation, since the use of the term *unaccompanied foreign minor* has become common in the traditional media, the social media and society at large, using it is not advised. It has become a blanket term that depersonalises the individual since it implicitly refers to a series of negative prejudices which socially condition any subsequent stance, assessment or action.

News reports often associate this term with juvenile delinquency and conflict, which contradicts the real data and has led this term to have stigmatising connotations for the people it refers to. The goal instead is to individualise these youths and avoid assigning them purportedly collective characteristics.

4. Share these children and youths' positive contributions to society.

Attention and care are universal rights specific to children and adolescents. Without ignoring this, and in line with the previous recommendation, the media should report on the positive consequences of the arrival of new people to a given territory. Reporting on this could counter the stigmatised image of unaccompanied immigrant minors.

For example, some positive effects might be the increase in cultural pluralities within the schools or youth entities in the towns that host them, a younger population and an increase in the labour force to cover the demand in certain labour sectors.

5. Report on the actions undertaken to include these children, adolescents and youths in society and the local community.

One way to normalise the presence of unaccompanied immigrant children and youths in our country is to report on actions, projects and experiences by both

the government and organised civil society whose goal is to welcome, build bridges and achieve these children's inclusion in society (such as mentorship initiatives or activities to spread the word about immigration at schools, civic centres and sports centres, etc.).

6. Report on cases of resilience and obstacles that have been overcome by unaccompanied immigrant adolescents and youths.

It is appropriate for the media to report on the initiatives and actions of youths who want society to be aware of their situation, interests and yearnings. Thus, sharing the life experiences of unaccompanied immigrant adolescents and youths that spotlight the obstacles they have overcome and their inclusion in the host society is recommended.

7. Avoid blaming the youths for situations which they did not cause or in which they are the victims.

The media can contribute a critical, analytical vision of the reality of unaccompanied immigrant children and youths in order to avoid unfairly blaming them for situations which do not depend on them. For example, they can report on the difficulties and shortcomings that the foster care and child protection system encounters when trying to meet their needs instead of giving the impression that they are the ones who have caused situations in which they are actually the main victims.

8. Interpret the statistics associated with unaccompanied immigrant children and youths responsibly.

Statistics help contextualise and properly assess the effects of a given phenomenon. In this sense, it is important for the media to meticulously interpret the data and information it shares in order not to overstate it or convey the idea that certain local phenomena are much more widespread than they are. It is important not to criminalise or overplay the conflicts that affect unaccompanied immigrant children and youths because that hinders their inclusion in society.

9. Make unaccompanied immigrant girls more visible.

News reports on unaccompanied immigrant children and adolescents tend to overwhelmingly mention boys. This perspective ignores girls under guardianship and their realities. Even though fewer girls arrive than boys, the media should also bring them greater visibility and include the gender perspective in their reporting as a way to avoid threefold discrimination against them as minors, females and immigrants.

10. Give a voice to unaccompanied immigrant youths formerly under guardianship.

The media should also give a voice to groups and entities working with unaccompanied immigrant youths who were formerly under guardianship so that they can talk about the issue with firsthand experience and provide a different and more enriching perspective.

If the job market and housing conditions make it difficult for youths as a whole to become independent, this process is even more complex for unaccompanied immigrant youths who used to be under guardianship. This means that their testimonials are even more essential in order to understand and report on their situation.

Glossary

The terms in this glossary seek to clarify the most important principles related to children and adolescents under guardianship. It should be borne in mind that some of these concepts are still evolving and under debate, and therefore they may change. They appear in alphabetical order.

Abandonment

A situation in which the parents, guardians, minders or any other person legally obligated to provide care shirks their duties or the majority of their duties with regard to a child under their custody, which happens when the child's basic needs are not met either temporarily or permanently. Neglect can be by commission or omission, intentional or not.

Adoption

Protective measure which entails creating a legal bond of filiation through which a child who is not biologically the parent's is taken as their own. In the case of international adoption, this is done in full compliance with international laws, the laws of the child's country of origin and the laws of the parents' country, while in the case of domestic adoption it must exclusively be in compliance with the laws of the country of origin and subjected to an obligatory administrative or judicial proceeding.

Assisted housing service

Care- and education-based housing service for adolescents and youths over the age of 16 with simple institutional housing. This service is targeted at adolescents and youths with a sound educational process and has the goal of offering them mentoring for their personal autonomy, social insertion and job placement. This kind of residential resource can be extended to the age of 21 (and to 23 on an exceptional basis) through a social assistance measure or the youth's association with a programme in the *Àrea de Suport als Joves Tutelats i Extutelats* (Support Area of Youths Under and Formerly Under Guardianship, or ASJTET).

Educational Action Residential Centre (*Centre Residencial d'Acció Educativa* or CRAE)

Residential service for the stewardship and education of children and adolescents (aged birth to 18) under the guardianship of the government of Catalonia who are temporarily separated from their families and are in situations of neglect while their needs are addressed in order to encourage their return to their families, their foster care with extended or unrelated family or their adoption.

Emergency Centre / Emergency Protection Service

Type of centre created to house unaccompanied immigrant children and youths. Stays in this centre last weeks. The first in-depth interviews with educational teams are held here, as well as the first literacy classes and activities to familiarise them with their environs.

Emigrant

Person who undertakes a migratory process; that is, a person who leaves one country to move to another.

Foster care

Protective measures in which the vulnerable child or adolescent is entrusted to a protection centre or an extended family (with whom they have some kinship relationship via either blood or marriage) to live there. The centre or family must, in turn, ensure the integral development of the child or adolescent's personality. People who foster a child take over the stewardship of the child and are obligated to care for them. If the child or adolescent is housed in a centre, their care is entrusted to the centre director.

Foster care centre

Temporary residential service for children and adolescents aged birth to 18 who are at risk of neglect and require more specific attention while a diagnostic study of their personal, family and social situation and setting is developed.

Guardianship

Guardianship is a legal concept which replaces parental authority and custody (*patrias potestas*) for minors who have no one to watch over or watch out for them, and for those who are in situations of neglect because their parents do not provide them with the basic elements needed for their development.

Homelessness

Situation of a person who does not have minimal housing conditions to live decently. This term comes from the concept of *homeless*.

Humanitarian shelter

Urgent social assistance or healthcare, temporary housing programmes and care for the basic needs of immigrants in vulnerable situations.

Human trafficking

The action of capturing, transporting or housing people, often taking advantage of their vulnerability, through threat, deceit, the use of force or payment to someone with authority over the victims with the purpose of exploiting them and earning economic benefits from them.

Immediate care

Provisional remedy taken when some elements required to resolve a situation of neglect are pending confirmation. It implies taking over the child or adolescent's stewardship, but not their guardianship.

Immediate care mechanisms

Measures that act as gateways into the protection system for unaccompanied immigrant children and youths. These mechanisms provide them with identification and an initial medical check-up, and they are offered clean clothing, food, psychological support and a place to sleep and communicate with their family. Stays at these centres are brief.

Immigrant

Person who has undertaken a migratory process and moves to a country, or an adjective used to refer to a population who have undertaken a migratory process and moved to a different country.

Inclusion policies

Measures that promote the full participation of foreigners in society within the peaceful coexistence of different identities and cultures.

Individualised Protection Plan (*Itinerari de Protecció Individualitzat*, or IPI)

An Individualised Protection Plan is meant to protect adolescents and youths by offering them mentoring in job and housing placement to guarantee their gradual

preparation for personal independence in line with each adolescents' need for education, social inclusion and job placement.

Initial Foster and Comprehensive Care Centre

This is a type of centre created to house unaccompanied immigrant children and youths. This centre furthers their literacy and conducts activities that connect the youths with the towns where they are located through volunteerism or activities. The youths also participate in periodic training geared at work or schooling, as needed.

Intensive Residential Educational Centre (*Centre Residencial d'Educació Intensiva* or CREI)

Residential service for limited stays which has structural protection measures to meet the specific educational and care needs of adolescents and youths (aged 12 to 18) under government guardianship who have behavioural disorders that require alternative technical specialised care.

Interculturalism

A perspective used to address social transformation based on three principles: the goal of including all people in a society; knowing, recognising and taking advantage of diversity; and fostering positive interaction among all members of society.

Juvenile Justice Centre

Residential service which entails depriving the minors of their freedom due to a court ruling which obligates the child or youth to be admitted. Each inmate has an individualised programme which includes the educational activities and/or treatment they must undergo. The intervention programmes may be general and targeted at all inmates or specialised and meant only for those who have specific problems.

Kafala

This is an institution from Muslim countries whose purpose is to protect neglected children. It is different from adoption, which does not exist in Muslim law, in that it creates no legal bond of filiation or kinship between the child and the family hosting them.

Mentor

A person who supports and watches after unaccompanied immigrant children and youths so that they meet and create bonds with people and entities in the host society to help them build their life plans while also acquiring linguistic and job skills.

Mentoring Service for Youths Under and Formerly Under Guardianship (*Servei d'Acompanyament Especialitzat per a Joves Tutelats i Extutelats*, or SAEJ)

Service aimed at preventing and/or mitigating the risky situation of youths between the ages of 16 and 20, both those under guardianship and those formerly under guardianship, with the goal of achieving their social insertion and job placement and fostering their autonomy and emancipation.

Migrant

A person undertaking a migratory process.

Neglect

Situation which arises when there is no one who should exercise the functions of stewardship by law, when it is impossible for this person to exercise this stewardship, or when they exercise this stewardship in such a way that seriously endangers the child or adolescent. Neglect also arises with any form of unfulfillment or inappropriate exercise of the duties of protection as stipulated by the laws on stewardship, or when the basic elements needed for the integral development of the child or adolescent's personality are missing. Neglect also occurs when the child or adolescent shows signs of physical, psychological, sexual or any other form of abuse.

Parental authority and custody / *patrias potestas*

The function that parents should exercise jointly, or one of them with the consent of the other, for the good of their unemancipated minor children, which entails looking out and caring for them, living with them, feeding them and educating them, striving to give them an integral upbringing and legally representing them and administering their property.

Racism

Doctrine that claims the inferiority of certain races or ethnicities compared to others based on certain phenotypes, thus justifying discrimination, social segregation, economic exploitation, etc.

Refugee

Person outside their country of origin because they have a well-founded fear of persecution for reasons of race, religion, nationality, membership in a given social group or political opinions (1951 Geneva Convention).

Social inclusion

Process that guarantees that all people have the opportunities and resources needed to fully participate in economic, social and cultural life and enjoy living conditions and welfare considered normal in the society in which they live. An inclusive society has and implements mechanisms to guarantee the human rights, dignity and active citizenship of all its members.

Social integration

According to the European Commission, integration is a two-way, dynamic process of mutual adaptation by all immigrants and residents of Member States. However, this is a concept that is often used in society as synonymous with *assimilation*, and for this reason it is advisable to avoid it and to use the term *inclusion* instead.

Stewardship

Responsibility taken on by a person or institution to watch over a child or adolescent, keep them in their company, feed them, educate them and strive to give them an integral upbringing. It is temporary and does not entail the same responsibilities as guardianship. It can be requested by parents or guardians when they are unable to care for the child or adolescent due to dire circumstances. Alternatively, the government agency in charge of guardianship may delegate stewardship to a family or centre. **Legal stewardship** is taken on by a competent public entity when determined by a judge in cases where this is legally pertinent.

Unaccompanied immigrant child, adolescent or youth

Children and teenagers who undertake migratory processes separate from their parents and other relatives and who are not under the care of any adult who would normally have this responsibility by law or by custom.

Unaccompanied foreign children and youths

This refers to foreign children and youths who undertake migratory processes by themselves. Alternatives could be *children/adolescents/youths who have migrated/come by themselves*, *children/adolescents/youths with no family or adult referents*, etc.

Vulnerability

A condition in which a person runs a higher risk of and is susceptible to being harmed or physically or morally affected and to suffering from prejudice because of a given situation.

Xenophobia

Attitudes, prejudices or behaviours that reject, exclude and belittle other people because they are foreigners.

Resources

Any person who finds depictions or contents in the media with regard to children and adolescents under guardianship and youths in situations of vulnerability which are regarded as inappropriate or stigmatising may notify the following institutions:

Catalan Audiovisual Council

Users of audiovisual media can contact the Catalan Audiovisual Council (CAC) to share their complaints, opinions, suggestions or inquiries in relation to either the programming or advertising on any radio or television station, either public or private, or audiovisual contents disseminated on the Internet.

Link: www.cac.cat, clicking on the section “[Presenta una queixa](#)” (“Submit a complaint”)

Consell de la Informació de Catalunya (Catalan Information Council)

Citizens may contact the Catalan Information Council, part of the Journalists’ Association of Catalonia, to lodge complaints regarding the programming or advertising on any media.

Link: <https://fcic.periodistes.cat/>, clicking on the section “[Presentar una queixa online](#)” (“Submit a complaint online”)

Basic regulatory framework

RIGHTS OF CHILDREN AND ADOLESCENTS

Best interest of the child

The best interest of the child should be the primary consideration in all actions concerning children. States must guarantee children the protection and care they need for the development of their personality and for their wellbeing in family and society.

Article 3 of the Convention on the Rights of the Child
General observation no. 6 of the United Nations Committee on the Rights of the Child on unaccompanied and separated minors outside their country of origin

Articles 17 and 40 of the Statute of Autonomy of Catalonia
Articles 5, 32 and 64 of Law 14/2010 on the rights and opportunities of children and adolescents

Right to non-discrimination

Children and adolescents have the right not to suffer from any form of discrimination regardless of their race; colour; sex; language; religion; political or other opinion; national, ethnic or social background; economic status, disability; birth; or any other condition of the child, their parents or their legal guardians. States must take appropriate measures to ensure their protection against any kind of discrimination or punishment because of their condition, activities or opinions expressed or the beliefs of the child's parents, legal guardians or relatives.

Article 2 of the Convention on the Rights of the Child
General observation no. 6 of the United Nations Committee on the Rights of the Child

Article 80 of Law 22/2005 on audiovisual media in Catalonia
Article 3 of the CAC Directive (2007) on children and adolescents
Criterion 12 and Annexe F of the Code of Ethics of the Journalists' Association of Catalonia

Right of access to information

Children and adolescents have the right to seek, receive and use information appropriate to their age and maturity level from a variety of domestic and international sources, especially information whose purpose is to promote their social, spiritual and moral welfare and their physical and mental health. Parents, guardians, stewards and public authorities should ensure that the information that children and adolescents receive is truthful, plural and respectful of the

constitutional principles and that it is not harmful for them, especially when they can access it using the information and communication technologies.

States must encourage the media to disseminate information and news materials that are socially and culturally beneficial for children and that further educational objectives. They should promote international cooperation in the production, exchange and dissemination of this information. They must encourage the media to pay special attention to the linguistic needs of children who belong to a minority or are indigenous.

Article 17 of the Convention on the Rights of the Child
Articles 32 and 64 of Law 14/2010 on the rights and opportunities of children and adolescents
Article 3 of the CAC Directive (2007) on children and adolescents

Right to be heard

Member States must ensure children with the ability to form their own judgement the right to express their opinion on all matters that affect them. Their opinions should be taken into account according to their age and maturity level in the family, at school, in society, in the media, etc. With this purpose in mind, children must particularly have the opportunity to be heard in any legal or administrative proceeding that affects them, either directly or through a representative or appropriate institution, in accordance with the laws in force. The conditions of discretion, privacy, safety, support, freedom and suitability of the situation must be respected in the exercise of the right to be heard.

Article 12 of the Convention on the Rights of the Child
General observation no. 12 of the United Nations Committee on the Rights of the Child
Article 7 of Law 14/2010 on the rights and opportunities of children and adolescents

Right to freedom of expression

Children and adolescents have the right to freedom of expression under the terms stipulated by law. The limits to this freedom of expression are the protection of the child or adolescent's privacy and image, respect for the rights and reputation of others, and protection of national security and the public order. This right includes the freedom to seek, receive and disseminate information and ideas of all kinds, regardless of frontiers and by any medium. Their right to freedom of expression extends especially to the posting and dissemination of their opinions, the publication and production of media to disseminate them, and access to any aid the government may provide to foster this right.

Article 12 of the Convention on the Rights of the Child
General observation no. 12 of the United Nations Committee on the Rights of the Child
Article 7 of Law 14/2010 on the rights and opportunities of children and adolescents

CAUSES OF NEGLECT

There are multiple causes of neglect: abandonment; physical, psychological abuse or sexual; exploitation; prenatal abuse; supply of drugs, narcotics or other substances; introduction to begging, crime or prostitution; serious or chronic neglect; male violence; and others, as well as risky situations which endanger the child or adolescent's safety or hinder the basic elements needed for the integral development of their personality. To resolve this neglect, the guardianship of the child or adolescent is immediately taken over.

Article 103 of Law 14/2010 on the rights and opportunities of children and adolescents

PROTECTION AGAINST NEGLECT

Children who are temporarily or permanently deprived of their family milieu, or who are not allowed to remain with their family out of their best interest, have the right to special protection and assistance from the Member States, which must guarantee this child alternative care. This care may encompass family foster care, *kafala* within Islamic law, adoption or, if needed, their entry into the appropriate childcare institutions. When weighing solutions, special attention should be paid to the fact that it is desirable for the child to continue their education in their own ethnic, religious, cultural and linguistic milieu. Unaccompanied and separated children and adolescents are particularly vulnerable.

In Catalonia, matters involving the protection of children and adolescents are the exclusive competence of the Generalitat (regional government).

Article 20 of the Convention on the Rights of the Child

Sections 3 and 4 of article 166 of the Statute of Autonomy of Catalonia

General observation no. 6 of the United Nations Committee on the Rights of the Child

PROTECTION OF CHILDREN AND ADOLESCENTS IN THE SOCIAL MEDIA

The social media must take special care with any information that affects children or adolescents and not disseminate their name, image or any information that would allow them to be identified, with or without the consent of their parents or guardians, in cases in which their honour, privacy or image could be affected, particularly if they appear or could appear as victims, witnesses or accused parties in relation to the commission of illegal acts. Nor may data on the affiliation of fostered or adopted children or adolescents be divulged.

In Catalonia, the regional government and, if applicable, the Catalan Audiovisual Council, must ensure that the press, radio and television services and other media pay special educational attention to children and guarantee the omission of content which could seriously harm their physical, mental or moral development, in particular sexist or pornographic content, content containing gratuitous violence and content that foster intolerance or degrade their image. Content that

may harm the physical, mental or moral development of children or adolescents are specifically those that are not recommended for minors under the age of 18, cannot be broadcast between 6 am and 10 pm, and must come with an acoustic and visual warning about their content.

Articles 17 and 29 of the Convention on the Rights of the Child

Articles 9 and 81 of Law 22/2005 on audiovisual media in Catalonia

Article 64 of Law 14/2010 on the rights and opportunities of children and adolescents

Articles 3 and 14 of the CAC Directive (2007) on children and adolescents

Article 7 of State Law 7/2010 on general audiovisual communication

Article 6 b of Directive (EU) 2018/1808 of the European Parliament and of the Council

Criterion 11 of the Code of Ethics of the Journalists' Association of Catalonia

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Driving organisations and contributors

DRIVING ORGANISATIONS

Col·legi de Periodistes de Catalunya (Journalists' Association of Catalonia)

Consell de l'Audiovisual de Catalunya (Catalan Audiovisual Council)

Generalitat de Catalunya (Government of Catalonia) (Department of Labour, Social Affairs and Families; Secretariat of Children, Adolescents and Youth; and Secretariat of Equality, Migration and Citizenship)

ORGANISATIONS THAT HAVE PARTICIPATED IN DRAWING UP THESE GUIDELINES

Casa Amaziga de Catalunya (Amazigh House of Catalonia)

Col·legi d'Educadores i Educadors de Catalunya (Educators' Association of Catalonia)

Col·legi Oficial de Psicologia de Catalunya (Official Association of Psychology of Catalonia)

Consell Nacional de la Joventut de Catalunya (National Youth Council of Catalonia)

Creu Roja de Catalunya (Red Cross of Catalonia)

Migra Studium

Programa BCN Interculturalitat (BCN Interculturalism Programme) of the Barcelona Town Hall

Síndic de Greuges (Ombudsman)

Tot Raval

Xenomedia



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de l'Audiovisual
de Catalunya**



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Departament de Treball,
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