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WHITE PAPER

How Sensitive, How Nuanced?
(Review of Media Coverage of Kathua Rape Case)

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How Sensitive, How Nuanced?
Review of Media Coverage of Kathua Rape Case

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Executive Summary

The white paper argues that considering the issues that still persist in representing rape and gender based violence in the mainstream media, it is absolutely imperative that more studies focus on the ―ethics‖ of journalism, which can then inform detailed gender sensitive guidelines. In doing so, at first it is important to analyse and examine how media represents violence against women because concerns such as the subtleties of the language used and decisions about what is included while what is left out not only shape the worldview of the recipients but also affect their behaviour and lives in a more tangible way.

First of all, the paper points out that news coverage of gender based violence (GBV) cannot be looked at in isolation, because it cannot be divorced from media coverage of women in general. Studies at the global level have repeatedly revealed that women are underrepresented in news media. The GMMP report (2015) highlighted that women make up only 24% of the persons read about, seen or heard in newspaper, television or radio news and that merely 4% of media stories challenge gender stereotypes in clear terms. In view of these facts the paper deals with the all important question of *what it really means to assume a 'gender lens' in the media*. Is it merely reporting more incidents about women? Or does it entail something more? It is argued there- after that in terms of reporting on GBV, particularly rape, a true _gender lens‘ highlights the gendered nature of misogynist violence against women and the prevailing gender relations that fuel this misogyny, instead of merely reporting rape cases.

Moreover, assuming a _gender lens‘ in media reporting on rape would also require reporters to become aware of the implicit and systemic biases that they might themselves exhibit while such reporting. For example, in a study published by _ANROW‘ and _Our Watch‘ (2015), it has been pointed out that the media gives _salacious aspects of violence against women‘ in its reports in majority of the cases which give the public a provocative but not a representative perspective. It is highlighted that instead of detailing the multiple aspects, the incident of violence is mostly simplified to fit key values of sensational news-making. Section 1 details a few main critiques of the way rape and other GBV is broadcast in news media, suchas:

- concerns determining _newsworthiness‘
- _victimisation‘ of the women
- homogenisation of victimhood
- victim blaming
- pathologisation of the perpetrator
- obscuring the agency of maleperpetrators.

Knowing and really understanding these critiques is the first step towards a more gender sensitive rape reporting.

In light of the critique presented in section 1, Section 2 underlines point-wise some ethical and gender related concerns regarding the media coverage of the Kathua rape case in India in January 2018, that came into public light and became a clarion call for many protests across the country. The case involved the long-drawn, repeated gang-rape and brutal murder of an eight year old girl belonging to a tribal community of Kashmir valley, namely the Bakarwals. The points of concern highlighted include:

- delay in the coverage of the case;
- stress in the media on gruesome details and the following public protests;
- using the picture of the eight year old girl and revealing her identity - including hername;
- identity determining the manner of media coverage;
- coverage not being widespread until political aspect was divulged;

- case triggering unauthentic speculation and tokenism in media;
- not covering the structural aspect or specificity of the case;
- not highlighting the gendered aspect of rape as a tool for political dominance.

Thereafter, Section 3 points out some pertinent concerns about media reporting of rape in India in general, both to contextualise and elaborate the discussion around the Kathua case in Section 2. This is followed by a detailed argument in Section 4 regarding the need to discuss and expand the core professional ethics of journalism to stress a **_gender-ethical' lens** that ‒realistically, accurately and fairly represents women, minorities and other marginalized groups‖ (GMMP, 2015: 14). It is stressed that assuming a gender ethical lens does not mean adding one more ethical stance to the professional code of journalism but instead requires looking at the existing codes through a gender lens and a rights based approach. In addition, realisation of a gender ethical lens is tied to an *ethic of self-reflection* - a deeper introspection on the journalists' personal values.

The final section highlights a few practical and philosophical guidelines for journalists with regards to reporting on gender based violence - especially rape, so as to assume and practice a gender ethical stance along with a rights based approach.

Introduction

Media's role as the watchdog of any democratic system is well acknowledged. As the avowed –Fourth Estate‖, it has a responsibility to disseminate accurate information, create public awareness, give direction to public opinion and highlight systemic as well as institutional mal-practices. The act of knowledge production is a privilege since it has the ability to challenge (or reinforce) domination as well as highlight (or silence) accountability. The news media - whether print or electronic (and now increasingly online) - as knowledge producers with the maximum number of reach, have the ability to create a platform to address social issues and modulate _voices' that are heard or sidelined (Bennett, 2000)[1] . By diversifying the extent of voices that are highlighted and represented, media can play a huge role in shaping the society itself and ensuring that the traditionally marginalized groups are given an opportunity to be heard. This point about _voice' and regulating whose voice is heard and highlighted as well as in what manner is crucial.

The purported veneer of *objectivity* with regard to projection of different voices in the society or displaying the absolute truth was rejected as a paradigm within the discipline of journalism even around the early 1980s. But still it is assumed - both in the field of journalism as well as by a majority of the larger public - that reporters are able to pursue and follow _functional truths' - i.e. reporting with fairness and accuracy to approximate the truth *as much as possible*. Over the years, however, critical media scholars have highlighted that media often falls prey to systemic biases (McManus and Dorfman, 2005) [2] resulting from the social order they are embedded in.

It is with this understanding that the present paper would focus on media representations of violence against women - particularly rape - highlighting the Kathua rape case in January 2018 and its media coverage. The first section would briefly compile the various aspects highlighted by critical media scholars - especially feminist scholars - regarding media coverage of gender based violence (GBV) in general. The second section would focus on the specific coverage of the particular case in Kathua - highlighting some major observations both from an ethical and gender perspective. This section would mainly engage in content analysis of media reports, taking aid from other more detailed and reflective opinion pieces revolving around the case. The following section would flag some critical points that have been highlighted in the country by some research studies regarding rape coverage in India in general. The final section would argue for a more *gender ethical* stance in the coverage of rape (and other GBV incidents) in addition to a *rights based approach.*

We feel that it is significant to broach this discussion at present considering the outreach and crucial prevalence of different forms of media - particularly online journalism. With regards to online media there is a serious dearth of conversation and critical thought in public about the position that it holds while reporting violence, conflict and injury. Considering the issues that still persist in representing rape and gender based violence in the mainstream media, we feel it is absolutely imperative that more studies focus on the –ethics‖ of journalism, which can then inform detailed gender sensitive guidelines.

[1] Bennett, J. (2000). The politics of writing, *Agenda: Empowering Women for Gender Equity*, 46, 3-12.

[2] McManus, J. and Dorfman, L. (2005). Functional truth or sexist distortion?: Assessing a feminist critique of intimate violence reporting. *Journalism: Theory, Practice & Criticism*, 6(1), pp.43-65.

1. Media Reporting on Rape and Gender Based Violence

It is important to analyze and examine how media represents violence against women because concerns such as the subtleties of the language used and decisions about what is included while what is left out not only shape the recipients' worldview but also affect their behavior and lives in a more tangible way (Meyers, 1997)[3]. So for example, in a very practical sense the tone and content of the news item will influence people's decisions - especially women's -about where to go, what to wear, how late to stay out, how to act etc.

But first of all what needs to be highlighted and understood is the fact that news coverage of gender based violence cannot be looked at in isolation, because it cannot be divorced from media coverage of women in general. Studies at the global level have repeatedly revealed that women are underrepresented in news media - in terms of bylines for reporters as well as sources within the news items (Meyers, 1997). The GMMP report that takes into account data from 114 countries, exploring dimensions of gender in the media content across these nations, highlighted that women make up only 24% of the persons read about, seen or heard in news-paper, television or radio news - with this sort of sidelining spilling onto online news platforms as well (wherein the representation was again very low at 26%). The report also underlines that ―the journalistic gender lens in source selection is not only male centered, but it is also skewed to acertain kind of masculinity when selecting interviewees foralltypes ofviews, from _expert' opinion to _ordinary' person testimonies‖ (GMMP, 2015: 9)[4]. The most crucial information highlighted by the report is that merely **4%** of media stories (including news media tweets on- line) challenge gender stereotypes in clear terms. This calls for a more in-depth analysis of media reportage and exploration of what a _gender lens' in media would really look like. As per many feminist scholars, the way issues of women are dealt in the media do reflect the main- stream patriarchal perspective that more often than not sidetracks and trivializes women's concerns and also furthers gender stereotypes as well as myths.

What does it mean to assume a 'gender lens'?

With ongoing debates for including a gendered lens in media spaces increasing in pitch by the day, we need to have more conversations around what is a _gender lens' to begin with. Is it merely reporting more incidents about women? Or does it entail something more? In terms of reporting on GBV, particularly rape, a true gender lens highlights the gendered nature of violence against women and the prevailing gender relations that fuel this misogyny (misogyny is a discourse that supports and maintains women's subordination)[5] (Buiten, 2007). This would be as opposed to tacitly accepting the fact that men have always and will continue to inflict violence on women and taking journalistic responsibility as merely reporting the violence thereafter. Assuming a gender lens would thus mean acknowledging the gender and power relations that propel gendered violence such as rape; ―what the (gender based) assaults have in common is the fuel of gender relations. Noting this takes us beyond an analysis which says

[3] Meyers, M. (1997). *News coverage of violence against women: Engendering Blame*. Thousand Oaks: Sage Publications.

[4] Global Media Monitoring Project [GMMP] (2015). *Who makes the news?*. World Association for Christian Communication.

[5] Buiten, D. (2007). Silences Stifling Transformation: Misogyny and Gender-Based Violence in the Media. *Agenda: Empowering Women for Gender Equity*, 71, pp. 114-121.

women are vulnerable to men. It suggests that both women and men are vulnerable to the way dominant norms of gender relation, within their context, are working‖ (Buiten, 2007: 116).

Moreover, assuming a gender lens in media reporting on rape would first require reporters to become aware of the implicit and systemic biases that they might themselves exhibit while such reporting, so as to acknowledge and rectify the same. For instance it has often been noted that in reporting crime news in general, and rape cases in particular, media is guided by a certain sense of *immediacy* (negating the historical or situational context), *personalization* (reducing complexity of the issue to clash of two individuals), *dramatization* and *titillation* (emphasizing on the sensational, superficial details rather than its meaning) and *novelty* (searching for unexpected and new news angles) (Meyers, 1997). In a study published by _ANROW‘ - a national research organization on women‘s safety in Australia along with _Our Watch‘ - an organization to drive change in cultures that lead to violence against women - it has been pointed out that _salacious aspects of violence against women‘ in news media reports give the public a provocative but not a representative perspective (Sutherland et al., 2015)[6]. It is often highlighted that instead of detailing the multiple aspects of the incident, it is mostly simplified to fit key values of sensational news-making. A few main critiques of the way rape and other GBV is broadcast are detailed below. Knowing and really understanding these critiques is the first step towards more gender sensitive rape reporting.

a. Determining ‘newsworthiness’

There is need to deconstruct who and what gets represented by media for it to draw public concern. In the introductory chapter of her book *Frames of War,* eminent scholar Judith Butler talks about how lives get recognized and how norms operate to produce some lives as recognizable and others as difficult to recognize (Butler, 2016)[7]. Thus, as we discuss the politics of power behind representation, we also need to ask who constitutes a life that is worthy of representation. It has to be understood and debated as to what is considered ―newsworthy‖ and why it is considered so. Are all kinds of rape and gender based violence represented in the media equally? Why are some cases highlighted, while some given a total miss? We need to ask our- selves why every other sexual assault case that gets filed does not reach our personal spaces of awareness or discussion.

Mainstream news media mostly focuses on celebrity-linked or very sensational cases, often with gruesome details attached. It is important to highlight that journalistic models that prize the 'bizarre' or the _sensational‘ over the 'everyday' normalized violence against women by making them seem as one-off or exceptional. Not indulging in analysis of everyday rapes and plain shorthand reporting of these, end up giving the impression of tacitly accepting rape as part of the society.

b. ‘Victimizing’ thewomen

Women are more than twice as likely to be presented as victims than men in media (GMMP, 2015). The insecure status of the female body and her sexuality becomes the primary focus of media representation while speaking of her identity.

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[6] Sutherland, G., McCormack, A., Pirkis, J., Easteal, P., Holland, K., & Vaughan, C. (2015). *Media representa- tions of violence against women and their children: State of knowledge paper*. ANROWS & Our Watch: Syd- ney.

[7] Butler, J. (2016). *Frames of war : When is life grievable?*. London: Verso.

Women are more often projected as 'victims‘ in need of rescue. Rita Manchanda in her article titled *'Gender, conflict and displacement'* speaks of the stereotypical ways in which women are projected by media (Manchanda, 2004)[8] . She highlights how the identity and agency of an individual gets lost in the homogeneous category of _victim‘. Overall, women are spoken of mainly in context of sexual violence and sexual oppression, whereas issues that are usually talked in association with men are not usually the same when it comes to talking about cases that centre around women. Reporting violence on women is confined to sexual, physical and mental violence but violence in terms of loss of livelihood opportunities as well as denial of basic health care facilities and access to education is not high- lighted in the same vein. Therefore the multiplicity of oppression that women go through has often been covered with images of a stereotypical understanding of women‘s oppression which gets objectified and transformed into *sympathy narratives*.

Moreover, portraying rape as merely sexual violence strips the intricacies involved in it. Predominantly delineating the sexual violation and implications of rape not only plays up the _honour‘ aspect associated with it, but also furthers stigmatization of sex-related crimes. The repercussion of the event on other aspects of life such as livelihood, sustenance, agency and access is not equally focused on. Also an undue stress on victimization not only unfairly side-lines agency of the women caught in such an incident but also has negative implications for the larger set of women being exposed to such portrayals.

c. Homogenization of victimhood

With this homogeneous representation of women in light of _victimhood‘, there is a constant process of stripping away intricacies of class, caste, religious and ethnic hierarchies. Gender cannot be analyzed in isolation; it has to be taken in conjunction with other signifiers of domination and control such as caste, minority status and class. Characterizations, representation and ―newsworthiness‖ of violence against women are also determined by their class, caste and other identity status.

Passive representations of minority groups rarely get challenged or questioned in journalistic media spaces. For example, in the context of America, feminist scholar Patricia Hill Collins highlights the following: ―Black women are more likely to be victimized than white women. Black women are less likely to report their rapes, less likely to have their cases come to trial, less likely to have their trials result in convictions, and, most disturbing, less likely to seek counseling and other support services‖ (Meyers, 1997:31). It should also be noted that the likelihood of coverage of rapes when perpetrators belong to the non-dominant class, religion or caste is significantly more.

d. Victim blaming

In addition to being presented as the victim, there are _rape-myths‘ permeating through media portrayals that implicitly further the patriarchal notions of the ―proper‖ role, place and con-duct of the women. In most coverage of rape ―chances are that she (survivor) will be represented as somehow responsible for her own suffering because she was on drugs, drunk, not properly cautious, stupid, engaged in questionable activities, or involved in work or exhibiting behavior outside the traditional role of women‖ (Meyers, 1997: 61). In its extreme, portrayals may implicitly reflect forms of beliefs prevalent in a ―rape culture‖ such as ―women want to be raped, women deserve to be raped, women provoke rape, women need to be raped, and women enjoy being raped‖ (The Quint, 2018)[9].

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[8] Manchanda, R. (2004). Gender, conflict and displacement. Economic and Political Weekly, 39 (37)

[9] The Quint. (2018). Documentary: Why Do Haryana‘s Old & Young Blame Women for Rape?. *The Quint*. 7, April

In such narratives, rape is either consensual or the women give men the opportunity to rape them or do not do enough to avoid being raped. At best, rape is blamed on both men and women involved - completely ignoring the power dynamics the act of rape exhibits inherently.

It is also to be understood that this sort of victim blaming in popular public debate is historically instilled in most contexts. For instance, an article about the way male lawmakers and physicians narrowed the definitions of rape in 18th century England, highlighted the following: ―Ruining a woman's character was sometimes considered more pressing evidence than a medical examination and physical proof of trauma. Because of societal pressures on women to be pure, chaste, and obedient, judges and juries might dismiss a woman's claims if she was considered resistant to the societal expectations put upon her and, therefore, a ―bad‖ woman‖[10].

e. Pathologising theperpetrator

By depicting the perpetrator as ―sick‖ or pervert, the media mostly suppresses the ―fundamental normalcy‖ of violence against women in a patriarchal system. ―The _monster' depiction ignores power relations and turns violence into something that only occurs in deranged families‖ (Meyers, 1997: 10). It pushes rape and other kinds of violence into the realm of the pathological only, which is definitely not the case in reality. This kind of portrayal that makes pathology the agent frames rapists as aberrant rather than functioning men within the society. While it is important to keep the perpetrator accountable of his crime, the crime itself needs to be analyzed as a social and systemic issue, rather than merely individualizing it and attributing a pathological _out-of-the-norm' motivation to it.

f. Obscuring agency of male perpetrators

Another extreme of perpetrator portrayal, especially if the male perpetrator falls into the category of a fully functional society man, is that the media paints over the guilt by describing them as ―victims of provocation or personal stress, more deserving of mercy and compassion than condemnation and constraint‖. Moreover using passive language such as ―a woman was raped‖ indirectly shields the perpetrator from responsibility and makes the rape survivor the centre of linguistic attention (Lamb and Keon, 1995: 211)[11]. However, it has to be highlighted that this tendency is reversed if the perpetrator belongs to a non dominant class, caste or ethnic status in society.

To sum up, through varying versions of all these critiques, it has been argued by scholars of media that ―news contributes to the building and maintenance of popular consensus through the use of language that reflects and perpetuates the values, beliefs, and goals‖ of the dominant power structures (Meyers, 1997: 19), such as patriarchal values and the stereotypes emanating from male supremacy, for example, the _belief' that men are naturally more sexually aggressive than women. Within this scheme of things therefore, rape is also sometimes naturalized as what men do; *it is just the way things are*. As expressed before, the systemic misogyny in this kind of narrative is often not recognized or explored.

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[9] The Quint. (2018). Documentary: Why Do Haryana's Old & Young Blame Women for Rape?. *The Quint*. 7, April

[10] Henault, M. (2018). ―There Had Been No Penetration:‖ Male Surgeons' Roles in Defining Rape in Eigh- teenth-Century England. *Nursing Clio*. 6, February.

[11] Lamb, S. and Keon, S. (1995). Blaming the Perpetrator: Language that Distorts Reality in Newspaper Arti- cles on Men Battering Women', *Psychology of Women Quarterly*, 19.

2. Case in Focus: Media coverage of the rape case in Kathua, J&K, India

People in India are accustomed to waking up to news of rape cases. There is bound to be at least one report on a rape case snuck in some corner of the newspaper or television news every single day. Most of the times these reports go unnoticed and rape reporting has become so commonplace that some people tend to skip some of these news altogether.

But certain cases capture public attention and become a rallying call for the whole nation to talk about violence against women. For instance, in December 2012 the gang rape and murder of a young girl on a moving bus, what later became characterized as the *Nirbhaya case*, captured public attention and propelled large scale protests, both in the county and abroad. The most recent case that similarly came into public light and became a clarion call for many protests across the country is the one now called ‗the Kathua rape case'. It involved the long-drawn, repeated gang-rape and brutal murder of an eight year old girl (henceforth, *girl)* belonging to a tribal community of Kashmir valley namely the Bakarwals. The Bakarwals are a migrant shepherd community that traverse multiple locations over the span of a year to graze their animals. This case involved seven adults and one minor as perpetrators. One of whom who was a former revenue official, actually crafted the sinister assault apparently as a means to make a political point to the Bakarwal community. He and his conspirators wished to terrorize and ‗dislodge' the community from their area, because they felt that the Muslim Bakarwals were changing the demographics of the region. The case also involved two Special Police Officers (SPOs) and two other police offi cials. The chilling details of the chargesheet reveal how the incident un- folded in a pre-meditated manner and how the young girl was cruelly held in captivity, drugged on empty stomach, gang-raped multiple times and murdered in cold blood (Firstpost, 2018)[12] .

As in the *Nirbhaya case* in 2012 - the rapid spread of information about the case by the media, although inaccurate and variable especially in the beginning, acted as a powerful tool in organizing people and creating a flurry of public uproar around acts of violence against women (Phillips et al., 2015)[13] . But over the course of this media swirl, the High Court of Delhi took offence on the ―nature and manner of reporting‖ of the Kathua case. While the primary contention of the court was regarding revealing of name and identity of the *girl*, there are many other ethical and gender related concerns that can be highlighted regarding the media coverage of the case. This paper, therefore, takes the Kathua case as a pivot to build an argument for a more ethical and gender sensitive reporting. In this section, various contentious points regarding the media coverage of the particular case are highlighted. The critique is mainly targeted at the mainstream newspapers, taking the aid of the more reflective and analytical pieces that appeared on relatively newer and contemporary online news sources, such as *Scroll*, *Firstpost*, *The Wire* etc. Moreover, television media is excluded from the discussion, although many points highlighted can be attributed to the television coverage as well (if not more so). A wholesome analysis of the same is outside the scope of the present paper - since it would require another set of background literature review.

[12] Firstpost (2018). Kathua rape and murder case: Full text of chargesheet filed by Jammu and Kashmir Po- lice. *Firstpost*. 15, April.

[13] Phillips, M., Mostofian, F., Jetly, R., Puthukudy, N., Madden, K., & Bhandari, M. (2015). Media coverage of violence against women in India: A systematic study of a high profile rape case. *BMC Women's Health*, *15*(3)

Point 1: Delay in the coverage of the case

The details of the case shook everyone who encountered it to the core. However, it needs to be highlighted that the incident actually took place in January 2018. The *girl* who was to bear the brunt of rape and murder went missing on January 10, 2018 and the first missing report was registered on January 12. A week later on January 17, her murdered body was recovered. Even though in February a rally was organized by a right wing organization calling itself Hindu Ekta Manch protesting the arrest of one of the accused related to the case, supported by several local people brandishing national flags making it a national issue, there was hardly any media coverage about the rape even then (Ahmad, 2018)[14]. The coverage, however, started intensifying only in April (Ninan, 2018)[15].

As one reporter pointed out in a podcast by and for reporters, ‒considering the coverage that Salman Khan got wherein at least 9 leading dailies put it on their front page, how does a girl's repeated rape for at least a week not get a front page coverage except one column in TOI?‖ (Newslaundry, 2018)[16]

Point 2: Stress on gruesome details and following public protests

As elaborated in Section 1, undue stress on the details of the rape case, without contextual or systemic analysis, make most media reports of rape seem salacious (Robert, 2016)[17]. It is believed in some media circles that a reaction, especially a public one, is elicited only when the details of the incident are particularly gruesome or it is sensational/sensationalized in some manner. But such undue focus on just the case itself has contributed mainly to de-sensitization of people towards rape, normalization/naturalization of rape in the larger society or even turning some people away from discussing rape. Also by sensationalizing the act itself, these reports and depictions can even facilitate rape itself by desensitizing particularly the male recipients of these reports (Thacker and Day, 2017)[18].

In the Kathua case, strong public response ensued primarily due to the horror and anguish facilitated by the media reported details of the case. After repeating the horrors of the case itself, the mainstream news media moved onto the details of the public protests that followed and celebrities decrying the rape (NDTV, 2018)[19]. This mirrors media focus in the Nirbhaya case as well wherein most articles discussed description of event, survivor‘s medical decisions, protests as a result of the event and general public‘s response to the event (Phillips et al., 2015).

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[14] Ahmad, M. (2018). BJP Leader in Front, Hindu Ekta Manch Waves Tricolour in Support of Rape Accused in Jammu. *The Wire*. 17, February.

[15] Ninan, S. (2018). Reporting rape: Court notices for naming Kathua victim?. *The Hoot*. 17, April.

[16] Newslaundry (2018). Reporters Without Orders Ep 14: Kathua rape case, Kashmir killings, Salman Khan‘s conviction & more. *Newslaundry*. 11, April.

[17] Robert, M. (2016). How should the media report rape and sexual violence? *The Guardian*. 19, August.

[18] Thacker, L. and Day, L. (2017). Rape Culture, Victim Blaming, and the Role of Media in the Criminal Jus- tice System. *Kentucky Journal of Undergraduate Scholarship*, 1(1), 89-99.

[19] NDTV. (2018). Kathua Rape Case: From Akshay Kumar To Karan Johar, Celebs Demand Justice. *NDTV*. 14, April.

In the Kathua case, whether this kind of sensational reporting could be at least partially linked to the fact that the name of the *girl* figured as a porn website's most trending searches cannot be proved (George, 2018; Roy, 2018)[20], but nevertheless should act as a cue to find better ways of more wholesome reporting rather than just repetition of salacious details of the crime itself (particularly by television media).

Point 3: Using the picture of the girl and revealing her identity, including her name

In the wake of all the public protests, Delhi High Court issued notices and ordered for levying fines from several media houses for violating the law by wrongfully revealing the identity of the *girl*. In the wake of the protests, a photograph of the *girl* surfaced on many media channels along with her name. Photographs of her abused dead body that surfaced later were placed alongside the earlier image, to evoke public emotion. While this spurred many debates about whether it should be alright to humanize rape victims who succumb to the gruesome crime by revealing their name and identity (see Box 1 for details about the debate), the fact remains that using pictures to gain public sympathy and empathy is not only against the law it is also not feasible in all situations, especially in cases of rape survivors. The fact that identification is needed to make systems and people respond must be deemed questionable. But the major issue to focus here is the handling of the pictures by different forms of media. While sympathizing and evoking anger against rape cases using identification could be a medium to hit unresponsive government systems in particular cases, an undue stress on the same further individualizes the problem of rape and does not address the rape culture. It also uses individual characteristics and sentimentality to garner public attention and sympathy. What if the victim was not an ‒8 year old innocent girl with wide hopeful eyes‖ but a woman who is deemed by the larger society as _loose' or _bad' or generally _out-of-bounds'? Would individual characterization still garner the same support? Would it then mean that while some rapes are not acceptable, others are alright?

Moreover one also has to look closely at the nature of protests that emerged out of this emblematic mode of galvanizing support - arranged around the name and picture of the young girl. As reported by an analytical piece, ‒Like the Delhi gang rape of 2012, this case has journeyed from the real to the *symbolic*. The child, her name and her photograph, is becoming the emblem of a new campaign on the streets and on social media, powered largely by the urban middle classes‖ (Chakravarthy, 2018)[21].

Point 4: Identity determining manner of coverage

As highlighted in Section 1, it should also be noted that class and religious attributes of the *girl* determined the manner of reporting. It has been alleged that the Indian media - especially the globalized and liberalized Indian television news media has a pro-affluent bias in terms of covering rape, focusing mainly on upper caste and middle class women, avoiding ethical discussion of violence against marginalized women (Rao, 2014)[22].

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[20] Roy, K. (2018). How Perverted Is India? Kathua Victim's Name Becomes Top Trending Search On Porn Websites. *Outlook India*. 16, April.; George, N. (2018). Metrolife: Brutality porn has sadly many takers in In- dia. *Deccan Herald*. 17, April.

[21] Chakravarthy, I. (2018). Kathua in focus: Slogans and outrage must not wipe out the specifics of the crime. *Scroll*. 17, April.

[22] Rao, S. (2014). Covering Rape in Shame Culture: Studying Journalism Ethics in India's New Television News Media. *Journal of Mass Media Ethics*, 29 (3), 153-167.

BOX 1: Debate ensues: Should the rape survivor's identity be revealed or not?

What does the law say?

Section 228A of the Indian Penal Code (IPC) awards a punishment of two years or fine for revealing the identity of the survivor of rape of any kind (under section 376 and all its subsections). It also states that exception to this can only be provided wherein there is an authorisation *in writing* either by the survivor, or in the case where the survivor is dead or is a minor or of unsound mind, by the next of kin of the survivor. A written authorisation, in good faith, by the offi cer-in-charge of the police station or the police offi cer making the investigation is also acceptable. Even printing of court proceedings that reveal the identity, without prior permission of the court, is punishable.

In addition, Section 23(2) of the Protection of Children from Sexual Off ences (POCSO) Act of 2012, that would apply to this case since the survivor was a minor, explicitly prohibits media to disclose the identity of child survivors of sexual abuse. Disclosure of the name, photographs, address, details of family members, neighbourhood or any other particulars such as school/workplace that may lead to the revealing of the identity of the child survivor is therefore against the law (Singh, 2018). Even details of the perpetrator and the relation with the survivor, that presents a possibility to cause identification of the survivor is considered against the law.

Alongwith legal prohibitions, *Norms of Journalistic Conduct*, by the Press Council of India and other such media guidelines such as those by News Broadcasting Standards Authority (NBSA), also require media reports to withhold identity markers of rape survivors and exercise sensitivity when revealing details that are bound to cause trouble to the survivor.

What is the debate about?

The debate regarding whether the name and identity of rape survivors should be revealed in public or not is a longstanding one, in the country and abroad. While the law prohibits naming, the Kathua case has encouraged several arguments against this shrouding of identity. The use of the *girl's* picture and name by several media houses (that drew a court order slapping fines on some of them), ignited a debate about whether this law shrouding the identity is valid anymore. Even after the Nirbhaya case, several arguments were made supporting the sentiments of Ms Asha Singh, Nirbhaya's mother, who believed that the victims of such heinous crimes should not be ashamed but instead the perpetrators should be (Panneerselvan, 2015). "I am not ashamed of taking my daughter's name. Whoever has suff ered should not hide their name. It is the off enders who should be ashamed and hide their name", she had said.

In this box, various arguments for and against the position are presented. It is a very crucial debate that needs more public discussion and the media needs to be a compulsory stake-holder of these debates.

Arguments for naming of rape survivors in media

Argument 1: Using the picture of the rape survivor is essential to touch the readers or viewers emotionally so as to arouse and elevate response from them

Specifics add to the credibility of the news and personalises it. For example: "When a rape victim's name and pictures are not allowed to be used, does it not end up protecting the rapists? If we had not seen what those beasts did to little *****'s innocent face, would ordinary people have responded with so much anger?"
- Tavleen Singh, Columnist (Firstpost, 2018)

Argument 2: Why should the survivor remain anonymous?

Anonymity causes the case to be one in the many millions (and get lost as a result), as well as disrespects the survivor. Example: "One of the rights NCPCR wants to give her posthumously is the right to remain unknown, nominally. Hadn't she already earned it? Anonymity is part of being ordinary, and that is who she was. So, exercising the right to keep her name hidden will pose no problem… But the least we can do now is to remember her by name rather than call her the eight-year old gang-rape victim of Kathua as the NCPCR desires".

- Krishna Kumar, former director at NCERT (Kumar, 2018)

Argument 3: Nondisclosure will only increase the stigmatization

It is argued that not disclosing the name of the survivor amounts to accepting that rape is disgraceful and perpetuates sexist stereotypes. It puts the onus of shame on the survivor and prevents her further from forging social relations. It is therefore important to reveal identities in order to overcome the stigma and shaming resulting from rape.

Argument 4: The domino effect

Once the identity is out on any one platform, other news agencies feel impelled to follow suit. Many media outlets felt impelled to use the image after it first started circulating on social media. In the era of quick news and widespread deregulation through the omni-presence of social media, it would be impossible to prevent this from happening.

Arguments against naming rape survivors in media

Argument 1: Disclosing stigmatises the survivor

Since the stigma attached to rape is very high, it is more personal and traumatic than other crimes. No matter how much one would want to dispel this stigma, it would take a long time to completely get rid of it. Until then, disclosing identity could cause potential long term trauma and lower the survivor‘s chance for normal social relations. Especially ostracisation in the neighbourhood due to stigma - could deny a chance to recuperate and move on in life.

Argument 2: It should be one‘s choice

It should be the choice of the survivor; the provision for non-disclosure should not be completely removed. Moreover "[W]hy must the victim, who has already suffered from the ordeal of rape, be forced to bear the responsibility of educating society and changing its prejudicial view toward rape and its victims?‖ (Denno, 1993: 1126)

Argument 3: Caution even when survivor has exercised choice to disclose name and identity

It has been argued that it is important for journalists and media personnel to consider important ethical questions before choosing to publish names, even in cases, where the survivor has agreed or decided to divulge their names. As Bob Steele - who taught journalistic ethics at De Pauw university once wrote: ―I would not identify them just because they said it was OK. I would want to know what crisis counseling they received before agreeing to go public. I would want to know how much professional help they‘d received to deal with their trauma. I would want to know what guidance they‘d received in making such a profound decision about agreeing to attach their name to the words, ‗rape victim.‘ But, since I don‘t know the answers to my concerns, you won‘t find their names in this column‖ (Khullar, 2017).

Argument 4: The story should be made credible and interesting by its very facts

Credibility and interest should not be based on a survivor‘s identity but rather the context of the crime - that can be obtained from law enforcement agencies and gender experts - or the personality of the survivor - which can be obtained from those who know the survivor. Name can then be only a superfluous addition to the story.

Argument 5: Revealing identities would affect reporting of rapes

There are claims that disclosure instead of dispelling the stigma and shame associated with rape, may further reinforce it - especially for those women who were not raped by a stranger but rather someone known to them. The disclosure in that case can further isolate the survivor in their own social circles. Therefore, if there is no legal mandate to cover up identity of the survivor, many girls might choose not to report their case at all - fearing lack of resources and social support.

Source(s):

Denno, D. (1993). Perspectives on Disclosing Rape Victims' Names. *Fordham Law Review*, *61*(5), 1113-1131.
Firstpost. (2018). By withholding Kathua rape victim's name, we are protecting the rapists: Tavleen Singh. 15, April.
Khullar, A. (2017). The Media Needs To Rethink How It Reports Rape. *The Wire*. 22, February.
Kumar, K. (2018). Let the Kathua rape victim be called by her name. 18, April.

Moreover, it is also highlighted that while the issue surfaced (already replete with breach of privacy issue) in Kashmir valley, since the perpetrators belonged to the majority community - with alleged support of a huge portion of the public - the story was kept under cover more or less in Jammu for a long period of time (Yaseen, 2018)[23]. The question of an unbiased, truthful and objective coverage arises herein. It also needs to be noted that mainstream media in India did not give headline coverage to the fact that when the detailed chargesheet of the case was filed by the investigating crime branch, lawyers had obstructed them and staged a protest. The Jammu HC Bar Association had also called for a _shutdown' to protest against the investigation by crime branch and later the defence lawyer of the accused appealed to public to boycott Bakarwals - not to sell them land or transact with them. These crucial aspects, directly related to the brutality of the rape itself, were not given due importance or media space. It is important, therefore, to be aware of the pattern in which media reportage converges with wider discourses, that are more usual than not, politically and socially motivated.

Point 5: Coverage not widespread until political aspect divulged

As a corollary to the earlier point, it can also be noted that until the time only the rapecame to the fore - along with its brutal details - there was no reporting in the mainstream media. It was only when the lawyers tried stopping the crime branch from filing the detailed charge sheet, chanting _Jai Sri Ram‘, that some photos surfaced and thereafter the case began being broadcast on full-blast from all media houses (Gopinathan, 2018; Newslaundry, 2018)[24] . Why was it sidelined till the time the political and communal angle was not divulged? Was it _merely a rape‘ till that time? Rape - that happens all too often, rape - that is a –woman‘s issue‖ therefore not of interest to everyone, rape - that is especially a common affair for border states? These are all blatantly wrong assumptions, but nevertheless describe the attitude of mass media.

Point 6: The case triggering unauthentic speculation and tokenism

Dainik Jagaran - a popular mainstream Hindi newspaper with readership over 5 crores claimed in one of its online story that the Kathua *girl* was not raped (The Quint, 2018)[25]. It claimed, based on unrevealed sources, that there were two post-mortem reports (Iyer, 2018)[26]. Social media portals of course went into a tangent of relentless unrestrained unchecked fake claims thereafter[27]. Further, in a bizarre manner, Sunday Guardian Live decided to post an article under its opinion section, putting a disclaimer that it is ―fake news‖ that is purely a fictional

[23] Yaseen, F. (2018). Jammu‘s saff ron belt silent on Kathua child‘s rape and murder. *Rising Kashmir*. 19, January.

[24] Newslaundry. (2018). Hafta 167: Kathua, Unnao and the politics around the two rape cases. 13, April; Gopinathan, S. (2018). Unnao, Kathua rape cases: Involvement of majoritarian interests have shown the State‘s complicity in these horrors. *Firstpost*. 15, April.

[25] The Quint (2018). Dainik Jagran Resurrects Article Saying Kathua Minor Wasn‘t Raped. *The Quint.* 21, April.

[26] Iyer, A.S. (2018). Kathua Rape: Exposing a Viral List of Lies From Ground Zero. *The Quint*. 15, April.

[27] Firstpost. (2018). From 'Rohingya migrants' to 'Section 233 of IPC': Kathua rape case sparks slew of fake claims on social media. *Firstpost*. 27, April.

concoction but using real names of the people included in the case, including that of the *girl* (Venkataramakrishnan, 2018)[28]. This article cast aspersions on many aspects of the case, using the tag of 'fake news' to get away with any sort of responsible sourcing. Most recently, Zee news - a television channel - claimed to reveal a "big truth" exonerating one of the accused in the case on very flimsy grounds (Zee News, 2018)[29] . All of this speculation is being publicized while the trial is in progress legally.

Moreover, many sections of the media also started using token measures of calling the young girl as the "new Nirbhaya", without any reflection on the veracity or the implication of the same (Pant, 2018) [30]. The two main threads of the public protests - mainly anchored by the middle class in various parts of India - and heavily covered by media were on the themes of "India's Daughter" and "Not in my name" - both (and specifically the "India's Daughter' stream) portraying the incident in a seamless continuum to the other rape cases. This leads to the next point.

Point 7: Not covering the structural aspect or specificity of the case

The Kathua case was different in the sense that it highlighted not just brutal sexual and gender based violence, but also the use of rape as a political tool. The specificities of the case make it different, from say the Nirbhaya case. It includes the role of the nation-state itself, the dominant narratives and sentiments of nationalism, the structural violence by the state in Kashmir valley, the minoritization of the Bakarwal community in Jammu region and majoritarian poli- tics[31]. The case therefore required more intersectional and delicate treatment because of the *double marginalisation* that the specific location of the minor girl presented; as was highlighted

BOX2(a):...analysing thecasefrom multiple angles!

'Kathua in focus: Slogans and outrage must not wipe out the specifics of the crime'
- Ipsita Chakravarty, Scroll

'Kathua Girlandthe Legacyof Rapeasa Political Tool'
- Alka Shukla, Arre

'The 'Bare Life' of the Eight-Year-Old Girl from Kathua'
- Nissim Mannathukkaren, The Wire

'The Real Instinct Lurking Behind the Kathua Horror'
- Apoorvanand, The Wire

BOX 2(b)...sentimentalism, sensationalism and victimisation!

'Anatomy of a Concoction'*
- Sushil Pandit, Sunday Guardian Live

'Kathua rape-murder: How the crime was committedandwhoarethekeyaccused'
- Times of India

'Kathua rape and murder case: Sonam Kapoor, RichaChadha,FarhanAkhtarandothersdemand justice'
- Daily News and Analysis

'Kathuamotherwantsdeathforculpritswhoraped and murdered her 'beautiful, intelligent' girl'
- Hindustan Times

[28] Venkataramakrishnan, R. (2018). Fake news: This Indian newspaper chose to publish a "concocted' story on the Kathua rape case. Scroll. 16, April

[29] Zee News. (2018). Zee News reveals the biggest truth of the Kathua gang rape case. *Zee News*. 1, May.

[30] Pant, M. (2018). Kathua rape and murder case: The perversity of labelling the eight-year-old victim as 'the new Nirbhaya'. *Firstpost*. 15, April.

[31] Shali, P. (2018). How politicians exploited Kathua rape case should make us sick. *Daily O*. 16, April.

in some reports ―she was merely tribal for the Kashmiri Muslim and merely Muslim for the Hindu community‖ (Mannathukkaren, 2018)[32] .

Moreover the case is symptomatic of many things that have been building up over time, such as the contestations over land, state backed intentions to evict Bakarwal settlements in the area as well as party politics of communal polarizations (Chakravarthy, 2018). These are important aspects to be highlighted and discussed in the case, to understand its specificities rather than force-fitting it into acceptable templates of sensationalism which result in its dilution. This also precludes discussion of various important aspects that could prevent rapes in this particular context in the future as well.

Point 8: Not highlighting the gendered aspect of rape as a tool for political dominance

The most important and glaring omission from media portrayals and analysis has been highlighting and exploring the use of rape and gendered assault as a tool of exercising power over political or other opponents. Some articles highlighted the political aspects of the rape, arguing for seeing the case as beyond the framework of gender violence and to portray it as a hate crime to instill fear in the minority (Salim, 2018)[33].

But this paper would like to stress that while the Kathua case is political (and this has been stressed in the above passages), it cannot be seen outside the gender paradigm. In fact it presents opportunity to highlight, acknowledge and tackle the terrorization of women‘s bodies to establish political dominance. Therefore while it is acknowledged that the case is not mere rape but political rape, it is rape nevertheless; and a very brutal one at that. It is a blatant example of using rape as a tool for political and economic point making played out on women‘s body. It also highlights the ―nonchalance with which the bodies of women who don‘t belong to your caste, class, or community in times of strife or not – are treated as fair grounds for defilement‖ especially as a means to ―teach them a lesson‖ (Shukla, 2018)[34]. Why is it that the best way to make another community fall in line with one‘s wishes is to display what can be done to their women‘s bodies? ―Honor‖ and preserving women‘s sexual identity has always been central to political strategies and motives. In order to dishonour a community therefore, one needs to simply _dishonour‘ the women in the community (Varma, 2018)[35]. The patriarchal mindset and logic that fuels the linkage between the honor of a man or a community to the women‘s vagina is flawed and problematic not only from the perspective of perpetrators of the crime but also for those within the community who take the raped and _dishonoured‘ woman as a mark of defilement. It furthers the portrayal of women as ―bearers of honour‖ (Kishi, 2015)[36]. Targeting women‘s bodies has long been a strategy in war to gain supremacy - in all kinds of communities alike; ―all wars are wars of men…in the slaughterhouse-circus called war, irrespective of which side wins, women always lose‖ (Shukla, 2018).

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[32] Mannathukkaren, N. (2018). The 'Bare Life' of the Eight-Year-Old Girl from Kathua. *The Wire*. 17, April.

[33] Salim, M. (2018). Rape as a political tool in India. *Aljazeera*. 19, April.

[34] Shukla, A. (2018). Kathua Girl and the Legacy of Rape as a Political Tool. *Arre*. 16, April.

[35] Varma, S. (2018). Savarkar‘s Sanction to Use Rape as Political Weapon. *Newsclick*. 16. April.

[36] Kishi, R. (2015). Rape as a Weapon of Political Violence, Part 1 and 2: Trends Across Africa. *ACLED*. 18, February.

Thus, to conclude this section on the Kathua rape case reportage, it would be imperative to point out that despite the some highly publicised cases resulting in public protests as well as public debates and intellectual reflections through multiple opinion pieces, rape reporting in India remains far from ethical and without problems. The points raised in section 1, as noted by several critical media scholars - mark both the kind of reporting that we witness on a daily basis with regards to rape and as this section highlights, also the ones that become lodged in public memory.

3. Flagging specific concerns for media reporting on rape in India

The primary point to remember in the aftermath of violence, and gender based sexual violence in particular, is that the fundamental responsibility of all the stakeholders involved - whether it be the law enforcing agencies, the family of the survivor, counselors and other helping agencies or the media - is to ensure that the survivor regains control over their lives and is mentally recuperating so as to make effective decisions for one's future. All one's action has to be measured against this standard. Confidentiality has been touted as key and a breach of the same is not just counterproductive but infringes on the rights of the survivor as well as brings the trauma of the experience back to them (Robert, 2016). Therefore *keeping the best interest of the survivor in mind* can be kept as a talisman for media reporting of rape in general. In addition, it would be opportune to point out some pertinent concerns about media reporting of rape in India, both to contextualize and elaborate the discussion around the Kathua case in Section 2.

a. A research study conducted by media monitoring organisation, *The Hoot*, points out that majority of time while reporting on rape and violence against women, the media focuses on the details of the incidence - especially if the nature of the crime is graphic - rather than place it within a wider context (as was highlighted in the Kathua case). In addition, the rate of following-up on cases through a series of articles is abysmally low (Bhagwat, 2017) [37]. We as readers or viewers almost always never get to know whether the rape case was registered, chargesheeted, brought to court and brought to justice.

b. The reports in most cases don't move beyond the _how, where, when, who' questions, to address the _why' question (ibid). This simply produces fear and paranoia rather than promote a healthy public discourse about the real reasons behind the incidents, the true nature of rape as a crime as well as prevention strategies. Most of the reporting individualises the problem, making it seem that rape occurs out of the blue - a story revolving around a deviant rapist and a helpless victim. This results in increasing restrictions on women's movements and surveillance of their bodies.

c. Mainstream and everyday rape reporting also lets the systems off the hook. The role of the law enforcing agencies is not just to register and report cases. There is a whole lot of protocol in cases of sexual violence. The police and law enforcing agencies need to be equipped to provide psychological first aid, respect confidentiality and know how to help survivors access appropriate psychological and medical care. Reporting could highlight on these aspects as well. Also, although the courts are legally not implicated for not maintaining confidentiality of the survivor in terms of revealing their name, nevertheless, as per Supreme Court guidelines, even the courts have been prohibited from revealing the identity of the survivors in their judgement. News reports do not hold the courts and judiciary accountable and it has been contended that many court judgements reveal the identity of the survivor (Khan, 2015)[38]

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[37] Bhagwat, P. (2017). _Where media reports on rape fail' and _Failing to do justice to the complexity of rape'. *The Hoot*. 6, August.

[38] Bhatnagar, G. (2016). Disclosing the Identity of Rape Victim Remains a Grey Area in the Justice System. The Wire, 28, July; Khan, A. (2015). Study on rape cases: _Victim's name appears in judgment in 36% cas-es'. The Indian Express, .

d. Most of the times, media reports provide irrelevant details about the rape survivors - such as what she was doing before or after, where she works and where she hails from - that is simply not relevant to the case (Pande, 2017)[39]. This kind of over-reporting not only indulges in indirect victim-blaming, it creates negative stereotypes of certain women in the public and dilutes the intensity of rape or violence as a crime. It instead in a way justifies violence or at the least puts the onus on the girl and her behavior making the ―she was asking for it‖ argument stronger. It also reveals the bias of the reporter himself/herself.

e. A commentary is not provided on gender insensitive comments following many rape cases, but instead most times the statements are produced verbatim. This is with reference to statements such as the following: ―…For the safety of prestige, keep daughters inside the houses under strict vigil‖ (Bhagwat, 2017) or the one by Abu Azmi when he said, ―even women are guilty (of being raped)‖. Reproducing the statements without commenting on the veracity or the foolishness of these statements plainly sensationalize the statements further.

f. A commentary around the details of the case is also missing in most reports. For example, there is no commentary on the fact that in most number of cases the perpetrator was known to the survivor, and in some, was infact related, such as the father (Bhagwat, 2017; Thacker and Day, 2017). As a result there is a continued perception among the public that rape is mostly inflicted by strangers and one has to keep a look-out outside of the family and neighbourhood - which is false information. More responsible and wholesome treatment by the press could dispel various myths, including about the survivor, location of the assault, and the survivor's relationship with her assailant.

g. Moreover non-physical forms of violence against women, such as verbal sexual harassment as well as non-physical intimidation and threat get very rare media attention overall unless it involves known public names, such as the one involving film personalities Priety Zinta and Zeenat Aman or big campaigns such as the #metoo campaign in campuses. Although, out of the scope of this paper, there needs to be a separate set of guidelines devised for covering the same.

h. Most of the time mainstream media reaches out to police officials, police records, lawyers or judges as sources for their rape reporting, instead of reaching out to academicians, activists or representatives of organizations working on women's issues across the country - all of whom now have a huge credible presence. This always gives a one sided perspective, since the mandate of law enforcing agencies has been different historically (See Box 3).

BOX 3

―A news report may not be able to get into structural reasons each time but **perhaps a quote from an expert on sexual violence** (or the history of the incidents of sexual violence in the area) may bring a focus on the larger issue at hand rather than concentrating on detail that simply generates fear‖.

- Prachi Bhagwat

Source: The Hoot, 2017.

[39] Pande, M. (2017). Learn How Not To Report On Rape From TOI. *Newslaundry*. 20, February.

4. Towards 'gender-ethical' reporting on rape

In the Global Media Monitoring Project Report (2015), the need for media houses to recognize the importance of a **'rights-based approach'** gets highlighted. The report states how a rights oriented discourse is essential to bring about conversations around justice, injustice and violence faced in this increasingly capitalistic and materialist world. An approach that links issues to human rights standards as well as recognizes stakeholders and their rights and duties, should give attention to vulnerable groups and create safer spaces for marginalized sections to be heard. The report states, 'A women's human rights approach to journalism casts a critical eye on gender-based injustices, potentially historicizes a story to make clear the systemic nature of lived experiences of discrimination and marginalization, and, paves the way to discussion on possibilities for action' (GMMP, 2015: 15) (Also see Box 4). Taking a rights-based gendered lens would also mean acknowledging *transformative* strategies to combat root causes of violence and not be stuck with *affirmative* tools that deal only with reforming the criminal or legal system (Fraser, 1995)[40]. While it is important to think of what happens when/after a rape occurs, it is equally important to highlight why rape occurs, as mentioned before and highlight means to prevent the same.

BOX 4

"I was shocked to find that the story is just four paragraphs long! All the stories I then dug up (about a rape case wherein the perpetrator filmed the girl while raping her) to find out more were no longer than that. I found myself wondering what the whole story was, and how we actually should be telling that whole story. Who was filming this? How did it all happen? What's going to happen next? The fact is that it is not just about the victim, but rather about the people involved, the families of those involved, the courtroom issues and what happens afterwards. I am very concerned about that. I am also concerned about the way we tell these stories – because when we tell them, we have to make sure to tell them ethically.

...You don't hear about the facts in entirety, you don't hear about the context. Context is very important and relevant. What is happening there? What are the cultural and community related issues? What level of education and understanding of their rights prevails among the people in the region? What is their understanding about what they are entitled to? Education, religion, community factors, politics and economics all come into play and it is important to take them all into account.

- Dr Jan Leach, Director, Media Law Center for Ethics and Access, Kent State University

Source: Excerpts from an interview with Red Elephant Foundation)

The discipline of journalism vouches by some core professional ethics which have the five common themes of *truth and accuracy*, *independence*, *fairness and impartiality*, *humanity* and *accountability* (GMMP, 2015). It is imperative to discuss and expand these ethical compulsions and leading principles to stress a **'gender-ethical' lens** that 'realistically, accurately and fairly rep- resents women, minorities and other marginalized groups' (GMMP, 2015: 14). Assuming a gender ethical lens does not mean adding one more ethical stance to the professional code of journalism but instead requires looking at the existing codes through a gender lens and a rights based approach. In addition, realization of a gender ethical lens is tied to an *ethic of self-reflection,* a deeper introspection on the journalists' personal values.

[40] Fraser, N. (1995). From Redistribution to Recognition? Dilemmas of Justice in a "Post-Socialist' Age,
New Left Review 212: 68–93.

Feminist theorists of media have often pointed out that media personnel are themselves imbued with and embedded in the values of the larger society - that is comprised of androcentric (centered on male interests) and patriarchal (an oppressive system of power and control over women) norms. A genuine practice of self reflection would go a long way in achieving a gender ethical stance.

Even though this is a desired ideal, it has often been pointed out how a gender ethical approach has been difficult for media journalists to deploy, because of a failure in overcoming cultural, political and other barriers to effective rights based reporting (Rose, 2013)[41]. In India, especially, with strong presence of cultural factors like the persistence of misogyny and caste based practices as well as discrimination on the basis of class, race, ethnicity and region, there is a great challenge to rights based reporting of gender issues. Moreover, the difficulty in establishing functional accountability in an increasingly commercial and rating driven media is also acknowledged (Gallagher, 2001)[42]. Patriarchal capitalism constrains ―the gender focus necessary in women's-rights-based, gender-ethical and women's freedom of expression-enabling media practice‖ (GMMP, 2015: 16). In the present neoliberal age, feminist theories and voices in media spaces get sidelined. Hester Baer in her article titled *Redoing feminism: Digital activism, body politics, and neoliberalism,* asks ―By what means do we measure the efficacy of political action in an age when inequalities are tolerated, upward redistribution of wealth is the norm and alternatives to capitalism are increasingly unimaginable?‖ (Baer, 2016)[43].

However, there are inspiring examples of cases wherein media professionals, in collaboration with civil society, have resisted the patriarchal impulses of larger society to argue and uphold a gender-ethical stance. For instance, the GMMP report highlights the case of Italian journalists who joined hands with a participatory feminist movement comprising of members from civil society named *Se non ora, quando?* (SNOQ; translated: if not now, when?) to challenge the sexist media representation of women that hit the roof during the era of former Prime Minister and media mogul Silvio Berlusconi (GMMP, 2015). Members from media and civil society have moved **beyond criticism** for each other in order to build dialogue and advocacy efforts in several cases throughout the world, such as Media Watch, Canada; Tanzania Media Women's Association; Women's Media Watch, Jamaica and South Africa; National Women's Media Centre, Australia; and B.a.B.e (Be active, Be emancipated), Croatia (Gallagher, 2001).

In most cases where such initiatives have operated, it has led to diversification of topics included in mainstream media, choosing of gender sensitive sources for media reports and usage of gender sensitive language by journalists.

[41] Rose, T. (2013). A human rights-based approach to journalism: Ghana. *Journal of International Communi- cation, 19*(1), 85-106.

[42] Gallagher, M. (2001). Gender Setting: New Agendas for Media Monitoring and Advocacy. London: Zed in association with WACC.

[43] Baer, H. (2016). Redoing feminism: digital activism, body politics, and neoliberalism. *Feminist Media Studies, 16*(1),

5. Guidelines for a more gender-ethical media coverage of rape

The ANROW and Our Watch report (Sutherland et al., 2015) crunched national and international guidelines for media reporting on gender based violence into 6 main recommendations which would be useful for media professionals to consider while preparing their pitch for rape reporting. These are detailed as follows:

a. Report the social context in which male perpetrated violence against women occurs;
b. Use correct language and terminology;
c. Avoid blaming the victim;
d. Avoid offering excuses for men's violence;
e. Consider how source selection shapes the story; and
f. Provide women with information on where to seek help.

But in light of the discussion that has taken place in the paper, especially through sections 1 and 4, the code of ethics promulgated by the Society of Professional Journalists (2014) in the US seem to address the crucial aspects of _self-critical' and _gender-ethical' approach that we are arguing for[44]. Therefore they need to be considered in addition to the above mentioned guidelines, since as highlighted, it is not just about following protocols but about working on the news report in a more introspective manner. The SPJ guidelines have been extensively debated to address sexist and other stereotypes in its code of ethics and for the first time in 1996, the following points were included to reflect a gender-ethical aspect. These guidelines enjoin reporters:

- to tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so;
- to examine their own cultural values and avoid imposing those values on others; and
- to avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.

More detailed media guidelines for sensitively reporting rape and GBV is given in Box 5.

[44] Society of Professional Journalists (SPJ). 2014. *SPJ Code of Ethics*. SPJ: Indianapolis.

BOX 5: How to sensitively report on rape and sexual assault

Choose your words carefully

- The use of ‗survivor of sexual assault' is favoured over ‗victim'.
- Don't make the act seem less grave by using ‗had sex with' instead of ‗raped', or ‗fondled' instead of ‗molested'.
- Don't lead the reader towards making assumptions about the survivor by using adjectives like ‗pitiful' and ‗helpless'.
- Get the facts of the case right—don't refer to the ‗accused' as the ‗convicted' or vice-versa. This could affect the case adversely.

Choose your writing style carefully

- Reporting on rape and sexual assault calls for the use of the active voice.
- Saythat ‗XYZ raped her' or ‗XYZ assaulted her' instead of saying ‗She was raped' or ‗She was assaulted'.
- Shift the focus to the accused instead of the survivor.

Choose your tone carefully

- Do not speak to the survivor, her family or the general public in a moralizing tone.
- Do not use lines such as 'Women should only wear saris, says a city official' and 'Women should not go out after 8 pm, says a local politician' matter-of-factly. Views such as these must be questioned.
- Journalists should abstain from providing an opinion about the survivor based on where the incident took place (for e.g., a bar), what the survivor was wearing at the time, or what time of the day it was.

Choose the details you need to disclose

- The survivor's name, address and details about her family should never be disclosed.
- No indirect mention should be made that might reveal the identity of the survivor. The colour of her hair, the places she frequents, the area she lives in, the vehicle she rides, the number of siblings she has, whether she has a boyfriend or not—all of these are just a few examples and such details in a report are absolutely irrelevant and unnecessary.
- No details about the family of the accused should be shared if they are not relevant to the investigation.

Choose and treat your sources with caution and quote them carefully

- Do not write a story from the perspective of a single source.
- When looking for quotes, speak only with those experts who are qualified to comment on the subject.
- Ask the police to substantiate the charges against the accused instead of quoting lines from a conversation with a police officer.
- Do not assume what your sources feel or would want to say. Do not carry lines such as ‗Wecan assume the police are in a tight spot' or ‗It can be said the doctors need some more time to comment on the incident'.

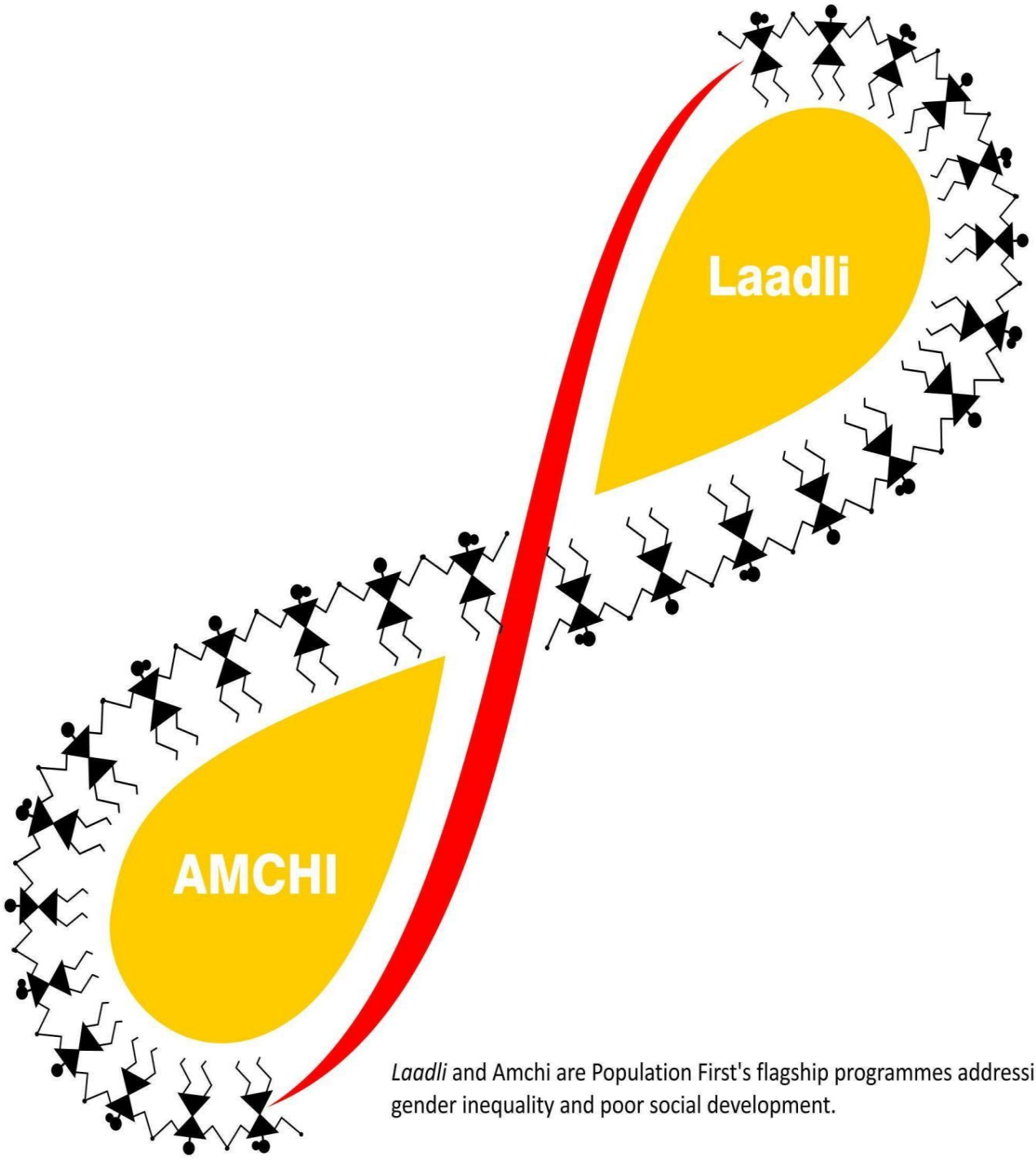
Choose the focus of your story

- A few days after the incident, focus on the bigger picture with follow-up stories, though with due sensitivity.
- If an incident happens in the morning or the afternoon, comment on how sexual violence is not limited to a particular time instead of commenting on what the survivor or accused was doing at that time.
- If an incident happens in a public place, comment on increasing the safety of citizens in public places instead of commenting on what the survivor was doing there.
- Do not feed public fears and myths. Instead, provide the general public a lens with which it can see the larger picture and the seriousness of the crime.

Understand the need for confidentiality and privacy

- Disclosing only necessary details helps protect the survivor's, witnesses' and their family's identity.
- Do not, under any circumstances, harass the survivor, witness or their families with repeated phone calls or visits to their homes without their consent.
- If a journalist discloses the identity of the survivor in any manner, he or she can be jailed for a period of 2 years and fined.
- The Press Council of India or News Broadcasters Association can also take action against the journalist.

Source: Sameera Khan (journalist and writer) and Population First, for Satyamev Jayate



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