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MEDIA COVERAGE OF VULNERABLE GROUPS: LEGAL PROTECTIONS AND ETHICAL CONSIDERATIONS

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ABSTRACT

This research attempts to the intricate dynamics between media, vulnerable populations, and human rights in developing nations undergoing democratic transitions. It defines vulnerable groups as those at higher risk of needing humanitarian aid or exclusion from social services. The study explores how media functions as both a potential catalyst for conflict and a champion of human rights. It examines the challenges faced by vulnerable populations in accessing digital media and the ethical dilemmas encountered by journalists when reporting on sensitive issues.

The research analyzes India's Press Council of India and international organizations like UNESCO, highlighting the complex interplay between media regulation, press freedom, and human rights protection. It concludes that responsible journalism with vulnerable sources requires transparency, collaboration with experts, and prioritizing source safety and consent. The investigation underscores the importance of continuous ethical education and adaptability to emerging challenges in the dynamic media environment. It contributes to our understanding of the complex relationships between media, vulnerable populations, and human rights in transitional societies, offering insights for policymakers, journalists, and advocates seeking to promote responsible reporting practices and protect the rights of marginalized communities.

KEYWORDS: Media Law, Vulnerable Communities, Journalist Ethics, Media Coverage

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INTRODUCTION

A vulnerable group can be identified and defined as "population within a country that has specific characteristics that make it at a higher risk of needing humanitarian assistance than others or being excluded from financial and social services. In a crisis such groups would need extra assistance, which appeals for additional measures, i.e. extra capacity, as a part of the emergency phase of disaster management", they can include the elderly, children, and even the physically & mentally impaired, due to their potential of being prone to any hazard or crisis. The concept is multifaceted and exists on a spectrum rather than as binary categorizations, however, one needs to understand that vulnerability is not solely determined by group membership, rather by individual circumstances and contexts. It varies from in certain aspects such as cognitive, communicative, institutional, medical, economic, and other social dimension, which brings us to the hypothesis that vulnerability can arise from intrinsic factors such as cognitive impairments or situational factors like being in a position of powerlessness[2]

Media plays a vital role in vulnerable societies, particularly those susceptible to civil conflicts and repressive rule, these societies are often found in developing countries transitioning from, usually, an authoritarian to democratic governance, frequently face challenges due to ethnic diversity & societal instability[3]. Being an immediate source of information, it can readily serve as a powerful tool in promoting enmity or nondemocratic rule, or deliberate manipulation of media outlets to promote conflict, supposedly contributing to conflict via passive incitement. It usually occurs when journalists lack professionalism, adequate skillset or if the media culture itself is underdeveloped, due to which these reporters may indulge in propagating stereotypes via biased reporting, void of any malicious intent or external manipulation.

[2] Hoffman, Sharona. Preparing for Disaster: Protecting the Most Vulnerable in Emergencies. U.C. Davis L. Rev. 42 (2009): 1491
[3] Bajraktari, Yll, and Christina Parajon. The Role of the Media in Conflict. USIP Peace Brief, June 1, 2007

However, it is crucial to acknowledge that media also serves as an immediate watchdog, raising awareness about the issues of Human Rights and any of its infringement, empowering citizens to take action. The role of media extends beyond mere reporting, it shapes public discourse and influences policy decisions[4]. Investigative Journalism is one of the ideal aspects of media, by uncovering hidden truths and exposing scandals, people in power can be held accountable for their actions; particularly in cases of Human Rights of the vulnerable class, where governments or other competent authorities may attempt to conceal their wrongdoing, whilst committing violations for their unfair advantage. With the extent of spreading information in public interest, media's effectiveness does not come without its challenges, there always remains a threat of life via criminal intimidation or even chances of physical violence while attempting to report certain sensitive issues. In 2021 alone, around 55 journalists were killed worldwide, emphasizing the extreme risk involved in this line of work[5].

LITERATURE REVIEW

Sr. No.	Nature of Literature	Name of the Literature	Covered/Review	Research Gap in Literature	Intended Research
1	Journal Article	Hoffman, Sharona. Preparing for Disaster: Protecting the	Discusses the importance of disaster preparedness for vulnerable	Lacks specific strategies for media involvement in supporting	To explore the role of media in disaster preparedness and response, particularly for vulnerable groups.

[4] *Ibid 2*
[5] Soken-Huberty, Emmaline. What's the Role of the Media in Protecting Human Rights?. Human Rights Careers, https://www.humanrightscareers.com/issues/whats-the-role-of-the-media-in-protecting-human-rights/.

		Most Vulnerable in Emergencies. U.C. Davis L. Rev. 42 (2009): 1491	populations, outlining protective measures and legal frameworks.	vulnerable populations during disasters.	
2	Peace Brief	Bajraktari, Yll, and Christina Parajon. The Role of the Media in Conflict. USIP Peace Brief, June 1, 2007	Examines media's role in conflict resolution, highlighting both positive and negative impacts.	Limited focus on media's role in human rights during conflict situations, especially for vulnerable groups.	To analyze the impact of media on human rights discourse and advocacy for vulnerable populations in conflict zones.
3	Online Article	Soken-Huberty, Emmaline. What's the Role of the Media in Protecting Human Rights? Human Rights Careers	Discusses how media contributes to human rights protection by raising awareness and exposing violations.	Does not address specific challenges journalists face when reporting on vulnerable groups, particularly in sensitive or dangerous contexts.	To examine the ethical and practical challenges journalists face when reporting on human rights issues involving vulnerable populations.

4	Online Guide	McBride, Kelly. How to Interview Vulnerable Sources Without Exploiting Them. NPR Public Editor, August 22, 2023	Offers ethical guidelines for interviewing vulnerable sources, focusing on respectful and non-exploitative practices.	Limited analysis on long-term impacts of such interviews on sources and journalists.	To investigate the long-term consequences of media interactions with vulnerable sources, including potential harms and benefits.
5	Online Guide	Ricchiardi, Sherry. Ethics for Protecting Vulnerable Sources. IJNet, Jun. 10, 2024	Provides ethical principles for handling vulnerable sources, emphasizing protection and respect.	Lacks discussion on legal repercussions of mismanagement in handling vulnerable sources.	To explore the legal and ethical implications of media interactions with vulnerable sources, including potential liability and accountability.
6	Online Guide	White, Aidan. Handling Sources. Ethical Journalism Network	Focuses on best practices for ethically handling sources, stressing journalistic responsibility.	Does not explore the cultural differences in handling vulnerable sources globally.	To analyze cross-cultural differences in ethical guidelines for handling vulnerable sources, particularly in contexts with diverse

					cultural norms and legal frameworks.
7	Academic Thesis	Brandle, Shawna M. Media Coverage of Human Rights in the US and UK: The Violations Still Won't Be Televised. CUNY, 2018	Analyzes the lack of media coverage for human rights violations, particularly in marginalized communities.	Limited insight into reasons behind editorial decisions against broadcasting certain human rights issues.	To investigate the factors influencing newsroom decisions regarding the coverage of human rights issues, especially those involving vulnerable groups.
8	Journal Article	Higgins, Noelle et al. Enhancing Access to Digital Culture for Vulnerable Groups: The Role of Public Authorities in Breaking Down Barriers. PLoS ONE, 2022	Examines digital inclusion for vulnerable groups, with emphasis on public authorities' role in accessibility.	Does not investigate media's role in facilitating digital access for these groups, particularly in terms of creating inclusive content and platforms.	To explore the role of media in promoting digital literacy and inclusion for vulnerable groups.

9	News Article	Al Jazeera Staff. Why Are People in India's Ladakh Protesting Against Central Government? Al Jazeera, March 11, 2024	Covers the socio-political protests in Ladakh, highlighting media's role in providing awareness and representation.	Does not detail how media representation impacts the protest outcomes or government response.	To analyze the impact of media coverage on the outcomes of social and political movements involving vulnerable groups.
10	Research Report	Arguedas, Amy Ross et al. News for the Powerful and Privileged. Reuters Institute, April 18, 2023	Analyzes the misrepresentation and underrepresentation of disadvantaged communities in mainstream news.	Limited focus on regional variations in representation of vulnerable groups across different countries.	To conduct a comparative analysis of media representation of vulnerable groups in different regions, identifying global trends and regional disparities.
11	Journal Article	Kuran, Christian Henrik Alexander et al. Vulnerability and Vulnerable Groups from an Intersectionality	Provides an intersectional analysis of vulnerability, exploring various social factors influencing risk.	Does not address media's potential in highlighting intersectional vulnerabilities in times of crisis.	To investigate the role of media in amplifying the voices of marginalized and intersectionally vulnerable groups during crises.

		Perspective, 2020			
12	Journal Article	Datar, Madhurima. Comparative Analysis of Indian Copyright Laws with International Digital Copyright Standards.	Discusses the alignment of Indian copyright laws with international standards, emphasizing areas of improvement.	Does not analyze copyright concerns specific to human rights-related content in the media.	To examine the impact of copyright laws on media's ability to report on human rights issues, particularly those involving vulnerable groups.
13	Legal Guide	Dasari, Srinath and Shastry, Adoksh. International Comparative Legal Guide to Telecoms, Media & Internet Laws, 2021	Provides an overview of telecom and media laws in India with a comparison to international standards.	Lacks specific insights on media's legal obligations in covering vulnerable groups.	To analyze the legal framework governing media's responsibility to protect and represent vulnerable groups in India.

RESEARCH METHODOLOGY

This research paper shall be using Doctrinal research method with a combination of Descriptive research where the focus would be towards the letter of the law rather than the law in action. This methodology allows any individual, in the field of research, to gain deep understanding of Legal Principles and their applications, examining provisions case law, practitioners analyze legal principles interpreted applied contexts. It will also include paying emphasis to the various facets and outlooks of laws surrounding the main theme of this research i.e. Competition Law issues in technology transfers and licensing agreements. Necessary help is taken by case studies, published articles, journals and lastly supporting the same by a self-opinionated conclusion. Since the ambit of the given theme is wide and the information available on it is quite minimal, there can be a supposed lack of justification in some areas as well. The research starts off with a general introduction of the topic and clarification to some of the minute topics used in this research, purely for justification of the arguments thus concerned. One might notice that there is much emphasis on forming a legible foundation for this research than for the actual content itself, this is due to the wide nature of the given theme and the need to explore all the possible outcomes and leaving a gap for further research.

LEGAL & ETHICAL CONSIDERATIONS

INDIA & INTERNATIONAL OVERVIEW

In India, there is a complex and multi-faceted system that warrants a careful consideration, the country's approach to regulation in media in characterized by a blend of statutory oversight and self-regulation. At the hearth of these regulations lies the Press Council of India (PCI), a statutory body, formed under the Press Council of India Act, 1966. It plays a vital role in promoting high journalistic standards, filing and investigating complaints against newspapers, and reviewing restrictions on the press, however, in its practicality it lacks statutory enforcement capabilities

which limits their ability to compel compliance with its guidelines[6]. Complementing the same there exists other authorities such as the News Broadcasting Standards Authority (NBSA) for the regulation of television news channels, along with the Central Board of Film Certification (CBFC) which supervises film content, including documentaries and short films, and adherence to Program and Advertisement Codes prescribed by the All India Radio.

Internationally, organizations such as UNESCO, the Council of Europe, the World Press Freedom Committee, along with the International Telecommunication Union (ITU) contribute to shaping the global media policies. These regulatory bodies promote freedom of expression and press freedom, serving as benchmark against the underdeveloped & developing country's media regulation system can be evaluated[7].

ETHICAL CHALLENGES

Challenges persists in India's media regulation system, including the delicate balance between press freedom and regulation. The vulnerable class faces digital divide over various media platforms with issues such as cross-border content issues, or legitimacy of information regarding these groups in mass media. In Manipur, for instance, the recent sectarian violence between the two communities, the *Meities* and the *Kukis*, has been smudged by biased media coverage and misinformation, adding the cherry to the cake, the internet shutdown implemented by the authorities had further worsen this problem and hence, restricting access to legitimate information & also limiting a reporter's ability to report efficiently. Similarly, in Ladakh, there is a visible disconnect between the pressing issues faced by the region's inhabitants and the platform given by the mainstream media outlets. The protests & demands for greater autonomy, tribal status &

[6]Datar, Madhurima. Comparative Analysis of Indian Copyright Laws with International Digital Copyright Standards. Int'l J. Integrated Res. in Law, Vol. 4, Issue 5.
[7]Dasari, Srinath, and Adoksh Shastry. International Comparative Legal Guide to Telecoms, Media & Internet Laws and Regulations 2021: India. Azb Partners, February 25, 2021. https://www.azbpartners.com/bank/international-comparative-legal-guide-to-telecoms-media-internet-laws-and-regulations-2021-india/.

protection of the region's specific identity have gathered relatively little coverage, compared to other national news stories, this not only fails to amplify the sensitive issues in public but also undermines the struggles faced by the residents of the region.[8]

Prominently, the indecent coverage of peoples' rights movements, globally, illustrate the complexities & challenges in reporting on marginalized communities. In Canada, the media's handling of the "*Idle No More*" movement highlights various gaps in adequate representation & understanding of indigenous issues, many media outlets often relied on social stereotypes and failed to contextualize historical grievances[9]. In Australia, the coverage on abnormal deaths in custody has faced criticisms for its lack of depth and legitimacy. In US, the "*Black Lives Matter*" movement also faced certain fallbacks in terms of media representation, with media outlets failing to accurately capture the struggles & demands of the African American communities[10]. Not even a developed country like Europe could solve the intricacies of inadequate reporting by the media, the coverage of Roma Communities has been criticized for a while, which essentially perpetuates negative stereotypes and reinforces systemic discrimination[11].

These cases raise vital legal and ethical considerations, with respect to media coverage towards the vulnerable class, it highlights the need for stringent guidelines whilst also protecting the freedom of expression and safeguarding the rights of marginalized groups. However, with

[8]Al Jazeera Staff. Why Are People in India's Ladakh Protesting Against Central Government? Al Jazeera, March 11, 2024.https://www.aljazeera.com/news/2024/3/11/why-are-people-in-indias-ladakh-protesting-against-central-government.

[9] Arguedas, Amy Ross, Sayan Banerjee, Camila Mont'Alverne, Benjamin Toff, Richard Fletcher, and Rasmus Kleis Nielsen. News for the Powerful and Privileged: How Misrepresentation and Underrepresentation of Disadvantaged Communities Undermine Their Trust in News. Reuters Institute for the Study of Journalism, April 18, 2023. https://reutersinstitute.politics.ox.ac.uk/news-powerful-and-privileged-how-misrepresentation-and-underrepresentation-disadvantaged.

[10] Kuran, Christian Henrik Alexander, Claudia Morsut, Bjørn Ivar Kruke, Marco Krüger, Lisa Segnestam, Kati Orru, Tor Olav Nævestad, Merja Airola, Jaana Keränen, Friedrich Gabel, Sten Hansson, and Sten Torpan. Vulnerability and Vulnerable Groups from an Intersectionality Perspective. Int'l J. Disaster Risk Reduct., vol. 50, Nov. 2020, art. 101826

[11] *Ibid*

concerns cropping up more frequently, UN has developed various frameworks to guide responsible reporting, including the UN Plan of Action on the Safety of Journalists and the Issue of Impunity[12], but these are all model laws for a "utopian" ideology.

CHALLENGES IN DIGITAL CULTURE ACCESS FOR MARGINALIZED GROUPS

We also need to acknowledge the impact of the internet on media representation & vulnerable groups, the democratization of information from the internet has vividly opened new platforms for the vulnerable to voice their concerns and access alternative outlook. One of the primary issues is the persistence of structural hindrances that prevent these group from benefitting digital media, such as the cost of accessing digital goods & services remains a substantial barrier for many disadvantaged communities, highlighting the need for equal access.

Another immediate aspect to consider is the role of alleged algorithmic bias in shaping online content. Social media platforms' reliance on algorithms can certainly create echo chambers, potentially integrating existing social and political differences. This raises important & immediate concerns about the responsibility of tech giants in promoting diversity and inclusivity in their content moderation policies. Moreover, the rapid dissemination of misinformation on the internet poses a vital threat towards the trust in institutions and can be weaponized to manipulate public opinion, particularly in politically charged environments[13].

PROTECTING VULNERABLE SOURCES: ETHICAL GUIDELINES FOR JOURNALISM

[12]Brandle, Shawna M. Media Coverage of Human Rights in the US and UK: The Violations Still Won't Be Televised (or Published). CUNY Academic Works, 2018. https://academicworks.cuny.edu/kb_pubs/157/.
[13] Higgins, Noelle, Delia Ferri, Katie Donnellan, and Noelle Higgins. Enhancing Access to Digital Culture for Vulnerable Groups: The Role of Public Authorities in Breaking Down Barriers. PLoS ONE, vol. 17, no. 12, 2022, p. e0281276. doi:10.1371/journal.pone.0281276.

Building trust via transparency and patience is vital whilst working with the vulnerable class. Journalists should attempt to navigate through informal, off-the-record conversations in order to explain the story, describe the reporting procedure and outline the potential reach of the story. It is essential to be patient and allow such individuals, or group, to decide on their own if they want to participate, even if it takes days, or even weeks[14]. Transparency about reporting methods & explaining the Bonafide intention behind is vital, the aim should be to clearly explain their news platform and how the story shall be spread among the vast public and how certain family, friends or even employers, might hear it. Collaboration with certain experts in the field and community leaders is vital when working with vulnerable communities. This helps in gaining deeper insights and builds credibility with the potential subjects. Journalists should empower sources by giving them agency over their participation, encouraging them to rely on trusted individuals when possible[15]. While dealing with sensitive information, the prime focus should be on safely collecting and reporting anonymized data. Journalists should work closely with the editor(s) to offer private individuals a variety of options for identification, considering initials, middle names, or other ways to afford privacy. Before publication, one should review every minute detail about the source included in the story, explaining the context to ensure accuracy and sensitivity[16].

Ethical considerations are paramount. Journalists must be prepared to delay or modify stories if they become apparent that sources may face retaliation or other negative consequences. They should prioritize user consent and data privacy, obtaining explicit consent from sources before publishing any information, especially regarding sensitive or personal details. Continuous ethical

[14] McBride, Kelly. How to Interview Vulnerable Sources Without Exploiting Them. NPR Public Editor, August 22, 2023. https://www.npr.org/sections/publiceditor/2023/08/22/1195097771/how-to-interview-vulnerable-sources-without-exploiting-them.
[15] Ricchiardi, Sherry. Ethics for Protecting Vulnerable Sources. IJNet, Jun. 10, 2024. https://ijnet.org/en/story/ethics-protecting-vulnerable-sources.
[16] *Ibid 14*

education and training is also crucial for journalists to stay informed about best practices and emerging issues[17].

CONCLUSION

This research paper examines the complex relationship between the media, vulnerable communities and societies, and violations of human rights in the context of developing countries transitioning from authoritarian to democratic governance. This research attempts to identify the vulnerable groups as those with specific characteristics that increase their risk of requiring humanitarian assistance or exclusion from social services. Moreover, Media plays a crucial role in these societies, serving both as a powerful tool for promoting conflict and as a watchdog for human rights.

It also attempts to pay emphasis on the challenges faced by the vulnerable populations in accessing digital media and the ethical dilemmas faced by journalists when reporting on certain sensitive issues. The study concludes that responsible journalism with vulnerable sources requires transparency, collaboration with experts, and prioritizing source safety and consent. It emphasizes the need for continuous ethical education and adaptation to emerging challenges in the rapidly changing media landscape.

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