

International Journal of Law Research, Education and Social Sciences

Open Access Journal – Copyright © 2026 – ISSN 3048-7501
Editor-in-Chief – Prof. (Dr.) Vageshwari Deswal; Publisher – Sakshi Batham



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Does Media Sensationalism Re-Victimise Women?

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Received 12 March 2026; Accepted 11 April 2026; Published 15 April 2026

*The rise of mass media and digital technology has significantly impacted the way in which crimes against women are brought into public discourse. Although the mass media is important in spreading awareness and holding perpetrators responsible for crimes committed against women, its sensationalised reporting of crimes is of grave concern. This article aims to explore whether sensationalised reporting of crimes against women by the mass media is responsible for the secondary victimisation of women. Through such a socio-legal approach, the article aims to understand the implications of excessive media exposure, sensationalism, and information disclosure on the privacy and dignity of women victims of crime, who are subject to public gaze, stigmatisation, and cyberbullying. It also aims to analyse the balance between the freedom of the press and the fundamental rights of the victim of crime, such as the right to privacy and dignity under Article 21 of the Constitution of India. It aims to understand the judicial decisions that address irresponsible media reporting, such as the principles set in *Nipun Saxena v Union of India*. The article also examines the significance of ethical journalism and the necessity of developing gender-sensitive media standards by ensuring the rights of the victims are not violated while providing the public with the right to know. It states that media coverage is an agent of change and justice, but media sensationalism may inadvertently create a spectacle of the victim's trauma, thereby exacerbating the victim's pain. The study concludes by reiterating the significance of media ethics and the need for awareness to ensure the media does not undermine the dignity of the women victims.*

Keywords: *media, victimisation, privacy, crime against women.*

INTRODUCTION

The media has traditionally been regarded as the 'fourth pillar of democracy,' and its role in informing the public, influencing opinions, and keeping the government and other institutions on their toes has always been acknowledged. In the present-day scenario, with the advent of numerous television channels and news agencies on the Internet and social media, the rate at which information is disseminated has accelerated manifold. While the media has utilised this role to bring to the forefront various instances of injustice and social issues, at the same time, there has also been an increased tendency among various media agencies to resort to sensational reporting, especially in cases of crimes against women.

Sensationalism, as used by the media, is the propensity for the media to report the news in a way, i.e., exaggerated, dramatic, or emotional, to attract more audiences to their media channels. In the context of crimes involving women, the media sensationalism of these crimes has often focused on the sensational aspects of the crime, the speculation surrounding the crime, and the continuous debates surrounding the crime through televised media debates and online media platforms. Despite the media sensationalism of crimes against women, it has sparked a myriad of ethical and legal concerns, with the media often being criticised for sensationalising the crimes, leading to the pursuit of dramatic public discourse instead of justice.

The biggest concern arising from the sensational media coverage is the possibility of secondary victimisation, which occurs when victims suffer further harm due to their exposure to public attention and reaction to the crime. Women who report crimes face a lot of scrutiny, social judgment and invasion of their privacy. They are not protected and cared for, instead of receiving support and protection, they may face social stigma and harassment, as well as emotional distress due to excessive media reporting. In these cases, the personal trauma that is experienced by the victim turns into a form of public spectacle.

The Indian legal system understands and appreciates the need to protect the dignity and privacy of the victim, particularly in cases of sexual crimes. There have been repeated judgments from courts on the need to protect the identity and personal details of the victim from public knowledge. For example, in a case titled *Nipun Saxena v Union of India*, the Supreme Court

emphasised the need to protect the identity of rape victims and asked the media to refrain from publishing any details that may reveal their identities. This is an indication of the need to protect the freedom of the press and the fundamental rights of the victim, particularly their right to privacy and dignity as per Article 21 of the Constitution of India.

In this regard, the present study aims to investigate the possible contributions of sensational media coverage in the process of re-victimising women. To achieve this objective, the study aims to explore the role of the media in the public discourse process, the concept of secondary victimisation in the broader area of victimology, and the relevant legal regime for the conduct of the media. The study also aims to underscore the need for ethical journalism that promotes public awareness without undermining the dignity and integrity of the victim-women.

RESEARCH OBJECTIVES

1. To understand the concept of media sensationalism and its increasing tendency in the reporting of crimes against women.
2. To analyse the concept of secondary victimisation and its possible link with media sensationalism in the reporting of crimes against women.
3. To evaluate the effect of sensational reporting in the media on the privacy and dignity of women victims.

FROM AWARENESS TO SPECTACLE: UNDERSTANDING MEDIA SENSATIONALISM

The media has a vital role to play in the sensitisation of the public about crimes against women and the inclusion of the issue of violence against women in the public domain. The media, through investigative journalism, has the ability to highlight the injustice that might have otherwise gone unnoticed. There are many examples where the media has contributed to the public debate, policy, and greater calls for accountability from law enforcement agencies. The media, through the sensitisation of the public about the crimes against women, can shape the public consciousness against these crimes.

However, the increasing commercialisation of news and the competition for attention have dramatically changed the character of media reporting in recent times. With the advent of 24-

hour news channels and other media platforms, the need for constant and attention-grabbing content has increased manifold. In this regard, many media channels have come to rely on sensationalism in reporting the news, presenting the news in such a manner that evokes emotions and attracts the attention of the audience in order to achieve higher ratings. Sensationalism in reporting news often focuses on the most shocking and provocative aspects of the news that attract the attention of the public.

Studies on the practices of the media have also pointed to the increasing trend of sensationalism while portraying crimes against women. For example, studies undertaken by the Press Council of India have emphasised the need for a more responsible attitude on the part of the media while portraying crimes against women.¹ The need to avoid the revelation of the identity of women victims or to avoid sensationalism while portraying crimes of sexual violence has been emphasised. Similarly, the National Commission for Women has made some rules that say we should respect women when we talk about crimes against women. So many organisations are getting worried about how crimes against women are portrayed. They want to make sure women are treated with dignity when we discuss crimes against women.

In most cases, sensationalism is characterised by the emphasis placed on the vivid description of the incident, speculative discourse, and holding televised debates. In other cases, it is not uncommon to find that the media coverage of a given incident not only focuses on the incident itself but also delves into analysing the personal lives and backgrounds of the individuals involved. This can eventually lead to a situation in which a given incident is transformed into a form of public spectacle.

The transition of the case from awareness to spectacle is particularly problematic with cases of sexual assault and gender violence. While the intent of the initial report may be to highlight the injustice of the case and call for accountability, the overexposure of the case may actually lead to a shift of focus away from the pursuit of justice and into the realm of the sensational. The identity of the victim, her personal life, becomes subject to public discussion, thus violating her

¹ Sanja Lazarevic Radak, 'The Victimization of Women in the Media: A Discourse on the Victim and Gender Differentiation in Serbia' (2018) 17(1) Gender Justice <<https://doi.org/10.2478/genst-2019-0010>> accessed 10 March 2026

right to privacy.² Besides, such reporting may also be a contributing factor to the phenomenon of 'trial by media,' whereby the views of the public regarding a crime are shaped before the trial actually begins. As a result, the public may be influenced by the views and reports shared on social and print media regarding a crime before the legal process is initiated.

Consequently, though the role of the media is important in creating awareness about crimes perpetrated against women, the increasing trend of sensational reporting is a matter of concern from an ethical perspective. Sensational reporting of crimes not only creates a wrong perception among the public about a given issue but also puts the victim in a precarious situation by inviting public scrutiny and judgment. It is imperative that the media as an institution adheres to its ethical responsibility and promotes gender-sensitive reporting of crimes to raise awareness among the public while also taking into account the dignity and well-being of the victim of a crime.

COURT OF LAW VS COURT OF PUBLIC OPINION

In this democratic society, the legal process is entrusted to the court of law, where the decision is made through a well-structured and unbiased process. The Judiciary run based on the customary legal principles such as the presumption of innocence, due process and the evaluation of evidence. The Hon'ble judges look into the facts presented before them, hear arguments from both sides and render judgments after thorough consideration of the law and evidence. This process makes sure that fairness is maintained and protects the rights of both victims and accused persons. Whereas, the court of public opinion means the decisions and judgments made by society through media narratives, public debates, and social media discussions. Contrary to the court of law, this unofficial forum operates without any procedural safeguards or evidentiary standards. Perspectives are formed quickly based on incomplete and unregulated information, emotional reactions or sensational headlines used by the media. In the age of continuous news reporting by 24 x 7 and viral social media content, public perceptions can spread quickly and influence perceptions about the ongoing cases.

² John Langer, *Tabloid Television: Popular Journalism and the 'Other News'* (1st edn, Routledge 1998)

Media sensationalism regularly plays a crucial role in shaping this court of public opinion. Dramatic news coverage, television debates and hypothetical commentary may create narratives that characterise the individuals as either victims or perpetrators even before the decisions made by the Hon'ble Courts. Such a narrative can impact how society considers a case and may give rise to strong public pressure for hasty conclusions or harsh/rigorous punishment. This pattern is commonly described as 'Trial by media.'³ The emergence of a powerful court of public opinion can create serious concerns about the norms of justice. When people's narratives control the discourse, they may indirectly persuade the witnesses, investigators, and even the judicial proceedings. Undue publicity may also affect the dignity and privacy of victims, especially in cases relating to crimes against women, where sensitive details may become topics of public discourse.

The judiciary has acknowledged the potential dangers of excessive media influence. In *Sahara India Real Estate Corp. Ltd. v SEBI*,⁴ the Supreme Court affirmed that unregulated media reporting during continuing proceedings may influence the fairness of trials and, therefore, permitted the courts to issue postponement orders to prevent such prejudice and influence. This decision examined the need to maintain a balance between the freedom of the press and the right to a fair trial. Hence, while public analysis and media examination are essential elements of a democratic society, it is very important to make sure that the final determination of guilt or innocence endures within the domain of the court of law. Responsible media reporting should steer away from sensational narratives that create hasty judgments in the court of public opinion and instead uphold the integrity of the process of the judiciary.

VICTIM BEHIND THE HEADLINES

In the contemporary media environment, Crimes against women regularly receive wide media coverage throughout the world by television channels, newspapers and digital platforms. While such reporting plays a crucial role in providing information to the public and drawing attention

³ Ivana Jelaca, 'SENSATIONALISM AND STEREOTYPES IN REPORTING ON DOMESTIC VIOLENCE' (*Media Diversity Institute*, 01 July 2015) <<https://www.media-diversity.org/sensationalism-and-stereotypes-in-reporting-on-domestic-violence/>> accessed 10 March 2026

⁴ *Sahara India Real Estate Corporation Ltd. and Ors v SEBI & Anr* AIR 2012 SC 3829

to serious social issues, it can dilute the focus from the victim's suffering to the emotional elements of the incident.

The Phrase 'the victim behind the headlines' brings attention to the human reality that often becomes concealed by sensational reporting.⁵ The victim's identity and personal experiences may become topics of public concern because of the repeated discussion in debates and social media discussions. Information about the background, family, or lifestyle of the victim may be promulgated widely, even when such information has only small relevance to the actual crime. This experience can result in emotional distress and may deter the victims from petitioning justice due to the apprehension of public judgment.

GUIDELINES AND ETHICAL STANDARDS IN PREVENTING RE-VICTIMIZATION OF WOMEN

International Federation of Journalists (IFJ) Guidelines for Reporting on Violence Against Women:⁶ One of the most widely accepted frameworks for journalists on reporting on violence against women is provided by the International Federation of Journalists (IFJ). Their guidelines on reporting on violence against women highlight that journalists must avoid sensationalism, discriminatory language, and stereotyping that can further heighten the suffering of victims. It must not portray women as passive victims and cannot transform violence into entertainment.

The IFJ, in its guidelines, has advised media professionals to avoid graphic descriptions of assault, intrusive questioning, and the publication of personal information that could lead to the identification of the survivor of assault. There is also an emphasis on journalists' focus on the broader social context of violence, including gender inequalities, cultural factors, and institutional failings, rather than treating the incidents in isolation. There is an emphasis on the identification of the perpetrators in the media so that there is no confusion. Ethical reporting, according to the IFJ, would be in a manner that creates awareness among the people without compromising the dignity of women who are affected by violence.

⁵ Victoria Gasparakis, 'Sensationalism versus Sensitivity: Femicide Representation in Media' *The Sundial Press* (18 March 2025) <<https://www.sundialpress.co/2025/03/18/sensationalism-versus-sensitivity-femicide-representation-in-media/>> accessed 10 March 2026

⁶ *Guidelines on Media Reporting on Violence against Women* (UNDP 2022)

UNICEF/UN Women Guidelines for Media Professionals on Responsible Representation of Violence Against Women:⁷ The guidelines issued by UNICEF and UN Women for media professionals are based on the concept of ‘do no harm.’ According to these guidelines, communication through the media should not worsen the condition of survivors by traumatising, exposing, or socially stigmatising women. In addition, before interviewing women, it is important for media professionals to get consent and make sure women are aware of how their information is going to be utilised.

The guidelines have made a strong recommendation to protect the survivor’s identity by not disclosing names, images, or identifiable features. In addition to that, it has been recommended that the visual representation should not depict a sense of helpless victims but should highlight dignity instead. Journalists are also advised to consider including information related to support services that are available to victims. In addition to that, it has been recommended that unnecessary repetition of details should be avoided.

Press Council of India Norms of Journalistic Conduct (2022) on Gender-Based Reporting:⁸

The legal and ethical guidelines for dealing with women-related issues are provided by the Press Council of India's Norms of Journalistic Conduct (2022). According to these norms, journalism should always remain fair, accurate, sober, and free from sensational distortion. In dealing with issues of violence against women, newspapers are advised not to use provocative headlines, not to indulge in exaggeration, and not to intrude on privacy.

Further, the guidelines have clearly stated that the media must not disseminate false or misleading information for the sake of attracting public attention. In addition, the reports must be presented with restraint, especially when the reports are about sexual **offences**, social stigmas, and vulnerable persons. The Council has clearly stated that the freedom of the media must not be misinterpreted by adding sensational titles or words that humiliate the victim women. The reports must be presented in a manner that balances the dignity and rights of the victim women.

⁷ *Responsible representation and reporting of violence against women and violence against children: GUIDELINES FOR MEDIA PROFESSIONALS* (UNICEF 2020)

⁸ *NORMS OF JOURNALISTIC CONDUCT* (Press Council of India 2022)

Academic Review of Media Guidelines for Responsible Reporting of Violence Against Women:⁹ The scholarly review ‘Media Guidelines for the Responsible Reporting of Violence Against Women’ examines the ways in which media representation contributes to the development of negative public narratives about women survivors. The review demonstrates that media coverage often employs a sensational approach, the use of episodic coverage, and the use of particular information to create a sense of isolation.

The review points out some of the common issues in reporting, such as victim-blaming, rape myths, and too much reliance on police accounts and a lack of attention to survivor and expert voices. It emphasises that responsible reporting guidelines are necessary as they promote thematic reporting, which helps in presenting explanations for underlying causes of crimes such as patriarchy, power imbalance, and social factors. Ethical guidelines, according to this study, help in transforming journalism from ‘spectacle to social responsibility,’ hence minimising the chances of media-induced re-victimisation.

JUDICIAL PRONOUNCEMENT

Nipun Saxena v UOI:¹⁰ The Nipun Saxena v UOI case served as the foundation for Kinnori Ghosh's decision. The Supreme Court, under the direction of Justice Deepak Gupta, addressed the media abuses that occurred during the 2012 Nirbhaya case in Nipun Saxena. The court explained that even tacitly disclosing the identities of victims of sexual assault is forbidden by Section 228A of the Indian Penal Code. The Court ordered the anonymisation of First Information Reports under Section 376 IPC (which specifies a penalty for rape), the use of pseudonyms in appeals under Section 372 of the Code of Criminal Procedure (which grants the victim the right to appeal), and the sealing of records that contained victim information. The court further stated that the revealing of rape victims' identities is not justified by symbolic demonstrations or the public interest.

⁹ Georgina Sutherland et al., ‘Media guidelines for the responsible of violence against women: a review of evidence and issues’ (2016) 38(1) Australian Journalism Review
<<https://findanexpert.unimelb.edu.au/scholarlywork/1104130-media-guidelines-for-the-responsible-reporting-of-violence-against-women--a-review-of-evidence-and-issues?cache=1748114080450>> accessed 10 March 2026

¹⁰ *Nipun Saxena and Anr v Union of India and Ors* AIR ONLINE 2018 SC 826

State of Punjab v Gurmit Singh:¹¹ Anonymity protections were established by a previous precedent, *State of Punjab v Gurmit Singh*. In this instance, a little girl was kidnapped and sexually molested by three males. Due to many contradictions in the accused's testimony, the trial court cleared her. This acquittal was reversed by Justice AS Anand, who criticised the forceful cross-examinations that repeatedly forced rape victims to relive the horrific crime. The court suggested using female judges for rape trials to ensure the highest level of sensitivity, citing Section 228A IPC and Section 372 CrPC, and required in-camera sessions under Section 327(2) CrPC (an exception to the open court rule and prescribes in-camera proceedings for rape prosecutions). This historic decision determined that procedural compassion and anonymity were necessary for trials.

Sakshi v UOI:¹² Creating helpful trial environments for rape victims has also been given priority by judicial decisions. In the 2004 *Sakshi v UOI* case, an NGO sought improvements for rape cases and contested the limited definition of rape under Section 375 IPC. Judge GP Mathur expanded the scope of Section 327 CrPC, which was initially intended for rape cases, to include offences under Section 354 (assault or criminal force to outrage modesty) and Section 377 (unnatural offences) IPC. The court implemented several procedures, including asking the defence to submit written questions in advance and using screens that protect rape victims from the accused.

Vijay Singhal v Government NCT of Delhi:¹³ In the 2012 Delhi gang rape trial involving a young accused, the court considered striking a balance between the victim's right to privacy and open justice. Citing their right to free speech under Article 19(1)(a), journalists requested unlimited access to the court proceedings. To avoid sensationalism and protect the victim's privacy under Article 21, Justice Rajiv Shakti upheld in-camera hearings under Section 327(2) CrPC. Recognising that a complete media ban could unjustly restrict public interest reporting and possibly violate Articles 14 (equality) and 19 (freedom of speech), the court refrained from applying a rigid interpretation of 'shall' in Section 327(2), which requires private hearings. One accredited journalist from each major newspaper was permitted to attend in order to balance

¹¹ *State of Punjab v Gurmit Singh and Ors* AIR 1996 SC 1393

¹² *Sakshi v Union of India* (2004) 5 SCC 518

¹³ *Vijay Singhal and Ors v Government NCT of Delhi and Anr* (2014) 4 SCC 375

media rights, as long as they refrained from revealing the victim's identity or sensationalising stories. The court further ruled that infractions could result in punishment under Section 7 of the Contempt of Courts Act 1971 and Section 228A IPC. To properly and strictly control media access in rape proceedings, judicial discretion was highlighted in this verdict.

R. Lakshmipathi v S. Ramalingam:¹⁴ The privacy of rape victims is strictly protected by media accountability. A Tamil newspaper disclosed the identity of a rape victim in *R. Lakshmipathi v S. Ramalingam*, arguing that authorisation had been given by a welfare organisation in accordance with Section 228A IPC. Because the prosecution was unable to demonstrate any lack of consent, the court dropped the case, emphasising technical evidence above the rape victim's right to privacy.

Aju Varghese v State of Kerala:¹⁵ Aju Varghese, a Malayalam actress, unintentionally disclosed a victim's identity on Facebook in 2018 while claiming support in *Aju Varghese v State of Kerala*. According to Justice Sunil Thomas, Section 228A IPC needs prior written agreement from the victim and applies strictly regardless of real intent. Although post-facto consent may lessen harm, it won't completely reverse the offence. Child victims are completely protected under Section 23 POCSO, and their identity cannot be revealed without a Special Court order. These rulings highlight how important victim consent is, even when there are inadvertent violations.

Gangadhar Narayan Nayak v State of Karnataka:¹⁶ In *Gangadhar Narayan Nayak v State of Karnataka*, a newspaper editor revealed the identity of a juvenile rape victim, which resulted in a Section 23 POCSO prosecution. The complete prohibition against identifying minor victims was upheld by Justice Indira Banerjee. According to several international and domestic frameworks, such as Article 16 of the Convention on the Rights of the Child (which protects a child's right to privacy, honor, and reputation) and Section 74 of the Juvenile Justice Act 2015 (which prohibits disclosure of the identity of children in conflict with the law or in need of care and protection), this ruling highlighted how even seemingly harmless indirect identifiers flagrantly violate privacy rights.

¹⁴ *R Lakshmipathi and Anr v S Ramalingam* (1998) CRILJ 3683

¹⁵ *Aju Varghese v State of Kerala* (2019) 1 KLT 643

¹⁶ *Gangadhar Narayan Nayak @ Gangadhar Hiregutti v State of Karnataka & Ors* Crim App No 451/2022

People's Union for Civil Liberties v State of Maharashtra (2023):¹⁷ Building on its 2014 decision, the Supreme Court addressed police-media relations in delicate situations in *People's Union for Civil Liberties v State of Maharashtra*. Judge Pamidighantam Sri Narasimha limited press briefings to top personnel only and mandated the establishment of Media Briefing Cells throughout the district. Such briefings were required to be documented for maximum transparency and did not include information about victims of rape, stalking, or domestic abuse. The Ministry of Home Affairs was directed to create a Standard Operating Procedure for police interactions with the media, but as of right now, no such implementation has taken place, underscoring the government's lack of enforcement.

THEORETICAL FRAMEWORK OF THE PRESS

Social Responsibility Theory: As per this theory, the freedom of the press must be associated with a duty towards society. The media plays its essential role in providing information to the public by exposing social problems and also encouraging democratic discussion. Even though this is not absolute. Journalists are expected to make sure that their reporting is correct, balanced and sensitive to the rights and dignity of individuals.¹⁸ In matters relating to crimes against women and children, responsible journalism obliges careful reporting that should refrain from unnecessary sensationalism and protect the privacy of the victims.

In this theory, the media should not act only as a forum for providing information to the public, but it should perform as a social institution devoted to the public welfare. When reporting or telecasting the sensitive cases, the press must focus on the ethical standards over their interest in commercial, i.e., ratings. Hence, the media can aid in public awareness and justice without causing further harm to victims who have already experienced trauma.

Agenda Setting Theory: This theory emphasises the role of the media in shaping public opinion. The theory argues that the media may not play a direct role in shaping people's opinions, but it

¹⁷ *People's Union for Civil Liberties & Anr v State of Maharashtra and Ors* (2014) 10 SCC 635

¹⁸ Pomares Villegas et.al., 'Journalistic treatment of news on violence against women: Design of a style guide' (2025) 9(3) *Edelweiss Applied Science and Technology* 1519-1530
<<https://doi.org/10.55214/25768484.v9i3.5595>> accessed 10 March 2026

plays a very important role in shaping the issues that people think about.¹⁹ The media has the ability to bring issues to the forefront of public discussion by constantly highlighting them and giving them a lot of coverage.

In the case of crimes committed against women, the agenda-setting role of the media can be both positive and negative. On the one hand, the media can play an important role in raising awareness about gender-based violence and promoting social and legal reforms. On the other hand, when the media gives too much coverage to the sensational aspects of the issue, it can lead to the issue becoming more of a spectacle than a source of meaningful awareness. This can sometimes lead to the re-victimisation of women whose experiences are constantly being discussed.

Hence, both the theory illustrates the powerful role of the media in influencing the public discourse. While the press possesses the capacity to raise awareness and determine social change, it must handle this power responsibly. Ethical and balanced reporting is essential to make sure that the media coverage encourages justice without causing further harm to the victims.

CONCLUSION

The main concern of this study is to identify whether media sensationalism contributes to the re-victimisation of women. The analysis of media practices, theoretical considerations, ethical principles, and legal provisions reveals that media sensationalism can contribute to the re-victimisation of women, particularly if the reporting of crimes against women is not done responsibly and objectively. Although the media has a vital function in raising public concern about crime against women, too much reporting and discussion of the case may cause women to become victims of social stigmatisation, mental harassment, and invasion of privacy.

At the same time, the study also recognises that the coverage of the media is not necessarily negative. When it is informed by ethics and social responsibility, the media can become a potent

¹⁹ Cruz Deicy Jaramillo-Bolivar and Gladys Eugenia Canaval-Eraza , 'Gender violence: an evolutionary analysis of the concept' (2020) 22(2) Universidad y Salud <<https://doi.org/10.22267/rus.202202.189>> accessed 10 March 2026

force in the service of awareness, justice, and reform. It can bring attention to the systemic problems of gender-based violence, promote discussion, and facilitate the pursuit of justice without compromising the dignity and privacy of the victim.

Therefore, it can be concluded that the impact of the media coverage depends on the practice of the media itself. While sensationalism, which focuses on the sensational, can lead to re-victimisation of women, ethical journalism, which focuses on sensitivity, can have a positive impact. The problem, therefore, lies in ensuring that the institutions of the media practice their freedom responsibly, ensuring that the public interest does not compromise the dignity of the victim.