

Phone + 27 12 420 4502  
Fax + 27 12 420 4499

Email [centreforchildlaw@up.ac.za](mailto:centreforchildlaw@up.ac.za)  
Website [www.centreforchildlaw.co.za](http://www.centreforchildlaw.co.za)

Address Law Building (Room 4-31),  
University of Pretoria, Pretoria, 0002

## Pretoria High Court judgment protects the identities of child victims of crime

FOR IMMEDIATE RELEASE: Tuesday 11 July 2017

Today, the High Court in Pretoria handed down judgment in *Centre for Child Law and 4 Others v Media 24 Limited and 13 Others*. This case was initiated when Zephany Nurse discovered, at the age of 17 years and 9 months old, that she had been kidnapped as a baby. She noticed that the media said they would reveal her ‘true’ identity when she turned 18. As she did not want to have her identity revealed, she turned to the Centre for Child Law for assistance. An urgent High Court application resulted in an order that protected her identity – which remains protected until all appeals in this case are exhausted. That order was then followed by a case brought by the Centre for Child Law (“CCL”), on behalf of Zephany Nurse, Childline, NICRO and Media Monitoring Africa, in order to protect child victims, child witnesses and child offenders from the harm of having their identities exposed in the media, such protection to continue beyond the age of 18 years.

The judgment handed down today concerned the correct interpretation of section 154(3) of the Criminal Protection Act which reads as follows:

*“No person shall publish in any manner whatever any information which reveals or may reveal the identity of an accused under the age of eighteen years or of a witness at criminal proceedings who is under the age of eighteen years: Provided that the presiding judge or judicial officer may authorize the publication of so much of such information as he may deem fit if the publication thereof would in his opinion be just and equitable and in the interest of any particular person....”.*

The CCL had argued that this protection extends to child victims as well as child witnesses in criminal proceedings and child offenders. On this issue, the Pretoria High Court ruled in the CCL’s favour and declared that section 154(3) should be interpreted to protect the identity of child victims as well.

The CCL had also argued that this protection should extend beyond when the child turns 18 years of age. The Pretoria High Court disagreed with the CCL in this regard and did not grant the order that the CCL had asked for.

The CCL is pleased with the first aspect of the judgment which protects child victims and therefore affirms their right to dignity, privacy as well their best interests. The CCL is however extremely disappointed with the decision not to extend the protection to after the children turn 18 years. The CCL is of the view that for children to fully benefit from having their identity protected when they are under 18 years, this protection should extend to after they turn 18 years of age in order to prevent significant and life-long harms. The CCL will be applying for leave to appeal this aspect of the judgment.

The evidence placed before court showed that identification of children's identities can have a catastrophic impact on their lives. The following harms can result: trauma and regression; stigma; shame; and the fear of being identified. The CCL does not discourage the media from reporting cases. It discourages reporting that identifies child victims, witnesses and offenders before and after they turn 18 years old as such reporting has long lasting negative consequences.

**Ends.**

---

For queries, please call the Centre for Child Law on (012) 420 4502.