

SUPREME COURT OF APPEAL ASKED TO PROTECT THE IDENTITIES OF CHILD VICTIMS, WITNESSES AND OFFENDERS

FOR IMMEDIATE RELEASE

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On Friday, 7 September 2018, the Supreme Court of Appeal will hear a case dealing with the protection of the identities of child victims, witnesses and offenders. The case, initiated by the Centre for Child Law, aims to ensure that child victims of crime, previously not protected by the law, should not have their personal details published in any form of media. Furthermore, that all children involved in criminal cases, whether as victims, witnesses or offenders, should have ongoing protection even after they turn 18.

This case started 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 years. As she did not want to have her identity revealed, she turned to the Centre for assistance. An urgent High Court application resulted in an order, granted in April 2015, which protected her identity – which remains protected until all appeals in this case are exhausted.

That order was followed by a case, now joined by leading organisations such as Childline, Media Monitoring Africa and NICRO that was heard in the Pretoria High Court. On the other side, were 14 Media Houses – led by Media 24, the Independent Group and Times Media. In July 2017, that Court found child victims' identities must be protected. However, the Court did not grant the order that extended the protection for all children involved in criminal proceedings beyond their 18th birthdays. The Centre appealed against that finding and the media houses cross appealed on the issue of child victim protection.

In the Supreme Court of appeal tomorrow, the Centre will argue that the identification of children's identities, before and after they turn 18 years, can have a catastrophic impact on their lives. In order for identity protection for children to be meaningful, it cannot abruptly end when they turn 18. The Centre argues that the default position should be that the protection to children currently offered, with victims included, should continue beyond 18. If the media wants to reveal their identities, they may apply to a court, and a court can grant permission where it is in the interests of justice, and in the public interest, to do so.

The Centre 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.

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