

Should minors be identified after turning 18?

By [Joan van Niekerk](#)

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The Northern Gauteng High Court recently ruled that all child offenders, victims and witnesses may be identified once they have turned 18. This was a victory for twelve media houses who opposed an application by the Centre for Child Law, Childline SA and Zephany Nurse to protect the identities of children even after they had turned 18. The judgment will be appealed.



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I have worked with many children – both victims and children whose behaviour is in conflict with the law. I believe very strongly that their identity should remain protected, even into their adulthood. When working with victimised children, particularly those who have experienced sexual abuse of any kind, disclosure of the abuse or neglect that they have experienced is particularly difficult and painful. If children, particularly adolescents, are aware that eventually their identity will be exposed in the media, they may withhold their disclosure – or aspects of the abuse that they feel are particularly difficult to discuss.

Examples might be where children have been used in the making of child abuse images, more commonly known as child pornography.

All forms of child abuse and neglect are so prevalent in South African society and we need to ensure that children feel sufficiently protected, both in the short and long term, from public exposure in order to enable an open and complete disclosure of their experience.

The same principle should apply to child witnesses of crime. Many children who have witnessed a crime are fearful of exposure which might result in some form of retribution – again, either in the short or long term. I recall one example of an adolescent child who witnessed a murder and was so frightened when he came to court that he hid a knife in his clothing in case he was attacked by the accused or the accused's family. Despite the conviction of the offenders, he remained anxious about his and his family's security well into adulthood.

Children who are in conflict with the law are encouraged, with South Africa's progressive Child Justice Act, to acknowledge their behaviour as this opens up the possibility of diversion away from the criminal justice system and entrance into a diversion programme. This enables the assessment of the child, and their behaviour and circumstances. The aim is to divert the child away from a possible life of crime and change the child's behaviour and where necessary and appropriate, deal with the child's circumstances that may have facilitated the criminal behaviour of the child.

If the child goes through a trial process, again the Act requires that the child is carefully assessed and provided with the opportunity of rehabilitation.

If children anticipate later exposure when they enter adulthood, disclosure and acknowledgement of their behaviour may be experienced as high risk. If they have made good use of the rehabilitation opportunity and are rebuilding their lives productively, exposure in the media when they reach adulthood (18 years) may be destructive to their continued positive growth and development.

Many of the children I have worked with, who have committed crimes, are now young adults, who because they have been given a chance to change their behaviour, have made good use of the opportunity, have completed their education, and even moved on to tertiary education, and become useful and well-adjusted in their families and communities.

Positive forward development might well be compromised by exposure of their identity in the media.

ABOUT THE AUTHOR

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