

## Putting Children First – This is no Gag

The last few days have seen extensive coverage across all media of a white boy, Happy Sindane, who told police that he had been abducted by a domestic worker when he was 6-years old. It has been reported that he was raised in Mpumalanga, but ran away when the father of his foster mother threatened to poison him. Happy told Bronkhorstspuit police that he wanted to find his parents, and the news is eagerly following the investigation into his true identity. (Jan and Sarie Botha are currently undergoing DNA tests to determine if 'Happy' is their son 'Jannie' who went missing at the time that Happy was abducted).

However, seeing the emotional stress that Happy was experiencing, the court declared him a ward of the State and ordered him to be housed in a place of safety. This also came with a gag order which restricts media coverage of this case in terms of the Child Care Act 8 (3). This order states that no person shall publish in any way any information relating to Happy's case except official press releases. (No information pertaining to his real identity is permitted although speculation regarding his parentage is allowed where it is not negative or harmful to the boy.)

While the majority of publications have been sensitive to this order, even publishing the effect of the gag order, it would seem that others are not respecting Happy's right to privacy. The *Sowetan* (22/05/03 p. 3) seemingly unlawfully published information about an incident for which Happy was arrested (there is no suggestion even, that he was convicted) without showing in any way the relevance of this information. In light of the uncertainty of his age, and given that he is being treated as a minor, this is wholly inappropriate. Article 16 of the United Nations Convention on the Rights of the Child states that no child shall be subjected to arbitrary or unlawful interference with regards to his privacy. Particularly as the Justice Department spokesperson said that "the media attention the case had generated had left Sindane 'very traumatized,'" (*The Star* 21/05/05, p. 1) it does not seem that this would be in the best interests of the child.

In addition to this the *Sowetan* (22/05/03, p. 3) claims that "the question regarding the true identity of the 'white' boy....was solved by his black aunt yesterday." Following this the account is given of Happy's real parents. This seems to violate the gag order as they claim to solve the issue of his parentage rather than speculating.

While the media have the task of informing the public about events in society, they often have to balance this against the rights of the parties concerned and this often presents an ethical dilemma. Section 28 (2) of the Bill of Rights states that "A child's best interests are of paramount importance in every matter concerning the child." This being the case it is difficult to understand how publishing information about an earlier

arrest would be in Happy's best interests. Although this story is clearly of public interest, the child's rights to privacy and his best interest in this matter have to take precedence. The media often however plays a vital role in helping to locate missing children and the attention may have helped to locate Happy's parents. If this was the intention of the story then is commendable, however as pointed out in the *Mail & Guardian* (23/05/03, p. 30) "There would hardly have been a ripple in the national press if a black youth had walked into a remote police station and demanded, in fluent Afrikaans, to be reunited with his parents, who he vaguely remembered as being Ndebele speaking." This aside, it is when Happy's best interests are not at the forefront that it becomes problematic. It could even be argued that his picture and name should not have been printed to begin with, given that his exact age has yet to be determined which means that he may in fact be a minor. Since his case has already been printed, the media have the responsibility of remaining sensitive to this fact and need to exercise extreme caution in printing any additional information, making sure that the child's best interests come first. In particular, the media need to continue to take cognisance of the court ruling when dealing with further information pertaining to Happy's case.

Another case that has received considerable coverage has been the story of the 17-year-old pupil who shot and killed a 14-year-old fellow pupil. It seems that there have been gross inaccuracies published regarding this case and the MMP alerts the media to the Press Code of Professional Practice (1.6) which states that "A publication should make amends for publishing information or comment that is found to be harmfully inaccurate by printing, promptly and with appropriate prominence, a retraction, correction of explanation." Such errors serve to emphasise the extreme caution needed in reporting cases involving children.

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