

# Update

## Media Monitoring Project

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Monitoring the media since 1993

29 October 2003

### - Mirror of abuse -

Despite the extra protection afforded to children in South Africa by the International Convention on the Rights of the Child (to which South Africa is a signatory), the Constitution, and various pieces of legislation, members of the media continue to violate the rights of children by identifying them when involved in criminal proceedings or identifying children who have been abused or are in trauma.

The Star (27/10/03, p2) and SABC 3 (28/10/03, 19h00) both covered the story of a 12-year-old girl who witnessed the death of both her parents on the weekend in their shack in Kliptown, Soweto. SABC 3 (28/10/03, 19h00) reported that the "12-year-old (child)'s eyes mirror a weekend of unspeakable horror. In the early hours of Sunday morning her father was stabbing her mother with a knife. (The child) was also stabbed while trying to come to the rescue but it was too late, her mom died in the shack which he then set alight. He slit his own throat and also died on the scene." The voice over was accompanied by visuals of the children who were clearly identified as well as other family members.

The Star (27/10/03 p.2) quoted Inspector Mbazima Shiburi, a spokesperson for the Soweto police, who said that 4 dockets had been opened regarding the child's father "The first is murder, because we believed he killed his wife; suicide; arson, for burning the shack; and attempted murder of the two children." In terms of the Criminal Procedure Act 154(3), 'No person shall publish in any manner whatever information which reveals or may reveal the identity of the accused under the age of 18 years or of a witness at criminal proceedings who is under the age of 18 years.'

In this case the girl (12-years-old) is both a witness and a victim, and her brother (4-years-old) is also a possible witness and victim to these crimes yet both the Star (27/10/03 p.3) and SABC 3 (28/10/03, 19h00) revealed the identities of the children.

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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.” It is unclear how the publication of the children’s identities is in their best interests, particularly as they are witnesses to the criminal proceedings and likely still highly traumatised. Even if the criminal investigation is not followed up with criminal proceedings because of the death of the accused, the children should still not have been identified as they have suffered abuse and trauma and should be afforded their right to privacy and dignity.

SABC 3 (28/10/03, 19h00) further victimised the girl saying: “Even with counselling life will be very tough for this frail girl. (The girl) won’t trust men anymore, feeling that her father betrayed her.” Although Gloria Hlope from the Centre for the Study of Violence and Reconciliation was accessed in this regard, the choice of words used by the journalist is very disempowering, suggesting that the child will have a bleak future.

Interestingly, the Star’s treatment of this case is directly challenged with a story on the opposite page (Star 27/10/03, p3) about a 10-month-old “illegitimate” boy claiming maintenance from his paternal grandparents – “Child support: court stands by grandparents.” In this case a conscious effort was made to protect the identity of the child and in doing so they are to be commended.

There can be no question as to the need of the media to report these stories, but the trauma often associated with such stories necessitates extreme caution and the need for an ethical approach to be adopted. The story would still have been equally effective if pseudonyms had been used and if the children’s faces had been obscured. In this way the Criminal Procedure Act would not have been contravened, and the children’s rights to privacy and their best interests would have taken precedence. A dramatic story is no defence for unethical reporting.