**SUMMARY OF COMMENTS: CRIMINAL PROCEDURE AMENDMENT BILL**

**[B12-2021]**

The table below contains a summary of submissions received from the Portfolio Committee on Justice.

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| **CLAUSE/THEME** | **COMMENTATOR** | **SUBMISSION/RECOMMENDATION** | **RESPONSES BY THE DEPARTMENT** |
| **Section 154(3)-The meaning of "publish"** | The Centre for Child Law | The commentator is of the view that the proposed amendment to section 154(3) of the CPA does not change the wording in so far as publication of the identity of the child is concerned. Its concern is that the section might be construed by the public and some members of the media to refer only to traditional forms of media publications.  In order to provide clarity, minimize misinterpretations and avoid violations of rights of vulnerable groups that may arise, the commentator proposes that in addition to prohibition relating to traditional forms of media publications, such prohibition be extended to include social media and other online platforms.  the inclusion of the following wording in section 154(3) is proposed “…including on any social media or electronic platform…”. | The Department agrees with the submission. The provision seeks to secure the rights of the child which include ensuring dignity and privacy. The proposal seeks to ensure that "the best interests of the child" is realized.  The submission will enable the criminal justice system to ensure on-going protection of children and not expose them to harsh circumstances that would have adverse effects on their development. |
| **Protection beyond 18 years and upon conclusion of proceedings** | The Centre for Child Law | The commentator is of further view that an accused, a witness or person contemplated in subsection (3)*(a)*(iii) should be able to publish or reveal their own identity without needing a court order, except if there had been a court order authorizing their protection.  It is actually cumbersome as it will require an accused, a witness or a person contemplated in section 3(a)(iii) to obtain legal representation and bring an application where there is no other party affected or prejudiced by the publication of one’s own identifying information. | This view is supported. An individual contemplated in section 154(3)*(a)* should be able to publish or reveal their own identity without needing a court order once they reach adulthood. This will make the process less cumbersome and more user-friendly.  To give effect to this position we recommend that the words "…and where the court has granted an order that extends into adulthood,", be inserted after the words "18 years," in section 154(3B)*(a).* |