Fix shortcomings of Children and Young Persons Act

THE Straits Times reported last Wednesday that in a divorce case currently before the court, the husband alleged that the wife had an improper relationship with one of her students when he was 16 ("Wife had affair with ex-student, claims man").

This had supposedly continued until 2008, by which time both the wife and the former student were married with children.

The Straits Times did not name the divorcing couple, noting that the court had so ordered to protect the identities of their minor children. Neither did it name the former student. However, his identity was disclosed in news reports on MediaCorp Channel 5 and Channel NewsAsia the previous evening.

This was regrettable since the truth of the husband’s allegations has yet to be proved. In any case, whether or not these facts are eventually established, the former student’s children deserve as much protection as the couple’s.

In this respect, the current law appears to be deficient. Under the Children and Young Persons Act, no one may publish or broadcast information relating to court proceedings that reveals the name, address or school, or any particulars calculated to lead to the identification of a child or young person, if he or she is a person against or in respect of whom the proceedings are taken or a witness in the proceedings. Neither may any picture of the child or young person be disseminated.

Children or young persons such as the former student’s children fall outside this provision’s ambit as they have no direct connection with the divorce case, nor are they witnesses in the case. Also, the Act protects only minors below the age of 16.

Other statutes empower the courts to direct that the name, address or photograph of any witness to a court case or any information likely to lead to the witness’s identification be withheld from publication.

It was reported that the former student may testify as a defence witness later on. However, it seems the courts lack the authority to order his identity to be suppressed before he takes the stand, or if the case is subsequently settled and he does not appear as a witness.

For the sake of minors in the position of the former student’s children, I urge that these legal shortcomings be looked into.

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