2018/19

INTER–DEPARTMENTAL ANNUAL REPORTS ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 75 OF 2008

the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

Child Justice

2030 NDP

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INTRODUCTORY REMARKS ON THE DEPARTMENTAL ANNUAL REPORTS ON CHILD JUSTICE

In terms of section 96(3) of the Child Justice Act, 2008 (Act No 75 of 2008) (the Act) the Minister of Justice and Correctional Services[4] must submit to Parliament Annual Reports on the Implementation of the Act by each of the reporting Departments/ institutions listed in section 94(2) of the Act as the Departments of Social Development, Basic Education, Health, Correctional Services, Justice and Constitutional Development, the South African Police Service, National Prosecuting Authority. Acceding with the resolution taken by the Directors- General Intersectoral Committee for Child Justice, the Minister also submits to Parliament the Annual Report received from Legal Aid South Africa in view of the critical role this institution executes in the implementation of the Act.

The Annual Reports are compiled in line with the key priority areas of reporting encapsulated by the Child Justice National Policy Framework[5]. Each stakeholder is expected to report on the key priority performance areas falling under its mandate, as stipulated by the Act.

The Directors-General Intersectoral Committee for Child Justice (DG ISCCJ) is a statutory body established in terms of section 94 of the Act. In a special meeting held on 23 August 2019, the DG ISCCJ adopted the 2018/2019 Annual Reports received from the reporting stakeholders. During this adoption process, the DG ISCCJ noted the following shortcomings from some of the reports:

(i) Despite the efforts of data reconciliation taken by the National Technical Intersectoral Committee for Child Justice (NT ISCCJ), there are still discrepancies in the Annual Reports, particularly in:

a. The number of children charged and the number of children assessed;

b. The number of assessments and children who appeared in preliminary inquiries;

c. The number of children charged and the number of children who appeared in preliminary inquiries;

d. The number of children who appeared before the child justice courts and the number of children represented by Legal Aid South Africa in these courts; and

(ii) There are no records of cases where the prosecutor made the decision to decline to prosecute before the preliminary inquiry and the reasons for such decision.

From the task team established by the NT ISCCJ[6] in 2018/2019 financial year to investigate the anomalies leading to discrepancies in statistics, it was found that:

(i) Some of the accused persons would deceive SAPS[7] officials by indicating that they are under the age of 18 years at the time of arrest, and in some instances, it would be SAPS officials who would assume from the physical appearance that the accused person is a child and record him/ her on the Crime Administrative System (CAS) as a child. During the assessment, the probation officer would realise that the suspect is not a child and would not proceed with the assessment, and the case will be referred to the adult criminal justice system. It was found that the CAS will not be amended to reflect the accused person as an adult;

4 Formerly referred to as the Minister of Justice and Constitutional Development

5 Refer to paragraph 5.2 of the DoJ&CD Annual Report

6 Refer to paragraph 2.3 of the DoJ&CD Annual Report

7 South African Police Service

(ii) Assessments are not conducted on cases where the prosecutors have declined to prosecute;

(iii) Cases where the prosecutors have declined to prosecute before the preliminary enquiry are not recorded. This means that if a prosecutor received 50 cases from SAPS and decides to proceed with 20 of these cases, either as section 41 diversions or referral to the preliminary inquiry, these would be the only cases reported on;

(iv) The SAPS data system does not provide a field for *nolle prosequi*[8] decisions; as a result such cases are recorded as 'withdrawn charges'. This is a serious misrepresentation of the case outcome which consequently distorts statistics;

Under the monitoring eye of the DG ISCCJ, the NT ISCCJ has introduced the following interventions to address the identified discrepancies:

The Systems Integration between Integrated Case Management System Child Justice Module (ICMS CJ) and Electronic Case Management System (ECMS): Currently there is systems integration between the SAPS and the National Prosecuting Authority (NPA) which excludes the Department of Justice and Constitutional Development (DOJ &CD). The specifications for the integration between ICMS CJ and the ECMS have already been developed. The DG ISCCJ will monitor the process.

Data Verification at provincial level: The Provincial Child Justice Fora (PCJF) have commenced with data verification project with the assistance of the National Data Verification Task Team set up by the NT ISCCJ. The chairpersons of the PCJF are the members of the NT ISCCJ and are expected to give feedback of the project at the NT ISCCJ meetings. The project is still in progress.

The Amended National Policy Framework on Child Justice (NPF CJ)[9]*: The* NPF CJ has been amended to expressly indicate data that each stakeholder must report on.

Systems integration between the SAPS and the Department of Social Development has been established to enable the DSD probation officers to receive electronic notifications when children in conflict with the law are detained by SAPS. Over and above efficiency and response time benefits, this system connection between the two entities provides the basis for full traceability and reconciliation in terms of Child Justice related statistics in terms of the number of children referred by SAPS to DSD for assessment. This integration also provides a critical role to remediate one of the current operational challenges highlighted by the NT ISCCJ, that is, to reconcile the discrepancy between the reported number of children in conflict with the law that were apprehended by the SAPS, as compared to the number of assessments completed by the DSD probation officers.

With these interventions in place, the DG ISCCJ adopted the 2018/2019 Departmental Annual Reports with the noted concerns and recommended to the Minister of Justice and Correctional Services to table them in Parliament in terms of section 65(3) of the Act.

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8 Decline to prosecute

9 Refer to paragraph 5.1 of the Departmental Report of the Department of Justice and Constitutional Development.

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

OFFICIAL SIGN-OFF

It is hereby certified that this Annual Report on the Implementation of the Child Justice Act, 2008 (Act 75 of 2008) was developed by the Department of Justice and Constitutional Development. It takes into account the key priority areas outlined by the National Policy Framework on Child Justice and the areas identified by section 96(1)(e) of the Child Justice Act, which fall within the mandate of the Department of Justice and Constitutional Development. It also reflects the achievements and limitations experienced by the Department as it endeavours to realize the goals of the Child Justice Act, 2008 (Act No 75 of 2008)(the Act). The Report will be submitted to the Minister of Justice and Correctional Services for tabling in Parliament in compliance with section 96(3) of the Act.

Adv Praise Kambula Signature: _____

Chief Director: Promotion of the Rights of Vulnerable Persons

Adv J B Skosana Signature: _____

Deputy Director-General: Court Services Branch

Approved by:

Mr Vusi Madonsela Signature: _____

Director- General: Justice and Constitutional Development

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13 619

Total number of preliminary inquiries recorded during the reporting year.

OVERVIEW

Intersectoral collaboration in the implementation of the Child Justice Act, 2008 (Act No 75 of 2008)[4] is one of the key features of the Act, which expressly lists the key stakeholders that must play the prime role in setting the roadmap to the realisation of the aspirations of the child justice agenda in the country. The Intersectoral Committee for Child Justice[5], chaired by the Director-General of Justice and Constitutional Development[6], plays a vital role in bringing both the implementing and supporting actors together to address the complexities encountered when dealing with children in conflict with the law. The Act identifies the Departments of Justice and Constitutional Development, Social Development, Basic Education, Health, Correctional Services, as well as the South African Police Service, National Prosecuting Authority as the key stakeholders tasked with a mandate to collectively guide the country to an effective, sustainable and accountable child justice system.

The social ills that continue to plague our communities persistently affect the well-being of a South African child. With the increasing figures of solo parents and the high unemployment rate which continue to expose many children to hunger, it may not be surprising that our statistics are now beginning to show children who commit serious offences. It has been reported that our schools are experiencing increasing levels of drug abuse, gangsterism, violence and unbecoming behaviour by certain learners. These anomalies cannot be divorced from the societal harms that affect many children, particularly the ones living in previously disadvantaged communities.

With these societal ills at play and more children committing serious crimes, it should not be astounding that imprisonment sentences imposed on children increased from 62 in 2017/18 to 110 during this time of reporting. 22 of these children are serving imprisonment sentences for rape, whilst 16 are in imprisoned for murder convictions. These figures are making a clarion call of better parenting and family rehabilitation in our country.

The work of the Directors- General Intersectoral Committee for Child Justice has now become more complexed and pressure-packed to find a solution to end child offending in the country, in the midst of all the social ills impacting on the well-being of a child. The need for the robust engagement in the child justice agenda of the supporting stakeholders that play a fundamental role at individual, family, community and institutional levels in addressing the social ills facing the country has now become more urgent than before.

The Department of Justice and Constitutional Development[7] provides this Annual Report to Parliament in terms of section 96(3) of the Act after the recent introduction of the amended National Policy Framework (NPF) on Child Justice, 2019, which is set to address the emerging challenges in the child justice system. This Report therefore focuses only on the key priority areas of reporting falling under the mandate of the Department.

Section 96(1)(e) of the Act requires the provisioning of additional quantitative and qualitative data on various aspects of the child justice system. This Report will also cover only those areas which are applicable to the administrative mandate of the Department. During this reporting period 489 officials and stakeholders were trained on the capturing of data on the Child Justice Integrated Case Management System module.

A total of 13 619 preliminary inquiries were recorded during the reporting period. Compared to the previous reporting period, this represents a 1.8% increase in the number of preliminary inquiries conducted. 94% of these preliminary inquiries were finalised within 90 days after first appearance, and this is considered as an improved prompt response to these cases by our courts.

Children between the ages of 10 to 11 years contributed to less than 1% of the total number of preliminary inquiries registered during the reporting period, while children between the ages of 16 to 17 years contributed to 68.9% of the total number of preliminary inquiries registered. This profile therefore guides the country to a specific age group where increased resources should be invested.

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4 Hereinafter referred to as the Act

5 Commonly referred to as the Directors-General Intersectoral Committee for Child Justice

6 Section 94(2) of the Act

7 Hereinafter referred to as the Department

With the increasing levels of violence by children, it should not be surprising that our courts recorded an increase of 18.2% in the number of preliminary inquiries referred to the child justice court for plea and trial. 43.6% of these children were aged 17 years old and in the majority.

During this reporting period, the charge of assault with the intent to do grievous bodily harm remained the top crime allegedly committed by children and it contributed to 18.4% of the total number of charges against children recorded during preliminary inquiries. Compared to the previous reporting period, this represents a significant increase of 24.2% in the number of new charges recorded for assault with the intent to do grievous bodily harm, 26.3% increase in assault common charges, 11.9% escalation in robbery charges and 8.4% in murder charges. This statistics raises a serious concern since violence features as the common element of all these crimes. It is even more disturbing that an increased number of children were charged with the capital offence of murder.

On a positive note, in 2018/2019 financial year the number of new charges recorded for rape decreased by 5.7% and likewise a further significant decline of 32.6% on charges of possession/use of drugs was recorded, i.e. from 15.5% in 2017/2018 to 9.6% in 2018/2019 financial year. However, rape remained the predominate crime allegedly committed by children aged from 10 to 15 years, while the top charge against children aged 16 and 17 years was assault with the intention to do grievous bodily harm.

The majority of children ordered to detention in child and youth care centres while awaiting trial were between the ages 14 to 17 years.

Only 3 children aged 10 years old and eleven children aged years old appeared before child justice courts, and 88.4% of these children were between the ages 15 to 17 year old.

6 of the 8 top charges against children awaiting trial were the violent crimes of assault with the intent to do grievous bodily harm, rape, robbery, robbery with aggravating circumstances, murder and assault.

Convictions for assault with the intent to do grievous bodily harm increased with 75%, while a substantial decrease in charges for possession or use of drugs was recorded as 38.5 and 11.8% in the charge of housebreaking with the intent to steal. A decline of 11.8% in murder convictions and 6% in rape cases was also noted.

Our courts also imposed increased number of both custodial and non-custodial sentences of correctional supervision, compulsory residence in a child and youth care centre, postponement or suspension of the passing of sentence. The top 3 charges where imprisonment sentences were imposed on children were rape, robbery with aggravating circumstances and murder. Sentences of imprisonment on charges of rape contributed to 20% of the total number of imprisonment sentences.

The confinement of child offenders in correctional facilities does not reduce reoffending and may increase it for certain children. Research illustrates the need for immediate and efficacious community-based alternatives to help child offenders and their families. Strengthening of family relationships, social –control mechanisms and other protective factors are integral in preventing future criminality among child offenders.

CHAPTER 1: THE LEGAL FRAMEWORK IN CHILD JUSTICE

1.1 THE CHILD JUSTICE ACT, 2008 (ACT 75 OF 2008)

The Act has been in operation for nine (9) years to improve the protection of the rights of children in conflict with the law. In broad terms, it seeks to realise the aspirations of section 28 of the Constitution which protects children from the harsh realities of the criminal justice system. It provides for a child justice system designed to break the cycle of crime in child offending so as to give these children an opportunity to become law-abiding and productive adults.

1.2 OTHER APPLICABLE DOMESTIC VIOLENCE

There are other pieces of legislation that complement the implementation of the Act, and these include:

Responsible Department	Legislation	Relevance
Department of Justice and Constitutional Development	The Constitution of the Republic of South Africa, 1996	Best interests of the child, special protection of children in conflict with the law and procedural protection relating to the criminal justice system
	The Criminal Procedure Act, 1977 (Act No. 51 of 1977)	Procedural protection relating to the criminal justice system
	The Criminal (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)	Special measures relating to the National Sex Offenders Register
Department of Social Development	The Probation Services Act, 1991 (Act No. 116 of 1991	Regulation of probation services
	The Probation Services Amendment Act, 2002 (Act No. 35 of 2002)	The appointment and duties of Probation Officers
	The Children's Act, 2005 (Act No. 38 of 2005),	Deals with children in need of care and protection and establishes child and youth care centres
Department of Correctional Services	The Correctional Services Act, 1998 (Act No. 111 of 1998)	Protection of children in correctional facilities

1.3. INTERNATIONAL AND REGIONAL INSTRUMENTS

South Africa is subject to a number of international and regional instruments relating to the protection of the rights of children, and these include:

International	• The Declaration of the Rights of the Child (General Assembly Resolution 1386 (XIV) on 20 November 1959); • UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), 1985; • UN Rules for the Protection of Juveniles Deprived of their Liberty (JDL), 1990 • UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), 1990 • UN Committee on the Rights of the Child General Comment No 10 of 2007 on Juvenile Justice • UN Resolution on the Administration of Human Rights, in Particular Juvenile Justice (A/HRC/10/L.15 on 20 March 2009); • UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) adopted on 17 December 2015. • United Nations Convention on the Rights of the Child, 1989 (CRC) on 16 June 1995; and t • African Charter on the Rights and Welfare of the Child, 1990 (ACRWC) on 18 November 1999
Regional	• The Declaration of the Rights of the Child (General Assembly Resolution 1386 (XIV) on 20 November 1959);

The domestic legislation of South Africa has been developed to ensure compliance with the obligations incurred through the ratification of the above International and Regional Instruments.

The Act

provides for the multisectoral establishment of the child justice system to ensure an integrated and holistic protection of the rights of children in the country.

CHAPTER 2: GOVERNANCE STRUCTURES

2.1 INTRODUCTION

The Act provides for the multisectoral establishment of the child justice system to ensure an integrated and holistic protection of the rights of children in the country. Section 94 of the Act establishes the Intersectoral Committee for Child Justice[8] to monitor the implementation of the Act and the National Policy Framework for Child Justice referred to in section 96 of the Act. The Director-General of Justice and Constitutional Development chairs this committee, as required by the Act.

2.2 THE DIRECTORS-GENERAL INTERSECTORAL COMMITTEE FOR CHILD JUSTICE (DG ISCCJ)

As stated, the Directors-General Intersectoral Committee for Child Justice (DG ISCCJ) is responsible for the development of a National Policy Framework (NPF) for Child Justice to guide the intersectoral implementation of the Act in the country. The NPF therefore sets out implementation priorities and strategies to measure the country progress on the achievements of the aspirations of the Act. The amendment of the NPF was finalized during the reporting period as reported in paragraph 5.2 below.

The Act requires the DG ISCCJ to meet at least twice a year and also to report in writing to the Minister of Justice and Correctional Services within one month after each meeting. During this reporting period the committee held four (4) meetings where the following issues were on the agenda:

Table 1: Directors-General Intersectoral Committee for Child Justice Meetings

Date	Agenda Items
15 June 2018	(i) Considered the links between the Act and the Integrated Social Crime Prevention Strategy and guided joint implementation of these documents;
17 August 2018	(ii) Approved the amended National Policy Framework on Child Justice (NPF CJ)and recommended its tabling in Parliament by the Minister of Justice and Correctional Services in terms of s93(2)(d) of the Act. The NPF CJ was developed under the leadership of DoJ&CD;
17 October 2018	(iii) Approved the Inter-Departmental Implementation Plan (IDP) – developed under the leadership of DoJ&CD. This Plan will be utilized as a monitoring tool of stakeholder performance. The IDP is attached to the new amended NPF, which the Minister of Justice and Correctional Services tabled in Parliament;
22 February 2019	(iv) Considered and adopted the Departmental Annual Reports for 2017/2018, and thereafter recommended to the Minister of Justice and Correctional Services to table in Parliament the Departmental Annual Reports for 2017/2018. The reports were tabled in September 2018 within the timeline set by the Act;
	(v) Monitored progress in the Research on the Impact of the Act and adopted the Research Report.

Source: Chief Directorate of the Promotion of the Rights of Vulnerable Groups in its capacity as the Secretariat

The Chairperson of the DG ISCCJ submitted a total of four (4) written reports to the Minister of Justice and Correctional Services within a month of each meeting, as required by section 95 (b) of the Act.

2.3 NATIONAL TECHNICAL INTERSECTORAL COMMITTEE FOR CHILD JUSTICE (NT ISCCJ)

Attached to the Directors- General Intersectoral Committee for Child Justice is the National Technical Intersectoral Committee for Child Justice, which is constituted by senior officials, drawn from both government and civil society organisations. The civil society member organisations include the Child Justice Alliance, NICRO and Khulisa Social Solutions.

8 Commonly referred to as the Directors- General Intersectoral Committee for Child Justice

The Committee provides technical support and advice to the DG ISCCJ in all matters relating to the execution of its legislative responsibilities, functions and duties. It meets bi-monthly, and reports quarterly to the DG ISCCJ.

The Department serves as the secretariat and chair of this Committee, whilst the Department of Social Development deputizes the chairing function. During this reporting period the NT ISCCJ met 6 times, and executed the following resolutions:

Table 2: The Deliverables of the National Technical Intersectoral Committee for Child Justice

DATES	AGENDA ITEMS
24 May 2018	i. Set up a Task Team to investigate the discrepancies in statistics between DSD and SAPS-IJS, and monitored progress. The Task Team is expected to finalise its work in the next financial year (i.e. 2019/2020); ii. Reviewed and amended the National Policy Framework (NPF) on Child Justice, and then submitted it to the DG ISCCJ for consideration. Upon adoption of the NPF by the DG ISCCJ the Minister of Justice and Correctional Services tabled the NPF in Parliament, as required by the Act[6];
24 July 2018 18 September 2018 13 November 2018 28 January 2019 12 March 2019	iii. Dealt with the non-attendance of certain stakeholders at the Provincial Child Justice Fora and escalated the unresolved to the DG ISCCJ; iv. Monitored progress in the development of a monitoring tool for the implementation of the Protocol on Matlosana OSCJC- PCJF NW, and then adopted the document for approval by the DG ISCCJ; v. Considered and adopted the report submitted by the Task Team established to investigate the operation of the One Stop Child Justice Centres. The Report was then referred to the DG ISCCJ for approval. The latter committee will consider this report in the next financial year; vi. Considered the reports submitted by the Task Team established to visit the PCJF meetings in the Regions. vii. Considered the bi-monthly progress reports on systems integration by IJS and gave inputs on each report for improvements; viii. Received reports from the Chairpersons of the provinces and the participating NGOs and addressed challenges; ix. Adopted the Criminal Capacity Assessment Guide developed by the DOH and escalated to the DG ISCCJ for adoption before its implementation. x. Considered the 2017/2018 Annual Reports on the Implementation of the Act and submitted the Reports to the DG ISCCJ for adoption. The DG ISCCJ considered the Reports and recommended to the Minister of Justice and Correctional Services that they be tabled in Parliament. xi. Considered the 2018/2019 Half Year Reports on the Implementation of the Child Justice Act received from the reporting Departments/ Institutions. xii. Considered feedback received from the DG ISCCJ meetings held on 15 June 2018, 17 August 2018, 17 October 2018 and 22 February 2019 - DoJ& CD. xiii. Considered the Draft Research Report on the Impact of the Child Justice Act

Source: Chief Directorate of the Promotion of the Rights of Vulnerable Groups in its capacity as the Secretariat

The NT ISCCJ participated in the collection of information and inputs for the UN Global Study on Children Deprived of their Liberty. The process was led by the Department of International Relations and Co-operation (DIRCO). The final Questionnaire was submitted to the UN High Commissioner for SA on 11 January 2019.

6 s92(2)(d) of the Act

2.4 THE PROVINCIAL CHILD JUSTICE FORA (PCJF)

Provincial Child Justice Forums (PCJFs) are directly responsible for managing service delivery in the implementation of the Act at the regional/ provincial level. These Forums are constituted by provincial representatives of the implementing Departments/ Institutions and the non-governmental sector, and are chaired by DoJ&CD.

The Provincial Child Justice Fora (PCJF) meetings are also held bi-monthly in the provinces. Issues that cannot be resolved at a provincial level are escalated to the NT ISCCJ for intervention and assistance.

During the meeting on 8 November 2017 the NT ISCCJ took a resolution that a Task Team of the National Technical ISCCJ would visit one PCJF meeting per Province during 2018/ 2019 to monitor the operations of the Provincial Child Justice Forums, to provide support and resolve the challenges experienced by each Forum which may affect its functioning.

The Task Team visits were conducted as follows:

NT ISCCJ Task Team	Date	Province
DoJ&CD, NPA, SAPS, DSD (led by DoJ&CD)	25 April 2018	Mpumalanga
	21 June 2018	Free State
	19 July 2018	KwaZulu Natal
	15 August 2018	Western Cape
	6 September 2018	North West
	19 September 2018	Eastern Cape
	17 January 2019	Gauteng
	24 January 2019	Limpopo
	7 February 2019	Northern Cape

The Task Team developed a combined Report on the visits with recommendations on the improvement of the operation of these structures and this will be presented to the NT ISCCJ during the next financial year for adoption and implementation. The recommendations relate to the improvement of the governance of the Forums and interventions to ensure regular participation by all the stakeholder Departments/ Institutions referred to in section 94(2) of the Act. The recommendations for improvement include (i) the urgent need to identify stakeholder Departments/ Institutions that do not attend the PCJF meetings to activate intervention on a national level, (ii) the agendas should include reports on the NT ISCCJ meetings to ensure continuity in issues discussed and resolutions taken and (iii) information sessions on the amended NPF to be conducted to ensure that stakeholders are aware of their roles and responsibilities in terms of the Act since some stakeholders have changes their representation at these meetings.

68.9%

Children between the age of 16 to 17 years contributed to 68.9 % of the total number of preliminary inquiries

CHAPTER 3: THE KEY PRIORITY PERFORMANCE AREAS IN THE NATIONAL POLICY FRAMEWORK FOR CHILD JUSTICE

3.1 INTRODUCTION

The National Policy Framework for Child Justice identified ten (10) key priority performance areas for the implementation of the Act, and these are listed below as follows:

The Department only reports on the key priority performance areas falling within its mandate of the Department (DoJ&CD). The relevant key priority areas are reported on below:

3.2 KEY PERFORMANCE AREAS APPLICABLE TO DOJ&CD

The key performance areas applicable to the DoJ&CD reported on:

3.2.1 CAPACITY BUILDING

The performance in relation to capacity building which includes both skills development and human resource and capacity were as follows:

3.2.1.1 Capacity Building (Skills Training)

The Department conducts training on the Integrated Case Management System (ICMS) Child Justice module on an on-going basis to improve data collection and the utilisation of the system. In 2018/2019 financial year, the rate of the ICMS utilisation increased from 60% recorded in the previous financial year to 69%. Training on this system was conducted as follows:

Table 3: Skills Training: 01 April 2018 to 31 March 2019

Course/ Training	Province	Officials Trained	No of Officials Trained
Child Justice Act:	Eastern Cape	Court Clerks, data capturers and supervisors	42
Data capturing; Roles and responsibilities of clerks, data capturers and supervisors	Gauteng	Stakeholders[7]	40
	KwaZulu-Natal	Court Clerks, data capturers and supervisors	30
	Limpopo	Stakeholders	80
		Court Clerks, data capturers and supervisors	9
Provisions of the Act and implementation issues	Western Cape	Court Clerks, data capturers and supervisors	8
	Northern Cape	Court Clerks, data capturers and supervisors	1
	Mpumalanga	Stakeholders	58
		Court Clerks, data capturers and supervisors	5
	North West	Court Clerks, data capturers and supervisors	9
Training Conducted by Justice College			
Child Justice Act	All provinces	Clerks of the Court/ other stakeholders during intersectoral training	207
Total Trained			**489**

Source: Regions and Justice College

Justice College conducts training on the Act on an on-going basis.

3.2.1.2 Human Capacity

During this reporting period, no new appointments were made due budget constraints and moratorium on appointments. The Department is continuing with its multi-tasking approach at administrative level to address the human capital gaps.

3.2.2 PRELIMINARY INQUIRIES

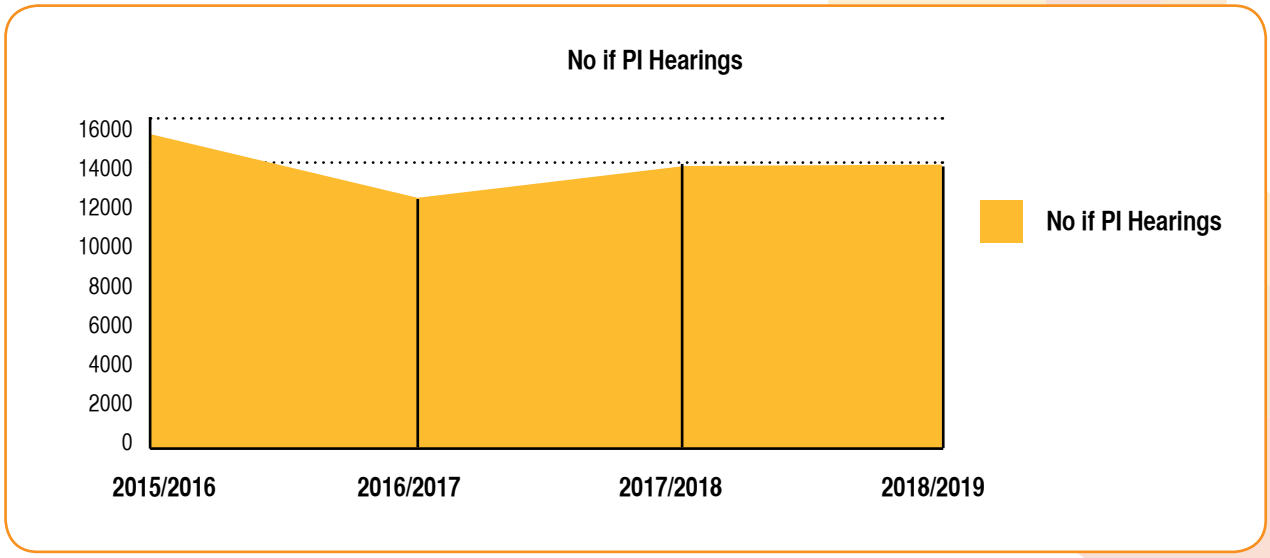
A preliminary inquiry is an informal pre-trial and inquisitorial inquiry that must be held in respect of every child who is alleged to have committed an offence. However, this procedure is not followed where the prosecutor diverted the matter before the preliminary inquiry in terms of section 41 of the Act, if the child is under the age of 10 years or if the charge is withdrawn.

The 2018/2019 Department's Annual Performance Plan includes a Key Performance Indicator (KPI) on child justice preliminary inquiries which required the 60% of finalisation of preliminary inquiries 90 days after the first appearance. With robust skills training and monitoring of operations at court level, 94% of preliminary inquiries were finalised within 90 days after first appearance.

7 Prosecutors, Probation Officers, Police Officers, Court Clerks, Legal Aid Representatives and Correctional Services Officers.

The number of preliminary inquiries conducted over a number of reporting periods is reflected in the figure below as follows:

Figure 1: Preliminary Inquiries (2015/16 to 2018/2019)



Source: Integrated Case Management System: Child Justice

Compared with the 2017/2018 financial year, a slight increase of 1.8% in the number of preliminary inquiries conducted during this reporting period was registered.

Table 4: Ages of children at Preliminary Inquiries registered during the reporting period

Financial Year	Ages of Children							
	10	11	12	13	14	15	16	17
2015/2016	29	71	133	412	1 169	2 467	4 225	6 506
2016/2017	33	72	158	376	966	2 000	3 510	5 001
2017/2018	32	103	192	440	1059	2 075	3 713	5 767
2018/2019	38	76	186	529	1 178	2 224	3 722	5 666
% Contribution per age for 2018/2019	0,3%	0,6%	1,4%	3,9%	8,6%	16,3%	27,3%	41,6%

Source: Integrated Case Management System: Child Justice

Children between the ages of 10 to 11 years contributed to less than 1% of the total number of preliminary inquiries registered during the reporting period. This aligns with the recommendations to Parliament to raise the minimum age of criminal capacity to 12 years.

Children between the ages of 16 to 17 years contributed to 68.9% of the total number of preliminary inquiries registered. Despite the fact that there was a decrease of 3.5% of preliminary inquiries registered for children aged 17 years, children in this age group contributed to 41.6% of the total number of preliminary inquiries conducted during this reporting period.

3.2.2.1. Outcomes of the Preliminary Inquiries

During 2018/2019, the outcomes of preliminary inquiries were recorded as follows:

Table 5: Outcomes of Preliminary Inquiries (PIs) registered during the reporting period

Outcome of PI	Age of the child								Grand Total	% Contribution PI Outcomes
	10	11	12	13	14	15	16	17		
Child Justice Court	3	11	46	162	497	1066	1751	2740	6 276	46%
Children`s Court	3	4	6	14	13	20	32	37	129	1%
Criminal Court				1	9	14	36	88	148	1%
Diversion	8	18	46	118	398	648	1118	1679	4 033	30%
Postponement	7	12	27	71	63	150	248	309	887	7%
Released to DSD (Deportation)				2	3	2	7	24	38	0%
Struck off Roll	4	8	17	56	64	125	213	323	810	6%
Warrant of Arrest		3	1	12	17	27	44	90	194	1%
Withdrawn	13	20	43	93	114	172	273	376	1 104	8%
Outstanding registered matters									485	
Grand Total	**38**	**76**	**186**	**529**	**1178**	**2224**	**3722**	**5666**	**13 619**	100%

Source: Integrated Case Management System: Child Justice

There was an 18.2% increase in the number of preliminary inquiries referred to the child justice court for plea and trial during this reporting period. In 2017/2018 39% of preliminary inquiries were referred to the child justice court compared to the 46% registered in the 2018/2019 financial year. Again 43.6% of children referred to the child justice court were aged 17 years old.

Diversions contributed to 30% of the preliminary inquiry outcomes recorded during this reporting period and this represents a 15.3% increase in the number of children that were diverted during preliminary inquiries from 26% in 2017/2018 to 30% in 2018/2019 financial year.

3.2.2.2. Top 10 Crimes Allegedly Committed by Children

The table below reflects the top 10 crimes allegedly committed by children who appeared in preliminary inquiries during the reporting period compared with the previous three reporting periods. It also includes the percentage of contribution to the total number of preliminary inquiries registered.

Table 6: List of top 10 crimes allegedly committed by children and the % contribution to the number of preliminary inquiries: 2015/2016- 2018/2019

No	Offence	2015/2016		2016/2017		2017/2018		2018/2019	
		No of Cases	% Contribution	No of Cases	% Contribution	No of Cases	% Contribution	No of Cases	% Contribution
1.	Assault with intent to do Grievous Bodily Harm	2 457	13.2%	1 549	12.8%	2 019	15.1%	2508	18,4%
2.	Theft	2 663	14.3%	1 351	11.2%	1 353	10.1%	1495	11,0%

No	Offence	2015/2016		2016/2017		2017/2018		2018/2019	
		No of Cases	% Contribution	No of Cases	% Contribution	No of Cases	% Contribution	No of Cases	% Contribution
3.	Possession/Use of Drugs	2 535	13.6%	1 961	16.2%	1 934	14.5%	1303	9,6%
4.	Assault	1475	7.9%	899	7.4%	989	7.4%	1249	9,2%
5.	Rape	1 612	8.7%	1 053	8.7%	1 255	9.4%	1184	8,7%
6.	Housebreaking with the Intent to Steal and Theft	1 629	8.8%	1 057	8.7%	1 194	8.9%	1177	8,6%
7.	Robbery	994	5.4%	606	5.0%	705	5.3%	749	5,5%
8.	Malicious injury to property	730	3.9%	488	4.0%	525	3.9%	568	4,2%
9.	Robbery with Aggravating Circumstances	476	2.6%	430	3.5%	471	3.5%	527	3,9%
10.	Murder	462	2.5%	379	3.1%	416	3.1%	451	3,3%

Source: Integrated Case Management System: Child Justice

From the above table, it is noted that the charge of assault with the intent to do grievous bodily harm remained the top crime allegedly committed by children and it contributed to 18.4% of the total number of charges against children recorded during preliminary inquiries. This represents a significant increase of 24.2% of new charges recorded for assault with the intent to do grievous bodily harm. A further 26.3% increase of charges for assault common, 11.9% of robbery charges, and 8.4% increase of murder charges. This is a serious concern since violence is an element of all these crimes.

On a positive note, during this reporting period the number of new charges recorded for rape decreased by 5.7%. Charges for possession or use of drugs have also significantly declined from 15.5% in 2017/2018 to 9.6% in 2018/2019.

3.2.2.3. Challenges in Data Management

The systems integration between SAPS and NPA Electronic Case Management System (ECMS) remains a challenge and some of the child justice matters continue to be pushed to the ICMS[9] Criminal module. As an intervention, monthly risk reports are published on the intranet "Djini" for courts to close these matters on the ICMS Criminal Module for recapturing on the ICMS Child Justice Module. As depicted in the table below, the number of the wrongly-captured cases on ICMS Criminal dramatically went down as a result of this intervention.

Further improvement will be achieved as soon as the NPA ECMS is linked with the ICMS Child Justice module (DoJ&CD). As stated in previous reports, this integration will result in the improvement of the completeness and accuracy of data as this will eliminate the need to re-capture cases. The system specifications to achieve this link were developed but the date for the development of the system is awaited.

8 Integrated Case Management System

Table 7: Child Justice Matters Detected from the ICMS Criminal Module

Child Justice Cases	2018/2019
Number of cases registered on ICMS Criminal	3 744
Number of cases outstanding on ICMS Criminal	608
Number of cases disposed (removed) of on ICMS Criminal	3 136

Source: Integrated Case Management System: Child Justice

Every month, the data capturers remove the pending/outstanding child justice matters from the ICMS Criminal Module and re-capture them on the ICMS Child Justice Module. The Department is closely monitoring the rectification of this irregularity in data management by the courts and is committed in clearing these matters from the system.

3.2.3. ESTABLISHMENT OF ONE STOP CHILD JUSTICE CENTRES

Section 89 of the Act provides for the establishment of One-Stop Child Justice Centres, when the Minister of Justice and Correctional Services so wishes. A One Stop Child Justice Centre is, as the name suggests, an establishment where governmental and non – governmental services are offered to children in conflict with the law under one roof. The objective of a One-Stop Child Justice Centre is to ensure an integrated and holistic approach in the implementation of the Act.

As reported in previous Annual Reports, there are three (3) One Stop Child Justice Centres operating in the country, and these are:

(i) Eastern Cape, Port Elizabeth: Nerina One Stop Child Justice Centre;
(ii) Free State, Bloemfontein: Mangaung One Stop Child Justice Centre; and
(iii) North West, Klerksdorp: Matlosana One Stop Child Justice Centre.

In 2018 the NT ISCCJ established a Task Team to investigate the performance challenges at these centres and find ways of resolving them. The team visited the One Stop Child Justice Centres (OSCJCs) on the following dates:

(i) 23 April 2018: Mangaung OSCJC, FS;
(ii) 3 May 2018: Nerina OSCJC, EC
(iii) 11 May 2018: Matlosana OSCJC, NW

One of the biggest challenges facing the existing OSCJCs relates to the day-to-day maintenance of the Centres which is complicated by the fact that the Protocols on the Establishment and Management of One Stop Child Justice Centres have not been finalized. The progress on the finalization of the Protocols for the various Centres is reported on under paragraph 3.2.3.5 below.

The Department monitors the performance of the One Stop Child Justice Centres through the data captured on the ICMS Module for Child Justice Module and the performance for this reporting period is reflected below, per Centre:

3.2.3.1 Nerina One Stop Child Justice Centre

The performance of the Nerina One Stop Child Justice Centre is tabularised as follows:

Table 8: Outcome of Preliminary Inquiries dealt with at the Nerina One Stop Child Justice Centre from 2015/2016 to 2018/2019

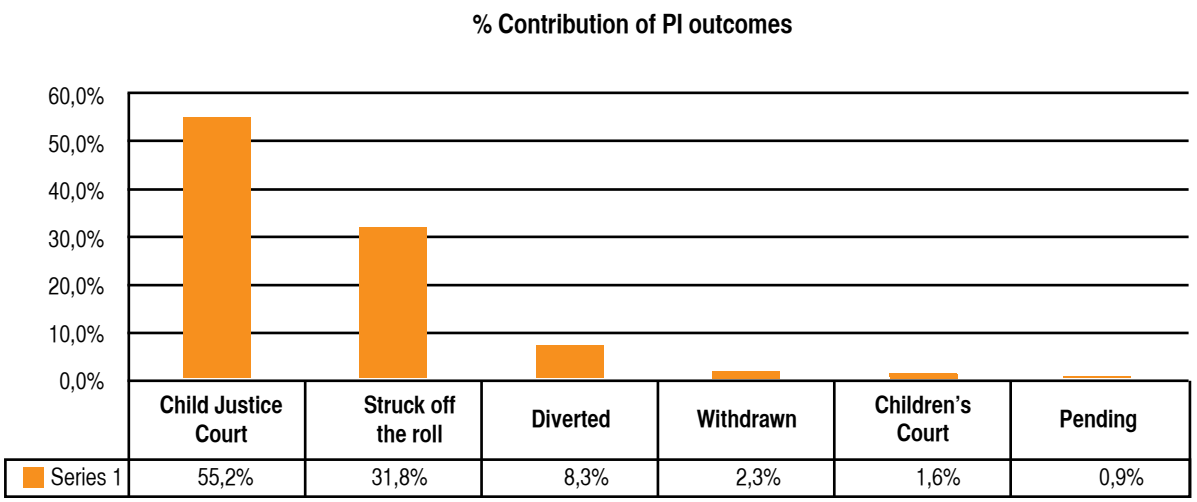
Period	New PI's	Referred to Children's Court	Diverted	Transferred to Child Justice Court	Withdrawn (after diversion completed successfully)	Struck off the roll
2015/2016	693	2	73	349	60	209
2016/2017	499	2	51	296	40	101
2017/2018	527	0	41	327	12	103
2018/2019	444	7	37	245	10	141

Source: Integrated Case Management System: Child Justice

The Nerina OSCJC experienced 15.7% decline in the number of new preliminary inquiries registered in 2018/19 financial year. What this means is that since 2015/2016 financial year, there has been a further decline in the number of children brought to this Centre. This decline translated into a further cut of 18% in matters referred to the child justice court for plea and trial. 4 matters were outstanding at the end of the reporting period due to postponement of 1 case and warrants of arrest issued in 3 cases.

Cases are struck off the roll when all due processes were not followed to bring the child in conflict with the law before the court. The number of cases that were struck off the roll has increased significantly during the reporting period and this will be addressed with the South African Police Service.

Figure 2: Nerina One Stop Child Justice Centre: Percentage contribution of PI Outcomes



55% of the new preliminary inquiries recorded in 2018/2019 were referred to the child justice court for plea and trial. The preliminary inquiry magistrate indicated that due to the limited timeframes for postponements during preliminary inquiries and the fact that the certificates from the Director of Public Prosecutions, as required in section 52(3)(a) of the Act, often take more than the stipulated 14 days, cases are usually referred to the child justice court to be dealt with as diversions once the certificates are received. A total of 8.3% of the matters were diverted.

Table 9: Outcome of cases dealt with in the child justice court at the Nerina One Stop Child Justice Centre from 2015/2016 to 2018/2019

Period	New cases	Guilty	Not guilty	Withdrawn	Struck off the roll	Referred to Children's Court	Diverted
2015/2016	285	0	0	103	80	3	100
2016/2017	309	0	0	106	123	5	21
2017/2018	327	1	0	64	127	2	38
2018/2019	245	0	1	75	32	5	12

Source: Integrated Case Management System: Child Justice

As is the case with preliminary inquiries, during this reporting period a further decrease in the number of new cases in the child justice court was recorded.

Despite the decline registered in the number of new preliminary inquiries at the Nerina OSCJC, this Centre still recorded the highest number of new preliminary inquiries in 2018/2019 financial year compared with the other two OSCJCs, as reported below.

3.2.3.1.1 Extension of the Area of Jurisdiction of the Nerina OSCJC

The Nerina OSCJC applied for the extension of its area of jurisdiction to include Uitenhage district. The consultation process required by section 89(1) read with subsection (6)(b) of the Act was successfully completed during this reporting period. As a result, the publication of the Government Notice to increase the jurisdiction of the Nerina OSCJC, as requested, will be published in April 2019.

3.2.3.2 The Mangaung One Stop Child Justice Centre

The annual performance of the Mangaung One-Stop Child Justice Centre can be tabulated as follows:

Table 10: Outcome of Preliminary Inquiries dealt with at the Mangaung One Stop Child Justice Centre from 2015/2016 to 2018/2019

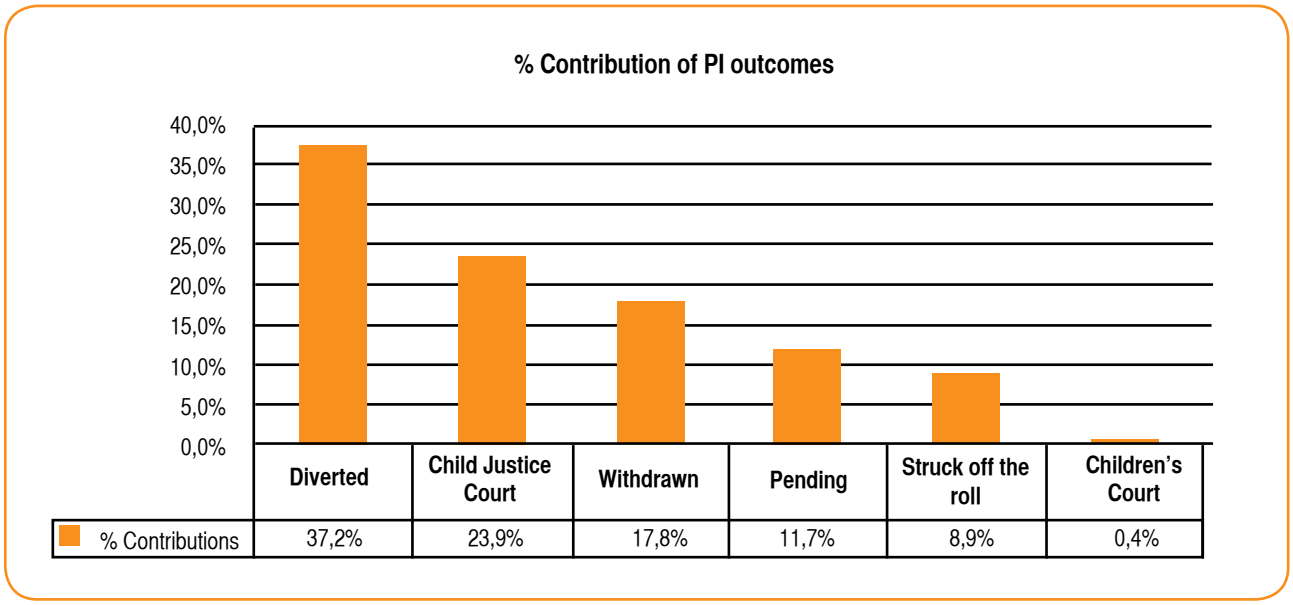
Period	New PIs	Referred to Children's Court	Diverted	Transferred to Child Justice Court	Withdrawn (after diversion completed successfully)	Struck off the roll
2015/2016	629	5	453	176	436	17
2016/2017	741	12	300	122	286	21
2017/2018	263	1	47	77	24	24
2018/2019	247	1	92	59	44	22

Source: Integrated Case Management System: Child Justice

In the previous financial year, the Mangaung registered a steep decline in the number of preliminary inquiries dealt with. This reduction has progressively moved to this reporting period with a further decrease of 11 cases, compared with the previous financial year. However, the number of diversions significantly increased from 47 children in 2017/2018 to 92 children in 2018/2019 financial year.

Twenty nine (29) matters were outstanding at the end of the reporting period due to postponements of 20 cases and warrants of arrest issued in 9 cases.

Figure 3: Mangaung: One Stop Child Justice Centre: Percentage contribution of PI Outcomes



Out of the 247 new preliminary inquiries recorded, 37.2% children were diverted, and 23.9% were referred to the child justice court for plea and trial.

Table 11: Outcome of cases dealt with in the child justice court at the Mangaung One Stop Child Justice Centre from 2015/2016 to 2018/2019

Period	New matters	Guilty	Not guilty/ acquitted	Withdrawn	Struck off the roll	Referred to Children's Court	Diverted
2015/2016	176	29	12	74	24	5	32
2016/2017	122	17	0	31	18	22	34
2017/2018	77	5	1	6	11	0	4
2018/2019	59	7	4	5	5	0	4

Source: Integrated Case Management System: Child Justice

As stated above, the Mangaung One Stop Child Justice Centre reported a decrease in the number of new preliminary inquiries for the reporting period which resulted in a decrease in the number of new cases referred to the child justice court.

3.2.3.3 Matlosana One Stop Child Justice Centre

The cases dealt with at the Matlosana One-Stop Child Justice Centre can be tabularized as follows:

Table 12: Outcome of Preliminary Inquiries dealt with at the Matlosana One Stop Child Justice Centre from 2015/2016 to 2018/2019

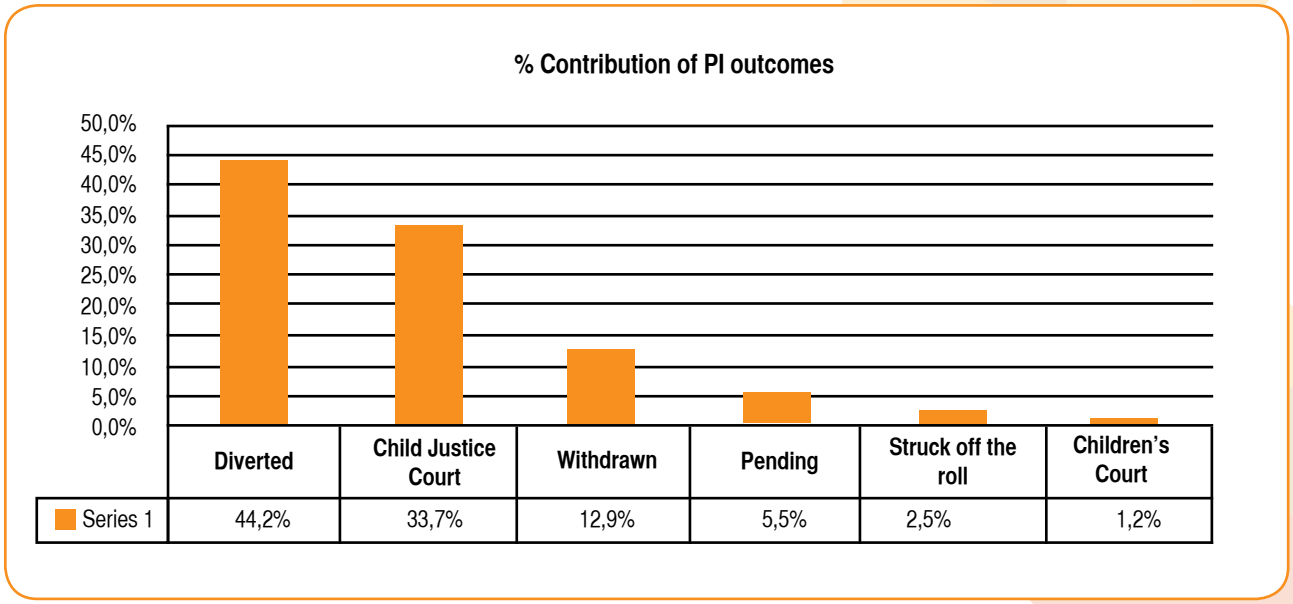
Period	New PI's	Referred to children's court	Diverted	Transferred to child justice court	Withdrawn	Struck off the roll
2015/2016	231	0	60	109	16	12
2016/2017	198	0	92	106	88	12
2017/2018	178	0	50	82	24	5
2018/2019	163	2	72	55	21	4

Source: Integrated Case Management System: Child Justice

The number of new preliminary inquiries conducted at this Centre decreased again during the reporting period. 55 matters were referred to the child justice court for plea and trial, while 72 cases were diverted during the reporting period, which translates into an increase in the number of diversions during the reporting period, compared to the 2017/2018 financial year.

6 matters were outstanding at the end of the reporting period as 3 of these cases were postponed and 3 other cases pending due to warrants of arrest which were not executed yet. 3 matters were struck off the roll and transferred to the appropriate court as the accused persons were found to be adults.

Figure 4: Matlosana: One Stop Child Justice Centre: Percentage contribution of PI Outcomes



Out of the 163 new preliminary inquiries recorded, 44.2% children were diverted, and 33.7% were referred to the child justice court for plea and trial.

Table 13: Outcome of cases dealt with in the child justice court at the Matlosana One Stop Child Justice Centre from 2015/2016 to 2018/2019

Period	New matters	Guilty	Not guilty/ acquitted	Withdrawn	Struck off the roll	Referred to Children's Court	Diverted
2015/2016	172	14	3	34	10	0	2
2016/2017	106	4	3	88	12	0	92
2017/2018	82	4	1	19	4	0	0
2018/2019	55	2	1	40	3	0	0

Source: Integrated Case Management System: Child Justice

Similarly to the other two One Stop Child Justice Centres, the Matlosana One Stop Child Justice Centre also recorded a persistent reduction both in the number of new preliminary inquiries and the number of new matters in the child justice court registered during this financial year.

No diversions were ordered in the child justice court and no matters were referred to the children's court. Diversion orders may be made if the requirements for diversion have been met. If a child does not accept responsibility for the criminal offence diversion cannot be ordered. Referrals to the children's court are made when the child justice court is of the opinion that the child may be a child in need of care and protection. In these instances the criminal proceeding against the child is stopped and the case is referred to children's court.

3.2.3.4. Challenges raised by the decline in the reported performance of the One Stop Child Justice Centres

As stated above the Task Team visited the three (3) existing One Stop Child Justice Centres in the country.

The Investigation Report was finalised close to the end of this reporting period, and will be presented by the Task Team to the National Technical Intersectoral Committee for Child Justice (NT ISCCJ) in 2019/2020 financial year for possible interventions. The NT ISCCJ may have the Report presented to the DG ISCCJ for the approval, where necessary.

The findings and recommendations of the Investigation Report will therefore be reported on in the next report[10].

3.2.3.5. Progress on the Development and Implementation of the Protocol for the Establishment and Management of One Stop Child Justice Centres

The Protocol on the Establishment and Management of the Nerina One Stop Child Justice Centre has been developed, consulted upon and adopted by all the provincial stakeholders. The Office of the State Law Adviser vetted the Protocol and the discussion of this Protocol will be on the agenda of the National Technical Intersectoral Committee for Child Justice for adoption in May 2019 before escalation to the Director-General Intersectoral Committee for adoption. The Protocol will then be sent to all the Heads of the Departments/ Institutions, as parties to the Protocol, for their signatures. Progress in the development and finalization of the Protocols is monitored by the National Technical Intersectoral Committee for Child Justice, and will be reported on in the next annual report.

3.2.4. PUBLIC EDUCATION AND COMMUNICATION INTERVENTIONS

On-going public education and communication of the processes and procedures to be followed in terms of the Act is essential to ensure that children and parents/ guardians or appropriate adults participate in the proceedings, especially in instances where decisions affecting children in conflict with the law are taken.

10 2019/2020 financial year

During this period of reporting, the Department conducted the following public education and communication initiatives on child justice:

Table 14: Summary of the Public education and communication initiatives[11]

Region	Number of Interventions	Number of people reached
Eastern Cape	6	5 642
Free State	15	4715
Gauteng	17	±4 071
KwaZulu-Natal	115	30 513
Limpopo	18	4 806
Mpumalanga	54	18 370
North West	19	6 704
Northern Cape	9	1 675
Western Cape	1	900
Total for Regions	**254**	**+-77 396**
National Office	4	528
Total	**258**	±77 924

Source: Regional Offices and CD: Promotion of the Rights of Vulnerable Groups

During 2018/2019 financial year, the Department conducted 258 public education and information sharing interventions on the Act and approximately 77 924 children, community members, parents, teachers and other stakeholders were reached. The interventions included school visits, community outreaches, dialogues and exhibitions.

3.2.5. DEVELOPMENT OF NECESSARY IT AND IJS SYSTEMS FOR INFORMATION MANAGEMENT

As reported in previous Annual Reports, since 2010/2011 financial year the Department introduced the Integrated Case Management System (ICMS) Child Justice module to respond to the requirements for qualitative and quantitative data, as required by section 96(1)(e) of the Act. The ICMS Child Justice module enables the effective monitoring of the case flow and the analysis of crime trends in the child justice system.

3.2.5.1 ICMS Child Justice

During this reporting period, the number of preliminary inquiries captured per region is as follows:

Table 15 : Preliminary Inquiry Registration with % of Regional Distribution

Region	No of PIs registered	Regional % Distribution
Eastern Cape	1 498	11%
Free State	1 055	8%
Gauteng	1 737	13%
Kwa Zulu- Natal	1 758	13%
Limpopo	1 278	9%
Mpumalanga	590	4%

11 The full details of the public education and communication events per Region are set out in Annexure A.

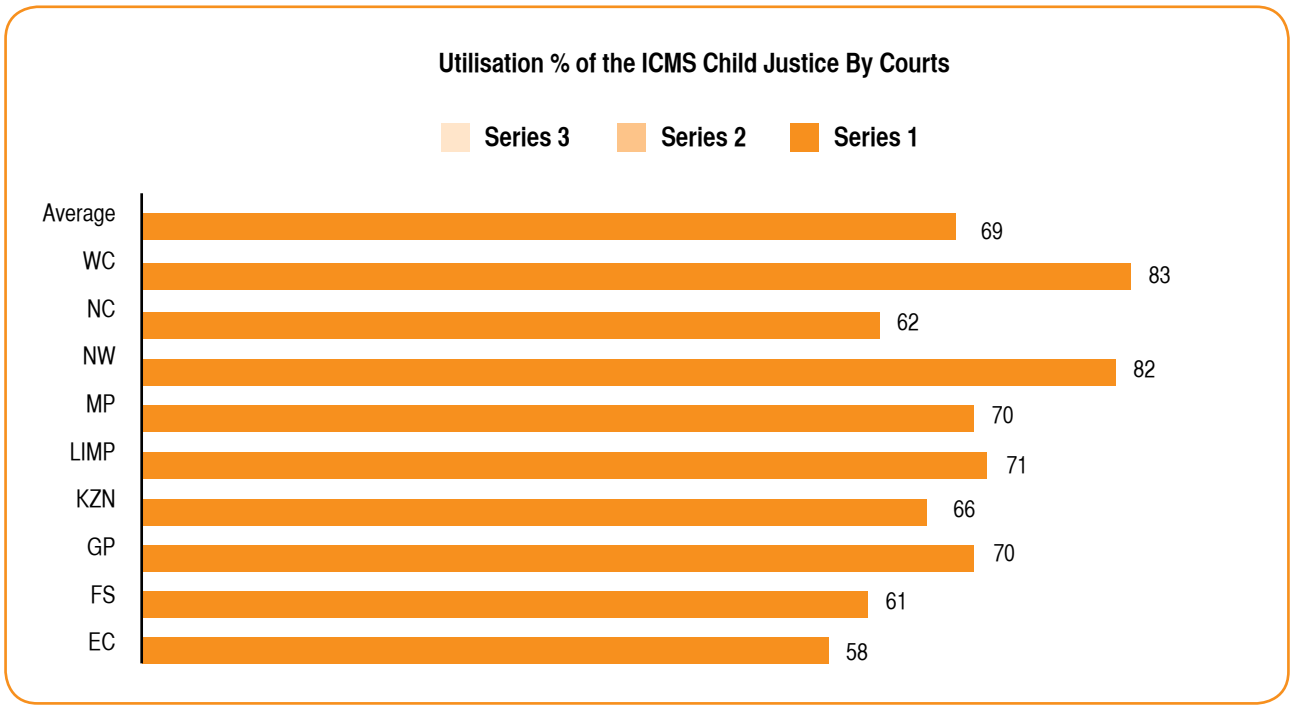
Region	No of PIs registered	Regional % Distribution
North West	683	5%
Northern Cape	525	4%
Western Cape	4 495	33%
Grand Total	**13 619**	**100%**

Source: Integrated Case Management System: Child Justice

Western Cape contributed to the majority of new preliminary inquiries captured on the ICMS Child Justice module with 33% followed by Gauteng and KwaZulu-Natal with 13% each.

The utilization of the ICMS Child Justice module increased from 60% in the previous reporting period to 69% in 2018/2019, as follows:

Figure 5: ICMS Child Justice Utilization by Courts per Region



Source: Integrated Case Management System: Child Justice

From the graph above, Western Cape registered the highest percentage of utilisation of the ICMS Child Justice module followed by North West and Limpopo.

The utilization of the ICMS Child Justice Module is closely monitored both at national and regional levels.

The Department developed a step-by-step guide to facilitate the mandatory checking of information captured on the ICMS Child Justice Module by supervisors, court managers and area court managers. This intervention should improve the utilization of the ICMS Child Justice Module by courts as well as the completeness and accuracy of the captured information.

3.2.6. QUALITATIVE AND QUANTITATIVE DATA COLLECTION IN TERMS OF THE ACT

Section 96(1)(e) of the Act requires the collection of qualitative and quantitative data at various service points in the child justice system to enable effective monitoring, analysis of trends and to map the flow of children through the child justice system.

The service points where data is collected by the Department are the following[12]:

3.2.6.1. Bail and Placement

The detention of children in conflict with the law should only be used as a measure of last resort and only for the shortest appropriate period of time, as required by section 28 of the Constitution and the Act. The Act provides for the release of children in conflict with the law into the care of a parent, an appropriate adult or guardian or on the child's own recognizance. It also provides for the release of such a child on bail with or without conditions. In certain circumstances the presiding officer may order the detention of a child either in a Child and Youth Care Centre or a correctional facility.

If the court orders detention of a child in a child and youth care centre the case may not be postponed for periods longer than 30 days at a time. When a child is detained in correctional facility postponements may not be for periods longer than 14 days at a time. At each appearance the court must reconsider the child's continued detention pending the finalization of the case against the child.

The following statistics on the placement of children awaiting trial has been collected during the reporting period:

Table 16: Bail and placement of children alleged to have committed offences

Period	In care of parent/ guardian/ appropriate adult	Bail	In prison	In child and youth care centre	Police lockup	On Warning	Total placements
2015/2106	5 550	29	887	266	0	1 548	8 280
2016/2017	4 483	16	144	924	148	630	6 345
2017/2018	2 952	17	147	863	91	345	5 643
2018/2019	3 911	29	173	958	93	371	5 535[12]

Source: Integrated Case Management System: Child Justice

During this reporting period, 71% of the children awaiting trial was released in the care of a parent/guardian or appropriate adult and 17% was placed in child and youth care centres. 3% of the children awaited trial in correctional facilities.

Table 17: Ages of children placed while awaiting trial

Age of child	Child and Youth Care Centre	In care of Parent/ Appropriate Adult/ Guardian	On Bail	On Warning	Police Lock-up	Prison	Grand Total
10	0	2	0	0	0	0	2
11	0	18	0	0	0	0	18

12 The Department collects the data which is available at court level but the decisions taken in the cases do not fall in the mandate of the Department and the analysis of the data will therefore be limited to the available information.

12 The difference of 803 cases between the 6338 new child justice court matters (table 22 below) and the 5 535 placement of children awaiting trial) represents matters not being updated timeously. The updating of the data will be closely monitored monthly to ensure that the placements of children are updated timeously on the system.

Age of child	Child and Youth Care Centre	In care of Parent/ Appropriate Adult/ Guardian	On Bail	On Warning	Police Lock-up	Prison	Grand Total
12	3	51	0	2	0	0	56
13	17	106	0	6	0	0	129
14	82	361	4	16	4	5	472
15	156	697	7	48	11	19	938
16	257	1 067	7	116	25	58	1 530
17	443	1 609	11	183	53	91	2 390
Total	**958**	**3 911**	**29**	**371**	**93**	**173**	**5 535**

3 children aged 12 years were detained in child and youth care centres while awaiting trial during this reporting period. The majority of children ordered to detention in child and youth care centres while awaiting trial were between the ages 14 to 17 years

3.2.6.2. Trials

A child justice court is defined in the Act as any court provided for in the Criminal Procedure Act, 1977 (Act 51 of 1977), dealing with the bail application, trial and/ or sentencing of a child.

The Act requires that all procedures in terms of the Act should be conducted and completed without unreasonable delay.

The ages of the children who appeared in child justice courts during the reporting period are reflected in the table below:

Table 18: Ages of children referred to the child justice court

Financial Year	Ages of children								Total
	10	11	12	13	14	15	16	17	
2017/2018	1	24	36	114	388	798	1457	2343	**5 161**
2018/2019	3	11	46	165	504	1087	1767	2755	**6 338**

Source: Integrated Case Management System: Child Justice

The overall number of children who appeared in child justice courts increased during the reporting period. This increase is clearly notable from the age of 13 years and above.

Only three (3) 10 year old children and eleven (11) 11 year old children appeared before child justice courts during the reporting period. It is noted that 88.4% of the children who appeared before the child justice court were from ages 15 to 17 years old children.

3.2.6.2.1 Top 8 Charges against Children Awaiting Trial

The top 8 charges against children awaiting trial are:

Table 19: Top 8 Charges against children awaiting trial

No	Charges against children awaiting trial	No of charges	% Contribution
1	Assault with the intent to do Grievous Bodily Harm	1 116	18%
2	Rape	883	14%
3	Housebreaking with the Intent to Steal and Theft	554	9%

No	Charges against children awaiting trial	No of charges	% Contribution
4	Robbery	473	7%
5	Robbery with Aggravating Circumstances	413	7%
6	Murder	394	6%
7	Theft	376	6%
8	Assault	359	6%

Source: Integrated Case Management System: Child Justice

During this reporting period assault with the intent to do grievous bodily harm was the top charge against children awaiting trial and this confirms the top charge against children during preliminary inquiry reported on above.

Almost all top charges involved an element of violence. Violence displayed by children is more often than not an indication of exposure to violence either as victims or witnesses in their homes or communities. This has a negative effect on the physical and mental development of children and on community safety in general. It increases the risk of these children becoming perpetrators or participating in risky or dangerous behaviour.

The crimes mostly committed by children in the various age categories are reflected in the table below.

Table 20: Predominate crimes allegedly committed per age while awaiting trial

Charges	10	11	12	13	14	15	16	17
Assault with the intent to do Grievous Bodily Harm	-	-	-	-	-	-	252	460
Rape	2	9	18	57	129	198	-	-

Source: Integrated Case Management System: Child Justice

The predominate crime committed by children aged from 10 to 15 years old remains rape. It is quite concerning that there are 10 and 11 year olds who are already committing gender-based violent crimes. The top charge against children aged 16 and 17 years was assault with the intention to do grievous bodily harm.

Table 21: Charges against Children Awaiting Trial: 2015/2016 and 2018/2019

Charges	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	% Change
Rape	16.10%	13.70%	14.90%	14.0%	-6,0%
Assault with the intent to do Grievous Bodily Harm	12.90%	12.90%	12.30%	18,00%	46,3%
Housebreaking with the Intent to Steal and Theft	11.20%	8.30%	10.20%	9,00%	-11,8%
Robbery and Robbery with Aggravating Circumstances	7.20%	6.40%	7.40%	14,00%	89,2%
Possession or Use of Drugs	6.70%	9.70%	6.50%	4,00%	-38,5%
Murder	5.00%	5.50%	6.50%	6,00%	-7,7%
Theft	7.80%	7.60%	6.30%	6,00%	-4,8%
Assault	5.30%	5.60%	6.00%	6,00%	0%

Source: Integrated Case Management System: Child Justice

During the reporting period, in charges against children awaiting trial there was a significant increase of 46.3% in the number of charges for assault with the intent to do grievous bodily harm and 89.2% in both charges of robbery and robbery with aggravating circumstances. The highest percentage of property-related charges somewhat confirm the argument that the socio-economic challenges remain as the main drivers of child offending in the country.

However, the 2018/2019 financial year recorded a substantial reduction of 38.5% in the number of charges for possession or use of drugs, 11.8% in charges of housebreaking with the intent to steal, 7.7% in murder charges, and 6% decline in rape charges. The decline in these charges against children in awaiting trial should be welcomed, particularly in drug-related crimes and the most violent crimes of murder and rape.

The outcomes of trials in the child justice courts recorded during the reporting period are set out below:

Table 22: Outcome of trials in the child justice courts

Period	New cases registered	Postponed during trial	Guilty	Not guilty	Withdrawn	Struck off the roll	Referred to Children's court	Diversions successful	Warrant of Arrest
2015/2016	-	9 995	181	154	635	239	-	-	-
2016/2017	-	9 616	280	143	2 628	1 031	-	-	-
2017/2018	5 161	8 847	407	108	1 384	534	-	-	145
2018/2019	6 338	3 673	305	41	1 990	576	50	217	209

Source: Integrated Case Management System: Child Justice

To improve the detailed reporting of information, two additional variables have been added on the outcomes of trials in child justice courts, namely: "referred to children's court" and diversion successful" to improve data analysis and management.

The number of new cases registered, withdrawn charges and cases struck off the roll increased during this reporting period.

The postponements decreased due to data purification process, which entailed monthly communication of risk reports to the courts to update the ICMS Child Justice module.

3.2.6.3. Top Convictions

Children were convicted of the following top 8 charges during the reporting period:

Table 23: Top 8 Convictions per Ages of Children

Charge	Ages of children						Grand Total	% Contribution
	12	13	14	15	16	17		
1. Housebreaking with the Intent to Steal and Theft	-	-	4	16	23	32	75	26%
2. Assault with the intent to do Grievous Bodily Harm				3	11	26	40	14%
3. Robbery with Aggravating Circumstances			3	1	6	5	37	13%
4. Theft		1	1	3	4	17	26	9%
5. Robbery		1	3	1	13	19	22	8%

Charge	Ages of children						Grand Total	% Contribution
	12	13	14	15	16	17		
6. Malicious Injury to Property				2	7	5	14	5%
7. Murder	1		1		3	5	10	4%
8. Possession or Use of Drugs			1	2	3	3	9	3%

Source: Integrated Case Management System: Child Justice

As it was the case in the previous financial year, most of the 14, 15, 16 and 17 year old children were convicted of was housebreaking with intention to steal and theft. These are property-related crimes that cannot be de-linked from the social-ills of high unemployment rate in the country and the pressing demands to financially sustain drug addictions by affected children.

It is disturbing that a 12 year old child was convicted for murder and two 13 year old children were convicted of theft and robbery, respectively.

Table 24: Convictions: Comparison between 2015/2016 to 2018/2019

Charges	2015/2016	2016/2017	2017/2018	2018/2019	% Change 2017/2018 vs 2018/2019
Housebreaking with the Intent to Steal and Theft	27%	25%	23%	26%	13%
Assault with the intent to do Grievous Bodily Harm	9%	13%	8%	14%	75%
Theft	12%	9%	8%	9%	13%
Murder	3%	8%	6%	4%	-33%
Robbery	6%	8%	10%	8%	-20%
Rape	8%	8%	13%	4%	-70%
Robbery with Aggravating Circumstances	4%	6%	10%	13%	30%
Possession or Use of Drugs	5%	6%	6%	3%	-50%
Malicious Injury to Property	-	-	-	5%	-

Source: Integrated Case Management System: Child Justice

A 75% increase in convictions of assault with the intent to do grievous bodily harm was registered and this is in line with the top charges recorded in preliminary inquiries reported on above.

In 2018/2019 financial year, an increase in convictions for malicious injury to property was registered; hence the inclusion in the list above. However, compared with the previous years, it is quite a relief to note a significant decline in convictions of rape, murder, robbery, and possession or use of drugs.

3.2.6.4. Sentencing

The Act provides that a child may not be treated more severely than an adult would have been treated in the same circumstances.

As part of the wide range of sentencing options specifically suited to the needs of children, the Act provides for a sentence of compulsory residence in a child and youth care centre coupled with a sentence in imprisonment in cases where the child committed a Schedule 3

offence and which, if committed by an adult, would have justified a term of imprisonment exceeding 10 years. When a court imposes such a sentence, the head of the child and youth care centre must, on the child's completion of the sentence in the Centre, compile a report to the court with a recommendation on the possibility of the child's reintegration into society without serving the additional term of imprisonment. After consideration of this report and other relevant factors the court may confirm the sentence of imprisonment originally imposed or may substitute the sentence with any other suitable sentence or may release the child with or without conditions.

A child justice court imposing a sentence of imprisonment must take into account the number of days that the child has spent in a correctional facility or a child and youth care centre prior to the sentence being imposed.

The recorded sentences imposed on children during the reporting period are as follows:

Table 25: Types of sentences imposed on children

Type of sentence	2015/2016	2016/2017	2017/2018	2018/2019
Community-based sentence	2	2	9	7
Restorative justice	1	3	4	2
Alternative to fine	7	8	6	4
Court Fine				12
Correctional supervision	15	21	46	53
Compulsory residence at a child and youth care centre	17	26	39	54
Postponement or suspension of the passing of sentence	97	169	222	303
Imprisonment	15	51	62	110
TOTAL	**154**	**280**	**407**	**545**

Source: Integrated Case Management System: Child Justice

The increase in sentences of correctional supervision, compulsory residence in a child and youth care centre, postponement or suspension of the passing of sentence and imprisonment have been recorded. The increase in sentences of compulsory residence in a child and youth care centre and imprisonment may be as a result of the increase in violent crimes.

The sentence imposed on a child offender should be in proportion to the nature and gravity of the offence, the needs, interests and circumstances of the child offender and the needs and interests of society which include the need to rehabilitate and reintegrate the child back into his or her family and community.

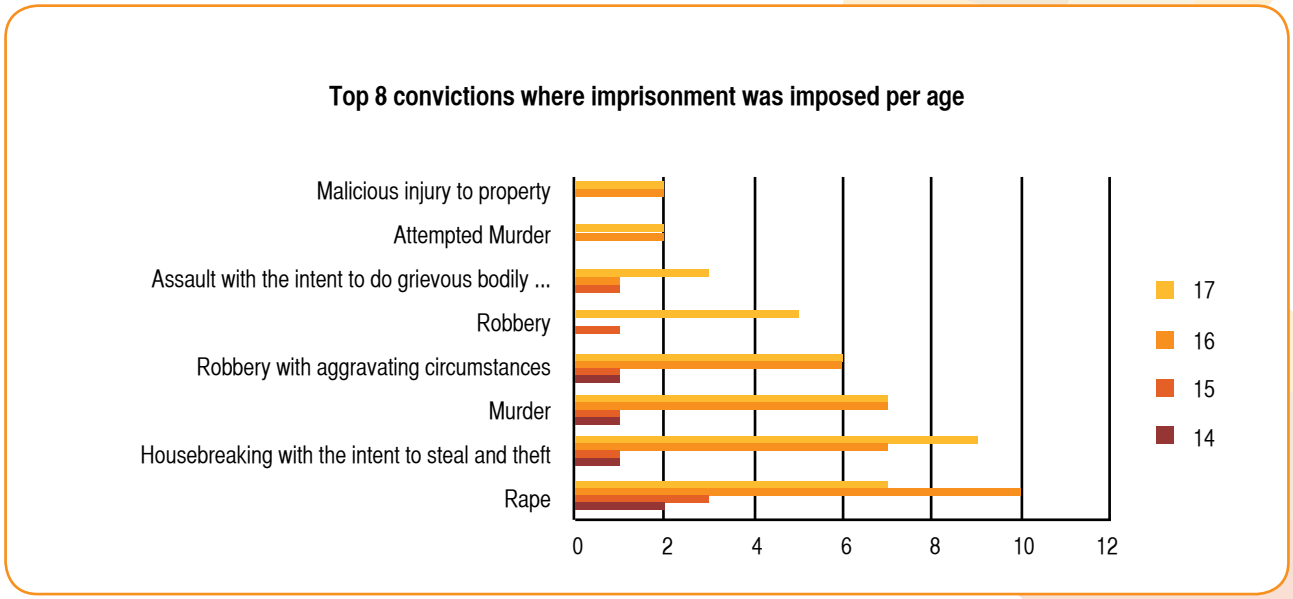
Due to the increasing number of convictions of violent crimes, the number of imprisonment sentences imposed on children increased from 15 in 2015/2016 to 110 in 2018/2019 financial year.

Table 26: Top 8 Convictions where imprisonment was imposed per age

Charge	Age of Child				Grand Total	
	14	15	16	17	Total	% Contribution
1. Rape	2	3	10	7	22	20%
2. Housebreaking with the Intent to Steal and Theft	1	1	7	9	18	16%
3. Murder	1	1	7	7	16	15%
4. Robbery with Aggravating Circumstances	1	1	6	6	14	13%
5. Robbery	-	1		5	6	5%
6. Assault with the intent to do Grievous Bodily Harm	-	1	1	3	5	5%
7. Attempted Murder	-	-	2	2	4	4%
8. Malicious Injury to Property	-	-	2	2	4	4%

Source: Integrated Case Management System: Child Justice

Figure 6: Top 8 convictions broken down per age



The top 3 violent crimes where imprisonment sentences were imposed on children were rape, robbery with aggravating circumstances and murder. Sentences of imprisonment on charges of rape contributed to 20% of the total number of imprisonment sentences.

3.2.6.5. Appeals and Reviews

In terms of the Act sentences of any form of imprisonment or compulsory residence in child and youth care centre are subject to automatic review.

The table below provides a comparison of the registration of appeals and reviews with the previous years, as follows:

Table 27: Appeals and Reviews

Applications	2015/2016	2016/2017	2017/2018	2018/2019
Appeals	2	3	2	10
Reviews	227	115	100	48
Total	**229**	**118**	**102**	**58**

Source: Integrated Case Management System: Child Justice

The Department is monitoring the number of reviews against the number of sentences of imprisonment or compulsory residence in child and youth care centre. Currently, the number of reviews and appeals are captured on the NOC Tool but a plan to move the capturing of this information to the ICMS Criminal module is in progress.

The IJS Transversal Hub

provides a technical integration platform for electronic exchange of information between member departments

CHAPTER 4: THE INTEGRATED JUSTICE SYSTEM (IJS) PROGRAMME CHILD JUSTICE ACHIEVEMENTS 2018/19

4.1. THE IJS PROGRAMME

The Integrated Justice System (IJS) programme is a government initiative that strives to improve the efficiency and effectiveness of the South African criminal justice process. It is driving a multi-department effort to increase the probability of successful investigation, prosecution, punishment, and ultimately the rehabilitation of offenders and their restoration back into society to realise a national objective that all South Africans are and feel safe.

The IJS programme participates in the Intersectoral Committee for Child Justice (ISCCJ) and assists in the collation of transversal performance measures to monitor the various components of the criminal justice system (CJS). This includes children in conflict with the law and all vulnerable groups that are affected by crime.

4.2. THE IJS DELIVERY APPROACH

The IJS programme has adopted a multi-step execution strategy to deliver an integrated justice system in four (4) steps:

STEP	IJS EXECUTION STRATEGY
STEP 1	Enable and capacitate the relevant government departments to support and automate the criminal justice processes
STEP 2	Integrate by electronically connecting these enabled CJS business processes between the respective IJS member departments
STEP 3	Integrate the performance of the CJS with real-time capturing of the key business events as they occur to establish a holistic performance management capability for the cluster
STEP 4	Accelerate delivery through shared IJS services that create capabilities that will be re-useable, shared and benefit all IJS department members.

Source: IJS

The Act requires the creation of Information Management tools to facilitate the collection and analysis of child justice related statistics for strategic and operational use. The IJS recognised that a prerequisite to reliable statistical information collection is a trustworthy information source in the form of robust business applications that are used by government departments and institutions involved in the child justice process. Therefore, the IJS programme has worked together with member departments to establish electronic case management and workflow applications that support the department's core business processes, especially relevant to the criminal justice system.

To date, case management business applications have been developed and implemented for the South African Police Service (SAPS), National Prosecuting Authority (NPA), Department of Social Development (DSD) and the Department of Justice & Constitutional Development (DOJ&CD). The DOJ&CD Integrated Case Management System (ICMS) module for Child Justice, has provided an essential foundation for the collection of child justice related statistics.

Integral to the enabling intra-department integration, the successful implementation of the IJS Transversal hub has provided a platform on which the underlying criminal justice business process may be integrated. The JCPS cluster was the first cluster within government that pursued interoperability, and the hub already provides for the electronic exchange of information between SAPS, NPA, DOJ&CD and Legal Aid SA.

The IJS Transversal Hub provides a technical integration platform for electronic exchange of information between member departments

In 2018/19 the Department for Social Development (DSD) was successfully integrated as the eighth connected department / entity able to exchange information by means of the IJS Hub. The connection of DSD is a significant achievement, especially in the Child Justice domain for the improved management of referrals from SAPS to DSD, particularly in the management of children in conflict with the law.

4.3. Important System Integrations between SAPS and DSD

A key IJS focus area pertaining to Child Justice, has been the establishment of an electronic integration between the South African Police Service (SAPS) and the Department of Social Development (DSD). This enables DSD probation officers to receive electronic notifications when children in conflict with the law are detained by SAPS.

Over and above efficiency and response time benefits, this system connection between the two entities provides the basis for full traceability and reconciliation in terms of Child Justice related statistics in terms of the number of children referred by SAPS to DSD for assessment. This integration also provides a critical role to remediate one of the current operational challenges highlighted by the ISCCJ, that is, to reconcile the discrepancy between the reported number of children in conflict with the law that were apprehended by SAPS, as compared to the number of assessments completed by the DSD probation officers.

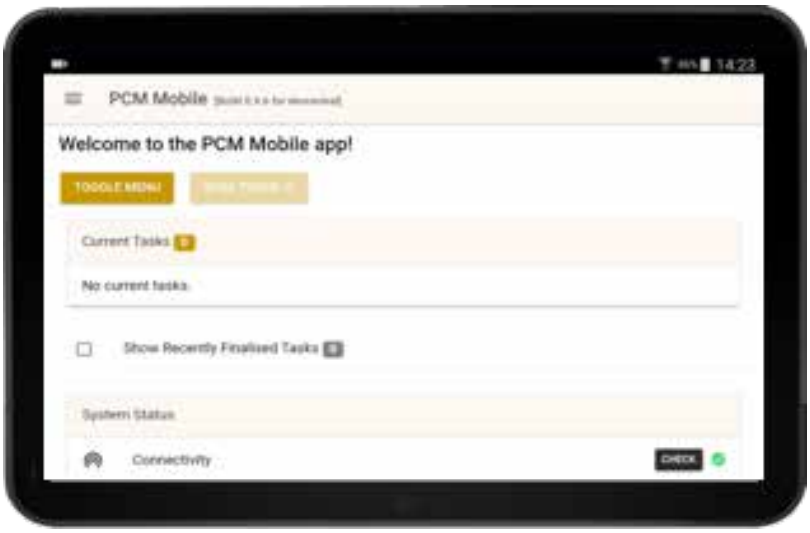
SAPS ICDMS now generates automated notifications when a child is detained.

The Act requires that each child alleged to have committed an offence, must be assessed by a DSD probation officer within a certain timeframe, in order for necessary interventions, as well as suitability for diversion, to be recommended. Previous annual reports reported that less than 60% of detained children were assessed. With the implementation of the completed solution, these statistics will be closely monitored and corrective measures can be implemented.

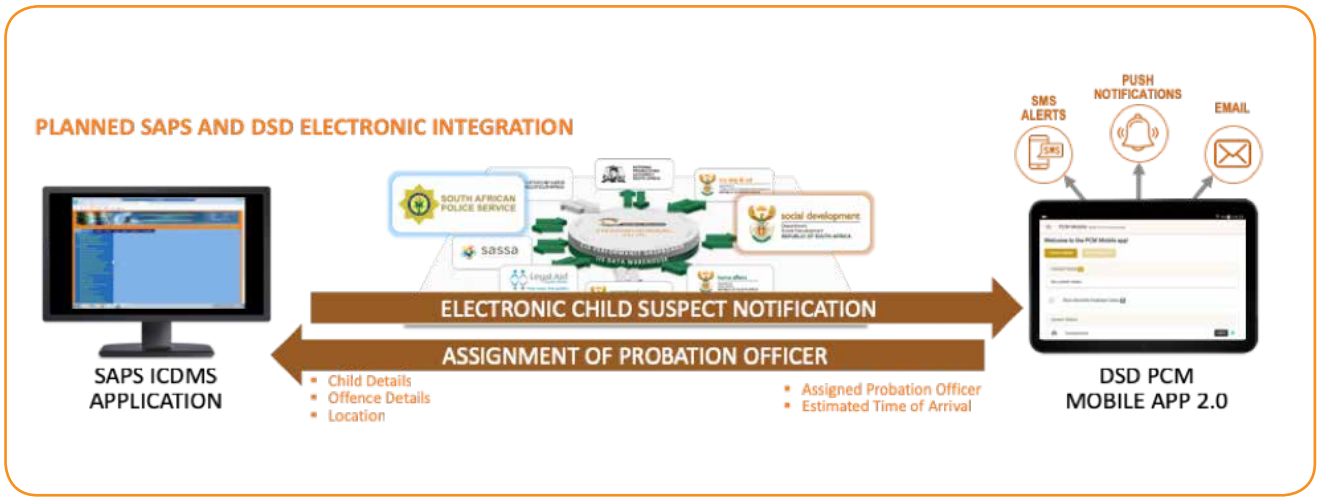
Significant progress has been achieved during the 2018/19 financial year:

- The SAPS component of the integration, allowing the electronic generation of a child suspect notification from the Investigate Case and Docket Management System (ICDMS), has been successfully completed by SAPS and the State Information Technology Agency (SITA) teams.
- System Integration Testing (SIT) with IJS and the SAPS ICDMS application was successfully completed.
- The development of DSD's newly-integrated Probation Case Management (PCM) dashboard application has also been completed. The DSD supervisors can utilise this dashboard to view the status of a referral from SAPS, and ensure the department is responsive. The PCM application also notifies SAPS, with the use of integrations, of the assignment of a DSD probation officer to a specific case. Furthermore, the implemented enhancements to PCM also ensure that assessment and diversion information is captured electronically for exchange with the other departments involved.
- In parallel, IJS and DSD have completed the development and enhancement of an updated version of the DSD Mobile PCM application. Productivity improvements resulting from DSD probation officers being able to work in "offline" conditions, in areas where there is poor network infrastructure, is a significant advantage that overcomes the frustration and challenges experienced by DSD probation officers, previously having to access and capture information on laptops and computers.

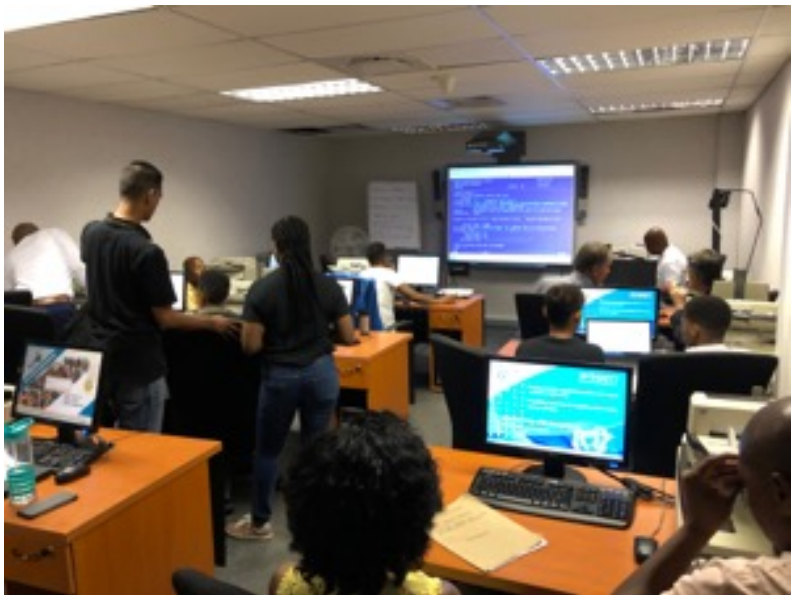
The mobile app significantly improves the management of Child Justice referrals for DSD supervisors and management. Enabled by the electronic integration with SAPS, the new mobile application allows supervisors to receive real-time notifications and SMS alerts on these tablet devices and their smartphones, as soon as a child has beenapprehended by SAPS.



- The mobile app also helps to ensure that a prompt allocation of the DSD probation officer is completed. With the implementation of the escalation and notification engine, an automated escalation message alerts DSD supervisors of cases for which a DSD probation officer has not yet been assigned after pre-determined time intervals. As time passes, these alerts are escalated to high-levels of management in the provincial structures. This functionality empowers DSD management by managing cases effectively and escalating any potential issues.



Electronic integration between SAPS and DSD is supported by enhancements to the DSD Mobile PCM Application to enable active alerts and push notifications to DSD supervisors for cases where DSD probation officers have not yet been assigned.



- In November 2018, an important milestone was achieved through the successful completion of the joint User-Acceptance Testing (UAT) phase that was conducted by SAPS, DSD and IJS. The result was the successful sign-off of the new solution by business stakeholders of SAPS and DSD, indicating that the two departments' respective applications have been successfully integrated, and the solution was approved for implementation into the respective production environments.
- In February 2019, DSD commenced training in Limpopo province, the first pilot site for the rollout of the new SAPS / DSD integrated system and updated mobile PCM app. This is in preparation for the commencement of receiving of electronic SAPS child suspect notifications, planned forQ1 of 2019/20.

The IJS is committed to the implementation of technology systems to ensure a fair, responsive and efficient criminal justice system where all South Africans are and feel safe. We continue to pursue this to realise a justice system that fulfils the intentions of the Act, and is able to handle and protect the rights of all vulnerable persons, especially children.

There is a significant and dramatic decline in the number of children in contact with the child justice system throughout South Africa.

CHAPTER 5: DEVELOPMENTS IN CHILD JUSTICE AND CASE LAW

5.1 INTRODUCTION

Almost every year, the Act is tested by our courts to bring significant reforms in the child justice sector. The evolving social ills that impact badly on children also continue demanding more changes in policy decisions and related programming. During this reporting period, the following developments were noted:

5.2 REVIEW AND AMENDMENT OF THE NATIONAL POLICY FRAMEWORK ON CHILD JUSTICE

Sections 93(1)(a) to (d) of the Act require that the Minister, after consultation with the Cabinet members responsible for Safety and Security, Correctional Services, Social Development, Education and Health, adopt a National Policy Framework (NPF).

Section 93(2)(c) of the Act requires the Minister to review the NPF within 3 years of its publication in the *Gazette* and at least once every 5 years thereafter.

The process of reviewing the NPF was finalized during the previous reporting period. On 2 May 2018 it was presented to Cabinet for noting. It was tabled in Parliament on 28 May 2018 and published in Government Gazette No. 41796 on 27 July 2018 for public comment. The comments received were considered by the Task Team attached to the National Technical Intersectoral Committee on Child Justice to finalise the process. The comments were considered and included in the final document on 15 October 2018. The final amended National Policy Framework on Child Justice was printed and distributed to all stakeholders. Information sessions on the amended National Policy Framework for Child Justice will be conducted in the financial year of 2019/2020 to all 9 Provincial Child Justice Fora.

5.3 RESEARCH ON THE IMPACT OF THE CHILD JUSTICE ACT, 2008

As previously reported, the Directors-General Intersectoral Committee for Child Justice commissioned a research into the impact of the Act since its implementation in 2010. The research was conducted during this reporting period.

5.3.1 Issues to be investigated by the research

(i) The reasons for the significant drop in the number of charges against children recorded by the South African Police Service;

(ii) The average time that children spend in detention in police lockups and the reasons for detention in police docket;

(iii) The availability of probation officers after hours to conduct assessments of children arrested for allegedly committing offences;

(iv) The trends in diversions since the implementation of the Child Justice Act, 2008 (is there a decline in the number of diversions and if so, the reasons for such decline);

(v) The outcomes of diversion (how many children complied with diversion orders; how many children failed to comply with diversion orders; and the reasons for such failures and their consequences);

(vi) Utilisation and effectiveness of restorative justice programmes/approaches;

(vii) The rate of re-offending of children who have been diverted, and the reasons for the re-offending;

(viii) The coverage of diversion programmes (the types, the spread of programmes across the country);

(ix) Utilisation of diversion programmes with compulsory residence as an element of the programme, the average duration of the order, and the types of crimes these diversion programmes are utilised for;

(x) The trends in the detention of children in child and youth care centres and corrections facilities; the average duration of sentences of compulsory residence or imprisonment;

(xi) The utilisation of section 76(3) of the Act by child justice courts;

(xii) The number of adults charged for using a child to commit a crime in terms of section 141(1)(d) of the Children's Act, 2005 (Act 38 of 2005) and the outcomes of these cases.

5.3.2 Research Findings

5.3.2.1 Gaps in statistical data

There are significant gaps in the statistics provided in the Annual Reports on the implementation of the Act. This makes it difficult to comprehensively determine the impact of the Act and shortcomings that should be addressed. However, the amended National Policy Framework on Child Justice has introduced measures intended to close most of these gaps, if properly implemented.

5.3.2.2 Drop in the number charges against children

There is a significant and dramatic decline in the number of children in contact with the child justice system throughout South Africa. This has occurred since 2010/11 financial year, and is relatively consistent through the period under review. The research uncovered three possible reasons for this drop as:

(i) Police are not bringing all reported cases into the system due to the complexity of the Act and their uncertainty about its 'different' processes, or because of the difficulty in locating parents or other appropriate adults;

(ii) The effects of a new child's right-oriented system, as other countries such as New Zealand also saw such a drop in numbers, and/or

(iii) Children are committing fewer offences, and the international evidence seems to support this as a strong possibility. The reasons why children may be committing fewer offences is not clear from the study; hence the need for further research.

5.3.2.3 No increase in serious offences

There is no evidence to support the idea, suggested by some interviewees that children may be committing more serious crimes. The research indicates that there has been little significant change in the percentage of schedule 1, 2 or 3 offences committed between 2014 and 2017, based on the National Prosecuting Authority statistics[13]

5.3.2.4 Diversion numbers remain constant as a percentage, with a shift in trends towards more Preliminary Inquiry diversions

The number of children being diverted has shown only a marginal reduction as the percentage of all children being charged, though the numbers are declining in line with the drop in the number of children being charged.

Recent trends show a reduction in section 41 diversions and an increase in preliminary inquiry diversions. However, the research report indicates that the sample was too small to deduce a conclusive analysis with reasons.

5.3.2.5 Reasons for attrition of cases between arrest, assessment and diversion not clearly reflected in data

There is an attrition of numbers occurring from the stage of children coming into contact with the police and being assessed, and again between the children being assessed and being diverted. The data available does not give a full picture as to why these cases fall out of the system. It could be the lack of evidence to establish a prima facie case, but such cases should be reported on as not enrolled for preliminary inquiry by the National Prosecuting Authority or should show up as withdrawn charges after enrolment.

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13 However, the DoJ&CD ICMS Child Justice give a different picture particularly for 2017/2018 and 2018/ 2019 financial years

5.3.2.6 Over-reliance on diversion programmes that include residence

There is evidence of an over-reliance on diversion programmes that include an element of 'residence', though the Act's intention is that any form of detention is to be used as a measure of last resort.

5.3.2.7 Evidence of satisfactory compliance with diversion

While empirical data is unreliable (where it exists), indications are that compliance with diversion orders is high, signifying a broad acceptance of responsibility and intention to change behaviour for the positive, amongst children who are diverted. However, problems with the required Form 9[14] not being completed and not being filed back at court obscure the compliance rate outcomes.

5.3.2.8 Preliminary Inquiry postponed for longer than law allows

Preliminary inquiries are often conducted outside of the legally prescribed time periods.[15] This may be because there is insufficient time to conduct a thorough assessment. However, it could equally be a failure to apply the law. As the original reasons for setting tight time limits were to prevent the early stage of the case being protracted, there is no sufficient evidence to warrant changing this approach in the law.

5.3.2.9 Restorative justice aspects of the CJA not progressing

There is little evidence of a growth in the use of restorative justice, possibly due to the pending adoption of the draft National Policy Framework for Restorative Justice. Evidence shows that more adults are receiving mediation (a partially restorative process) through the Alternative Dispute Resolution Mechanisms, and the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO) and Khulisa[16] are also working more with adult offenders than with children.

5.3.2.10 Dramatic decrease in number of children in correctional service centres

There is a dramatic decrease in the number of children in correctional facilities in South Africa, both awaiting trial and sentenced. This is due to:

(i) a lower number of children coming into the system (from 75 435 charges against children in 2010/11 to 42 449 to 2016/17), and

(ii) a decrease in the number of children being sentenced to correctional facilities as a proportion of all sentences;

5.3.2.11 Reduction in the duration of time children spend in pre-trial detention

There has been a reduction in the duration of time children spend in pre-trial detention within correctional services facilitates. This is probably due to a change in attitude of officials and awareness of the need to speed up cases. The declining court roll of the child justice courts may also allow cases to be completed timeously.

5.3.2.12 Downward trend in number of children admitted to CYCCs during the course of a year, but numbers accumulating

With regard to child and youth care centres, the number of children admitted during the course of each has shown a downward trend during the period 1 April 2010 until 31 March 2017.

The number of children in child and youth care centres is relatively high; in particular the number of children awaiting trial, and this appears to be due to an accumulation of children over time due to delays. These may be caused by factors such as delays in completion of assessment reports and pre-sentence reports, or delays in investigation of cases.

5.3.2.13 Sufficient probation officers to undertake the tasks under the Act

The anticipated increase in demand for probation officers has not occurred; rather, there is little to suggest that probation officers are overburdened, and in fact in many instances, may be utilized on other social work services when not working on probation cases.

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14 This form is used by the probation officer to report on a child's compliance or non-compliance with a diversion order.

15 See section 48 of the Child Justice Act, 2008

16 NGO registered with DSD

5.3.2.14 Growing awareness of the spirit of the Act

There is sufficient evidence to point to the growing awareness of the intention and spirit of the Act, which includes the harm that contact with the formal criminal justice system has on the child, and the shift towards acting in the best interest of the child, as embodied in the Act and the Constitution. However, application of the Act varies across districts and provinces, and there are important deviations from the requirements and provisions of the Act in many instances by probation officers, prosecutors and magistrates as pointed out in the findings.

5.3.3 Identified issues and challenges

Through the research, a number of issues and challenges relating to the Act, and its implementation emerged, which may negatively affect the potential positive impact that it could achieve in fully realising its objectives, as laid out in the Preamble of the Act. Attention to these issues has been raised throughout the discussion above, and these issues are now collated below:

5.3.3.1 The lack of reliable and consistent data on key indicators presents a significant challenge both to measuring the impact and assessing the application of the Act. There are important indications that this is beginning to change, with the greater linking and communication between, if not integration of, data systems within the different Departments. This should be further facilitated through, for example, the electronic case management system. The improvement of data from 2015/16 financial year across several departments is noted, evidenced even in the comprehensiveness of data included in annual reports from these years, and provides a much stronger base from which to develop a more integrated data system. The provision of comparable "snapshot" statistics through the process of presenting data to the Global Study on Children Deprived of their liberty was a positive development, but needs to be done on a continuous basis.

5.3.3.2 Linked to data collection and analysis, the annual progress reports to Parliament would be more useful for the purpose of analysis of impact if they were more cohesive with an overarching analytical aspect. In this regard, it is unfortunate that the Judicial Matters Amendment Act No 24 of 2015 will exacerbate the current fragmentation by allowing each Department to report separately to different portfolio committees.

5.3.3.3 It was noted that both stakeholders from the South African Police Service and the DSD probation officers view the Act as cumbersome and intimidating, and so are often unwilling to engage with it, understand it and apply it. This applies even to those who are thinking about the intention of the Act and what is perceived as the best interest of the child.

5.3.3.4 There is a lack of information about the provision of diversion services in the public domain. There is insufficient data to determine what percentage of diversion programmes are presented by the DSD and what percentage by other service providers. There is a lack of objective and independent assessment of the quality of such diversion services. There is a perception, apparent from the interviews, that there is a lack of adequate diversion services and child and youth care centres across provinces. However, there is little evidence to suggest that these result from a failure to meet accreditation standards and requirements, or a lack of organizations offering diversion services.

5.3.3.5 Researchers were informed that some children wait in correctional facilities to be transferred to child and youth care centres for either diversion or sentencing purposes. If this is true, it is a violation of children's rights. Furthermore, this does not appear to be caused by a lack of spaces in child and youth care centres, but is rather due to lack of knowledge or access to the geographic spread of services. This warrants further investigation.

5.3.3.6 The importance of assessing the quality of diversion programmes, and ensuring a range of different types of programmes offered by the accredited diversion service providers across the country has been noted. No independent evaluations appear to have been completed on currently accredited programmes (at least none are available in the public domain, and none were provided to the researchers). Furthermore, there appears to be no central analysis of diversion programmes and their outcomes in an effort to understand what works and what does not in the different programmes offered to children. This is important in gauging the degree to which successful completion of programmes and non-re-offending is a result of the programmes and services offered specifically, and the degree to which they are a result of the broader provisions and

implementation of the Act. The inclusion of more government service providers in the diversion space does not reduce the need for independent evaluations of such services, nor for overarching assessment of outcomes.

5.3.3.7 There is little evidence to support the perception that probation officers are over-loaded by cases, except for one which suggests that further training on the Act is required, in conjunction with improved oversight and accountability mechanisms for performance. The capacity of probation officers to fulfill their mandate in terms of the Act was questioned by some interviewees in the research process. Reports of delays due to incomplete assessment reports or unavailability of probation officers in court were reported to result in increased incarceration or holding times, or in charges being withdrawn or cases struck off the roll.

5.3.3.8 There are sufficient reports of incomplete Form 9s[17] being provided to the court by probation officers from across the province to suggest that this is a further area of concern. The lack of completed Form 9s undermines the capacity to effectively monitor diversion and compliance with diversion orders. Probation officers need to track their cases through to the end of the process.

5.3.3.9 Several instances were reported where diversion for schedule 3 offences was being ordered without the required approval from the Director of Public Prosecutions.[18]

5.3.3.10 The Diversion Register (managed by the Department of Social Development) is not fully functional. This is unfortunate because it offers a useful instrument to track children in conflict with the law who have been ordered to diversion programmes, and potentially to track the impact of those children in terms of re-offending.

5.3.3.11 There is a common perception that insufficient spaces are available at child and youth care centres, whereas the data does not support this perception. However, it is very clear, and supported by data, that the distance from court to some of the child and youth care centres does create problems.

5.3.3.12 There is no legal opportunity for early release from the child and youth care centres, and recommendations in this regard are provided below.[19]

5.3.3.13 It is also apparent from the data and interviews that sentencing under Section 73(6) of the Act is not working, as designed by the law. The fact that it is not often utilised may be placing children's rights at risk.

5.3.3.14 The number of children in child and youth care centres remains relatively high, in particular children awaiting trial in such centres. They outweigh sentenced children in child and youth care centres by a ratio of more than 2 to 1. Considering the presumption of innocence, there should be fewer and not more children awaiting trial. This was the picture of the percentage of children at correctional centres[20] over the past few years where the larger percentage was for children serving sentence than the ones in awaiting trial. The child and youth care centres should follow a similar approach. However, delays and other factors appear to be causing numbers of children to accumulate in child and youth care centres.

5.3.3.15 The lack of data about the length of time each child stays in a child and youth care centres, as provided for correctional facilities by the Department of Correctional Services, makes it difficult to assess with accuracy what is causing the accumulation. Similarly, the lack of data about how long children are sentenced to child and youth care centres, as is provided for correctional facilities by the Department of Correctional Services, makes it difficult to assess the impact of the Act on sentencing in relation to child and youth care centres.

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17 This form is used by the probation officer to report on a child's compliance or non-compliance with a diversion order.

18 Section 52(3) of the Child Justice Act, 2008

19 See paragraph 5.4.1 (ii) f below.

20 Department of Correctional Services

5.4 SPECIFIC RECOMMENDATIONS

5.4.1 Legislative Reform

(i) Consider not bringing the Judicial Matters Amendment Act No 24 of 2015 into operation, but instead introduce the required support to the process of a centralised, analytical reporting, as envisaged by the original section 96 of the Act.

(ii) Consider reviewing the Act for the following purposes:

a. to simplify it and make it more user-friendly;

b. as part of simplification, to apply the schedule of offences under the Criminal Procedure Act rather than those in the Act. Carefully consider what other impacts this may have and take measures to ensure that there are no negative impacts;

c. to ensure that diversion is not used together with placement in a child and youth care centre either at all, or only in very narrowly defined circumstances, and never in a correctional facility falling under the Department of Correctional Services;

d. to ensure that courts apply the age at the commission of the offence as the relevant age for sentencing;

e. to provide more explicit measures to limit the use of detention, and to ensure that the length of time a child can spend in detention including diversion in a child and youth care centre is provided for by law;

f. to allow for children who are sentenced to compulsory residence in child and youth care centres to be released early - after serving a portion of their sentence, and provide other rules for leave of absence and other matters;

g. to amend section 67(1)(b) and (2) of the Act to require magistrates to set a specific date to which matters are postponed;

h. to remove section 76(3) of the Act which allows for sentence to a child and youth care centre and then to a correctional centre under the Department of Correctional Services;

i. to change the system for expungement of records to align with the Criminal Procedure Act, 1977 (Act 51 of 1977) system and ensure that the amended system takes into consideration children sentenced for Schedule 3 offences.

5.4.2 Training

(i) Training of probation officers on the importance of the procedures and requirements for assessments and preliminary inquiries is clearly required to prevent the significant delays that have been identified as a result of incomplete or late assessments. Along with this, adequate supervision and measures of accountability for poor or incomplete assessments are required. All officials must be made more aware of the importance of adhering to the time limits for preliminary inquiries.

(ii) The annual reports of each department should provide details on the building of capacity to implement the Act. It is recommended that the quality and impact of this training be assessed and reported on:

a. Measures of impact, through assessment of improved implementation measures and mechanisms should be included in these capacity building reports;

b. A review of training materials used by the different departments should be conducted, bearing in mind the success of the implementation of the Act to date, and the challenges identified through both this and other research that officials may experience in implementation;

c. Where possible, training should include a mentoring component offering ongoing support to ensure and facilitate knowledge translation.

(iii) Training on appropriate diversion programmes for different schedules, and within schedules, of offences, to ensure that blanket Schedules of offences are not automatically referred to any Schedule one or two diversion programme. This must ensure the appropriate targeting of specific services and programmes to specific offences within the Schedules, and requires an application of basic social work training on the drivers of anti-social, criminal or violent behaviour, core prevention processes, and the content and objectives of the different diversion programmes on offer.

(iv) Training of magistrates, in particular on the importance of consulting prosecutors and the DPPs on the ordering of diversion programmes; ensuring preliminary inquiries are completed within the time frames; setting specific court dates for section 67(1) and (2) of the Act postponements; stating specifically who will monitor the completion of diversion programmes; as well as the length of diversion programmes.

(v) Completion and utilization within prescribed timeframes, of the correct forms, particularly Form 9, to track compliance and ensure correct handling of cases where compliance does not happen. All cases should return to court to show evidence of the completion of the diversion orders, and should not be dropped off the court roll.

(vi) Related to this, mandatory completion of diversion orders in their entirety, including details of the diversion programme to which the child should be referred.

(vii) Training of all officials to ensure that there is reduced reliance on detention of all kinds, whether in child and youth care centres or in prison, and that detention, if used, should be used for the shortest appropriate period of time. It should ideally not be used as part of a diversion programme, but if it is so used then the circumstances in which it is appropriate must be more narrowly defined in practice.

5.4.3 Other

(i) A better geographical spread of diversion service providers, types of diversion programmes, and use of individualised diversion options. Information about diversion programmes needs to be in the public domain, and their quality should be independently assessed on an ongoing basis (whether they are run by DSD or other service providers). The impact of diversion overall should be assessed on an ongoing basis. Partnerships with research organisations such as the Human Sciences Research Council (HSRC) or with academic partners may assist in this regard.

(ii) The National Technical Intersectoral Committee for Child Justice should ensure that an audit of all child and youth care centres receiving children under the Act is conducted with a view to reform the secure care arrangements for both pre-trial and sentenced children. The audit should include the following:

a. Document the number of children in each facility (snap shot data), broken down by gender, age, pre-trial/sentenced, offence category;

b. Document the factual capacity of each facility (including bed capacity and staff to child ratio);

c. Map all services available to children in conflict with the law, in relation to magisterial districts that they serve and in relation to where children's families are living;

d. Determine the average length of stay of children in child and youth care centres using historical data over the past three years, and adopt a practice going forward to obtain reasons for any child awaiting trial in a child and youth care centre for more than six months; and

e. Conduct visits to the facilities to determine a view of the physical conditions and safety, provision of education and the psychosocial wellbeing of children in such facilities.

Once the data from the audit is obtained, the National Technical Intersectoral Committee for Child Justice should consider options for reform including the closure of facilities that are not fully functional or that pose a risk for children, the use of pre-existing smaller facilities closer to children's homes, a sharp up-scaling in the use of non-custodial measures for pre-trial detention and for sentencing, together with the avoidance of any form of detention for diversion.

(iii) DSD should ensure the regular collection and analysis of data pertaining to children in child and youth care centres referred under the Act, in a manner that is comparable to the Department of Correctional Services collection and analysis of children in correctional services centres. This should include snapshot figures taken on a particular date of the month, broken down by the same categories as used by the Department of Correctional Services. Data collection should also result in information about the length of time that children spend in child and youth care centres, both awaiting trial and sentenced. There should be a system alert when children spend more than 3 months in prison, leading to inquiry and action.

(iv) An annual register of diversion service providers and programmes should be published by the Department of Social Development. The register should be made available on the Department of Social Development websites, both provincially and nationally. This would need to be accompanied by intensive dissemination and awareness raising with all stakeholders to ensure that probation officers, prosecutors and magistrates utilize the full range of services and programmes available to them, and to best match the need of the child to the benefits that different programmes offer.

(v) Assess the need for specialised diversion programmes such as sex offender programmes.

(vi) It is critical to understand the impact and outcomes of existing diversion services. Evaluations of diversion services and tracking of children post-diversion should be commissioned. These are essential in not only assessing the content and delivery of the programme (and value for money aside), but also in determining the longer term impact of diversion programmes on children, and understanding how and when they might not meet the needs of young offenders.

(vii) While the Diversion Register currently exists, it is not being adequately maintained. Improvement and maintenance of the diversion register should thus be prioritized.

(viii) Steps should be taken to strengthen and increase the use of non-custodial pre-trial options such as family support programmes, daily 'check in' regimes, community-based supervision etc., to reduce reliance on pre-trial detention in child and youth care centres.

(ix) The longer term positive outcomes and benefits envisaged by the Act are influenced downstream by non-criminal justice system services and legislation. It is thus important to link the implementation of the Act to strengthening the implementation of other the Department of Social Development and national policy initiatives, such as the Integrated Social Crime Prevention Strategy, the White Paper on Safety and Security, the White Paper on Families, and the Review of the Welfare White Paper

(x) The National Technical Intersectoral Committee for Child Justice should collaborate with research agencies such as HSRC or with University research teams to take up more in-depth studies in regard to recidivism and effectiveness of diversion, etc.

The National Technical Intersectoral Committee for Child Justice is in the process of developing a Strategic Plan from the 5 year Plan of the NPF with incorporation of the recommendations the Research Report.

5.5 REVIEW OF THE MINIMUM AGE OF CRIMINAL CAPACITY

As reported in previous Reports the Minister of Justice and Correctional Services tabled the report in Parliament, as required by the Act, on 2 March 2016.

The recommendations of the report are that-

(i) The minimum age of criminal capacity be raised to 12 years with the retention of the rebuttable presumption for children 12 years or older but under the age of 14 years, applicable to children referred to the child justice court for plea and trial;

(ii) The Act, particularly sections 7, 10, 11, 41, 49, 52, 58 and 67, must be amended in order to remove the requirement of establishing the criminal capacity of children 12 years or older, but under 14 years for purposes of diversion. The prosecutor and magistrate will consider and be satisfied that the child's educational and maturity levels are such that he or she will understand and benefit from diversion before the child is diverted; and

(iii) Section 8 of the Act be amended and retained in the Act to provide for another review of the minimum age of criminal capacity within ten years.

The Child Justice Amendment Bill (B32 – 2018) with the changes as recommended in the Report was tabled in Parliament. The Bill raises the minimum age of criminal capacity from 10 years to 12 years. It also provides for the review of the minimum age of criminal capacity after five (5) years. The Department of Justice and Constitutional Development briefed the Portfolio Committee on Justice and Correctional Services on 30 October 2018. Parliament published the Bill for public comments and the closing date for comments was 2 November 2018. The Department of Justice and Constitutional Development received the public comments and drafted responses. The Department of Justice and Constitutional Development responded to the comments to the Portfolio Committee on 13 November 2018. The briefing of the Select Committee on Security and Justice has been scheduled for 19 February 2019 but was postponed to 6 March 2019 where after the meeting/ briefing was cancelled.

5.6 CASE LAW

5.6.1 The State v LM, the State v KM, the State v EM and the State v KS

From the review judgment it appears that 4 cases were sent on review by the Acting Senior Magistrate. In all the matters the children appeared before magistrates for section 41 of the Act diversions since, according to the judgment the charges fell in the ambit of Schedule 1 of the Act.

The magistrates made the diversion orders in terms of section 42(1) of the Act and the children and parents appeared before the magistrates and agreed to the initial diversion orders.

In these four matters the children did not comply with the diversion orders and were brought back to court. The probation officers completed assessment reports and recommended that the children be sent for residential diversion programmes in Walter Sisulu child and youth care centre or Bosasa Youth Development Centre.

The children and the parents appeared before the magistrates who considered the assessment reports and the prosecutor requested that the courts endorse the recommendations by the probation officer for residential diversion programmes. The parents and children consented to the requested order and all were referred to BOSASA for an unspecified period. The cases were postponed for 6 months.

The cases were sent on review by the Acting Senior Magistrate because the courts did not comply with section 58(2) of the Act in that they failed to conduct inquiries into the failure of the children to comply with the initial diversion orders. According to the Acting Senior Magistrate the courts could only order a more onerous diversion option after an inquiry into the failure and if it is found that the failure to comply was due to the children's fault. It was further pointed out by the Acting Senior Magistrate that residential diversion is only applicable to Schedule 2 and 3 offences and therefore not applicable in these cases since it is Schedule 1 offences.

The review court found that no inquiries into the reasons for failure to comply with the diversion orders were held as required in terms of section 58(2) of the Act and agree that another diversion option can only be decided on after the reasons for the failure has been established.

The review court also pointed out that in terms of section 53 of the Act level one diversion options are applicable to Schedule 1 offences and level two diversion options are applicable to Schedule 2 and 3 offences. Residential diversion is a level 2 diversion option and therefore not applicable to Schedule 1 offences.

The review court also referred to the Minster of Justice and Constitutional Development and other v Prince and Others – Constitutional Court judgment and pointed out that the question arises whether the children committed offences at all and if these proceeding were appropriate but did not pronounce on it due to the limited evidence before the court.

The court ordered the immediate release of all the children as section 58(2) of the Act has not been complied with and the courts a quo acted ultra vires in ordering residential diversion. The children must appear before the Krugersdorp Magistrate's Court for section 58 inquires after they received notice of the dates to appear.

5.6.2 State v BO and the State v KP 181000 & 181002 WC High Court

In this matter that served on review in the Western Cape High Court on *2 November 2018* both accused were treated as adults in the court *a quo*. The fact that they were children at the time of the commissioning of the offences only become known after their conviction and sentencing. The court criticized the report by the probation officer indicating that probation officers are not helping much in the process of individualization, which is calculated to ensure a comprehensive image of the social, personal and psychological background of accused persons, especially children. An interview with the child and a few minutes with its mother alone can never amount to a thorough research with regard to the person, character and environment of the child sufficient to gain a deeper understanding of the child. In the case of PK the probation officer was unable to investigate and truthfully report on something as elementary as the correct age of the child, in circumstances where a birth certificate of the child was available.

CHAPTER 6: LIMITATIONS AND POSSIBLE INTERVENTIONS

The limitations reflected in this Chapter relate to the challenges experienced by the Department in the implementation of the Act and these have been listed below as follows:

Table 28: Limitations experienced in the implementation of the Act

CHALLENGES/LIMITATIONS	CORRECTIVE MEASURE/PROGRESS
The delay in the linking of the ECMS and ICMS Child Justice module	To eliminate the need for re-capturing of data on the ICMS Child Justice module, a direct link between ECMS and ICMS Child Justice module needs to be developed to ensure that cases involving child offenders are directly sent from ECMS to the ICMS Child Justice module. The specifications for this proposed link have been developed, and the project is expected to commence in 2019/2020 financial year.
The poor utilisation and updating of information on the ICMS Child Justice module by courts.	The monitoring of the finalization of preliminary inquiries within 90 days was included as a Key Performance Indicator in the Departmental Annual Performance Plan. Utilization of the system increased from 60% to 69%.

CHAPTER 7: CONCLUSION

With the improvement in data management through the Integrated Case Management System (ICMS) Child Justice Module the Department is able to provide more detailed information of the way in which children are being dealt with in the courts.

The findings and recommendations of the Research on the Impact of the Act will assist the Department and the other implementing Departments/ Institutions to focus on challenges and to develop interventions to eliminate these challenges. A review of the Act will also improve implementation and close the gaps identified.

From the information provided in the report it is clear that children are committing violent crimes. Children who experience violence or witness violence are at a risk of re-victimisation or becoming perpetrators themselves later in life. Early detection and therapeutic interventions minimize long-term effects such as violence and risky behaviour and help break the intergenerational cycle.[21] Intervention programmes should start at a very early age and should focus not only on children but also on their families and communities at large. When a child is in conflict with the law it is, more often than not, an indication that there has been, at an earlier point in that child's life, a fundamental failure to adequately protect that child's right to care and protection. Community based interventions, protection and child justice systems that place such children's best interests at their core are therefore essential in an attempt to compensate for the earlier failures.

21 Children's Institute. Policy Brief. Strengthening the child protection system in South Africa.

ANNEXURE A: PUBLIC EDUCATION AND COMMUNICATION EVENTS

Province	Exact location and date	Type of initiative	No of initiatives	Number of people reached
KWAZULU-NATAL	**Date:** 16 to 20 July 2018 **Place:** Ethekwini Metropolitan District Municipality, in Durban	Community outreach events	115	200
	Date: 1 October 2018 to 31 March 2019	Community outreach events		30 313
Total	**115**			**30 513**
EASTERN CAPE	**Place:** schools around Mbashe Local municipality	Information sharing session	6	4400
	Date: 11 March 2019 **Place:** Jongilizwe S.S.S.	Briefing session for Learners		487
	Date:12 March 2019 **Place:** Thomas Ntaba S.S.S.	Briefing session for Learners		101
	Date:12 March 2019 **Place:** Ngxazi J.S.S.	Briefing session for Learners		365
	Date: 13 March 2019 **Place:** Magutywa J.S.S	Briefing session for Learners		107
	Date:13 March 2019 **Place:** Phathisanani J.S.S	Briefing session for Learners		182
Total			**6**	**5642**
FREE STATE	**Date:** 30 May to 1 June 2018 Phuthaditjhaba **Place:** Seotlong Agricultural School **Place:** Mafube Intermediate Paul Roux **Place:** Rekgotsofetse High School **Place:** Sekoko Primary School Petrusburg **Place:** Inoseng Primary School **Place:** Ipetleng High school	Awareness and information sharing	15	1715
		Awareness and information sharing		
		Awareness and information sharing		
	Date: 16 July to 20 July 2018 **Place:** Harrismith-(Town Hall) **Place:** Vrede (Mhlabunzaima Hall) **Place:** Bothaville (Hlabolaha PS Hall) **Place:** Botshabelo (H – Hall)	Awareness and information sharing		1564

Province	Exact location and date	Type of initiative	No of initiatives	Number of people reached
	Date: 13 August to 17 August 2018 **Place:** Gariepdam (Hydro Park Community Hall) **Place:** Smithfield (George Rantee Community Hall) **Place:** Resendaal – (Mautse Community Hall) **Place:** Excelsior Tweespruit	Awareness and information sharing		326
	Date: 25 November 2018 to 1 December 2018 Place: Tseseng **Place:** Harrismith **Place:** Paul Roux **Place:** Ventersburg	Awareness and information sharing		1110
Total	**15**			**4715**
GAUTENG	**Date:** 27 May 2018 to 3 June 2018 **Place:** Gazankulu Primary **Place:** Elsie Ngidi Primary **Place:** Naturena Primary **Place:** Zachariyaa High **Place:** Elsburg Laerskool **Place:** Primrose Primary **Place:** Hammanskraal community	Awareness and information sharing	17	3571
	Date: 25 November 2018 to 10 December 2018 **Place:** Various court in Gauteng			± 500
Total	**17**			±4071
WESTERN CAPE	**Date:** 20 July 2018 **Place:** Belgravia High School	Children's Imbizo	1	900
Total	**1**			**900**
LIMPOPO	**Date:** 28 May to 01 June 2018 **Place:** Malamulele	School visits	18	4000
	Date: 20 August 2018 **Place:** Non-Parella-Primary school	Community session		250
	Date: 27 August 2018 **Place:**	Community session		250
	Date: 31 August 2018 **Place:** Manapyane	Community session		306
Total	**18**			**4806**

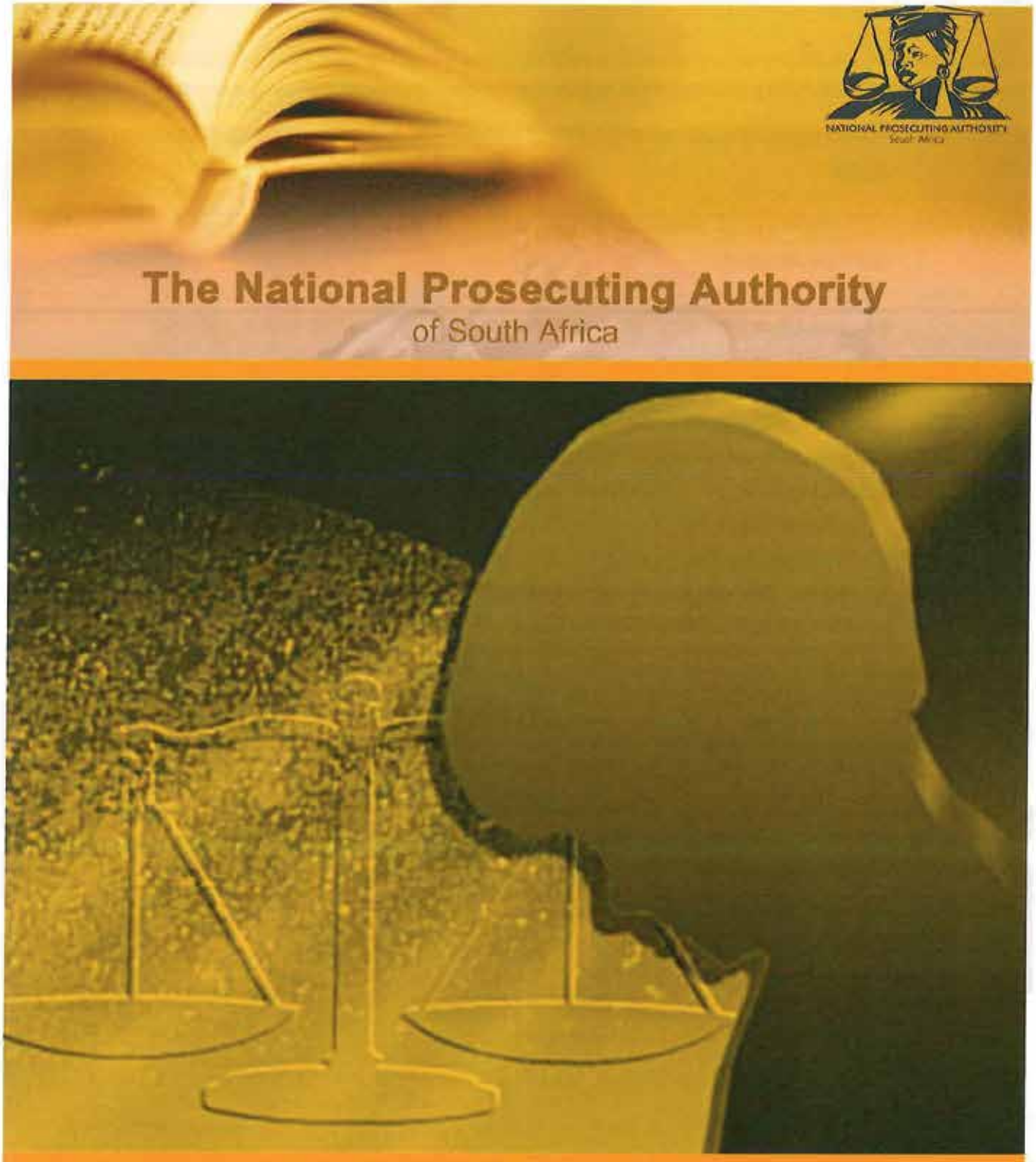
Province	Exact location and date	Type of initiative	No of initiatives	Number of people reached
MPUMALANGA	**Date**: 13-17 August 2018 **Place**: Steve Shwete Municipality **Schools visited**: Bethal Primary, Young Harvest primary School, Langelihle Primary, Sakhisizwe Primary, Tjesisa Primary , Bonani Primary , Imbekezelo Combined School , Thandanani Primary, Vukani Combined, Learskool marikjie van Zyl Primary , Sakhisizwe Primary ,Kwaggalagte Combined , Ikhwezi primary,Ikhethelo Secondary, Secondary ,Lamlile Primary School.	School visits and outreach programs.	54	7179
	Date: 11- May 2018 **Place:** Bushbuckridge Municipality **Locations visited :** Mkuhlu / Ronal C.	Community session and service fair		72
	Date: 14-18 May 2018 **Place:**Thaba Chweu Municipality **Locations visited:** Ladenburg/Graskop/ Dinkie/Pilgrims rest and Sabie.	Community session and service fair		866
	Date: 26-29 June 2018 **Place:** Bushbuckridge Municipality **Locations visited :** Culcuta ,Hoxani, Oakle, Cunnnigmore, Killdare, Justicia, Marite, Oakley.	Community session and service fair		827
	Date: 05 September 2018 **Place:** Mbombela Municipality **Locations visited:** Mathaffin	Community session and service fair		78
	Date: 05-09 November 2019 **Place:** Gert Sibande Municipality **Schools visited:** Bethel Independent Primary, M.D Covadia C.S, Friedman Primary School, Joubert Combined School, Lamlile Primary School, Ikhwezi Primary School, Kwaggalaagte Primary School, Sakhisizwe Primary School, Laerskool Marietjie Van Niekerk ,Vukani Primary School, Imbekezelo Primary School, Thandanani Primary School, Bonani Primary School, Tjebisa Primary School, Sakhisizwe Primary School, Langelihle Primary School, Young Harvest Christian school, AD Nkosi School,			7788

Province	Exact location and date	Type of initiative	No of initiatives	Number of people reached
	Date: 04-December 2018 **Place:** Gert Sibande Municipality **Communities visited:** Bethal community	Community session and service fair		246
	Date: 07-December 2018 **Place:** Ehlanzeni Municipality **Communities visited:** Nsikazi community	Community session and service fair		187
	Date: 16-February 2019 **Place:** Ehlanzeni Municipality Communities visited: Malelane community	Community session and service fair		452
	Date: 21 February 2019 **Place:** Ehlanzeni Municipality Communities visited: Chochocho community	Community session and service fair		384
	Date: 24 February 2019 **Place:** Nkangala Municipality Communities visited: Witbank community	Community session and service fair		291
Total	**54**			**18 370**
NORTH WEST	**Date:** 28 May 2018 - 1 June 2018 **Place:** Mafikeng	Awareness and information sharing	19	4497
	Date: 20 July 2018 **Place:** Kraaipan	School outreach campaign		400
	Dates: November 2018, January 2019 and March 2019 **Places: Schools in Mafikeng and Klerksdorp:** Top Village Lomanyaneng Thutong Primary school Tshebedisano Secondary Mmokeng Secondary Thuto Tsebo Secondary Kanana Secondary Matlhaleng Secondary Lomanyaneng Village Mosiane View Primary	School outreach campaign		1807
Total	**19**			**6704**

Province	Exact location and date	Type of initiative	No of initiatives	Number of people reached
NORTHERN CAPE	**Date:** 27 April 2018 **Place:** Die Oog-Kuruman	Exhibition	9	500
	Date:15 May 2018 **Place:** Platfontein	Exhibition: SASSA Pay point		60
	Date: 01 June 2018 **Place:** Roodepan Community Hall	Exhibition: SASSA Pay point		+-200
	Date: 15June 2018 **Place:** Roodepan Catholic Hall	Community Information session		180
	Date: 26 June 2018 **Place:** Kimberley (Mitta Seperepere)	Drug abuse & illicit trafficking		600
	Date: 15 July 2018 **Place:** Kimberley	Exhibition		8
	Date: 17 July 2018 **Place:** Jan Kempdorp (Magistrate court)	Mandela Centenary Celebrations		8
	Date: 17 July 2018 **Place:** Warrenton	Mandela Centenary Celebrations		30
	Date: 19 July 2018 **Place:** Pampierstad	Mandela Centenary Celebrations		58
	Date: 14 September 2018 **Place:** Windsorton	Community session		31
Total	**9**			**1 675**

Province	Exact location and date	Type of initiative	No of initiatives	Number of people reached
NATIONAL OFFICE	**Date:** 1 June 2018 **Place:** Hammanskraal	Dialogue on substance abuse and the Child Justice Act	4	134
	Date: 3 August 2018 **Place:** Nellmaphius	Dialogue on substance abuse and the Child Justice Act		132
	Date: 14 September 2018 **Place:** Mamelodi West	Dialogue on substance abuse and the Child Justice Act		117
	Date: 22 November 2018 **Place:** Pretoria Central	Dialogue on substance abuse and the Child Justice Act		145
Total	**4**			**528**
TOTAL			**258**	±77 924

NATIONAL PROSECUTING AUTHORITY



NPA PROGRESS REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT 75 OF 2008 FOR APRIL - MARCH 2018/19 FINANCIAL YEAR

Address: VGM Building, 123 Westlake Avenue, Weavind Park, Silverton, Pretoria, 0184

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OFFICIAL SIGN OFF

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OFFICIAL SIGN OFF

PROGRESS IN RESPECT OF THE IMPLEMENTATION OF THE CHILD JUSTICE ACT

In preparation for the development of the Child Justice Act (the Act) Annual Report to Parliament (section 96(3)(a) and (b) of the Act refers), herewith the approved 6-months report from the NPA as requested by the Department of Justice and Constitutional Development (DOJCD). These reports are also submitted from different relevant departments. This report deals with progress on the implementation of the Act for the 2018/19 Financial Year, in terms of the key priority areas of the Child Justice National Policy Framework.

ADV. S MZINYATHI
ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS: NPS AND NSPS
Date: 16 August 2019

ADV. S BATOHI
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS: NATIONAL PROSECUTING AUTHORITY
Date: 19/08/2019

For more information, please contact:
NPA, Private Bag X752, Pretoria, 0001, South Africa
Tel: +27 12 845 6000

PROGRESS IN RESPECT OF THE IMPLEMENTATION OF THE CHILD JUSTICE ACT

1. BACKGROUND

In preparation for the development of the Child Justice Act (the Act) Annual Report to Parliament (section 96(3)(a) and (b) of the Act refers), herewith the report from the NPA as requested by the Department of Justice and Constitutional Development (DOJCD). These reports are also submitted from different relevant departments. This report deals with progress on the implementation of the Act for the 2018/19 Financial Year in terms of the key priority areas of the Child Justice National Policy Framework.

For this reporting period, the NPA report will focus on the following headings:

- Building Capacity in the Sector (Skills development)
- Provision of Diversion referrals by the NPA (Diversion statistics)
- Resources & Budgets and
- Public Education & Awareness Campaigns

2. BUILDING CAPACITY IN THE SECTOR (SKILLS DEVELOPMENT)

2.1 **Section 97(4)(a) & (e) of the Act** respectively places a responsibility on the National Director of Public Prosecutions to develop directives for prosecutors and training courses. These training courses must include training on the developed directives, also include social context training in respect of child justice and provide for and promote the use of uniform norms, standards and procedures. This is ultimately to ensure that all prosecutors are able to deal with child justice matters in an appropriate, efficient and sensitive manner. As reflected in previous reports, the NPA has compiled the directives which was submitted to Parliament and Gazetted accordingly.

2.2 For the roll-out of the training programme for the Child Justice Act, in the reporting financial year (2018/19 FY), the NPA SOCA Unit has reviewed and updated the training material (previously developed in line with the Act) with reference to the latest developments in law (legislation and case law). The child justice training is facilitated by the SOCA Unit and was included in the schedule of trainings for 2018/19.

2.3 Curriculum of the training material includes *inter alia*:

- Social Context
- Criminal Capacity
- Assessments, Age Determination, Securing Attendance & Placement
- Diversion
- Preliminary Inquiry
- Trial
- Sentencing
- Legal Representation, Reviews, Appeals & Expungement of criminal records
- Process Maps
- NPA Policy Directives
- Regulations developed by the Department of Justice and Constitutional Development
- Relevant Case Law in line with Child Justice Act
- Miscellaneous Aspects of Child Law.

2.4 For the reporting period, we delivered 3 decentralized training sessions attended by 32 prosecutors.

2.5 Summary of training sessions (facilitated by NPA SOCA Unit) conducted for prosecutors as from 2009 until end March 2019 on the Child Justice Act is:

- For 2009/2010; 11 training sessions attended by 349 prosecutors;
- For 2010/2011; 12 training sessions attended by 349 prosecutors;
- For 2011/2012; 5 training sessions attended by 128 prosecutors;
- For 2012/2013; 3 training sessions attended by 54 prosecutors;
- For 2013/14, 10 training sessions attended by 185 prosecutors;
- For 2014/15, 4 training sessions attended by 84 prosecutors;
- For 2015/16, 8 training sessions attended by 132 prosecutors;
- For 2016/17, 5 training sessions attended by 71 prosecutors;
- For 2017/18, 4 training sessions attended by 74 prosecutors;
- For 2018/19, 3 training sessions attended by 32 prosecutors

Total: 65 sessions attended by 1458 prosecutors over a period of 10 financial years.

3. PROVISION OF DIVERSION REFERRALS BY THE NPA (DIVERSION STATISTICS)

3.1 The total number of children diverted during the reporting period in line with the Child Justice Act, is **5910**. Herewith the breakdown per month and quarter:

Quarter	Month	Number of Children Diverted as reflected:
Q1	April	507
	May	615
	June	484
Total – Q1		**1606**
Q2	July	524
	August	555
	September	532
Total – Q2		**1611**
Q3	October	488
	November	452
	December	319
Total – Q3		**1259**
Q4	January	598
	February	391
	March	445
Total – Q4		**1434**
Annual Total		**5910**

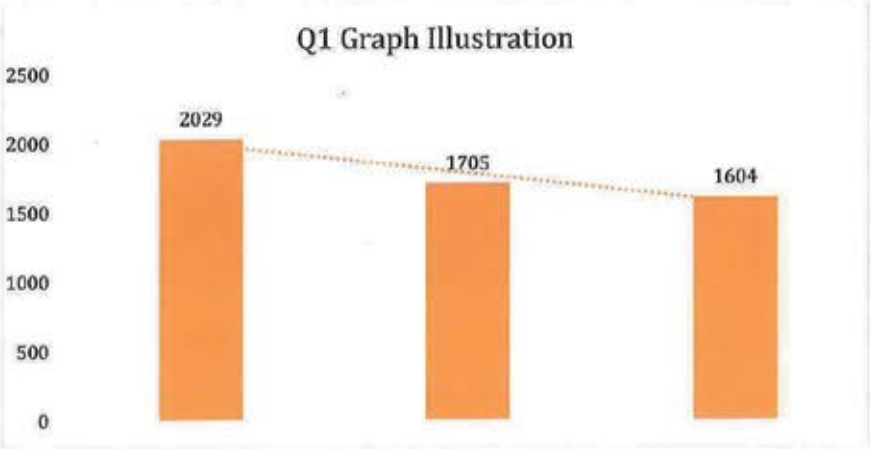
3.2 The NPA SOCA Unit is continuing with the process of analysing trends for children committing offences and these children diverted in accordance with the Child Justice Act.

3.3 This analysis is of importance in that it assists with *inter alia* the identification of possible interventions to be implemented in affected areas for e.g. public education and awareness, training and the escalation of challenges to the National Technical ISCCJ meeting and the Director General's ISCCJ meetings. Shortcomings and challenges are also engaged with at stakeholder meetings to collectively identify solutions for implementation.

3.4 The following two tables compare the number of children diverted during the Q1 of 2018/19 FY with the previous Q1 of 2016/17 and 2017/18.

Table 1: Diversions between Q1 of 2016/17 – 2018/19 FY:

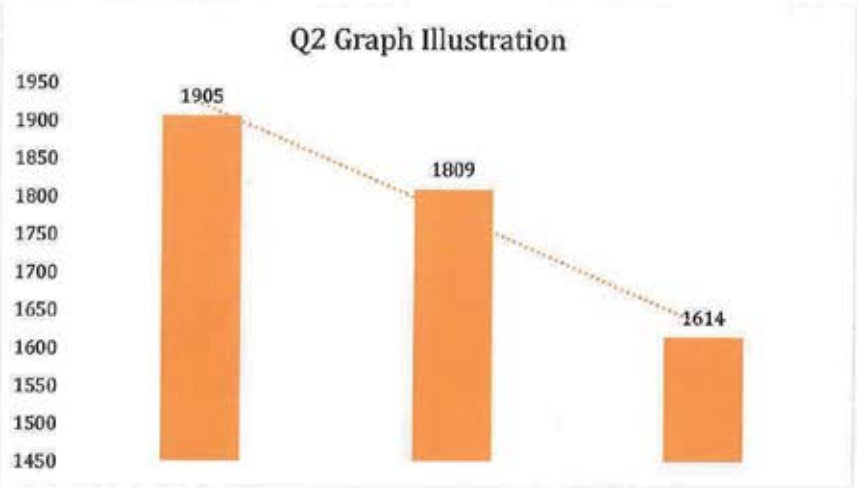
Indicator	2016/17	Q1-2017/18	Q1-2018/19
Total Number of Diversions of children ito CJA	**2029**	**1705**	**1606**



There is a decrease of 20.8% when comparing Q1 of 2018/19 FY with Q1 of 2016/17 FY. A decline of 5.8% is also noted when comparing Q1 of 2018/19 FY with Q1 of 2017/18 FY.

Table 2: Diversions between Q2 of 2016/17 – 2018/19 FY:

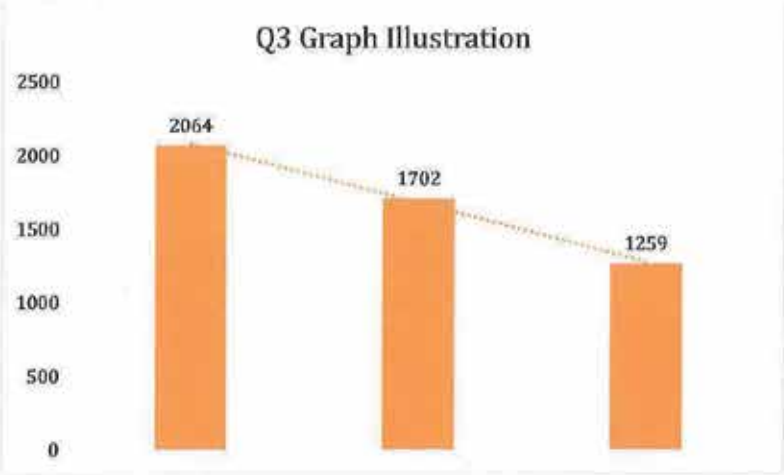
Indicator	Q2-2016/17	Q2-2017/18	Q2-2018/19
Total Number of Diversions of children ito CJA	**1905**	**1809**	**1611**



There is a decrease of 15.4% when comparing Q2 of 2018/19 FY with Q2 of 2016/17 FY. A decline of 10.9% is also noted when comparing Q2 of 2018/19 FY with Q2 of 2017/18 FY.

Table 3: Diversions between Q3 of 2016/17 – 2018/19 FY:

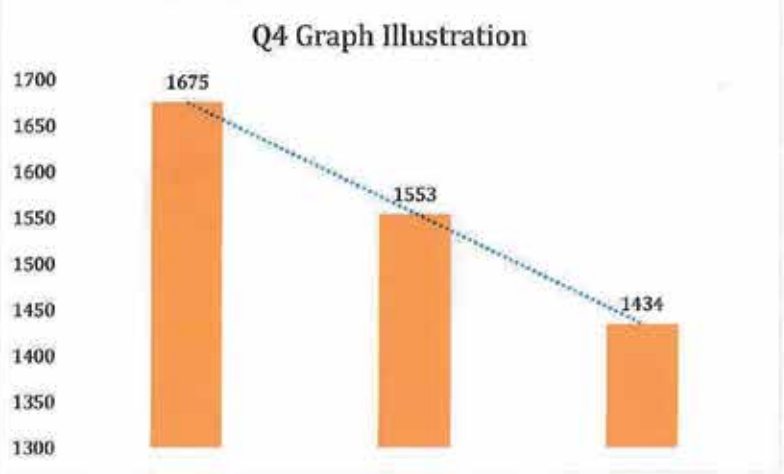
Indicator	Q3-2016/17	Q3-2017/18	Q3-2018/19
Total Number of Diversions of children ito CJA	**2064**	**1702**	**1259**



There is a decrease of 39% when comparing Q3 of 2018/19 FY with Q3 OF 2016/17 FY. A decline of 26% is also noted when comparing Q3 of 2018/19 FY with Q3 of 2017/18 FY.

Table 4: Diversions between Q4 of 2016/17 – 2018/19 FY:

Indicator	Q4-2016/17	Q4-2017/18	Q4-2018/19
Total Number of Diversions of children ito CJA	1675	1553	1434



NPA Report on the Implementation of the Child Justice Act 75 of 2008
(2018/19 FY)

There is a decrease of 14.4% when comparing Q4 of 2018/19 FY with Q4 of 2016/17 FY. A decline of 7.7% is also noted when comparing Q4 of 2018/19 FY with Q4 of 2017/18 FY.

3.5 The total number of diversions recorded for the reporting FY compared with the two previous financial years, reflect the following:

Indicator	2016/17	2017/18	2018/19
Total number of diversions for children ito CJA	7673	6769	5910

With reference to the aforementioned totals as reflected, there is a decrease of 859 or 12.7% in matters diverted when comparing the reporting FY with the previous FY of 2017/18. Further to this, based on the total number of diversions recorded in the reporting FY, regarding the provincial breakdown, Western Cape is responsible for 2293 or 38.8% followed by Gauteng with 791 or 13.4% and KZN with 699 or 11.8%.

3.6 **Table 5**: Breakdown of diversions by prosecutor in respect of minor offences (Chapter 6, section 41 of the CJA):

Financial year and information per quarter	2017/18	2018/19
Q1	192	182
Q2	246	235
Q3	149	169
Q4	281	332
Total	**868**	**918 (increase of 50 or 5.8%)**

3.7 **Table 6**: Breakdown of diversions in terms of preliminary inquiry (Chapter 7, sections 43 - 50 of the CJA):

Financial year and information per quarter	2017/18	2018/19
Q1	971	1014
Q2	1125	967
Q3	1057	709
Q4	892	742
Total	**4045**	**3432 (decrease of 613 or 15.2%)**

3.8 **Table 7**: Breakdown of diversions in terms of Schedule 3 offences (Chapter 8, section 52(3) of the CJA):

Financial year and information per quarter	2017/18	2018/19
Q1	70	20
Q2	14	19
Q3	34	18
Q4	18	27
Total	**136**	**84 (decrease of 52 or 38.2%)**

3.9 Irrespective of the decrease in the number of children being diverted, we have however noted that the actual decrease difference regarding diversions is less than what was recorded in the previous financial year. The NPA SOCA Unit continued with the process of determining the causes of the decrease in the number of diversions with respective nodal points in the provinces.

The feedback received from the nodal points in the different divisions, as previously indicated, reflected the following possible reasons for the drop in diversion. In addition, it should also be regarded as challenges in diverting more children:

- An increase in the number of children committing more serious offences (schedule 3 of the Child Justice Act) and not meeting the requirements of

diversion as stipulated in the Act, hence less diversions regarding schedule 3 offences.

- In some areas there are fewer children entering the Criminal Justice System, due to a lower number of cases reported. This might be because children (in comparison to previous years) are committing fewer crimes or that less of these crimes are being reported. Hence, we have requested nodal points in the provinces to interrogate with stakeholders the possible reasons for the aforementioned.

3.10 The aforementioned analysis by the NPA is done on a quarterly basis and relevant departments are constantly informed of the status and challenges through the DG's Inter-sectoral Committee on Child Justice (at operational and strategic level).

4. RESOURCES AND BUDGETS

4.1 We are utilising NPA SOCA voted funds for the Child Justice training sessions (par 2, *supra*) and public awareness campaigns (par 5, *infra*).

5. PUBLIC EDUCATION AND AWARENESS CAMPAIGNS

5.1 The NPA SOCA Unit continues in delivering public awareness programs in all 9 provinces in line with their mandate which includes a focus *inter alia* on child justice, diversions, preliminary inquiry, criminal capacity, etc.

5.2 NPA SOCA Unit facilitated or participated in several **public awareness and community projects** on gender based violence, human trafficking and relevant legislation (including matters pertaining to the Child Justice and Children's Act) by the TCC-personnel and SOCA provincial officials nationally in line with the "365 National Action Plan of no violence against women and children". The TCCs participated in several events in this quarter either at public awareness campaigns but also radio interviews / discussions, focussing *inter alia* on the following topics: the essence of gender based violence, TCC-services, the influence of drugs and alcohol at schools, child pornography, reporting of GBV-matters, LGBTI-cases, sexual violence / abuse at schools and tertiary institutions, the importance of forensic medical examinations and post-trauma consequences of GBV, ukuthwala-practises, the existence of sexual harassment and what it entails, human trafficking specifically for sexual exploitation etc. It must be noted that comprehensive reports from the various cluster or provincial managers are available detailing the content and extent of the various campaigns delivered or participated in by SOCA officials.

6. CHALLENGES AND INTERVENTIONS

6.1 It has been noted that the lack of sufficient diversion and rehabilitation programs particularly in rural areas hampers the number of children in conflict with the law being diverted. Hence the accessibility of the said programs in rural areas, for instance the provinces of Eastern Cape, Limpopo, Mpumalanga, Northern Cape and North West is restricted by the non-availability or limited availability of these programs. This function resorts within the responsibility of DSD.

6.2 In cases where a criminal capacity evaluation of the child offender is required, the shortage of related experts (psychiatrists and psychologists) causes a delay in the ultimate court process that has a negative impact on how we deal with

child offenders according to the law. This function resorts within the responsibility of DOH.

6.3 The non-availability of timeous assessment reports (as required by the Act) causes undue delays in the effective and efficient manner a child offender is supposed to be dealt with in the system. This function resorts within the responsibility of DSD.

6.4 We have currently noted a discrepancy in statistics regarding the number of children submitted for diversion as recorded by SAPS and DSD versus the number as reflected by NPA. It seems to be a systemic challenge between the NPA ECMS and the DOJ ICMS Child Justice systems. Once accordingly addressed it will resolve the current discrepancy in statistics collation between the aforementioned departments.

6.5 The Act currently requires diversion of serious offences (schedule 3 of the Child Justice Act) to be done after the DPP has provided the required authorization (sections 48(4) read with 52(3)). This includes a prior consultation with the investigating officer and considering the views of the victim in the related matter by the NPA. According to the Act, the required authorization needs to be obtained from the DPP within a period of 14 days. For practical reasons this is in many instances an unattainable timeframe, which not only causes unnecessary delays but also, matters to be struck of the roll. Hence, it is recommended that the Legislature considers amending the time frame of the Act in this regard.

6.6 In addressing the aforementioned challenges the NPA is engaging with the relevant stakeholders to collectively seek amicable and implementable solutions.

LEGAL AID SOUTH AFRICA

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ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, ACT 75 OF 2008

1 April 2018 – 31 March 2019

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A. INTRODUCTION

1. The 2018/2019 financial year saw Legal Aid SA again make concerted efforts to deliver on its mandate of giving content to the rights contained in s35(3)(g) of the Constitution by providing legal representation at state expense, to arrested, detained and accused persons, where substantial injustice would otherwise result. This was in spite of the fact that the organisation operated within an environment where resources were limited due to financial constraints. Legal Aid SA provided legal representation in the majority of cases that went through the criminal courts. Our ability to provide maximum coverage in the criminal courts is made possible by the fact that we use a practitioner per court model. This means that a dedicated legal aid practitioner is allocated to each courtroom, thereby ensuring that all accused persons who require legal representation, but are not in a position to pay for the services of their own legal representative, have access to one of our lawyers.

2. Children are a special focus vulnerable group for us at Legal Aid SA and we accordingly do our best to ensure that no child in conflict with the law goes through the criminal justice system unrepresented. Our mandate with regard to the representation of children is further informed by section 28 of the Constitution, which gives special protection to the rights of children, including children in conflict with the law. The constitutionally entrenched right of a child to legal representation at state expense is clearly enunciated in section 82 of the Child Justice Act. Specific training is given to our lawyers so that they comply with section 80 of the Act, which sets out specific requirements to be complied with by any legal representative representing a child in criminal proceedings, and sets out the consequences of non-compliance with the section.

3. Legal Aid SA has a programme in place to track all children awaiting trial in custody. All effort is made to ensure that children in custody are released into the care of their parents or guardians, or that they are at the very least kept in facilities that are suitable for the detention of children. The turnaround times of children's matters, more particularly children in custody, are monitored to ensure the speedy finalisation of their matters.

4. The biggest challenge facing the criminal justice system are impediments to the smooth flow of cases. This leads to case backlogs, which inevitably impact the finalisation of children's cases. Legal Aid SA realises that an inter-sectorial approach is most effective in dealing with issues that may impact negatively on the smooth flow of cases through the courts, as well as the speedy finalisation of cases. We therefore participate in a number of committees that have as their objective the improvement of efficiencies in the court system. In the case of children in conflict with the law, Legal Aid SA participates in all activities of the ISCCJ with a view to understanding the challenges that exist and helping to shape the solutions necessary to ensure the best protection of the rights of children in conflict with the law.

5. During the 2018/2019 financial year, Legal Aid SA provided legal representation in 362,213 criminal matters, of which 9,486 (2.6%) matters were children's matters. A further 6,687 children were assisted with civil matters.

B. CAPACITY BUILDING

1. To ensure that Legal Aid SA provides quality legal representation to children in conflict with the law, our practitioners are trained on all aspects of child justice legislation and procedures. Initial training on the Child Justice Act was conducted with all Legal Aid SA practitioners prior to the 1 April 2010 date of commencement of the Child Justice Act to prepare practitioners on the new regime for dealing with cases involving children in conflict with the law. In addition, two practitioners per Local Office were trained as trainers to provide training capacity for the Child Justice Act.

2. Further training is rolled out to newly-recruited legal practitioners, or when the results of a skills audit indicate the need for such training. Training covers various aspects of child justice litigation.

3. All candidate legal practitioners commencing their employment with Legal Aid SA have to undergo a beginner training course within the first three months of their employment. Seeing as candidate legal practitioners are stationed at District Courts, where there is a higher likelihood of dealing with children's matters, the beginner training programme includes, among other subjects, a module on the Child Justice Act. All our candidate legal practitioners are therefore fully prepared to handle cases involving children in conflict with the law by the time they start appearing in the courts.

4. An additional learning resource for our practitioners is available through e-learning. A number of e-learning modules covering different child justice topics are available on our Intranet for practitioners to use. Upon completion of a module, the practitioner has to take a competency test.

5. During the financial year, a total of 612 practitioners attended training on aspects relating to the representation of children in conflict with the law. This number represents the total number of practitioners who received Child Justice Act-related training during the financial year and is not cumulative from the commencement of the Child Justice Act.

6. Training is provided on different aspects of child justice litigation This includes among others:
   - An overview of the Child Justice Act
   - Preliminary enquiries
   - Age determination
   - Alternative dispute resolution
   - Restorative justice
   - Sentencing of children
   - Diversion

7. All training is designed to better equip practitioners to effectively represent children in conflict with the law and in accordance with what is expected of the practitioner in terms of section 80 of the Child Justice Act.

C. HUMAN RESOURCE CAPACITY

1. Legal Aid SA currently employs 1,794 legal practitioners to service criminal courts throughout the country. Current financial challenges affecting the entire justice sector have meant that there is no opportunity to increase our human resource capacity. In particular, previous attempts to introduce a relief component to handle cases in the temporary absence of a practitioner have had to be discontinued.

2. In spite of the relatively small human resource capacity, we have over the years developed our court coverage model to the point that there is no chance that a child can go through the criminal justice system unrepresented. The cornerstone of our court coverage model is the 'practitioner per court' model, in terms of which we deploy a practitioner to be stationed at a particular court on a full time basis. This model ensures that a legal aid practitioner is available at all times to take legal aid instructions.

3. Since every court hearing criminal matters is a Child Justice Court, all our practitioners and managers deployed to the criminal courts are capacitated to deal with child justice matters. Our coverage of these matters is therefore similar to our coverage of all criminal courts.

4. While the Child Justice Act does not require that legal aid representation must be made available at preliminary inquiries, we have made capacity available to provide assistance to children at these inquiries, and we regularly do so whenever we receive requests from the courts.

5. Child justice matters are seldom tried in the High Courts. However, our High Court practitioners are available to assist children in these courts. In the lower courts, court coverage plans are prepared in advance to ensure that all courts are adequately covered.

6. Our criminal court coverage planning for the District Courts was on average 84%. The coverage varied between 82% and 90% in the different provinces. In the Regional Courts, the average coverage stood at 94% with coverage levels varying between 89% and 100% provincially. This shows a 2% decline in court coverage for District Courts and a 1% decline for Regional Courts over the corresponding period in the previous financial year. However, these coverage levels are still within our court coverage targets.

7. As part of our efforts to maximise efficiencies in the court system, we periodically conduct research into court rolls to establish the caseloads as well as the demand for legal aid services coming from specific courts. The results of our research are also used to inform the appropriate staffing and coverage levels for specific courts. All our research reports are shared widely within the sector.

D. INFRASTRUCTURE

1. Legal Aid SA's national footprint consists of 64 Local Offices and 64 Satellite Offices that are located throughout the country. These offices are supported by six Provincial Offices and one National Office. We also have a toll-free Call Centre service, which provides telephonic legal advice to clients.

2. In so far as the representation of children is concerned, Legal Aid SA does not have any special infrastructure requirements. Our offices have suitable consultation facilities to consult with children.

3. Challenges are experienced in some places with regard to consultation facilities, both in courts and places of detention. This is however not limited to child justice matters. Consulting with children in child and youth care centres also places a strain on our vehicle fleet as these centres are usually located in areas that require some travelling. The number of clients to be consulted per visit is typically small and it is not possible to incorporate these visits into our regular correctional centre visitation schedule.

4. While challenges were previously experienced with regard to consulting clients at facilities of the Department of Correctional Services, these were resolved through entering into a protocol with DCS. The implementation of this protocol is a good example of what can be achieved when partners in the criminal justice sector work together to iron out obstacles.

E. RESOURCES AND BUDGETS

1. The trend in the past few years towards the incremental reduction of our budgets poses the greatest risk to our ability to cover the courts at levels that our court stakeholders have become accustomed to. In addition to stifling our ability to increase our staff resources, it has resulted in a need to employ stringent cost cutting measures. An unfortunate consequence of our cost cutting measures has been a reduction in the total value proposition we offer our employees. This has resulted in threats of industrial action by our employees. Any industrial action by our legal practitioners is bound to have a ripple effect on the whole justice system.

2. Dedicated funding for the implementation of the Child Justice Act was only made available at the inception of the Act in 2010. These funds were utilised to create additional criminal court practitioner positions for the various courts that we serve. This budget was eventually absorbed into our main budget. The coverage of Child Justice Act matters has therefore been subject to the same budget constraints that have affected our coverage of all other criminal matters.

3. Currently, our practitioner resources do not allow us to cover District Courts at 100%. The majority of child justice matters are allocated to these courts. Furthermore, another demand on our capacity stems from requests by presiding officers for our practitioners to attend to some preliminary inquiry matters in addition to the normal daily court roll. This means that a District Court practitioner may have to disrupt his or her court, if requested to assist in a preliminary inquiry.

4. Proposals to address resource gaps are submitted as part of our MTEF proposals to National Treasury. However, the current economic outlook indicates that we have no way of avoiding budget shortfalls and will have to continue to stretch our resources to service this vulnerable group.

F. PUBLIC EDUCATION AND COMMUNICATION

1. In terms of section 3(c) of the Legal Aid SA Act, one of the objects of Legal Aid SA is to provide education and information concerning legal rights and obligations. Legal Aid SA has a dedicated Communication Department to bring awareness of legal aid services to the public in general. Our Local Offices also conduct public outreach programmes to sensitise the public on their rights, and how these can be protected. Our communication events are planned to address identified issues that are relevant for the particular community.

2. Child justice issues are addressed at these events. In addition, our Communication Department, in conjunction with our Provincial and Local Offices, roll out the following communication outreach events aimed specifically at children, annually:
   2.1 Take a Girl Child to Work Day – visits to courts, Legal Aid SA offices, career path presentations
   2.2 Child Protection Week (CPW) – national and provincial events in partnership with government departments
   2.3 Social grant campaigns – exhibitions and pamphlet blitzes at SASSA payout points
   2.4 16 Days of Activism for No Violence Against Women and Children
   2.5 Schools Moot Court Competition

3. Advertising
   3.1 Promotional items – branded merchandise, children's posters, calendars
   3.2 Radio advertising – messaging on various shows
   3.3 TV advertising – messaging on various programmes
   3.4 Print advertising – advertorials and strip adverts during CPW
   3.5 Outdoor advertising – taxi rank TVs, billboards, wall murals/paintings, transit branding

4. Media and International Exposure
   4.1 Print media – Legal Aid SA regularly issues press releases to address specific issues that are pertinent at the time.
   4.2 National and community radio interviews – Managers and practitioners at our Local Offices participate in radio programmes to address pertinent legal issues and to answer questions from the public.
   4.3 TV interviews – Executives and managers of Legal Aid SA participate in TV broadcasts such as *Morning Live* to provide perspectives on topical issues.
   4.4 Legal Aid SA enjoys a high profile as a leading provider of legal aid services. Because of this, the organisation is often invited to share expertise and experiences at a number of international conferences.
   4.5 One of the objects of Legal Aid SA is to provide assistance to developing legal aid systems, particularly on the African continent. We regularly host delegations from different countries to

share our experiences and expertise in the delivery of legal aid services with them. This assistance includes presentations on the provision of assistance to children in conflict with the law.

G. DEVELOPMENT OF IT AND IJS SYSTEMS

1. Legal Aid SA is currently still using its IT platform called Ad Infinitum (AI), which was introduced in 2004. A new IT platform called eLAA (electronic Legal Aid Administration system) has been in development for some time, and is planned to go live during the second quarter of FY 2019/2020.

2. Legal Aid SA is also involved in efforts to integrate systems across the CJS cluster, such as the planned integration of our systems with those of the SAPS and other CJS stakeholders.

H. NUMBER OF CHILDREN REPRESENTED BY LEGAL AID SA

1. The table below indicates the number of children represented by Legal Aid SA in preliminary inquiries during the period under review. A total of 3,984 preliminary inquiry matters were taken on during the financial year, and 4,218 matters were finalised. There was a slight decrease in the number of new matters compared with the previous financial year. However, since Legal Aid SA only represents children in preliminary inquiry matters at the instance of the presiding officer conducting the enquiry, no trend can be discerned from this decline in the number of new matters.

Preliminary Inquiry Matters		
FY 2018/2019		
Province	New	Finalised
Eastern Cape	466	495
Free State	393	438
Gauteng	693	750
KwaZulu-Natal	474	444
Limpopo	123	115
Mpumalanga	99	84
North West	352	393
Northern Cape	98	115
Western Cape	1,286	1,384
Total	**3,984**	**4,218**

2. The table below shows a summary of the outcomes of the preliminary inquiry matters dealt with by Legal Aid SA. Legal Aid SA does not represent all children appearing in Preliminary Inquiry Courts, and only provides legal representation as and when so requested. Furthermore, there are only a few dedicated Preliminary Inquiry Courts in which Legal Aid SA has allocated staff resources on a full time basis. A majority of cases (61%) in which we represented children in preliminary inquiries were diverted. Only 38% of the cases were transferred to a Child Justice

Court. This represents a complete turnaround from the previous year where 38% of the matters were diverted while 62% were transferred to a Child Justice Court.

Outcomes of Preliminary Inquiry Matters – FY 2018/19											
Outcome Type	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Total	% of Total
Matter Transferred to DC/RC	245	194	198	141	33	27	83	39	630	**1,590**	**38%**
Withdrawn - Diversion	243	242	560	300	82	55	289	76	726	**2,573**	**61%**
Finalised - Other Reasons	7	2	10	3		2	3		28	**55**	**1%**
Total	**495**	**438**	**768**	**444**	**115**	**84**	**375**	**115**	**1,384**	**4,218**	**100%**

3. The table below indicates that 9,486 children were assisted in criminal matters by Legal Aid SA during the financial year. This represents 94% of the Child Justice Act matters we dealt with during the previous financial year. This again confirms a trend that we have observed in the years since the introduction of the Child Justice Act, namely, a steady decline in the number of children going through the criminal justice system.

Children Criminal Matters – FY 2018/19							
Province	YTD FY 2017/18	Q1	Q2	Q3	Q4	Total	% of FY 2017/18
EC	1,110	295	301	251	237	1,084	**98%**
FS	859	228	215	197	195	835	**97%**
GP	1,365	310	368	320	278	1,276	**93%**
KZN	1,312	358	386	283	270	1,297	**99%**
L	300	81	100	87	141	409	**136%**
MP	248	70	71	83	74	298	**120%**
NW	731	145	146	124	139	554	**76%**
NC	629	185	137	135	112	569	**90%**
WC	3,587	854	923	712	675	3,164	**88%**
Total	**10,141**	**2,526**	**2,647**	**2,192**	**2,121**	**9,486**	**94%**

4. Below is the age distribution of children represented by Legal Aid SA in criminal matters. The category 'applications on behalf of a child by an adult' refers to matters where an adult applied for legal aid on behalf of a child. The adult's particulars would therefore be on our system. It is apparent that the rate of offending increases steadily with an increase in age, peaking at the age of 17. A comparison with the previous financial year though, shows that the figures are not always consistent.

Age distribution of children								
Province	≤ 14	≤ 15	≤ 16	≤ 17	< 18	Applications on behalf of a child by an adult	Total	% of Total
EC	101	145	246	425	150	17	**1,084**	**11%**
FS	100	99	169	367	77	23	**835**	**9%**
GP	118	176	319	540	101	22	**1,276**	**13%**
KZN	91	176	372	521	121	16	**1,297**	**14%**
L	31	54	118	162	36	8	**409**	**4%**
MP	51	48	65	114	12	8	**298**	**3%**
NW	41	68	126	228	82	9	**554**	**6%**
NC	43	116	122	201	74	13	**569**	**6%**
WC	298	435	791	1075	522	43	**3,164**	**33%**
FY 18/19 Total	**874**	**1,317**	**2,328**	**3,633**	**1,175**	**159**	**9,486**	
FY 18/19 %	**9%**	**14%**	**25%**	**38%**	**12%**	**2%**		
FY 17/18 %	13%	9%	14%	24%	38%	2%		

5. The table below shows the generic type of offences for which children were prosecuted. The majority of offences seem to be aggressive offences, although these may range in seriousness from assault to murder. In this case, there seems to be some consistency in the trends shown in the previous financial year.

Types of Offences								
Province	Aggressive	Economic	Sexual	Narcotics	Statutory Offences	Other	Total	% of Total
EC	626	127	181	75	72	3	1,084	11%
FS	485	95	198	14	37	6	835	9%
GP	712	211	154	147	49	3	1,276	13%
KZN	661	135	257	142	98	4	1,297	14%
L	240	40	91	11	27	0	409	4%
MP	126	23	122	8	19	0	298	3%
NW	322	73	88	45	23	3	554	6%
NC	378	60	88	15	28	0	569	6%
WC	1,831	469	319	381	155	9	3,164	33%
FY 18/19 Total	**5,381**	**1,233**	**1,498**	**838**	**508**	**28**	**9,486**	
FY 18/19 %	**57%**	**13%**	**16%**	**9%**	**5%**	**0%**		
FY 17/18 %	57%	12%	15%	11%	4%	1%		

I. TRACKING OF CHILDREN IN DETENTION

1. Legal Aid SA has a programme in place to track all children in detention, to ensure that no children are detained at correctional centres while they await their trial. We have a working arrangement with the Department of Correctional Services to furnish us with the names of all children in their custody. Our Legal Aid SA Local Offices are thereafter tasked with the responsibility to consult with each individual child in custody to ensure that they are provided legal representation, with a view to facilitate the release of the child, and where this is not possible, to ensure that the child is kept in a place of safety while in custody.

2. A webpage is used to track children in custody and the status of every pending child justice case is reviewed on a regular basis, or at the very least, after each court appearance. Legal Aid SA managers review the status of each of these pending cases to ensure that the cases are not unduly delayed. Our tracking programme has seen the numbers of children in custody reduced to levels that are only a fraction of what they were at the inception of the Child Justice Act.

3. The table below shows the number of children awaiting trial in custody who we kept track of during the financial year:

Tracking of Children Awaiting Trial in custody						
Province	New Admissions FY 2018/19	Released During the FY	In custody as at the end of FY			
			≤ 2 months	≤ 4 months	≥ 5 months	Total
Eastern Cape	21	26			2	**2**
Free State	31	35			2	**2**
Gauteng		12			1	**1**
KwaZulu-Natal	44	62	2	1	3	**6**
Limpopo		5				**0**
Mpumalanga	1	1				**0**
North West	8	8				**0**
Northern Cape	2	7			1	**1**
Western Cape	44	39	2	1		**3**
Total	**151**	**195**	**4**	**2**	**9**	**15**

J. REPRESENTATION OF CHILDREN IN IMPACT MATTERS AND MATTERS OF CONSTITUTIONAL IMPORTANCE

Within Legal Aid SA is a unit called the Impact Litigation Unit (ILU). This unit is involved in the litigation of cases that have a high impact in that they involve the resolution of cases that affect large groups of people, or cases that involve the interpretation of constitutional rights. The work of the ILU is also important in that many cases are taken to court to clarify the interpretation of certain legislation and, in cases where legislation is clearly unconstitutional, to strike down the unconstitutional provisions. While the unit's work is not limited to criminal cases, or children's cases, a number of cases that have an impact on children in conflict with the law have been litigated by the unit or by specialist NGOs with assistance from the ILU.

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Vidhu Vedalankar
Chief Executive Officer
Legal Aid South Africa

Legal Aid House
29 De Beer Street, Braamfontein
Johannesburg, 2017, South Africa

Private Bag X76
Braamfontein, 2017

Telephone
+27 11 877 2000

Ethics Hotline
0800 153 728

Legal Aid Advice Line
0800 110 110

Please Call Me
079 835 7179

Email
communications2@legal-aid.co.za

Website
www.legal-aid.co.za

Twitter and Facebook
@LegalAidSA1

DEPARTMENT OF SOCIAL DEVELOPMENT

ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT,2008 FOR THE FINANCIAL YEAR

2018/2019

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social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

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ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT,2008 FOR THE FINANCIAL YEAR 2018/2019

1. EXECUTIVE SUMMARY

The Department of Social Development is mandated with the implementation of the Child Justice Act 75 of 2008; the Probation Services Act (Act 116 of 1991) as amended, and the Children's Act 38 of 2005, and as such has to fulfil early intervention services (reception, assessment and referral services, restorative justice programmes, diversion programmes); prevention programmes, services to victims of crime and statutory services.

In compliance with the National Policy Framework the department of Social Development's responsibility includes:

1.1. Making available probation officers for all issues relating to assessment of all children apprehended on allegations of having committed a criminal offence (referrals, placement and on appropriateness of diversion); perform duties in court;

1.2. Management of children placed under probation, home-based supervision or released under pre-trial supervision orders; children serving community-based sentences and diversion orders;

1.3. Provisioning of and management of Child and Youth Care Centres for children awaiting trial; educational programmes to children awaiting trial; support to SAPS on related issues;

1.4. Compile and submit pre-sentence reports within 6 weeks on request by the Child Justice Court; submit a report by Head of the Child and Youth Care Centre on child's completion of a compulsory residential sentence to court;

1.5. Establishing and maintaining the registers children less than 10 years of age and another for diversion referral.

1.6. Accreditation of diversion service providers and programmes for both private and public entities.

2. BUILDING CAPACITY IN THE SECTOR

(i) Human Capacity

The implementation of the Act requires capacity building within the Child Justice System (CJS) both in terms of human resource skills and knowledge, as well as the availability of adequate physical infrastructure. In pursuant to the above the Department of Social Development planned to conduct awareness and educational campaigns in provinces.

(ii) Training and Education

The Social Crime Prevention programme also contributes to outcome 3 (i.e. All People In South Africa Are and Feel Safe) by rendering services on the following key focus areas:

2.2.1. Providing for the establishment and implementation of programmes aimed at combating crime through prevention initiatives;

2.2.2. Providing therapeutic, statutory and support services to adults, youth and children at risk and in conflict with the law, and their families;

2.2.3. Providing reintegration and aftercare services to adults, youth and children who have benefitted from Probation and Correctional Services (and after care services to persons who have been released from a prison, and Secure Care Centres).

The department conducted awareness campaigns to empower the youth and the community about the consequences of crime and alternatives to make better choices in life as follows:

3.1 EASTERN CAPE:LUSIKISIKI- O.R. TAMBO DISTRICT

Having received number cases with regards teenage pregnancy, use of substance abuse and unemployment in Lusikisiki area, the directorate Youth, Social Crime Prevention and Anti-substance abuse then embarked on community dialogues. The purpose of buildup activities was to get the in-depth information on the root causes of the social ills that were identified.

The dialogues were conducted on the 11 and 19 June 2018 and Education and Awareness on Social Crime Prevention and Anti- Substance was conducted on 24 June2018. The main challenges identified includes: High rate Teenage pregnancy; High School drop-out; High rate of Unemployment; High rate of use of substance abuse and HIV & AIDS.

Interventions proposed during the campaign includes: Education and awareness programme on family planning; Teenage parenting programme; Leadership and learnership programmes; Career guidance; programme on crime prevention and anti-substance abuse; Establishment of street committees dealing with crime prevention and anti- substance abuse ; Gender-based violence services; Domestic violence trainings; Creation of job opportunities in the area. These interventions are to be carried by various stakeholders who participated in campaigns.

3.2. LIMPOPO PROVINCE :THABAZIMBI

2

This area has been identified as the crime hotspot in Waterberg District. In response to the above-mentioned challenges, the Department of Social Development in collaboration with other government departments, civil society organizations and community forums decided to embark on a number of activities including door to door visitations, house profiling, visitation to the malls and taxi ranks as build-up towards the District Integrated Social Crime Prevention Campaign. The main challenges identified includes: Assaults; Teenage pregnancy; Rape; Child neglect; Gambling (cards, dice, faffie and mochaina);Theft; Bulling at schools; House breaking; Domestic violence; Substance abuse and Mugging. These build up Activities took place from 25-29 June 2018. The main event was held on the 5th of July 2018 with messages of support from various Stakeholders and the MEC for Social Development in Limpopo delivered a keynote address.

Interventions proposed during the campaign includes: Visible policing; awareness on Consequences of crime; restorative services; Capacity building on parenting programme and Teenage parenting; Establishment of a functional Local Drug Action Committee; Structured educational and awareness programme; Public education on the usage of substances, consequences such as alcohol fetal syndrome; Proper disposal of used health medical wastes; awareness of available support services and facilities for vulnerable groups and victims. With the gathered information the department will engage Sector Education and Training (SETA) and National Youth Development Agency (NYDA) to provide skills development; engage mining sector and local businesses to create job opportunities; engage the Department of Basic Education (DBE) to mobilize and market educational opportunities such as Adult Education and Training (AET) and other educational programmes.

3.3. MPUMALANGA PROVINCE

3

Another awareness campaign was conducted in Mpumalanga to empower the youth and the community about the consequences of crime and alternatives to make better choices in life. The target group was the school learners (grade 8&9) from under performing schools and so called crime hot spot areas at Ehlanzeni, Gert Sibande and Nkangala districts. The event was targeting 300 participants collaborating with community members; District and local Municipalities; Government Departments and all stakeholders in the field of crime prevention (Justice Crime Prevention and Security Cluster)

The social crime prevention campaign kick started with build-up activities in all the three districts focusing on two topics:

- **WHAT IS BULLYING AND HOW TO DEAL WITH IT AT SCHOOLS**
- **WHAT ARE THE BENEFITS AND DISADVANTAGES OF BELONGING TO A GANG (GANGSTERISM)?**

The Nkangala District event was held at Emalahleni Klarinet Community Hall on the 21st September 2018. In Ehlanzeni District thirteen (13) schools with 40 learners each participated and in Gert–Sibande District seven schools with forty learners participated

The main Social Crime prevention campaign took place on the 27 September 2018. The campaign was graced by the Mpumalanga MEC of Social Development.

The MEC was the main guest speaker and she emphasized the two elements gangsterism and bullying, particularly in school and in the community at large.

The events also incorporated a debate competition of all the number one (1) schools that won at district level. The schools that won at the provincial level during the social crime prevention campaigns were awarded with medals and trophies. Both National and the MEC awarded trophies and medals to three winning schools.

3.4. GAUTENG PROVINCE

In Gauteng the awareness campaign was conducted on the 28th of September 2018 at Ramaphosa Informal Settlement, Ekurhuleni Region The theme of the event was **"THE KEY TO THE PREVENTION OF CRIME IS IN YOUR HANDS"** The Gauteng Department of Social Development (DSD) strives to achieve this by means of interventions designed to modify the risk factors that have been scientifically identified as causal factors for crime.". The main objective of the campaign was to mobilize and encourage local communities to join hands with government in the fight against crime and the protection of vulnerable groups. To strengthen cohesion of families as this constitutes a cornerstone in socialization of children. To promote respect for the rights of others and encourage communities, particularly young people to make informed choices. To facilitate collaborative partnerships between all stakeholders in the prevention of crime. Emphasize and create greater awareness amongst the community members about existing government services to address social ills such as substance abuse and victim support services.

The target was **500 people** and this includes **150 school going children** (Reiger Park Secondary, Wind Mill Park School Reiger Park Oosrand, Sunward High School), **150 Youth** from the Youth desk and **100 adults** as well as **100 stakeholders** and other departments involved in the prevention

of crime. The focus groups included school children, out of school youth and parents.

The following stakeholders also formed part of the event namely: South African Police Services; Department of Community Safety; Department of Education; Department of Justice and Constitutional Development; District and local municipalities; Non Profit Organizations (NPOs) in the Crime Prevention Sector; Department of Health and Faith Based Organizations

The event was preceded by the focus groups from the 18-21 of September 2018. These groups enabled the team to understand the community, to make an impact within the community and to draw up a care plan/ after services for the community.The main event was in a form of a community engagement whereby the community was dialoguing on different topics in relation to their challenges and solutions thereof, motivational speeches, and entertainment. The aim was to promote respect for the law and the rights of others, strengthen family cohesion and the protection of vulnerable individuals. The event also seek to highlight government's intervention to address social issues that are known to individuals and communities at risk of crimes.

3.5. WESTERN CAPE

In Western Cape the awareness campaign was conducted on the 20th October 2018.The focus was on the last level of intervention ("Reintegration and Aftercare services"). The learners were engaged in a spelling test and description of the words such as bullying and gangsterism, which are the types of crimes that are prevalent in the area: Athlone. The session was a joint venture between DSD and other government Departments, civil society organization such as CASE and the community. A total of approximately 400 learners were reached. The outcome of the event was that many parents, whom their kinds were not participating in the programme provided by CASE in partnership with the department of Social Development, registered their children to begin to attend the aftercare services that are provided to address crime related interventions.

3.6 NORTHERN CAPE: DE AAR

The campaign in Northern Cape (De-Aar) was conducted on the 16th of February 2019. The awareness was in a form of a dialogue. The dialoguer focused on three topics: gangterism, bullying and sexual offences. Further to that different departments and the Mayor of De: Aar gave oral presentation that were in a form of marketing the services each department was prepared to deal and prevent crime in any form. As a result of the campaign the department of South African Police Services managed to identify schools through adopt school programme. The total of 400 learners participated from in I around the De-Aar.

3.7. KWA-ZULU NATAL

In Kwa-Zulu Natal the department of Social Development partnered with the Durban University of Technology. The event took place at Durban University Technology and Pietermaritzburg campaigns respectively from the 8th to 10th March 2019. The University and the department conducted an awareness campaign during orientation on the number of programmes and services that the university has developed and providing. On the same day various departments were given an opportunity to share with the first year learners on the programmes that are available and provided that would enlighten them about the surroundings and safety. On the 08th of March 2018 sports against crime tournament was organized for the first year students A total of _+ 5,500 students were reached.

3.8 FREE STATE

In Free-State Crime awareness campaign was held in Phuthaditjhaba (Qwaqwa) on the 29 November 2018. The purpose of the campaign was to raise awareness and educate communities on dangers of social crime as well as on challenges of gangsterism. Prior to the 29 November 2018, there were building- up activities, wherein three wards were engaged in dialogues to identify their challenges. Amongst the challenges raised was regarding the Secure Care Centre -Phuthaditjhaba. The problem was that children from centre escape and commit crimes around local communities

The MEC for Social Development delivered a keynote address at Thabo Mofotsanyana Secure care centre re-assuring the community that the they have had their plight and measures are in place to deal with those challenges. A total of 400 people were reached

3.9 NORTH WEST PROVINCE

Awareness campaign in North West province was conducted in Mamusa (Bloemhof) on the 22-23 November 2018. The area was identified due to its challenges of gangsterism. Building-up activity were held a week prior to the main event Its focus was on outreach activities such taxi rank visits, church visits, door to door campaign , to educate communities about gangsterism and the role they supposed to play to assist the government fight the scourge. The communities were encouraged to dialogue and. were introduced to an approach of Restorative Justice in order to solve reduce gangsterism rather than using punitive measures such as instances wherein taxi drivers would identify gangs and assault them, This method was condemned and discouraged and

The main event was held on the 23rd of November 2018 wherein various stakeholders and government departments pledges their messages of support (SAPS, National DSD, Khulisa Social Investment, Ex-Offender, Faith Based organizations, Taxi associations; NW Basic Education, District Council and Bloemhof Ant-Gangsterism Committee.

NWDSD Official delivered the keynote address on behalf of the department. The province reached out to +-800 people.

4. ENSURING ASSESSMENT OF CHILDREN

The Department of Social Development conducted a total of 12 132 assessments for the period under review. This number of assessments is less by 11 786 when compared to the same period last financial year which was 23 918. Generally the number referred for assessment has been on decline but this year the drop was significant as is half of the previous year. The table below depicts the number and gender of children Assessed:

AGE	GENDER	NUMBER
10 Years	M	98
	F	14
11 Years	M	101
	F	7
12 Years	M	208
	F	21
13 Years	M	460
	F	68
14 Years	M	763
	F	143
15 Years	M	1362
	F	264
16 Years	M	2449
	F	325
17 Years	M	3298
	F	364
18 Years	M	1756
	F	213
19 Years	M	139
	F	26
20 Years	M	21
	F	5
21 Years	M	23
	F	4
Other		0
TOTAL		12132

5. DIVERSION SERVICES

5.1 REVIEW OF THE POLICY FRAMEWORK ON ACCREDITATION OF DIVERSION SERVICES

The reviewed Policy Framework for Accreditation of Diversion Services was tabled and approved by Cabinet on the 31st of May 2018. The implementation plan thereof requires the department to conduct training on the reviewed policy framework to all stakeholders informing them of the changes effected in the reviewed policy framework.

5.2 CAPACITY BUILDING TO ALL NINE(9) PROVINCES AS PER IMPLEMENTATION PLAN

The purpose of capacity building was to create awareness on all stakeholders on changes and challenging areas that have been reviewed in the policy framework for accreditation of diversion services. These areas includes: insertion of International prescripts, legislation and policies that were omitted; alignment of goals and objectives of accreditation processes, elimination of calendar days and inclusion of working days. The eight-month cycle was also reworked into 2x months phase. The first 2 months will be open for publication of the Gazette inviting applications, the second 2 months is meant for site verification visits, the third 2 months is meant for accreditation committee sitting, while the last 2 months is meant for creation of certificates to be signed by the MEC or Minister and publication of the Gazette on results for accredited diversion services.

An issue of proxy was introduced for accreditation structures to ensure that work continues even when standing members are unable to attend. The site verification teams have been decentralised for all regions/districts as compared to the previous version of the policy.Training commenced during the second quarter until the fourth. Quarter. The focus was on all stakeholders within the Criminal Justice system including Civil society and Government departments (Department of Justice, National Prosecuting Authority, Department of Basic Education, Health, SAPS, Officials from Child and Youth Care Centres, Site Verification Team Accreditation Committees, members of Quality Assurance Panel, and DSD (provincial, regions and social work supervisors). The training was conducted as follows:

- Western Cape training took place on 13-14 September 2018.
- Eastern Cape - in East London on 3-5 October 2018;
- Northern Cape training took place on 30-31 October 2018 in Kimberley.
- North-West province training took place on 1-2 November 2018 in Rustenburg.
- Mpumalanga – training conducted on 8-9 November 2018 in White River.
- Limpopo province has been trained on the 15-16 November 2018.
- Gauteng – training took place on the 29-30 November 2018;
- KZN - Training took place on 12-13 March 2019.

5.3. ISSUANCE OF GAZETTE AND CERTIFICATES

Minister of Social Development approved Gazette that invites applications for diversion programmes and diversion service providers. The Gazette was published on 06 April 2018 (Gazette No. 4156), while and the closing date for applications was 31 July 2018. The site verification teams conducted site visits and the Accreditation Committee adjudicated the applications. The Gazette number: 41955 were published on 05 October 2018 detailing the outcome of 2017/2018

accreditation of diversion service providers and programmes. During that period only six provinces applied namely Gauteng, Limpopo, Free State, Mpumalanga, Northwest, Eastern Cape and a total of 261 certificates were issued as follows:

Accredited programmes	**187**
Accredited sites	**45**
Candidacy status for programmes	**29**
TOTAL	**261**

5.4. QUALITY ASSUARANCE OF DIVERSION SERVICES AND PROGRAMMES:

In terms of The Judicial Matters Amendment Act 14 of 2014, some aspects of Section 56 of the Child Justice Act 75 of 2008 were delegated to the MEC's; including the appointment of the QA Panels for conducting quality assurance of diversion programmes and service providers. The previous QA Panels were appointed by the Minister and their contracts expired in March 2017. The provinces are in the process of appointing the new QA Panels as per the requirement of the Child Justice Act, and progress is reported as follows:

NAME OF PROIVNCE	QA PANELS APPOINTED	TRAINING CONDUCTED
1. Mpumalanga	Finalized	20-22 August 2018
2. Eastern Cape	Finalized	29-31 August 2018
3. Norther Cape	Finalized	20-22 November 2018
4. North West	Finalized	27 Feb-01 March 2019
5. KZN	Finalized	March 2019
6.GP	finalized	March 2019

6. REVIEWED MINIMUM NORMS AND STANDARDS FOR DIVERSION SERVICES

The overarching purpose of diversion, outlined in Section 51 of the Child Justice Act, is to manage children who have committed crime in a manner that limits their exposure to the criminal justice system (thus preventing a criminal record) and to provide them with an opportunity to participate in structured educational, rehabilitative programmes.

As a result, monitoring and evaluation sessions were held with provinces in the form of dialogues on the implementation of the Reviewed Minimum Norms and Standards for Diversion, focusing on checking the level of compliance, gaps and challenges and drafting action plan to address them. The sessions were held with all stakeholders including NPO's within the field of diversion services in the following 4 provinces:

1. Limpopo: 24-25 July 2018

2. Eastern Cape: 30 July 2018

3. Gauteng: 16-17 August 2018

4. Free State: 6-7 September 2018

7. THERAPEUTIC PROGRAMMES

For the period under review KZN and Limpopo Provinces reported on the roll-out training of forty (40) probation practitioners (25 and 15 respectively) on social crime

prevention therapeutic programmes for children in conflict with the law as follows

Province	Programme	Training dates
Limpopo	I am Me/Sexual Offender Programmes	03-07 September 2018
Kwa-Zulu Natal	Wake Up Call/ Substance Abuse Programme	11-12 September 2018
North West	Finalized	20-22 November 2018
	Reverse your thinking/ Restorative Justice	March 2019

Over and above the roll out of training, monitoring the implementation of the Therapeutic Programmes was conducted. In Free State it was conducted on the 31st August 2018 -Lejweleputswa district; in Mpumalanga monitoring was conducted at Ermelo- Gert Nsibande District in October 2018; in Limpopo monitoring was conducted at Bela-Bela and Linyenye local municipality in February 2019 and Eastern Cape- Chris Hani District Municipality on the19-20 March 2019.

7.1. REFERRAL TO DIVERSION PROGRAMMES

A total of 4 256 children were referred to diversion programmes which shows a significant decrease of 6 259 diverted children as compared to 10 515 from the previous year. The table below depicts the Diversion Programmes that children are referred to:

AGE	GENDER	NUMBER
Life Skills	M	1808
	F	407
Sexual Offence	M	102
	F	3
Substance Abuse	M	573
	F	64
Restorative Justice	M	218
	F	43
After Care	M	266
	F	71
Anger Management	M	67
	F	2
Other: Community Service	M	168
	F	55
Other: Formal Caution	M	298
	F	7
Other: Peer Association	M	6
	F	1
Other: Assignment	M	24
	F	0

Other: VOM	M	8
	F	0
Other: supervision & guidance	M	11
	F	0
Other	M	47
	F	7
TOTAL		4256

7.2 OUTCOME OF DIVERSION PROGRAMME

A total of 2 380 outcomes of children referred to diversion programmes of which 1 303 complied with the diversion order and completed the programme as compared to 1 077 of non-compliance. The table below depicts the Compliance and Non-Compliance outcomes:

PROGRAMMES	OUTCOMES	NUMBER
Life Skills	Complied	911
	Not Complied	849
Sexual Offence	Complied	130
	Not Complied	136
Restorative Justice	Complied	109
	Not Complied	17
After Care	Complied	48
	Not Complied	69
Other	Complied	105
	Not Complied	6
TOTAL		**2380**

8. HOME BASED SUPERVISION

A total of **755** children were placed under Home based supervision which shows a significant decrease of **2 284** as compared to **3 039** from the previous year. The table below depicts by age and gender children referred to **Home Based Supervision**:

AGE	GENDER	NUMBER
10 Years	M	1
	F	36
11 Years	M	1
	F	4
12 Years	M	4
	F	7
13 Years	M	6
	F	8
14 Years	M	18
	F	49
15 Years	M	38
	F	92
16 Years	M	71
	F	136
17 Years	M	94
	F	128
18 Years	M	35
	F	24
19 Years	M	1
	F	0
20 Years	M	0
	F	0
21 Years	M	0
	F	0
Other		2
TOTAL		755

9 CHILDREN UNDER THE AGE OF 10

The number of children under ten in the reporting period is **212** which is slightly higher by **80** as compared to **132** in the previous financial period.

The table below depicts by age and gender the number of **under ten** children and interventions referred to:

AGE	GENDER	NUMBER
Referral to **children's court** (sec 9 (3)(a)(i)	M	21
	F	12
Referral to **counselling or therapy** (sec 9)(3)(a)(ii)	M	30
	F	25
Referral to **accredited programme** (sec 9 (3)(a)(iii)	M	21
	F	42
Other	M	47
	F	14
TOTAL		212

10. ESTABLISHMENT OF INFRASTRUCTURE FOR THE IMPLEMENTATION OF THE ACT

10.1 Child and Youth Care Centres

The Department of Social Development has established and managing **31** functional Child and Youth Care Centres (secure care). The table below depicts the breakdown of **Secure Care Centres** per Province:

PROVINCES	SECURE CARE CENTRE	CAPACITY
Mpumalanga	Hendrina	60
	EThokomala	60
Free State	Matete Matches	40
	Winkie Direko (Bloemfontein)	50
	Thabo Mofutsanyane	68
Gauteng	Mogale City	300
	Walter Sisulu	90
	Father Smangaliso	90
KwaZulu-Natal	Excelsior	57
	Valley View	60
	Ocean View	15
	Newcastle	39
Limpopo	Polokwane	110
	Mavambe	70
Eastern Cape	Enkuselweni	50
	John X Merriman	100
	Bhisho CYCC	50
	Burgersdorp CYCC	50
	Qumbu SCC	48
Northern Cape	Lorato	20
	Molehe Mampe	60
	Marcus Mbetha	40
	Namaqua	51
	De Aar	51
North-West	Matlosana	48
	Rustenburg	48
Western Cape	Bonnytoun	130
	The Horizon	195
	Outeniequa	100
	Clanwilliam	70
	Vredelust	76
Total	31	2 296

10.2 CHILDREN ADMITTED AT THE SECURE CARE CENTRES

The table below depicts the breakdown of children admitted at the Secure Care Centres:

AGE	GENDER	NUMBER
10 Years	M	1
	F	0
11 Years	M	0
	F	1
12 Years	M	8
	F	0
13 Years	M	82
	F	16
14 Years	M	364
	F	35
15 Years	M	934
	F	189
16 Years	M	1568
	F	108
17 Years	M	2308
	F	119
18 Years	M	545
	F	34
19 Years	M	326
	F	40
20 Years	M	167
	F	8
21 Years	M	20
	F	0
Other		1

10.2.1 Statistics Comparison

INDICATORS	2016/17	2017/18	2018/19
Total number in the centers	**17 184**	**14 190**	**14 667**
Total number of admission	**4 913**	**4 064**	**2 187**
Total number of releases	**4 801**	**3 713**	**2 097**

The total number of children in the Secure Care Centre's in the financial year 2018/19 is 14 667 which is higher by 477 compared to 14 190 of the last financial year 2017/18. The 2018/19 admission of 2 187 as compared to the previous year was less to by 1 877. Furthermore, the release also went on a downscale of 2 097 compared to 3 713 in the previous financial year, a difference of 1 636.

11. INTEGRATED INFORMATION MANAGEMENT SYSTEM

The Social Development's Electronic Information Management Systems (Probation Case Management System and the Child and Youth Care Application) are fully functional however not all provinces are optimally utilizing the systems.

The Department has finalized the development of the Endpoint Integration App between SAPS and IJS which is an electronic notification of all arrested children for the Department, to in return notify SAPS of the Probation Officer allocated the case to assess and submit a report to NPA.

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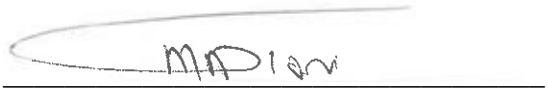


MR M TONI

ACTING DIRECTOR GENERAL: SOCIAL DEVELOPMENT

DATE: 23\08\2019

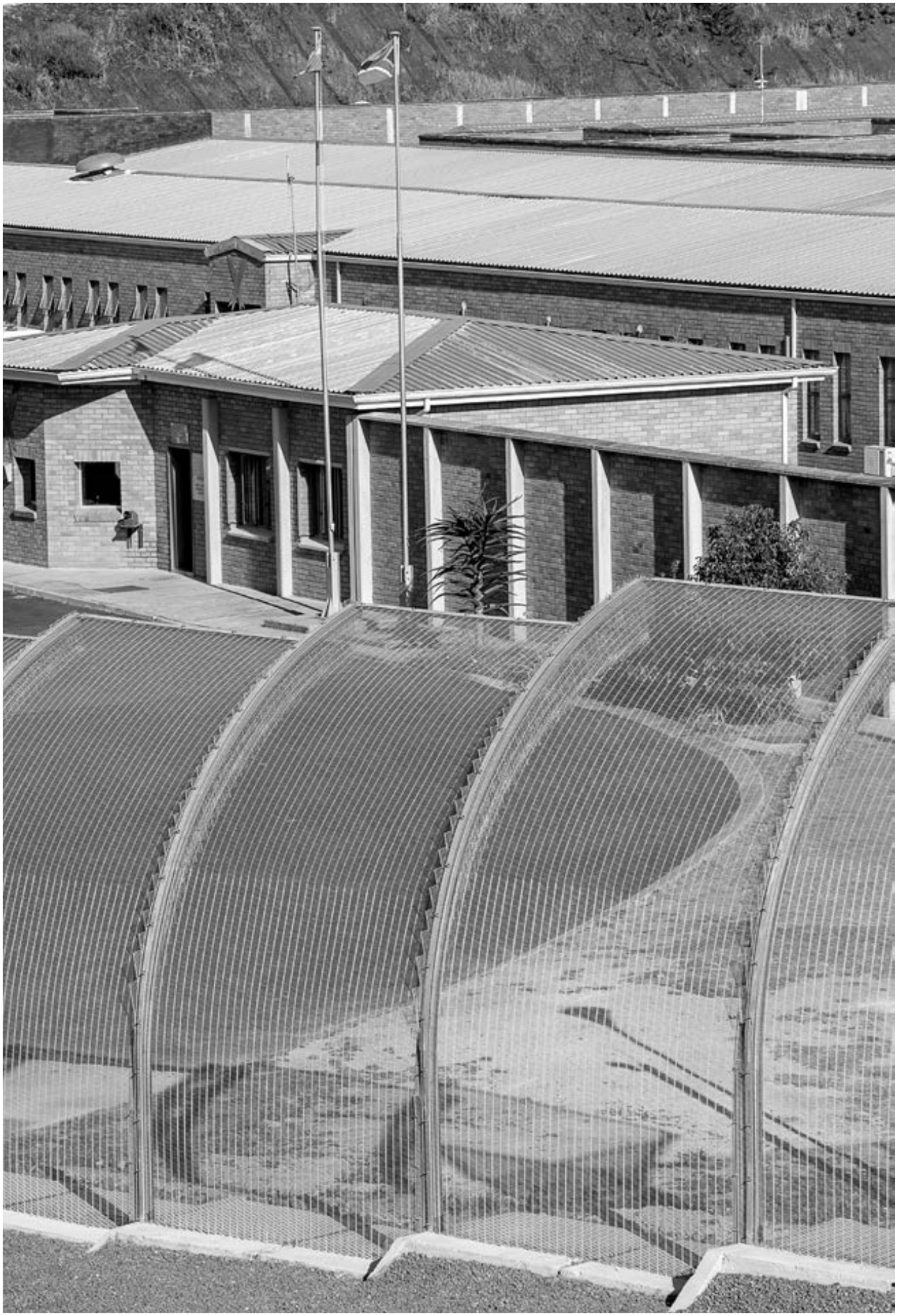
Chief Directorate Communication, Department of Social Development
Private Bag X901, Pretoria, 0001, Republic of South Africa
Tel: +27 (0)12 312 7500/7653, Fax: +27 (0) 12 312 7949
Website: www.dsd.gov.za

DEPARTMENT OF CORRECTIONAL SERVICES

2018/2019 6TH ANNUAL REPORT: IMPLEMENTATION OF THE CHILD JUSTICE ACT, 75 OF 2008

correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA



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ACRONYMS

AIDS:	Acquired Immune Deficiency Syndrome
CJA:	Child Justice Act, 75 of 2008
CJS:	Criminal Justice System
CSA:	Correctional Services Act, 111 of 1998
DCS:	Department of Correctional Services
EC:	Eastern Cape
FSNC:	Free State and Northern Cape Region
GP:	Gauteng
ISCCJ:	Inter-Sectorial Committee for Child Justice
KZN:	KwaZulu Natal
LMN:	Limpopo, Mpumalanga and North West Region
HIV:	Human Immune Virus
MMC:	Medical Male Circumcision
RD:	Remand Detainee
STDs:	Sexually Transmitted Diseases
TB:	Tuberculosis
WC:	Western Cape

PREAMBLE

The submission of this report is in line with section 96(3) of the Child Justice Act (CJA) which requires the Minister of the Department of Justice and Correctional Services to table in Parliament, the Annual progress reports received from the Cluster Departments that form part of the Inter-sectoral Committee for Child Justice (ISCCJ)

While the Department of Justice and Constitutional Development will be tabling the 9th annual report on the implementation of the CJA, this report will be 6th submission by the Department of Correctional Services (DCS).

The purpose of the report is to provide the departmental progress in relation to the implementation of CJA in the areas of responsibility falling within the scope of the Department of Correctional Services (DCS). The areas of responsibility for DCS have been summarized into a policy document titled *"Implementation Framework: Child Justice Act (Act 75, 2008)"* which was approved on 03 March 2015.

This report covers such areas as facilities that detain children, training of officials, regional distribution of children, bail categories, period spent in detention by remand detainee children, length of sentences served by children offenders, services and the programmes rendered to children. The report includes the long term trend on the detention of children as well as the matric results. It should be noted though that the inmates that enrolled for matric were older than eighteen years.

The annual average number of children detained in DCS facilities reduced by more than 90% over a period of 18 years i.e., from 2000 to 2018. A reduction of 60.36% was observed from 2000 to 2009 and since the implementation of the CJA in 2010 children reduced from the annual average of 1004 to 215 in 2018.

The gradual improvements in the implementation of the Child Justice Act would not be achieved without the close working relationship among the various role players in the department. The department would like to acknowledge and appreciate the support obtained from the various criminal justice system partners.

Ms VC Mlomo-Ndlovu
Deputy Commissioner: Remand Operations Management
Date: 2019/08/14

Mr JM Mkabela
Chief Deputy Commissioner: Chief Operations Officer
Date: 2019-08-14

Mr A Fraser
National Commissioner: Department of Correctional Services
Date: 2019/08/18

1. INTRODUCTION

The Department of Correctional Services forms part of the Inter-sectoral Committee on Child Justice Act which is chaired by the Department of Justice and Constitutional Department. The purpose of this report is to provide departmental progress in relation to the implementation of the Child Justice Act in the areas of responsibility falling within the scope of the DCS. While the intention is to report on the annual progress for 2018/2019, long terms trends on children detained in DCS will be included.

2. DETENTION OF CHILDREN WITHIN DCS FACILITIES

2.1 Overview

The DCS has 243 facilities that detain inmates. Of these facilities, 235 were operational during 2018/19 financial year and eight (8) were temporarily closed because of upgrading work.

The average number of inmates in 2018/19 was 162 058. Of this number 44 829 were remand detainees and 117 229 were sentenced offenders. The average number of children was 210. Children constituted 0.13% of the inmate population.

Female children (4) constituted 0.09% of the total average female population (4 298) while the male children (205) constituted 0.13% of the total average male population (157 760). The summary of the average population is presented in the table below:

Inmates	Children (14 to <18 years)			Juveniles (18 to 20 years)			Youth, Adults and elderly (21 and older)			Total	% against all inmates
	Female	Males	*Total*	Females	Males	Total	Females	Males	*Total*		
Remand Detainees	2	85	***87***	89	3 391	***3 480***	1 193	39 900	***41 093***	**44 660**	**27.55**
Other unsentenced	0	0	***0***	0	4	***4***	0	165	***165***	**169**	**0.10**
Sentenced	2	121	***123***	94	2 760	***2 854***	2 918	111 334	***114 252***	**117 229**	**72.33**
Total	4	206	210	183	6155	6338	4111	151399	155 510	162 058	**100.00**
%	**0.002**	**0.127**	**0.129**	**0.112**	**3.80**	**3.91**	**2.54**	**93.4**	**95.9**	**100**	
Others: State Patients											

Table 1 Annual average for 2018/19 based on the daily unlock

2.2 Long Term Trend: 2001 to 2018

The average number children dropped by more than 90% from 2001 to 2018. The remand detainees and sentenced children dropped by more than 70% since the implementation of the CJA in 2010.

Calendar Years	Remand Detainees	Sentenced	Total	RD %	Sentenced %
Average for 2000	2229	1681	**3910**	57.01	42.99
Average for 2001	2042	1711	**3753**	54.41	45.59
Average for 2002	2255	1796	**4051**	55.67	44.33
Average for 2003	2324	1802	**4126**	56.33	43.67
Average for 2004	1912	1698	**3610**	52.96	47.04
Average for 2005	1332	1233	**2564**	51.95	48.09
Average for 2006	1144	1095	**2239**	51.09	48.91
Average for 2007	1196	892	**2087**	57.31	42.74
Average for 2008	928	870	**1799**	51.58	48.36
Average for 2009	696	854	**1550**	44.90	55.10
Child Justice Act (14 to below 18 years)					
Average for 2010	346	658	**1004**	34.46	65.54
Average for 2011	366	552	**918**	39.87	60.13
Average for 2012	367	417	**784**	46.81	53.19
Average for 2013	241	296	**537**	44.88	55.12
Average for 2014	167	235	**402**	41.54	58.46
Average for 2015	108	191	**299**	36.12	63.88
Average for 2016	79	160	**239**	33.05	66.95
Average for 2017	74	129	**203**	36.45	63.55
Average for 2018	91	124	**215**	42.32	57.67

Table 2: Long term trend: 2001-2018: Annual average based on calendar years: Source MIS 2001-2014 and Daily unlock calculation: 2015-2018

3. BUILDING CAPACITY INCLUDING TRAINING OF OFFICIALS

The DCS through its Human Resource Development develops annually a programme for training of officials in the department. The Child Justice Act has been included as a module in the training programme since 2015/16. The total number of officials trained during 2018/19 financial year was 296.

4. REMAND DETAINEES

4.1 Trend analysis from 2010 to 2018/19

An average of five hundred and four (504) remand detainee children were incarcerated in DCS facilities in March 2010. This figure decreased to an average of 87 during 2018/ 2019. This converts to a reduction of more than 80%.

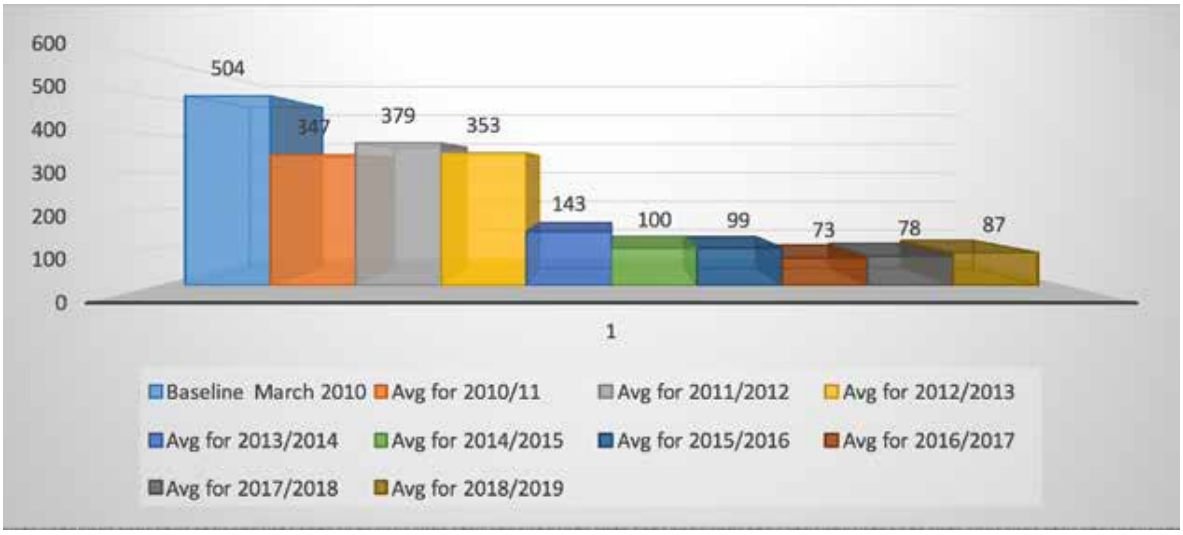


Figure 1: Average number of children Baseline of 2010 to 2018/19: Source Daily unlock

4.2 Facilities that Detained Remand Detainee children

The RD children were detained in 11 facilities as per the snapshot analysis of 31 March 2019. The region with the highest number of facilities that detained children is Free State Northern Cape. Two facilities that detained lone children were Ladysmith, Nelspruit and Sasolburg. The number of facilities that detain lone children reduced from14 (31 March 2016) to 2 (31 March 2019). The reduction in the number of children implies that some children will be detained far from their families as it becomes difficult for the DCS to manage lone children.

Eastern Cape	KwaZulu Natal	Western Cape	Limpopo, Mpumalanga and North West (LMN)	Free State and Northern Cape (FSNC)	Gauteng
· Cradock (4) · Port Elizabeth (14)	· Durban Youth (18) · Ladysmith (1)	· Mosselbaai (5) · Pollsmoor Med A (4)	· Nelspruit (1)	· Sasolburg (1) · Grootvlei Med A (5) · Bizza Makhate D (9)	· Boksburg Juveniles (2)
Total: 18	**Total: 19**	**Total: 9**	**Total: 1**	**Total: 15**	**Total: 2**

Table 2: Facilities that detained Remand Detainee children 31 March 2019: Daily Unlock

4.3 Gender

Of the remand detainee children detained, males constituted more than 90% in all the three snapshots taken on 31 March 2017, 31 March 2018 and 31 March 2019.

Figure 2: Snapshots Analysis of Children: Gender Distribution: Data from DCS Databank

4.4. Age distribution of RD Children

In terms of the CJA, the DCS detains children from fourteen (14) to seventeen (17) years. The 17 year old constituted the highest number of children detained in DCS on 31 March 2018 as compared to 31 March 2017 and 31 March 2018. There were no 14 year old remand detainee child on 31 March 2017; however two(2) 14 year old were in detention on 31 March 2019. Of the RDs detained on 31 March 2019, 17 years old RDs were 62 (72.45%), 16 years old were 18 (18.37%), 15 year old were 7 (7.14%) and 14 year old were 2 (204%).

Regions	31 March 2017				31 March 2018				31 March 2019			
	14	15	16	17	14	15	16	17	14	15	16	17
Eastern Cape	0	6	1	1	1	7	10	24		2	3	22
FSNC	0	0	0	2	7	19	13	12		3	4	15
Gauteng	0	0	0	0	0	0	0	5		1	2	9
KZN	0	5	0	2	8	18	12	18	1	1	8	13
LMN	0	0	0	0	1	3	1	2				3
Western Cape	0	0	0	2	1	15	8	6	1		1	9
Total	0	11	1	7	18	62	44	67	2	7	18	71
Source: Databank												

4.5 Regional Distribution

According to figure 4 below, on 31 March 2017, the regions with the highest number of remand detainee children, in descending order, were Eastern Cape (EC), KwaZulu Natal (KZN) and Free State Northern Cape (FSNC). The regions with the lowest number of remand detainee children were Gauteng and LMN.

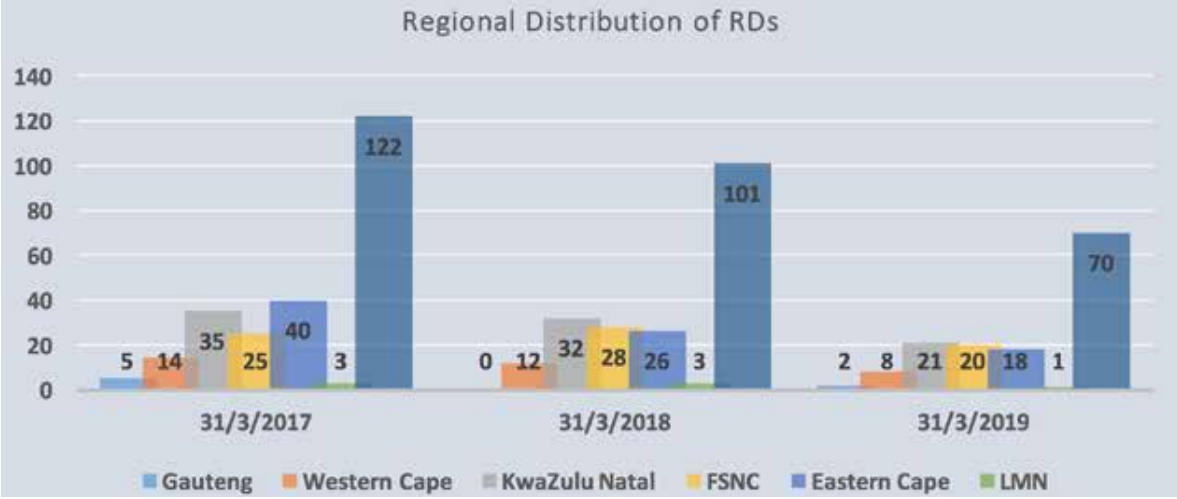


Figure 4: Snapshots Analysis of Children: Regional Distribution: DCS Databank for 31 March 2017. Source: Daily Unlock 31 March 2018 and 31 March 2019.

The pattern of the distribution of children on 31 March 2018 and 31 March 2019 differed from the pattern noted during 31 March 2018 for the three regions with the highest number of children. KwaZulu Natal recorded the highest number of children followed by FSNC and Eastern Cape. There were no remand detainee children in Gauteng on 31 March 2018 and there was only one (1) remand detainee child in LMN on 31 March 2019.

4.6 Bail

Table 5 reflects the analysis of RD children in terms of bail based on three snapshots for 31 March 2017, 31 September 2018 and 31 March 2019. Children with more than one (1) case who have bail in one case and no bail in other case(s) are excluded from the count of bail cases because they would not qualify for release even if they pay bail.

Bail Amount	31 March 2017		31 March 2018		31 March 2019	
	RDs	Percentage	RDs	Percentage	RDs	Percentage
0	118	96.72%	86	97.73%	111	96.52%
300	1	0.82%				
400			1	1.14%		
500	1	0.82%			2	1.73%
800						
1000	2	1.64%	1	1.14%	2	1.73%
Grand Total	**122**	**100%**	**88**	**100%**	**115**	
The 0 or No bail includes - No bail application made; Bail application in process and Bail application considered and denied.						
Table: 5: RDs with bail: 3 snapshots: Source: DCS Databank						

The three (3) snapshots analysis revealed that more than 90% of children were detained without bail while less than 2% had bail of R1000. Of the children detained with an option of bail, the bail amount ranged from R300 to R1 000 on 31 March 2017 and from R400 to R1000 on 31 March 2017. It ranged from R500 to R1 000 on 31 March 2019. The highest amount of bail given based on the three snapshots was R1000.

4.7 Period Spent in Detention

On 31 March 2019, of the 98 children in detention 64.28% were detained for a period ranging from a day to three months, 29.59% were detained for a period ranging from more than three months to nine months. The longest period spent in detention by a remand detainee child was more than 4 years[2]. The child had two warrants and was charged for murder in both warrants.

Period spent in custody	EC	GP	KZN	LMN	FSNC	WC	Total	%
1 Week			1			2	**3**	**2.61**
1 to 30 days		3					**3**	**2.61**
< 1 month	3		12		11	1	**27**	**23.48**
1-3 months	6	3	8		5	5	**30**	**26.09**
> 3-6 months	2		3	1	2	3	**13**	**11.30**
> 6-9 months	2		9	1	2	2	**16**	**13.91**
> 9-12 months	4		1		2		**7**	**6.09**
> 12 to 15 months		2					**8**	**6.96**
> 15-18 months			2	1			**3**	**2.61**
> 18-21 months	3						**3**	**2.61**
> 21-24 months	1						**1**	**0.87**
4-5 years (NB: Please check)	1						**1**	**0.87**
Grand Total	**28**	**13**	**36**	**3**	**22**	**13**	**115**	**100.00**

Table 6: Period spent in custody by RD children: snapshot 31 March 2019 Source: DCS Databank

When comparing with the general population of inmates, the children's cases are prioritized in terms of court appearance. They have to appear in court every 14 days.

4.9 Escapes

There were no escapes of remand detainee children recorded in 2018/2019 financial year.

5. SENTENCED CHILDREN

5.1 Trend analysis from 2010 to 2018/19

An average of 717 sentenced children was incarcerated in DCS facilities in April 2010. This figure decreased to an annual average of 123 sentenced children during the financial year 2018/19. This converts to a decrease of more than 80% over a period of nine years.

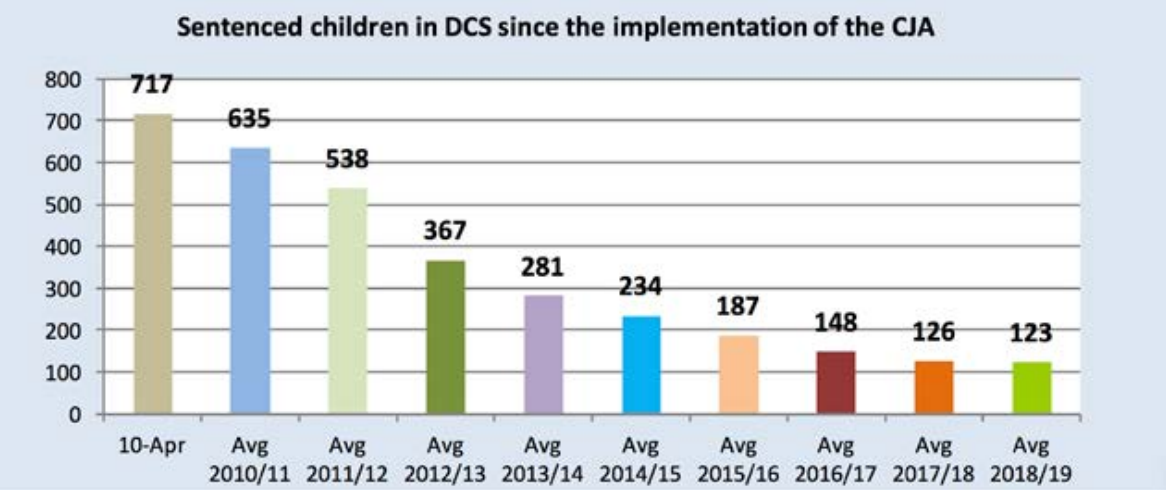


Figure 6: National Distribution of sentenced children in DCS Source: Daily Unlock

5.2 Gender

Of the sentenced children incarcerated, males constituted more than 98.31% in all the three snapshots taken at 31 March 2017, 31 March 2018 and 31 March 2019. However over the three year period the number of sentenced male children reflect a steady decline.

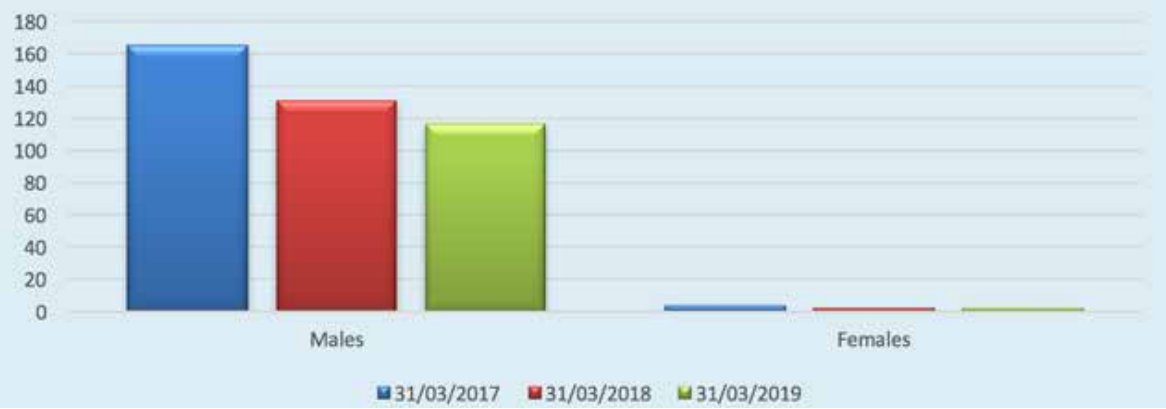


Figure 6: Snapshots Analysis of sentenced children: Gender Distribution: Data from DCS databank for 31 March 2017, 31 March 2018 and information for 31 March 2019 is Daily Unlock.

5.3 Facilities that detained Sentenced Children

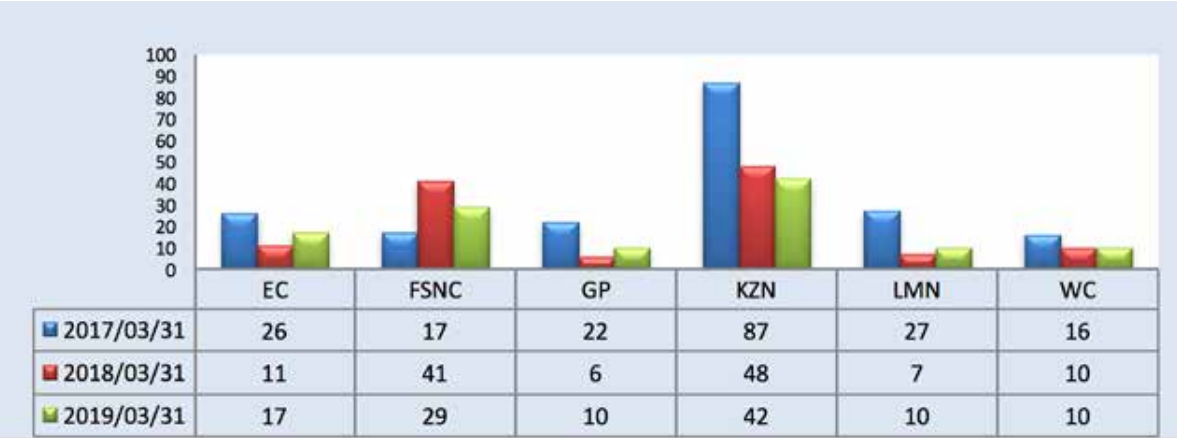
Sentenced children were detained in 19 facilities as per the snapshot analysis of 31 March 2019. The region with the highest number of facilities that detained sentenced children was FSNC (5) with a total 28 children. However KZN had three facilities that accommodated sentenced children, but had the highest number of sentenced children (42). The region with the lowest number of facilities that detained sentenced children was Gauteng (3).

Eastern Cape	KwaZulu Natal	Western Cape	LMN	FSNC	Gauteng
· Cradock (12) · Port Elizabeth (1) · Mount Ayliff (4)	· Durban Med B (5) · Durban Youth (13) · Ekuseni (24)	· Brandvlei Youth (2) · Drakenstein Med B (3) · Mosselbaai (5)	· Barberton Town (3) · Rustenburg Med A (7)	· Victoria West (1) · Kimberly (1) · Bizza Makhate C (1) · Bizza Makhate D (24) · Kuruman (1)	· Emthonjeni (7) · Boksburg Juveniles (1) · Johannesburg Female (1)
Total: 17	**Total: 42**	**Total: 10**	**Total: 10**	**Total: 28**	**Total: 9**

Table 7: Facilities that detained Sentenced children 31 March 2019: DCS Source : Daily Unlock

5.4 Regional Distribution

The regions with the highest number of sentenced children on 31 March 2019 were KZN (42), followed by FSNC (29) and EC (17). KZN reflects a consistent decrease over the three yearly snapshots for March from 2017 to 2019. The regions with the lowest number of sentenced children were Gauteng (10), LMN (10) and Western Cape).



	EC	FSNC	GP	KZN	LMN	WC
2017/03/31	26	17	22	87	27	16
2018/03/31	11	41	6	48	7	10
2019/03/31	17	29	10	42	10	10

Figure 8: Snapshots Analysis of sentenced children: Regional Distribution: Data from DCS Databank for 31 March 2017 and 30 September 2017. Source: Daily Unlock 31 March 2018 and 31 March 2019.

5.5 Age distribution of sentenced children

On 31 March 2017 of the 169 sentenced children who were detained 1.78% were 14 years old and 65.68% were 17 years old. Gauteng, LMN and WC did not have 14 and 15 year olds during this period.

On 31 March 2019, 17 year olds constituted the highest number of children (67.00%) while 15 year old recorded the lowest number of sentenced children (2.00%). WC did not have 14 and 15 year olds in their detention facilities on 31 March 2019.

Regions	31 March 2017				31 March 2018				31 March 2019			
	14	15	16	17	14	15	16	17	14	15	16	17
Eastern Cape	1	0	3	29	0	1	5	6	1		4	7
FSNC	1	0	12	25	1	1	7	14			4	12
Gauteng	0	0	3	11	0	And 1	1	5			1	7
KZN	1	8	20	24	0	3	12	31	3	1	12	25
LMN	0	0	7	11	1	1	2	4	1	1	2	10
Western Cape	0	0	2	11	0	1	2	8			3	7
Total	**3**	**8**	**47**	**111**	**2**	**8**	**29**	**68**	**5**	**2**	**26**	**67**

Table 8: Snapshots Analysis of sentenced children: Ages: Data from DCS databank

5.6 Sentences

On 31 March 2019, ten (10) children were in detention and serving sentences that were less than two years. Children serving sentences longer than 10 years were eight. Children with sentences ranging from more than seven to ten years (> 7 - 10 years) were 23. These children were convicted for crimes ranging from rape, murder, kidnapping and robbery aggravating.

Sentence group	EC	GP	KZN	LMN	FSNC	WC	Total
0 - 6 MONTHS			1	2		1	4
> 6 - 12 MONTHS			2		2		4
> 12 - < 24 MONTHS					2		2
2 YEARS			2	1		1	4
> 2 - 3 YEARS	1	1	4	2	1	1	10
> 3 - 5 YEARS	6	5	14	4	4	1	34
> 5 - 7 YEARS			6		4	1	11
> 7 - 10 YEARS	4	1	7	5	3	3	23
> 10 - 15 YEARS		1	4			2	7
> 15 - 20 YEARS			1				1
Grand Total	**11**	**8**	**41**	**14**	**16**	**10**	**100**

Table 9: Source: DCS Databank as at 31 March 2019

6. PROGRAMMES/SERVICES PROVIDED TO CHILDREN

6.1 Social Work Services

Programmes and services offered to sentenced children, parolees and probationers during 2018/19 financial year included substance abuse, marriage and family care, Life-Skills, Sexual Offender Treatment, Anger Management, Assessment and Orientation,. A total number of 230 children attended programmes and of these children remand detainees that received programmes were nine (9).

Programmes and services	Sentenced	RD Children
Substance Abuse	33	
Parenting	2	
Sexual Offender Treatment	19	
Marriage and Family Care	52	
Life-Skills	27	
Anger Management,	11	
Assessment	60	
Trauma	2	1
Support services	3	8
Resilience	6	
Orientation	6	
Total:	**221**	**9**

6.2 Sport, Recreation, Arts and Culture (SRAC)

The total number of 100 sentenced children offenders, were involved in the following SRAC programmes and services for 2018/2019.

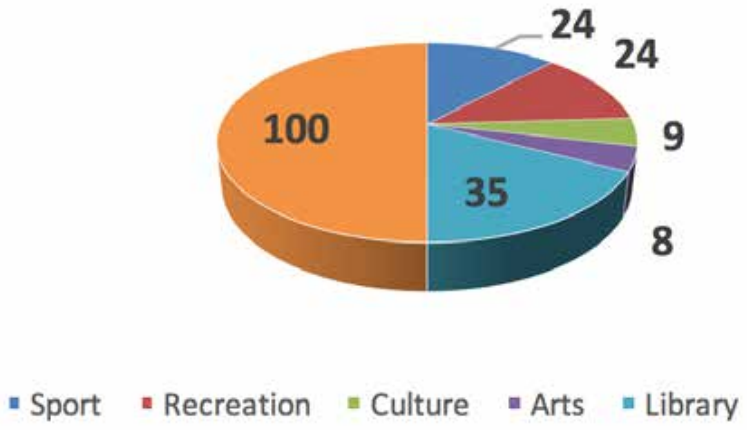


Figure 8: Pie chart on attendance of SRAC Programmes during 2017/18

The challenge experienced was that some children could not complete the full programme because of court attendance for those with further charges and attendance of health care services including admission to hospital for some offenders.

6.3 Spiritual Care Services

Spiritual care services are available and accessible to all children detained in DCS facilities. These programmes are offered by spiritual workers appointed by DCS, external services providers including volunteers. Services offered during 2018/19 financial year were:

Church services	64
Pastoral services	19
Group sessions	89

Table 12: Pie chart on attendance of Spiritual Care Services during 2017/18

6.4 Health Care Services

Health care programmes and services are accessible and available to children in the correctional facilities in managing their identified health needs.

Table 5 below indicates the numbers of children who attended health care programmes during 2018/19 financial year.

Health Care Programmes and services	Service Provider	RDs	Sentenced
Primary Health Care: (Promotion of health, Disease prevention curative and rehabilitative services)	DCS National Department of Health and Partners[2]	**64**	**117**
Nutrition Services: Provision of food service as per prescribed meal plan.	DCS	**64**	**117**
Personal Hygiene: Provision of toiletry, bedding and clothing	DCS	**64**	**117**

Table 13: Health Care Services. Source DCS Incarceration and Corrections

6.5 Formal Education

The department has 14 accredited schools which offer Adult Basic Education and Training (ABET) levels 1 to 4 and Further Education and Training (FET) grades 10 to 12.

Educational programmes available for children in DCS are further education and training (main stream grade 8 to 12), adult education and training and administration for continuity with studies and writing of examination for those who were involved in main stream education before detention in DCS. The latter applied mainly to RD children and sentenced children serving shorter sentences.

2 *Health care partners are Right to Care; TB/HIV Association and Aurum*

With regard to matric pass which is reported annually, all the inmates that passed were older than eighteen years. The number of matriculants who were enrolled in 2018 was 185 and the obtained pass rate was 77.30%. The schools that achieved a 100% matric pass rate were six (6) namely; Cradock Youth Centre, Umlalati Learning Centre, Thusano Repeat Part-time, Usethubeni Youth, Baviaanspoort Emthonjeni Youth Centre, and Thuto-Kitso Secondary School.

7. ESTABLISHMENT OF INFRASTRUCTURE

The development and maintenance of the infrastructure in the department is managed under the budget programme: Incarceration and sub-programme: Facilities. The sub-programme caters for the facilities requirements for inmates including children.

8. RESOURCE AND BUDGET

There are no resources and budget which are ring-fenced for the implementation of the Child Justice Act in the department; however its implementation has been integrated within the budget programmes and the policies of the department.

9. PUBLIC EDUCATION AND COMMUNICATION

The DCS regards corrections to be a societal responsibility, the department therefore committed to working with other government departments and societal institutions in advocating for restoration of families and communities as viable entities in which there is good governance and socio-economic viability, security and stability. This restoration of viability and good governance is essential if communities are to benefit optimally from government's service delivery in various areas of its work.

More than 600 schools are maintained annually and during the first week of school opening parolees embark on cleaning, refurbishing, painting and maintenance work to ensure that when learners return to school they are ready for commencing the tuitions.

Department of Correctional Services participates in public education as part of social crime prevention through visiting schools and educating school children on crime related issues. The Department makes use of ex-offenders and parolees.

10. CHALLENGES

Challenge
While the number of lone children has dropped since 2016, it has to be noted that the gradual decline in the number of children has resulted in reorganisation of the facilities that detain children. This suggest that some families travel longer distances to vist children in detention.
Lack of participation in formal education by children remains a concern.

12. CONCLUSION

With the implementation of the Child Justice Act since 2010, there has been a steady decline in the number of children in conflict with the law who are managed by the Department of Correctional Services. Though the Child Justice Act has been implemented over a number a years, there is a need to continuously market the legislation at the coalface of service delivery since the officials at the centre level are rotated between various functional areas.

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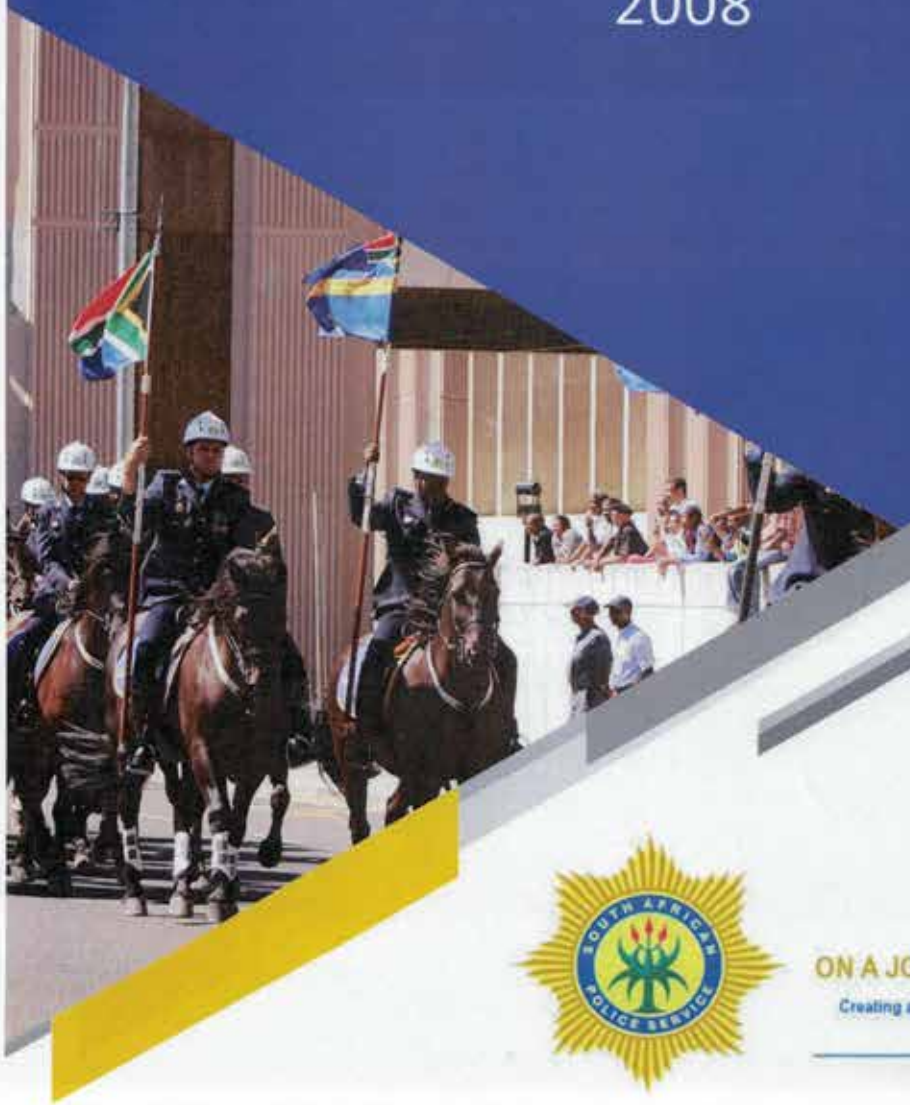
SOUTH AFRICAN POLICE SERVICES

2018-2019

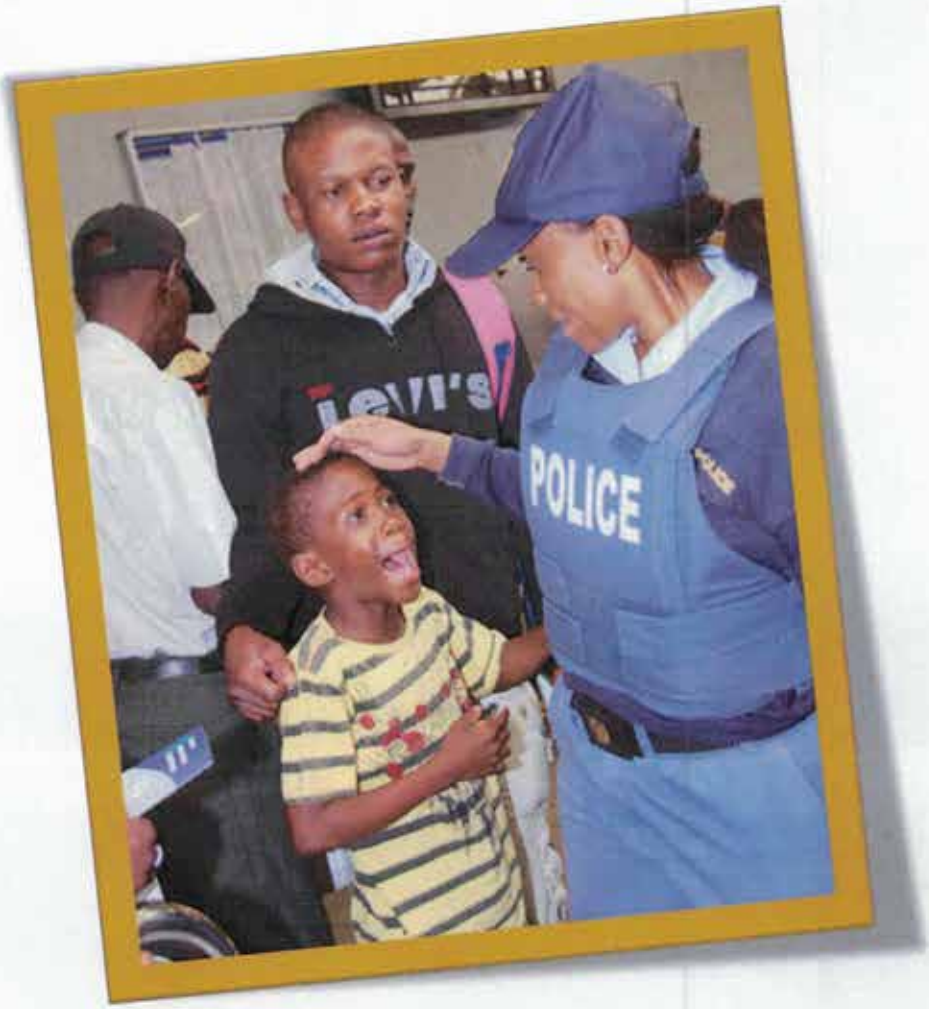
INTER-DEPARTMENTAL ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 75 OF 2008



ON A JOURNEY TO A SAFER SOUTH AFRIC

Creating a safe and secure, crime free environment, that is conducive f
social and economic stability, supporting a better life for a

#PatrioticandSelflessServic



COMPILED BY

Component: Social Crime Prevention

FURTHER INFORMATION ON THE REPORT CAN BE OBTAINED FROM

Division: Visible Policing
540 Pretorius Street
Arcadia
0007

012 421 8209

SOUTH AFRICAN POLICE SERVICES | 2018-2019 INTER-DEPATMENTAL ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 75 OF 2008

OFFICIAL SIGN-OFF

It is hereby certified that this Annual Report was developed by the South African Police Services (SAPS). It takes into account the key priority areas by the National Policy Framework on Child Justice, which fall within the mandate of the South African Police Services. It also reflects the achievements and limitations experienced by the Department as it endeavours to realize the goals of the Child Justice Act, 2008 (Act No 75 of 2008)(the Act). The Report will be submitted to the Minister of Justice and Correctional Services for tabling in Parliament in compliance with section 96(3) of the Act.

MAJOR GENERAL
COMPONENT HEAD: SOCIAL CRIME PREVENTION
TN MATHONSI

Date: 2019-06-10

MAJOR GENERAL
MM MOTLHALA

LIEUTENANT GENERAL
ACTING DIVISIONAL COMMISSIONER: VISIBLE POLICING
SJ JEPHTA (SOEG)

Date: 2019-06-10

LIEUTENANT GENERAL
DEPUTY NATIONAL COMMISSIONER: POLICING
MASEMOLA

Date: 2019-06-13

GENERAL
NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICES
KJ SITOLE (SOEG)

Date: 2019-07-22

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CHAPTER 1: INTRODUCTION

1.1 Introduction

The purpose of this report is to provide departmental progress in relation to the implementation of the Child Justice Act in the areas of responsibility falling within the scope of the SAPS. Though the intention of the report is to report on the annual progress for 2018/2019, long terms trends on the number of children charged by the SAPS will be included. Areas that will be covered in this report are:

- Building Capacity in the Sector;
- Methods of securing attendance of children at preliminary inquiries;
- Management of Infrastructure for the Implementation of the Act;
- Resources and budgets;
- Public Education and Communication;
- Monitoring and Evaluation of Information Management Systems;
- Monitoring and Evaluation;
- Provide support to the One Stop Child Justice Centres; and
- Challenges.

1.2 Background

The South African Police Service (SAPS) is the first point of contact for a child in conflict with the law and the Child Justice Act, 2008 (Act No 75 of 2008) affords the South African Police Service (SAPS) the following responsibilities:

- Ensure the child's appearance at a preliminary inquiry, primarily by means of alternative methods provided for in the Act other than arrest (arrest may only be used as a measure of last resort);

- Explain to the child suspect and his or her parent / guardian / an appropriate adult of procedure that will be followed (including the fact that the child will be assessed by a probation officer) and that the child has a right to legal representation, and if the family cannot afford their own legal representative, Legal Aid SA will assign a legal representative to the child. The Police must initiate contact with the nearest Legal Aid SA office if appropriate in the circumstances;

- Inform a probation officer immediately of the apprehended child, but if that is not possible, not later than 24 hours after the apprehension of such child, by means of either a written notice, summons or arrest, in order for an

assessment to be done. The Police must keep the database of the probation officers received from the Department of Social Development;

- Notify the parent, appropriate adult or guardian of the child of the child's arrest and where he or she is being taken;

- Release, where appropriate, a child older than 10 years who is suspected of having committed an offence(s) referred to in schedule 1, into the care of their parents, a guardian or an appropriate adult;

- To place, a child younger than 10 years, in the care of his or her parents, a guardian or an appropriate adult, or in a place of temporary safe care in accordance with the Children's Act, 2005 (Act No 38 of 2005), and inform the probation officer accordingly;

- Ensure the safety and care of the child whilst in the SAPS holding cell. The Station Commander of each police station must record the details on the detention of all children in police cells or lock-ups in a register in a manner that is clearly distinguishable from the details of adults;

- Treat the child in custody in a manner and in conditions that take into account the age and gender of the child. This includes the provision of a mattress, blanket, food, sanitary towels and access to a toilet and washing facilities. Children must also be kept separately from adults, and boys should be kept separately from girls;

- Provide medical care by taking the child to a district surgeon or hospital for medical treatment, where necessary. This includes medical care when the child shows severe psychological trauma or injuries;

- Transport the child to and from detention facilities, such as the Correctional Services Awaiting Trial Centres, Child and Youth Care Centres and the court;

- Provide services in relation to appearance of the child in court (the transfer of the child from the holding cells to the court, maintaining order and safety in the court, investigating criminal cases and the performance of court orderly duties); and

- Issue a certificate for the expungement of a criminal record of a child, as contemplated in section 87(5) (b) of the Act.

CHAPTER 2: THE KEY PRIORITY PERFORMANCE AREAS IN THE NATIONAL POLICY FRAMEWORK FOR CHILD JUSTICE

2.1 Building Capacity in the Sector

2.1.1 Provide Training as per operational requirements

The SAPS through its Human Resource Development Division, develops learning programmes for training of officials in the department. The Child Justice Act has been included as a module in the Basic Police Development Learning Programme (BPDLP) since 2013 in order to make sure that newly enlisted members from the colleges are acquainted with the Act and what is required of them pertaining to the Act. **One thousand three hundred and twelve (1 312)** officials from all nine provinces were trained during the financial year 2018/2019.

Total number of members trained and found competent in the vulnerable children course (3519) for the period 2018-04-01 to 2019-03-31, as on 2019-04-16

The SAPS Vulnerable Children Learning Programme, is a one week in-service training curriculum, which is aimed at capacitating members on how to deal with children who are in conflict with the law, as well as those who are in need of care and protection. The Learning Programme includes information on the Act supported by the SAPS' National Instruction 2 of 2010 (*Children in Conflict of the Law*), as well as information on the Children's Act, 2005 (Act No 38 of 2005), supported by the SAPS' National Instruction 3 of 2010 (*The Care and Protection of Children in terms of the Children's Act*). The SAPS has trained a total number of **1 312** members who have been found competent in the Vulnerable Children Learning Programme, from 1 April 2018 to 31 March 2019.

2.1.2 Monitor and evaluate the impact of the training (effect on service delivery in child justice)

After every compliance visits conducted, SAPS Human Resource Development annually visit the identified provinces and focused on 10% of members trained on the specific learning programme according to the feedback and recommendations received, this is done as a research method to enable the SAPS to come up with the most possible ways to address the challenge. The impact study is conducted using the questionnaire to monitor and evaluate the implementation of the Act by the trained members.

2.2 Methods of securing attendance of children at preliminary inquiries

2.2.1 Dealing with children in conflict with the law in terms of the provisions of the Act

Police Officers utilize the prescribed SAPS 583 forms to secure a child's attendance at a preliminary inquiry, the forms are issued to the children on the basis of the compelling reasons. The SAPS 583(a) to (j) forms are utilised for a specific purpose when dealing with children in conflict with the law taking into consideration their ages and scheduled offence in question.

2.3 Management of Infrastructure for the Implementation of the Act

2.3.1 Consolidate the mapping of services available to children in conflict with the law

The SAPS as got One thousand one hundred and forty nine (1149) Police Stations country wide, all of which are having services available to children in conflict with the law. Because our detention facilities are not build in such a manner that they can house children they are always used as a manner of last resort if the Child and Youth Care Centre is not within a feasible driving distance.

2.4 Resources and budgets

2.4.1 Cost the roles and responsibilities

The SAPS utilizes its day to day operational budget in meeting its obligation in the implementation of the Child Justice Act, 2008 (Act No. 75 of 2008).

2.5 Public Education and Communication

2.5.1 Developing and submission of prevention intervention plans

Furthermore a total of 10(ten) National and 10(ten) Provincial public education and communication events were conducted to address child protection and children in conflict with the law. During the Child Protection Week 2018, the SAPS distributed 200 (two hundred) Child Justice Act playing cards, 500 Children's Act pamphlets and 250 rulers to the learners at the launch which took place on 27 May 2018 in Hatfield (Pretoria), Gauteng Province and at the closing event that took place on 03 June 2018 at Ladybrand in the Free State province.

In addition, the SAPS has a partnership with the Department of Basic Education through the Protocol on Crime and Violence in Schools. In the conducting of visits to schools, Police Liaison Officers are able to address issues that make children vulnerable to commit crimes and conduct searches on the request of the School Safety Committees or School Governing Bodies.

2.6 Monitoring and Evaluation of Information Management Systems

2.6.1 Integration of the information management systems of the various JCPS Cluster departments/ institutions

During the reporting period the South African Police Service ensured that the current electronic information management systems such as the Crime Administrative System (CAS) and the Operational Monitoring System (OPAM) were maintained to provide the data requirements as prescribed in Section 96 of the Child Justice Act, 2008 (Act No. 75 of 2008).

Information can be obtained from the enhanced Crime Administrative Systems and will be migrated to the Integrated Case Docket Management System once development and implementation is complete.

Statistics regarding charges against children for the period 01 April 2018 to 31 March 2019, are as follows:

Total criminal charges against children – **31 475**;
Total criminal charges against children for Sexual Offences – **2 742**; and
Total number of children charged – **31 475**.

Quarter	Female	Male		
April – June	372	2 880	3 252	
July - Sept	986	8 717	9 703	
Oct – Dec	1057	8 058	9 115	
Jan - March	971	8 434	9 405	
	3 386	28 089		31 475

No. of charges against children 2018-2019 financial year

The indication during 2018/2019 period is that there were more charges against girls for committing crimes than boys except during March 2018 period. Further analysis will be conducted to determine the reasons for this trend.

Quarter	Female	Male		
April – June	5	221	226	
July - Sept	12	744	756	
Oct – Dec	12	851	863	
Jan - March	17	880	897	
	46	2 696		2 742

No. charges against children - Sexual Offences 2018-2019 financial year

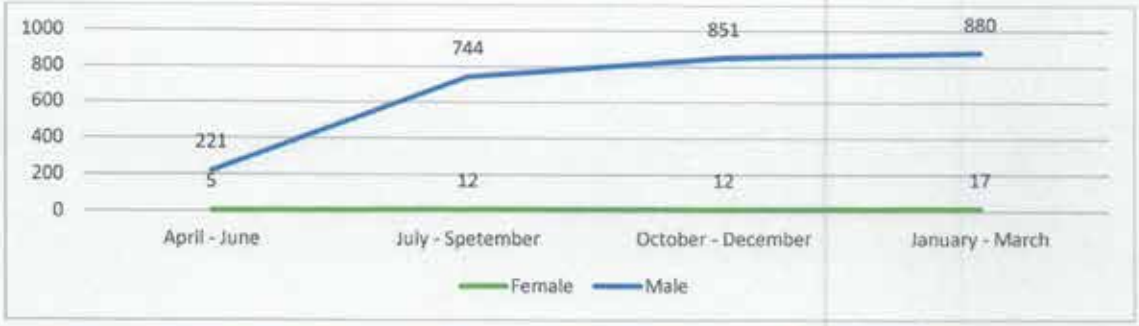
On sexual offences there is a prevalence of charges relating to males in comparison to females. Further analysis will be conducted to determine the reasons for this trend.

Statistics regarding the number of children charged for the period 01 April 2018 to 31 March 2019 is as follows:

Quarter	Female	Male		
April – June	372	2 880	3 252	
July - Sept	986	8 717	9 703	
Oct – Dec	1 057	8 058	9 115	
Jan - March	971	8 434	9 405	
	3 386	28 089		31 475

No. of children charged - 2018-2019 financial year

During the reporting period more boys than girls were charged for crimes, but during the period July to September 2019, there was a huge decrease of children charged. Further analysis will be conducted to determine the practice that was in place to reduce crime pattern.



Indicates a steady increase in sexual offences involving children during the 2018/2019 reporting period.

A summary of the charges against children since the implementation of the Act is as follows, and it shows that there has been a decrease of the number of children charged:

The comparison between sexual offences and other crimes for the 2017/2018 reporting period.

There is a steady decrease from 2011/2012 to 2013/2014 in general crime committed by children. This increases briefly during 2014/2015 and drops again in the subsequent periods. Regarding sexual offences there was an increase during the 2012/2013, 2014/2015, 2017/2018 and 2018/2019 periods. Further analysis will be conducted to determine the reasons for this trend.

From the above, it is clear that there has been a significant decrease in the number of charges against children since the implementation of the Child Justice Act, 2008, (Act 75 of 2008). The reasons will be determined through analysis.

The Research Division of the South African Police Service has been requested to assist with determining the reasons for the significant decreases. This will also be linked to the broader research that will be conducted by the Inter-sectorial Committee for Child Justice.

2.7 Monitoring and Evaluation

The SAPS continues to monitor and the implementation of the legal framework and directives. A total of **53** (fifty three) Police Stations were visited during the reporting period as follows:

PROVINCE	STATION	DATE
Eastern Cape	Ngcobo	05 June 2018
	Qumbu	06 June 2018

PROVINCE	STATION	DATE
	Ngangelizwe	07 June 2018
	Libode	10 September 2018
	Dutywa	11 September 2018
	Butterworth	12 September 2018
	Kei Bridge	13 September 2018
Free State	Springfontein	14 August 2018
	Trompsburg	15 August 2018
	Edenburg	16 August 2018
	Heilbron	14 August 2018
	Parys	15 August 2018
	Viljoenskroon	16 August 2018
Gauteng	Alexandra	28 May 2018
	Garankuwa	29 May 2018
	Mamelodi East	06 June 2018
	Springs	07 June 2018 & 26 June 2018
	Etwatwa	05 June 2018
	Riegerpark	06 June 2018
Mpumalanga	Embalenhle	10 July 2018
	Phola	11 July 2018
	Sunrda	12 July 2018
	Kwaggafontein	01 June 2018
	Graylinstad	30 May 2018
	Masoyi	26 July 2018
North West	Ikageng	24 July 2018
	Khuma	25 July 2018
	Jouberton	26 July 2018
	Setlagole	14 August 2018
	Ganyesa	15 August 2018
	Taung	16 August 2018
Northern Cape	Kanoeneiland	03 September 2018
	Batlaharos	04 September 2018
	Kuruman	05 September 2018
	Pampierstad	06 September 2018

PROVINCE	STATION	DATE
Limpopo	Maleboho	19 June 2018
	Thohoyandou	20 June 2018
	Vuwani	21 June 2018
	Matlerekeng	03 July 2018
	Elandskraal	04 July 2018
	Mara	05 July 2018
Gauteng	Sophiatown	03&04 October 2018
	Eldorado Park	14 November 2018
Kwazulu-Natal	Marianhill	21 January 2019
	Kwadekezi	22 January 2019
	Kwadabeka	23 January 2019
	Upper Tugela	24 January 2019
Western Cape	Montagu	15 January 2019
	Mfuleni	17 January 2019
	Malmesbury	12 March 2019
	Melkboksstrand	13 March 2019
	Harare	14 March 2019
	Somerset West	15 March 2019

CHAPTER 3: LIMITATIONS AND POSSIBLE INTERVENTIONS

3.1 Limitations

The following concerns were identified in the pre-assessment integrated compliance visits regarding the non-compliance with prescripts provided in the Act:

- Probation Officers (PO) are not always informed when a child is arrested or alleged to have committed an offence. Station Commanders were encouraged to ensure PO's are at times informed as prescribed.
- The contact details and local service working arrangements with the designated probation officer was not found at some of the police stations visited.
- The SAPS 583 forms were not utilized in most of the police stations visited, which didn't give an indication of the form used when the members dealt with the child in conflict with the law.
- Members were not clear on how to deal with unaccompanied illegal children and cases of children used by adults to commit crime (CUBAC).

3.2 Possible interventions

The South African Police Service has identified tentative dates to conduct Inter-Sectoral training at the top ten police stations in each province regarding cases registered in terms of the Child Justice Act, 2008 (Act 75 of 2008).

There will also be capacity building sessions during the financial year 2019/2020 to address the limitations that were encountered during the reporting period, in order to make sure that police officers are kept on par with what is expected of them with regards to the implementation of the act.

2018-2019

INTER-DEPARTMENTAL ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 75 OF 2008

DEPARTMENT OF HEALTH

health
Department:
Health
REPUBLIC OF SOUTH AFRICA

2030 NDP

Annual Report on the Implementation of The Child Justice Act, 2008 (Act 75 of 2008)

April 2018 to March 2019

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Acronyms

CJA:	Child Justice Act
CPA:	Criminal Procedure Act
DCS:	Department of Correctional Services
DoJ&CD:	Department of Justice and Constitutional Development
DoH:	Department of Health
DoE:	Department of Education
DSD:	Department of Social Development
ICT:	Information Communication Technology
NTISCCJ:	National Technical Intersectoral Committee on Child Justice
NPA:	National Prosecuting Authority
NPF:	National Policy Framework
SAPS:	South African Police Service

Official sign-off

It is hereby certified that this departmental half-year report was developed by the Department of Health (the department) and submitted in terms of Section 11 of the Child Justice Act, 2008 (Act 75 of 2008)(the Act). It highlights the achievements and limitations experienced in realizing the roles and responsibilities of the Department of Health espoused in the Act. The reporting period is from1 April 2018 to 31 March 2019.

Mr S Phakathi
Acting Chief Director:
Non-Communicable Diseases

Signature: _____

Dr Y Pillay
Deputy Director-General: Communicable and Non-Communicable Disease Prevention, Treatment and Rehabilitation

Signature: _____

1. Overview

1.1. The Child Justice Act, 2008 (Act 75 of 2008), hereafter referred to as "the Act" came into effect in 2010. The Act established a child justice system that respects the values and ethos of the Constitution in relation to protection of the rights of children in conflict with the Law. Section 28 of the Constitution expressly guarantees every child special protection and enjoyment of certain rights. In no particular order, this includes the right:

- not to be detained, except as a measure of last resort, and if detained, only for the shortest appropriate period of time
- to be treated in a manner and kept in conditions that takes into account the child's age
- to be kept separately from adults, and to separate boys from girls while in detention
- to be protected from maltreatment, neglect, abuse or degradation
- to family, parental or appropriate alternative care

1.2. Section 11(a) of the Act states that:

(1) the State must prove, beyond reasonable doubt, the capacity of a child who is 10 years or older, but under the age of 14 years, to appreciate the difference between right and wrong at the time of the commission of an alleged offence and act in accordance with that appreciation

(2) in making a decision regarding the criminal capacity of the child in question-

(a) the enquiry magistrate, for the purposes of diversion; or

(b) if the matter has not been diverted, the child justice court, for the purpose of a plea and trial, must consider the assessment report of the probation officer referred to in Section 40 and all evidence placed before the enquiry magistrate or a child justice court prior to diversion or conviction, as the case may be, which evidence may include a report of an evaluation to sub-section (3).

(3) an enquiry magistrate or child justice court may, on own accord, or on the request of the prosecutor or the child's legal representative, order an evaluation of the criminal capacity of the child referred to in sub-section (1), in the prescribed manner, by a suitably qualified person, which must include an assessment of the cognitive, moral, emotional, psychological and social development of the child. The Act identified psychiatrists and clinical psychologists as suitable professionals to conduct these evaluations.

1.3. The Act further provides for the development of the National Policy Framework (NPF) on Child Justice, which was published in the General Notice 801 of 2010, Government Gazette No 33461, dated August 2010. This is an overarching framework to ensure a uniform, coordinated and cooperative approach in the implementation of the Act by departments involved, by setting out the following key priority areas:

- building capacity in the sector
- ensuring assessments of children
- preliminary inquiries
- sentencing
- provision of diversion and alternative sentencing services
- establishment of child and youth care centres
- establishment of one stop child justice centres
- resources and budgets
- public education and communication
- development of necessary information communication technology (ICT) and integrated justice systems to support information management systems

1.4. The relevant key priorities for the health sector as stipulated in the National Policy Framework on Child Justice are:

- capacity building in the health sector
- ensuring assessments of children
- resources and budgets
- information and communication technology

1.5. The National Policy Framework further delineates roles and responsibilities for departments. For the Department of Health, the key responsibilities include:

- providing mental health facilities for children who are referred for observation/criminal capacity evaluations, or who are declared as State patients because of a mental health problem

- assisting with the provision of a suitably qualified person to conduct a criminal capacity evaluation and provide expert evidence regarding whether a child has criminal capacity in cases where the age of the child is equal to or older than the minimum age of criminal capacity but under the age of 14 years where required by the Court

1.6. Section 96(3)(b) of the Act requires the Minister of Justice and Correctional Services to table individual annual reports compiled by his department, the National Prosecuting Authority (NPA), the South African Police Service (SAPS), the Department of Social Development (DSD), the Department of Education (DoE) and the Department of Health (DoH) in Parliament. The departmental annual report is submitted in compliance with this provision of the Act.

2. Report

2.1 Priority 1: Building capacity in the sector

The department introduced initiatives aimed at building capacity for health professionals across all levels of the health system (from primary, regional, tertiary and specialised levels of care) on the implementation of Section 11 (3) of the Act.

Over the past two years (2016/2017-2017/2018) the department focused on improving skills capacity of health professionals at regional, tertiary and specialised levels of healthcare. In the reporting financial year, focus was on capacity building in forensic mental health services at primary healthcare level, which included the assessment of criminal capacity of children in terms of the Act.

The training programme on primary forensic mental health services was developed targeting members of the multi-disciplinary team who are involved in forensic mental health services at primary healthcare level. Services at this level are rendered in district hospitals, community health centres and clinics. The members of the multi-disciplinary team that underwent the training included primary healthcare nurses, outreach team members consisting of psychologists, psychiatrists, social workers and occupational therapists. Some of these health professionals were from stakeholder departments such as the Department of Correctional Services.

The training was conducted in all provinces by the Forensic Mental Health Directorate at the national Department of Health with the involvement of the provincial mental health specialists and mental health coordinators.

Pertaining to the Child Justice Act, issues addressed during the training programme includes *inter alia*:

- the legal provisions of the Act and the mandate of the Department of Health;
- Categories of professionals mandated in the Act to conduct criminal capacity assessments, including the expanded scope of the psychology professionals (educational and counselling psychologists);
- The five key developmental aspects of the child to be assessed and reported on for the Courts in terms of the Act; i.e. moral, educational, emotional, psychological and cognitive aspects;
- Referral pathways and systems between the Courts and the health system
- Contents of Court Order for criminal capacity assessments (Form 2)
- A template for the assessment report for the Courts.
- Other mechanisms to improve stakeholder collaboration among key departments on the implementation of the Act.

Other aspects of the training programme included follow-up care and re-integration of State patients into the community and family structure by primary healthcare providers. The pictures of the training sessions conducted in Limpopo, North West, KwaZulu-Natal, Western Cape and Free State are shown below.

Pictures 1: Training sessions in provinces

The training sessions in all the provinces were attended by 423 health professionals. Below is the breakdown of attendees per province and district.

Table 1: Training sessions conducted by March 2019

Date	Province	Districts	Officials trained	Number of officials trained
6 September 2018	Gauteng	West Rand, Sedibeng, Ekurhuleni, City of Johannesburg Tshwane	Provincial and district mental coordinators, psychiatrist, psychologists, nurses, social workers, occupational therapists	35
20 September 2018	Mpumalanga	Nkangala Ehlanzeni Gert Sibande	Provincial and district mental coordinators, psychiatrists, psychologists, nurses, social workers, occupational therapists, district specialist team members	40
10 October 2018	Limpopo	Vhembe, Sekhukhune Mopani, Waterberg, Capricorn	Provincial and district mental coordinators, psychiatrists, psychologists, nurses, social workers, occupational therapist	37
9 November 2018	KwaZulu-Natal	eThekwini, Harry Gwala Ugu, uMgungudlovu, Uthungulu, uMzinyathi Zululand, uMkhanyakude,Uthukela, iLembe, Amajuba	Provincial and district mental coordinators, psychiatrists, psychologists, nurses, social workers, occupational therapists	56
27 November 2018	Western Cape	Western Cape: Eden/Central Karoo District	Provincial and district mental coordinators, psychiatrists, psychologists, nurses, social workers, occupational therapists	45

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5 December 2018	Western Cape	Western Cape: West Coast, Cape Winelands, Overberg districts		35
12 December 2018	Free State	Motheo, Thabo Mofutsanyane, Lejweleputswa, Xhariep; Fezile Dabi	Provincial and district mental coordinators, psychiatrists, psychologists, nurses, social workers, occupational therapists	45
7 February 2019	Eastern Cape	Alfred Nzo Oliver Tambo	Provincial and district mental coordinators, psychiatrists, psychologists, nurses, social workers, occupational therapists	50
19 March 2019	North West	Dr Ruth Segomotsi Mompati Dr Kenneth Kaunda Ngaka Modiri Bojanala Platinum	Provincial and district mental coordinators, psychiatrists, psychologists, nurses, social workers, occupational therapists	43
13 March 2019	Northern Cape	Namakwa, ZF Mgcowa, Joen Taolo Gaetsewe, Pixley Ka Seme, Dr Francis Baard	Provincial and district mental coordinators, psychiatrists, psychologists, nurses, social workers, occupational therapists	37
Total				**423**

2.2 Priority 2: Ensuring criminal capacity assessments of children

Human resources to conduct criminal capacity assessments
The number of psychiatrists and psychologists in the public sector is limited. The department places an advert in local newspapers annually for private psychiatrists and psychologists who are prepared to conduct criminal capacity assessments of children in terms of the Act in order to complement the public sector capacity for this work.

An advert for private psychiatrists and psychologists in this regard was published in the local newspaper on 20 January 2019, shown below.

Picture 2: Advert for private psychiatrists and psychologists to conduct forensic mental health enquiries published in Sunday Times

January 20 2019 – BUSINESS TIMES

health

Department:
Health
REPUBLIC OF SOUTH AFRICA

Invitation for submission of details of private Psychiatrists and Psychologists who are prepared to Conduct Forensic Mental Health Enquiries for the Courts in terms of Section 79(9) of the Criminal Procedure Act and/or Assessment of Criminal Capacity of Children in terms of Section 11(3) of the Child Justice Act

According to Section 79(9) of the Criminal Procedure Act (Act No 51 of 1977 as amended) in respect of a panel for the purposes of the enquiry and report under Sections 77 and 78 of the Act, the Director-General: Health will compile and keep a list of Psychiatrists and Clinical Psychologists who are prepared to conduct any enquiry under this section; and Psychiatrists who are prepared to conduct any enquiry under section 286A (3), and will provide the Registrars of the High Courts and all Clerks of the Magistrate's Courts with a copy thereof.

Section 1(a) and (b) of the Regulation to the Child Justice Act, declares the Psychiatrists and Psychologists (Clinical, Counselling and Educational) to be competent to conduct the assessment of criminal capacity of a child between the age of 10-14 years referred to in section 11(3) of the Act.

The Department hereby invites private Psychiatrists and Psychologists who wish to conduct criminal capacity assessments of children in terms of the section 11 of the Child Justice Act and forensic mental enquiries in terms of Section 79(9) as well as Section 286A (3) of the Criminal Procedure Act, to submit their details for inclusion in the national 2019/2020 list. You are requested to submit the following information: Full names, contact details, business and residential address and your area of interest (enquiries in terms of Criminal Procedure Act or criminal capacity assessments of children in terms of the Child Justice Act or both) as well as a proof of the current registration with the relevant professional body.

Kindly note that the contracting and remuneration processes for this work will be handled by the Department of Justice and Constitutional Development. Enquiries in this regard should be send to Adv P du Rand, Chief Director: Court Services at tel (012) 315 1219 and email PduRand@justice.gov.za

Please submit your details to the Director-General: Department of Health, Private Bag X828, Pretoria, 0001, for the attention of Dr NE Mulutsi, Director: Forensic Mental Health.

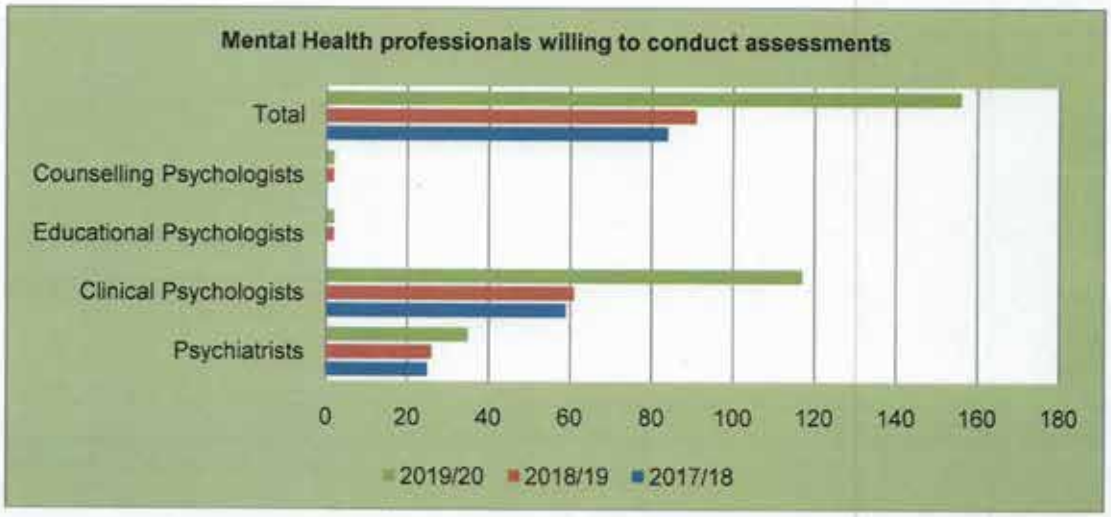
For enquiries please contact Mr MA Motaung at tel (012) 395-9533, Fax: 086 621 3395 or E-mail: MotauM@health.gov.za and Mompul@health.gov.za

Closing date for submission: 28 February 2019

A total of 160 clinicians (35 psychiatrists, 125 clinical psychologists, two educational and two counselling psychologists) submitted their details for inclusion in the 2018/2019 list of private clinicians willing to conduct criminal capacity assessments of children in terms of the Act. This database was submitted to the Department of Justice and Constitutional Development for distribution and implementation by the Registrars and Clerks of the Courts.

The number of enlisted health professionals per category is shown below.

Graph 1: Number and categories of private clinicians enlisted for criminal capacity assessments 2016/2017 - 2019/2020

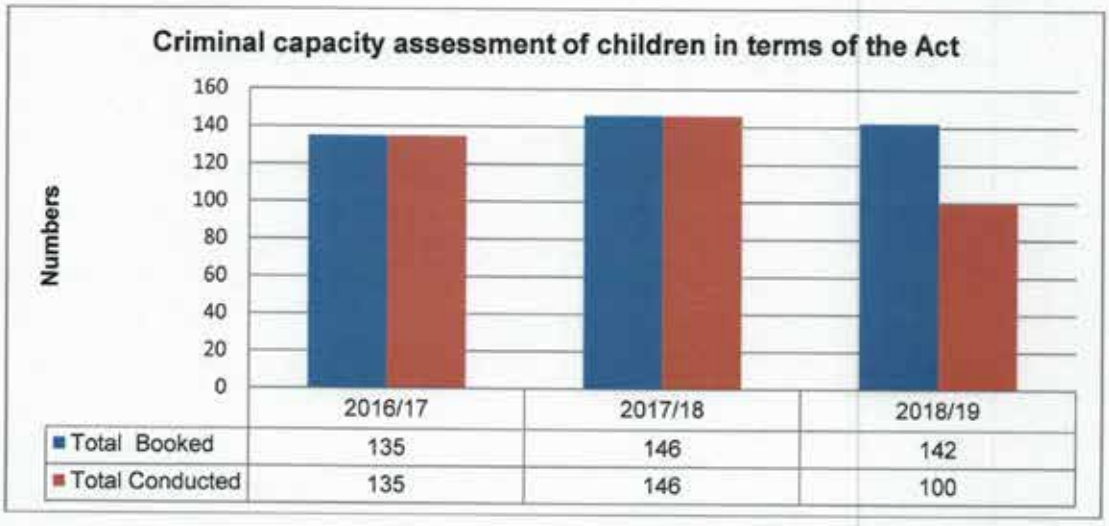


Although the number of private clinicians on the database is still low, the graph above illustrates a certain degree of growth in the interest of private psychiatrists on this work compared to 2016/2017-2019 financial years. This is attributed to the capacity building initiatives undertaken by the Directorate: Forensic Mental Health in the Department of Health, which has since stimulated interest among private clinicians to do forensic work. However, the low tariffs set by the Department of Justice and Constitutional Development on this work is one major factor to the overall numbers of private clinicians prepared to do the assessments. It is also important to note that there were no submissions from the private clinicians in Mpumalanga and the Northern Cape Provinces among all professional categories.

The department continually aim at improving mental health services in accordance with the Mental Health Care Act, 2002 (Act 17 of 2002) and the National Mental Health Policy Framework and Strategic Plan 2013-2020. These services include services provided to children referred by Courts for criminal capacity assessment. Out of 142 Court referrals for criminal capacity assessments, 100 were conducted by March 2019.The backlog has accumulated in Gauteng and the Western Cape Provinces. This is largely due to limited utilization of private clinicians on the Departmental database by the Courts to undertake this work. The Department is engaging provincial stakeholders on mechanisms to address this challenge.

The number of Court referrals for criminal capacity assessments and cases conducted from 2016/17-19 is shown below.

Graph 2: Comparative analysis of Court bookings and criminal capacity assessments conducted from 2016/2017 to 2018/2019



The Forensic Mental Health Directorate at the national Department of Health participates in the National Technical Committee (ISCCJ) and the DG-ISCCJ forum at the Department of Justice and Constitutional Development. In provinces, the mental health coordinators participates in the monthly Child Justice For a, which are aimed at unblocking bottlenecks in the system in this area. Challenges identified on criminal capacity assessments are reported by chairpersons in these for a for intervention, thus adopting a case management approach on issues pertaining to Child Justice.

2.3 Priority 3: Resources and budgets

Financial resources

There is no stand-alone budget dedicated for the implementation of the Act in the health sector. The resources and budgets used to implement this mandate are integrated into the general health budget allocated to hospitals for mental health services.

Infrastructure

There is no separate infrastructure for criminal capacity assessments in the health sector. These assessments are conducted at the existing designated psychiatric hospitals in provinces.

2.4 Priority 4: Public education and communication

Mental health promotion and illness prevention awareness campaigns are conducted throughout the year, with special emphasis on mental illness in July and mental health in October every year. Child and adolescent mental health issues are included in the public awareness campaigns in various platforms including the local schools so as to reduce the risk factors to mental illness and substance abuse and enhance early detection, thereby curbing the risk of children coming in contact with the law.

2.5 Priority 5: Information and communication technology

The department is collecting data from the designated psychiatric hospitals on this legislative mandate on the data elements are:

- total number of children referred/booked for criminal capacity assessments
- total number of criminal capacity assessments conducted
- total number of children on the waiting list for criminal capacity assessments

2.6 Other interventions put in place to improve the departmental compliance with the legislative mandates

- The Department of Health, in collaboration with the national Department of Justice and Constitutional Development participated in the provincial Child Justice Fora in KwaZulu – Natal, Free State and Western Cape province. This was aimed at addressing local challenges with the relevant stakeholders such as the South African Police Services the Department of Social Development.

- An interdepartmental protocol on criminal capacity assessment was developed and approved by the heads of all stakeholder departments, pending the Department of Social Development. This protocol is aimed at clarifying the roles and responsibilities for each department, thus improving the implementation of the Act.

- A reporting template to guide health professionals on report compilation for the Courts following criminal capacity assessments was developed and approved by the National Technical Committee on Child Justice. The template is be further approved at the Director-General Intersectoral Committee for implementation. This will provide guidance, structure on report compilation as well as improve the quality of reports for the Courts on the assessments conducted.

- Inputs to amend Form 2 of the Regulations to the Child Justice Act were submitted to the Department of Justice and Constitutional Development to make provision for the Clerks of the Courts to attach all relevant information with the booking for criminal capacity assessment at the designated health establishments. This will be integrated in the amendment of the Regulations by the Department of Justice and Constitutional Development.

3. Conclusion

The department is committed to improving compliance with the legal mandates emanating from the Child Justice Act to ensure efficient health system for children who are in contact with the Law.

DEPARTMENT OF BASIC EDUCATION

basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

Department of Basic Education`s inputs into 2018/ 2019 Annual Report on the implementation of the Child Justice Act 2008

1. Transfer of schools

The Children's Act 38 of 2005 provides for the protection of children in need of care and protection and for the establishment of child and youth care centres which provide for the reception, development and care of children in terms of Chapter 10 of the Act. The child and youth care centres are managed by the Department of Social Development (DSD) and the Department of Basic Education (DBE) is responsible for the educational programmes for the children sentenced to compulsory residence in child and youth care centres. The next section of the report provides progress in respect of provinces.

Mpumalanga was the first province where the transfers of the schools from DSD to DBE took place. However, Vaalrivier still remains with the Provincial Department of Education as a school. The rest of the schools in this province, namely, George Hofmeyer, Ethokomala and Vikelwa have been transferred to and registered as Child and Youth Care Centres (CYCCs) by the Department of Social Development. In the Eastern Cape, the two Schools of Industry, namely, Gali Tembani and Bhisho Centre have been transferred to the Department of Social Development.

Ottery Youth Care Centre in the Western Cape has been granted provisional registration as a CYCC by Western Cape Department of Social Development. The Department has indicated that they will not require Wellington and Eureka as CYCCs, as the MEC for Education has converted these into Schools of Skills, functioning with

effect from January 2017. Die Bult was transformed into a high school and renamed Heatherlands High School, as from January 2016.

The School of Industry for Girls, Daeraad in the North West, has not yet been transferred to the Department of Social Development. The Schools of Industry in the Free State have also not been transferred. The Memorandums of Understanding (MOUs) between the Department of Social Development and Free State and North West Departments of Education has been signed. The transfer process regarding the transfer of Newcastle School of Industry in KwaZulu-Natal is still under discussion. KwaZulu-Natal Department of Education has decided to utilise Bersig School and Mimosadale School of Industry as special schools.

Table 1 below provides a summary on the status of the transfer process regarding reform schools:

SCHOOL	PROVINCE	STATUS
Ethokomala	Mpumalanga	Transferred
Eureka	Western Cape	No transfer as yet
Gali Tembani wing	Eastern Cape	Transferred
Kraaifontein	Western Cape	Converted to special school
Newcastle	KwaZulu-Natal	No transfer has taken place
Bhisho CYCC	Eastern Cape	Transferred

Table 1: Status of transfer regarding reform schools

Table 1 below provides a summary on the status of the transfer process regarding schools of industry:

SCHOOL/CENTRE	PROVINCE	STATUS
Gali Tembani	Eastern Cape	Transferred
Bergsig	KwaZulu-Natal	Converted to special school
Mimosadale	KwaZulu-Natal	Converted to special school
Daeraad	North West	MOU signed, but not yet transferred
Emmasdal	Gauteng	Transferred
JW Luckhoff	Gauteng	Transferred
George Hofmeyr	Mpumalanga	Transferred
Vaalrivier	Mpumalanga	Converted to school

Vikelwa	Mpumalanga	Transferred
Jimmie Roos	Free State	MOU signed, but not yet transferred
Rosenhof	Free State	MOU signed, but not yet transferred
De Bult	Western Cape	Converted to special school
Wellington	Western Cape	Converted to special school
Ottery	Western Cape	To remain Child and Youth Care Centre

Table 2: Status of transfer of schools of industry

Table 1 and 2 above suggests that the schools that have been transferred to the Department of Social Development have become CYCCs and have thus ceased to function as schools of industry and reform schools.

Table 3 below provide a summary on the number of youth in CYCCs that are managed by the Provincial Departments of Education by age and gender.

Rosenhof, Free State						
	12-13	**14-15**	**16-17**	**Total children (0-17)**	**18 +**	**Total**
Male	0	0	0	0	0	**0**
Female	1	27	50	78	29	**107**
Total	1	27	50	78	29	**107**
Jimmie Roos, Free State						
	12-13	**14-15**	**16-17**	**Total children (0-17)**	**18 +**	**Total**
Male		15	66	81	83	**164**
Female		0	0	0	0	**0**
Total		15	66	81	83	**164**
Newcastle Reform School, KwaZulu-Natal						
	12-13	**14-15**	**16-17**	**Total children (0-17)**	**18 +**	**Total**
Male			14	14	14	**28**
Female			0	0	0	**0**
Total			14	14	14	**28**
Daerraad School, North West						
	12-13	**14-15**	**16-17**	**Total children (0-17)**	**18 +**	**Total**
Male		0	0	0	0	**0**
Female		19	32	51	27	**78**
Total		19	32	51	27	**78**
Ottery School of Industry, Western Cape						
	12-13	**14-15**	**16-17**	**Total children (0-17)**	**18 +**	**Total**
Male	7	24	32	63	3	**66**
Female	0	0	0	0	0	**0**
Total	7	24	32	63	3	**66**

Table 3: Number of youth in Child Youth Care Centres by age and gender

	12-13	14-15	16-17	Total children (0-17)	18 +	Total
Male	7	24	32	63	3	66
Female	0	0	0	0	0	0
Total	7	24	32	63	3	66

1. **Curriculum Delivery at the Child and Youth Care Centres**

An adapted curriculum is followed in CYCCs to ensure that a diverse range of learners' educational needs are met. A significant proportion of youth admitted experience severe behaviour problems as well as learning difficulties. Therefore, CYCC provide an orientation programme to ensure that they are ready to participate in learning programmes. This means that CYCCs provide a diverse range of curriculum offerings, depending on the kind of learner that they have. This is critical given the fact that some of the learners have not been to school, and therefore require learning programmes that include basic literacy and numeracy. However, some CYCCs offer the National Curriculum Statement (NCS), others a selection of subjects from the NCS with an orientation towards technical skills offerings, while the rest offer Adult |Education and Training (AET) and technical skills programmes.

2. **School Safety and Creation of Safe Learning Environments**

The Department of Basic Education contributes towards a regional Care and Support for Teaching and Learning (CSTL) framework which is right-based agenda and informs the broader strategy of the Department. **The National School Safety Framework** (NSSF) is the main instrument that guides all programmes on school safety across the sector.

In response to the challenges of school violence and criminality, the Department of Basic Education in collaboration with the South African Police Service (SAPS) through the Protocol is rolling out a number of interventions including strengthening of Life Orientation to respond to the negative behaviour patterns that are inherent in violent societies.

3.1.1 Partnership protocols have been strengthened with sister Departments, Including SAPS, Road Traffic management Corporation (RTMC), Road Accident Fund (RAF), to mention but a few.

3.1.2. Protocols on Corporal punishments and Sexual harassment were developed and distributed to all schools in order to strengthen consequence management by all managers. The Protocols provide a national framework to standardise the education sector's response to corporal punishment and sexual abuse and harassment of learners and outlines the roles and responsibilities at all levels of the system in case management of these incidences. Accountability is placed to parents/guardians and all officials to report and take all necessary steps to secure the rights of the child.

3.1.3 The Department has also partnered with the Department of Cooperative Governance and Traditional Affairs (COGTA) in the development of the Guidelines for Disaster and Risk Management. Initial focus is on schools for learners with disabilities. A partnership with the Disaster and Risk Management Centre and SANTAM insurance company is a welcome partnership that assists schools to develop plans in mitigation of the risks within their perimeters.

3.1.4 The Department of Basic Education (DBE), in partnership with SAPS serves in the National Intelligence Coordinating Committee (NICOC) dealing specifically with the Anti-**Gangsterism Strategy**. Focus for the Department is Eastern Cape Province, Norther Region which comprises of Port Elizabeth Education District. A multi-stakeholder task team, co-chaired by DBE and the Provincial Department of Community Safety was established as mechanism to coordinate and manage the implementation of the strategy. Positive results are showing and access

to the right to a basic education as well as stability in the community surrounding the affected schools is restored.

3.1.5 In November 2018, the DBE held a School Safety Summit amid the ongoing safety challenges that schools are experiencing. The objectives of the Summit were to firstly, to reflect on work done by stakeholders in relation to school safety, particularly in the context previous declarations; secondly, identify gaps and provide solutions with regards to school safety; lastly, reflect on previous summits in terms of successes, challenges and make recommendations on the way forward on how best to strengthen safety nets in schools. The Summit concluded that a constituency-based coordinating structure be formed to coordinate a multi-sectoral response to social ills confronting learners and educators in all learning environments. The National **School Safety Steering Committee** (NSSSC) was established and was tasked to develop an action plan with clear performance indicators, to ensure accountability and develop mechanisms for reporting or disseminating information on successes and challenges of schools.

Approval

The report is a true reflection of the activities relating to **the implementation of the Child Justice Act of 2008** by the Department of Basic Education as input to the **2018/ 2019 Annual Report**.

MR HM MWELI
DIRECTOR-GENERAL
DATE: 30/08/2019

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