2019/20 INTER-DEPARTMENTAL ANNUAL REPORTS

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

Department of Justice and Constitutional Development
National Prosecuting Authority
Legal Aid South Africa
Department of Social Development
Department of Correctional Services
South African Police Service
Department of Health
Department of Basic Education

Child Justice

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DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

ANNUAL REPORT

ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 2008 (ACT 75 of 2008)

the doj & cd
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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.

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OVERVIEW

The successful implementation of the Child Justice Act, 2008 (Act No 75 of 2008)[1] relies, to a great extent, on the intersectoral cooperation and coordination between the various key stakeholder Departments/Institutions. Section 94 of the Act established an Intersectoral Committee for Child Justice[2] with the Director-General of Justice and Constitutional Development[3] as the chairperson. This coordination and inter-agency work from South Africa through the intersectoral government committee was highlighted as a promising model in the United Nations' Report on Children deprived of liberty, launched in December 2019.[4]

The United Nations Committee on the Rights of the Child, in General Comment 24 of 2019[5] again emphasises the need for quality training in the administration of child justice to all the professionals involved. The Department utilises the Justice College to provide intersectoral training to all stakeholders on a continuous basis and during the reporting period a total of 393 stakeholders were trained on the provisions of the Act and their respective roles and responsibilities in dealing with children in conflict with the law. A further 317 officials, mainly clerks of the court, were trained on the capturing of data on the Integrated Case Management System (ICMS): Child Justice Module to ensure the collection of reliable data as part of the management and monitoring of the flow of children through the child justice system.

A 5.8% increase has been recorded in the number of new preliminary inquiries registered during the reporting period compared to the 2018/19 reporting period. Like the previous reporting period 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. 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 18.6% of the total number of charges against children recorded during preliminary inquiries, followed by theft (11.1%) and assault (10.4%).

Offences with an element of violence were still some of the top charges against children who appeared at preliminary inquiries. Research has pointed out that exposure to violence at a young age plays an important role in the development of violent criminal behaviour later on in life and there is therefore a need to include children in violence prevention strategies from a young age. Interventions at family level should address the structural drivers that underpin violence against women and children such as poverty, substance abuse and social norms that condone violence in an integrated way.

A total of 49.4% of the matters in preliminary inquiries were referred to child justice courts for plea and trial and 28.5% of the matters were diverted during the preliminary inquiry. The majority of the cases referred to child justice courts involved 16 and 17 year old children.

The top charge against children aged 10 to 13 years old, while awaiting trial, remains rape. The top charge against children aged 14 to 17 was assault with the intention to do grievous bodily harm.

1 Hereinafter referred to as the Act
2 Commonly referred to as the Directors-General Intersectoral Committee for Child Justice
3 Section 94(2)(a) of the Act
4 Nowak, M. 2019. United Nations Global Study on Children Deprived of Liberty.
5 CRC/C/GC/24

Against the backdrop of the available data sets, it appears that 10 year old children are more likely to be released on warning, while 11, 12 and 13 year old children are more likely to be released in the care of a parent/guardian or appropriate adult. Children aged 14 and 15 years old are more likely to be released on bail, whilst 16 and 17 year old children are more likely to be detained in Correctional Facilities while awaiting trial.

A decrease in the number of convictions recorded and an increase in the number of acquittals were noted during the reporting period, thus resulting in a decrease in the number of sentences imposed on children in all the sentencing options available to the courts.

The majority of 14 to 17 year old children were convicted on charges of housebreaking with intention to steal and theft and these property crimes may be linked to socio-economic challenges of high unemployment and poverty experienced in the country.

Sentences of imprisonment followed convictions on charges of housebreaking with intention to steal and theft (24%), rape (11%), theft (9%) and assault with the intent to do grievous bodily harm (9%).

The Nerina One Stop Child Justice Centre again recorded the highest number of new preliminary inquiries in the 2019/2020 financial year compared with the other two One Stop Child Justice Centres, namely Mangaung and Matlosana.

The National Technical Committee for Child Justice (NT ISCCJ) established a task team to respond to the findings of the Viability Study on the Establishment of One Stop Child Justice Centres with a view to investigate alternative structures due to budget constraints and the under-utilisation of the current Centres.

Every year, the Department continues with public education interventions and during this reporting period approximately 22 528 community members, including school children, parents and teachers were reached through 112 outreach events held.

The developments within the child justice legal framework during the reporting period included the ratification of the Optional Protocol to the Convention against Torture (OPCAT) and the National Preventive Mechanism which will improve the protection of children deprived of liberty.

A lot more information is articulated in this Report. It is also worth mentioning that the National Intersectoral Technical Committee for Child Justice and the Directors-General Intersectoral Committee on Child Justice recommended the tabling of this Report in Parliament by the Minister of Justice and Correctional Services, as required by the Act.

CHAPTER 1

THE LEGAL FRAMEWORK IN CHILD JUSTICE

CHAPTER 1: THE LEGAL FRAMEWORK IN CHILD JUSTICE

1.1. THE CHILD JUSTICE ACT, 2008 (ACT NO 75 OF 2008)

The preamble of the Act recognizes that before 1994 South Africa did not give many of her children, particularly African children, the opportunity to live and act like children. As a result of these circumstances, some children still continue to find themselves coming into conflict with the law. The preamble also emphasizes that the laws of the past did not effectively approach the plight of children in conflict with the law in a comprehensive and integrated manner that took into account their vulnerability and special needs. The Child Justice Act therefore aims to correct this position and to improve the protection of the constitutional rights of children in conflict with the law.

The Act came into operation on 1 April 2010 to create a child justice system in the country which will treat children as children and also encourage their participation in proceedings where decisions affecting them might be taken.

1.2. OTHER APPLICABLE DOMESTIC VIOLENCE

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

It would, however, be proper to first list the pieces of legislation that protect the rights of children in South Africa:

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 protective measures relating to the National Register for Sex Offenders
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. It also 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

Various international and regional instruments relating to the protection of the rights of children have been ratified by South Africa, and these include:

INTERNATIONAL

- The Declaration of the Rights of the Child (General Assembly Resolution 1386 (XIV) on 20 November 1959);
- UN Convention on the Rights of the Child, 1989;
- 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) (Havana Rules), 1990;
- UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), 1990;
- UN Committee on the Rights of the Child General Comment No 24 of 2019 on Children's Rights in the Child Justice System;
- Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or DegradingTreatment or Punishment, 2002;
- 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

REGIONAL

- The African Commission on Human and Peoples' Rights developed Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa;
- The African Charter on the Rights and Welfare of the Child, 1990

The Department contributes its performance in country reporting on compliance with the international and regional obligations. As reported in the previous reporting period, South Africa participated in the United Nations Global Study on Children Deprived of Liberty. The Department facilitated the collection of data from different government sources to compile this Report.

The Regional Launch of the Report was held on 9 December 2019 at the University of Pretoria. The Report referred to the promising example of coordination and inter-agency work from South Africa through the intersectoral government committee.[6]

6 Nowak, M. 2019. United Nations Global Study on Children Deprived of Liberty.

CHAPTER 2

GOVERNANCE STRUCTURES

CHAPTER 2: GOVERNANCE STRUCTURES

2.1 INTRODUCTION

One of the objects of the Act is to promote co-operation between government departments, and between government departments and the non-governmental sector and civil society, to ensure an integrated and holistic approach in the implementation of the Act. Section 94 of the Act gives effect to this objective by establishing an Intersectoral Committee for Child Justice[7] with the responsibility to monitor the implementation of the Child Justice National Policy Framework and ensuring that the different organs of state comply with the primary and supporting roles and responsibilities allocated to them in terms of the Act.

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

The members of the Directors-General Intersectoral Committee for Child Justice (DG ISCCJ) are identified by section 94(2) of the Act as being the Directors-General of the Department of Justice and Constitutional Development, the Department of Social Development, the Department of Health, the Department of Basic Education, as well as the National Commissioner of the South African Police Service, the Commissioner of Correctional Services and the National Director of Public Prosecutions. The Act requires this Committee to meet at least twice every year and report in writing to the Minister of Justice and Correctional Services within one month of every meeting.

The DG ISCCJ co-opted the Chief Executive Officer of Legal Aid South Africa and a representative of the Chief Magistrates Forum as members. Section 96 of the Act sets out the responsibilities, functions and duties of this Committee, which must be executed with coordination and support as guiding principles between stakeholders.

As indicated, the Act requires the meetings of the DG ISCCJ to be convened twice every year followed by a report to the Minister of Justice and Correctional Services within one month after each meeting.

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

During this reporting period the committee held three (3) meetings where the following issues were on the agenda:

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

Date	Agenda Items and Resolutions
5 July 2019	• Progress report by DSD on the milestones achieved in the implementation of the Integrated Social Crime Prevention Programme of Action that falls within mandate of the ISCCJ. • Progress on the development of the Unique Person Identifier system in the integrated system to trace the movement of the case in the child justice system.
23 August 2019	• Progress on the implementation of the court order dated 2 August 2018 in the case Centre for Child Law v MEC for Social Development and 6 others – children with behavioural disorders. • Adopted the Protocol on the Establishment and Management of the Nerina OSCJC. • Adopted the Criminal Capacity Assessment Guide.
25 October 2019	• Adopted the 2018/19 Departmental Annual Reports on the implementation of the Child Justice Act and recommended to the Minister of Justice and Correctional Services that he tables them in Parliament, as required by the Act. • Considered the report on the matter the Director of Public Prosecutions, South Gauteng (applicant) and Minister of Justice and Correctional Services (respondent) and the Centre for Child Law (Amicus Curiae) in re: the State and LM and three others on to the constitutionality of section 4(1)(b) of the Drug and Drug Trafficking Act, 1992 (Act 140 of 1992) as it criminalises the use and/or possession of cannabis.

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

The Committee also complied with section 95(b) of the Act and submitted written reports to the Minister of Justice and Correctional Services within a month of each meeting were submitted.

The DG ISCCJ held a Workshop on 7 August 2019 to consider the 2018/19 Annual Reports on the implementation of the Child Justice Act and these were adopted for tabling by this Committee on 23 August 2019.

On 27 September 2019 the Minister tabled in Parliament the Departmental Annual Reports on the Implementation of the Child Justice, as required by section 96(3)(b) of the Act.

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

The National Technical Intersectoral Committee for Child Justice (NT ISCCJ) provides support to the Directors- General Intersectoral Committee for Child Justice and consists of representatives from the national implementing Departments/ Institutions[8], chairpersons of the 9 Provincial Child Justice Fora (PCJF), Chapter 9 Institutions, the judiciary and non-governmental organisations (NGO's) working in the child justice sector. This Committee meets bi-monthly and is chaired by the Department of Justice and Constitutional Development. The Department of Social Development serves as the deputy chair of the Committee.

8 As listed under section 94(2) of the Act

During this reporting period the NT ISCCJ met five (5) times, and executed the following resolutions:

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

DATES	AGENDA ITEMS AND RESOLUTIONS
14 May 2019	• Adopted the Task Team Report on the investigation of the discrepancies on Statistics collected by stakeholders, and corrected certain inconsistencies. • Considered training programme offered to SAPS personnel. • Recommended that NPA issues a national circular requiring the recording of reasons for withdrawal of charges so as to assist in data analysis. • Monitored progress in the development of the Protocol on the Establishment and Management of One Stop Child Justice Centre (OSCJC) at Mangaung and Nerina
23 July 2019	• Considered feedback on the implementation of Developmental Quality Assurance and Report at Soshanguve Child and Youth Care Centre (CYCC). • Considered and adopted the report on the availability of education provided in CYCCs by DBE and on the content of the education. • Considered and adopted the Report progress on Criminal Capacity Assessment Guidelines adopted by the DG ISCCJ. • Considered and adopted Report on the development of the Strategic Plan for the Intersectoral Committee for Child Justice (NPF Implementation Plan and Research Findings. • Considered the Report on the progress on South Gauteng High Court review judgment in LM and Others v DPP Gauteng (Centre for Child Law) (Cannabis case).
27 January 2020	
10 March 2020	

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

2.3.1 WORKSHOPS CONDUCTED BY THE NT ISCCJ

Adoption of Annual Reports for Tabling: The National Technical Intersectoral Committee for Child Justice held a Workshop on 5 August 2019 to consider the 2018/19 Annual Reports on the implementation of the Child Justice Act and thereafter recommended to the DG ISCCJ to request the Minister of Justice and Correctional Services to table them in Parliament, as required by the Act.

Surge of Violence at Schools: On 17 and 18 September 2019 the NT ISCCJ conducted another Workshop to explore possible interventions against the surge of violence at schools. A decision was taken that the Department of Basic Education should lead the process to amend the existing Protocol on School Safety to include other role players such as the Departments of Social Development and Health and not only the South African Police. It was also agreed that Provincial School Safety Coordinators be invited to the Provincial Child Justice Forum (PCJFs) meetings to provide information on the trends of school violence in the Provinces to enable the Provincial Child Justice Forums (PCJFs) to participate in intervention initiatives.

The Inter-Provincial School Safety meeting was attended by the Department on 20 February 2020 and the Provincial School Safety Coordinators were informed of the work of the National Technical Intersectoral Committee for Child Justice (NT ISCCJ) and the Provincial Child Justice Forums (PCJFs) and the need for them to attend the Provincial Child Justice Forums (PCJFs) meetings.

2.4 THE PROVINCIAL CHILD JUSTICE FORA (PCJF)

Provincial Child Justice Forums (PCJFs) provide support to the National Technical Intersectoral Committee through the monitoring of the implementation of the Act and the National Policy Framework for Child Justice on provincial level. The Provincial Child Justice Fora (PCJF) meets bi-monthly in the provinces and reports to the NT ISCCJ.

CHAPTER 3

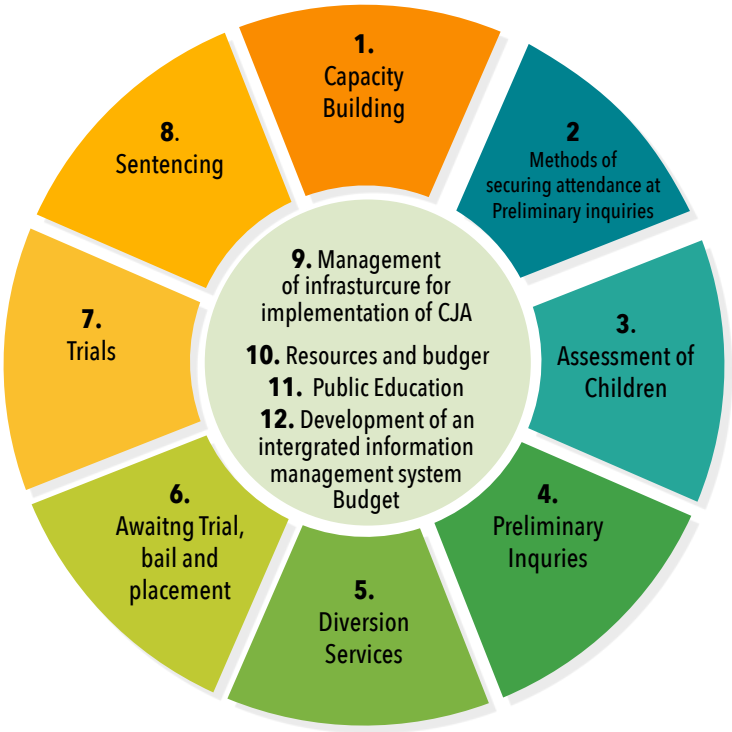
THE KEY PRIORITY PERFORMANCE AREAS IN THE NATIONAL POLICY FRAMEWORK FOR CHILD JUSTICE

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:

Figure 1: 10 Key Priority Areas of Reporting According to the National Policy Framework



The Report only includes information and progress 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 capacity were as follows:

3.2.1.1 HUMAN CAPACITY

Due to budget constraints, the Department has introduced multi-tasking and multi-skilling at administrative level; as a result no new appointments of dedicated child justice clerks were made during the reporting period.

3.2.1.2 CAPACITY BUILDING (SKILLS TRAINING)

In Child Justice, the Department offers skills training on the Child Justice Act and on how to use the Integrated Case Management System (ICMS) Child Justice module to improve data collection at court level. The capacity building conducted during the reporting includes the following:

Table 3: Skills Training: 01 April 2019 to 31 March 2020

Province	Total Number of officials trained	Content of the training	Outcome of the training
KwaZulu-Natal	40 Officials	Roles and responsibilities of stake-holders in the implementation of the Child Justice Act (CJA)	Improved understanding of the roles and responsibilities of stakeholders in terms of the CJA
Limpopo	160 Officials	Intersectoral Implementation of the CJA	• Implementation challenges identified and dealt with • Roles and responsibilities understood • Best practices shared • Teamwork strengthened
Western Cape	51 Officials	Capturing data on ICMS CJ; Roles and responsibilities of clerks,	Improved implementation of the Act and data capturing
Mpumalanga	50 Officials	The provisions of the Child Justice Act and reporting on diversions outcomes.	Improved implementation of the Act in courts; improved diversion services and better data capturing
Free State	16 Officials	The provisions of the Child Justice Act	Improved administrative services in child justice
Justice College	393 stakeholders	Provisions of the Child Justice Act and Roles and Responsibilities of various stakeholders in terms of the Act.	Improved implementation of the Act by all stakeholders.
PRVG[1] and the NT ISCCJ	408 stakeholder officials	Amended National Policy Framework for Child Justice (NPF CJ)	Knowledge and understanding of the NPF CJ
Total trained	1 118		

During this reporting period the Department trained 1 118 justice officials and Child Justice Stakeholders on the Act to improve the intersectoral implementation of the Act. Clerks of the court and data capturers were also trained on how to improve data collection, accuracy and reliability at court level.

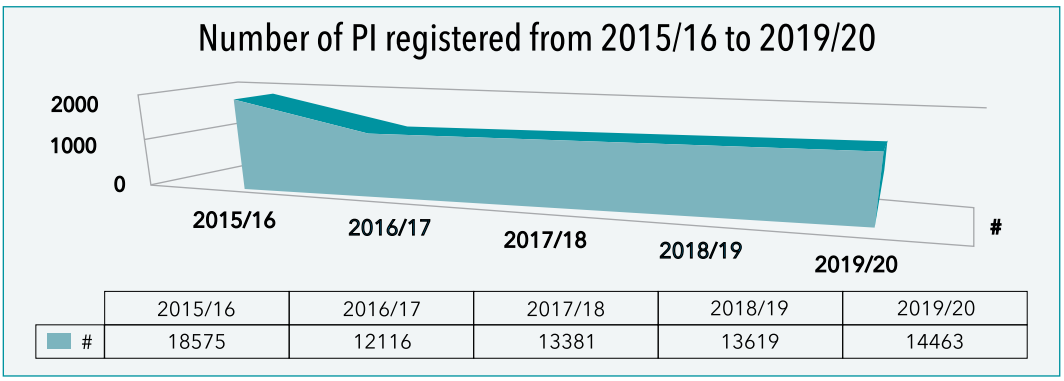
3.2.2 PRELIMINARY INQUIRIES

In order to facilitate the disposal of cases in the best interests of children, the Act introduced the preliminary inquiry process as an informal pre-trial and inquisitorial inquiry to ensure that the children are dealt with as children and given an opportunity to participate in the proceedings concerning them. One of the objectives of the preliminary inquiry is to establish the suitability of diverting cases of children in conflict with the law from the conventional criminal justice system to mitigate possible adverse effects resulting from this system.

One of the Key Performance Indicators (KPI) of the Department's Annual Performance Plan focuses on the finalisation of child justice preliminary inquiries within 90 days after the date of first appearance. The 2019/2020 target for performance on this Key Performance Indicator (KPI) requires the finalisation of 85% child justice preliminary inquiries within 90 days after the date of first appearance. During this reporting period, the Department exceeded the set target and achieved a 94% finalisation of inquiries within 90 days after the date of first appearance.

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

Figure 2: Preliminary Inquiries (2015/16 to 2019/2020)



Source: Integrated Case Management System: Child Justice

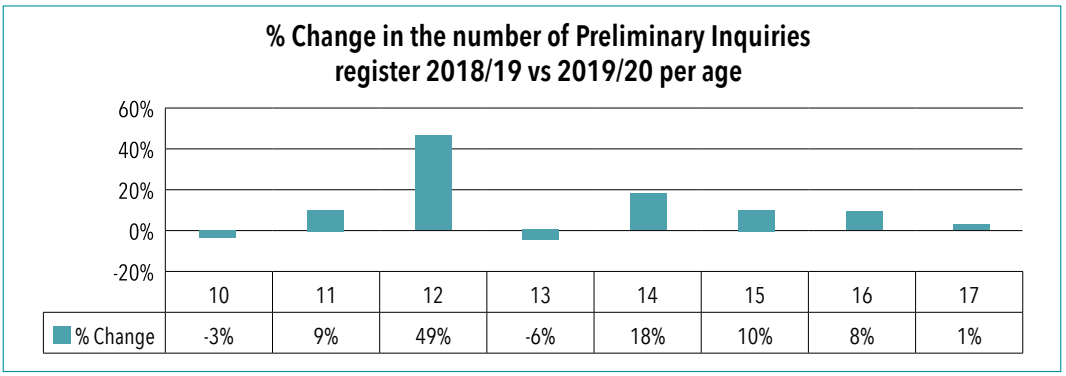
A 5.8% increase in the number of preliminary inquiries registered was recorded during the reporting period, compared with the 2018/2019 financial year. The data sets of preliminary inquiries will be compared with the number of charges recorded by South African Police Service (SAPS) and the number of decisions to prosecute made by the National Prosecuting Authority (NPA) to determine the correlation between these numerals.

Table 4: Ages of children at Preliminary Inquiries (PI) 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
2019/2020	37	83	277	498	1 393	2 452	4 012	5 711
% Contribution per age for 2019/2020	0,3%	0,6%	1,9%	3,4%	9,6%	17,0%	27,7%	39,5%

Children aged 10 and 11 years represented 0.9% of the total number of preliminary inquiries registered during the reporting period, whilst 16 and 17 year old children were again the majority of children appearing in preliminary inquiries, at 27,7% and 39,5% respectively.

Figure 3: Percentage Change in Preliminary Inquiries Registered per Age



Compared with the previous year, the 2019/20 data indicates that:

- There was an increase of 49% preliminary inquiries registered of children aged 12 years.
- Children age 13 had a decrease of 6% in the number of preliminary inquiries registered during 2019/2020;
- Children aged 14 to 16 years register a combined increase of 34%.
- There was only a 1% increase in the number of preliminary inquiries registered for 17 year old children.

From the backdrop of these figures, the need for enhanced social crime prevention for the 12 year olds. The need for family rehabilitation programmes focusing on the upbringing of children aged 12 to 16 years has become more urgent than before.

3.2.2.1. OUTCOMES OF THE PRELIMINARY INQUIRIES

During 2019/2020, 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	5	19	64	162	628	1194	2092	2984	7 148	49,4%
Children`s Court	1	2	14	9	19	36	38	49	168	1,2%
Criminal Court (mainstream)	-	-	-	-	4	6	29	70	109	0,8%
Diversion	9	11	67	118	447	739	1149	1576	4 116	28,5%
PI Withdrawal	9	17	33	52	109	144	212	349	925	6,4%
Postponement	12	22	58	87	123	182	246	290	1 020	7,1%
Released to DSD (Deportation)	-	-	3	4	-	3	4	7	21	0,1%
Struck off Roll	-	11	36	59	48	109	177	280	720	5,0%
Warrant of Arrest	1	1	2	7	14	38	64	104	231	1,6%
Withdrawn	-	-	-	-	1	-	1	2	4	0,0%
Grand Total	37	83	277	498	1393	2451	4012	5711	14 462	100,0%

Source: Integrated Case Management System: Child Justice

During the reporting period almost 50% of the cases heard during preliminary inquiries were referred to the child justice court for plea and trial. From the data there is a noticeable increase in the number children referred to the child justice court from the age of 15 years to 17 years. The decision to proceed with a prosecution against a child lies with the NPA. In cases where the child does not accept responsibility for the commission of the offence, the matter cannot be diverted and the case is referred to the child justice court for plea and trial. However, section 67 of the Act provides for diversion at any time before the conclusion of the case for the prosecution. It is therefore possible that cases that were not diverted during the preliminary inquiry may be diverted in the child justice court.

Diversions contributed to 28,5% of the preliminary inquiry outcomes recorded during this reporting period. Again the age group of children 15 years to 17 years contributes to the majority of cases diverted during preliminary inquiries.

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 four reporting periods. It also includes the percentage of contribution to the total number of preliminary inquiries registered.

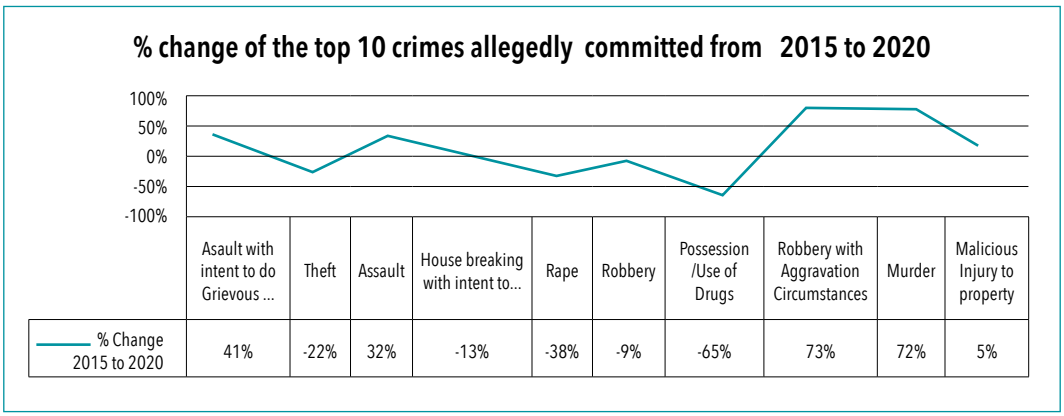
Table 6: List of top 10 crimes allegedly committed by children and the % contribution to the number of preliminary inquiries: 2015/2016- 2019/2020

No	Offence	2015/2016		2016/2017		2017/2018		2018/2019		2019/2020	
		No of Cases	% Contribution	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	18,40%	2690	18,6%
2.	Theft	2 663	14.3%	1 351	11.2%	1 353	10.1%	1495	11,00%	1604	11,1%
3	Assault	1475	7.9%	899	7.4%	989	7.4%	1249	9,20%	1504	10,4%
4.	Rape	1 612	8.7%	1 053	8.7%	1 255	9.4%	1184	8,70%	1458	10,08%
5.	Housebreaking with the Intent to Steal and Theft	1 629	8.8%	1 057	8.7%	1 194	8.9%	1177	8,60%	1117	7,7%
6.	Robbery	994	5.4%	606	5.0%	705	5.3%	749	5,50%	705	4,9%
7.	Possession/Use of Drugs	2 535	13.6%	1 961	16.2%	1 934	14.5%	1303	9,60%	688	4,8%
8.	Robbery with Aggravating Circumstances	476	2.6%	430	3.5%	471	3.5%	527	3,90%	651	4,5%
9	Murder	462	2.5%	379	3.1%	416	3.1%	451	3,30%	621	4,3%
10	Malicious injury to property	730	3.9%	488	4.0%	525	3.9%	568	4,20%	589	4,1%

Source: Integrated Case Management System: Child Justice

During the past five reporting years, assault with the intent to do grievous bodily harm and theft consistently remained as the first top two of the top ten charges allegedly committed by children appearing at preliminary inquiries. Charges relating to the possession/use of drugs were one of the top three charges against children for the previous four reporting periods, but during this reporting period it was replaced by assault, which is a crime with an element of violence. From these figures, it can therefore be deduced that South Africa's child population is becoming violent at an early age.

Figure 4: Percentage change – 2015/16 vs 2019/20: Top 10 crimes allegedly committed during the past five reporting periods



	Asault with intent to do Grievous ...	Theft	Assault	House breaking with intent to...	Rape	Robbery	Possession /Use of Drugs	Robbery with Aggravation Circumstances	Murder	Malicious Injury to property
% Change 2015 to 2020	41%	-22%	32%	-13%	-38%	-9%	-65%	73%	72%	5%

From the above graph it is noted that there was a remarkable decrease in some offences such use/possession of drugs (65%), rape (38%) and theft (22%), while robbery with aggravating circumstances (73%), murder (72%) and assault with intent to do grievous bodily harm (41%) increased.

The influence of the Constitutional Court judgment in the matter of the Minister of Justice and Constitutional Development and Others v Prince (Clarke and Others Intervening)[9] where the court declared sections 4(b) and 5(b) of Drugs and Drug Trafficking Act, 1992[10]read with Part III of Schedule 2 of that Act and section 22A(9)(a)(1) of the Medicines and Related Substances Control Act, 1965[11]inconsistent with section 14 of the Constitution to the extent that they criminalise the use or possession in private or cultivation in a private place of cannabis by an adult for his or her own personal consumption as well as the subsequent matter of the State v LM, the State v KM, the State v EM and the State v KS (currently pending in the Gauteng High Court) (referred to in paragraph 5.7 below) where arguments have been made in relation to children and the decriminalization for use/possession of cannabis, may have impacted on the number of children charged with the use or possession of drugs during the reporting period.

As in the previous year, the offences that showed a significant increase are offences that are linked to an element of violence. Exposure to childhood violence, including witnessing violence in the home, has consistently found to be associated with aggressive behavior later in life. Violence is intergenerational, as children who were exposed to violence in their early years are at an increased risk of re-victimization or perpetration as they get older.[12] The inclusion of boys as a target group in the National Strategic Plan on Gender-Based Violence and Femicide 2020-2030 is therefore encouraging.

9 ww2019 (1) SACR 14 (CC)
10 Act No. 140 of 1992
11 Act No. 101 of 1965
12 University of Cape Town. 2014. The South African Child Gauge. End the Cycle of Violence

3.2.2.3. CHALLENGES IN DATA MANAGEMENT

As stated in previous Reports, 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[13]Criminal module. The intervention, implemented in 2018/19, which includes the publication of the monthly risk reports on the intranet "Djini" for courts to close these matters on the ICMS Criminal Module for recapturing on the ICMS Child Justice Module has achieved some successes and the numbers have decreased, as reflected in the table below.

The NPA ECMS link with the DoJ&CD ICMS Child Justice module will eliminate this challenge and renewed efforts will be made during the next financial year to finalise this project.

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

Child Justice Cases	2018/2019	2019/2020
Number of cases registered on ICMS Criminal	3 744	2 126
Number of cases outstanding on ICMS Criminal	608	248
Number of cases disposed (removed) of on ICMS Criminal	3 136	1 878

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. As per the statistics above, 43% less cases were register on the ICMS Criminal module.

3.2.3. AWAITING TRIAL, BAIL AND PLACEMENT

The Constitution[14]requires that the detention of children should only be used as a measure of last resort and the detention should be for the shortest appropriate period of time. In compliance with this provision, 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, and for the release of such a child on bail with or without conditions.

The preliminary inquiry magistrate or the child justice court may, in appropriate circumstances, order the detention of a child in a Child and Youth Care Centre or in a Correctional Facility. The presiding officer must consider the following factors before ordering the detention of a child in a Child and Youth Care Centre:[15]

(i) the age and maturity of the child;
(ii) the seriousness of the offence in question;
(iii) the risk that the child may be a danger to himself, herself or to any other person or child in the Child and Youth Care Centre;

13 Integrated Case Management System
14 Section 28 of the Constitution
15 Section 29(2) of the Child Justice Act

(iv) the appropriateness of the level of security of the Child and Youth Care Centre when regard is had to the seriousness of the offence allegedly committed by the child; and
(v) the availability of accommodation in the Child and Youth Care Centre.

A presiding officer may only order the detention of a child in a Correctional Facility if[16]

(i) an application for bail has been postponed or refused or bail has been granted but one or more conditions have not been complied with;
(ii) the child is 14 years or older;
(iii) the child is accused of having committed an offence referred to in Schedule 3;
(iv) the detention is necessary in the interests of the administration of justice or the safety or protection of the public or the child or another child in detention; and
(v) there is a likelihood that the child, if convicted, could be sentenced to imprisonment.

The presiding officer must direct that the child be brought before him or her or any other court every 14 days to reconsider the continued detention of the child while awaiting trial in a Correctional Facility.

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

Table 8: 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	-	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
2019/2020	4 879	57	196	1 387	126	503	7 148

Source: Integrated Case Management System: Child Justice

During this reporting period, 68% of the children awaiting trial were released in the care of a parent/ guardian or appropriate adult and 19% was placed in Child and Youth Care Centres. Some 3% of the children awaited trial in Correctional Facilities and 7% were released on a warning.

Table 9: 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	-	4	-	1	-	-	5
11	-	18	-	1	-	-	19
12	8	52	-	4	-	-	64

16 Section 30(1) of the Child Justice Act

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
13	25	126	-	11	-	-	162
14	112	453	7	43	7	6	628
15	227	819	11	96	20	21	1194
16	429	1415	17	134	34	63	2092
17	586	1992	22	213	65	106	2984

From the data in the above table it is clear that the courts typically use the alternatives to detention provided for in the Act and in compliance with the Constitution, in the majority of cases where children are awaiting trial. Some children, mostly 15 to 17 year old children, were detained while awaiting trial but, as stated above, there are various factors which the courts must consider before ordering the detention of children in either Child and Youth Care Centres or Correctional Facilities and one must assume that these detentions were ordered as a measure of last resort. Ten and 11 year old children were not detained while awaiting trial during the reporting period. This is very encouraging especially if one takes into consideration the adverse effects that detention has on children, especially on very young children.

Table 10: % of 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	0,0%	0,1%	0,0%	0,2%	0,0%	0,0%	0,0%
11	0,0%	0,4%	0,0%	0,2%	0,0%	0,0%	0,0%
12	0,6%	1,1%	0,0%	0,8%	0,0%	0,0%	0,6%
13	1,8%	2,6%	0,0%	2,2%	0,0%	0,0%	1,8%
14	8,1%	9,3%	12,3%	8,6%	5,6%	3,1%	8,1%
15	16,4%	16,8%	19,3%	19,2%	15,9%	10,7%	16,4%
16	30,9%	29,0%	29,8%	26,7%	27,0%	32,1%	30,9%
17	42,2%	40,8%	38,6%	42,5%	51,6%	54,1%	42,2%

If the percentages of placement of children while awaiting trial are considered it is clear that 10 year old children are more likely to be released on warning, 11, 12 and 13 year old children to be released in the care of a parent/ guardian or appropriate adult, 14 and 15 year old children to be released on bail and 16 and 17 year old children to be detained in Correctional Facilities.

3.2.3.1. TOP 8 CHARGES AGAINST CHILDREN AWAITING TRIAL

The top 8 charges against children awaiting trial were:

Table 11: Top 8 Charges against children awaiting trial in child justice courts

No	Charges against children awaiting trial	No of charges	% Contribution
1	Assault with the intent to do Grievous Bodily Harm	1256	17,6%
2	Rape – act of penetration with a person without his or her consent (Sec 3 of Act 32 of 2007)	1061	14,8%
3	Murder	550	7,7%
4	Robbery with Aggravating Circumstances	533	7,5%
5	Assault	493	6,9%
6	Housebreaking with the Intent to Steal and Theft	470	6,6%
7	Robbery	451	6,3%
8	Theft	388	5,4%

Source: Integrated Case Management System: Child Justice

During this reporting period assault with the intent to do grievous bodily harm (17,6%) was the top charge against children awaiting trial followed by rape (14.8%). Once again, all the top charges against children awaiting trial include an element of violence which highlights the comments above in relation to the inclusion of boys in the National Strategic Plan on Gender-Based Violence and Femicide 2020-2030.

The crimes most committed by children in the various age categories are reflected in the table below:

Table 12: Predominate crimes allegedly committed per age awaiting trial

Charges	10	11	12	13	14	15	16	17
Statutory Rape of a child	2	-	-	-	-	-	-	-
Rape	-	6	13	36	-	-	-	-
Assault with the intent to do Grievous Bodily Harm	-	-	-	-	101	226	367	547

Source: Integrated Case Management System: Child Justice

The top charge against children aged 10 to 13 years old, while awaiting trial, remains rape. The top charge against children aged 14 to 17 was assault with the intention to do grievous bodily harm.

3.2.4. TRIALS

A child justice court applies the relevant provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977) relating to plea and trial of child accused persons, as extended or amended by the provisions of Chapters 9 and 10 of the Child Justice Act, 2008.

Where a child and an adult are charged together in the trial in respect of the same set of facts in terms of sections 155, 156 and 157 of the Criminal Procedure Act, 1977, a court must apply the provisions of the Child Justice Act, 2008 in respect of the child, and the Criminal Procedure Act, 1977 in respect of the adult.

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

Table 13: 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	1 457	2 343	5 161
2018/2019	3	11	46	165	504	1 087	1 767	2 755	6 338
2019/2020	5	19	64	162	628	1 194	2 092	2 984	7 148

Source: Integrated Case Management System: Child Justice

During this reporting period, the overall number of children who appeared in child justice courts increased to 39%, as compared to the previous financial year. This increase is clearly notable from the age of 12 years and above. A decreased of 21% has been recorded in the number of 11 year old children appearing in child justice court compared to the 2017/18 reporting period. All the other age groups registered an increase in numbers from the current reporting period compared with the 2017/18 financial year.

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

Table 14: 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
2019/2020	7148	4 061	221	85	1716	629	71	165	209

Source: Integrated Case Management System: Child Justice

The table above indicates an increase of 13% of the new matters referred to child justice court. A 40% increase in matters referred to the children's court has been recorded which may indicate that children committed crimes because they are in need of care and protection.

There was a decrease of 25% in matters diverted successfully as well as 15% of charges withdrawn. A total of 57% of cases were still pending at the end of the reporting period. There was a decrease in the number of convictions recorded and an increase in the number of acquittals during the reporting period.

3.2.4.1. TOP 8 CONVICTIONS ON CHARGES

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

Table 15: Top 8 Convictions per Ages of Children

Age of the Child	13	14	15	16	17	Grand Total
Housebreaking with the Intent to Steal and Theft		6	11	17	20	54
Theft		1	3	8	8	20
Assault with the intent to do Grievous Bodily Harm				7	12	19
Robbery		2	2	5	9	18
Murder		1	3	4	8	16
Rape		4	5	8	8	24
Robbery with Aggravating Circumstances			2	7	5	14
Assault		1	2	3	1	7
Possession or Use of Drugs					5	5

Source: Integrated Case Management System: Child Justice

As was the case in the previous financial year, most of the 14, 15, 16 and 17 year old children were convicted of housebreaking with intention to steal and theft (54). These are property-related crimes that can be associated with the social-ills of the high unemployment rate and poverty levels in the country.

The high number of convictions on charges of rape remains a challenge. As stated above, the inclusion of boys as a target group in the National Strategic Plan on Gender-Based Violence and Femicide 2020-2030 is a positive step to curb the prevalence of this offence. Interventions at family level should address the structural drivers that underpin violence against women and children such as poverty, substance abuse and social norms that condone violence in an integrated way.[17]

3.2.5. SENTENCING

The Act requires the child justice court to take the following factors into account when considering the imposition of a sentence involving imprisonment:[18]

(a) the seriousness of the offence with due regard to:

  (i) the amount of harm done or risked through the offence; and

  (ii) the culpability of the child causing or risking the harm.

(b) the protection of the community;

(c) the severity of the impact of the offence on the victim;

(d) the previous failure of the child to respond to non-residential alternatives, if applicable; and

(e) the desirability of keeping the child out of prison.

17 Child Gauge. 2018. Children, Families and the State. Children's Institute. University of Cape Town.
18 Section 69(4) of the Child Justice Act

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

Table 16: Types of sentences imposed on children

Type of sentence	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Community-based sentence	2	2	9	7	4
Restorative justice	1	3	4	2	-
Alternative to fine	7	8	6	4	4
Court Fine				12	2
Correctional supervision	15	21	46	53	25
Compulsory residence at a child and youth care centre	17	26	39	54	43
Postponement or suspension of the passing of sentence	97	169	222	303	116
Imprisonment	15	51	62	110	27
TOTAL	154	280	407	545	221

Source: Integrated Case Management System: Child Justice

As pointed out above, during this reporting period a decrease was recorded in the number of convictions which then resulted in a decrease in the number of sentences imposed on children in all the sentencing options available to the courts.

From the table above, there appears to be a very low utilization of restorative justice sentences. However, one must keep in mind that diversions often include restorative justice elements such as letters of apology or other symbolic forms of reparation or monetary compensation. These are captured as diversions since the restorative element is ordered as part of the diversion order. Also courts often order monetary compensation or community service as a condition of a suspended sentence which again will be captured as a suspended sentence and not necessarily as a restorative justice sentence.

It is also worth noting the steep decline in the number of children sentenced to imprisonment from 110 in 2017/2018 financial year to 27 during this reporting time.

The United Nations Office on Drugs and Crime points out that restorative justice has a positive effect in reducing the frequency and the severity of reoffending.[19]

Table 17: Top 8 Convictions where imprisonment was imposed per age

Charge	Age of the Child					Grand Total	% Contribution
	13	14	15	16	17		
Housebreaking with the Intent to Steal and Theft		6	11	17	20	54	24%
Rape		3	4	8	8	24	11%
Theft		1	3	8	8	20	9%

19 United Nations Office on Drugs and Crime. 2020. Handbook on Restorative Justice Programmes. Second Edition. Vienna

Charge	Age of the Child					Grand Total	% Contribution
	13	14	15	16	17		
Assault with the intent to do Grievous Bodily Harm				7	12	19	9%
Robbery		2	2	5	9	18	8%
Murder		1	3	4	8	16	7%
Robbery with Aggravating Circumstances			2	7	5	14	6%
Assault		1	2	3	1	7	3%

The top 3 crimes where imprisonment sentences were imposed on children were housebreaking with the intent to steal and theft (24%), rape (11%) and theft (9%).

According to Fleur A. Souverein, Catherine L. Ward, Ingmar Visser and Patrick Burton[20] life-course persistent offending contributes greatly to violent offending in any country. Life-course persistent offenders are distinguished from other offenders by male gender, violence at home, other victimization, familial crime, school performance, violence at schools and alcohol abuse and gang membership. The authors recommend that correctional services should target this subgroup of offenders to prevent recidivism. Primary prevention efforts should be targeted at preventing violence at home and school, at promoting school attachment, at substance abuse treatment and at gang membership. These recommendations highlight the necessity for the Provincial Child Justice Forums' (PCJFs) active involvement in provincial school safety initiatives.

3.2.6. MANAGEMENT OF INFRASTUCTURE FOR THE IMPLEMENTATION OF THE CHILD JUSTICE ACT

The infrastructure for the implementation of the Act relevant to the mandate of the Department of Justice and Constitutional Development is the establishment of One-Stop Child Justice Centres.

ONE STOP CHILD JUSTICE CENTRES

The Minister of Justice and Correctional Services, in consultation with the Ministers of Social Development and Police may establish One-Stop Child Justice Centres (section 89 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:

- Nerina One Stop Child Justice Centre, PE (EC)
- Mangaung One Stop Child Justice Centre, Bloemfontein, FS
- Matlosana One Stop Child Justice Centre, Klerksdorp, NW

20 Fleur A. Souverein, Catherine L. Ward, Ingmar Visser and Patrick Burton. 2015. Serious, Violent Young Offenders in South Africa: Are they Life-Course Persistent Offenders? Journal of Interpersonal Violence.

The National Technical Committee for Child Justice (NT ISCCJ) established a task team to respond to the findings of the Viability Study on the Establishment of One Stop Child Justice Centres with a view to investigate alternative structures/arrangements due to budget contains and the under-utilisation of the current Centres as displayed in the data 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, as per Centre:

3.2.6.1 NERINA ONE STOP CHILD JUSTICE CENTRE

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

Table 18: Outcome of Preliminary Inquiries dealt with at the Nerina One Stop Child Justice Centre from 2015/2016 to 2019/2020

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
2019/2020	498	5	89	265	4	127

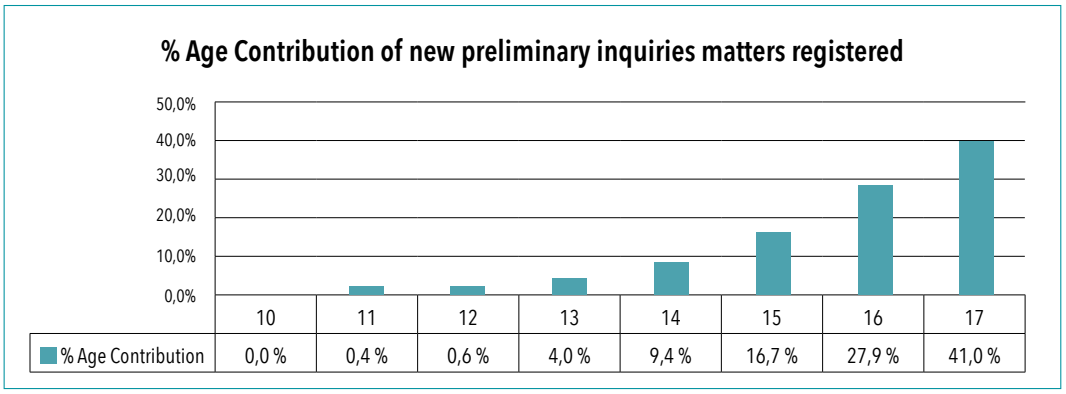
Source: Integrated Case Management System: Child Justice

The Nerina OSCJC experienced a 12.2% increase in the number of new preliminary inquiries registered during the current reporting period compared to the 2018/19 reporting period. However, since the 2015/2016 reporting period, there has been a 28.1% drop in the number of new preliminary inquiries registered. Matters referred to the child justice court for trial increased with 8.2% and 54% of the new preliminary inquiries recorded in 2019/2020 were referred to the child justice court for plea and trial. The number of diversions increased significantly.

Cases are often 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 decreased with 9.9% during the reporting period.

This Centre again recorded the highest number of new preliminary inquiries in 2019/2020 financial year compared with the other two One Stop Child Justice Centres, as reported below.

Figure 5: Nerina One Stop Child Justice Centre: Age percentage contribution of children during preliminary inquiries



The graph above indicates that 17 year old children contributes to 41% of the new preliminary inquiries registered, followed by 16 year old children at 27.9%. Children aged 10 and 11 years contributed only 0.5% of the total number of children appearing at preliminary inquiries at the Nerina One Stop Child Justice Centre during the reporting period.

Table 19: Outcome of cases dealt with in the child justice court at the Nerina One Stop Child Justice Centre from 2015/2016 to 2019/2020

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
2019/2020	265	1	1	72	76	0	10

Source: Integrated Case Management System: Child Justice

Following the increase in the number of new preliminary inquiries recorded at the Nerina One Stop Child Justice Centre during this reporting period there was a corresponding increase in the number of new cases recorded in the child justice court.

3.2.6.2 THE MANGAUNG ONE STOP CHILD JUSTICE CENTRE

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

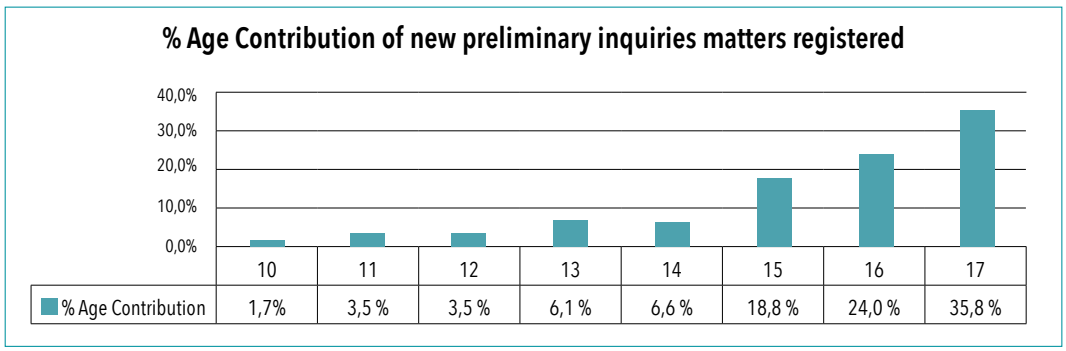
Table 20: Outcome of Preliminary Inquiries dealt with at the Mangaung One Stop Child Justice Centre from 2015/2016 to 2019/2020

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
2019/2020	229	1	71	33	37	2

Source: Integrated Case Management System: Child Justice

The Mangaung One Stop Child Justice Centre registered a steep decline in the number of new preliminary inquiries dealt with from the 2016/17 reporting period and a further decline of 7.3% was recorded during current reporting period. Both the number of diversions and matters were referred to the child justice court decreased during the reporting period.

Figure 6: Mangaung: One Stop Child Justice Centre: Percentage contribution of PI registered per age



Out of the 247 new preliminary inquiries recorded, 35.8% children were 17 year old children, and 24% were 16 year old children. Children aged 10 to 12 years old contributed to 8.7% of the total number of new preliminary inquiries recorded during the current reporting period.

Table 21: Outcome of cases dealt with in the child justice court at the Mangaung One Stop Child Justice Centre from 2015/2016 to 2019/2020

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
2019/2020	37	1	0	7	2	0	5

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.

3.2.6.3 MATLOSANA ONE STOP CHILD JUSTICE CENTRE

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

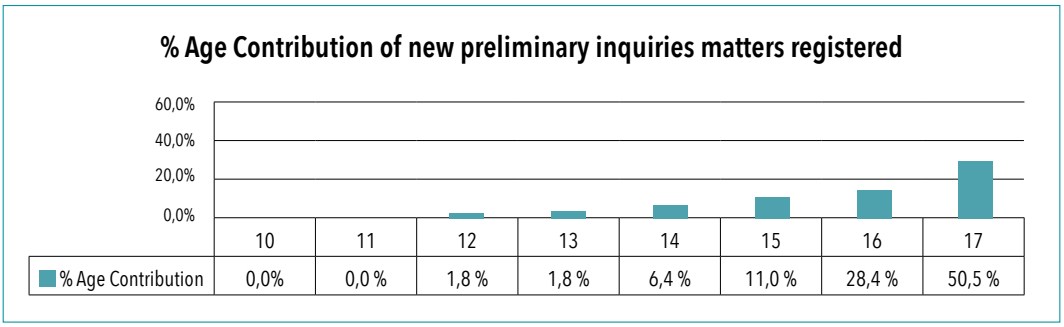
Table 22: Outcome of Preliminary Inquiries dealt with at the Matlosana One Stop Child Justice Centre from 2015/2016 to 2019/2020

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
2019/2020	109	9	40	21	17	7

Source: Integrated Case Management System: Child Justice

Also at this Centre, the number of new preliminary inquiries conducted decreased again during the reporting period. Twenty one (21) matters were referred to the child justice court for plea and trial, while 40 cases were diverted during the reporting period. An increase of 8 matters was referred to the children's court which may be an indication of the increase of children in need of care and protection who are committing crimes.

Figure 7: Matlosana: One Stop Child Justice Centre: Percentage contribution of PI registered per age



Out of the 109 new preliminary inquiries recorded, 50.5% children were 17 year old. No children between the ages of 10 to 11 years appeared in preliminary inquiries at the Matlosana One Stop Child Justice Centre during the reporting period. Twelve (12) year old children only contributed to 1.8% of the total of preliminary inquiries recorded.

Table 23: Outcome of cases dealt with in the child justice court at the Matlosana One Stop Child Justice Centre from 2015/2016 to 2019/2020

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
2019/2020	21	0	0	5	5	0	1

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.

Only 1 diversion was ordered in the child justice court and no matters were referred to the children's court.

3.2.6.4. 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 was adopted by the Directors-General Intersectoral Committee and is currently with the Heads of the Departments/Institutions for signature.

The Protocol on the Establishment and Management of the Mangaung 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 comments by the latter were forwarded to the Provincial Child Justice Forum in the Free State for consideration and consultation with stakeholders in the Province.

The National Technical Intersectoral Committee for Child Justice monitors the progress in this regard.

3.2.7. PUBLIC EDUCATION AND COMMUNICATION INTERVENTIONS

The Department continues with public education and communication on the implementation of the Act and the potential benefits of the provisions of the Act in breaking the cycle of crime to contribute to safer communities.

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

Table 24: Summary of the Public education and communication initiatives*

Region	Number of Initiatives	Number of people reached
KwaZulu-Natal	43	5099
Eastern Cape	8	1994
Free State	22	±3732
Gauteng	6	2009
Western Cape	1	550
Limpopo	2	600
Mpumalanga	13	2998
North West	13	±5088
National Office	3	458
Total	112	±22 528

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

Approximately 22 528 community members, including school children, parents and teachers were reached through the 112 public education and communication interventions conducted during this reporting period. The initiatives included exhibitions and an advert in a newspaper. The United Nations General Comment 24 of 2019 emphasizes the importance of awareness-raising to promote the protection of the rights of children in conflict with the law.

3.2.8. DEVELOPMENT OF AN INTEGRATED MANAGEMENT SYSTEM

The Integrated Case Management System (ICMS) Child Justice module, developed to collect the qualitative and quantitative data required by section 96(1)(e) of the Act, enables the Department to effectively monitor the implementation of the Act in the courts.

3.2.8.1 ICMS CHILD JUSTICE

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

Table 25: Preliminary Inquiry Registration with % of Regional Distribution

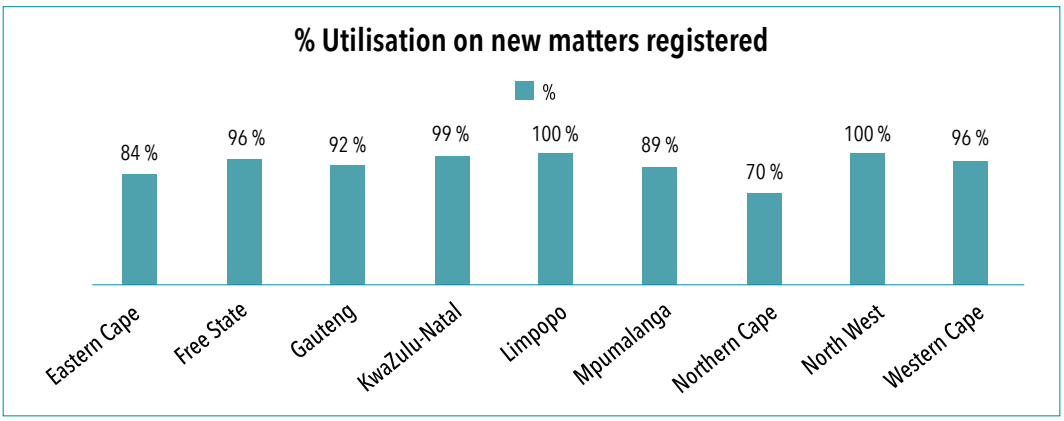
Region	No of PIs registered	Regional % Distribution
Eastern Cape	1644	11%
Free State	1035	7%
Gauteng	1945	13%
Kwazulu Natal	1852	13%
Limpopo	1299	9%
Mpumalanga	749	5%
North West	610	4%
Northern Cape	581	4%
Western Cape	4748	33%
Grand Total	14463	100%

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 jointly with 13% each.

The utilization per Region is tabularized as follows:

Figure 8: ICMS Child Justice Utilization by Courts per Region



Source: Integrated Case Management System: Child Justice

From the graph above, both the Northern Cape and Limpopo fully complied with the utilization of the ICMS Child Justice system,

North West and Eastern Cape had the lowest percentage in utilization at 70% and 84% respectively.

The overall utilization of the ICMS Child Justice module increased from 60% in the 2017/18 reporting period to 69% in 2018/2019 and to 97% in 2019/2020.

The Department continues with the monitoring of the utilization of the ICMS Child Justice Module by the courts as well as the completeness and accuracy of the captured information. Interventions will be made as needed.

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

Additional information required by section 96(1)(e) of the Act falling in the mandate of the Department of Justice and Constitutional Development relates to:

3.2.9.1. APPEALS AND REVIEWS

The Department of Justice and Constitutional Development monitors appeals and reviews through a NOC IMT Tool to ensure compliance with the provisions of the Act.

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

Table 26: Appeals and Reviews

Applications	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Appeals	2	3	2	10	2
Reviews	227	115	100	48	35
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 IMT but a plan to move the capturing of this information to the ICMS Criminal Module is in progress.

CHAPTER 4

THE INTEGRATED JUSTICE SYSTEM (IJS) PROGRAMME CHILD JUSTICE

CHAPTER 4: THE INTEGRATED JUSTICE SYSTEM (IJS) PROGRAMME CHILD JUSTICE

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-departmental 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 has representation in the Directors-General Intersectoral Committee for Child Justice (ISCCJ) and assists in the collation of transversal performance measures to monitor the various components of the CJS. This includes children in conflict with the law and all vulnerable groups that are affected by crime. 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. This includes a justice system that is able to handle and protect the rights of all children.

4.2 ENABLING THE DIGITAL EXCHANGE OF INFORMATION BETWEEN DEPARTMENTS IN THE CRIMINAL JUSTICE SYSTEM

4.2.1 The Child Justice Act requires the creation of information management tools to facilitate the collection and analysis of child justice related statistics for strategic and operational use to manage the implementation of the Act. The IJS recognised that a prerequisite to reliable information collection (statistics) is a trustworthy information source in the form of robust business applications that are used by government departments 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.

4.2.2 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 system for DOJ&CD, namely the Integrated Case Management System (ICMS) module for Child Justice, has provided an essential foundation for the collection of child justice related statistics.

4.2.3 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 processes 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 the SAPS, the NPA, the DOJCD and Legal Aid.

Figure 1 - The IJS Transversal Hub provides a technical integration platform for electronic exchange of information between member departments

4.2.4 The 2019/20 financial year provided the opportunity for the IJS to address key system integrations between two critical role players in Child Justice – namely the South African Police Service (SAPS) and Department of Social Development (DSD). The foundation for this work was laid in March 2019 where DSD was successfully connected and integrated with IJS Hub.

4.3 SUPPORTING CHILD JUSTICE THROUGH SYSTEM INTEGRATIONS BETWEEN SAPS AND DSD

4.3.1 For Child Justice to be effective, all government departments involved need to be united and operate in a cohesive manner. This is especially important at the start of the child justice process, in the first handover interface between SAPS and DSD. It is also an area requiring acute attention, as evidenced in the comparison of reported performance figures between the two departments, and a critical challenge highlighted by the Intersectoral Committee for Child Justice.

Figure 2: Where are the children?
Number of children in conflict with the law apprehended by SAPS as compared to number of Children assessed by DSD (**Source:** 2018/19 Child Justice Annual Report)

4.3.2 The 2018/19 Child Justice annual report reported that 31,475 children in conflict with the law are reported as apprehended by SAPS. The Child Justice Act indicates that each child should be assessed by a DSD probation officer, in order for necessary interventions, as well as suitability for diversion to be recommended. However, reported and completed assessments by the DSD showed that less than 40% (only 12,132) of these children were assessed.

4.3.3 A key IJS focus has been the establishment of an electronic integration between the SAPS and DSD. Performance management and accountability between the two role players can be established, at individual case level, by enabling traceability of the notification of child suspects from SAPS to DSD, and an electronic acknowledgement from DSD back to SAPS on assignment of the DSD Probation Officer.

4.3.4 Furthermore, any discrepancy between the reported number of children in conflict with the law that were apprehended by the SAPS, as compared to the number of Child Justice assessments completed by the DSD probation officers, can be identified during the reporting period, with operational reports available to DSD management to support queries and interventions.

4.4 KEY 2019/20 ACHIEVEMENTS

4.4.1 During 2019/20, the IJS and the DSD completed the enhancement and the development of an updated version of the DSD Mobile Probation Case Management (PCM) application. Enabled by the recent electronic integration with the SAPS, the new mobile application allows DSD supervisors to receive electronic notifications as soon as a child has been apprehended by the SAPS, and it will also help to ensure that there is a prompt allocation of a probation officer. These alerts can be received on their smartphones or tablets, wherever applicable.

Figure 3: The DSD Mobile PCM. A first for IJS, DSD and SITA. The application operates on affordable mobile tablets costing less than R2,200 per device.

4.4.2 In turn, the SAPS ICDMS application was updated to reflect the name, contact number and estimated time of arrival of the assigned probation officer.

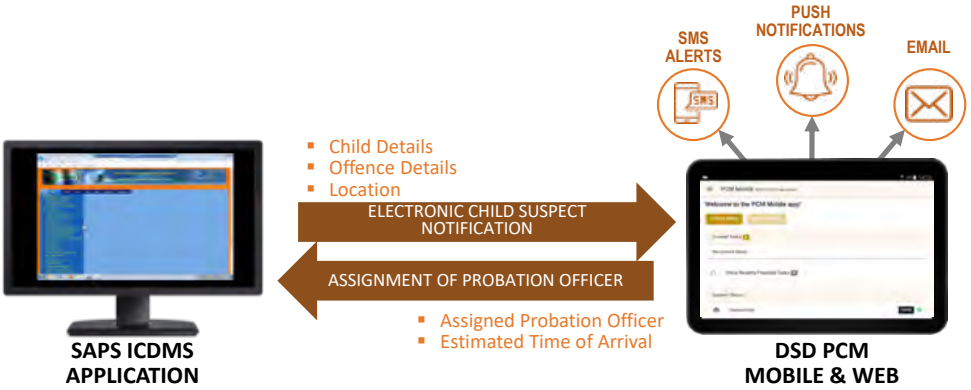


Figure 4: New electronic integration between SAPS and DSD will be supported by enhancements to the DSD Mobile PCM App to enable active alerting and push notifications to DSD supervisors for cases where probation officers have not yet been assigned.

4.4.3 Further, an automated escalation automatically alerts the DSD provincial management to cases for which a probation officer has not yet been assigned after pre-determined time intervals. This includes push notifications and SMS alerts.

4.4.4 The DSD and IJS have been in process of rolling out the solution in a phased approach. Training and deployment of the solution to probation officers and their respective supervisors in the Limpopo province was completed in **June 2019**. In **August 2019** the rollout was extended to North West province. In **September 2019** the rollout was expanded to the Free State and in **November 2019** the solution was deployed in the Eastern Cape.

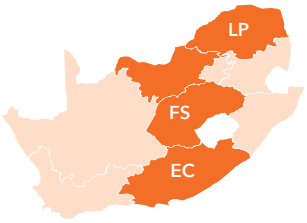


Figure 5 Provinces currently using the SAPS / DSD Child Justice Integrations (March 2020)

4.4.5 In parallel, during 2019/20 the IJS worked with DSD to modernise the Child and Youth Care Centre Application (CYCA). This system is essential for reliable management and data reporting related to the safe custody of children in conflict with the law, and a pre-requisite to several planned inter-departmental integrations. Final user acceptance testing was scheduled for completion in 2020/21 Q1, and as at 31 March system development was nearing completion, and the software quality assurance testing had already commenced.

4.5 PROVIDING SUPPORT TO THE INTERSECTORAL COMMITTEE FOR CHILD JUSTICE

4.5.1 The IJS continues to provide on-going data analysis support to the Inter-sectoral Committee for Child Justice (ISCCJ) task team established to reconcile the discrepancies between the numbers of reported children in conflict with the law between the CJS member departments. These data reports assist the Task Team for the National Intersectoral Technical Committee to conduct various reconciliation activities between departments.

4.5.2 During 2019/20 the IJS completed the development of an operations dashboard key Child Justice related statistics sourced from the recently implemented SAPS/DSD related integrations. The report is being refined with inputs of the ISCCJ, and will be used to assist policy decision-making and identification of key interventions at national, provincial or district level to improve inter-departmental co-ordination in relation to the implementation of the Child Justice Act.

Figure 6 The Child Justice operations dashboard provides national, provincial and district view of key child justice related metrics

4.5.3 This dashboard provides the platform for systems-based reporting of additional Child Justice key performance indicators across IJS member departments, with several key child-justice integrations between the NPA and DoJ&CD planned for the 2020/21 financial year.

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 fulfills the aspirations of the Child Justice Act and is able to handle and protect the rights of all children.

CHAPTER 5

LEGAL DEVELOPMENTS IN CHILD JUSTICE AND CASE LAW

CHAPTER 5: LEGAL DEVELOPMENTS IN CHILD JUSTICE AND CASE LAW

The following developments in Child Justice and Intersectoral collaboration can be reported on:

5.1 INFORMATION SESSIONS ON THE REVISED NATIONAL POLICY FRAMEWORK ON CHILD JUSTICE

A multi-department team of representatives of the DoJ&CD, the NPA, the Department of Health (DoH), the DSD and the SAPS conducted information sessions to the members of the Provincial Child Justice Fora in the nine (9) regions during the reporting period on the revised National Policy Framework on Child Justice. From these sessions, the Department led the process of developing an improved interdepartmental implementation plan that responds to current challenges and developments made in the child justice sector.

The sessions were conducted as follows:

Table 27: Information Session Conducted

Date	Province/ Region	No Participants
11 April 2019	Northern Cape	16
17 April 2019	Free State	14
15 May 2019	Eastern Cape	16
16 May 2019	North West	22
12 June 2019	Western Cape	260
10 October 2019	Gauteng	20
15 October 2019	Mpumalanga	13
24 October 2019	KwaZulu- Natal	11
21 November 2019	Limpopo	36
Total Participants		408

5.2 REVIEW OF THE MINIMUM AGE OF CRIMINAL CAPACITY

The Child Justice Amendment Bill was approved by both the National Assembly and the National Council of Provinces and is currently with the President for consideration. Training and awareness on the amendments to the Act will be conducted as soon as the President approves the amendments.

5.3 DEVELOPMENT OF A 5-YEAR INTERSECTORAL STRATEGIC PLAN FOR CHILD JUSTICE

The National Intersectoral Committee for Child Justice is in the process of developing a 5-year Intersectoral Strategic Plan for Child Justice that includes the Implementation Plan of the National Policy Framework and the recommendations from the Research Report on the Impact of the Child Justice Act, reported on during the previous report. Upon finalization, the Strategy will be presented to the National Intersectoral Committee for Child Justice (NT ISCCJ) for adoption before escalation to the Director-General Intersectoral Committee for Child Justice (DG ISCCJ) for approval before implementation.

5.4 RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE (OPCAT)

The Optional Protocol to the Convention against Torture (OPCAT) was ratified by South Africa on 28 March 2019. It was deposited to New York on 20 June 2019 and came into effect on 20 July 2019.

In accordance with article 17 of the OPCAT, one of the obligations imposed on State Parties is to establish domestic mechanisms for the prevention of torture known as the National Preventive Mechanism (NPM). The South African government decided to adopt a multi-body NPM which envisages the South African Human Rights Commission (SAHRC) playing a coordinating role together with other oversight bodies such as the Judicial Inspectorate for Correctional Services (JICS), the Military Ombudsman, Health Ombudsman and the Independent Police Investigative Directorate (IPID). The NPM must conduct visits to establishments where persons are detained, make recommendations and write reports to Parliament.

5.6 CENTRE FOR CHILD LAW AND OTHERS v MEDIA 24 LIMITED AND OTHERS (CCT 261/18)

In the case of Centre for Child Law and others v Media 24 Limited and others (CCT 261/18) the Constitutional Court, on 4 December 2019, declared section 154(3) of the Criminal Procedure Act, 1977 (Act 51 of 1977) constitutionally invalid to the extent that the protection the children receive in terms thereof does not extend beyond their reaching the age of 18 years. The declaration of the constitutional invalidity is suspended for 24 months to afford Parliament an opportunity to correct the defect giving rise to the constitutional invalidity.

This Constitutional Court decision is in line with the general comments published by the United Nations in General Comment No. 24 of 2019 on Children's Rights in the Child Justice System in October 2019. The Committee recommends that there should be a lifelong protection from publication regarding crimes committed by children.

5.7 THE STATE V LM, THE STATE V KM, THE STATE v EM AND THE STATE V KS

The case, currently before the Gauteng Local Division of the High Court, Johannesburg relates to the unconstitutionality of section 4(1)(b) of the Drug and Drug Trafficking Act, 1992 (Act 140 of 1992) as it criminalises the use and/or possession of cannabis in relation to children. The objective is to decriminalise the use and/or possession of cannabis by children without legalising it, and to utilise less restrictive measures to deal with children with substance abuse challenges.

The Ministers of Justice and Correctional Services, Social Development, Police, Health and Basic Education have been joined as parties to the case. The Ministers are required to make submissions on the following issues:

"(1). Is section 4(1)(b) of the Drug and Drug Trafficking Act 140 of 1992, insofar as it criminalises the use and/or possession of cannabis vis-a-vis children unconstitutional?

(2). In this regard, and in particular, does the criminalisation of such offences violate a child's right to inter alia:-

2.1. equality;

2.2. have his/her best interests considered to be of paramount importance;

2.3. not to be detained, except as a measure of last resort;

2.4. human dignity; and

2.5. freedom of security?

(3). If so, are there less restrictive means to achieve the desired governmental purpose (whatever that may be)

" At the time of the writing of this Report, the case was still before court.

CHAPTER 6

LIMITATIONS AND POSSIBLE INTERVENTIONS

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	The specifications for this proposed link have been developed. Renewed efforts will be made during the next reporting period to ensure prioritization of this project.
The discrepancies in data sets that avert accurate profiling in child justice.	IJS is finalizing systems integration between the government child justice actors.
Poor data capturing at court level.	M&E compact was developed and introduced at court and regional office levels. The compact introduces control measures to ensure data accuracy and completeness.
Under-utilisation of the Integrated Case Management System (ICMS) for Child Justice	The monitoring role of the regional offices is being encouraged to ensure that all lower courts use the ICMS: CJ.

CHAPTER 7

CONCLUSION

CHAPTER 7: CONCLUSION

The research conducted on the Impact of the Child Justice Act (reported on in the previous Report) found that there is no evidence to support the notion that children may be committing more serious offences. This statement is evident from the data collected over the past five reporting periods which indicates that the type of offences that are categorized as the top ten charges against children appearing at preliminary inquiries remained the same with only minor changes to the percentage contribution.

The development and implementation of the 5-year Intersectoral Strategic Plan will improve the intersectoral implementation and monitoring of the Act and will address the gaps identified in this research.

The improvement in the utilisation of the Integrated Case Management System (ICMS) Child Justice Module by the courts has enabled the Department to provide more detailed information on the movement of children in conflict with the law through the child justice system.

The review of the Act, to be initiated during the next reporting period, will further improve the protection of the rights of children in conflict with the law and will enhance the alignment of the Act with developments on an international level.

South Africa has made great strides in the improvement of the protection of the rights of children in conflict with the law as highlighted by the United Nations but there is still a lot to be done.

ANNEXURE A

PUBLIC EDUCATION AND COMMUNICATION EVENTS

ANNEXURE A: PUBLIC EDUCATION AND COMMUNICATION EVENTS

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
KwaZulu- Natal	Date: 1 April 2019 to 30 September 2019	Exhibitions Home Visits Community Outreach	43	5099
	Date: 1 October 2019 to 31 March 2020 Places: Emadlangeni, Richmond, Umvoti, Chatsworth,Umlazi and Umlazi	Community Sessions, Learner Dialogues, School Visits		
Total	**43**			**5099**

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Eastern Cape	Luphindo SSS Nyaniso SSS Lagrange SSS Hlangwini SSS Moshesh SSS Mothibisi SSS Phumelele SSS Moorosi SSS	Information sharing sessions	8	1994
Total			**8**	**1994**

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Free State	Child Protection Week 2019 Date: 28 May to 3 June 2019 Place: Parys Weiveld High School Parys High School Place: Sasolburg North Primary School Leeuwspruit Primary School Lumiere Primary Place: Steynsrus Tharollo Primary School Place: Phillipolis Phillipolis Secondary School Phillipolis Primary School Bergmanshoogte Primary School	Awareness and information sharing	22	2045

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
	Date: 18 July 2019 Place: Jacobsdal School for disabled children	Awareness and information sharing		
	Date: 20 August to 23 August 2019 Place : Heilbron Place: Koppies Place: Viljoenskroon Place: Edenville	Awareness and information sharing		638
	16 Days of Activism Awareness Campaigns 2019 Dates: 25 November 2019 to 12 December 2019 Places: Philipolis, Trompsburg, Edenburg, Zastron, Wepner, Ficksburg, Fouriesburg, Winburg	Awareness and information sharing		1049
Total	**22**			**3732**

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Gauteng	Date: Child Protection Week Place: Daveyton /Etwatwa Place: Orange Farm	Awareness and information sharing	6	1600
	Dates: 6 to 15 November 2019 Places: Kwa-Thema, Palmridge, Bronkhorspruit, Soweto / Diepkloof	Awareness and information sharing		409
Total	**6**			**2009**

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Western Cape	Date: 15 July 2019 Place: Mountview High School Anthwood Road, Hanover Park	Children's Imbizo	2	500
	Date: 25 November 2019 Place: Child and Youth Care Centre	Information and awareness raising session		50
Total			1	550

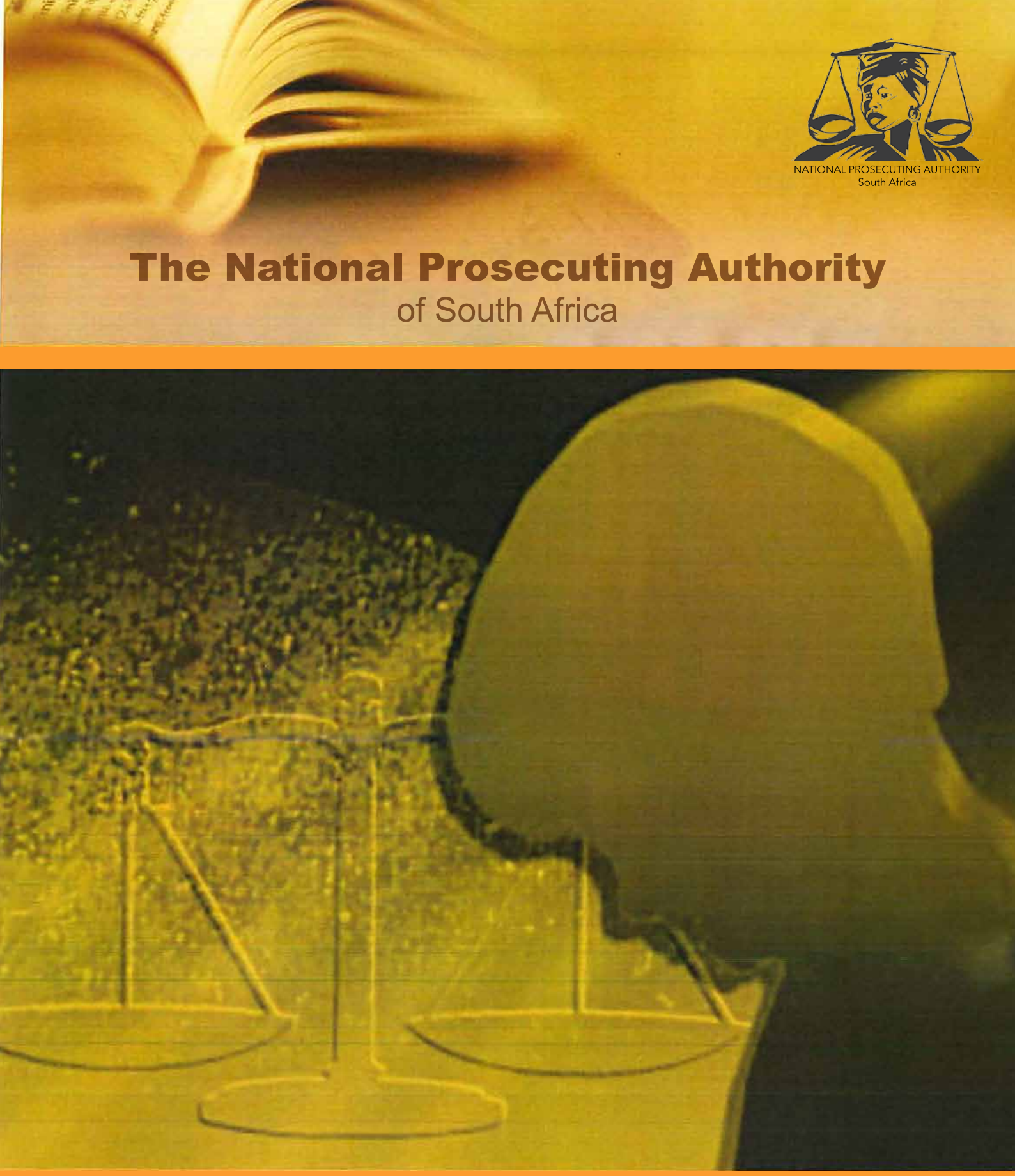
Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Limpopo	Date: 24-25 July 2019 Place: Limpopo	School visits	2	600
Total	**2**			**600**

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Mpumalanga	Date: 05 June 2019 District: Emalahleni (Nkangala District) Communities visited: Hlalanikahle , Vosman	Outreach – Door to door campaign	7	187
	Date: 06 June 2019 District: Emalahleni (Nkangala District) Communities visited: Vosman , Spring Valley and Hlalanikahle	School visit		447
	Date: 07 June 2019 District: Emalahleni (Nkangala District) Communities visited: Spring Valley	Outreach		89
	Date: 24 September 2019 District: Communities visited: Standerton	Outreach		132
	Date:25 February 2020 Place: Nkomazi Municipality	Outreach		480
	Date: 25 November 2019 Place: JS Moroka municipality (Pankop Area)	Outreach		208
	Date: 26 November 2019 Place: JS Moroka municipality (Mmamatlhake Area)	Outreach		306
	Date:27 November 2019 Place: JS Moroka Municipality (Marapyane Area)	Outreach		473
	Date: 28 November 2019 Place:JS Moroka Municipality (Leeufontein Area)	Outreach		411
	Date: 29 November 2019 Place:JS Moroka Municipality (Maphanga Area)	Outreach		265
Total	**13**			**2998**

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
North West	Date: 28 May 2019 to 31 May 2019 Place: Taung Cluster Names of schools: Mammutlwa Primary, Thuto Neo Primary, Onalerona Primary, Redibone Sediba primary, Majeng High, Thusoitsile high, Mammutla High and Tsela Thuto high school. Mafikeng	School outreach program	13	3965
	Place: Kraaipan	School outreach campaign		300
	Date: 21 November 2019 Place: Jouberton			80
	Date: 23 November 2019 Place: Christiana			154
	Date: 11 November 2019 Place: Mafikeng			479
	Date: 25 November 2019 Place: Taxi Rank			110
Total			**13**	**±5088**

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
National Office	Date: 13 September 2019 Place: Eersterus	Community Dialogue	3	182
	Date: 13 November 2019 Place: Soshanguve	Community Dialogue		156
	Date: 20 November 2019 Place: Ladium	Community Dialogue		120
Total			3	458
TOTAL			**112**	**±22 528**

NATIONAL PROCECUTING AUTHORITY



NATIONAL PROSECUTING AUTHORITY
South Africa

The National Prosecuting Authority
of South Africa

NPA PPROGRESS REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT 75 OF 2008 FOR THE 2017/18 FINANCIAL YEAR

Adress: VGM Building, 123 Westlake Avenue, Weavind Park, Silverton, Pretoria, 0184
Our website: www.npa.gov.za, Tel: 012 845 6000

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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 2019/2020 Financial Year, in terms of the key priority areas of the Child Justice National Policy Framework.

ADV RODNEY DE KOCK
DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS: HEAD, NPS
Date: 24 August 2020

ADV SHAMILA BATOHI
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
NATIONAL PROSECUTING AUTHORITY
Date: 25/08/2020

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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 2019/2020 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 current financial year (2019/2020 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 2019/2020.

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 two decentralized training sessions attended by 40 prosecutors.

2.5 Summary of training sessions (facilitated by NPA SOCA Unit) conducted for prosecutors as from 2009 until end September 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 session attended by 74 prosecutors;
- For 2018/19, 3 training session attended by 32 prosecutors
- For 2019/2020, 2 training session attended by 40 prosecutors

Total: 67 sessions attended by 1498 prosecutors over a period of 11 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 **4639**. Herewith the breakdown per month and quarter:

Quarter	Month	Number of Children Diverted as reflected:
Q1	April	443
	May	392
	June	305
Total – Q1		**1140**
Q2	July	483
	August	395
	September	388
Total – Q2		**1266**
Q3	October	502
	November	348
	December	375
Total – Q3		**1225**
Q4	January	357
	February	290
	March	361
Total – Q4		**1008**
Annual Total		**4639**

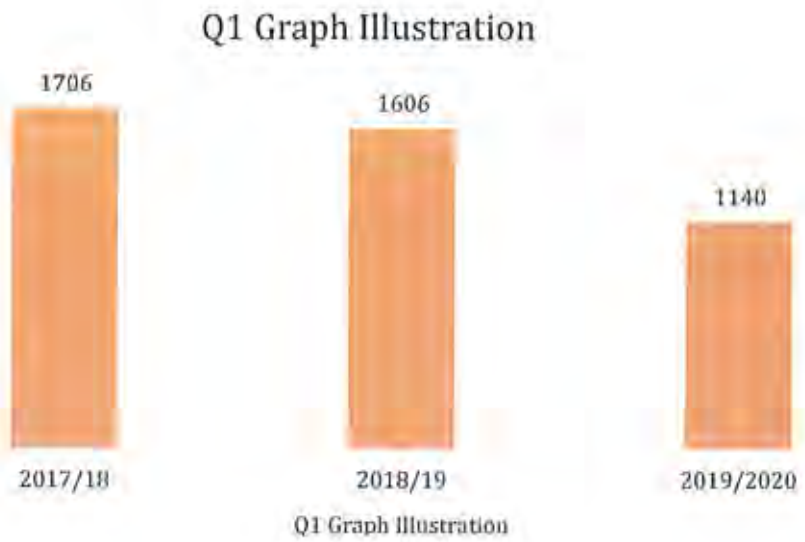
3.2 The NPA SOCA Unit is continuing with the process of analysing trends for children committing offences and these children diverted in accordance with the Child Justice Act.

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 tables compare the number of children diverted during 2019/2020 FY with 2018/19 and 2017/18 FYs.

Table 1: Diversions between Q1 of 2017/18 – 2019/2020 FY:

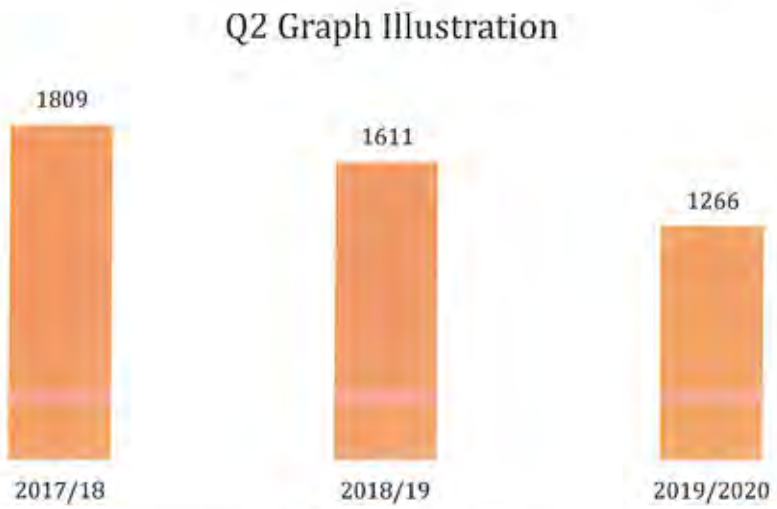
Indicator	Q1-2017/18	Q1-2018/19	Q1-2019/2020
Total Number of Diversions of children ito CJA	**1706**	**1606**	**1140**



There is a decrease of 33.17% when comparing Q1 of 2019/2020 FY with Q1 of 2017/18 FY. A decline of 29.0% is also noted when comparing Q1 of 2019/2020 FY with Q1 of 2018/19 FY.

Table 2: Diversions between Q2 of 2017/18 – 2019/2020 FY:

Indicator	Q2-2017/18	Q2-2018/19	Q2-2019/2020
Total Number of Diversions of children ito CJA	**1809**	**1611**	**1266**

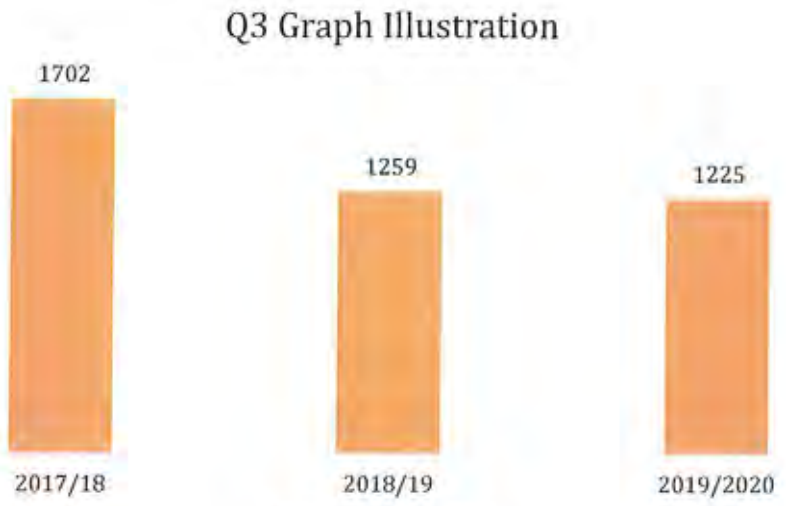


Q2 Graph Illustration

There is a decrease of 30% when comparing Q2 of 2019/2020 FY with Q2 of 2017/18 FY. A decline of 21.4% is also noted when comparing Q2 of 2019/2020 FY with Q2 of 2018/19 FY.

Table 3: Diversions between Q3 of 2017/18 – 2019/2020 FY:

Indicator	Q3-2017/18	Q3-2018/19	Q3-2019/2020
Total Number of Diversions of children ito CJA	**1702**	**1259**	**1225**

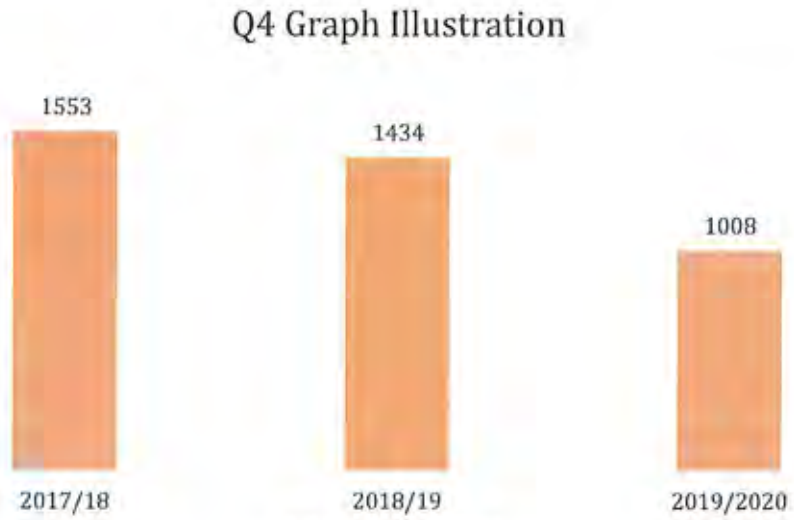


Q3 Graph Illustration

There is a decrease of 38.9 % when comparing Q3 of 2019/2020 FY with Q3 of 2017/18 FY. A decline of 2.7 % is also noted when comparing Q3 of 2019/2020 FY with Q3 of 2018/19 FY.

Table 4: Diversions between Q4 of 2017/18 – 2019/2020 FY:

Indicator	Q4-2017/18	Q4-2018/19	Q4-2019/2020
Total Number of Diversions of children ito CJA	**1553**	**1434**	**1008**



Q4 Graph Illustration

There is a decrease of 54.0 % when comparing Q4 of 2019/2020 FY with Q4 of 2017/18 FY. A decline of 42.2 % is also noted when comparing Q4 of 2019/2020 FY with Q4 of 2018/19 FY.

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

Indicator	2017/18	2018/19	2019/2020
Total number of diversions for children ito CJA	6769	5910	4639

With reference to the aforementioned totals as reflected, there is a decrease of 1271 or 27.3% in the matters diverted when comparing the reporting FY with the previous FY of 2018/19.

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	2018/19	2019/2020
Q1	182	133
Q2	235	111
Q3	169	131
Q4	332	110
Total	**918**	**485**

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	2018/19	2019/2020
Q1	1014	632
Q2	967	737
Q3	709	710
Q4	742	613
Total	**3432**	**2691**

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	2018/19	2019/2020
Q1	20	13
Q2	19	8
Q3	18	12
Q4	27	8
Total	**84**	**41**

3.9 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:

- 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.

- Delays in the evaluation of criminal capacity due to limited number of professionals who can provide this service. (All Divisions).

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 programmes 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.

5.3 During June 2019, the NPA SOCA Unit official was interviewed by Umhlobo Wenene FM, educating learners about the Child Justice Act and Children's Act with particular reference to preliminary capacity, diversion, criminal capacity, children in need of care and protection, reasonable suspicion that the child has been abused and the reporting obligation and the difference between Child Justice Act and Children's Act.

6. CHALLENGES AND INTERVENTIONS

6.1 We have noted a gap in the collation of statistics regarding the number of children charged by SAPS and number of children assessed by DSD versus the number of diversions as reflected by NPA. In resolving this there are ongoing discussions between NPA and DOJ to align their Child Justice Systems (NPA ECMS & DOJ ICMS) to also include the number of cases where the prosecutor has declined to prosecute. Once the alignment is done the current gap in the collation of statistics will be resolved.

7. CONCLUSION

In conclusion, there is still a lot more work that needs to be done in order to achieve the optimal implementation of the Child Justice Act. However, the achievements attained thus far have begun to show signs of progress towards establishing an effective child justice system in South Africa.

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

01 April 2019 - 31 March 2020

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A. INTRODUCTION

1. In spite of the budget constraints that Legal Aid SA experienced over the last few years, we were nevertheless still able to deliver on our constitutional mandate of providing legal representation at state expense to arrested, detained and accused persons where substantial injustice would otherwise have resulted. Legal Aid SA provides legal representation in the majority of cases that go through the criminal courts. By using our practitioner per court model, we ensure 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 ready access to one of our lawyers.

2. Legal Aid SA treats all children as a special focus vulnerable group and as such, prioritises all children's cases, so that no child in conflict with the law should go 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 s82 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 systems throughout the world face the challenge of delays in finalising cases, with the resultant increases in remand detainee populations. Children in conflict with the law are not immune to this challenge. 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 closely monitored to ensure the speedy finalisation of their matters.

4. Various impediments to the smooth flow of cases lead to case backlogs, which inevitably impact the finalisation of cases, including 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 structures 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 2019/2020 financial year, Legal Aid SA provided legal representation in 351,061 criminal matters, of which 7,781 matters (i.e. 2.2%) involved children.

B. CAPACITY BUILDING

1. The provision of legal services of the highest quality has been the hallmark of our court coverage program and forms the basis of the performance contracts we have with our practitioners. The importance of providing quality legal services to clients becomes even more pronounced when dealing with children in conflict with the law because criminal proceedings brought against a child have the potential to make or break the child, well into adulthood. To ensure this high quality legal representation, our practitioners are trained on all aspects of child justice legislation and procedures. Training takes place at local, provincial and national level. Initial training on the Child Justice Act was conducted with all Legal Aid SA practitioners prior to the 01 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 Legal Aid SA Local Office were trained as trainers to provide training capacity for the Child Justice Act, at all of our offices.

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. Practitioners are also trained on the proper handling of children, both as clients and as witnesses.

3. All Candidate Attorneys commencing their employment with Legal Aid SA have to undergo a beginner training course. Seeing as Candidate Attorneys 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 Attorneys 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 through e-learning. A number of e-learning modules covering different child justice topics are available on our Intranet for practitioners to use. On completion of a module, the practitioner is required to take a competency test.

5. A total of 723 practitioners attended training on aspects relating to the representation of children in conflict with the law during the financial year. 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 which includes, among others:
   - An overview of the Child Justice Act
   - Preliminary inquiries
   - 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, our court relief programme, which had been introduced to address the coverage of courts in the temporary absence of the regular practitioner, has had to be discontinued.

2. Our human resource capacity is comparatively small in the sector. However, 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 dedicated practitioner to every court. This model ensures that a legal aid practitioner is available at all times to take legal aid instructions, and to provide legal representation.

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. Legal assistance in Preliminary Inquiries is only made available at the instance of the presiding officer, since the Child Justice Act does not require that legal aid representation must be made available at these inquiries. Legal Aid SA has made capacity available to provide assistance to children at these inquiries, and we regularly do so whenever we receive requests from the courts. Legal Aid SA is of the view that compulsory legal representation for children should be extended to Preliminary Inquiries so that children should not go through any aspect of the system unassisted.

5. In the rare instance that a child justice matter has to be tried in the High Courts, 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. The tables below reflect our criminal court coverage planning for the District and Regional Courts, which stood at 86% and 94% respectively, at the end of the financial year. These figures represent a 2% increase in the coverage of District Courts, while the coverage of Regional Courts has remained unchanged, over the last financial year. However, these coverage levels are still within our targets, with regard being had to the fact that our practitioners use one court day per week for consultation and preparation.

Table 1

Court Coverage – District Court 2019/2020						
Province	Court Seats	Court Rooms	Reception Courts	Total Court Days	Days Court Covered	Coverage (%)
EC	105	168	11	2,799	2,428	87%
FS	63	89	7	1,313	1,178	90%
GP	49	125	14	2,710	2,338	86%
KZN	102	169	8	3,130	2,613	83%
L	66	88	4	1,262	1,065	84%
MP	82	103	4	1,383	1,176	85%
NW	55	81	4	1,160	1,000	86%
NC	62	75	1	710	640	90%
WC	89	167	9	2,762	2,413	87%
Total	**673**	**1,065**	**62**	**17,229**	**14,851**	**86%**

Table 2

Court Coverage – Regional Court 2019/2020					
Province	Court Seats	Court Rooms	Total Court Days	Days Court Covered	Coverage (%)
EC	74	96	1,117	1,117	100%
FS	42	58	526	514	98%
GP	36	102	1,982	1,792	90%
KZN	41	73	1,409	1,349	96%
L	24	29	450	414	92%
MP	33	39	514	466	91%
NW	27	41	631	594	94%
NC	39	46	275	259	94%
WC	47	90	1,097	1,055	96%
Total	**363**	**574**	**8,001**	**7,560**	**94%**

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 gives telephonic advice to clients.

2. The financial challenges facing the country have meant that our national footprint could not be increased for a number of years now. Every opportunity has been made to improve the current office infrastructure, and this includes making it child friendly. Our offices have suitable facilities to consult with children.

3. Circumstances do arise however, where a child may have to be consulted at the court or at the facilities of the SAPS, DCS or DSD. Challenges are experienced in some places, as the consultation facilities may not be conducive to a proper consultation with a child. To this end, we have concluded a protocol with the Department of Correctional Services to facilitate the consultation of our clients who are held in their facilities.

4. Consulting with children in Correctional Centres and Child and Youth Care Centres also places a strain on our vehicle fleet as these facilities 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.

E. RESOURCES AND BUDGETS

1. The last few years have seen a sustained reduction of our budgets. This poses a 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 sporadic industrial action by our employees during this financial year. This action by our legal practitioners has a ripple effect in the whole justice system, as it affects the functioning of the courts negatively.

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. The coverage of CJA 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 in particular, at 100%. The majority of child justice matters are allocated to these courts. Furthermore, another demand on our capacity stems from the need to attend to Preliminary Inquiry matters in addition to the normal daily court roll, when so requested. 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 the current financial challenges will be with us for a number of years to come.

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 unit to bring awareness of legal aid services to the public in general. Our legal business units also conduct public outreach programmes to educate 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. 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 initiatives aimed specifically at children, annually:

2. Outreach Events
   - 2.1. Take a Girl Child to Work Day – visits to courts, Legal Aid SA offices, career path presentations.
   - 2.2. Men in the Making – visits to courts, Legal Aid SA offices, career path presentations.
   - 2.3. Don't Neglect the Future Man – similar to the Men in the Making programme.
   - 2.4. Child Protection Week (CPW) – national and provincial events in partnership with government departments.
   - 2.5. Social grant campaigns – exhibitions and pamphlet blitzes at SASSA payout points.
   - 2.6. 16 Days of Activism for No Violence Against Women and Children.
   - 2.7. Schools Moot Court Competition.

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

4. Media
   - 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 perspective 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 our Business Plan programmes involves the provision of assistance to developing legal aid systems, particularly on the African continent, so that the right to legal assistance at state expense is realised by every person in every country. We regularly host delegations from different countries, to share with them our experiences and expertise in the delivery of legal aid services. This assistance includes presentations on the provision of assistance to children in conflict with the law.

G. DEVELOPMENT OF IT AND IJS SYSTEMS

1. During the third quarter of the financial year, Legal Aid SA transitioned from its IT platform called Ad Infinitum (AI), which was introduced in 2004, and launched a new platform called eLAA (electronic Legal Aid Administration system).

2. Legal Aid SA is also involved in efforts to integrate systems across the CJS cluster, such as the 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 financial year. 2,730 Preliminary Inquiry matters were taken on during the financial year, and 2,769 Preliminary Inquiry matters were finalised. There was a marked decrease in the number of new Preliminary Inquiry 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 Preliminary Inquiry matters.

Table 3

Preliminary Inquiry Matters 2019/2020		
Province	**New**	**Finalised**
EC	443	474
FS	194	189
GP	420	370
KZN	184	217
L	143	129
MP	98	89
NW	182	198
NC	100	87
WC	966	1,016
Total	**2,730**	**2,769**

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 (84%) in which we represented children in Preliminary Inquiries were diverted. Only 26% of the cases were transferred to a Child Justice Court.

Table 4

Outcomes of Preliminary Inquiry Matters 2019/2020											
Outcome	**EC**	**FS**	**GP**	**KZN**	**L**	**MP**	**NW**	**NC**	**WC**	**Total**	**% of Total**
Matter Transferred to DC/RC	183	20	41	26	5	14	17	21	394	721	**26%**
Withdrawn - Diversion	291	169	329	191	124	75	181	66	622	2,048	**84%**
Total	**474**	**189**	**370**	**217**	**129**	**89**	**198**	**87**	**1,016**	**2,769**	
% of Total	**17%**	**7%**	**13%**	**8%**	**5%**	**3%**	**7%**	**3%**	**37%**		

3. The table below indicates that 7,781 children were assisted in criminal matters in various Child Justice Courts by Legal Aid SA during the financial year. This represents 82% of the Child Justice Act matters we dealt with during the 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.

Table 5

Children Criminal Matters – 2019/2020							
Province	FY 2018/19	Q1	Q2	Q3	Q4	Total FY 2019/20	% of FY 2018/19
EC	1,084	254	319	260	182	**1,015**	**94%**
FS	835	179	158	79	99	**515**	**62%**
GP	1,276	260	302	236	254	**1,052**	**82%**
KZN	409	89	93	85	70	**337**	**82%**
L	1,297	191	328	237	281	**1,037**	**80%**
MP	298	78	104	61	74	**317**	**106%**
NW	554	96	110	78	71	**355**	**64%**
NC	569	123	132	104	103	**462**	**81%**
WC	3,164	636	794	636	625	**2,691**	**85%**
Total	9,486	1,906	2,340	1,776	1,759	7,781	82%

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 the increase in age, peaking at the age of 17. This observation is confirmed by statistics from all other stakeholders in the sector.

Table 6

Age distribution of children 2019/2020							
Province	≤ 14	≤ 15	≤ 16	≤ 17	< 18	Applications on behalf of a child by an adult	Total
EC	114	162	255	411	65	8	**1,015**
FS	57	57	143	208	35	15	**515**
GP	135	181	297	417	13	9	**1,052**
KZN	107	155	278	470	7	20	**1,037**
L	46	45	88	143	13	2	**337**
MP	50	43	79	128	8	9	**317**
NW	35	45	94	157	21	3	**355**
NC	46	77	121	191	21	6	**462**
WC	341	378	729	1,065	163	15	**2,691**
Total	931	1,143	2,084	3,190	346	87	7,781
% of Total	12%	15%	27%	41%	4%	1%	

5. The table below shows the generic type of offences for which children were prosecuted. The majority of offences with which children are charged are aggressive offences. These figures are consistent with what has been observed in previous years.

Table 7

Types of Offences 2019/2020							
Province	**Aggressive**	**Economic**	**Sexual**	**Narcotics**	**Statutory Offences**	**Other**	**Total**
EC	610	121	166	65	47	6	**1,015**
FS	275	76	124	11	28	1	**515**
GP	640	167	134	64	44	3	**1,052**
KZN	562	137	210	60	63	5	**1,037**
L	188	27	85	1	35	1	**337**
MP	139	31	123	6	15	3	**317**
NW	189	54	70	10	29	3	**355**
NC	268	53	96	13	30	2	**462**
WC	1,585	407	292	220	176	11	**2,691**
Total	**4,456**	**1,073**	**1,300**	**450**	**467**	**35**	**7,781**
% of Total	**57%**	**14%**	**17%**	**6%**	**6%**	**0%**	

6. The table below shows the number of matters finalised by Legal Aid SA during the financial year. Our finalisation of matters shows that we finalised 35% less matters than new children's matters taken on during this financial year. Our finalisation rate was also 40% lower than the finalisation rate of the previous year. More focus will need to be given by all court role-players to finalising children's matters during the next year.

Table 8

Children Criminal Finalised Matters 2019/2020							
Province	FY 2018/19	Q1	Q2	Q3	Q4	Total FY 2019/20	% Variance of FY 2018/19
EC	936	243	288	184	83	**798**	**17%**
FS	716	149	112	30	0	**291**	**146%**
GP	1,101	236	204	125	38	**603**	**83%**
KZN	1,095	171	270	125	38	**604**	**81%**
L	295	83	67	42	7	**199**	**48%**
MP	242	65	68	26	-1	**158**	**53%**
NW	495	86	97	58	28	**269**	**84%**
NC	456	108	114	61	27	**310**	**47%**
WC	2,708	590	687	381	153	**1,811**	**50%**
Total	**8,044**	**1,731**	**1,907**	**1,032**	**373**	**5,043**	**60%**

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 Local Offices are thereafter tasked with the responsibility to consult with each individual child in custody to ensure that they provide 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 Child and Youth Care Centre while awaiting trial.

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. Our Managers also review the progress 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 for greater than one month who we kept track of during the financial year.

Table 9

Provincial Office	In custody at the end of the FY 2019/2020				
	≤ 2 months	≤ 3 months	≤ 4 months	> 4 months	Total
EC					
FS & NW					
GP					
KZN	3		1	3	7
L & MP					
NC & WC	2				2
Total	5	0	1	3	9

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

Within Legal Aid SA, we have 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 this unit is also important in that many cases are taken to court to clarify the interpretation of certain legislation and, in cases were 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 unit.

K. CONCLUSION

1. The special rights conferred on children by the Constitution impose a responsibility on all departments dealing with children in conflict with the law to leave no stone unturned in protecting the rights of this vulnerable group. It has been observed that the many obstacles that lead to efficiencies in the justice system can only be tackled if all stakeholders in the sector adopt joint responsibilities and programmes.

2. The end of the 2019/2020 financial year saw the arrival on our shores of the COVID-19 virus, which has devastated a number of countries, and is expected to wreak the same devastation here. It is expected that the pandemic will reduce the operation of our courts while at the same time decimate the scarce financial resources in the possession of the state. This means that all stakeholders will have to stretch their existing resources to ensure continued focus on this vulnerable group. The nature of the pandemic also dictates that all efforts should be made to ensure that no children are exposed to infection while in custody.

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DEPARTMENT OF SOCIAL DEVELOPMENT

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

2019/2020

Building a Caring Society. Together.

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social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

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ANNUAL REPORT FOR 2019/2020 ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT 75 of 2008

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 training for practitioners on the Policy on the provision of Probation Services beyond normal working hours (After-hour Policy for probation officers). The training was conducted for the 45 practitioners, of whom included probation officers, their supervisors, and human resource and finance personnel in North West province.

The department has also coordinate the Multi-disciplinary Social Crime Prevention committee to ensure the joint development, implementation and monitoring of integrated social crime prevention strategy and the action plan therewith.

(ii) Training and Education

In order to ensure that services are provided effectively to prevent recidivism, the department of Social Development has implemented reintegration and aftercare services to adults,

youth and children who have benefitted from Probation and Correctional Services which include amongst others after care services to persons who have been released from a prison, persons who have been released from Secure Care Centres and those that completed the diversion programmes.

Furthermore, the department of Social Development conducted education awareness campaigns on social crime prevention related matters to empower the learners, youth and the community about the consequences of crime and alternatives to make better choices in life in all the nine provinces. A total of 13250 beneficiaries were reached through this initiatives. Table below depict the breakdown of the social crime prevention, education and awareness campaigns held and conducted in 2019/2020.

Province	Date	Target	Beneficiaries reached
Limpopo	26th September 2019	Learners and households	600
Mpumalanga	27th September 2019	Learners and community members	650
Eastern Cape	27th August 2019	Learners	500
Northern Cape	30th October 2019	Learners	700
Western Cape	30th October 2019	Learners and community	400
Free State	25th October 2019	Learners	400
Gauteng	15th November 2019	Learner and community	600
North West	20th November 2019	Out of school young people	400
kwaZulu Natal	27th January 2020	Durban University of Technology and Pietermaritzburg University of Technology and Pietermaritzburg students	9000
Total			**13250**

3. DIVERSION SERVICES

3.1 MONITORING IMPLEMENTATION OF THE REVIEWED POLICY FRAMEWORK ON ACCREDITATION OF DIVERSION SERVICES

The monitoring of the implementation of the Policy Framework for Accreditation of Diversion Services took place in five provinces. Monitoring was thus conducted as follows: Limpopo: 13-14 June 2019; Western Cape: 22-23 October 2019; Northwest: 30-31 October 2019; Free State: 26-27 November 2019 and Mpumalanga: 04-05 March 2020.

3.2 ISSUANCE OF GAZETTE AND CERTIFICATES

The provisions in the Child Justice Act requires the Minister of Social Development to issue two Gazettes namely: for invites applications for diversion programmes and diversion service providers and publications of the results thereof. The Gazette inviting applications was published on 12 April 2019 (Gazette No. 42391, Vol. 646 has reference) and the closing date for applications was 21 June 2019. Once the site verification teams have completed site visits on all the sites and programmes that have applied to be

accredited, the accreditation sittings will take place to adjudicate on received applications and site verification team reports.

In terms of the Gazette that published results on accredited diversion services, it covered diversion services that were accredited from 2015 to date. The Gazette on results of accredited diversion services was published on 11 October 2019 (Gazette No. 42756 Vol. 652 has reference).

Over and above that the diversion services accredited for 2019/20 was also concluded. A special national accreditation committee sitting took place on 29 October 2019 wherein previously Bosasa owned and State owned Child and Youth Care Centres were considered. Two provinces were considered in that process (Limpopo and Gauteng). The Minister issued the certificates and the table below depict the outcome thereof:

Province	Service provider and Programme	Status granted	Date of expiry
LIMPOPO	Mavambe CYCC	Full accreditation for 4 years	01 December 2023
	Polokwane CYCC	Full accreditation for 4 years	01 December 2023
GAUTENG	Soshanguve CYCC	Candidacy	1 December 2021
	Wakeup Call Programme	Full accreditation for 4 years	01 December 2023
GAUTENG	Walter Sisulu CYCC	Candidacy	1 December 2021
	Wakeup Call Programme	Full accreditation for 4 years	01 December 2023
	Rhythm of life Programme	Full accreditation for 4 years	01 December 2023

3.3 NATIONAL ACCREDITATION COMMITTEE SITTINGS:

The national accreditation sittings took place on 17-19 February 2020 and on 02-03 March 2020. Diversion services from 8 provinces were considered and submitted to the Minister to issue certificates.

3.4. 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 Province	QA Panels appointed	Number of accredited sites quality assured
1 Mpumalanga	Finalized	07
2. Eastern Cape	Finalized	03
3. Northern Cape	Finalized	05
4. North West	Finalized	07
5. Gauteng	Finalized	01
6. KwaZulu-Natal	Finalized	00
7. Western Cape	Still outstanding	00
8. Limpopo	Still outstanding	00
9. Free State	Still outstanding	00

3.5. 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.

Provinces are implementing the Reviewed Minimum Norms and Standards for Diversion and as a result, national office embarked on monitoring and evaluation sessions held with provinces in the form of dialogues, to check the level of compliance. The sessions were held with both DSD officials and NPO's within the field of diversion services in four (4) provinces namely: Mpumalanga on 13 June 2019; KwaZulu-Natal on 29 August 2019; Western Cape on27 February 2020 and Northern Cape on 11 March 2020.

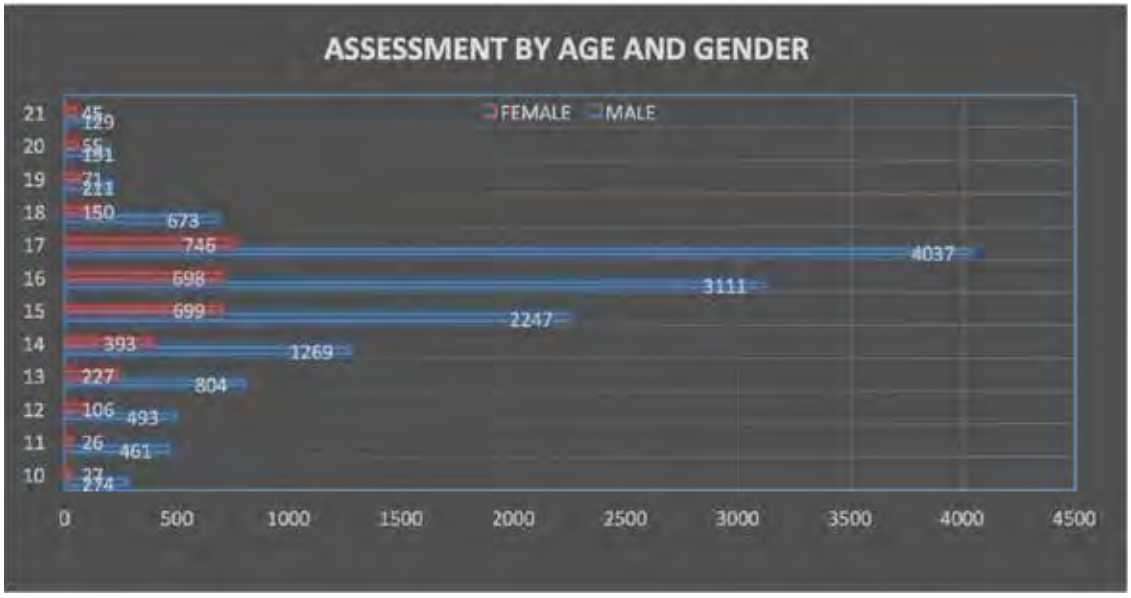
3.6. CAPACITY BUILDING ON DSD ANTI-GANGSTERISM STRATEGY

The training was facilitated to the Department of Social Development practitioners from the District and Secure care facilities successfully in four provinces. The practitioners in were empowered on Anti-Gangsterism strategy and this helped them to put up systems; techniques and align interventions into practice. It further enabled practitioners to implement plans of Anti-Gangsterism and report accordingly. Gangsterism is a societal problem, hence the need to roll out the training on Anti-Gangsterism to Communities.

4. ENSURING ASSESSMENT OF CHILDREN

Assessment by Age and Gender

AGE	GENDER		NUMBER
	MALES	FEMALES	
10	274	27	299
11	461	26	486
12	493	106	598
13	804	227	1018
14	1269	393	1644
15	2247	699	2892
16	3111	698	3732
17	4037	746	4677
18	673	150	823
19	211	71	282
20	191	55	246
21	129	45	174
Other	2307		2307
	GRAND TOTAL		**19 450**



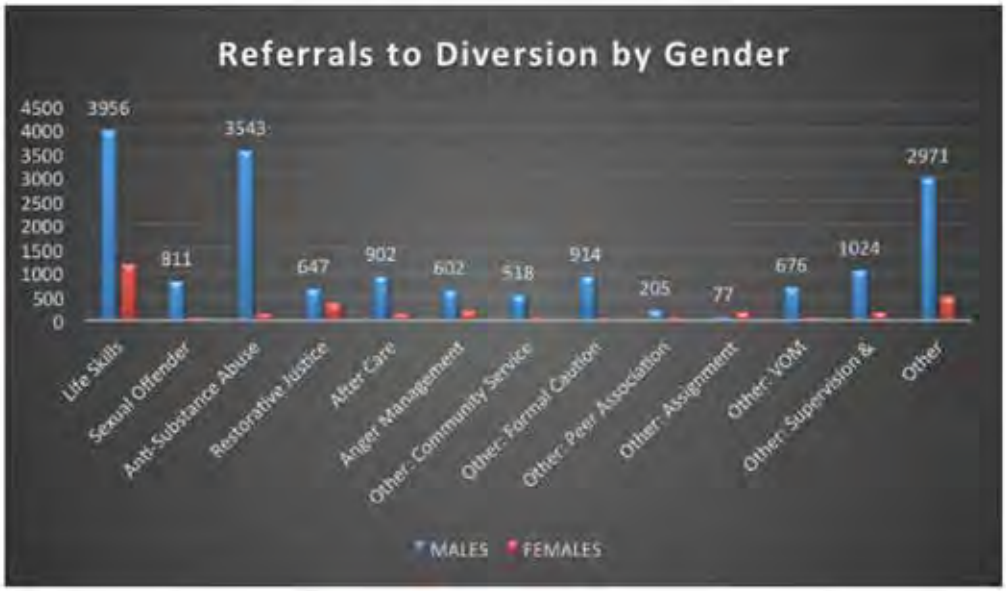
ANALYSIS

The above table depicts number of children in conflict with the law assessed. The Department of Social Development conducted a total of 19 450 assessments for the period under review. This number of assessments conduced is more by 7 318 when compared to the same period last financial year which was 12 132. There are more males than females assessed during this reporting period. Given prevailing evidence and views that adolescents are more malleable than adults, the formal social control of youth is less retribution- oriented and involves a large number of societal institutions. Such a wide array of institutions makes extremely laborious the task of documenting precisely the overrepresentation of males in our criminal justice system and the majority of them are between 14 years to 17 years with massive concentration being on age 16 and 17 years of age. Evidence also point to the fact that more males (16-17) are confined in secure care centers at a rate greater than that of females.

5. THERAPEUTIC PROGRAMMES AND DIVERSION SERVICES

5.1. REFERRAL TO DIVERSION PROGRAMMES

PROGRAMMES	GENDER		NUMBER
	MALES	FEMALES	
Life Skills	3956	1163	5054
Sexual Offender	811	40	845
Anti-Substance Abuse	3543	142	3684
Restorative Justice	647	358	1005
After Care	902	140	1038
Anger Management	602	194	796
Other: Community Service	518	63	581
Other: Formal Caution	914	31	945
Other: Peer Association	205	42	247
Other: Assignment	77	176	253
Other: VOM	676	49	724
Other: Supervision & Guidance	1024	165	1188
Other	2971	483	3453
GRAND TOTAL	**16 846**	**3 046**	**19 892**



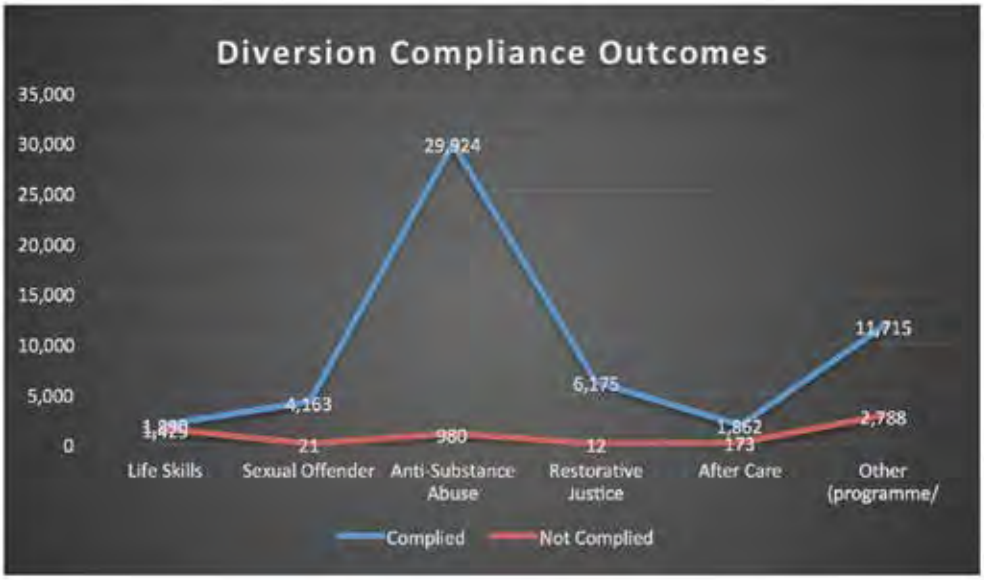
ANALYSIS

The above table shows referrals to diversion for children in conflict with the law. A total of 19 892 children were referred to diversion programmes which shows an increase of 15 636 diverted children as compared to 4 256 from the previous year (2018/19). This number is closer to the 2017/18 financial year of 10 515 children who were referred to diversion. The huge increase might be attributed to the increased DSD accredited sites.

Majority of children were referred to Life skills and Anti –substance abuse programmes. A significant number were also referred to other programmes. This was attributed to the training of master trainers on therapeutic programmes and majority of them are accredited.

Compliance and Non-Compliance outcomes:

PROGRAMMES	COMPLIANCE		TOTALS
	COMPLIED	NOT COMPLIED	
Life Skills	1 890	1 425	3 274
Sexual Offender	4 163	21	4 184
Anti-Substance Abuse	29 924	980	30 904
Restorative Justice	6 175	12	6 187
After Care	1 862	173	2 035
Other (programme/	11 715	2 788	14 503
GRAND TOTAL	**55 734**	**5 399**	**61 133**



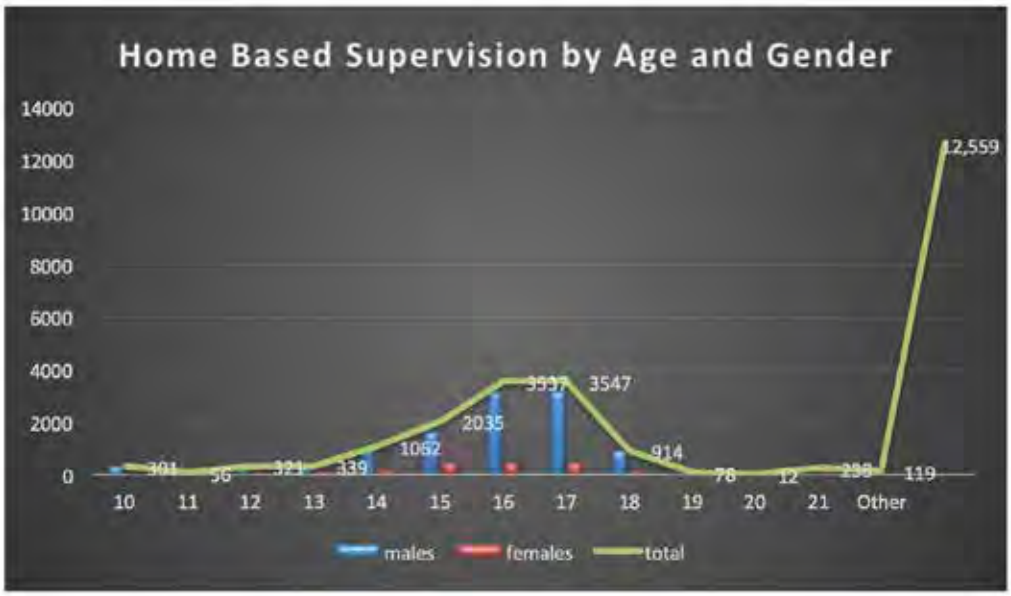
ANALYSIS

A total of 61 133 outcomes of children referred to diversion programmes of which 55 734 complied with the diversion orders and completed the programmes as compared to 5 399 of non-compliance.

5.2. HOME BASED SUPERVISION

Home Based Supervision by Age and Gender:

AGES	GENDER		TOTAL
	MALES	FEMALES	
10	301	0	301
11	42	14	56
12	318	3	321
13	309	30	339
14	913	149	1062
15	1614	421	2035
16	3147	390	3537
17	3139	408	3547
18	859	55	914
19	78	0	78
20	10	2	12
21	0	238	238
Other			119
GRAND TOTAL			**12 559**



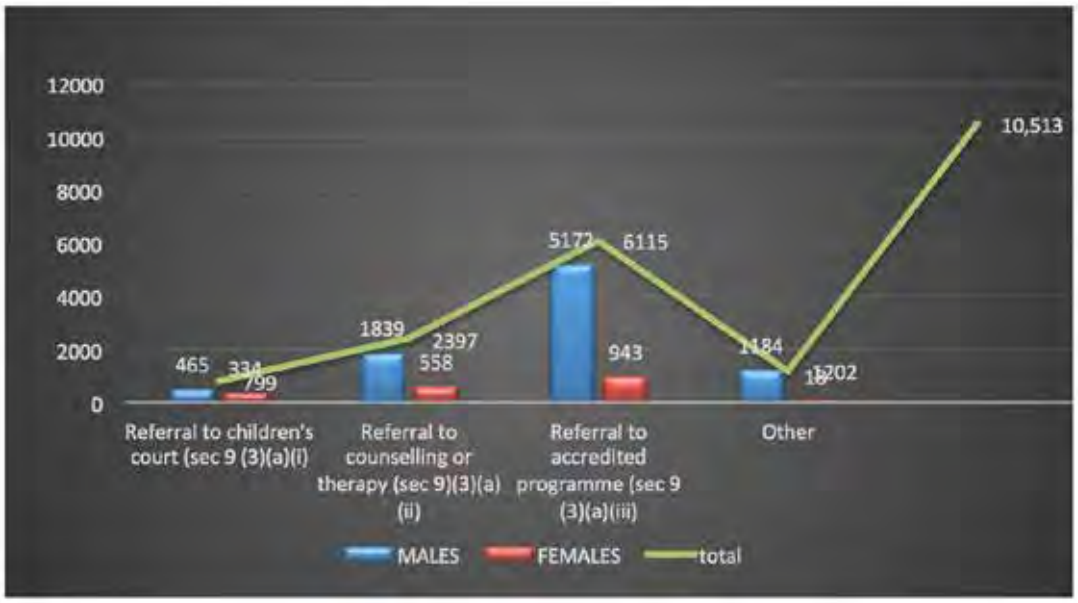
ANALYSIS

The table above depicts children referred to Home Based Supervision. A total of 12 559 children were placed under Home Based Supervision which shows a significant increase of 11 804 as compared to 755 from the previous year. For the financial year 2018/19- 2019/2020 the Department embarked on monitoring the implementation of the HBS, and conducting training on HBS. The sharp increase in children placed under HBS might be as a result of the monitoring and capacity building exercise conducted over the two financial years. It is important to note that male's still dominates representation than females referred to Home Based Supervision.

6. CHILDREN UNDER THE AGE OF 10

OUTCOME	GENDER		TOTAL
	MALES	FEMALES	
Referral to children's court (sec 9 (3)(a)(i)	465	334	799
Referral to counselling or therapy (sec 9)(3)(a)(ii)	1839	558	2397
Referral to accredited programme (sec 9 (3)(a)(iii)	5172	943	6115
Other	1184	18	1202
TOTAL	**8 660**	**1 853**	**10 513**

CHILDREN UNDER 10 BY AGE AND GENDER



ANALYSIS

This table depicts number of children under ten years of age who were referred for various interventions. A total of 10 513 children under ten were referred for interventions during the reporting period. This was higher by 10 301 as compared to 212 in the previous financial period. Interestingly the number of children under the age of 10has showed a significant upswing due to accredited programmes, trained master trainers, and integrated social crime prevention campaigns and educational campaigns. The training on National Policy Framework for the implementation of Child Justice Act shed more lights to all JCPS Cluster departments/ role players as it improves the reporting and referral mechanisms, hence the significant increase.

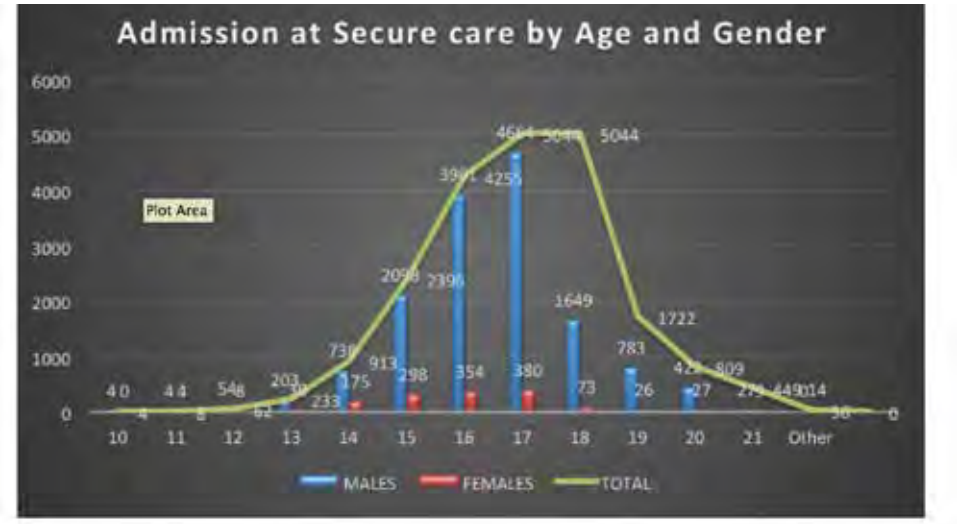
7. ESTABLISHMENT OF INFRASTRUCTURE FOR THE IMPLEMENTATION OF THE ACT

7.1 CHILD AND YOUTH CARE CENTRES

The Department of Social Development has established and managing 31 functional Child and Youth Care Centres (secure care). Those that were outsourced by six provinces, namely: EC(1);NC(2) ;NW(2) ;GP(1); LP(2) and WC(2) were retrieved during 2019/2020 financial year. The overall capacity of all the secure care centres is 2 295 .

AGES	GENDER		NUMBER
	MALES	FEMALES	
10	4	0	4
11	4	4	8
12	54	8	62
13	203	30	233
14	738	175	913
15	2098	298	2396
16	3901	354	4255
17	4664	380	5044
18	1649	73	1722
19	783	26	809
20	422	27	449
21	27	9	36
Other	0	14	14
GRAND TOTAL	**14 547**	**1 398**	**19 450**

CHILDREN UNDER 10 BY AGE AND GENDER

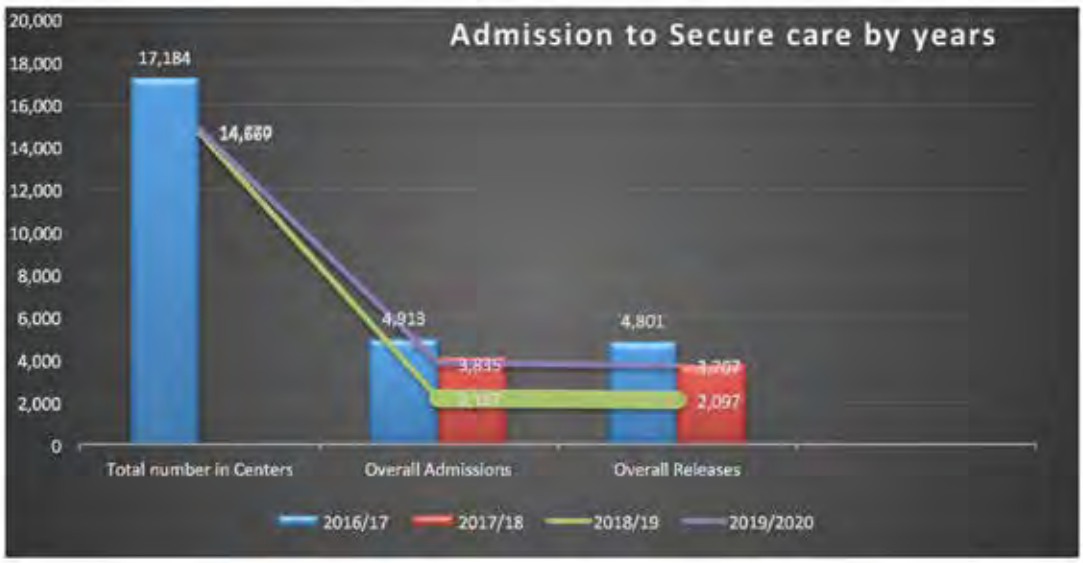


ANALYSIS

The above table depicts the breakdown of children admitted at the Secure Care Centres. The total number of children admitted in the Secure Care Centre's during 2019/20 was 14 770 which was higher by 103 as compared to 14 667 of the last financial year 2018/19.

The 2019/20 admission of 3 835 as compared to the previous year 2 187 shows an increase of 1 648. Furthermore, the number of children released increased to 3 707 compared to 2 097 in the previous financial year, a difference of 1 610.

OUTCOME	TOTAL			
	2016/17	2017/18	2018/19	2019/2020
Total number in Centers	17 184	14 190	14 667	14 770
Overall Admissions	4 913	4 064	2 187	3 835
Overall Releases	4 801	3 713	2 097	3 707
TOTAL				**43 607**



TREND ANALYSIS FROM 2016 TO 2019/20

The above table begins to show the prevailing trends in our facilities in terms of admission and releases. The above figure shows the slight decrease annually over a period of four years with a steady decrease during 2018/19.

8. ESTABLISHMENT OF AN INTEGRATED INFORMATION MANAGEMENT SYSTEM INFORMATION MANAGEMENT SYSTEMS

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. This challenge is as a result of challenges with network connections and lack of funding to purchase the required equipments.

The PCM Mobile Application is also functional in the three provinces (LP, NW and FS), and EC and WC are utilizing the system sporadically in areas with network coverage and where computers are available. Support and monitoring the Provinces on the implementation of the systems (PCM & CYCA) is conducted in an intersectoral approach. DSD directorates such as (Organizational Development (HR), District Managers) IJS and SAPS all formed part of the monitoring to unlock challenges in proper implementation of the systems. Meetings

were held with HOD's and Executive management of Provinces to re-enforce the importance of electronic management systems. The Department has purchased tablets which will be distributed to all the Provinces so as to fully implement the IJS systems.

9. CONCLUSION

The implementation of the Child Justice Act is a collaborative effort driven by both the National Office and DSD sector (Provinces and NPOs) through ensuring that the National Policy Framework and key priorities outlined are implemented. Based on available evidence DSD can attest on child offender per age, gender and type of offenses. That in turn makes it possible for DSD to develop age - appropriate interventions.

The concern in recent years has centered on children committing serous and violent crimes. Indeed it appears that there was a significant upswing in violence offences committed. Boys have and still are consistently higher in arrest rate than girls for all crimes in the country. The annual publication of Gazette on inviting application and publishing results of programmes and service providers has yielded positive results and stakeholders are complying. The rendering of accredited Therapeutic programmes has improved the quality of services to the sector. There are positive strides in the sector to implement the CJA to the fullest in line with National policy framework.

se to assess and submit a report to NPA.

APPROVED/ NOT APPROVED

MR L Mchunu

ACTING DIRECTOR GENERAL: SOCIAL DEVELOPMENT

DATE: 25\08\2020

DEPARTMENT OF CORRECTIONAL SERVICES

2019/2020 7th Annual Report: Implementation of the Child Justice Act, 75 of 2008

correctional services
Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

2019/2020 7th Annual Report: Implementation of the Child Justice Act, 75 of 2008

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ANNEXURE A: HEALTH SERVICES AVAILABLE FOR INMATES INCLUDING CHILDREN	

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

This is the departmental seventh (7th) annual report submitted by the Department of Correctional Services 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). For the Department of Justice and Constitutional Development the submission will constitute the 9th tabling of the report in parliament.

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 a variety of areas such as facilities that detain children, training of officials, regional distribution of children, bail categories, period spent in detention by remand detainee children, programmes and services rendered to children and the challenges experienced regarding the implementation of the CJA. The report includes a 19 year analysis of children detained in DCS.

From 2000 to 2019 the average number of children reduced by more than 90%. While the RDs reduced by almost 97%, sentenced children dropped by 94.20% over a period of 19 years. The largest reduction of 1 046 in the average number of children was observed between 2004 and 2005 calendar years followed by a reduction of 546 between 2009 and 2010 calendar years. The training of officials in Child Justice Act has been included in the annual programme of Human Resource Development.

Ms CK Ramulifho
Chief Deputy Commissioner: Remand Detention
Date: 23/07/2020

Mr JM Mkabela
Chief Operations Officer and Acting National Commissioner: Department of Correctional Services
Date: 2020-07-23

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 DCS. While the intention of the report is to report on the annual progress for 2019/2020, long terms trends on children detained in DCS will be included. Areas covered in the report include Detention of children in DCS facilities (overview); Building capacity through training of officials; trends on children in conflict with law who are detained in DCS, short profile of children Remand detainees and sentenced offenders, Services and Programmes; Establishment of infrastructure; Resources and budgets; Public education and communication and Establishment of an integrated information management system information management system.

2. DETENTION OF CHILDREN WITHIN DCS FACILITIES

2.1 Overview

The DCS has 243 facilities that detain inmates. Of the 243 facilities, 235 were operational and four (4) were temporary closed because of upgrading work while three (2) were closed due to dilapidation.

The average number of inmates in 2019/20 was 160 620 and children constituted 0.10% (158) of the total inmate population. Remand Detainee (RD) children constituted 0.15% (71) of the RD population (47 234) and sentenced children constituted 0.08% (87) of the sentenced population (113 321). Five (5) female children constituted 1.90% and males 98.10% of the total average of 158 children in detention during 2019/20 financial year.

Female children (5) constituted 0.11% of the total average female population (4 380) while the male children (155) constituted 0.10% of the total average male population (155 212). There were no recorded escapes for children. 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 total inmates
	Female	Males	Total	Female	Males	Total	Female	Males	Total		
Remand Detainees	2	69	**71**	80	3429	**3509**	1269	42385	**43654**	**47234**	**29.41%**
Other unsentenced	0	0	**0**	0	3	**3**	1	182	**183**	**186**	**0.12%**
Sentenced	1	86	**87**	70	2431	**2501**	2885	106627	**109512**	**113231**	**70.50%**
Total	3	155	**158**	150	5863	**6013**	4155	149194	**153349**	**160620**	
%	0.00%	0.10%	**0.10%**	0.09%	3.65%	**3.74%**	2.59%	92.89%	**95.47%**		

Table 1 : Annual average for 2019/20 based on the Daily Unlock

2.2 Long Term Trend: 2000 to 2019

From 2000 to 2019 the average number of children reduced by more than 90%. While the RDs reduced by almost 97%, sentenced children dropped by 94.20% over a period of 19 years.

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
Average for 2019	73	98	**171**	42.69	57.31

Table 2: Long term trend: 2001-2019: Annual average based on calendar years: Source MIS 2001-2014 and Daily unlock calculation: 2015-2019

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 2019/20 financial year was 210.

4. REMAND DETAINEES

The trend analysis for remand detainees will include such variables as gender distribution, facilities that detained RDs and regional distribution. The period spent in detention and bail related information has been omitted in this report because of data challenges which were incurred during the financial year.

4.1 Trend analysis from 2010 to 2019/20

An average of seventy one (71) remand detainee children were incarcerated in DCS facilities during 2019/2020 financial year. There has been a gradual reduction since the implementation of the Child Justice Act. The overall reduction since 2010 recorded more than 80%.

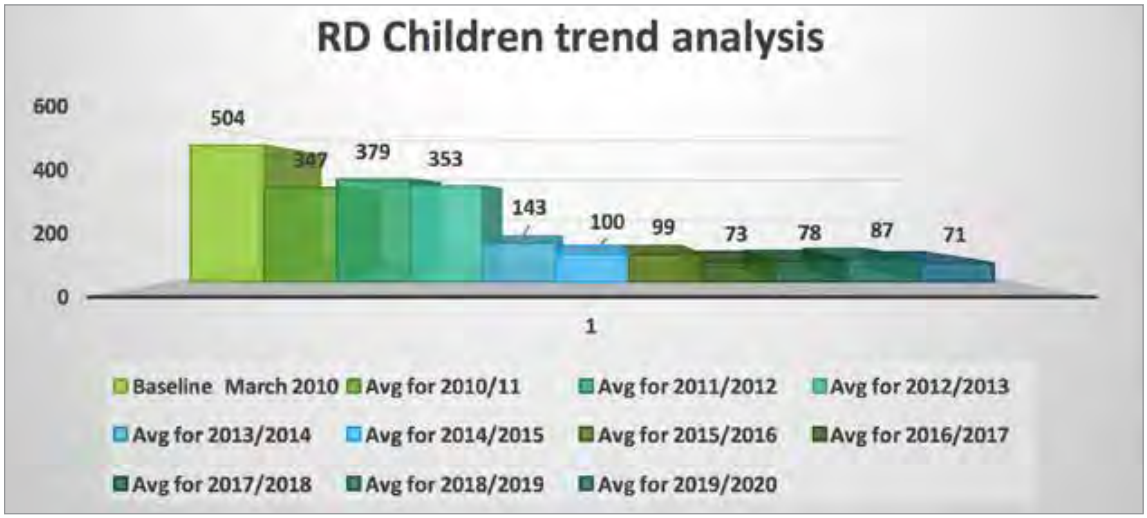

Figure 1: Average number of children Baseline of 2010 to 2019/20: Source Daily unlock

4.2 Facilities that Detained Remand Detainee children

The RD children were detained in 15 facilities as per the snapshot analysis of 31 March 2020. The region with the highest number of facilities that detained children is Free State Northern Cape. Eight facilities that detained lone children were Ladysmith, New Castle, Pollsmoor Medium A, Mosselbaai, Nelspruit, Bizza Makhate C, Upington Males and Boksburg Juveniles. 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. The general reduction of children generates lone children and the department has to continuously manage their distribution.

Eastern Cape	KwaZulu Natal	Western Cape	Limpopo, Mpumalanga and North West (LMN)	Free State and Northern Cape (FSNC)	Gauteng
Cradock (2) Port Elizabeth 17)	Durban Youth (18) Ladysmith (1) Newcastle (1)	Pollsmoor Med. A (1) Mosselbaai (1)	Nelspruit (1)	Grootvlei A (3) Bizza Makhate B (9) Bizza Makhate C (1) Sasolburg (2) Vereening (2) Upington Males (1)	Boksburg Juve-niles (1)
Total 19	**Total: 20**	**Total: 2**	**Total: 1**	**Total: 18**	**Total: 1**

Table 3: ***Facilities that detained Remand Detainee children 31 March 2020: Source 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 2018, 31 March 2019 and 31 March 2020

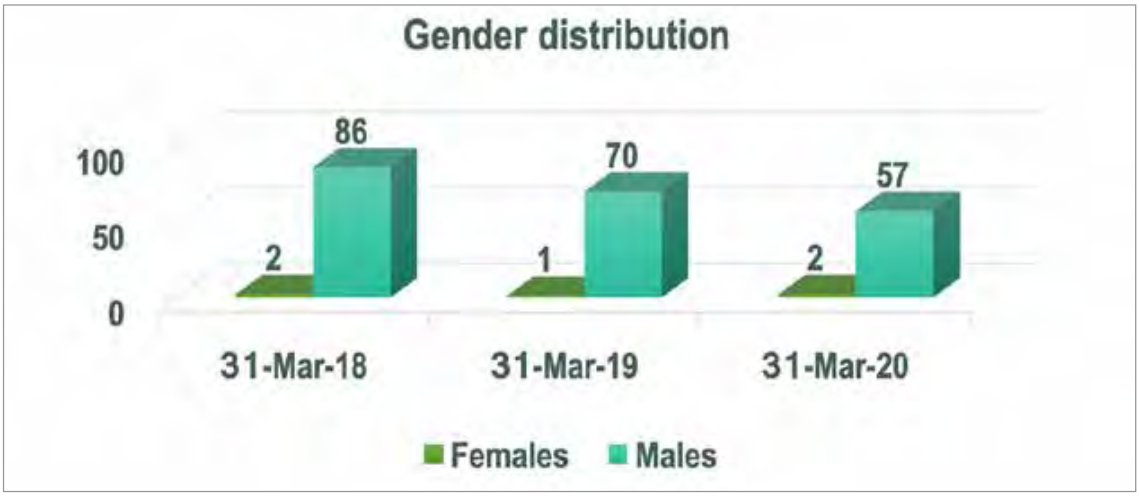

Figure 2: Snapshots Analysis of Children: Gender Distribution: Data from DCS Databank for March 2018 and Daily Unlock for March 2019 and 2020

4.5 Regional Distribution

According to figure 3 below, on 31 March 2018, the regions with the highest number of remand detainee children, in descending order, were KwaZulu Natal (KZN), Free State Northern Cape (FSNC) and Eastern Cape (EC). The Gauteng (GP) region had no children recorded. On 31 March 2020 the regions with the highest numbers of children were KZN (20), EC (19) and FSNC (18) while the regions with the lowest numbers of RD children were, WC (2), LMN (1) GP (1).

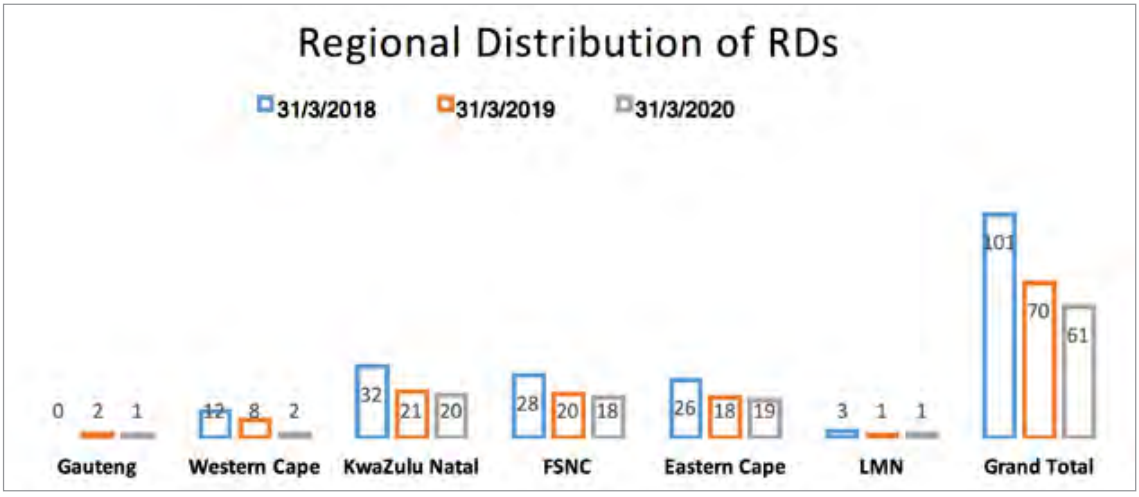

Figure 3: Snapshots Analysis of Children: Regional Distribution: Data from DCS daily unlock

5. SENTENCED CHILDREN

5.1 Trend analysis from 2010 to 2019/20

An average of 87 sentenced children were incarcerated in DCS facilities during 2019/20 financial year. A reduction from an annual average of 635 in 2010/11 financial year constitutes a decrease of more than 80% over a period of nine years since the implementation of the Child Justice Act.

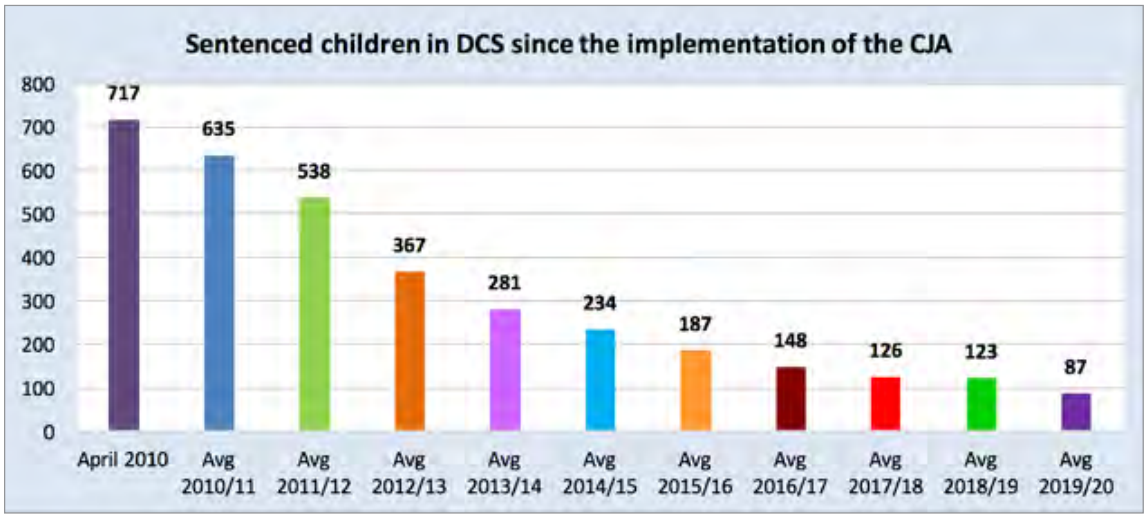

Figure 4: National Distribution of sentenced children in DCS Source: Daily Unlock

5.2 Gender

Of the sentenced children incarcerated, males constituted more than 95% in all the three snapshots taken at 31 March 2018, 31 March 2019 and 31 March 2020.

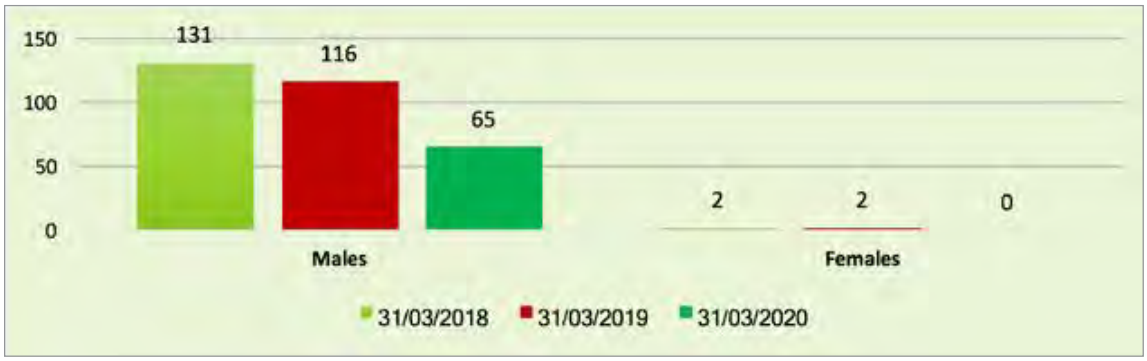

Figure 5: Snapshots Analysis of sentenced children: Gender Distribution: Data from DCS databank for 31 March 2018, 31 March 2019 and information for 31 March 2020 is from the Daily Unlock.

5.3 Facilities that detained Sentenced Children

Sentenced children were detained in 13 facilities as per the snapshot analysis of 31 March 2020. The regions with the highest number of facilities that detained children were KwaZulu Natal (3) and LMN (3). The region with the lowest number of facilities that detained sentenced children was EC (1). The number of facilities that detained lone children were 5.

EC REGION	GAUTENG REGION	KZN REGION	LMN REGION	FSNC REGION	WC REGION
Cradock (6)	Boksburg Juvenile (1)	Durban Medium B (1)	Barberton Town (3)	Bizzah Makhate D (9)	Drakenstein Medium B (2)
	Emthonjeni Juvenile (7)	Durban Youth (10)	Klerksdorp (1)	Kimberley (1)	Mosselbay(1)
Ekuseni Youth Development Centre (16) Rustenburg (7)					
Total: 6	**Total: 8**	**Total: 27**	**Total: 11**	**Total:10**	**Total: (3)**

Table 7: Facilities that Detained Sentenced Children as at 31 March 2020- DCS Source : Daily Unlock

5.4 Regional Distribution

The regions with the highest number of sentenced children on 31 March 2020 were KZN (27), LMN (11) and FSNC (10). However, KZN reflects a constant decrease over the 2 years snapshot. The regions with the lowest numbers of sentenced children are GP (8), EC (6) and WC (3).

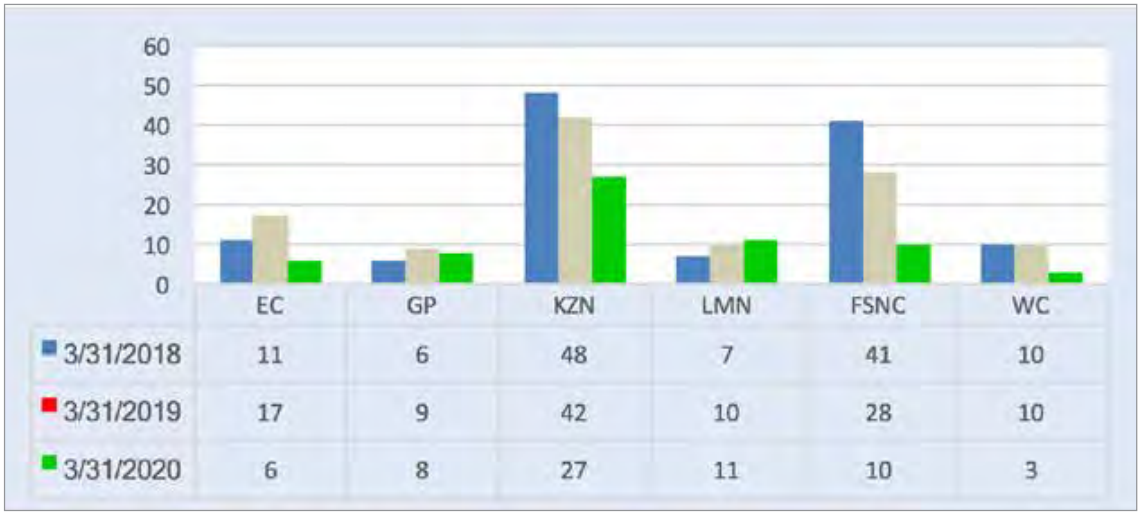

Figure 6: Snapshots Analysis of sentenced children: Regional Distribution: Data from DCS Databank for 31 March 2018 and 31 March 2019. Source: Daily Unlock 31 March 2020.

5.5 Age distribution of sentenced children

On 31 March 2020 of the 65 sentenced children who were detained, 46.15% were 17 years old and 32.31% were 16 years old. The 14 and 15 year olds constituted the same percentage of 10.77%. The 16 and 17 year old were detained in all the six regions while the 14 and 15 year old were in selected regions as per table appearing below.

On March 2019, 17 year olds consisted of 67.00% of all sentenced children (100), 16 years olds consisted of 26.00% of the total number of children and 15 year olds constituted 2.00% of sentenced children whilst 14 year olds were 5.00%.

When comparing with other periods i.e., March (2018 and 2019), the 17 year old children dominates the detention of children as they remained constant at more than 40% as compared to other age groups.

Regions	31-Mar-18				31-Mar-19				31-Mar-20			
	14	15	16	17	14	15	16	17	14	15	16	17
EC	0	1	5	6	1	0	4	7	1	0	1	4
GP	0	1	1	5	0	0	1	7	0	3	2	3
KZN	0	3	12	31	3	1	12	25	5	3	9	10
LMN	1	1	2	4	1	1	2	10	1	0	4	6
FSNC	1	1	7	14	0	0	4	12	0	1	5	4
WC	0	1	2	8	0	0	3	7	0	0	0	3
Total	**2**	**8**	**29**	**68**	**5**	**2**	**26**	**67**	**7**	**7**	**21**	**30**

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

5.6 Sentences

According to the snapshot of 31 March 2020, of the 65 children who were in detention on 31 March 2020, 7.69% (5) received sentences of >10–15 years and 44.62% received sentences of >3-5 years. There is no childe serving a life sentence.

SENTENCE GROUP	EC	GP	KZN	LMN	FSNC	WC	Total
> 6 - 12 MONTHS	0	0	1	0	0	0	**1**
> 12 - < 24 MONTHS	0	0	2	0	0	0	**2**
> 2 - 3 YEARS	1	2	4	0	0	0	**7**
> 3 - 5 YEARS	0	3	13	10	3	0	**29**
> 5 - 7 YEARS	1	0	4	1	5	0	**11**
> 7 - 10 YEARS	3	2	3	0	1	1	**10**
> 10 - 15 YEARS	1	1	0	0	1	2	**5**
Grand Total	**6**	**8**	**27**	**11**	**10**	**3**	**65**

Table 9: Source: DCS Databank as at 31 March 2020

6. PROGRAMMES/SERVICES PROVIDED TO CHILDREN

6.1 Social Work Services

Programmes and Services offered to sentenced children including parolees and probationers were: Substance Abuse, Sexual Offender Treatment, Marriage and Family Care, Life-Skills, Anger Management, Assessment, Resilience Enhancement, Supportive Services, Trauma and Cool and Fit for Life.

Programmes and services	Sentenced, Parolees & Probationers	Children in Remand
Substance Abuse	9	1
Parenting	0	0
Sexual Offender Treatment	24	0
Marriage and Family Care	53	1
Life-Skills	28	4
Anger Management	2	3
Assessment	42	2
Trauma	1	2
Support services	11	3
Resilience	9	0
Orientation	3	0
Cool and Fit for Life	1	0
Total:	**183**	**16**
Some children attended more than 1 programme		
Table 10: Social Work Programmes: Source: Incarceration and Corrections		

6.2 Sport, Recreation, Arts and Culture (SRAC)

Sentenced children participate in Sport, Recreation, Arts and Culture (SRAC) activities which include indoor and outdoor games; however remand detainees do not participate in outdoor sport activities.
Children attended the following SRAC programmes during 2019/2020 financial year.

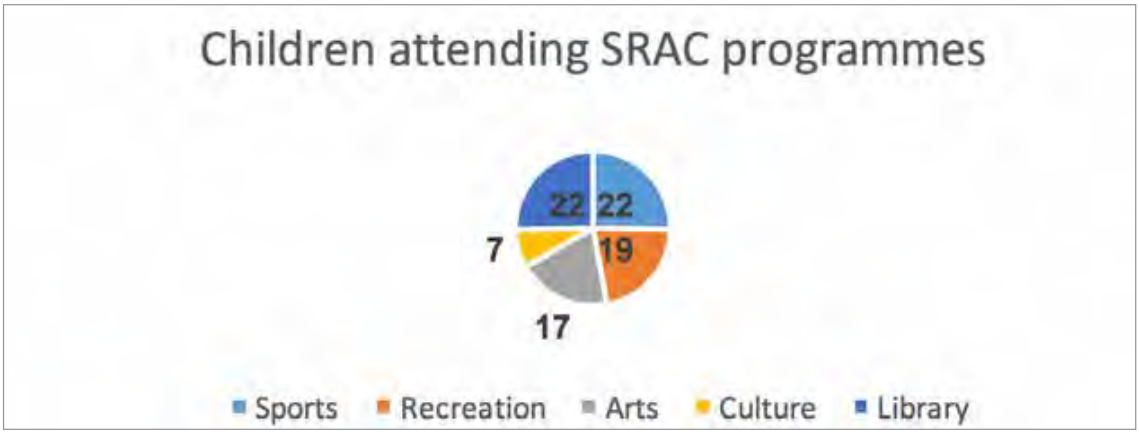

Figure 7: Pie chart on attendance of SRAC Programmes during 2019/20

6.3 Correctional Programmes

Correctional programmes appearing in the table below were offered to sentenced children in the 2019/20 financial year. The programmes include those that were facilitated by the DCS officials and the external service providers. A total number of 109 children completed correctional programmes from 1 April 2019 to 31 March 2020. Some children attended more than one programme.

Programmes	Total number of children
Substance Abuse	21
Anger Management	13
New Beginnings	18
Cross Roads	13
Restorative Justice	5
Behaviour Modification Programme on Gangsterism	12
Economic Crime- Fraud related	1
Economic Crime- Theft related	5
Robbery	1
Pre – Release	15
Total	***104***
Programmes facilitated by external service providers	
New Beginnings	1
Restorative Justice	1
Behaviour Modification Programme on Gangsterism	1
Economic Crime- Theft related	1
Changing Lanes (Programme on murder related offences)	1
Total	***5***
Total: DCS and External service providers	
Note: Some children attended more than 1 programme	
Table 11: Correctional Programmes: Source: Incarceration and Corrections	

6.4 Spiritual Care Services

Below is a diagram presenting spiritual care services that were rendered to remand detainees and sentenced children. The numbers reflecting below are of services rendered to the children.

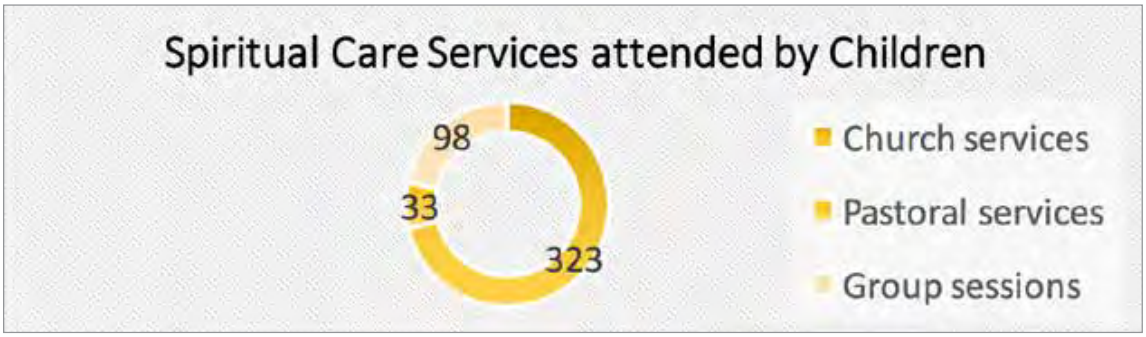

Figure 8: Pie chart on attendance of Spiritual Care Services during 2019/20

6.5 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 12 below indicates the numbers of children who attended health care programmes during 2019/20 financial year.

Health Care Programs and Services	Service Providers	Total Number of Children	
		RDs	Sentenced
Primary health care: Promotion of health, disease prevention, curative and rehabilitative services.	Health Care Professionals	104	153
Nutrition services: Provision of food service per prescribed meal plan.	Food Service Officials	All inmates	
Personal hygiene: Provision of toiletry, bedding and clothing.	Unit Managers/ Supervisors	All inmates	
Table 12: Source: Data from DCS Health Care Services			

6.6 Psychological Services

Psychological services are available for sentenced children and remand detainee children are referred to psychological services when a need is identified. To the extent that services provided to children in detention, as well as other inmates, are need-based, psychologists have not received a great number of referrals relating to children. Further, where most of the psychologists are located, children account for an insignificant number of incarcerated persons. During the year 2019/20, eleven sentenced children received psychological services.

6.7 Formal Education

Educational programmes available for children in DCS are 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. Children that participated in formal education during 2019/20 financial year were 17.

With regard to matric passes children in DCS facilities are not in matric however a request for reporting matric results was made by the ISCCJ. The analysis of the results of learners that sat for the National Senior Certificate examinations reflect an 80% pass rate. Of these learners 48,5% gained admission to Bachelors studies, 30.9% gained admission for a Diploma pass and 20,6% for a Higher Certificate. A total of 61 distinctions in various subjects have been achieved with the star performance from Usethubeni School in KZN achieving 18 distinctions 29.5% of all distinctions received.

The challenge faced by the DCS is that some children who are in detention were not attending school before they were arrested.

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. ESTABLISHMENT OF INTEGRATED INFORMATION MANAGEMENT SYSTEM

The development and management of the integrated information management system has been assigned to the Integrated Justice System (IJS) which is situated in the Department of Justice and Constitutional Development. The DCS is developing its own admission and detention system called Integrated Inmate Management System (IIMS). There has been delays in finalizing the system and this will further delay integration of the DCS with other criminal Justice system departments as it has to be done through the IJS platform.

10. 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.

11. CHALLENGES

Challenge
The department continues to detain lone children in several facilities and the remand detainees cannot be mixed with sentenced children. There a process of process of referral of RDs to court for consideration of alternative placement where possible.
Lack of participation in formal education by children especially sentenced offenders is a concern for the department.

12. CONCLUSION

The implementation of the CJA is a collaborative effort driven by the National Office through ensuring that the operational policies of the department are amended accordingly and relevant officials are trained. Since the implementation of the CJA (areas of responsibility that falls under the DCS) takes place at the centre level under the operational leadership of the heads of centres, the latter are included in the training programme of officials which is geared towards improving service delivery in the department. The observable benefit is the reduction in the number of children detained in DCS facilities.

13. ANNEXURES

ANNEXURE A: HEALTH SERVICES AVAILABLE FOR INMATES INCLUDING CHILDREN

• Comprehensive Management of Human Immunodeficiency. Virus (HIV), Acquired Immuno-deficiency Syndrome (AIDS), Tuberculosis (TB) and Sexually Transmitted Infections (STIs) • Prevention, amongst others: - Health education, awareness programmes and healthy living; - HIV Testing Services (HTS); - Medical Male Circumcision (MMC); - Condom distribution (both male and female condoms) - Prophylactic treatment (Isoniazid, Cotrimoxazole and Post Exposure Prophylaxis) - Infection, Prevention and Control (IPC) services • Care and Support, amongst others: - Adherence counselling - Psychosocial support - Direct Observation Treatment Short-course (DOTS) - Palliative Care - Personal hygiene • Treatment, amongst others: - Anti-retroviral treatment (ART) - Syndromic management of STIs - TB treatment	• Mental health care services are provided; and • Referral to the Department of Health facilities as per established criterion. • Special dietary requirements for inmates are catered for in all the food service units that prepare meals for inmates including children. The dietary requirements include recommended religious diets, cultural diets and health related diets; and • Personal and environmental hygiene services are catered for to all inmates including children. They include the provision of toiletry, bedding and clothing

2019/2020 19

SOUTH AFRICAN POLICE SERVICE

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

ON A JOURNEY TO A SAFER SOUTH AFRICA

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

#PatrioticandSelflessService

2019/2020

Component: Social Crime Prevention

FURTHER INFORMATION ON THE REPORT CAN BE OBTAINED FROM

Division: Visible Policing
540 Pretorius Street
Arcadia
0007

012 421 8209

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: 2020 -06- 0 5

LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: VISIBLE POLICING
MD SEMPE (SOEG)

Date: 2020-07-14

LIEUTENANT GENERAL
DEPUTY NATIONAL COMMISSIONER: POLICING
SF MASEMOLA

Date: 2020-09-04

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

Date: 2020 -09- 0 7

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CHAPTER 1: INTRODUCTION

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[1] progress for 2019/2020, 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
- Limitations/Challenges and possible interventions.

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 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, 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

[1] 1 April 2019 – 31 March 2020

of either a written notice 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

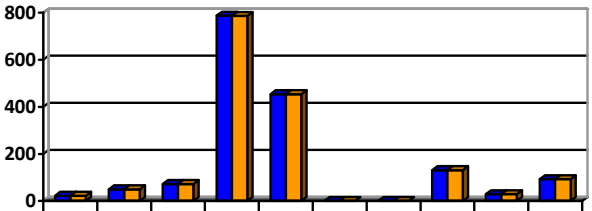
- Issue a certificate for the expungement of a criminal record of a child, as contemplated in section 87(5) (b) of the Act.

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

Building Capacity in the Sector

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 six hundred and thirty eight** (**1 638**) officials from all nine provinces were trained during the financial year 2019/2020.



	HO	EC	FS	GP	KZN	LIMP	MP	NW	NC	WC
TRAINED	22	50	72	787	454	0	0	131	29	93
COMPETENT	22	50	72	786	454	0	0	131	29	93

TRAINED
COMPETENT

2

Total number of members trained and found competent in the Vulnerable Children Learning Programme and Children and Youth At Risk Learning Programme for the period 2019-04-01 to 2020-03-31, as on 2019-04-16

The SAPS Vulnerable Children Learning Programme and Youth and Children at Risk are one week in-service training curricula, which are 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 Programmes include 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*).

[2] HO: Head Office

The following police stations were capacitated during the Inter-Sectoral Visits on the Child Justice Act:

PROVINCE AND VENUE	STATIONS INVOLVED	DATE	NUMBER OF SAPS PARTICIPANTS
GAUTENG : KRUGERSDORP SAPS	Krugersdorp SAPS	26 April 2019	10
	Khutsong SAPS		
	Randfontein SAPS		
	Atteridgeville SAPS		
GAUTENG : DIEPKLOOF SAPS	Diepkloof SAPS	29 April 2019	32
	Sophiatown SAPS		
	Moroka SAPS		
	Orange Farms SAPS		
FREE STATE : THABONG	Wesselsbron SAPS	21 May 2019	18
	Ondendaalsrus SAPS		
	Welkom SAPS		
FREE STATE : BOITHUSONG HRDC	Kagisanong SAPS	23 May 2019	16
	Mangaung SAPS		
	Boithuso SAPS		
	Park Road SAPS		
	Bloemspruit SAPS		
NORTH WEST : MATLOSANA MUNICIPAL HALL	Ikageng SAPS	16 July 2019	10
	Jouberton SAPS		
NORTH WEST : POTCHESTROOM	Ipelegeng SAPS	18 July 2019	14
	Boitekong SAPS		
	Christiana SAPS		
	Koster SAPS		
SAPS PROVINCIAL OFFICE: KWAZULU NATAL	Umlazi SAPS	20 August 2019	13
	Durban Central SAPS		
	Chartsworth SAPS		

PROVINCE AND VENUE	STATIONS INVOLVED	DATE	NUMBER OF SAPS PARTICIPANTS
	Phoenix SAPS		
	Ntuzuma SAPS		
KWAZULU NATAL : PIETERMARITZBURG CLUSTER OFFICE	Ladysmith SAPS	22 August 2019	7
	Plessislear SAPS		
LIMPOPO: SESHEGO SAPS	Seshego SAPS	17 September 2019	26
	Polokwane SAPS		
	Mankweng SAPS		
	Mahwelereng SAPS		
	Westernburg SAPS		
LIMPOPO: SAPS ACADEMY THOHOYANDOU	Phalaborwa SAPS	19 September 2019	16
	Thohoyandou SAPS		
	Giyani SAPS		
	Makhado SAPS		
MPUMALANGA : PROVINCIAL HEAD OFFICE	Tonga SAPS	15 October 2019	26
	Pienaar SAPS		
	Kabokweni SAPS		
	Baberton SAPS		
	Komatipoort SAPS		
	Nelspruit SAPS		
	Masoyi SAPS		
	MP Provincial Head Office		
MPUMALANGA: WITBANK SAPS	Witbank SAPS	17 October 2019	21
	Badplaas SAPS		
	Standerton SAPS		
	Secunda SAPS		
	Ermelo SAPS		
	Amerspoort SAPS		

PROVINCE AND VENUE	STATIONS INVOLVED	DATE	NUMBER OF SAPS PARTICIPANTS
WESTERN CAPE: PROVINCIAL HEAD OFFICE	Harare SAPS	29 October 2019	31
	Ravensmead SAPS		
	Nyanga SAPS		
	Metrorail WC		
	Bishop Lavis SAPS		
	Steenberg SAPS		
	REU Law Enforcement		
	PRASA Rail		
	SAPS WC Rapid Rail Unit		
	Gugulethu SAPS		
	Manenberg SAPS		
	Khayelitsha SAPS		
	WC Provincial Head Office		
	Nyanga Cluster office		
WESTERN CAPE: PROVINCIAL HEAD OFFICE	SAPS WC Rapid Rail Unit	31 October 2019	17
	Kraaifontein SAPS		
	Atlantis SAPS		
	Worcester SAPS		
	WC Provincial Head Office		
	Tygerberg Cluster Office		
	Parow SAPS		
	WC PRASA		
NORTHERN CAPE: KIMBERLEY SAPS	Francis Baard Cluster Office	19 November 2019	20
	Kimberley SAPS		

PROVINCE AND VENUE	STATIONS INVOLVED	DATE	NUMBER OF SAPS PARTICIPANTS
	Galeshewe SAPS		
	Roodepan SAPS		
	Douglas SAPS		
	Hopetown SAPS		
	NC Provincial Head Office		
	Hartswater SAPS		
NORTHERN CAPE: KEIMOES SAPS	Carnavon SAPS	21 November 2019	21
	Calvinia SAPS		
	Victoria West SAPS		
	Namakwa Cluster Office		
	Williston SAPS		
	Victoria West SAPS		
	NC Provincial Head Office		
	Pixley Ka Seme Cluster Office		
	Upington SAPS		
	Keimoes SAPS		
EASTERN CAPE: PORT ELIZABETH 10111 CALL CENTRE	Mount Road SAPS	21 January 2020	34
	Galvendale SAPS		
	Humewood SAPS		
	Walmer SAPS		
	Ikamvelihle SAPS		
	Paterson SAPS		
	Kinkelbos SAPS		
	Kwazakhele SAPS		
	Kwadwesi SAPS		
	Nerina One Stop Centre		

PROVINCE AND VENUE	STATIONS INVOLVED	DATE	NUMBER OF SAPS PARTICIPANTS
	Swartkops SAPS		
	Motherwell SAPS		
	New Brighton SAPS		
	EC Provincial Head Office		
	Dept of Justice &CD Eastern Cape		
	Graaff-Reinet SAPS		
	Whittle Sea SAPS		
	Lady Frere SAPS		
EASTERN CAPE: PORT ELIZABETH 10111 CALL CENTRE	Queenstown SAPS	23 January 2020	40
	Sommerset East SAPS		
	Baviaanskloof SAPS		
	Klipplaat SAPS		
	Rietbron SAPS		
	Willowmore SAPS		
	Jansenville SAPS		
	EC Provincial Head Office		
	Pearston SAPS		

In addition , during the reporting period the following provinces were capacitated on the Child Justice Act, 2008(Act no. 75 of 2008) and on the roll out of the SAPS Standard Operational Procedure on the Policing of Vulnerable Children in South Africa.

PROVINCE AND VENUE	DATES	NUMBER OF SAPS PARTICIPANTS
GAUTENG: JOHANNESBURG CENTRAL SAPS	17-18 September 2019	60

PROVINCE AND VENUE	DATES	NUMBER OF SAPS PARTICIPANTS
MPUMALANGA : NELSPRUIT DISASTER MANAGEMENT CENTER	26 - 27 September 2019	38
NORTH WEST: POTCHEFSTROOM MUNICIPAL HALL	1-2 October 2019	64
NORTHERN CAPE: KIMBERLEY SAPS	9-10 October 2019	41
FREE STATE: MILITARY MUSEUM	16-17 October 2019	54
EASTERN CAPE: BISHO POLICE ACADEMY	29-30 October 2019	56
KWA-ZULU NATAL: MURIANHILL PUBLIC ORDER POLICE	6-7 November 2019	72
WESTERN CAPE: CAPE TOWN CENTRAL	19-20 November 2019	74
LIMPOPO: POLOKWANE SAPS	28-29 November 2019	55

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

A total number of **18** (eighteen) police stations were visited through the planned Inter-Sectoral pre-assessment visits:

PROVINCE	STATION	DATE	ROLEPLAYERS INVOLVED
GAUTENG	DE DEUR SAPS	30 April 2019	DS[3]D, SAPS[4], DoJ&CD[5], Walter Sisulu

[3] DSD: Department of Social Development,
[4] SAPS: South African Police Service
[5] DoJ&CD: Department of Justice and Constitutional Development

PROVINCE	STATION	DATE	ROLEPLAYERS INVOLVED
			CYCC[6] & Teddy Bear Clinic
	MOROKA SAPS	30 April 2019	DSD, SAPS, DoJ&CD, Walter Sisulu CYCC & Teddy Bear Clinic
FREE STATE	WELKOM SAPS	20 May 2019	DoJ&CD,NPA[7] and SAPS
	PARK ROAD SAPS	20 May 2019	DoJ&CD,NPA and SAPS
NORTH WEST	JOUBERTON SAPS	15 July 2019	DCS,DoJ&CD,DSD and SAPS
	IKAGENG SAPS	17 July 2019	
KWAZULU-NATAL	CHARTSWORTH SAPS	19 August 2019	DoJ&CD,NPA,DSD,DoH[8] and SAPS
	PHOENIX SAPS	21 August 2019	Legal Aid South Africa,DoJ&CD,DSD and SAPS
LIMPOPO	MANKWENG SAPS	16 September 2019	SAPS
	POLOKWANE SAPS	18 September 2019	SAPS and DoJ&CD
MPUMALANGA	TONGA SAPS	14 October 2019	Department of Health, Legal Aid South Africa and SAPS
	BABERTON SAPS	16 October 2019	DSD and SAPS
WESTERN CAPE	BISHOP LAVIS	28 October 2019	DOH and SAPS
	KRAAIFONTEIN	30 October 2019	DC[9]S, DSD and SAPS
NORTHERN	ROODEPAN SAPS	18 November	SAPS

[6] CYCC: Child Youth Care Centre
[7] NPA: National Prosecuting Authority
[8] DOH: Department of Health
[9] DCS: Department of Correctional Services

PROVINCE	STATION	DATE	ROLEPLAYERS INVOLVED
CAPE		2019	
	KIMBERLEY SAPS	20 November 2019	SAPS, NPA, DoJ&CD and DSD
EASTERN CAPE	MOUNT ROAD SAPS	20 January 2020	SAPS and DoJ&CD
	GELVANDALE SAPS	22 January 2020	SAPS and DoJ&CD

No impact assessment on the Vulnerable Children Learning Programme was conducted during the reporting period.

Methods of securing attendance of children at preliminary inquiries

Dealing with children in conflict with the law in terms of the provisions of the Child Justice 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 taking the compelling reasons into account. The SAPS 583(b) is utilised as the written notice and the SAPS 583(j) as the information notice upon the arrest of the child.

Furthermore, the Designated Probation Officer is notified through the CAS[10]/ICDMS[11] which is now linked with the Probation Case Management System (PCMS) to notify the Probation Officer about the cases opened against children in preparation for the assessment to take place.

Updated information on Child and Youth Care Centre facilities, (including identifying available bed space) to which children may be referred, is available on the SAPS Intranet.

The Operational Planning and Monitoring (OPAM) System was updated with the most recent contact details of Provincial Department of Social Development Coordinators, in order to facilitate the process of e-mail notification of Probation Officers when a child under the age of 10 years is in conflict with the law. Challenges are still being experienced with this system as not all SAPS members are registered to use the above mentioned system. This matter is being addressed through the station

[10] CAS: Case Administration System
[11] ICDMS: Integrated Case Docket Management System

PROVINCE	STATION	DATE	ROLEPLAYERS INVOLVED
			CYCC[6] & Teddy Bear Clinic
	MOROKA SAPS	30 April 2019	DSD, SAPS, DoJ&CD, Walter Sisulu CYCC & Teddy Bear Clinic
FREE STATE	WELKOM SAPS	20 May 2019	DoJ&CD,NPA[7] and SAPS
	PARK ROAD SAPS	20 May 2019	DoJ&CD,NPA and SAPS
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	IKAGENG SAPS	17 July 2019	
KWAZULU-NATAL	CHARTSWORTH SAPS	19 August 2019	DoJ&CD,NPA,DSD,DoH[8] and SAPS
	PHOENIX SAPS	21 August 2019	Legal Aid South Africa,DoJ&CD,DSD and SAPS
LIMPOPO	MANKWENG SAPS	16 September 2019	SAPS
	POLOKWANE SAPS	18 September 2019	SAPS and DoJ&CD
MPUMALANGA	TONGA SAPS	14 October 2019	Department of Health, Legal Aid South Africa and SAPS
	BABERTON SAPS	16 October 2019	DSD and SAPS
WESTERN CAPE	BISHOP LAVIS	28 October 2019	DOH and SAPS
	KRAAIFONTEIN	30 October 2019	DC[9]S, DSD and SAPS
NORTHERN	ROODEPAN SAPS	18 November	SAPS

[6] CYCC: Child Youth Care Centre
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[10] CAS: Case Administration System
[11] ICDMS: Integrated Case Docket Management System

compliance visits, Capacity Building Sessions and Inter-Sectoral Training Sessions that are being conducted.

Management of Infrastructure for the Implementation of the Act

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

The SAPS has **One thousand one hundred and fifty four (1154)** police stations, all of which are render services to children in conflict with the law. Detention facilities at police stations are not conducive to accommodate children and children are only detained at a police station as a last resort.

Resources and budgets

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).

Public Education and Communication

Developing and submission of prevention intervention plans

A total of 7(seven) National and 345(three hundred and forty five) public education and communication events were conducted within the provinces to address child protection and children in conflict with the law. During Child Protection Week 2019, the SAPS distributed 1000 (one thousand) Child Justice Act playing cards, 500 Children's Act pamphlets and 200 rulers to the learners at the launch which took place on 02 June 2019 in Orange Farm- Gauteng Province and at The Closing Event that took place on 09 June 2019 in Witbank- Mpumalanga Province.

On 06 June 2019 and 07 June 2019 during the Child Protection Week the SAPS hosted the "Bring a Child to Work Campaign" where learners from different schools had an opportunity to visit different Components within the SAPS and were educated about how the SAPS operates, careers within the organisation and services that SAPS offers to the community especially children in need of care and protection and in those in conflict with the law.

National Campaigns to support Child Protection Week 2019 and Bring a Child to Work Initiative:

PROVINCE	NUMBER OF CAMPAIGNS CONDUCTED	ACTIVITY AND OBJECTIVE
EASTERN CAPE	34	Addressing children's rights, human trafficking and danger of substance abuse, rape awareness, child safety, missing children, child abuse, sexual assault, Gangsterism, awareness on abuse that affect young girls, school safety, cyber bullying, kidnapping and bullying.
FREE STATE	29	Awareness on children's rights, child protection, safety and security, road safety, child abuse, dangers of social media, Child Justice Act and Gangsterism
KWAZULU NATAL	1	Educate the children about their rights and responsibilities
LIMPOPO	42	Safety of children and victim of crime, educate children on issues pertaining children's rights., educate children and care givers on child abuse, child neglect, refraining from taking gifts from strangers, dangers of playing and walking alone in the street, Bullying, theft, sexual assault and reporting of criminal activities.
MPUMALANGA	30	Awareness about human trafficking, child abuse, bullying and substance abuse. Campaign for all form of abuse, teenage pregnancy, sexual assault, theft, rape. life in prison, truancy at school (bunking school), draw attention to children issues and highlight the progress made towards the realisation. Promotion and protection of the rights of the child, children rights and responsibilities,

PROVINCE	NUMBER OF CAMPAIGNS CONDUCTED	ACTIVITY AND OBJECTIVE
		sensitize children and educators on issues pertaining to children rights, children as victims of crime and children in conflict with the law. Importance of education, sexual offences dangers of not reporting crime, bullying and encourage learners to focus on studies and educate girl children on how to take care of themselves when walking from home to school and vice versa . Expose children to the SAPS work environment and range of career opportunities. Address Learners about dangerous weapons, results of assault GBH[12] and murder. Encourage learners to focus on studies
NORTHERN CAPE	143	Addressing the Children about abuse, sexual offence, safer schools and bullying. Interview and remove children standing at the robots, motivate care givers, sensitise learners about their Rights both at school and home. Make community aware of different form of abuse, teach children and youth that a child in sport is a child out of court, early childhood development amongst children and information on child abuse. Educate youth and children on the dangers of drug abuse. Child abuse, to build relationship between children, educator and SAPS, information on child trafficking, raise awareness to the community to take care of children and reach out for help, sensitize the toddlers to report any form of harassment or sexual offence. To make the children aware not walk or talk with strangers, educate the community take care of not only their children but of the entire community and the homeless. Engage the youth in a dialogue about problems

[12] GBH: Grievous Bodily Harm

PROVINCE	NUMBER OF CAMPAIGNS CONDUCTED	ACTIVITY AND OBJECTIVE
		that face today's youth, door to door campaign in the community and addressing the abundant children to find a way to reduce them from the streets.
NORTH WEST	13	Information on children's rights, educate parents and educators on their responsibilities towards the young generation. Career exhibition on SAPS environment, child protection campaign, presentations on sexual offences and rape. Enhancement of safety measures to primary school learners. Ensuring protection of learners in and out of school premises and advocacy of children's rights and to educate learners about sexual offences and children's rights.
WESTERN CAPE	53	Educate the learners on children's rights and responsibilities. Safety tips on how to be safe as a child, inform learners on what the police responsibilities is in terms of protecting a child are. Distribution of pamphlets that has information on how the community on children can prevent and abuse and respect children's rights. Safety tips on how to protect your child. Child Abuse, raise awareness regarding the safety of children about cyber bulling. Educate learners on how to make good choices in life, water safety measures and awareness to toddlers on human trafficking. Reduce youth involvement in drugs, educate children on child abuse, child safety and sexual abuse

The SAPS has a partnership with the Department of Basic Education through the Protocol on the Prevention of 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. Searches are conducted on the request of the School Safety Committees or School Governing Bodies and Crime Prevention Awareness's are conducted from time to time

Crime Prevention Awareness held at Amity International School on 06 September 2019

The table below indicates the number of schools visited from 1 April 2019 to 31 March 2020

PROVINCE	NUMBER OF SCHOOLS VISITED
EASTERN CAPE	159
FREE STATE	58
GAUTENG	80
LIMPOPO	99
MPUMALANGA	98
NORTHERN CAPE	11
NORTH WEST	55
WESTERN CAPE	43

SAPS engaging with school boys on the event "THE BOY CHILD INITIATIVE" at Dr Marivhate Intermediate School Soshanguve on 04 October 2019

Monitoring and Evaluation of Information Management Systems

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).

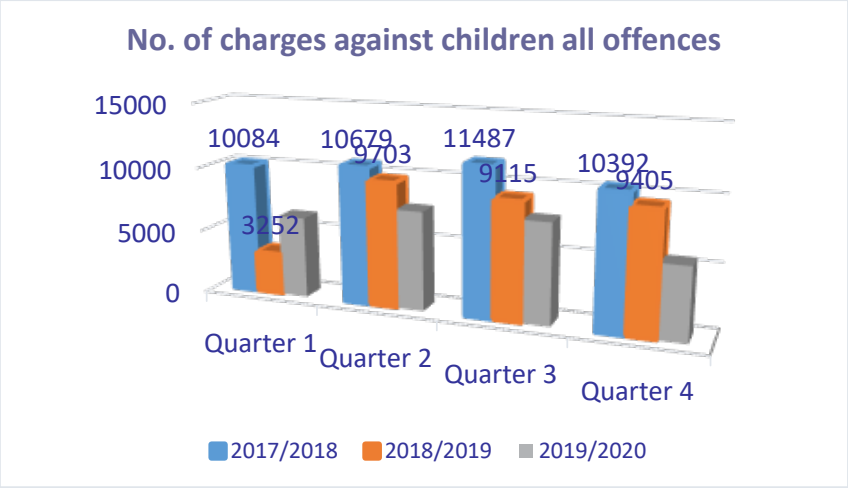
Information is obtained from the enhanced Crime Administrative System from the Integrated Case Docket Management System (ICDMS) which is now developed and is been rolled out. The CAS/ICDMS system is also linked with the Probation Case Management (PCM) which was piloted in the Limpopo Province to ensure that the computerized notification system for Probation Officer is created to ensure that children are tracked and processed in through the Child Justice System.

Statistics regarding charges against children for the period 01 April 2019 to 31 March 2020, are as follows:

Total criminal charges against children –**27 361**
Total criminal charges against children for Sexual Offences – **2 947**; and
Total number of children charged – **34 498**.

Quarter	CHARGES
April – June	6 311
July - Sept	7 666
Oct - December	7 773
Jan - March	5 611
Total	**27 361**

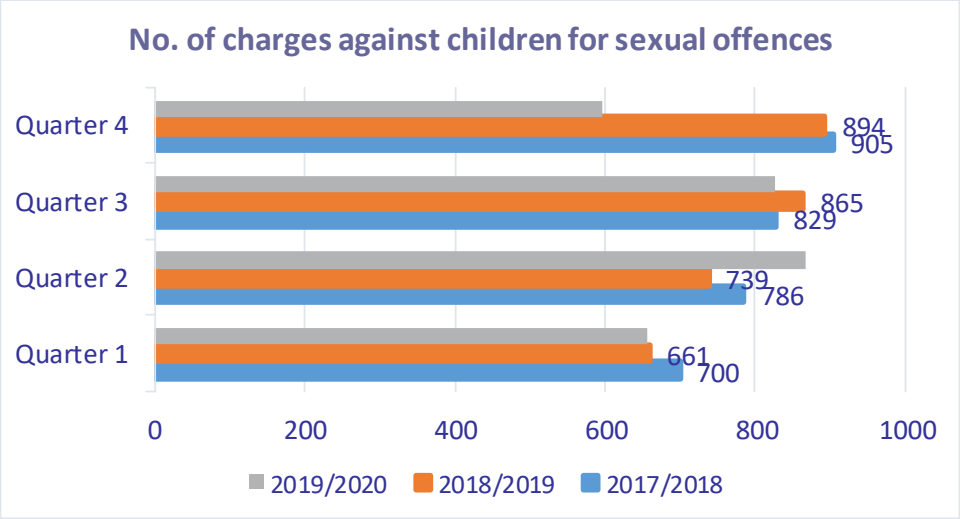
No. of charges against children 2019-2020 financial year



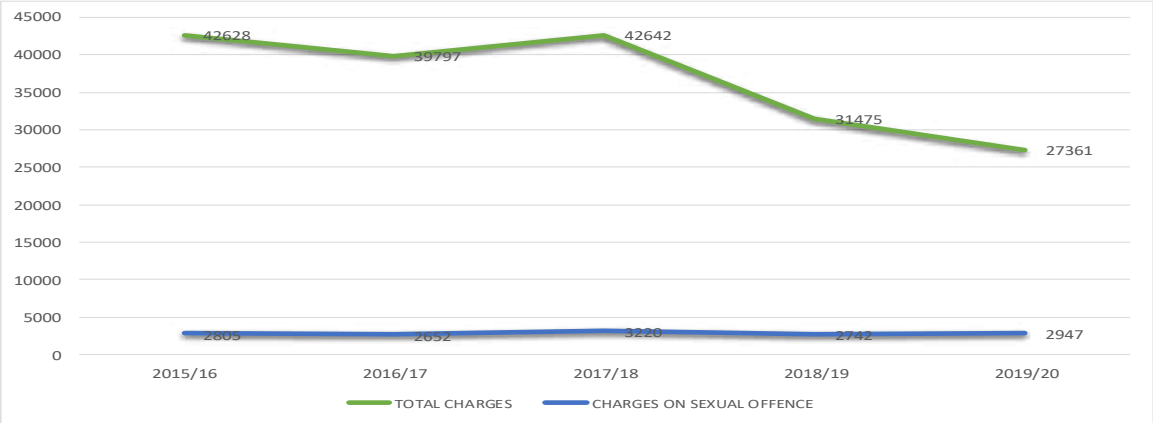
The indication during 2019/2020 reporting period is that there were less charges against children as compared to 2018/2019 and 2017/2018 annual reporting periods, but during the first quarter 2019/2020 the indication reflects the number of charges against children increased as compared to the same time period during 2018/2019. Further analysis will be conducted to determine the reasons for this trend.

Quarter	CHARGES
April – June	656
July - Sept	868
Oct - December	826
Jan - March	597
Total	**2 947**

No. charges against children - Sexual Offences 2019-2020 financial year



The indication during 2019/2020 reporting period is that there were less sexual offences charges against children as compared to 2018/2019 annual reporting period and less charges as compared to 2017/2018 annual reporting period. During the first and the second quarter 2019/2020 the indication reflects the number of sexual offences charges against children increased as compared to the same time period during 2018/2019 and 2017/2018. Further analysis will be conducted to determine the reasons for this trend.



Comparison between sexual offences and other charges

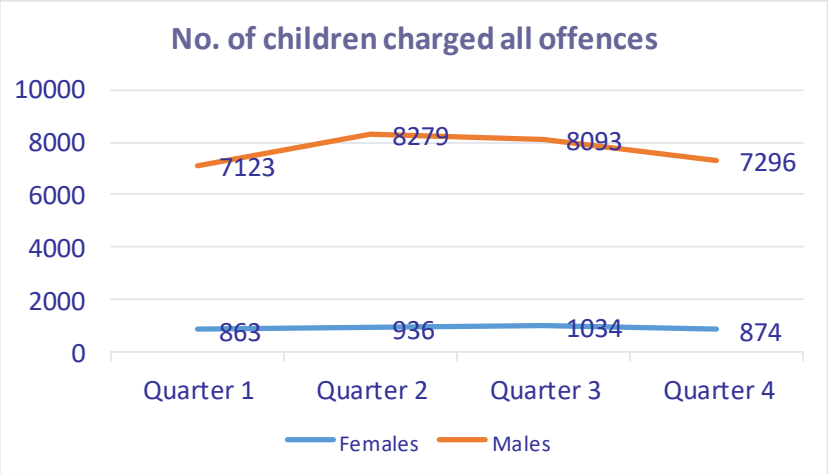
There is a steady decrease in charges between 2015/2016 and 2016/2017 and increase between 2016/2017 and thereafter a steady decrease between 2017/2018 to 2019/2020 in general crime committed by children. Regarding sexual offences there is an increase between 2015/2016 and 2017/2018 then slightly drops during 2018/2019 period and a slight increase during 2019/2020.

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).

Statistics regarding the number of children charged for the period 01 April 2019 to 31 March 2020 is as follows:

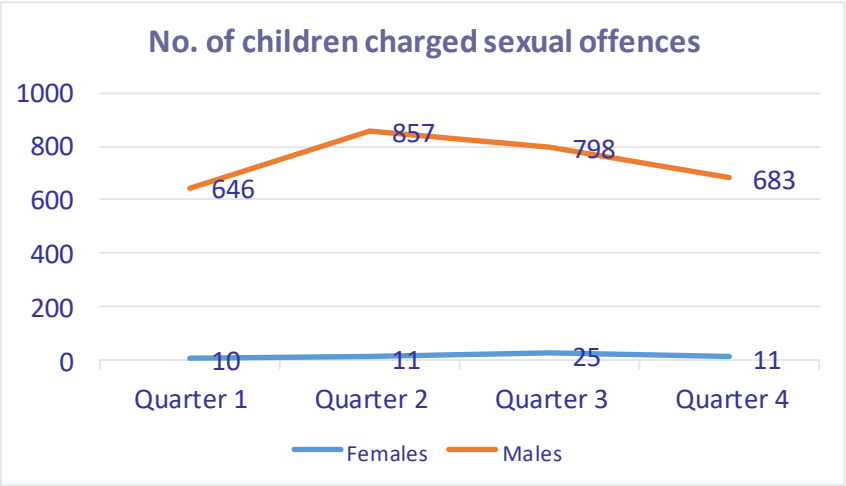
Quarter	Female	Male	Total	
April – June	863	7 123	**7 986**	
July - Sept	936	8 279	**9 215**	
Oct - December	1 034	8 093	**9 127**	
Jan - March	874	7 296	**8 170**	
Total	**3 707**	**30 791**		**34 498**

No. of children charged - 2019-2020 Annual



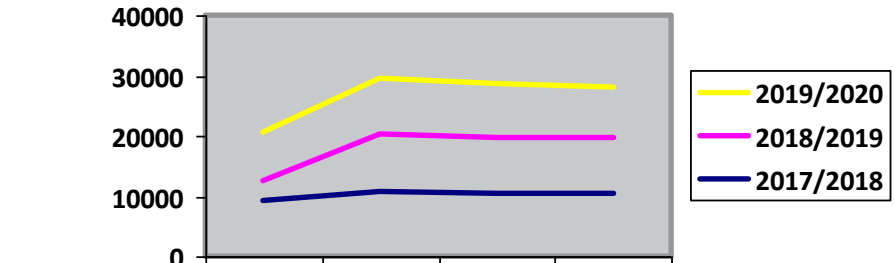
Quarter	Female	Male	Total	
April – June	10	646	**656**	
July - Sept	11	857	**868**	
Oct - December	25	798	**823**	
Jan - March	11	683	**694**	
Total	**57**	**2 982**		**3 041**

No. of children charged: Sexual offences- 2019-2020 Annual



During July to September of the 2019/2020 reporting period more children were charged with crime as compared to other three quarters and during October to December of the 2019/2020 reporting period more girls were charged as compared to the other three quarters. Further analysis will be conducted to determine the reason for this trend.

COMPARATIVE ANALYSIS ON CHILDREN CHARGED FOR REPORTING PERIODS 2017/2018, 2018/19 AND 2019/20



	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
2019/2020	7986	9215	9127	8170
2018/2019	3252	9703	9115	9405
2017/2018	9342	10677	10551	10392

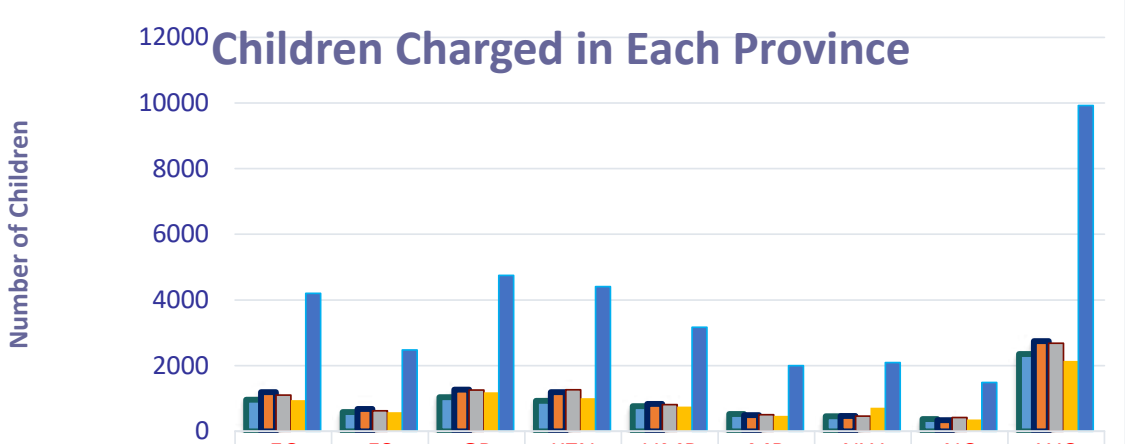
Comparative analysis for period of three year (2019/2020, 2018/2019 and 2017/2018), more children were charged with crime during the second quarter (July- September) on all reporting periods 2019/2020, 2018/2019 and 2017/2018. During the first quarters (April to June) less children were charged and same trend applies to quarter 3 (October – December) and quarter 4 (January to March). Further analysis will be conducted to determine the reasons for this trend.

Children Population Vs Children Charged 2019/2020)
(Children Population Based On Statistics South Africa mid-year population estimates 2019)

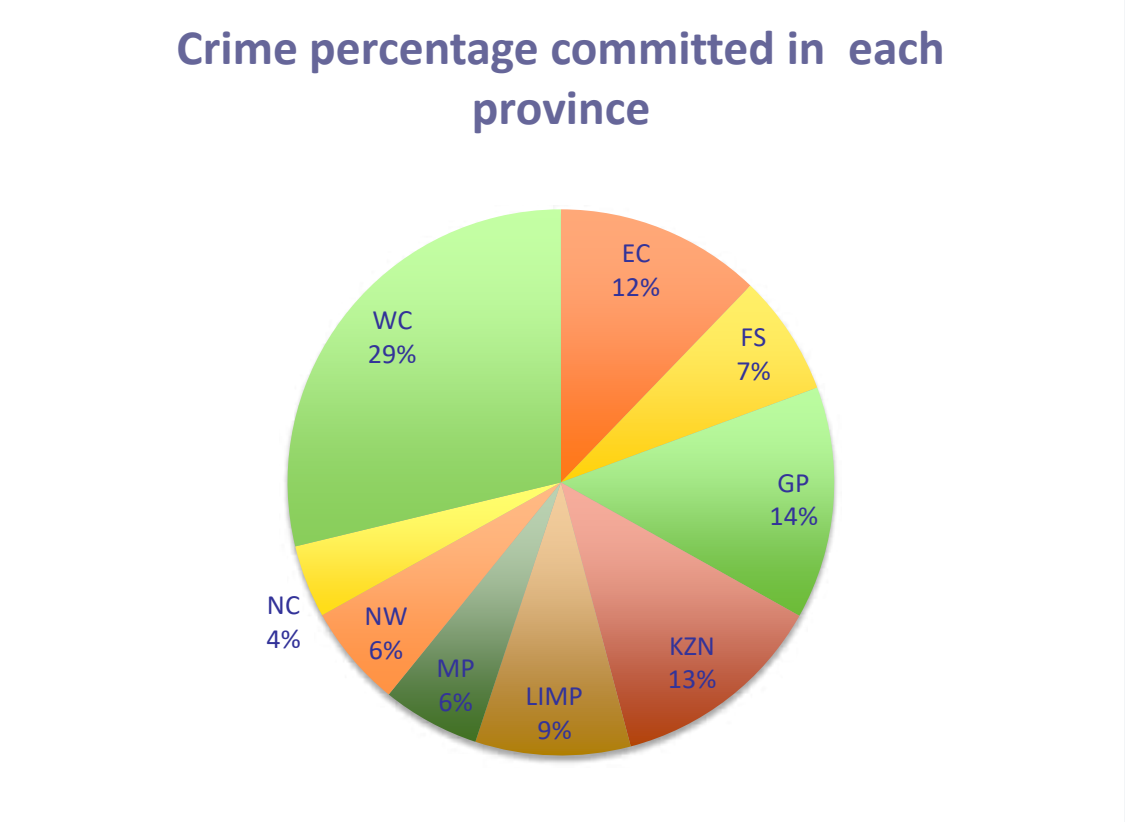
PROVINCE	AGE CATEGORIES								CHILDREN POPULATION STATS SA	CHILDREN CHARGED	%
	10	11	12	13	14	15	16	17			
Eastern Cape	19	35	89	173	344	655	1189	1 701	**2 514 000**	**4 205**	**0,16%**
Free State	25	32	63	84	186	362	690	1 031	**1 021 000**	**2 473**	**0,24%**
Gauteng	16	21	64	132	379	737	1256	2 144	**4 186 000**	**4 749**	**0,11%**
Kwa-Zulu Natal	13	24	73	125	331	648	1133	2 056	**4 184 000**	**4 403**	**0,10%**
Limpopo	17	32	43	92	240	432	897	1 413	**2 374 000**	**3 166**	**0,13%**
Mpumalanga	11	20	34	92	148	321	504	865	**1 673 000**	**1 995**	**0,12%**
North West	9	11	26	68	146	263	550	1 020	**1 382 000**	**2 093**	**0,15%**
Northern Cape	8	19	35	81	150	231	420	546	**436 000**	**1 490**	**0,34%**
Western Cape	73	106	268	474	943	1586	2 728	3 746	**1 971 000**	**9 924**	**0,50%**
TOTAL	**191**	**300**	**695**	**1321**	**2867**	**5235**	**9367**	**14 522**	**19 741 000**	**34 498**	**0,17%**

Comparative analysis: percentage of children charged versus the population

During the reporting period 2019/2020 Western Cape Province has less children population than its counterparts provinces (Gauteng and Kwa-Zulu Natal) and it has reported the most percentage of children charged as compared to other provinces, Northern Cape has the least children population but has the large percentage of children charged against its population as compared to other provinces that has more children population.



	EC	FS	GP	KZN	LIMP	MP	NW	NC	WC
QUARTER 1	959	586	1036	929	768	526	457	373	2352
QUARTER 2	1195	682	1265	1195	835	494	463	339	2747
QUARTER 3	1102	626	1258	1267	812	503	459	419	2681
QUARTER 4	949	579	1190	1012	751	472	714	359	2144
Annual	4205	2473	4749	4403	3166	1995	2093	1490	9924



Western Cape occupies a bigger portion of statistics of children charged in South

Africa, followed by Gauteng, Kwa-Zulu Natal and Eastern Cape respectively with Northern Cape having the least portion of children charged.

Monitoring and Evaluation

The SAPS continues to monitor the implementation of the relevant legal framework and directives. A total of **31** (**Thirty one**) Police Stations were visited during the reporting period. The SAPS through also conducted Combined Assurance Visits to identified police stations to measure compliance levels to legislative requirements.

The following police stations were visited through Combined Assurance Visits between 01 April 2019 and 30 September 2019:

PROVINCE	STATION	START DATE	END DATE
EASTERN CAPE	Willowvale SAPS	26 August 2019	27 August 2019
	Kwazakhele SAPS	28 August 2019	29 August 2019
FREE STATE	Meloding SAPS	2 September 2019	3 September 2019
	Bronville SAPS	4 September 2019	5 September 2019
GAUTENG	Moffatview SAPS	3 September 2019	4 September 2019
	Norkem Park SAPS	9 September 2019	10 September 2019
	Diepsloot SAPS	11 September 2019	12 September 2019
	Moffatview SAPS	25 September 2019	25 September 2019
	Soshanguve SAPS	26 September 2019	27 September 2019
KWAZULU NATAL	Wentworth SAPS	16 September 2019	17 September 2019
	Colenso SAPS	18 September 2019	19 September 2019
WESTERN CAPE	Bishop Lavis SAPS	2 September 2019	3 September 2019
	Phillipi East SAPS	4 September 2019	5 September 2019
GAUTENG	Rietgat SAPS	1 October 2019	2 October 2019
	Alexandra SAPS	15 October 2019	16 October 2019
	Dobsonville SAPS	15 October 2019	16 October 2019
	Booysens SAPS	23 October 2019	24 October 2019
KWA-ZULU NATAL	Kwamashu SAPS	7 October 2019	8 October 2019
	Kwamakhut SAPS	9 October 2019	10 October 2019
LIMPOPO	Beitbrug SAPS	4 November 2019	5 November 2019
	Maleboho SAPS	6 November 2019	7 November 2019
MPUMALANGA	Blinkpan SAPS	27 January 2020	28 January 2020

PROVINCE	STATION	START DATE	END DATE
	Laersdrift SAPS	3 February 2020	4 February 2020
	Mabuzini SAPS	5 February 2020	6 February 2020
NORTH WEST	Mareetsane SAPS	10 February 2020	11 February 2020
	Schweitzer Reneke SAPS	12 February 2020	13 February 2020
	Stilfontein SAPS	17 February 2020	18 February 2020
NORTHERN CAPE	Noupoort SAPS	24 February 2020	25 February 2020
	Colesberg SAPS	26 February 2020	27 February 2020
WESTERN CAPE	Dysselsdorp SAPS	02 March 2020	03 March 2020
	Manenberg SAPS	04 March 2020	05 March 2020

CHAPTER 3: LIMITATIONS/CHALLENGES AND POSSIBLE INTERVENTIONS

Limitations/Challenges and possible interventions

The following concerns were identified regarding the non-compliance with prescripts provided in the Child Justice Act, 2008 (Act No. 75 of 2008):

- The SAPS is unable to retrieve the Diversion Register from the Department of Social Development in order to ascertain whether the child is a repeat offender.
- The Department of Social Development (DSD) was consulted to address the challenge in accessing the Diversion Register.
- There is still large number of SAPS members that lack training with regards to the Child Justice Act, 2008 (Act No. 75 of 2008).
- Due to the Corona Virus pandemic outbreak SAPS implementation schedule has been disrupted, further guidance will be provided when available and ready for implementation.

- The SAPS Human Resource Development Division will be requested to intensify the training on the Vulnerable Children as well as the Youth and Children at Risk Learning Programmes.

SAPS at the radio 702 "WALK THE TALK" event held on 28 August 2019: Rendering assistance to a lost child

DEPARTMENT OF HEALTH

ANNUAL REPORT

ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 2008 (ACT 75 OF 2008)

APRIL 2019 - MARCH 2020

health
Department:
Health
REPUBLIC OF SOUTH AFRICA

2030
NDP

Official sign-off

It is hereby certified that this departmental annual report was developed by the Department of Health (the department) and submitted in terms of Section 11(3) of the Child Justice Act, 2008 (Act No. 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 from 1 April 2019 to 31 March 2020.

Dr NE Mulutsi
Acting Chief Director:
Non-Communicable Disease

Signature: _____

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

Signature: _____

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Acronyms

CJA	:	Child Justice Act
CPA	:	Criminal Procedure Act
DCS	:	Department of Correctional Services
DG-ISSCJ	:	Director-Generals Intersectoral Committee on Child Justice
DoH	:	Department of Health
DoE	:	Department of Education
DSD	:	Department of Social Department
ICT	:	Information Communication Technology
NT-ISCCJ	:	National Technical Intersectoral Committee on Child Justice
NPA	:	National Prosecuting Authority
NPF	:	National Policy Framework
SAPS	:	South African Police Service

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 health 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; and
- information, communication and technology.

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

- 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; and
- 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 Constitutional Development to table individual annual reports compiled by his department, the National Prosecuting Authority (NPA), the South African Police Service (SAPS), the Department of Correctional Services (DCS), 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. The 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 specialized levels of care) on implementation of section 11 (3) of the Child Justice Act.

The National Mental Health Policy Framework and Strategic Plan 2013-2020 for provides a blueprint for improved mental health services in the country. This includes building capacity on the implementation of the legislative mandates of the department, which includes the Child Justice Act and other related prescripts.

During the 2017/2018 and 2018/2019 financial year, the department introduced intervention aimed at strengthening the knowledge capacity of health professionals in forensic mental health services at primary health care level. With regard to the Child Justice Act, specific focus was on criminal capacity assessments of children and the areas addressed during includes *inter alia*:

- The legal provisions of the Child Justice Act and the mandate of the Department of Health
- Professionals mandated in the Act to conduct criminal capacity assessments, including the expanded psychology professionals (educational, counselling psychologists).
- The 5 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 between the Courts and the Health system
- Contents of Court Order for criminal capacity assessments (Form 2)
- Template for the assessment report for the Courts.
- Other ways to improve stakeholder collaboration among key departments on the implementation of the Child Justice Act.

Figure 1: Training in Limpopo Province

During the reporting period, the South African Human Rights Commission released a report with recommendations following an investigative hearing into the status of mental health care in South Africa. One of the key findings of this report was that the state of mental health services in the criminal justice, forensic and correctional systems in the country was poor. The Commission recommended on forensic mental health services, among others, that the Department conduct audits of all mental observation units in psychiatric hospitals to improve the conditions and services rendered in these facilities. These services includes criminal capacity assessments of children referred in terms of the Child Justice Act. In this regard, the Department subsequently conducted the visits to thirteen psychiatric hospitals as follows:

Table 1: Schedule of support visits to psychiatric hospitals to implement the recommendations of the South African Human Rights Commission

Province	Designated Health Establishment	Date of the support visit
KwaZulu-Natal	Fort Napier Psychiatric Hospital	31 May 2019
	Umzimkhulu Psychiatric Hospital	14 November 2019
	Madadeni Psychiatric Hospital	28 November 2019
Eastern Cape	Fort England Psychiatric Hospital	05 July 2019
	Komani Psychiatric Hospital	11 October 2019
Western Cape	Valkenberg Psychiatric Hospital	18 July 2019
Free State	Free State Psychiatric Complex	26 July 2019
North West	Bophelong Psychiatric Hospital	06 September 2019
Limpopo	Hayani Psychiatric Hospital	06 October 2019
	Thabamoopo Psychiatric Hospital	07 October 2019
Gauteng	Weskoppies Psychiatric Hospital	31 October 2019
	Sterkfontein Psychiatric Hospital	1 November 2019
Northern Cape	Northern Cape Mental Hospital	12 March 2020

The following pictures were taken during the interventions and visit to the Northern Cape and Fort Napier psychiatric hospitals. Members of the multidisciplinary teams, which includes psychiatrists, psychologists, social workers, nurses and occupational therapists, were engaged during the visits to identify challenges in the implementation of the Act, benchmark best practice and recommend practical solutions to the barriers identified. Other members involved were the administrative officials, who were capacitated on the booking system for case referrals, coordination of bookings with stakeholder departments and the billing processes for the work done.

Figure 2: Visit to the Northern Cape Mental Hospital

Figure 3: Visit to Fort Napier psychiatric hospital in Kwa Zulu-Natal Province

2.2 Priority 2: Ensuring criminal capacity assessments of children

Human resource to conduct criminal capacity assessments

The number of psychiatrists and psychologists in the public sector is limited. The Department publishes on annual basis adverts in local newspapers for private psychiatrists and psychologists who are prepared to conduct forensic psychiatric evaluations for the Courts in terms of sections 77, 78 & 79 of the Criminal Procedures Act, 1977 (Act No 51 of 1977) and criminal capacity assessments of children between 10-14 years of age in terms of section 11 (3) of the Child Justice Act, 2008 (Act No 75 of 2008). These clinicians complement the state employed clinicians on forensic mental health services.

Below is a copy of the advert in the Sunday Times newspaper dated 20 January 2019 for the 2019/20 list of private clinicians prepared to conduct forensic mental health enquiries and criminal capacity assessments of children in terms of the Child Justice Act.

Figure 4: Advert for the 2019/20 list of private psychiatrists and psychologists to conduct forensic mental health enquiries and criminal capacity assesments of children

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.

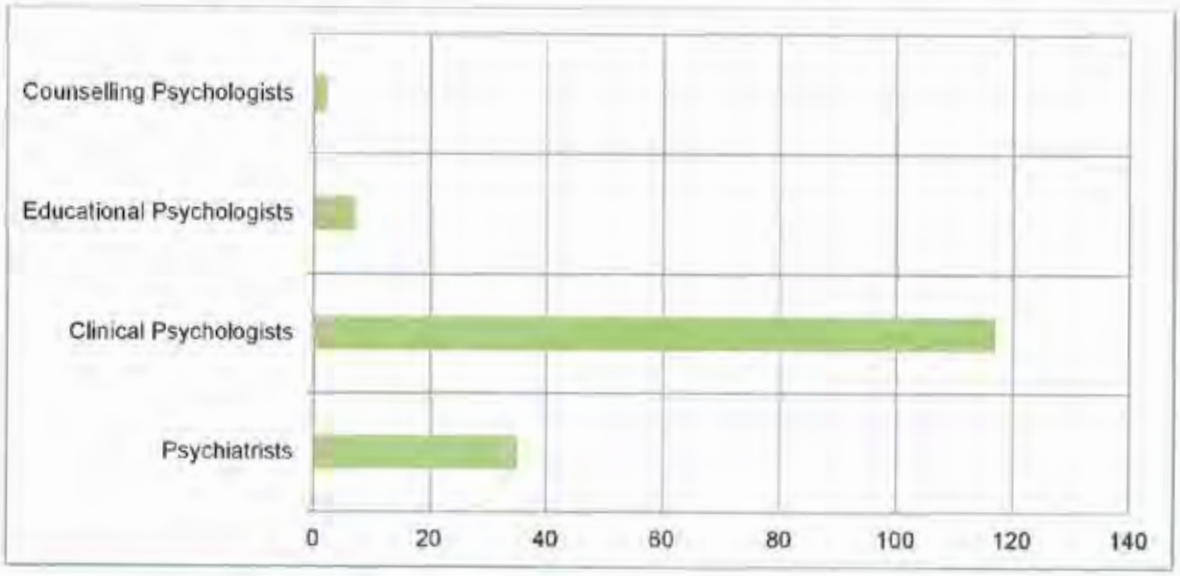
Kindly note that the contracting and remuneration processes for this work will be handled by the Department of Justice and Constitutional Development. Enquiries in this regard should be send to Adv P du Rand, Chief Director: Court Services at (012) 315 1219 and email PduRand@justice.gov.za

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 (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

In response to the advert, one hundred and sixty one clinicians (35 psychiatrists, 117 clinical psychologists, 7 educational and 2 counselling psychologists) submitted their details for inclusion in the 2019/2020 list of private clinicians to conduct criminal capacity assessments of children in terms of the Child Justice Act, as shown in the graph below:

Table 2: The number of private psychiatrists and psychologists enlisted to conduct criminal capacity assessments of children in 2019/20



Compared to the previous financial years, the numbers show marginal increase in the submissions by private clinicians to do this work. This could be attributed to the efforts taken by the department to increase skills capacity in this area through the training programmes and support visits to provinces. The main barrier reported by clinicians is the low tariffs set by the Department of Justice and Constitutional Development in 2017 for this work. There had not been submission from Mpumalanga and Northern Cape provinces due to the scarcity of these professionals in the provinces, compounded by the low rates for this work. The Department of Justice and Constitutional Development has been requested to review the tariffs in order to attract more private clinicians for this work.

A comparative analysis of the number of the enlisted clinicians to conduct criminal capacity assessments of the Child Justice Act over a 4 year period (2016/17; 2017/18; 2018/19 and 2019/20 financial years).

Table 3: The number and categories of private clinicians enlisted to conduct criminal capacity assessments from the 2016/17 to 2019/20 financial years

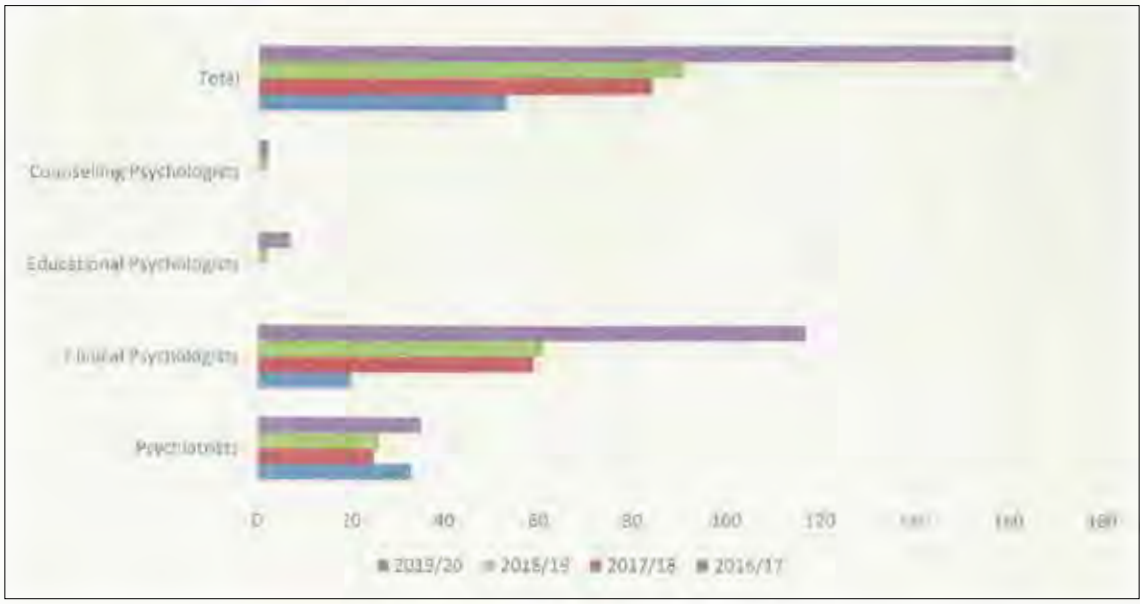
Professional Category	2016/17	2017/18	2018/19	2019/20
Psychiatrists	33	25	26	35
Clinical Psychologists	20	59	61	117
Educational Psychologists	0	0	2	7
Counselling Psychologists	0	0	2	2
Total	53	84	91	161

The Educational and Counselling Psychologists were included as additional psychology professionals to conduct the criminal capacity assessments of children in the Regulations No.10756 to the Child Justice Act gazetted in December 2017.

The list of private clinicians compiled by the Department is submitted annually to the Department of Justice and Constitutional Development for implementation by the registrars of the High Courts and all Clerks of the Magistrate's Courts. The contracting and reimbursement of the private clinicians is managed by the Department of Justice and Constitutional Development.

An advert for 2020/2021 list was published on 22 May 2020 inviting private health professionals prepared to conduct criminal capacity assessment to submit their details.

Figure 5: The number of private psychiatrists and psychologists enlisted during the 2016/17; 2017/18 and 2019/20 financial years



Criminal Capacity Assessments conducted

Regarding court referrals, 124 children who were 10 years or older, but under the age of 14 years, were referred for criminal capacity assessments. Assessments were concluded for all referrals, with reports submitted accordingly. There is no backlog of criminal capacity assessments of children.

Compared to the previous financial year, there has been a steady decrease in the referrals over the past 5 years, as shown below.

Figure 6: Court Bookings and criminal capacity assessments conducted over the past 5 years

The Forensic Mental Health Directorate at the national Department of Health participates in the Nationa Technical Committee on Child Justice (NT-ISCCJ) and the DG-ISCCJ at the Department of Justice anc Constitutional Development. In provinces, respective mental health coordinators are involved in the monthl Child Justice Fora, which are aimed at addressing bottlenecks in the system. Challenges identified on crimina capacity assessments are reported by chairpersons in these fora, thus adopting a case management approach for expeditious interventions on the barriers identified.

2.3 Priority 3: Resources and budgets

Financial Resources

There is no stand-alone budget dedicated for the implementation of the Child Justice Act in the Health Sector. Financial resources that are used to implement this mandate are integrated into the general health budge allocated to hospitals for mental health services.

The Department commissioned a study through the University of Cape Town and the Medical Research Counci to evaluate the costs of mental health services and programmes in the country towards the development of an investment case for mental health service scale up. This study will demonstrate the costs associated with implementing the South African Mental Health Policy Framework and other recommended interventions; and also highlight the returns of a comprehensive scaled-up investment for mental health services in terms of health benefits and cost savings.

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 (such as substance abuse) and enhance early detection, thus curbing the risk of children coming into contact with the law.

2.5 Priority 5: Information, communication and technology

The department is implementing a data collection tool for the designated psychiatric hospitals on this legislative mandate. 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

3. Conclusion

The department is committed to ensuring compliance with the legal mandates emanating from the Child Justice Act, thereby upholding the rights of children and their access to quality mental health services in the country

DEPARTMENT OF BASIC EDUCATION

DEPARTMENT OF BASIC EDUCATION`S INPUTS INTO

2019/2020

ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT 2008

basic education
Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

2030 NDP

basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

Department of Basic Education`s inputs into 2019/ 2020 Annual Report on the implementation of the Child Justice Act 2008

The mandate of the Department of Basic Education`in relation to Child Justice

Child Justice National Policy Framework states that the Department of Basic Education must provide educational programmes to children sentenced to compulsory residence in Child and Youth Care Centres, assisting the Department of Social Development with the monitoring of compulsory school attendance orders, which can be imposed by a child justice court as either a diversion option or a non-custodial sanction and awareness-raising amongst school-going children, of the dangers of crime to support crime prevention, as well as what children's rights and responsibilities are when they are involved with crime.

School Safety Report

The Department of Basic Education is responsible for monitoring and supporting provinces in the implementation of the National School Safety Framework in education districts across the country. Through the partnership (Protocol) with the South African Police Service (SAPS) DBE is involved in crime awareness campaigns and programmes with a strong focus on encouraging reporting of incidents by the schools on the South African Schools Administration Management System (SA.SAMS). Working with Community Policing Forums and the Quality Learning and Teaching Campaign (QLTC), DBE mobilises communities to take up ownership of schools. This also enhances efficiency of the referral system for learners with deviant behaviours (repetitive ill-discipline).

On-going implementation of crime prevention programmes including participating in interventions through the inter-sectorial anti-gang committee to manage and prevent Areas. DBE collaborated with the Professional Soccer League in KwaZulu-Natal in hosting of '*sport against crime programme*.'

The Western Cape Department of Community Safety has, to date, facilitated the completion of 378 Safety and Security Resilience Scorecards (SSRS). Most of these completed scorecards were concentrated in the Eden/Karoo District, totalling 192 schools. The dashboard provides a visual representation of rated schools which depicts a largely high risk-rated environment confronting the schools and the communities within which they exist. The analysed results focused on the Eden/Karoo District, highlighting concerning statistics:

(a) from a large gang-footprint total of nearly 100 various gangs cited); which, in turn, has led to an alarming number of recorded gang-related incidents;

(b) to an inept knowledge of how to use a fire extinguisher and where to locate them within the school - to name but a few.

The full analysis of the Eden/Karoo District, will in future be utilised by the DBE in strengthening the SA-SAMS and a more comprehensive understanding of the state of safety and security in our schools.

The Department is rolling out the Positive Discipline manual in schools as a means to address the elimination of corporal punishment. One of the key challenges is many schools is the non-functionality of School Safety Committees. The DBE has partnered with UNICEF to audit the functionality of School Safety Committee and twin same with best practise models or well-managed and functional schools.

Schools experience bullying and cyber-bullying due to the wrong use of the social media platforms. The Department has since developed the e-Safety Guidelines to foster better understanding by educators and parents on protective behaviours, cyber safety and bullying in general. Cyber-safety Awareness campaigns are undertaken in partnership with Active Education and Cell C in selected schools across the country. The campaigns are carried out in the form of ant-bullying talks/advocacy driven through the learners participating in live shows.

Participatory Education Techniques and Debates Competitions are annual competitions that are hosted by the Road Traffic Management Corporation in partnership with the Department of Basic Education and Provincial Departments of Transport. Both programmes are flagship initiatives of the RTMC and are directed to learners in Grades 10 and 11. Road Safety Debate and Participatory Educational Techniques Competition were implemented by Provinces at Local, District and Provincial levels. Winners from the Provincial competitions represented the Provinces at the National competitions.

The National Road Safety Debate competitions were held from 24-27 September 2019 with the Participatory Educational Techniques Programme held on 26-27 September 2019. The programmes comprised three streams of participation namely Urban, Rural and Learners with Special Needs. The following are some of the objectives of the competitions:

(a) Empower Learners with road safety knowledge by undertaking research on road safety topics.
(b) Enhance Learners` public speaking, critical and analytical thinking skills
(c) Encourage Learners to work as a team and define their roles as a collective.
(d) Improve listening skills of learners especially in the rebuttal phase of the competition.
(e) Encourage Learners to become responsible future road users.
(f) Inculcate accountability, versatility and discipline in learners.

72 districts were monitored on the implementation of the National School Safety Framework (NSSF). The NSSF monitoring assists the department to gauge whether schools are complying with the minimum requirements for school safety.

Support was also afforded to all provinces in the form of NSSF training as a means to assist schools to establish functional School Safety Committees, conduct school safety audits and develop school safety plans.

Cyber-bullying campaign were rolled out in Gauteng and Limpopo. The next targeted provinces are KwaZulu-Natal and Western Cape. Department of Justice and Constitutional Development facilitated a workshop on the review of the Protocol.

The road safety activation that is delivered to the learners has evolved into merging both road safety and relevant social issues into one.

Introduction of the K53 tests for learners ensured that most local stakeholders are present at each of the activations.

- Scholar Patrol schools seen: 720 in North West and Gauteng.
- Total learners seen with scholar patrol is 606 059. High on Life Resource Kit developed for training of SMTs, Learner formations and the SGBs.
- Training rolled out in Mpumalanga, North West, Free State and Gauteng.
- Road Safety Talk schools seen: 1061.
- Total learners seen with Safe Scholars talks: 1 030 416
- Total Schools seen is 1781.

Disaster risk management training in partnership with SANTAM was rolled out in Free State LSEN schools.

National Schools Moot Court Programme:

All nine (9) provinces submitted 20 best essays to the Human Rights Commision for marking. The essay writing process provides learners with an opportunity to expand their knowledge on Constitutional Values and to be in a position to interpret and analyse the Constitutional Values. The National Finals took place from 25 - 29 September 2019 at University of Pretoria and Constitutional Court where learners made their oral argument presentations. The DBE, in collaboration with the Department of Justice and Constitutional Development (DOJ&CD), the South African Human Rights Commission (SAHRC), the Foundations for Human Rights (FHR) and University of Pretoria (UP), oversees the implementation of the National School Moot Court Programme. A total number of 592 learners and officials attended.

International Schools Moot Court Competition:

Given the success of the National Schools Moot Court Programme and increasing recognition abroad on the noble initiative, the Justice Resource Centre of New York has, since 2014, extended invitation to the South African learners to participate at the International Schools Moot Court Competition. In the 2020 edition of the

International Schools Moot Court Competition, 8 learners representing South Africa were (Sureshka Naidoo and Caitlin Schwarer from Eden College with Nondumiso Dube from Mathubesizwe High School (KwaZulu-Natal); and Mihlali Precious Stofile and Onele Bede from Holy Cross with Okhela Sigwela and Lisaliza Dlomo from Hudson Park High School (Eastern Cape). The 5th International Schools Moot Court comprised twelve countries namely Azerbaijan, Bulgaria, Mongolia, Poland, Romania, Russia, St Maarten, Scotland, United State of America (USA), Venezuela and South Africa was the only entrant from the African continent.
In the bi-annual international Schools Moot Court competition held at the City of Gdynia, Poland on 26 January-01 February 2020, the South African learners emerged winners.

Transfer of Child and Youth Care Centres

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

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.

gang activities that affect schooling in the Eastern Cape, Port Elizabeth Northern Areas. DBE collaborated with the Professional Soccer League in KwaZulu-Natal in hosting of '*sport against crime programme*.'

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Mrs K Pillay
Acting Director-General
Department of Justice and Constitutional Development
PO Box 395
PRETORIA
0001

Dear Mrs Pillay

REQUEST FOR SUBMISSION OF THE APPROVED 2019/2020 ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT 2008 (ACT 75 OF 2008)

In response to the request from the Department of Justice and Constitutional Development for the 2019/2020 Annual Report on the Implementation of the Child Justice Act 2008, kindly receive the enclosed report from the Department of Basic Education for your information and attention.

Yours sincerely

MR HM MWELI
DIRECTOR-GENERAL
DATE: 08 SEPTEMBER 2020