

JUSTICE TODAY

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Photo credit: Jeff J Mitchell/Getty

As the country celebrated the 39th anniversary of the tragic but heroic events of 16 June 1976, the sterling and selfless contribution of young people to the freedom and democracy we enjoy today was once again highlighted.

This year, which also marks 21 years of freedom, we look back at the strides that government has made in improving the quality of life for the people of South Africa, including the youth, children and vulnerable groups.

As the custodian of the Constitution, the Department of Justice and Constitutional Development ensures that the rights of youth, particularly children, are promoted and protected at all times.

In this edition, you will read more about the significant progress the Department has made in ensuring that children are given special attention with regards to policies pertaining to their rights and well-being. In living these rights, we bring you an interesting read on the Office of the Family Advocate (OFA) which has been championing the plight of children for the past 25 years.

Find out more about the new Child Toolkit developed by the OFA which has significantly improved the insight of the Family Advocate into a child's lived experiences

when making a decision about parental custody and parental agreements.

The advancement of technology and growth in the use of the internet saw the emergence of interactive social platforms which have a negative effect on children's lives. More people are now using the platform to commit crimes and to take advantage of unsuspecting users and abuse them. These criminal activities are best known as cyber bullying, sexting, and cyber slapping. In this issue, we also share tips for parents to look out for, so that their children do not fall prey to these activities.

In the spirit of youth empowerment and in ensuring that more people, especially the youth, are aware of their basic human rights, the Department of Justice and Constitutional Development recently distributed a copy of a 'slimline' Constitution referred to as *The Basic Provisions of the Constitution – Made Easy for Learners*, to every Grade 12 learner in the country – over 500 000 of them. This is another initiative which affirms that the Department remains committed to Constitutional education in order to promote and protect the rights of citizens. ●

Till next time.

Luyanda Makapela



Sinenhlanhla Mkhwanazi

Justice facts at your fingertips

Did you know?

1

The Office of the Family Advocate helps families to agree on disputed issues, such as custody, access and guardianship of children.



We have established **25** Office of the Family Advocate branches countrywide.

In the past financial year, **14 284** cases were processed.

2



Maintenance beneficiaries are being paid via Electronic Fund Transfer (EFT) system.

- Over **390** courts process maintenance pay-out through EFT.
- A total of **R 162 663 925** was paid via EFT payments to **226 596** beneficiaries in the past financial year.

3



345 Small Claims Courts have been established in the country.



In the past financial year, **14 284** cases were processed.

Small Claims Courts offer a quick cost effective solution for resolving civil disputes under R 15 000.



4

We have upgraded **12** of our regional courts into **Sexual Offences Court** to improve the conviction rates of the sexual crimes.



- There are **36** new models of Sexual Offences Courts countrywide.
- Through these courts, sexual offences are **prioritised on the court roll** and victims are dealt with in a dignified and supportive manner.
- To date, more than **17 500** cases have been processed and the names of convicted sex offenders added to the National Register for Sex Offenders.

5



The Department of Justice and Constitutional Development offers an **Educational Assistance Programme** for Truth and Reconciliation Commission identified victims and their relatives.

- Over **750 bursary applications** have been issued.
- **257** applications been verified for Basic Education and **206** for Higher Education and Training assistance this year.



Luyanda Makapela

New Bill will bring Maintenance defaulters to task



The Maintenance Amendment Bill

The Minister of Justice and Correctional Services, Advocate Michael Masutha, MP, tabled the Maintenance Amendment Bill, 2014 in Parliament on 5 November 2014. The Bill aims to amend the Maintenance Act 99 of 1998, in order to improve the maintenance system.

What is Maintenance?

Maintenance is an obligation to provide another person, for example a minor, with housing, food, clothing, education and medical care, or with means necessary for providing a person with these essentials. This is called 'the duty to maintain' or 'the duty to support'. It is based on blood relationship, adoption, or the fact that parties are married to each other.

Amongst others, the Bill seeks to further regulate:

- the lodging of complaints relating to maintenance and the jurisdiction of maintenance courts.
- the granting of interim maintenance orders.

- the reporting of a maintenance defaulter to any business which has as its object the granting of credit or is involved in the credit rating of persons.
- the conversion of criminal proceedings into maintenance enquiries.
- Penalties for certain offences.

Current status of the Bill

The Bill was approved by the Portfolio Committee on Justice and Correctional Services on 20 May 2015 and by the National Assembly on 23 June 2015. It was then approved by the Select Committee on Security and Justice on 25 June 2015.

The Bill will then be submitted to the National Council of Provinces (NCOP) for approval and subsequently submitted to the President for assent. Once this process has been finalised, the bill is then passed as an Act. ●



Samona Naidu

Creating justice for children in South Africa



South Africa faces many cases of legal custody battles, disputes, mediation and child abduction and as a result many children become the victim of this emotional circumstance. For over 25 years, the Office of the Family Advocate (OFA) has been creating access to justice for vulnerable children who cannot protect themselves.

“Our main role is to protect and promote the best interests of children in South Africa”

Led by Advocate Petunia Seabi-Mathope, the OFA lies within the Department of Justice and Constitutional Development (DoJ&CD) and serves as an unbiased, family law specialist and advisor to the court in cases of legal disputes over custody, parental rights. The office also drafts parenting plans, conducting child psychological evaluations together with social workers, responsibility agreements and mediation between families where the welfare of a child is at stake. “Our main role is to protect and promote the best interests of children in South Africa,” says Advocate Seabi-Mathope.

“The very existence of our office shows the recognition by the South African Government that children are



Advocate Petunia Seabi-Mathope



indeed a very important sector of our society and we signify the commitment of the protection of the rights of vulnerable children, in terms of domestic law and international treaties South Africa has adhered to," she says.

The OFA, which celebrates its 25th anniversary this year, has made great strides in its growth and has increased access to justice, from previously only servicing High Courts under the former apartheid era to now being available at all High and Lower Courts in the country. At first, the OFA had limited jurisdiction and its offices were only situated geographically in majority of the formerly "white" dominated areas. Its services were also only offered in cases of marriages governed by the Marriage Act. Today, its services extend to assisting all types of customary marriages, and even to handling cases on behalf of fathers of children born out of wedlock. With the introduction of the Children's Act 38 in 2005, the OFA services were made available to every child in the country including children involved in maintenance and domestic violence disputes.

"We started with only six Family Advocate offices, and today we have over 25 offices and 90 Family Advocates country-wide, and we also handle non-litigation cases by offering our mediation services," says Advocate Seabi-Mathope. When parents tackle custody disputes in litigation, within court, they usually become pitted against each other. The child, who is the subject of the dispute, is usually not heard. The OFA offers non-litigation assistance when a case is discussed and processed out of a court room, and also includes a testimony from the child. This helps in many ways to reduce the backlog of cases at a court.

One of the important legal instruments that informs the work of the OFA is the Hague Convention on the Civil Aspects of International Child Abduction. This is an international treaty aimed at protecting the welfare and interests of children taken across national borders. "One case that definitely stands out for me," recalls Advocate Seabi-Mathope, is "that we were able to help reunite a father with his three children. It took us almost

three years, as the mother had fled South Africa to France and was in the process of fleeing again across European borders with her three children. Through the Convention and tireless efforts of the DoJ&CD and the



"We started with only six Family Advocate offices, and today we have over 25 offices and 90 Family Advocates country-wide..."

Department of International Relations and Cooperation (DIRCO), we were able to stop the mother from fleeing France and help reunite the children with their father."

"I remember waiting at the airport with the excited father, and as soon as he caught a glimpse of his children he was so excited he picked me up off the ground in emotional excitement before running to hold his children - it was truly a moment I will never forget," she says, visibly moved by the recollection. "It is proud moments like these that fuel us to continue doing what we do to the best of our ability," she adds.

To further be of assistance to families, the OFA have made sure that their offices are family and child-friendly. It is a place where children and families can feel safe and comfortable. This approach is not only environmental but also internalised into the way in which the Office works. One example of a child-friendly approach that was introduced by the OFA, is the Child Toolkit. The toolkit basically enables a social worker to interact with a child using colouring books, crayons, figures that represent family and friends, and so on,



to find out how the child feels and what the child is experiencing in relation to their domestic set-up. It allows the social worker to interact on a child's level, instead of posing intimidating questions. Its findings have been remarkable, claims Advocate Seabi-Mathope and really adds essence to a case.

Despite these successes, the OFA does face its share of challenges, including dealing with parents who compromise their role and responsibilities. To address this, Advocate Seabi-Mathope calls on parents not to compromise the welfare of their children due to disputes they may be having. "It is very important for a child to have a sound relationship with both their parents, and it is a right that should be respected by both parents. No matter what the reasons may be for

parental separation or a divorce, parents must never resort to using their children as a pawn or to punish the other parent."

The OFA calls on all mothers and fathers to parent together. She urges both parents to be equally involved in the primary care and upbringing of their children. "Equal parenting is crucial to a child's well-being, we need parents to work together to protect the rights of children."

The Offices of the Family Advocate can be contacted regarding steps to be taken should a child be abducted or illegally removed, contrary to an agreement between the parents or a court order. Their services are provided free of charge. ●

The Office of the Family Advocate offers the following services:

- To help parents draft parental rights and responsibilities agreements.
- To help parents to draft parenting plans.
- To register parenting plans, and parental rights and responsibilities agreements.
- To amend and terminate parental rights and responsibilities agreements registered by the Family Advocate.
- To amend and terminate parenting plans registered by the Family Advocate.
- To mediate where there is a dispute on whether the unmarried father of the child has parental rights and responsibilities or not.
- To help in parental/ guardian child abduction cases.

Regional contact details

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Mosima Mashao

New toolkit revolutionises child care cases



A revolutionary new Child Toolkit has given vulnerable children in South Africa, involved in custody battles or parental agreements, a voice.

The kit used by the Office of the Family Advocate (OFA) has significantly improved outcomes and gives family counsellors a child's perspective when deciding upon parental custody allocation and parental agreements. Created by doctors Ronel Duchen and Irma Schutte, the kit stimulates and assists children to describe their family lives and relate their viewpoints to family counsellors using a range of images and toys.

Previously, family counsellors struggled to gain insight and information from children about how they are being treated at home, who their primary care-givers are and what their opinion or wishes are. Children, especially, found it difficult to open up to family counsellors about the intimate details of their lives, which are much needed in custody cases.

Through the kit, the OFA can now use collected data to ensure that the best interests of children are put first in cases where there are disputes between parents. The toolkit can be used in a variety of settings and is

useful in assessing or exploring a child's experience of issues such as self, family, school, care and daily routine when parents go through a divorce.

The toolkit comprises of a series of charts that depict various scenarios, feelings, and family members. These include:

Photo cards

The family counsellor obtains information about various aspects of a child's life, aimed at assessing needs and difficulties that a child may experience through a set of 32 photos. The child uses the photocards to explain something about his/her world or home experience.

A school playground board

This assists with gaining understanding from a child's day spent at school. The school playground board is used as a tool to support a child in explaining his/her



experience at school, teachers and peer relationships. A child is asked to find him/herself in the picture. A “black-and-white” outline of this drawing is included as a reusable template that a child can colour in.

A neighbourhood board

The colourful neighbourhood board was developed to assist a child in explaining his/her world. The board is accompanied by cards that a child uses to relate where he/she lives and how they travel in daily life. A child living in more than one home can show how he/she travels from one house to another during contact times. The neighbourhood drawing can be used to support a child in explaining the routine regarding drop-off and pick-up arrangements.



Does anyone have this problem?

This card assists an interviewer in determining risk factors and whether specific safety or other considerations are required in, for instance, a parenting plan to identify whether difficulties, such as, for example, substance abuse, domestic violence and chronic illness are present in the family system. A child’s responses can be used to explore the nature and severity of these problems.

Feeling cards

The “feeling” cards are used to support children in expressing what makes them feel in a particular manner. These cards can also be used when a child finds it difficult to express his/her feelings.

Mom’s and Dad’s voices

The two speech bubble cards provide support for a child to indicate what his/her parents are saying about one another. This information enables an interviewer to ascertain the nature of the parent-child boundaries and the level of negative involvement that a child is experiencing.

How I feel about divorce or separation

The “How I feel about divorce or separation” card provides an interviewer with insight into a child’s experience of his/her parents’ separation or divorce.



A typical day in my life

The “Typical day in my life” card provides an interviewer with a bird’s-eye-view on the daily life of a child. This technique provides an interviewer with information about:

- Who is involved in the child’s life.
- The child’s activities on a typical day.
- Who assumes responsibility for care in various settings.
- The quality of care.
- A child’s emotional experience in all these settings.

A set of 35 picture cards included in the toolkit supports a child in easily telling the story of his/her typical day.



My world

The “My World” board is used to explore a child’s relationship, interactions and feelings about specific people. It provides an interviewer with important information about a child’s experience of his/her world and daily living. This board provides an opportunity for a child to identify important people in his/her life and to express how he/she feels these people.

To date, the toolkit has been successful in gaining information about children’s lives and continues to be an instrumental tool when making a decision in the best interest of a child. ●

OFFICE OF THE FAMILY ADVOCATE PROTECTING THE BEST INTERESTS OF CHILDREN

There are thousands of children in the country who are affected everyday by legal custody battles, mediation or child abduction. These circumstances make children vulnerable and affect them in many ways. The Office of the Family Advocate, located in the Department of Justice and Constitutional Development, is driven by the need to protect the rights of children whose parents are in dispute.

A FAMILY RESTORED

Two young siblings from Mabopane in Gauteng now have a chance to live a healthy and happy childhood due to the assistance from the Garankuwa district Office of the Family Advocate (OFA).

Simphiwe Lamola (7)* and his younger sister, Namhla (5) were recently reunited with their father, Ernest Lamola, who sought assistance from the OFA. The children had been in the custody of their mother, Siphokazi, after the couple split in 2013. During this time, Simphiwe and Namhla did not attend school regularly.

Fearing she would lose her children, Siphokazi was assured by the family counselor that the mediation between her and her ex-husband would ensure that the wellbeing of the children would be put first. Both parents agreed to work out a way to best support and meet the best interests of their children together.

A mediation session was held by the Office of the Family Advocate. The matter was resolved by the parents, with the assistance of the counselor, within a few hours. As a result, the children are now living with their father, and visit their mother regularly.

**The names of the family members were changed to protect their identity.*

WHAT IS THE OFFICE OF THE FAMILY ADVOCATE?

A Family Advocate is an unbiased Family Law specialist who assists parental parties to reach an agreement on disputes regarding the care and contact of children through mediation.

YOU MAY CONSULT THE OFFICE OF THE FAMILY ADVOCATE IF:

- There is a dispute regarding contact or care of a child.
- A person wants to draft a parental rights and responsibilities agreement.
- They want to register their parental rights and responsibilities agreements.
- A person wants to amend or terminate parental rights and responsibilities agreements registered with the Family Advocate.

- There is a dispute on whether the unmarried father of the child born out of wedlock has satisfied the requirements which makes him eligible to acquire full parental rights and responsibilities in terms of the law.
- Courts also make orders that the Family Advocate has to conduct an inquiry as to what is in the best interest of the child.

The Family Advocate can amend or terminate parental rights and responsibilities agreements registered by the Family Advocate's office. This means that the parties do not have to go to court if they want to amend the agreement when the need arises.

In the process of consulting, if the parties reach agreement on disputed issues the matter does not proceed to trial, thereby saving legal costs and time.

Courts or Judicial Officers are required by law to consider the report and/or recommendations of the Family Advocate when making a decision as to what is in the best interest of the minor child.

Courts will not readily give a decree of divorce where there is a dispute regarding minor children without the report or recommendations of the Family Advocate.

Parental rights and responsibilities agreements or parenting plans registered with the Family Advocate have the same legal effect as an order of court.

BENEFITS OF CONSULTING WITH THE FAMILY ADVOCATE

QUICK FACTS

- ▶ The Family Advocate cannot become involved in any matter that has already been **finalised by the Court**.
- ▶ The Family Advocate cannot be subpoenaed to Court **as a witness** to give evidence on behalf of any party even if his/her recommendation is in favour of that party.
- ▶ The recommendation of the Family Advocate is intended to **assist the Court** in adjudicating a matter and arriving at a particular order. The recommendation itself is not enforceable unless incorporated in a Court Order.
- ▶ The Family Advocate is a **neutral institution** and cannot act as a legal representative.

CONTACT THE OFFICE OF THE CHIEF FAMILY ADVOCATE ON 012 357 8022



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The Department of Justice and Constitutional Development (DOJ&CD)



Samona Naidu, Mokgethwa Ngoepe

Protect our children from cyber bullying and sexting



Over the past 40 years, technological advancements and new-age media have changed the way in which children communicate with, and about, each other. The advancement of technology and growth in the use of the internet saw the emergence of interactive social platforms such as Facebook, MXit, WhatsApp, Instant messaging, texts, videos and You Tube.

Cyber bullying is when a child is harassed, threatened and tormented via mobile devices or on social media sites.

While these platforms created an opportunity to interact with friends and like-minded individuals across the globe, lately we have all observed its disadvantages and dangers. More people are now using the platform to commit crimes and to take advantage of unsuspecting users and abuse them. These criminal activities are best

known as cyber bullying, sexting, and cyber slapping. The sharing of explicit content, nude and semi-nude photographs, videos and messages portraying sexual behaviour has become a popular trend amongst youth.

Cyber bullying is when a child is harassed, threatened and tormented via mobile devices or on social media sites. It is when hurtful messages, embarrassing and explicit photographs, videos or emails are shared or posted on these platforms and cause harm to others.

Cyber slapping is when someone records or posts images or videos about a child being beaten, kicked, stripped naked or raped.

Sexting is a combination of texting involving sex. This is when nude or semi-nude photos or videos and sexually suggestive messages are sent via texting or chat. These types of messages are classified as child pornography.

In an attempt to stop this dangerous phenomenon, the Department of Justice and Constitutional



Development (DoJ&CD) has joined forces with the Film and Publications Board. According to Board Chief Operations Officer, Siphiso Risiba, children these days are raised in a computer-generated world and interact with others via messages and images. An example of this would be images exchanged between romantic partners, which is then shared with others outside the relationship. The Board will now use service providers to investigate and find the first person to post an image and they will be dealt with harshly. "If you assault someone and it is recorded and uploaded, it will be treated as *crimen injuria*."

To further increase awareness on these phenomena and their legal consequences, the department recently hosted 500 learners at Botshabelo in the Free State. Learners were taught about justice services available for victims of cyber bullying and sexting like a Protection Order from the court against the perpetrator in terms of section 384 of the Criminal Procedure Act. A

Protection Order helps the victim send a clear message to the perpetrator to stop the harassment. It makes the perpetrator aware that he/she is doing something illegal and if the protection order is breached, he/she could be arrested and criminally charged.

A recent study conducted by the Youth Research Unit at the University of South Africa on online victimisation revealed that 21% of high school learners surveyed, have been approached with 'unwanted' talk of sexting. A further 17% said they had received x-rated emails, and 16% had opened messages or links with images of naked people or videos of people having sex. More than 16% admitted that they had been asked for sexual information and images of themselves.

Saying something nasty back or posting something humiliating as a response or revenge will only make matters worse and even get you into trouble.

Lerato Morutle, a learner who attended the Free State workshop said that she learnt that cyber bullying and sexting is an offence and that it should be reported. "What we must stress as learners is that we should stick to using the internet for school work such as research for our assignments and nothing else." Another learner, Tseki Mpolokeng said that cellphones should not be used to send any sexual content. "I did not know that simply sharing or passing on sexual videos and photographs that were sent to me by another contact makes me guilty of cyber sexting or bullying as well."

Children's Court Manager, Pritima Osman, advises that "If you receive such types of requests or information via mobile devices or social media platforms, do not respond. Saying something nasty back or posting





something humiliating as a response or revenge will only make matters worse and even get you into trouble. If someone is threatening you, sharing personal content about you and you fear your own safety, contact an adult or the police immediately.”

Osman continues to say that “If you experience cyber bullying from somebody you go to school or college with, report such a person to your teacher. Some bullies are going through a difficult time themselves and may be in need of help and support. This does not give them a reason to do what they do nor is it a reason for you to excuse what a bully does to you. You should still take action.”

Play your part

Parents are urged to play a role and be aware of the type of internet sites and social media platforms that their children use, and to monitor the type of content that is shared on these platforms.

Parents must look out for the following emotional, academic and social behavioural signs in victims:

- **Emotional signs:** Your child becomes withdrawn or shy, shows signs of depression, is extremely moody or agitated, is anxious or overly stressed out, and shows signs of aggressive behavior.
- **Academic signs:** Your child does not want to go to school, gets into trouble at school, skips school, loses interest in school and drops in grades.
- **Social signs:** Your child suddenly stops using the computer, changes eating or sleeping habits and has nightmares, no longer wants to

participate in activities they once enjoyed, they hurt themselves, attempts or threatens suicide, and suddenly changes friends.

Your child may also be bullying others on the internet. The following signs can assist in detecting if a child is a bully:

- A child stops using the computer or turns off the screen when someone comes near.
- A child appears nervous or jumpy when using a computer or cellphone.
- A child spends excessive amounts of time on the computer, and becomes upset or angry when computer or cellphone privileges are limited or taken away. ●



PROTECTING OUR CHILDREN FROM CYBER BULLYING AND SEXTING

Cyber bullying and sexting are two of the new concepts that are affecting many young children and learners. The sharing of explicit content, nude/semi-nude photographs, videos and messages portraying sexual behaviour has become a popular trend amongst youth.



WHAT IS CYBER BULLYING?

Cyber bullying is harassment that takes place through the use of electronic devices such as mobile phones, computers or tablets on social media sites, via text or instant messaging and chat. It occurs in the form of mean or hurtful messages, embarrassing or explicit photographs, videos or emails are shared or posted on these platforms and causes harm to others.

WHAT IS SEXTING?

Sexting is when nude or semi-nude photos or videos and sexually suggestive messages are sent via mobile phone through texting or chat.

These types of messages may be classified as child pornography especially where minors are involved.



DID YOU KNOW THERE ARE LEGAL CONSEQUENCES IF YOU ARE INVOLVED IN CYBER BULLYING AND SEXTING?

Section 19 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) states that any person exposing, displaying, or causing exposure or display, of child pornography to a child is guilty of the offence of exposing or displaying or causing the exposure or display, of child pornography or pornography to a child.

IF YOU ARE FOUND GUILTY OF SHARING EXPLICIT CONTENT, YOU MAY BE CRIMINALLY CHARGED WITH THE FOLLOWING OFFENCES:

CRIMEN INJURIA: This is the intent to violate the dignity and or privacy of another person.

ASSAULT: This is an intentional act which causes harm to another person's bodily integrity.

CRIMINAL DEFAMATION: This is intentionally causing harm or hate speech that seriously impacts or injures a person's reputation. This can be done verbally or in writing.

EXTORTION: This is when a person intentionally obtains information such as videos, images etc which is used to pressure others into doing something or even paying for the information not to be leaked.

PLAY YOUR PART TO STOP CYBER BULLYING AND SEXTING



- Parents are urged to play a role and be aware of the type of technologies and social media platforms that are used by children and to monitor the type of content that is shared on these platforms.
- Let's stop cyber bullying and sexting! Report anyone who is a suspected perpetrator of cyber bullying and sexting.

WHERE TO SEEK HELP OR REPORT CYBER BULLYING AND SEXTING?

- Call **Childline** on 080 005 5555
- Call **Lifeline** on 011 728 1347
- Report a case to the **South African Police Services** 10111 or 086 001 0111



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The Department of Justice and Constitutional Development (DOJ&CD)



Samona Naidu and Sinenhlanhla Mkhwanazi

Many choices for legal eagles



Did you know that there are many career options within the justice sector, and that studying law does not limit you to a career as an attorney or advocate? In fact, your law degree can open up the door to you becoming a State Law Adviser, a Master of the High Court, a Magistrate, a State Attorney or even a Registrar, the opportunities are endless.

records of a case, listens to the arguments on a case and makes a decision.”

She holds a Master of Laws degree from Georgetown University, Washington DC in the United States of America (USA) as well as Bachelor of Laws and Bachelor of Arts degrees from the University of Natal, South Africa. Judge Theron says she is entrusted with the responsibility to dispense justice and uphold the Constitution. Through her hard work and dedication, she has received numerous accolades such as the Fulbright Scholarship awarded for Academic Excellence and Achievement.



For **Judge Leona Theron** her law degree helped to make a mark on the judiciary and today she serves on the Supreme Court of Appeal in Bloemfontein. By working hard and staying focused she landed the title of the youngest Judge at the Durban High Court in KwaZulu-Natal when she was just 32 years old. Her duty as a Supreme Court Judge involves a great deal of reading through case material. “Cases that are heard by an appeal court have been heard at previous courts. An Appeal Court Judge read the



Senior Legal Administrative Officer **Joe Makume** works within the Directorate that oversees the National Register for Sex Offenders (NRSO) within the Depart-



ment of Justice and Constitutional Development (DOJ & CD). He receives and processes maintenance forms from the various regions and manages the names that are added onto the Register. In addition to his role, Makume, who possesses a B. Proc degree, conducts educational programmes and hosts information sessions aimed at educating South Africans about the NRSO. He makes a huge contribution in the fight against sexual offences, and feels that he makes a difference through his job every day.



Principal State Law Advisor **Harriet Mekwa**

works in the Legislative Development branch within the Department. Mekwa says her daily duties sees her drafting international agreements between South Africa and various

countries to ensure compliance with South Africa's domestic laws, drafting legislation and seeing to it that various Parliamentary processes are adhered to. Equipped with an LLB degree from the University of Limpopo, she decided to further enhance her managements skills and pursued a Diploma in Legislation Drafting from the University of Indiana in the USA. ●

Like these officials, you too can make a difference within the legal system with a law degree. Take a look at some of the legal and related career choices available in the justice sector:

Department of Justice and Constitutional Development

- Office of the Chief State Law Adviser
- State Attorney
- Legal Administration Officer
- Master of the High Court
- Family Advocate

National Prosecuting Authority

- Public Prosecutor
- State Advocate

Judiciary

- Magistrate
- Judge

Court Administration

- Court Manager
- Clerk of the Court
- Registrar
- Maintenance Officer
- Maintenance Investigator
- Maintenance Clerk
- Interpreter





Samona Naidu

Girl Power!



To teach learners more about the various careers available within the justice system, the Department invited learners to take part in the Take a Girl Child to Work Initiative in May 2015. Seventeen-year old Keitumetse Phiri of Mamelodi High School in Pretoria says after visiting a court for the first time, she one day hopes to realise her dream of becoming a lawyer so she can help uplift families in her community. Keitumetse was one of the 170 girls selected to take part in the Department’s Take a Girl Child to Work initiative rolled out by Cell C South Africa.

The aim of the project, which has been running for the past ten years, is to expose young girls to work opportunities in the country. This year, the Department jumped on board to do just that and rolled the initiative out across all its regional departments. Under the theme, *Dream, Believe and Achieve*, learners got the chance to visit courts, learn about the country’s legal system and to meet employees in the Department to learn all about their work. Visiting the Pretoria Magistrate’s Court for the first time, Keitumetse said it was quite interesting learning about the different types of courts and how

people can get assistance at courts for a number of things. “I see how people in my community struggle to get by, because they do not know about the law and their rights. This is why I want to become a lawyer and help my community and my family overcome their struggles,” she said.

For 18-year-old Nqobile Khambula from Phelindaba High School in Atteridgeville, the chance to succeed in a legal profession will finally mean women empowerment for her and her family. Nqobile who lives with her mother, Nohlanhla, who is unemployed and her two younger two siblings, says she hopes to do well in her examinations to enable her to get into a good university so she can study to become a successful attorney. “Once I am qualified, I can show young girls in my township that they can go out and better their lives themselves.”

According to the Department spokesperson, Mthunzi Mhaga, the initiative encourages young women around South Africa to believe in themselves and to open their eyes to possibilities of a legal career within the Department. “It provides an opportunity for girl children to stop, think and evaluate the choices they make based on the information they gathered during the initiative.”

Learners in the Western Cape were also treated to a moot court at the Wynberg Magistrate Court, while others visited the Khayelitsha Magistrate’s Court and the Master of the High Court in the province. ●



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

LET'S TALK JUSTICE

Live your Rights

**THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
IS BRINGING JUSTICE TO YOU!**

**Starting July 2015, we bring you the
Let's Talk Justice: Live Your Rights radio programme.**

It's your chance to call in, talk to us and learn more about Maintenance, Careers in Justice, Ukuthwala, Domestic Violence, Child Justice and loads more. Each week we tackle a new topic, so stay tuned and learn with us.

For a full list of community radio stations that broadcast the show and the broadcast times, go to: www.justice.gov.za or listen out for more information on your community radio stations.

Remember, you can call in or send your comment/question via Facebook or Twitter live during the show.



Follow us on  @DoJCD_ZA and on  at DOJCD

*Hishaam Mohamed

Protecting the interests of our children



Photo credit: Chris Kirchoff / MediaClubSouthAfrica.com

Our children and our youth grow up facing many challenges. Many grow up in communities where poverty, inequality, violence, drug abuse, neglect and a lack of family structure are a reality. For many, tragically, the home is not always a safe and secure place.

One of the areas which have a profound and continuous impact on the lives of children is that of maintenance. Our *Operation Isondlo* aims to improve the administration of the maintenance system and enforcement of court orders related to child support. We receive more than 200 000 new applications annually which are tragically indicative of the growing trend of child neglect in our country.

The number of maintenance enquiries has increased by 50% from 2011/12 to 2013/14 while the number of maintenance orders granted has increased by 56% over the same period. Parents are jointly responsible to maintain their children, yet today the responsibility of financially maintaining children rests primarily on the shoulders of single mothers who in many instances do

not receive the financial support from the biological father. These single mothers then face laborious court applications to bring these fathers to book.

The issue of maintenance and the protection of children were again highlighted last year in a decision of the North Gauteng High Court in the Mthimunye case. Ms Mthimunye, a single mother, was in an ongoing struggle to obtain child maintenance from her ex-husband, who had from the outset been delinquent in paying his maintenance. They had two minor children and the primary residence of the children was with Ms Mthimunye. Her ex-husband then resigned from his employment, but a pension payout was due to him. The issue in the case was the failure by the officials to attach this pension payout for the recovery of arrear maintenance. The High Court found that the officials in the case were negligent. The Court ruled, correctly, in favour of Ms Mthimunye and held that the father of her minor children, along with the State role-players, is liable for the payment of R24 500 in arrear child maintenance.



The number of maintenance enquiries has increased by 50% from 2011/12 to 2013/14 while the number of maintenance orders granted has increased by 56% over the same period.

In light of this judgment, we have put steps in place to address the shortcomings identified. The strategies contain both proactive and reactive measures. Proactive measures target the making of orders prior to default. The defaulter will now pay the beneficiaries directly into their bank account. The improvement in the efficiency and effectiveness of the use of recovery measures would ensure that there is an increase in the payment of outstanding maintenance to beneficiaries. We have adopted a zero tolerance approach when dealing with maintenance defaulters. This includes the attachment of a defaulters pension to pay for arrear maintenance.

We have also appointed complaints managers in all the regions to manage maintenance services complaints. Whilst the Mthimunya case highlighted the inefficiency and negligence of certain court officials, the fact is that more than R40 million is being managed monthly by maintenance officers, the majority of whom are dedicated and committed civil servants.

Fraud and corruption will also not be tolerated as we ensure that criminal charges are instituted against corrupt officials. For example a maintenance investigator at the Bishop Lavis Magistrate's Court was last year arrested and charged after defrauding maintenance beneficiaries and laundering approximately R 293 000. The officer's pension was attached to compensate for the losses endured by the

maintenance beneficiaries and the guilty party was imprisoned by the Court. In Clanwilliam, the pensions of both a clerk and supervisor were attached to ensure that maintenance is reimbursed to the beneficiaries. The supervisor in this instance was jailed for eight years after being found guilty of fraud.

The Department's *Operation Isondlo* will continue to minimise the time spent in queues, strengthen the investigation process used in tracing maintenance defaulters, and improve the payment system to ensure that rightful beneficiaries are paid on time. These direct payments will assist maintenance beneficiaries as the money is received directly from the garnishee, instead of waiting for funds to clear in court's bank account. An Electronic Fund Transfer (EFT) system was created so that beneficiaries have quick and safe access to the funds. This strategy has had great success in bringing thousands of maintenance defaulters to book. Many defaulters across the province have been arrested and brought to court, resulting in hundreds of maintenance beneficiaries receiving regular pay-outs. The strategy has reduced the loopholes in the system and introduced tighter mechanisms to enforce payments.

We will continue to improve the maintenance system so as to protect the best interest of our children. Empowered by our Child Justice Act, which deals with children in conflict with the law, and the Children's Act which deals with children in need of protection, we remain committed to ensure that our children's safety is our number one priority.

As Government we urge all South Africans to take a stand and do something about child abuse when we see it happening in our communities. We must continue to raise awareness and mobilize all parents, sectors and communities towards the holistic development and care and protection of our children. ●

* *Advocate Hishaam Mohamed is the Western Cape Regional Head of the Department of Justice and Constitutional Development. This editorial originally appeared in The New Age newspaper.*

Call for applications: 2016 education assistance for the TRC-identified victims of apartheid

The Department of Justice and Constitutional Development calls on TRC-identified victims of Apartheid that were declared as such by the Truth and Reconciliation Commission to apply for assistance with tuition fees for basic and higher education and training.



Who qualifies for assistance?

A person declared a victim by the Truth and Reconciliation Commission (TRC); and/or their dependants or relatives.

A dependant includes any person to whom the TRC-identified victim has or had a legal or customary duty to support, which would include children, grandchildren and the spouse of the identified victim.



What about the relatives?

Relatives qualify if the person fits into any of the following categories:

A parent, or someone who exercises/exercised parental responsibility over a victim.

A person married to a victim under any law, custom or belief.

A child of a victim, whether born in or out of wedlock or was legally adopted.



Basic education assistance

The applicant must be a member of a household which earns less than R132 000-00 gross income per year.

or

The applicant must be a member of a vulnerable household.



Higher education and training assistance

The applicant must be a member of a household which earns less than R198 000-00 gross income per year.

or

The applicant must be a member of a vulnerable household (See criteria for vulnerable households).



Vulnerable Households

A vulnerable household is a household consisting of four (4) or more members where:

- the majority of members are over the age of 65 years.
- the majority of members are receiving social assistance.
- one member is physically or mentally disabled.
- one member is under 18 years of age and has to work.
- only one of the members is working.

Renewal of assistance

Students/learners who received assistance for the 2015 academic year must re-apply for the 2016 academic year. Academic results for 2015 must be attached to the application.

Closing date for applications is 30 September 2015

Application forms are available at courts, regional offices and the national office, as well as at www.justice.gov.za.

Application forms must be returned to one of the following contact persons/addresses:

Vivia Jacobs

Tel no: 012-315 1801

E-mail: ViJacobs@justice.gov.za

Fax no: 086 732 2625

Ngwako Ramphadi

Tel no: 012-315 1940

Fax no: 086 041 5744

E-mail: NRamphadi@justice.gov.za

By registered post to:

The Head: TRC Unit

The Department of Justice and Constitutional Development

Private Bag X81

Pretoria, 0001

Department of Justice & Constitutional Development Private Bag X81 Pretoria 0001
@DOJCD_ZA The Department of Justice and Constitutional Development (DOJ&CD)



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



Sinenhlanhla Mkhwanazi

Know your rights: the Constitution made easy for learners



Deputy Minister John Jeffery interacts with learners in the Eastern Cape, who were excited to receive their slimline Constitutions.

Seventeen-year-old Ntombizanele Klaas, a Grade 11 learner from Phaphane High School in Uitenhage in the Eastern Cape had often heard that the Constitution “is about rights”. She learnt about it at school and how it came about, but she did not realise how deeply it affects almost every part of her life until she actually read the rights that are contained in the founding provisions of the Constitution. Klaas and many of her peers were among the learners in the country who received a copy of a ‘slimline’ version of the Constitution (containing the Preamble, Chapter 1 and 2 of the Constitution) as part of the Human Rights Month celebrations of the Department of Justice and Constitutional Development.

As part of the Department’s Human Rights Month initiatives aimed at making more people, especially the youth, aware of their basic human rights, every Grade 12 learner in the country – over 500 000 of them – received a copy of a ‘slimline’ Constitution from the department called *The Basic Provisions of the Constitution – Made Easy for Learners*. The distribution

...every Grade 12 learner in the country – over 500 000 of them – received a copy of a ‘slimline’ Constitution from the department called *The Basic Provisions of the Constitution – Made Easy for Learners*

of the booklets to the learners was facilitated through a partnership with the Department of Basic Education.

The Department also hosted Learner Dialogues in Uitenhage, Eastern Cape and at Constitutional Hill in Gauteng to encourage learners to talk about human rights issues. During the dialogues, learners were educated on the importance of the Constitution



in democratic South Africa, and especially on the provisions of the Bill of Rights.

“The Constitution, and in particular, the Bill of Rights in Chapter Two of the Constitution, affects nearly everything we do. Human rights are part and parcel of the very things that make a person a person,” said Deputy Minister of Justice and Constitutional Development (DOJ&CD), John Jeffery.

Learners were overjoyed to receive their own copies of the Constitution. “The booklet will really help me a lot with my school projects, especially my History projects,” said Ntombizanele. She also added that she used to borrow a copy of the Constitution from her neighbour, but now that she has her own, she will keep it safe. “My classmates and I are really fortunate to receive this booklet from the Department,” she said.

Speaking to learners in Uitenhage, Deputy Minister Jeffery explained that the Constitution sets out many different types of rights, such as the right to health care services, to food, water and social security, the right to basic education, to adequate housing and an

environment which is not harmful to our health or wellbeing.

Siphokazi Marangula, a Grade 11 learner from Solomon Mahlangu High School said she enjoyed the engagement with the deputy minister. “I really learnt a lot about my rights as a school pupil. I did not know some of the rights – I heard, for the very first time, that there is a right to dignity. I even have my own copy of the Constitution to constantly remind myself of these rights,” she shared.

At the Learner Dialogue held at Constitutional Hill, the former Chief Operating Officer of the Department, Dr Khotso De Wee, also took the opportunity to educate learners about their rights and the various career opportunities within the legal field. Over 120 learners from schools in Mpumalanga, Limpopo, North West and Gauteng provinces attended the dialogue session. ●

**To download the Constitution go to:
www.justice.gov.za.**



Uitenhage learners proudly display their copies of the slimline Constitution.

DON'T BE LEFT OUT!

Have you entered for the Service Excellence Awards 2015?



Submit your entry to your DDG's office no later than **31 July 2015**.

See **Circular 44 of 2015** for more details.

For more information, please contact
Tshepo Ramalobela x8196 or **Siziwe Kenqu x8745**



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Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



Crossword Puzzle

C	R	I	M	E	N	I	N	J	U	R	I	A	I	S	S	T	D	O	E	O	P	C	N	J
M	R	E	G	A	L	A	I	D	S	O	U	T	H	A	F	R	I	C	A	P	I	G	P	A
S	D	E	D	M	G	T	Y	U	S	E	V	B	X	M	U	O	F	L	Y	O	F	T	O	X
O	Z	C	C	S	F	S	B	R	V	W	R	Y	D	O	J	Y	O	B	K	L	W	G	L	Y
E	H	G	K	H	N	P	V	N	G	X	F	T	S	A	O	C	T	N	N	I	A	A	I	R
E	L	R	I	K	A	D	C	E	W	W	S	I	X	E	Q	U	A	W	I	D	I	T	G	M
X	E	T	T	A	U	K	I	A	F	O	U	C	H	E	O	D	A	T	X	I	D	H	E	V
P	Y	Q	G	G	C	M	A	H	M	D	E	M	O	C	R	O	N	E	L	C	B	G	R	X
R	M	N	E	A	F	D	G	L	P	T	G	R	Y	E	B	T	J	W	G	A	Y	E	W	Y
E	L	D	R	D	L	K	V	J	A	B	S	P	O	F	E	E	L	I	N	G	O	W	G	P
S	Q	M	O	P	J	U	R	D	P	W	E	O	P	T	U	Z	V	F	S	R	E	P	Y	K
S	W	A	E	M	I	R	R	U	T	S	R	T	N	U	E	N	Z	J	T	I	T	A	O	F
I	E	Q	D	T	E	U	I	A	R	T	F	E	Q	W	A	L	O	T	Y	G	D	B	P	S
O	N	X	I	F	Y	S	E	P	T	E	M	B	E	R	T	F	N	U	N	H	H	D	A	E
N	I	Z	T	M	D	D	T	J	B	T	M	C	X	I	P	W	I	O	I	T	T	M	F	T
T	S	N	R	I	Q	S	E	I	L	R	I	O	F	A	O	O	C	A	W	S	C	U	L	N
F	K	J	F	O	N	G	N	B	C	W	G	C	M	T	Z	R	C	G	H	T	A	W	K	D
W	C	R	I	R	T	G	C	U	F	V	I	Y	E	R	P	Y	A	V	S	A	T	Q	W	Q
X	T	Z	C	H	A	M	L	Q	E	Y	I	G	L	B	O	E	H	A	G	U	E	X	Q	O
C	F	B	T	V	G	S	T	P	J	B	R	O	A	X	I	R	M	S	M	Y	J	Z	F	D
K	E	V	L	D	E	N	T	E	Q	O	R	L	L	G	F	L	A	F	B	E	D	U	Z	T
D	M	S	R	E	O	C	I	R	E	A	V	N	R	E	J	U	D	G	E	F	N	W	U	Y
V	G	H	X	M	S	Y	F	G	U	H	C	S	H	A	N	X	E	I	Z	R	S	T	S	P
J	J	D	R	Y	L	I	Y	V	X	I	D	T	X	M	O	C	V	Z	A	T	Y	H	O	S
T	R	P	X	O	P	E	M	T	Y	E	T	T	I	E	W	O	E	B	L	A	W	Y	E	R
G	B	D	W	B	T	L	Q	O	T	L	C	U	S	C	S	P	I	C	P	S	W	A	Z	F
V	I	U	B	S	S	L	I	M	L	I	N	E	R	X	E	Q	T	A	O	O	I	X	H	V
Y	A	C	W	E	S	Q	T	O	E	A	W	Z	A	E	I	O	N	R	U	W	T	Z	E	M
A	S	R	U	I	O	B	P	O	U	W	T	Y	R	F	F	K	W	W	T	Q	Y	U	O	E
S	L	I	H	G	C	A	D	V	O	C	A	T	E	Y	C	L	E	A	R	N	E	R	S	O

Clues

- TheConvention is one of the legal instruments that informs the Office of the Family Advocate.
- The Basic Provisions of the Constitution – Made Easy for Learners is also referred to as a Constitution.
- Doctors.....Dunchen and Irma Schutte are the creators of the Child’s Voice Toolkit.
- What is the combination of texting involving sex?
- Judge Leona Theron holds a Master of Law degree from which university?
- The Child’s Voice Toolkit consists ofcards used to support children in expressing their feelings.
- With a law degree, one can either become a magistrate or within the judiciary.
- Office of the Family makes use of the Child’s Voice Toolkit to interact with children.
- If you assault someone and it is recorded and uploaded, it will be treated as.....
- Know your rights: Constitution made easy for

Answers:
 1. Hague
 2. Stimeline
 3. Ronel
 4. Sexting
 5. Georgetown
 6. Feeling
 7. Judge
 8. Advocate
 9. Crimen Injuria
 10. Learners

JUSTICE TODAY

The Minister of Justice and Constitutional Development
MICHAEL MASUTHA (ADV), MP

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