








THE CHILD JUSTICE ACT, 2008(Act no 75 of 2008)



-  Establishes a criminal justice system for children
-  Expands and entrenches the principles of restorative justice in the criminal justice system for children, while ensuring their responsibility and accountability for crimes committed
-  Places an increased emphasis on the effective rehabilitation and re-integration of children in order to minimise re-offending
-  *The Act provides that:*
 - i) a child under the age of 10 years does not have criminal capacity and cannot be prosecuted for that offence
 - ii) a child older than 10 years but below the age of 14 years is presumed to lack criminal capacity unless the state proves that he/ she has criminal capacity
-  A child who has been arrested must be assessed by a probation officer before the child appears at a preliminary inquiry
-  Every child who is arrested and remains in detention must appear within 48 hours before a preliminary inquiry
-  The preliminary inquiry is an informal pre-trial procedure which is inquisitorial in nature at which the magistrate and prosecutor together with the child, child's parents , guardian or an appropriate adult and the probation officer decide on the best plan for the child after consideration of the assessment report of the probation officer
-  Provides for the diversion of children away from the criminal justice system in appropriate cases
-  Provides for the adjudication of matters involving children who are not diverted in child justice courts
-  And provides for a wide range of sentencing options specifically suited to the needs of children



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

