



2nd ANNUAL REPORT

on the Intersectoral Implementation of the Child Justice Act, 75 of 2008

April 2011 – March 2012



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

The Intersectoral Committee on Child Justice



the doj&cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



SAPS

South African Police Services



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA



health

Department:
Health
REPUBLIC OF SOUTH AFRICA



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA



**women, children and
people with disabilities**

Department:
Women, Children and People with Disabilities
REPUBLIC OF SOUTH AFRICA



National Prosecuting Authority of South Africa
Igunya Jikelele Labetsutshi boMzantsi Afrika
Die Nasionale Vervolgingsgesag van Suid-Afrika

www.justice.gov.za

Department of Justice & Constitutional Development
National Office
Private Bag X81
Pretoria
0001

Momentum Building,
329 Pretorius Street
Pretoria



2nd Annual Report

on the Intersectoral Implementation of the Child Justice Act No. 75 of 2008

April 2011 - March 2012

CONTENTS

Acronyms	4	6. Integrated Information Management System	40
List of tables	5	Arrest or methods of securing attendance at criminal proceedings	41
Foreword by the Minister	6	Children awaiting trial	42
Message from the Director General	8	Bail and placement whilst awaiting trial	42
1. Introduction	10	Trials in Child Justice Courts	43
2. Limitations	12	Appeals and Reviews	43
3. Overview of the second annual report on the implementation of the child justice act	16	Sexual Offences Committed by Children	44
4. Governance issues	18	Children who Lack Criminal Capacity	44
Directors-General Intersectoral Committee on Child Justice	19	Children Used by Adults to Commit crime	45
National Operational Intersectoral Committee on Child Justice	19	7. Action Plan in respect of the 1st Annual Report on Child Justice 2010/2011	46
Provincial Child Justice Fora	19	8. Conclusion	48
5. Progress in the implementation of the priorities and strategies contained in the National Policy Framework on Child Justice	20		
Building Capacity	21		
Ensuring the Assessment of children	29		
Preliminary Inquiries	30		
Sentencing	31		
Provision of Diversion and Alternative Sentencing Services	34		
Establishment of Child and Youth Care Centres	37		
Establishment of One Stop Child Justice Centres	37		
Resources and Budgets	38		
Public Education and Communication	38		
Development of necessary IT and IJS-Systems to support information management systems	39		



LIST OF ANNEXURES

Annexure A:	52	Annexure D:	58
Department of Social Development Progress Report		Department of Correctional Services: Progress with the Implementation of the Child Justice Act	
Annexure B:	54	Annexure E:	70
Restorative Justice Report on Child Justice Act		National Prosecuting Authority Progress Report	
Annexure C:	56	Annexure F:	72
Department of Health: List of published Clinical Psychologists, Psychiatrists and health establishments.		List of Awards received by Mangaung One Stop Child Justice Centre	
		Annexure G:	74
		Progress on Action Plan to address issues emanating from briefing to Portfolio Committee of Justice and Constitutional Development on the progress with the implementation of the Child Justice Act No. 75 of 2008, on the 24th August 2011	



ACRONYMS

CJA:	Child Justice Act
CJIMTT:	Child Justice Information Management Task Team
CJ NPF:	Child Justice National Policy Framework
CYCC:	Child and Youth Care Centre
DCS:	Department of Correctional Services
DG ISCCJ:	Directors-General Inter-sectoral Committee on Child Justice
DoJ&CD:	Department of Justice and Constitutional Development
DBE	Department of Basic Education
DSD:	Department of Social Development
HOD:	Heads of Departments
IJS:	Integrated Justice System
LASA:	Legal Aid South Africa
MEC:	Members of Executive Committees
NPA:	National Prosecuting Authority
OSCJCs:	One Stop Child Justice Centres
OP ISCCJ:	National Operational Inter-sectoral Committee on Child Justice
PCJF:	Provincial Child Justice Fora
SAJEI	South African Judicial Education Institute
SAPS:	South African Police Service
SOCA:	Sexual Offences and Community Affairs

LIST OF TABLES

1 Outcomes of the Meetings of the Directors-General Inter-sectoral Committee for Child Justice	19
2 Total number of prosecutors trained by NPA from April 2011 to March 2012	26
3 Total number of children assessed by DSD from April 2011 to March 2012	29
4 Total number of Preliminary Inquiries conducted from April 2011 to March 2012	30
5 Total number of children serving community-based sentences from April 2011 to March 2012	31
6 Total number of restorative justice sentences imposed on children between April 2011 and March 2012	31
7 Total number of fines imposed on children after conviction from April 2011 to March 2012	32
8 Total number of children sentenced to correctional supervision April 2011 to March 2012	32
9 Total number of children sentenced to correctional supervision aged 14-17 years from April 2011 to March 2012	32
10 Total number of children admitted into compulsory residence in Child and Youth Care Centres between April 2011 and March 2012	33
11 Total number of children sentenced to imprisonment between April 2011 and March 2012	33
12 Summary of all types of sentences imposed on children between April 2011 and March 2012	34
13 Total number of diversion orders received from Department of Justice and Constitutional Development during April 2011 and March 2012	35
14 Schedule 3 diversions	36
15 Summary of all types of diversions from April 2011 to March 2012	36
16 Total number of charges against children during the period April 2011 to March 2012	41
17 Released on bail or placement during the period April 2011 and March 2012	42
18 Total number of trials conducted in child justice courts during the period April 2011 and March 2012	43
19 Total number of appeal matters involving children during the period April 2011 and March 2012	43
20 Total number of child justice cases sent on review during the period April 2011 and March 2012	43
21 Total number of children charged by SAPS for committing sexual offences during the period April 2011 and March 2012	44
22 Total number of children under the age of 10 years suspected of having committed offences between April 2011 and March 2012	44
23 Total number of cases of children used by adults to commit crimes for the period April 2011 and March 2012	45

FOREWORD

**by the Honourable Minister J T Radebe –
Justice and Constitutional Development**

The second year has passed since the Child Justice Act No. 75 of 2008 (hereinafter referred to as the Act) came into effect. It is now yet another time to look back and trace the footprints left by the collective endeavours of the various stakeholders within the Child Justice Sector to ensure the progressive establishment of a child justice system in South Africa



Minister J T Radebe, MP
Justice and Constitutional Development

The Child Justice Act represents the commitment of the South African government to the achievement of its international obligations pertaining to the universal protection of the rights of children. It further embraces our Constitutional commitment to ensuring that children are not detained except as a measure of last resort and then only for the shortest possible time. However, in instances where the imposition of an imprisonment sentence is inevitable, this Act provides measures to protect the constitutional right of a child not to be detained with adult inmates, but to be kept in conditions that take account of his or her age.

The first year of the implementation of the Act was an exploratory learning phase for all stakeholders. It was a critical time to experiment and experience what works and what does not work. Most importantly, it represented a time of departure from an adult justice system to a child justice system that is designed to convert a child in conflict with law into a law-abiding citizen who can add value to the country in the future.

However, it was during the first year of implementation that the country made a number of notable headways in many areas. Two (2) One Stop Child Justice Centres based in Bloemfontein and Port Elizabeth continue to function. A total of 19 842 government officials were trained on the Act in twelve months. The correctional facilities recorded a steep decline of remand detainee children from 502 to 288 in just one (1) year. This ought to be considered as a major achievement of the Act in its endeavour to keep children out of prisons.

This is Year 2 of the Consolidated Annual Implementation Progress Report on Child Justice Act. As with the previous one, it is the representation of consolidated inputs of the key government departments and institutions in the Justice, Crime Prevention and Security (JCPS) Cluster. It encapsulates the progressive achievements made by the major government stakeholders in the Child Justice Sector. Where possible, it measures the current performance against the first Annual Report in an attempt to determine the early impact of the Act. In some areas, it notes the practical challenges experienced thus far, and further gives solutions, where possible.

However, it may still be early to draw conclusions on the effectiveness of the legislation in a period of two (2) years. The issue of inadequate resources to fully implement the Act is still a major challenge at many child justice service points within government. The establishment of a common understanding of the Act amongst all stakeholders continues to feature as a serious challenge that has the potential to cause discord and delays in the child justice value chain.

However, the role of the Directors-General Intersectoral Committee has continued to stand as a strong guiding arm for the implementation of the Act, especially where there are major challenges. I cannot therefore, but express my gratitude to the dedicated leadership of Ms. Sindane, who is my Director- General and the chairperson of this Committee, for continuing to steer the interdepartmental implementation of this Act to success, amidst the limited funding. A further word of appreciation goes to the sister departments in the Cluster. Your zealous efforts in making the implementation of this legislation a collective endeavour that is characterized by support and sharing does not go unnoticed. I also sincerely commend the collaborative efforts of the Non-Governmental Organizations and civil society for their steadfast support to the government of this country. It is well appreciated.

Lastly, but not least, I wish to thank my colleagues, the Cabinet Ministers, for their continued willingness to give support to all endeavours aimed at making our court system a truly child friendly justice system. It is indeed with joined hands that we can beat child offending in our country.

South Africa, it is truly a great pleasure to submit this Second Consolidated Annual Report on the intersectoral implementation of the Child Justice Act to you.



Minister J T Radebe, MP

Justice and Constitutional Development

ACKNOWLEDGEMENT

**From Ms N Sindane,
Director General: Department of Justice,
Chairperson of the Intersectoral Committee
for Child Justice and Constitutional Development**

Year two (2) of the intersectoral implementation of the Child Justice Act No. 75 of 2008 (hereinafter referred as the Act) has come and gone, and now is the time to pause and reflect on what we have done, as government in the Child Justice Sector, in making this Act real to the children of this country.



Ms N Sindane
Director-General: Department of Justice
and Constitutional Development

The past twelve (12) months of implementation gave us the foundational experience of the practical realities attached to the initial steps of implementing legislation. Looking back, we can positively say that it was a good year that proved to us in many ways that it is indeed possible to create a child justice system in our country. Amidst all teething challenges, we were able to deliver achievements of impact that translated into motivators for service delivery.

The first year of implementation also laid a strong foundation for the interdepartmental leadership in Child Justice. It was in this year when the Directors-General Intersectoral Committee on Child Justice (DG ISCCJ) was established to give strategic guidance in the interdepartmental implementation of the Act. It is a Committee that operates with the membership of Directors-General of Social Development, Education and Health, as well as the National Director of Public Prosecution and the National Commissioners of Correctional Services and the South African Police Service. It is chaired by me, in my capacity as the Director-General for the Department of Justice and Constitutional Development.

The DG ISCCJ takes a monitoring role in the interdepartmental implementation of the Act. The Act requires it to meet at least two (2) times a year to collaborate on the execution of its functions. However, during this period of reporting it met three (3) times, and ensured that all participating government stakeholders pursued their commitments to the end.

Last year, the DG ISCCJ extended membership to the Department of Women, Children and Persons with Disabilities to ensure that the latter Department is able to exercise its monitoring role within the Child Justice Sector.

This report outlines the notable successes recorded by the various departments in the sector. It is a Consolidated Intersectoral Annual Progress Report that gives a collective impression of interdepartmental implementation of the Act. It evaluates this year's performance, where possible, and further highlights challenges and possible intervention actions. You will notice, from the performance of Year 1,

a glaring decline in certain areas of performance is found. Sadly, not all departments were able to offer words of explanation, especially for the marked variances.

However, commendable work has been done, in the midst of challenges. This shows the unwavering commitment of stakeholders to succeed against all odds.

In conclusion, I would like to first thank the members of this Parliament for their dedicated leadership to government and the country to ensure that children in conflict with the law are treated in a manner that takes account of their age.

Without the support of my counterparts, the Directors-General and the Heads of other institutions, it would not have been possible to lead the interdepartmental implementation of the Act to its current success. My gratitude therefore goes out to all of you for being strong pillars of support.

I would also like to thank the National Operational Intersectoral Committee and the Provincial Child Justice Fora for their collective commitment to building a court system that responds to the special needs of children in conflict with the law.

My deepest appreciation further goes to the Non-Governmental Organizations and civil society for their unending support and commitment to the improvement of the wellbeing of our children in South Africa. In unity, success is found.

I thank you.



Ms N Sindane

Director-General:

Department of Justice and Constitutional Development

1

INTRODUCTION

The second year of the implementation of the Child Justice Act No. 75 of 2008 (hereinafter referred to as the Act) experienced more progress in building a child justice system in South Africa. However, with the new practicalities introduced by the Act, it would be unfair to judge the success of the entire Act based on this short period of implementation.

In compliance with the provision of section 96(3) of the Act, the Department of Justice and Constitutional Development has compiled this second Child Justice Annual Report for submission to Parliament by the Minister of Justice and Constitutional Development (hereinafter referred to as the Minister). The Annual Report is a reflection of the inputs received from the National Prosecuting Authority, and the Departments of Safety and Security, Correctional Services, Social

Development, Education, and Health. It has a collaborative approach in response to the need for the intersectoral implementation of the Act.


The first Consolidated Child Justice Annual Report, covering the first twelve months of the implementation of the Act, was tabled in Parliament in June 2011. This report covers the period April 2011 to March 2012.

The objectives of this report are to:-

- Report on the progress made on the implementation of the Act;
- Highlight the achievements made during the implementation of the Act;
- Identify the challenges encountered during the implementation process; and to
- Elaborate on future strategies, initiatives and actions to address the challenges identified.

2

LIMITATIONS



The lack of adequate capacity to implement the Act at various service points within the child justice value chain proved to be extremely challenging in this second year of implementation.

2.1 Prescriptive Nature of the Act

Many sections in the Act and its implementation are prescriptive in nature.

The lack of adequate capacity to implement the Act at various service points within the child justice value chain proved to be extremely challenging in this second year of implementation. Many departments and institutions do not have funding to make provision for additional posts and further training. This consequently led to a slight decline in performance in certain areas.

Furthermore, in some areas, the Act presents some practical challenges that are inclined to impact negatively on the implementation outputs. For instance, the Department of Social Development has reported that certain provisions of the Act do not delegate powers and authority to provinces, Members of Executive Committees or Heads of Departments (MEC/HOD), and this therefore poses many challenges, both at strategic and operational levels. For example, section 56 of the Act needs to be amended to provide authority for implementation at provincial level. In January 2011, the Department of Social Development made submissions to the Minister of Justice and Constitutional Development proposing the amendment of this provision and other sections. This matter is currently receiving attention.

2.2 Finances

The Child Justice Bill was introduced to Parliament with its costing document that reflected the estimated budget required to effectively implement the Act. However, this budget has never been made available to any implementing department or institution.

In the first year of the implementation of the Act, funds allocated to DoJ&CD for implementation amounted to R1 million. These funds were far from being enough. However, some departments did not have a dedicated budget allocation, and had to depend on the mainstream budget. This issue was brought to the attention of the Directors-General Inter-sectoral Committee, whereupon the Departments were urged to have dedicated budget for Child Justice, and to provide bi-annual expenditure reports to the Directors-General Inter-sectoral Committee.

However, from the second year of implementation, it has been learned that the original costing exercise that was done regarding the implementation of the Act, was far too conservative to meet the new legislative demands. Departments have been urged to develop their own funding bids to National Treasury in terms of their core business to support the full implementation of the Act.

It is necessary to relate to the recent serious downturn in the funding of the NGOs participating in the Child Justice sector. Many NGO's experienced grave budget cuts, which have visibly affected the ability of these NGOs to continue providing child justice services thus affecting the overall level of outputs countrywide. It has been reported that a sizeable number of NGO's have begun to retrench staff members given the uncertainty around continued funding, and this has led to the withdrawal of NGO-services from many courts. While the Department of Social Development still funds NGOs, its funding policy is proving to be extremely insufficient and therefore challenging for many NGOs, given the prescriptive nature of the Act. This is a serious impediment to the achievement of the desired results in the implementation of the Child Justice Act. The National Operational Inter-sectoral Committee is currently seeking ways of addressing this challenge.

2.3 One Stop Child Justice Centres (OSCJCs)

Section 89 of the Act permits the establishment of OSCJC's to ensure the provision of holistic child justice services. This provision seeks to safeguard the constitutional right of the child to be 'kept separately from detained persons over the age of 18 years; and treated in a manner, and kept in conditions, that take account of the child's age.'

However, without adequate funding, the establishment of the OSCJC's in all provinces may only be done progressively. Despite the legislative requirement of collective contribution of resources by the Departments to run these OSCJC's, the need for extra budget remains a major hurdle for all Departments.

The Act places emphasis on the stakeholder consultative process when establishing these OSCJC's. However, this approach led to an enormous delay in 2011/2012, since the experience is still new and unfamiliar amongst the stakeholders. As a result, the delay in the submission of the written commitments of resource allocations by the participating Departments led to the incomplete delivery of the 2 OSCJC's, as planned.

Apart from the establishment costs, the OSCJC's will continue to require annual budget for the running costs, which may include the progressive provision of capacity building, resources, and quality services. This therefore will put more pressure on budget, and if not attended to soon, may continue to compromise access to justice by children in conflict with the law.

The current goal is to establish one (1) OSCJC per province. This is due to budgetary constraints, and it will obviously lead to inequitable distribution of services. However, research will be conducted to determine

areas that seriously need the establishment of OSCJCs, and how best to maximize the approach suggested in the Act.

2.4 Mental Health

A mental health protocol has not been developed yet for children who are mentally affected and in conflict with the law.

The challenge of the lack of facilities to place such children has been raised on a number of occasions. Children who have committed crimes whilst being mentally affected are classified as falling under vulnerable groups, and may therefore require special treatment to respond to their status. It is for this reason that it is anticipated that the Child and Youth Care Centres may not attend to all these needs; hence the need for special care facilities for such children. This matter will be explored with the Department of Health in the coming financial year.

2.5 Diversions

In 2010/2011, a decrease in the number of diversion orders was observed from a baseline of diversions registered prior to the implementation date of the current Act. In 2011, the National Operation Centre (NOC) conducted research to explore the reasons that could have led to this decrease. The following questions were posed to departments:

- Is diversion working? If not, there is a need to identify and address the existing challenges that prevent the programme from working.
- Is the department concerned getting the desired outcomes?
- How much progress has the department made to address the shortcomings, if any?

The research highlighted the need to constantly provide the judiciary with updated information regarding accredited places available within the court's jurisdiction to guide the bench when an order for the diversion of a child is made.

2.5 Information Management

The Act is prescriptive in respect of the information that needs to be tendered on its implementation. However, the first Child Justice Annual Report 2010/2011 reflected the serious gap in respect of the inter-sectoral management of such information.

In 2011, an Information Management Task Team (CJIMTT) was established to gather data across Departments on a template

developed specifically for this purpose. This Task Team is chaired by the Integrated Justice System (IJS), and progress in regard to the data reflected on the template is achieving positive results. However, challenges relating to the verification of data, the varying time periods involved for such verification, as well as the delays in the submission of the required data by the responsible Department or institution, are still a problem, due to the lack of an electronic inter-sectoral data collection system.

The need to track the individual child in the Child Justice process has led to the IJS being tasked with the development of a 'unique person identifier'. This process is under way and is aimed at tracking the child from the moment of arrest to the end of the Child Justice process. It must be borne in mind that departments still largely collect data manually as the transversal is being created to ensure live inter-sectoral data collection, is not yet in place.

2.6 Statistics

The state of statistical data collection on Child Justice is still at its infancy stage, and is therefore still subject to some shortcomings. For instance, in this report:

- In some areas, data of less than 24 months was made available to compile this second annual CJ report and to be able to do a comparison;
- The statistical analysis could not be done in some areas due to a lack of explanations;
- Some variables have been newly added, and thus a year-on-year comparative analysis cannot be done;
- Manual data collection is used by the stakeholders, and it has the propensity of affecting the quality and reliability of data collected; and so forth.

2.7 Training

The need for constant training cannot be over-emphasized. However, constraints on budget have resulted in less numbers being trained during this period of reporting.

As a way of cutting down costs, in regions intersectoral training and information sessions were held to build clarity on the statutory roles and responsibilities of the different stakeholders. However, more intensive intersectoral training interventions are required. Likewise, the departmental training still remains an imperative to ensure that optimal service standards at all service points of child justice.

Despite the few workshops that the Department of Justice and Constitutional Development held for the judiciary on the Act, more intensive training is needed to improve the judicial role in matters relating to child justice.

2.8 Non-Governmental Organisations (NGOs)

Parliament passed this piece of legislation that by implication regards the service providers of diversion programmes as stakeholders. These services are currently offered by the NGO's. However, with the recent decline in NGO funding, many NGO's have closed offices and pulled out of the court buildings. This matter has now begun to cause serious delays in the execution of diversions as alternative sentences.

It appears that the Act was not appropriately costed to include diversions, and this is a grave omission that needs urgent intervention. This matter is before the OP ISSCJ to devise ways of addressing it.



3

OVERVIEW

of the second annual report on the intersectoral implementation of the Child Justice Act

The first year of implementation of the Act took the foundational approach to the achievement of the objects of the Act. It was a year where many stakeholders were still familiarizing themselves with the Act, whilst they were expected to deliver on their statutory roles.

However, the determined commitment of the stakeholders resulted in the achievement of many progressive initiatives, such as, *inter alia*, the establishment of governance structures, the tabling and gazetting of the Regulations for the Act, the Directives for public prosecutors, the National Instructions for the South African Police Service, and the tabling of the Diversion Accreditation Policy Framework.

The financial year 2011/2012, was also about the creation of human resource capacity at various points of service delivery. It was also about focusing on the development of skills capacity to implement the Act. The two (2) One Stop Child Justice Centres (OSCJCs) have made it possible for the global community to consider the OSCJC model as the international best practice model. This is evidenced by the several awards of best performance by the Mangaung One Stop Child Justice Centre. Attached is Annexure F, which reflects a list of awards received by Mangaung OSCJC.

However, gaps have been identified in certain areas. For instance, there is the lack of an integrated information management system. The inter-sectoral statistical reports show variances in numbers. This is a serious issue that has raised queries from the Portfolio Committee on Justice and Constitutional Development. In addressing this issue, the DG ISCCJ

instructed the establishment of an Integrated Information Management System under the leadership Child Justice Information Management Task Team (CJIMTT). The development of this system is categorised into three (3) progressive phases aimed at establishing an integrated electronic system to collectively gather live statistical data and to provide an automatic analysis thereof.

Another issue that has raised a major concern in the first year of the implementation of the Act was the significant decline in the number of children diverted from the criminal justice system. This was an issue that the DG ISCCJ responded to by commissioning research to be undertaken on this matter. The research report was submitted to the DG ISCCJ in August 2011, and it primarily highlighted the diversion process as long and cumbersome, especially in the completion of the prescribed forms. It also made a reference to the need of constant training of the personnel.

4

GOVERNANCE ISSUES



The Act follows the universal trend of taking an intersectoral approach when dealing with all matters relating to children. This is also a trend that the South African Parliament demands to ensure a collective, uniform, open and efficient way of implementing legislation.

Section 94 of the Act requires intersectoral monitoring of the implementation of the Act through the establishment of an Inter-sectoral Committee. Below is the role played by the governance structures for the reporting period under review.

4.1 Directors-General Intersectoral Committee on Child Justice (DG ISCCJ)

The Intersectoral Committee on Child Justice is a Committee constituted in terms of the Act by the National Director of Public Prosecutions, the National Commissioner of the South African Police Service, the National Commissioner of Correctional Services, and the Directors-General of the Department of Justice and Constitutional Development, Social Development, Basic Education and Health. It is chaired by the Director-General: Justice and Constitutional Development, and has to meet at least twice a year. In this reporting period, the Committee has met three times. Its main responsibility is to monitor the intersectoral implementation of the Act by all participating Departments and institutions.

Table 1: Outcomes of the Meetings of the Directors-General Inter-sectoral Committee for Child Justice

Date of the meeting	Important Items on Agenda and Outcomes
26 August 2011	Consideration of queries raised by the Portfolio Committee on Justice and Constitutional Development on the First Child Justice Annual Report. This process led to the amendment of the First Annual Report.
25 January 2012	The consideration of the proposals and costed business plans for the establishment of the two additional One Stop Child Justice Centres, and the recommendation thereof.
13 March 2012	The consideration of the Research Report on the decline in the number of diversions since the implementation of the Act. The Committee commissioned the establishment of a Task Team to interrogate the Research Findings and to develop actions of intervention.

As a Committee functioning at a strategic level, the DG ISCCJ operates with the technical support of the National Operational Intersectoral Committee (OP ISCCJ).

4.2 National Operational Intersectoral Committee on Child Justice

The National Operational Intersectoral Committee on Child Justice (OP ISCCJ) was established in 2007 to give technical support to the DG ISCCJ. It is constituted by representatives from the participating

national departments, as well as the chairpersons of the Provincial Child Justice Fora and NGOs.

The Committee meets once in a month to execute operational tasks received from the DG ISCCJ, and also deal with challenges emanating from the provincial implementation of the Act. It is chaired by the Department of Justice and Constitutional Development with the deputy chair being the Department of Social Development.

Among the key deliverables achieved during this period of reporting, the OP ISCCJ went through the process of developing the Standardized Business Needs documentation, which included the matrix that Provincial Child Justice Fora must complete when compiling a proposal for the establishment of a One Stop Child Justice Centre. The Department of Justice and Constitutional Development, as the Chair of this Committee, held a number of workshops with the Provincial Child Justice Fora to guide them in the process of completing standardized business proposals. This process led to the Committee recommending to the DG ISCCJ that the Matlosana Child and Youth Care Centre, North West and the Khayaletumba Youth Care Centre, Eastern Cape be designated as One Stop Child Justice Centres. After intensive consideration, the DG ISCCJ later concurred with this recommendation, and extended it to the Inter-Ministerial Committee for consideration in terms of section 96(3) of the Act. This provision requires the Minister of Justice and Constitutional Development to consult with the Ministers responsible for safety and security, correctional services, social development, education and health before tabling this report in Parliament.

The Committee also formed the Information Management Task Team to assist with integrated data collection, under the leadership of the Integrated Justice System (IJS) team. This initiative was taken to address the practical challenges relating to data collection, which included the variances that were later identified from the First Consolidated Child Justice Annual Report.

The Committee has also developed the Child Justice Transportation Guidelines to determine stakeholders who are responsible for the transportation of children in conflict with law to various service points.

This Committee also addresses a number of practical challenges experienced by the provinces in regard to the implementation of the Act.

4.3 Provincial Child Justice Fora

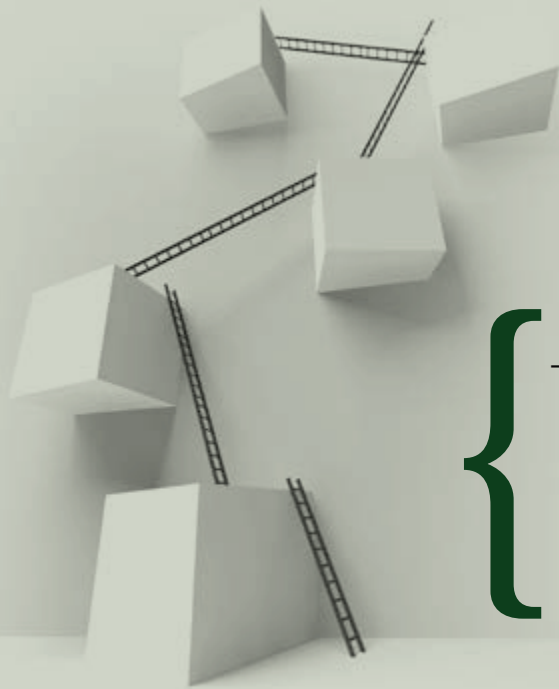
The Provincial Child Justice Fora are chaired by the Department of Justice and Constitutional Development in regions. Each Forum is responsible for the monitoring of the implementation of the Act at a regional level and reports directly to the OP ISCCJ.

The deliverables of the Fora are linked with the deliverables and achievements of the OP ISCCJ.

5

PROGRESS

in the implementation of the priorities and strategies contained in the National Policy Framework on Child Justice



{ The Child Justice National Policy Framework (CJ NPF) was developed by the DG ISCCJ, and was tabled in Parliament in 2010. The CJ NPF identifies ten (10) key priority areas for the implementation of the Act. }

In the period under review the implementation progress and challenges will be discussed with reference to the 10 key priority areas as stated in the National Policy Framework.

- i. Building Capacity in the Sector;
- ii. Ensuring assessments of children;
- iii. Preliminary Inquiries;
- iv. Sentencing;
- v. Provision of Diversion and Alternative Sentencing Services;
- vi. Establishment of Child and Youth Care Centres;
- vii. Establishment of One Stop Child Justice Centres (OSCJCs);
- viii. Resources and Budgets;
- ix. Public Education and Communication; and
- x. Development of necessary IT and IJS-systems to support information management systems.

5.1 Building Capacity

The National Policy Framework has identified capacity building in sectors dealing with child justice as the key priority for the effective implementation of the Act. This highlights the need for the progressive appointment of human resources, the development of skills capacity, and includes the progressive provision of physical infrastructure as paramount variables that encompass capacity building.

Implementation Progress

The various stakeholders have reported on a number of deliverables in building the appropriate capacity for the effective implementation of the Act. Among these are:

Infrastructure and human resources

Department of Justice and Constitutional Development

Human Resources

The Act and Regulations provide for specific duties for child justice court clerks. These include:

- The monitoring of the placement of children, whilst awaiting trial;
- Placing matters on court rolls for magistrates;
- Doing follow-up on the placement of children at Child and Youth Care Centres (CYCC); and
- Checking compliance with any sentencing order or diversion order made.

In the financial year 2010/2011, a total of 111 child justice court clerks were appointed on a contract basis. For the 2011/12 financial year, the Department further appointed 17 additional child justice court clerks. This increased the numerical capacity to a total of one hundred and twenty eight (128) child justice court clerks.



128

CHILD JUSTICE COURT CLERKS APPOINTED ON A CONTRACTUAL BASIS

Section 5: Progress in the implementation of the Priorities and Strategies contained in the National Policy Framework on Child Justice

190



**NUMBER OF COURT CLERKS WHO RECEIVED TRAINING
IN THE ACT APRIL 2011 – MARCH 2012**



= 10 COURT CLERKS

The Department is in the process of finalising a work-study investigation to facilitate the conversion of these contract posts into permanent posts.

Where there are no dedicated child justice court clerks appointed, the clerks of the criminal court have been trained to perform the duties of the child justice court clerks.

Training

Between April 2010 and March 2011, 395 court clerks received training on the Act, whilst in 2011/2012 reporting period 190 court clerks were trained. The decline in numbers is owed to limited budget.

Circulars on the duties of clerks in terms of the Act were drafted and circulated to all child justice and criminal court clerks.

Workshops and Information Sessions for the Judiciary

Given the absence of a standard form to be utilized in preliminary inquiries, in 2011, the Department held three (3) Preliminary Inquiries workshops of two-day duration each. These were held with Magistrates to develop a Standard Form and Standard Proceedings on Preliminary Inquiries. These workshops were coordinated by the Chief Directorate: Promotion of Rights of Vulnerable Groups, and facilitated by Justice College.

At the last workshop, the Standard Form and the Uniform Procedure for Conducting Preliminary Inquiries were finalized. These have now being forwarded to the Magistrate's Commission for dissemination to all magistrates.

Intersectoral Training

Intersectoral training sessions were held at regional level.

- In Gauteng, a 2-day intersectoral training session was held in October 2011, where 61 representatives from all sectors attended.

- In KwaZulu-Natal, a two day intersectoral workshop was convened in October 2011. 100 officials were in attendance inclusive of the Judiciary, Department of Social Development, Probation Officers, Assistant Probation Officers, and cluster coordinators, South African Police Service, Legal Aid South Africa, Department of Basic Education, Department of Home Affairs and Department of Correctional Services.
- In the Western Cape, during August 2011, two (2) intersectoral workshops on the Act were conducted at Khayelitsha and Lwandle in Strand. Approximately 120 people attended the two workshops that represented the various local stakeholders and role-players.
- Also in the Western Cape, in June 2011, a workshop was conducted at CAFDA in Retreat at which 25 persons representing various civil society organizations from the area were provided with information relating to the Act.

A total of 306 child justice role-players were trained in the 3 Provinces.

Infrastructure

All courts are deemed child justice courts. Amongst the needs that have been identified to make the courts more child-friendly, are the following:

- The provision of additional microphones required for use in rooms where Preliminary Inquiries are heard; and
- The establishment of Child-Friendly Preliminary Inquiry Rooms, where possible.

The Act permits and requires various persons to attend Preliminary Inquiries. Presently, Preliminary Inquiries are mostly held in magistrates' chambers. This scenario is not acceptable as it has the potential of exposing the parties to danger or unhygienic circumstances due to crowding. The Department is considering the establishment of Preliminary Inquiry Rooms, where possible. However, the infrastructural limitations at court establishments remain a major challenge. Hence initially, these improvements will be introduced in courts where it is possible.



South African Police Service (SAPS)

Human Resources

Duties of the South African Police Service include:

- Securing the attendance of the child at court;
- Notifying probation officers on the child in conflict with the law for purposes of assessment and making recommendation to the prosecution officials on the appropriate handling of the child; and
- Notifying probation officers on children involved in crime who are under the age of 10 for purposes of their further appropriate handling.

In this regard, services of the police under child justice are part of generic services conducted by functional operational members at police stations.

Specialised investigative capacity is provided for those instances where children are deemed to be in need of care and protection, such as is the case with regard to determining whether a child under 10 is one who has been used by an adult to commit crime. The Family Violence, Child Protection and Sexual Offences (FCS) unit at SAPS conduct these specialised investigations.

Training

SAPS continued to deliver both in-service and basic training on the Vulnerable Children's Learning Programme on an ongoing incremental basis. In the reporting cycle 2010/2011, the total number of members trained through the In-service programme was 18 540. During 2011/2012, the total number of members trained is 8 995. This brings the cumulative total number of members trained through the In-service programme to 27 535.

SAPS Basic Training includes a module on Vulnerable Children, which means that every new intake receives basic skills on the handling of children in conflict with the law. The number of members trained during the period April 2011 to March 2012 is 5 065.

The In-Service training 2010 / 2011 figures are the audited figure for training during this period. At the end of the 2010 / 2011 period provinces were requested to ensure that the one-day informal station lecture training is conducted by SAPS Legal Services. These sessions are also accounted for as part of training.

A progressive schedule for training is developed with Provincial Training Managers, with set training targets. This is designed to ensure that adequately trained members are available at stations.

The Head Office figure indicated in the In-service programme includes members due for transfer or re-enlistment to other provinces. The number of members trained to date, including those who have undergone basic training is 32 600.

Infrastructure

There are no specific facilities for child offenders. In the event where compelling circumstances have necessitated the arrest and detention of a child, Standing Orders as well as the National Instructions on Children in Conflict with the Law makes provision for the use of facilities in a manner that enforces the Act. In this regard children are held separately from adults and girls are held separately from boys.

These principles also apply to any holding facility where the police perform their duties such as the One Stop Child Justice Centres.





285

**TRAINED ON THE
GUIDELINES ON
PROBATION SERVICES**



205

**TRAINED AS
MASTER TRAINERS
ON THERAPEUTIC
PROGRAMMES**



231

**TRAINED ON
RECEPTION,
ASSESSMENT AND
REFERRALS**



215

**TRAINED IN THE
BLUEPRINT ON NORMS
AND STANDARDS
FOR SECURE CARE
FACILITIES**

Department of Social Development

Human Resources

Since the implementation of the Act, the Department of Social Development has made strides in ensuring that its capacity is strengthened. There has been a slight increase in the numbers of Probation Officers and Assistant Probation Officers.

Training

The Department of Social Development has held a number of training interventions to build capacity for the effective implementation of the Act.

The Department of Social Development developed an Integrated Social Crime Prevention Strategy, in conjunction with other Departments and Civil Society Organizations, to strengthen social crime prevention services. The Strategy was presented to and approved by Cabinet on the 21 September 2011. A training manual on the Integrated Social Crime Prevention Strategy was also developed and used to train 345 probation officers and social services practitioners.

Furthermore, a total of 285 practitioners were trained on the Guidelines on Probation Services; 205 master trainers on therapeutic programmes; 231 practitioners trained on the Reception, Assessment and Referrals; and 215 practitioners were trained on the Blueprint on Minimum Norms and Standards for Secure Care Facilities in all nine provinces.

The above exposition clearly shows the extent the Department of Social Development strives to ensure that both practitioners and stakeholders are well informed on the practical ways to implement the Act.

Legal Aid South Africa

Human Resources

In the financial year 2010/2011, Legal Aid South Africa (Legal Aid SA) had 1 700 Legal Aid Practitioners. In the financial year 2011/2012, the legal staff component was increased to 1 855 to, inter alia, ensure that Child Justice matters are dealt with expeditiously and effectively. It must be borne in mind that the increase of new posts are not all as a result of additional funding for the implementation of the Act. However, all practitioners are skilled in the provisions of the Act.

Training

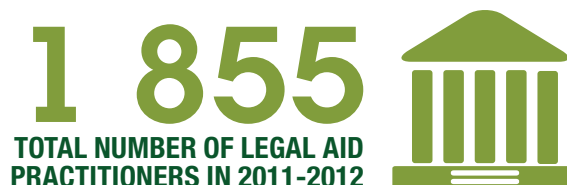
During the period 2010/2011, a train the trainer programme ensured that training was rolled out to each Legal Aid Practitioner. An e-Learning Module on the Legal Aid South Africa intranet was developed subsequent to this and all new practitioners are required to complete this training. The Act is included in the Legal Aid SA Regional Candidate Attorney Training Programme. As at 31 March 2012, all 1 855 legal staff at Legal Aid South Africa were trained on the provisions of the Act.

Infrastructure

Legal Aid South Africa ensures legal representation in criminal and civil matters through 128 delivery points nationally. This comprises of 64 Justice Centers and 64 Satellite Offices.

Legal Aid South Africa has a court coverage plan whereby all district courts are covered 85% and Regional Courts at 100%. All practitioners serving these courts were trained on Child Justice matters and are able and available to appear in preliminary enquiries if the enquiry is held in the court or the chambers of the magistrate, they are serving, provided they are informed of the inquiry and the need for a legal representative.

During the financial year 2011/2012, Legal Aid South Africa rendered services in 22 315 criminal matters involving children. This figure represents a slight drop of 12.5% from the previous financial year in which services were rendered in 25 586 matters. This drop can be attributed to the fact that the Act promotes diversion away from the criminal justice system.



LEGAL AID JUSTICE CENTRES



LEGAL AID SATELLITE OFFICES



TOTAL NUMBER OF PROSECUTORS TRAINED
BY NPA FROM APRIL 2011 TO MARCH 2012



National Prosecuting Authority (NPA)

Sections 97(4) (a) & (e) of the Act respectively place responsibility on the National Director of Public Prosecutions to develop directives for prosecutors and to provide training courses. These training courses must include:

- Training on the NPA directives;
- Social context training in respect of child justice; and
- Provide for and promote the use of uniform norms, standards and procedures.

The ultimate goal is to ensure that all prosecutors are able to deal with child justice matters in an appropriate, efficient and sensitive manner.

Human Resources

NPA did not appoint new prosecutors to specifically deal with child justice issues however, we have made use of the available resources which were trained by the NPA to effectively handle matters that relate to the implementation of the Act.

Training

In preparation for the roll-out of the phase three (3) training programme on the Act, the National Prosecuting Authority has reviewed and updated its training material in line with the latest developments in law. The Sexual Offences and Community Affairs (SOCA) Unit included the child justice training in the schedule of trainings to be delivered by the NPA in 2011/2012.

In this reporting period, training sessions were decentralized over a three (3) day period in all provinces and they reached a capacity of approximately 214 prosecutors. The curriculum of the training sessions included, inter alia:

- Social context;
- Criminal Capacity;
- Assessment, Age Determination, Securing Attendance and Placement;
- Diversion;
- Preliminary Inquiries;
- Child Justice Trials;
- Sentencing;
- Legal Representation, Reviews, Appeals and Expungements;
- Process Maps;
- The NPA Policy Directives; and
- The Regulations developed by the Department of Justice and Constitutional Development.

Table 2: Total number of prosecutors trained by NPA from April 2011 to March 2012

2010/2011	2011/2012	Total trained as at 31 March 2012
349	214	563

Analysis: The number of prosecutors trained also depends on the availability of prosecutors due to pre-arranged court cases. A heavier case load in courts means that fewer prosecutors can be released for training and this impacts negatively on outputs.



51 PSYCHOLOGISTS
TRAINED TO CONDUCT FORENSIC ENQUIRIES IN TERMS OF THE CRIMINAL PROCEDURE ACT



26 PSYCHIATRISTS

Department of Correctional Services

Human Resources

The Department of Correctional Services has indicated that it does not appoint specific staff for dealing with children in conflict with the law. Staff members are trained in the provisions of the Act. They are also empowered on sensitive ways of treating children who are admitted in Correctional Facilities.

Training

One hundred and nine (109) Correctional Officials based at Youth Centres including managers and Social Workers were trained on the Act and the Children's Act. Three (3) Social Workers from Leeuwkop Youth Centre were trained by UNISA on Trauma Debriefing for children.

Infrastructure

Children are accommodated in Youth Centres or in units in Correctional Facilities and remand facilities. Accommodation consists of communal cells and/or single cells. Sentenced and Awaiting Trial children are held in Units in Correctional Centres.

Sentenced children are held in Units in Correctional Centres. There is no contact between children, juveniles and adults. Where there are no facilities for children, they are accommodated in single cells. During movement for meals and recreation they do not come into contact with other inmate or offenders.

109
CORRECTIONAL SERVICES OFFICIALS TRAINED ON THE ACT

Department of Health

Human Resources

A total of 26 psychiatrists and 51 psychologists are available to conduct forensic enquiries for courts in terms of section 79 of the Criminal Procedure Act. The forensic enquiries also apply to the Child Justice Act. A list of psychiatrists and psychologists is attached as Annexure C.

Training

Training is the responsibility and prerogative of provinces. Training requirements and needs are discussed at quarterly provincial meetings. The National Department of Health is to encourage provinces to place on the regular agenda and to make inputs into the National Action Plan to address training needs.

Infrastructure

The list of health establishments that are designated as psychiatric hospitals in terms of section 5 of the Mental Health Care Act, 17 of 2002, is included herewith as Annexure C. There are 64 designated psychiatric hospitals, and care and rehabilitation centres. However, only 10 of these 64 are capable of conducting psychiatric evaluations of including children. The list of these facilities is attached as Annexure C. An infrastructure audit was conducted on these forensic units and all of them need to be revitalized, as they are not fit for the purpose of doing forensic observations. A master plan for the revitalization of psychiatric hospitals is being developed.

An information system to collect data on a number of children who were evaluated or assessed in terms of sections 11, 13 or 14 of the Act does not exist yet. However, a process has been initiated to include the relevant data elements to the health information systems. No statistics on referrals and cases concluded in terms of section 11 of the Child Justice Act are available.

Section 5: Progress in the implementation of the Priorities and Strategies contained in the National Policy Framework on Child Justice

The Department is advised to continue providing education to children in the CYCCs as regulated by SASA

The shortage of psychiatrists and psychologists needs to be attended to. Mechanisms to attract these professionals to conduct forensic assessments need to be revisited. This includes the tariffs being offered for reimbursement.

An Implementation Plan for provinces on this legislative mandate needs to be developed. The department needs to strengthen capacity and skill in this area as urgently as possible in the form of workshops.

Department of Basic Education

Infrastructure

The Departments of Basic Education (DBE) and Social Development (DSD) formed an Inter-Departmental Working Group that would oversee the transfer of Reform Schools and Schools of Industry to Social Development, and their transformation to Child and Youth Care Centres as per the Children's Act, 38 of 2005.

From the DBE, the following programmes and officials were identified for participation in the work of the Working Group as the transfer has implications for them:

- i) Legal Services: Mr John Mekgwe
- ii) Inclusive Education: Dr Moses Simelane
- iii) Infrastructure: Mr Ramasedi Mafoko
- iv) Human Resource Planning: Ms Leticia Munday and Mr Andrew Lebepe
- v) Labour Relations: Ms Sonto Sibeko
- vi) Finance: Ms Gladys Modise

The Working Group divided itself into Work Streams according to functions, e.g. Human Resource Planning, Infrastructure, Legal Services, Programmes, Finance, and so forth and the engaged in bilateral discussions to isolate implications and plan for the transfer in their respective functional areas.

The Work Streams presented their Draft Plans in a workshop that was jointly hosted by the Departments on 29-30 November 2011.

The deliberations of the Working Group prior to the November 2011 workshop identified 12 Schools of Industry and three (3) Reform Schools that would be transferred to Social Development thus becoming the responsibility of DSD with effect from 1 April 2012.

However, the workshop revealed that there was conflict between the applicable pieces of legislation, namely, the Prisons and Reformatory Act, 13 of 1911, the Children's Protection Act, 25 of 1913, the Child Care Act, 33 of 1960, the Child Care Act 74 of 1983 and the Children's Act, 38 of 2005 as amended.

The Child Care Act of 1960 Act repealed the 1911 and 1913 Acts respectively, mandating in the process, the Minister of Education to establish Reform Schools and Schools of Industry as public schools. This therefore changed the establishing Acts, which are cited in the current Children's Act of 2005, thus creating conflict between the applicable laws with the result that it is not clear whether or not there are schools that can be transferred to DSD.

Given the conflict in legislation cited above, the Legal Services of the DBE was tasked with the responsibility of determining whether or not there are schools that can be transferred to DSD. This meant that the process had to be temporarily put in abeyance pending the outcome of the legal determination. There was consensus at the last Working Group meeting (December 2011) that the legal determination was urgent and could not be delayed as the process was already running behind schedule.

The Legal Services at DBE wrote to the Principal State Law Advisor in December 2011 to seek her legal opinion on the matter, which would subsequently determine the way forward. The legal opinion was received on February 2012. The findings of the Principal State Law Advisor are that:

- i) The transfer of CYCCs to DSD, as contained in the Act only relates to the residential facilities of CYCCs

Section 5: Progress in the implementation of the Priorities and Strategies contained in the National Policy Framework on Child Justice

18 334  2011/2012

NUMBER OF CHILDREN ASSESSED BY THE DEPARTMENT OF SOCIAL DEVELOPMENT



= 4000 CHILDREN

ii) The Department is advised to continue providing education to children in the CYCCs as regulated by SASA. The option has been agreed upon between the Department and DSD as referred to in paragraph 5 of the response is correct option and it is not in conflict with the provisions of the Act.

The Working Group is expected to implement the above opinion in the next financial year.

Implementation challenges relating to Capacity Building

During 2011/2012, the following challenges were identified during the implementation of the Act within the cluster:

- South African Judicial Education Institute (SAJEI) did not have enough budget to train magistrates. However, plans to provide these training sessions in the next financial year have been made.
- Inadequate Departmental and Intersectoral training. This is seen as a serious challenge as the training of personnel is an antidote to poor services.
- The lack of a central budget to provide intersectoral training. The Departments will have to submit an intersectoral proposal to the National Treasurer concerning this issue.
- The need for the appointment of additional Probation Officers cannot be over-emphasized.

5.2 Ensuring assessment of children

Section 34 of the Act provides that every child who is alleged to have committed an offence, even those who are under the age of 10 years and who in terms of the Act lack criminal capacity, must be assessed, unless the assessment is dispensed in terms of section 41(3) and or in terms of section 47(5) of the Act.

Implementation Progress

Department of Social Development

In the First Annual Implementation Report for the period 2010/2011, a total of 32 500 children were assessed by probation officers. However, in 2011/2012 period, a total of 18 334 children were assessed.

The period under review shows a significant decline in assessments as compared to the previous years. However, there are multiple factors that might have contributed to this decline. For instance, the Act requires the arresting officer to immediately notify the Probation Officer of such arrest. An absence of this report may therefore lead a discrepancy.

SAPS statistics and statistics from DSD do not always tally, and no conclusions could be drawn from the NOC research report that could have conclusively indicated the reason for such variance.

Table 3: Total number of children assessed by DSD from April 2011 to March 2012

2010/2011	2011/2012
32 500	18 334

Implementation Challenges

Provinces have provincial mandates besides planned workshops and trainings by the National Department of Social Development; hence some of the trainings may be delayed or cancelled, as provinces have to fulfill their provincial responsibilities. However, Provinces have been cooperating as is evident as the above targets indicate. Budgetary constraints were experienced towards the end of financial year particularly for payment of accommodation for practitioners. National DSD continuously engaged with provinces. Joint planning is encouraged through quarterly forum meetings.

April 2010 to March 2011

14 471

NUMBER OF PRELIMINARY INQUIRIES CONDUCTED

April 2011 to March 2012

17 822

5.3 Preliminary Inquiries

A preliminary enquiry takes the form of an informal pre-trial session that is held for a child who is alleged to have committed an offence. It is regarded as the first appearance of a child before the lower court.

Department of Justice and Constitutional Development

Implementation progress

From 01 April 2010 to 31 March 2011, a total of 14 471 preliminary inquiries were conducted. However, during the period 01 April 2011 to 31 March 2012, the preliminary enquiries held increased to a total of 17 822. This is an increase of 3 351 preliminary inquiries per annum. A positive analysis of this increase would indicate a growing compliance with the Act; whilst on the other hand; it might be construed as showing an increase in the offending rate by children.

However, the increase in the number of preliminary inquiries held ought to be seen in a positive light as preliminary inquiries enhance the prospect of children being diverted from the criminal justice system, thus promoting the protection of the constitutional rights of children.

Table 4: Total number of Preliminary Inquiries conducted between April 2011 and March 2012

2010/2011	2011/2012
14 471	17 822

Department of Health

In 2010 the Minister of Justice and Constitutional Development published a Directive in a government gazette that identified the appropriate officials to evaluate criminal responsibility in terms of section 11 of the Act. This Directive came pursuant to a due process of consultation between the Department of Health and the Department of Justice and Constitutional Development.

In May 2011, the Department held an Intersectoral Conference on Forensic Psychiatry, which held deliberations on the practicalities attached to the provision of s11 of the Act. In attendance were representatives from the Department of Correctional Services, South African Police Service, the Department of Justice and Constitutional Development, Justice College, the Human Rights Commission, Legal Aid South Africa, and national and provincial members of the Department of Health.

The following recommendations were agreed upon at the conference:

- Mechanisms to be put in place to pursue recommendations around policy and possible legislative amendments.
- All Departments to strengthen provincial fora to ensure collaboration.
- Directives around children in conflict with the law need to be developed by the Intersectoral Committee on Child Justice.
- Training to be enhanced by all Departments.
- Policy framework on mental health aspects of Awaiting Trial Detainees must be completed by the Intersectoral Committee on Child Justice.
- The tariffs to attract private psychiatrists and psychologists needs to be reviewed, costed and funded.

NUMBER OF CHILDREN SERVING COMMUNITY-BASED SENTENCES



= 30 CHILDREN



Implementation Challenges

The following challenges have been identified:

- Lack of dedicated Preliminary Inquiries Rooms, except at the two (2) existing One Stop Child Justice Centres at Mangaung in Free State and Nerina in Eastern Cape;
- A lack of a uniform information system to collect data on the number of children who have been evaluated or assessed for criminal capacity;
- The inadequate availability of psychiatrists and psychologists in the public sector, whilst there is visible capacity in the private sector. Currently, the fee rates are quite exorbitant. There is therefore a need for the Department of Justice and Constitutional Development and the Department of Health to work out reasonable mechanisms for reimbursement of expert fees.

5.4 Sentencing

Department of Justice and Constitutional Development

Generally, the Act provides for a number of sentencing options that include non-custodial sentences when dealing with a case that involves a child in conflict with the law. The imprisonment sentence may be imposed on a child, but only as a last resort and for the shortest possible period of time. The following are some of the options that are prescribed by the Act:

- Community-based sentences;
- Restorative justice sentences;
- Fines or alternatives to fines;
- Correctional supervision;
- Postponement or suspension of the passing of sentence;
- Compulsory residence in a child and youth care centre; and
- Imprisonment.

Community-based sentences

Table 5: Total number of children serving community-based sentences from April 2011 to March 2012

2010/2011	2011/2012
60	795

In the 2010/2011 reporting cycle, statistics on children serving community-based sentences was reported on a monthly basis and not per province. As at the end of March 2011, 60 children were reported to have been serving community-based sentences. However, at the end of March 2012, the number of children serving community-based sentences was 795. Therefore in year 2 of the implementation of the Act, the country has experienced an increase of 735 in community-based sentences. This steep increase indicates that courts are increasingly imposing non-custodial sentences, as against imprisonment sentences in cases involving children with a conflict with law.

Restorative justice sentences

In the first Child Justice Annual Report, the data on the number of restorative justice sentences imposed was collected as from December 2010 due to the lack of a tool to collect such data. The total number of restorative justice sentences imposed between December 2010 and March 2011 was 137. From 01 April 2011 to 31 March 2012, the total number of restorative justice sentences imposed by our courts is 405.

Table 6: Total number of restorative justice sentences imposed on children between April 2011 and March 2012

2010/2011	2011/2012
137	405

NUMBER OF FINES IMPOSED ON CHILDREN AFTER CONVICTION



The aim of Restorative Justice Sentences is to heal the relations which have broken down. Such sentences require the facilitation by persons versed in RJ practices. The growth in the numbers of RJ sentences indicates that RJ practices are being utilized as conciliatory measures, instead of the adversarial approaches.

Fines or alternatives to fines

In the first Child Justice Annual Report, it was reported that during the period April 2010 to March 2011, 34 fines were imposed on children after conviction. However, during this reporting period a total of 37 fines were imposed on convicted children.

Table 7: Total number of fines imposed on children after conviction from April 2011 to March 2012

2010/2011	2011/2012
34	37

The total number of fines imposed on the children did not show any significant change in the period April 2010 – March 2011 compared to April 2011 – March 2012. The figures show a similar trend that has been observed in the fines imposed on children.

Correctional supervision

In the first Child Justice Annual Report 2010/2011, it was reported that 804 children were sentenced to correctional supervision by a court. During the period under review 2011/2012, there were 494 children under the system of correctional supervision in the 1st quarter. This decreased to 468 in the 2nd quarter, to 422 in the 3rd quarter, and to 428 in the 4th quarter. These include children who were placed out.

Table 8: Total number of children sentenced to correctional supervision April 2011 to March 2012

All Regions	Q1	Q2	Q3	Q4	Average
Total-Average	495	468	422	428	431
Total (all regions)	1 812				

A sentence of correctional supervision can mean that the affected child does not come to the correctional facility at all, but is referred to community corrections to be monitored by DCS officials at the homes of the children. A sentenced child placed in a correctional facility can be placed out of the facility due to a good behaviour, but still be under correctional supervision. The statistics provided only deal with children who have been sentenced to correctional supervision by a court..

Table 9: Total number of children between 14 to 17 years sentenced to correctional supervision by a court from April 2011 to March 2012.

2010/2011	2011/2012
804	302

The drop in the numbers of children sentenced to correctional supervision by courts may be attributed to more children being placed in places of safety and the increased use of diversion programs.

Compulsory residence in a Child and Youth Care Centre

At the end of March 2011, 110 children were admitted into Child and Youth Care Centres. However, at the end of March 2012, 353 children were admitted into Child and Youth Care Centres. This figure shows that admission of children in these centres has increased three (3) times since April 2010.



Table 10: Total number of children admitted into compulsory residence in Child and Youth Care Centres between April 2011 and March 2012

2010/2011	2011/2012
110	353

This increase supports the decrease in the numbers of children being placed under correctional supervision.

Imprisonment

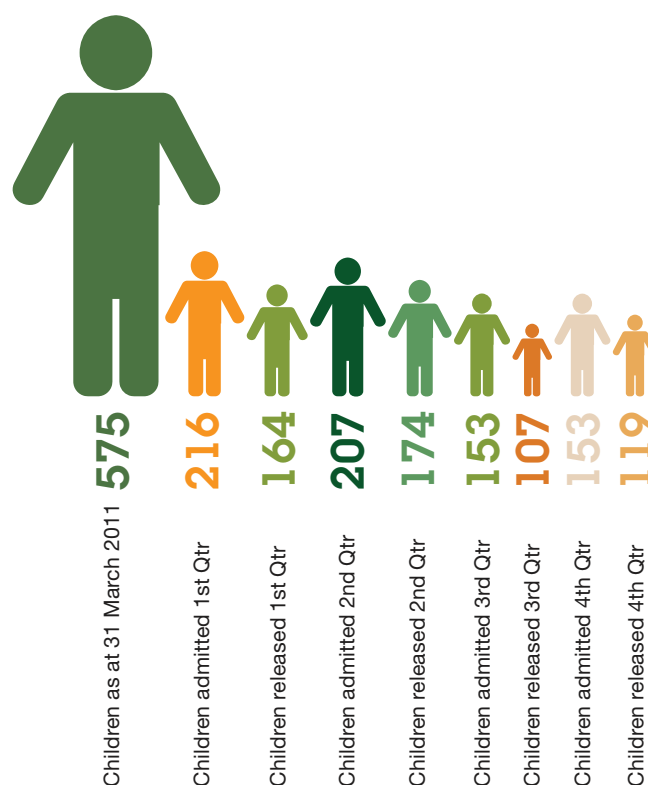
In the 2010/2011 period, a total number of 536 children were sentenced to imprisonment. In the 2011/2012 reporting cycle, a total number of 94 children were sentenced to imprisonment. This can be seen in a positive light as it indicates an increased level of compliance with the Act and our Constitution, which affords a child a right not to be detained except as a measure of last resort. The Table below clearly depicts this sharp decline as follows:

Table 11: Total number of children sentenced to imprisonment between April 2011 and March 2012

2010/2011	2011/2012	Decrease
536	94	442

The illustration following further outlines the progressive decline in the number of children admitted in Correctional Facilities:

Figure 1: Number of sentenced children in DCS facilities: National



Source: DCS Corporate Data Bank

From the above a total of 729 children were admitted into correctional facilities in the period under review.



The number of children released totaled 564 children over the period 2011/ 2012. Thus on average 182 children were admitted more than those released over the same period. A brief analysis indicates as follows:

- In general, there were less children released from DCS facilities than those admitted in all the quarters in the 2011/2012 financial year;
- There were a total of 729 sentenced children admitted in DCS facilities for the period 2011/2012 and a total of 564 children that were released during the same period. A total of children incarcerated as at 31 March 2012 are 165.
- After considering the admissions and releases, the total would be 740 sentenced children in DCS facilities as at 31 March 2012 (DCS Data Bank).

It should however be noted that the admissions and releases would further have an effect on the number of children in DCS facilities on the specified dates.

Table 12: Summary of all types of sentences imposed on children between April 2011 and March 2012

Community-based sentences	Restorative Justice	Fines or alternative to fines	Correctional supervision	Compulsory residence	Imprisonment
795	405	37	302	353	94

5.5 Provision of diversion and alternative sentencing services

Implementation Progress

Response to Challenges Raised by the Research Report

The National Operational Intersectoral Child Justice Steering Committee (OP ISCCJ) has established a Task Team to develop an Action Plan to address the challenges and recommendations identified by the Report. Furthermore, the Directors-General and Heads of participating Departments/ Institutions have been advised in writing of the matter, and also requested to provide inputs on this matter. Please refer to the Overview of this Report, above.

The Department of Social Development

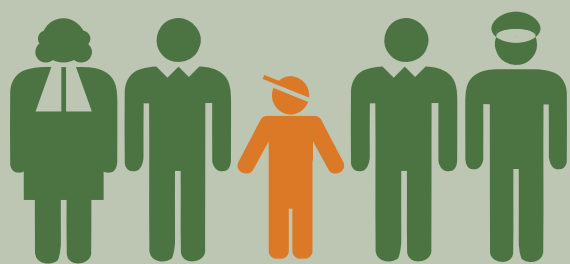
Accreditation Process

During 2011/2012 DSD had completed the first phase of the accreditation process with a total of 345 service providers and programs being accredited. The breakdown is as follows:

- 55 service providers received full accreditation;
- 38 service providers achieved candidacy status;
- 191 programs received full accreditation;
- 32 programs received candidacy status;
- 20 programs were declined; and
- 9 service providers were declined.

This process gave rise to the published list of service providers in the Government Gazette Number 34960, which will be incrementally added to as more service providers are accredited and are added to the list.

The Act's implementation time frames placed pressure in terms of finalizing all processes for accreditation of service providers. In October



16 462

DIVERSION ORDERS 2010-2011



9 192

DIVERSION ORDERS 2011-2012

2011, the Department conducted Quality Assurance training for the 15 quality assurance panels in preparation for quality assurance sittings, which were planned for 2012. This included informing organizations 30 days before site visits of the processes involved.

The quality assurance panels will conduct site visits in provinces for organizations to be awarded full accreditation status and as a result the process will overlap with the 2nd cycle of accreditation.

Forms of diversions

Department of Justice and Constitutional Development

Table 13: Total number of diversion orders received from Department of Justice and Constitutional Development during the period April 2011 and March 2012

2010/2011	2011/2012
16 462	9 192

The reasons for the further drop in the number of diversions ordered remain a concern. The research done in 2010/2011 has not been conclusive enough to support action. The DG ISCCJ has instructed that each department is to interrogate the research findings and develop actions of intervention, where necessary. The action outputs will be finalised in 2012/2013.

Section 9 Referrals before Enrolment

It is not possible to provide a comparative analysis regarding the number of notifications to the probation officers made by the SAPS, since processes are recorded manually. This matter is further explained under implementation challenges, below.

Section 41 Diversions

Section 41 provides that prosecutors have the authority to divert certain children accused of committing an offence before a preliminary inquiry. However, this only applies if it involves a Schedule 1 offence and the diversion may only be to a level 1-diversion option. In addition, this may only occur if the prosecutor is satisfied that certain factors are present. These factors include that:

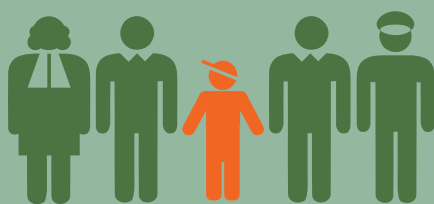
- The child must acknowledge responsibility for the offence;
- There must be a prima facie case (enough evidence to institute a prosecution) against the child;
- The child must not be unduly influenced; and
- The child and his or her parent, guardian or appropriate adult must consent to the diversion.

The increase or decrease in statistics on section 41 diversion orders are dependent on the number of cases brought to court.

Preliminary Inquiry Diversions

Section 52(1) provides that a child may be considered for diversion at the preliminary inquiry (or later at trial in the child justice court) if:

- The child acknowledges responsibility for the offence;
- The child has not been unduly influenced to acknowledge responsibility;
- There is a prima facie case against the child;
- The child has consented to the diversion along with his or her parent, guardian or appropriate adult if available; and
- The prosecutor (in relation to Schedule 1 and 2 offences) or the DPP (in relation to Schedule 3 offences) indicates that the matter may be diverted.



7 074

SCHEDULE 3 DIVERSION ORDERS 2010-2011



2 825

SCHEDULE 3 DIVERSION ORDERS 2011-2012

Schedule 3 Diversions

Schedule 3 diversions are diversion options that include more intensive interventions in order to address the seriousness of the offences listed in Schedule 3. Below is the statistical account of the cases where schedule 3 diversions were conducted:

Table 14: Schedule 3 diversions from April 2011 and March 2012

2010/2011	2011/2012
7074	2825

Finalised Onerous Diversions

Finalized diversions occur when the child successfully completes the diversion, and the court is satisfied that the diversion has indeed been successfully complied with. In this instance, the proceedings pending before the child justice court may be stopped. This means that the child is not found guilty and the case cannot be re-instated in any court. An onerous diversion has elements added as the order is in respect of a serious offence.

Diversion after Enrolment

Diversions after enrolment are those of a child who has not been diverted at the preliminary inquiry. A child can be diverted during a trial at the child justice court. If the child is diverted, the proceedings in the child justice court are postponed to allow the child to comply with the diversion order.

Table 15: Summary of all types of diversions from April 2011 and March 2012

Section 41 Diversion	Preliminary Inquiries Diversion	Schedule 3 Diversion	Finalized Onerous Diversion	Diversion after Enrolment
1 577	2 608	108	368	3 946

Register of Diverted Children

The Department of Social Development has developed a Probation Case Management Register and piloted it in three provinces (Gauteng, North West, and Free State). A total of 300 laptops were procured to enable practitioners to capture the data. However, for the period under review, statistics were manually captured and a roll out of the Probation Case Management Register is planned for 2012/2013.

Challenges

The challenges experienced related to:

- The procurement processes; hence the delay in rolling out the system.
- Network connectivity in provinces. DSD has therefore entered into contract with Vodacom to supply APN (3G cards) in those areas affected. The contract has been signed for the next three (3) years. DSD is working towards the integration of systems.

Failure to Comply with Diversion Order

Statistics on the failure of children to comply with diversion orders is held manually by child justice court clerks. In 2012/ 2013 an additional criterion is to be added to data collection systems to report on the failure to comply.

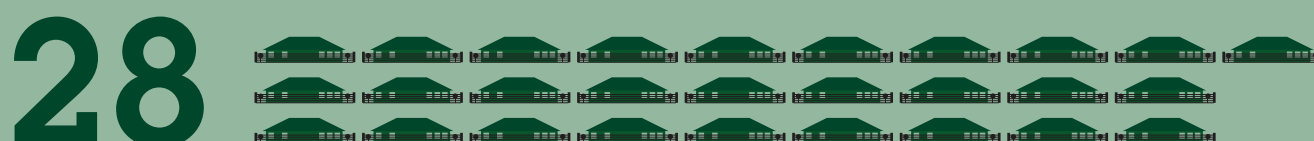
Implementation challenges

- The lack of service providers to implement diversion orders is a serious challenge facing the implementation of the Act. This often results in the use of informal mediation options, which do not involve service providers.
- NGOs have highlighted the distances that in some cases that children have to travel in order to attend programs and which may lead to non-compliance.
- The need to assess the impact of diversion programs on the behaviour of a child.

SIX ONE STOP CHILD JUSTICE CENTRES ARE TO BE ESTABLISHED BETWEEN 2011 AND 2016 UNDER THE DOJ&CD MEDIUM-TERM STRATEGIC FRAMEWORK



SECURE CARE FACILITIES ESTABLISHED IN TERMS OF CHILDREN'S ACT, 38 OF 2005



- The lack of suitable programs to address criminal behaviour is a challenge when diverting children.
- The DG ISC will seek ways of addressing these challenges in the next financial year..

5.6 Establishment of Child and Youth Care Centres

Department of Social Development

Child and Youth Care Centres are established in terms of section 191 of the Children's Act, 38 of 2005. Currently, there are twenty eight (28) Secure Care facilities countrywide with a total bed capacity of 3 272 beds. Two additional facilities are under construction.

In terms of section 29(1) of the Act, a presiding officer may order the detention of a child who is alleged to have committed any offence at a specified child and youth care centre.

5.7 Establishment of One Stop Child Justice Centres (OSCJCs)

Implementation Progress

Department of Justice and Constitutional Development

The Department of Justice and Constitutional Development has planned to designate 6 One Stop Child Justice Centres (OSCJC), i.e. 2 sites per financial year over 3 years starting from this period reporting. However, the process of designation of the 2 OSCJC's planned for the period under review could not be finalized due to delays experienced in securing stakeholder approval and commitments to joint resource contributions, as required by the Act.

The National Operational Intersectoral Committee for Child Justice (OP ISCCJ) and the Provincial Child Justice Fora (PCJF) went through the lengthy process of identifying the 2 most appropriate sites for the establishment of OSCJCs in the period under review. This process was

undertaken with assistance from the Guidelines of the Minimum Requirements for the Establishment of One Stop Child Justice Centres. The governance structures arrived at a unanimous decision to select the following 2 sites:

- North West: Matlosana Secure Care Facility, Klerksdorp, and
- Eastern Cape: Khayaalthemba Youth Care, Buffalo City.

The Regions submitted the Business Proposals and the Costed Operational Documents of the two proposed centres to the DG ISSCJ for recommendation, and these were met with the unequivocal support of the Committee.

As indicated above, currently the matter is with the office of the Ministry, where it is pending for the written letters of agreement of the participating Cabinet Ministers responsible for Correctional Services, Safety and Security and Social Development. This is in compliance with section 89(2) of the Act, which requires each Cabinet member is to be severally accountable for ensuring the sustainable, resourcing of the proposed One Stop Child Justice Centres.

Implementation Challenges

The establishment of the One Stop Child Justice Centres is new amongst the Cluster Departments, and is therefore a process that is subject to new learning. Much of this has been discussed in the OSCJC Guidelines. It is a process wherein the Act requires sectors to take an intersectoral approach to planning, resourcing, execution, monitoring and evaluation. The demand for consultation of both the national and provincial governance structures inevitably renders the execution process long because of the various process inter-dependencies that are imperative and unavoidable.

However, the Department developed and utilised guiding templates for the development of business plans and resource requirements to ensure uniformity in the nature and amount of information that must be tendered by the Regions when applying for the establishment of an OSCJC.



SET ASIDE FOR THE NATIONAL IMPLEMENTATION OF THE CHILD JUSTICE ACT FOR THE FINANCIAL YEAR 2011/2012



EXCLUSIVELY SET ASIDE FOR THE INTERSECTORAL ESTABLISHMENT OF TWO ONE-STOP CHILD JUSTICE CENTRES



ALLOCATED TO NATIONAL CHILD JUSTICE PROJECT OFFICE & JCPS CLUSTER SECRETARIAT OFFICE FOR THE EXECUTION OF VARIOUS CHILD JUSTICE PROJECTS

5.8 Resources and budgets

Implementation Progress

Department of Justice and Constitutional Development

For the financial year 2011/12, the Department allocated a budget of R16 851 318 for the national implementation of the Act. R13 851 318 was exclusively set aside for the intersectoral establishment of the two (2) additional One Stop Child Justice Centres. The remaining R3 million was allocated to the National Child Justice Project Office and the JCPS Cluster Secretariat Office for the execution of a number of projects.

Currently, the participating government Departments and Institutions do not have an intersectoral budget for the joint implementation of the Act. However, efforts are underway to have all stakeholders setting aside specific budget allocations for the implementation of the Act, and also ensuring that Budget Expenditure Reports are submitted to the DG ISSCJ, as part of the reporting documentation.

South African Police Service

At present, SAPS has no specific budget allocation dedicated to the implementation of the Act. In terms of the operational policy of SAPS, it is currently not possible to disaggregate the portion of the budget to be used for Child Justice.

Legal Aid South Africa

All services are rendered via the current legal aid services delivery model which includes the use of private practitioners, Judicare and agency agreements with practitioners. In the period under review, the Department of Justice and Constitutional Development allocated a budget of R10 550 000 to Legal Aid SA mainly for increasing the numerical capacity of dedicated legal practitioners for Child Justice.

Implementation Challenges

- Budget limitations in resourcing for all sectors have been listed as a challenge.

5.9 Public Education and Communication

Department of Justice and Constitutional Development

During this period of reporting, the Department of Justice and Constitutional Development conducted the following public education and awareness activities:

SABC Educational Programme: During the period under review, the Department of Justice and Constitutional Development aired on SABC 2 26 episodes of the "Jwayela i Justice" Programme. These episodes were shown at 11h00 during Saturdays over a period of 3 months.

The episodes included the dramatization of educational topics drawn from real life cases. These cases were based on a variety of different pieces of legislation, which included the Child Justice Act. The repeat episodes were done on Thursdays at 22h00 to attract adult viewership.

These episodes were intended to reach people of South Africa in all communities, and especially children, with a purpose of communicating their rights in terms of the Act. The dramatization of the episode was intended to communicate ways of exercising such rights.

The average viewership per episode reached 1 127 760 South Africans.

Child Justice material was re-branded to comply with the new branding policy of the Department. Child Justice Booklets, banners and posters were developed and circulated to all courts to ensure access by court users.

South African Police Service

Communication and awareness campaigns were conducted during 2011/2012 at stations and provincial level during Child Protection Week, Youth Month and during the festive season from November 2011 to January 2012.

National Prosecuting Authority

In 2011/2012, prosecutors and National Prosecuting Authority staff members participated in the National Prosecuting Authority and South African Broadcasting Co-operation (SABC) radio campaign coordinated by the NPA Communication Unit, where radio station interviews were

conducted covering different topics, one of which was the Child Justice Act. The purpose of the campaign was to ensure that the National Prosecuting Authority reaches out to community members throughout the country in their respective languages. Such initiatives also improve service delivery while educating the public about the criminal justice system for children and specifically about the work of the National Prosecuting Authority in the Child Justice process. The cumulative estimated listener-ship figure since the campaign started is 34 million listeners. 15 interviews were conducted between period 30 May 2011 and 5 June 2011.

Legal Aid South Africa

Most of the efforts of Legal Aid South Africa focus on the activities on the Children's Act and children's rights.

Legal Aid South Africa holds sports events at various schools to educate children on rehabilitation. An event was held at Abraham Kriel Children's Home to launch the National Child Protection Week of which the main stakeholders were the Department of Justice and Constitutional Development, the Department of Social Development, South African Police Services and the Department of Basic Education. Public lectures were presented by the Department of Justice and Constitutional Development and attended by Legal Aid South Africa as well.

Legal Aid South Africa participates in the provincial and national Inter-sectoral Committees and Child Justice Provincial Fora. Justice Centres participate in "Fair Play".

Sports events are held at various schools across the country educating children on rights and responsibilities in the context of the rules in sport.

5.10 Development of necessary IT and Integrated Justice Systems to Support Information Management Systems:

Implementation Progress

Department of Justice and Constitutional Development

The Department has developed an Integrated Case Management System on Child Justice, supported by SITA. In 2011, the System was piloted at Nerina, Port Elizabeth and Moretele Court, Temba.

Due to the operational problems attached to the systems, the Department instructed that an audit of hardware and skills be done prior to a rollout of the system. Information Technology (IT) Coordinators in regions were trained on the new system to train users at ten (10) courts in the nine (9) provinces. The piloting showed gaps in respect of data gathering, and this has been referred to SITA for fixing.

Legal Aid South Africa

IT systems, which capture details of all clients who are children, are in place. There is on-going monitoring of children awaiting trial and reporting to the National Committee monitoring children awaiting trial.

South African Police Service

The SAPS systems provide the following information with regard to securing the attendance of children in conflict with the law at court:

- Number of charges against children
- A breakdown in respect of age, gender, province and station concerned
- Children warned and summonsed to appear at a court.

Implementation Challenges

The gathering of data on the implementation of the Act is a major challenge as the flow of information is currently done in a manual fashion. This hampers reporting and the development of trends in regard to data produced. It has been identified that sector systems are at different levels and this is a major challenge as the transversal gathering and reporting of data is not possible.

The DG ISCCJ will explore ways of dealing with this issue in the next financial year.

South African Police Service

The following information cannot be provided by the SAPS system as such data is currently recorded manually:

- Children under 10 years involved in crime;
- Children arrested and detained; and
- Children referred to probation officers.

The collation and reporting of manual data will require a significant amount of time and human resources from every police station, cluster, province and the national office.

The SAPS systems provide information with regard to securing the attendance of children in conflict with the law in court:

- Number of charges against children: A breakdown in respect of age, gender, province and station concerned is given by the system.

The South African Police Service is currently exploring ways of making this information available through information systems.

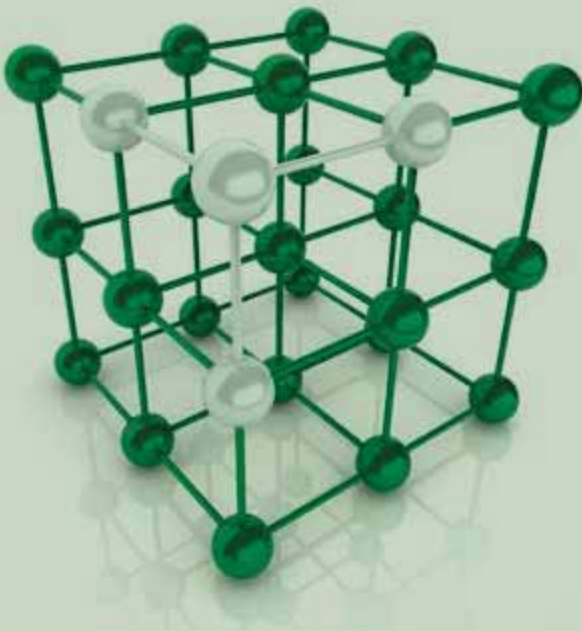
The issue of limited access to information regarding the hand-over of children between the SAPS and probation officers and social workers, poses a challenge in verifying information regarding the hand-over of children between the two disciplines within the criminal justice system.

The SAPS information systems currently captures the number of charges but are not as yet able to capture the number of children charged. This tends to skew information in that an individual child may have a number of charges put to them. This would provide an inflated perception of the number of children charged, as the number of children would not equate to the number of charges.

The SAPS, as part of the IJS Systems Improvement initiatives, will implement an electronic detention management system. This will allow information in respect of children detained by police to be provided. This system is still in the development stage.

6

Integrated Information Management SYSTEM



A Child Justice Information Management Task Team (CJIMTT) was established under the leadership of the Integrated Justice System (IJS) to look into the aspects that need to be reported on in terms of the Act.

In terms of section 96(1) (e) of the Act, the DG ISCCJ is tasked to develop guidelines for the establishment of an Integrated Information Management System. This is to secure effective monitoring, analysis of trends and interventions, to map the flow of children through the child justice system and to provide quantitative and qualitative data relating to, *inter alia*:—

- arrest or methods of securing attendance at criminal proceedings;
 - assessments;
 - preliminary inquiries;
 - diversion;
 - children awaiting trial;
 - bail and placement;
 - trials;
 - sentencing;
 - appeals and reviews;
 - sexual offences committed by children;
 - children who lack criminal capacity as provided for in section 7(1); and
 - any other relevant factor.
- A Child Justice Information Management Task Team (CJIMTT) was established under the leadership of the Integrated Justice System (IJS) to look into the aspects that need to be reported on in terms of the Act.

A Child Justice Information Management Task Team (CJIMTT) was established under the leadership of the Integrated Justice System (IJS) to look into the aspects that need to be reported on in terms of the Act.

The CJIMTT has created common terminology in order for departments to capture the prescribed variables. These variables are combined in a tabular form by means of a manual data capturing tool, and are as follows:

6.1 Arrest or methods of securing attendance at criminal proceedings

In terms of section 17 (1) of the Act, the following methods of securing the child's attendance at a preliminary inquiry are available:

- A written notice;
- A summons; or
- Arrest.

The SAPS National Instructions provide for the charging of children as the central aspect in the interaction with children in conflict with the law who have legal capacity -above the age of 10 years.

Section 20(1) of the Act provides that a child may not be arrested for an offence referred to in Schedule 1, unless there are compelling reasons justifying the arrest, which may include the following circumstances:

- Where the police official has reason to believe that the child does not have a fixed residential address;
- Where the police official has reason to believe that the child will continue to commit offences, unless he or she is arrested;
- Where the police official has reason to believe that the child poses a danger to any person; or
- Where the offence is in the process of being committed.

Table 16: Total number of charges against children during the period April 2011 to March 2012

2010/2011	2011/2012
75 435	57 592

The number of charges where children were involved totalled 57 592. This total represents all the charges against child offenders by the South African Police Services and no distinction has been made between the children arrested, warned or summoned to appear in court. SAPS CAS was not designed as a management information system and significant changes to the system are needed to capture and make provision for extracting the additional information required. IJS has commenced with these changes.

TOTAL NUMBER OF TRIALS CONDUCTED IN CHILD JUSTICE COURTS



2010/11
3216

2011/12
6526

6.2 Children awaiting trial

During April 2011 to March 2012 there were a total of 3 347 children awaiting trial, where 1407 were admitted and 1 616 were released. More children were released in the first and third quarter compared to those admitted.

There were 3 762 children released into the care of their parents, appropriate adults or guardians from April 2011 until March 2012.

Correctional facilities

The Department of Correctional Services refers to children awaiting trial in correctional facilities as ‘remand detainee children in Correctional Facilities’.

Section 30 of the Act provides that children may be detained in correctional facilities, as awaiting trial, only where:

- An application for bail has been postponed or refused or bail has been granted, but one or more conditions have not been complied with;
- The child is 14 years or older;
- The child is accused of having committed an offence referred to in Schedule 3;
- 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
- There is likelihood that the child, if convicted, could be sentenced to imprisonment.

The Act concisely provides that cases involving children must be fast-tracked and prioritised, especially when such children are awaiting trial in detention. The Act also requires that children detained in correctional facilities, must be brought before court every 14 days to reconsider the detention order.

The 2010/2011 Child Justice Annual Report indicated that, an average number of remand detainees (awaiting trial) children in Correctional facilities, on a monthly basis, was 288. The actual number of awaiting trial children in correctional facilities for April 2011 to March 2012 is 553. It was agreed to report on the actual numbers of children instead of average numbers.

6.3 Bail and placement whilst awaiting trial:

Table 17: Released on bail or placement during the period April 2011 and March 2012

	Released on bail/placement		
	Data		
	Release or placement released on bail after prosecutor	Release or placement released on bail awaiting trial	Release or placement released on bail during diversion
Grand Total	270	261	28

NUMBER OF APPEAL MATTERS INVOLVING CHILDREN

2010/11

1



2011/12

13



6.4 Trials in Child Justice Courts

Department of Justice and Constitution Development

If a criminal case against a child has not been diverted, withdrawn or referred to the Children's Court during the preliminary inquiry, it must be referred to the child justice court for plea and trial.

Table 18: Total number of trials conducted in child justice courts during the period April 2011 and March 2012

2010/2011	2011/2012
3 216	6 526

There is an increase in the number of trials conducted in child justice courts. During the reporting period April 2010 to March 2011, 3 216 trials were conducted in child justice courts. A total of 6 526 trials have been conducted in child justice courts since 1 April 2011 – 31 March 2012. The majority of these trials were conducted in the Eastern Cape, followed by Western Cape. This is a concern as it would appear that more children accused are not being diverted. Research will be conducted in this regard, and an analysis as to the nature of the offences will also be done.

6.5 Appeals and Reviews

Appeal

Table 19: Total number of appeal matters involving children during the period April 2011 and March 2012

2010/2011	2011/2012
1	13

During the reporting period April 2010 to March 2011, only one (1) appeal matter involving a child was noted.

In this current reporting period 2011/2012, thirteen (13) appeal matters involving children were noted. The reason for the appeals and the outcomes are to be followed up on.

Reviews

Table 20: Total number of cases involving children sent on review during the period April 2011 and March 2012

2010/2011	2011/2012
44	50

During the reporting period April 2010 to March 2011, forty-four (44) cases involving children were sent on review.

A total number of fifty (50) cases involving children were sent on review during the period April 2011 to March 2012. This is a slight increase of nearly fourteen (14) per cent.

Given the fact that the Act is so new, judgments being handed down on reviews of sentencing for imprisonment are welcomed.

TOTAL NUMBER OF CHILDREN UNDER THE AGE OF 10 YEARS SUSPECTED OF HAVING COMMITTED OFFENCES

**6.6 Sexual Offences Committed by Children**

In terms of section 96(1) (e) (x) of the Act, quantitative and qualitative data relating to, among others, sexual offences committed by children should be gathered through the integrated information management system.

Table 21: Total number of children that have been charged by SAPS for committing sexual offences during the period April 2011 and March 2012

2010/2011	2011/2012
4 671	4 772

According to the first Child Justice Annual Report, a total of 4 671 children were charged by the South African Police Service, for committing sexual offences during the period 1 April 2010 until 31 March 2011. According to the available information, a total of 4 772 children have been charged by the South African Police Service, for committing sexual offences during the period 1 April 2011 until 31 March 2012.

There is no significant difference with the figures reported in 2010/2011 compared to 2011/2012. The difference is just two (2) per cent, which means that the rate of children charged has remained the same or indicates a similar trend in the two years of the implementation of the Act.

6.7 Children who Lack Criminal Capacity (children who are under 10 years of age)*Department of Social Development*

As indicated, the Department of Social Development must keep a register of children in respect of whom the probation officer made and recorded a decision.

Table 22: Total number of children under the age of 10 years suspected of having committed offences between April 2011 and March 2012

2010/2011	2011/2012
112	97

Between April 2010 and March 2011, a total of 112 children, under the age of 10 years suspected of having committed offences, were recorded in the register kept by the Department of Social Development, since the implementation of the Act.

For the period under review, total of 97 children, under the age of 10 years suspected of having committed offences, have been recorded in the Register kept by the Department of Social Development, since the implementation of the Act.

NUMBER OF CASES OF CHILDREN USED BY ADULTS TO COMMIT CRIMES

2010/11

342



2011/12

1 106



6.8 Children Used by Adults to Commit Crime

The Act provides that if it comes to the attention of any court official or probation officer that a child has been used by an adult to commit a crime, that adult must be reported to the South African Police Service for consideration of a prosecution.

The Act furthermore provides that the fact of the adult's involvement must be taken into account when determining the processing of the child in the child justice system.

Table 23: Total number of cases of children used by adults to commit crimes for the period April 2011 and March 2012

2010/2011	2011/2012
342	1 106

A total of 342 children were reported to have been used by adults to commit crime during the period 1 April 2010 to 31 March 2011.

For the period 1 April 2011 to 31 March 2012, 1 106 cases of children used by adults to commit crime have been recorded.

This shows an increase in the number of children used by adults to commit crimes. The number of children used by adults to commit crime increased three times in the period 2011/2012, than the number reported in 2010/2011 period. This is a matter of great concern and an analysis of the nature of these offences is to be done.

7

ACTION PLAN

**in respect of the first Child Justice Annual Report
2010/2011**



7.1 Amendment of the First Child Justice Annual Report 2010/2011

An Action Plan to address issues emanating from briefing to Portfolio Committee of Justice and Constitutional Development on the progress with the implementation of the Child Justice Act, 2008, was developed.

Reports were received from Departments addressing the concerns raised by the Portfolio Committee. The Action Plan is attached as Annexure G of the report.

The Child Justice Information Management Task Team (CJIMTT) was established in order to identify the data gaps and a collective method to gather data from departments in such a manner which would assist in

determining of trends of children in conflict with the law, for the second Annual Child Justice Report. A template was developed to assist the departments to report their data and the Integrated Justice System (IJS) Transversal were made responsible for the populating of the template once data is received from the various Departments involved.

8

CONCLUSION



The second year of implementation of the CJA has been another year of learning and improving on processes, methods and taking cognisance of the prescriptions of the Act. The improvement to the way implementation is done by various sectors is an ongoing process with regular consultations and consolidation of measures which have been put in place.

The following year is to focus on bringing awareness of the Act more strongly to the public in order to increase access to justice where needed most amongst vulnerable children. It is also the plan of the governance structures to translate the identified challenges into responsive actions of intervention. Initiatives to tackle the worrying challenges on the collection of statistics will also form part of the priority focus in the next financial period.

9

ANNEXURES



Annexure A:	52
Department of Social Development: Progress Report	
Annexure B:	54
Restorative Justice Response on Child Justice Act	
Annexure C:	56
Department of Health: List of health establishments.	
Annexure D:	58
Department of Correctional Services: Progress with the Implementation of the Child Justice Act	
Annexure E:	70
National Prosecuting Authority Progress Report	
Annexure F:	72
List of Awards received by Mangaung One Stop Child Justice Centre	
Annexure G:	87
Progress On Action Plan to address issues emanating from briefing to Portfolio Committee Of Justice And Constitutional Development on the progress with the implementation of the Child Justice Act, 2008 (Act No 75 Of 2008), on the 24th August 2011	



ANNEXURE A DEPARTMENT OF SOCIAL DEVELOPMENT

PROGRESS REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT NO. 75, OF 2008

1. Building Capacity In The Sector:

Social Crime Prevention Strategy

The Integrated Social Crime Prevention Strategy has been developed in conjunction with other Departments & Civil Society organisations, to strengthen social crime prevention services.

Presented and approved by Cabinet on the 21 of September 2011.

Training Manual on the Integrated Social Crime Prevention Strategy in place.

Numbers of probation and social services practitioners trained 345 and trainings were scheduled as follows:

Location	No. of Government Practitioners Trained	Venue	Dates
E Cape	53	King David Hotel	14-15 July 2011
N Cape	30	Protea Hotel Diamond Lodge	23-25 Aug 2011
KZN	44	Beach Hotel	29-31 Aug 2011
Gauteng	35	Walter Sisulu CYCC	5-7 Sep 2011
W Cape	33	Protea Hotel	14-15 Sep 2011
Limpopo	43	Protea Hotel	19-21 Sep 2011
Free State	22	Bains Lodge	11-13 Oct 2011
Mpumalanga	29	Umuzi Lodge	17-19 Oct 2011
North West	45	Mmabatho Palms	1-3 Nov 2011
Total	345		

Policy Framework on Accreditation of Diversion Services in South Africa

Three (3) workshops were held for National organisations programme on Accreditation. Dates were scheduled as follows:

Location	No. of Govt Practitioners Trained	Venue	Dates
Pretoria	30	Burgerspark hotel	24 & 25 May 2011
Western Cape	40	Premier Hotel	11 & 12 August 2011
Johannesburg	30	Airport Grand hotel	8 & 9 September 2011
Total	100		

Sittings to accredit all service providers and programmes applied for accreditation in diversion services were held in all nine provinces 55 service providers received full accreditation and 38 candidacy status 191 Programmes received full accreditation and 32 candidacy status 20 programmes and 9 service providers declined

Quality Assurance

In preparation to conduct quality assurance in provinces, coordinators were trained on the tool to be used for quality assurance panel sittings for both service providers awarded full accreditation status and those that received candidacy.

No. Of Govt Practitioners Trained	Venue	Dates
15 Provincial Coordinators	Manhattan Hotel, Pretoria	27-28 October 2011

Training on practice guidelines on probation services

DSD developed practice guidelines on probation services with the aim of ensuring that Probation Officers, Assistant Probation Officers and Child and Youth care workers have the same understanding on implementing the requirement of the Act.

Venue	No. Trained	Dates
East London	36	15-16 April 2010
Bloemfontein	32	15-16 April 2010
Johannesburg	31	12-13 March 2010
Polokwane	31	12-13 March 2010
Durban	27	07-08 April 2010
Witbank	30	30-31 March 2010
Kimberly	31	06-07 May 2010
Rustenburg	36	12-13 April 2010
Cape town	31	24-25 March 2010
Total	285	

Development of Social Crime prevention Programmes (Therapeutic)

The Department has developed five (5) therapeutic programmes for children in conflict with the law who have been diverted from the criminal justice system or awaiting trial in child and youth care centres, Namely: Rhythm Of Life- (Life Skills Programme); Wakeup Call- (Substance Abuse Programme); Restorative Justice; Sexual Offender's Programme And After Care Programme.

A total of 205 master trainers were trained in all nine provinces. Below is a schedule depicting the training workshops

Venue	No. Trained	Dates	Type Of Programme
Upington	20	03-05 Oct 2011	Substance Abuse
Bloemfontein	18	04-07 Oct 2011	Sexual Offender
Durban	25	12-13 Oct 2011	Resorative Justice
East London	20	10-12 Oct 2011	Life Skills
Johannesburg	20	17-19 Oct 2011	Life Skills
Polokwane	33	25-27 Oct 2011	Substance Abuse
Capetown	13	25-28 Oct 2011	Sexual Offender
Rustenburg	26	18-21 Oct 2011	Sexual Offender
Witbank	30	11-14 Oct 2011	Sexual Offender
Total	205		

Training of Practitioners on Reception, Assessment and Referrals

Venue	Number Trained	Dates
East London	32	26-27 September 2011
Bloemfontein	23	12-13 September 2011
Venda Tusk Hotel	26	25-26 August 2011
Durban – Protea Edward Hotel	30	14-15 November 2011
Witbank	35	01-02 September 2011
Kimberly – Protea Hotel	20	14-15 September 2011
Rustenburg – Orion Lodge	38	22-23 September 2011
Cape Town – Manor	27	29-30 August 2011
Total	231	

Training on the blueprint, minimum norms and standards for secure care facilities

Blueprint, minimum norms and standards for Secure Care facilities was approved in August 2010 and communicated to the provinces. The policy document augments both the Children's Act, 2005 as amended and Child Justice Act, 2008. During 3rd quarter of 2011/12 financial year the following seven provinces received training on the Blueprint, minimum norms and standards for Secure Care facilities.

Venue	Number Trained	Dates
Erica Place Of Safety, Port Elizabeth	27	28-29 November 2012
Protea Hotel, Bloemfontein	24	08-09 November 2012
Protea Hotel, Capetown	26	24-25 November 2012
Garden Court Hotel, Kimberly	27	01-02 February 2012
Protea Hotel, Nelspruit	27	10-12 February 2012
Fusion Boutique, Polokwane	29	13-14 February 2012
Elangeni Hotel, Durban	30	16-17 February 2012
Hunters Rest, Rustenburg	25	22-23 February 2012

Assessment, diversion and alternative sentencing services

Total number of children in conflict with the law as from Apr 2011 – December 2012

Provinces	Assessed	Diverted	Home-based Supervision	Children Under 10
E Cape	4008	1676	1879	36
Free State	1241	594	35	9
Gauteng	2453	1770	1294	31
KZN	2816	676	159	13
Limpopo	476	233	196	1
Mpumalanga	771	432	276	4
N Cape	527	219	82	11
North-West	2307	478	313	0
W Cape	3735	1228	178	14
Total	18334	7306	2736	119

Establishment of child and youth care centres (secure care)

Province	Secure care centre
EC	NONE
NW	NONE
WC	NONE
NC	NONE
FS	QWAQWA SECURE CARE
KZN	NONE
GP	FATHER SMANGALISO MKATSHWA
LP	NONE
MP	NONE
Total	TWO

2. Challenges For DSD

Training & workshops

- Provinces have provincial mandates besides planned workshops and trainings by National DSD.
- Provinces also have budget constraints for paying of accommodation for their practitioners.

Accreditation processes

Availability of provinces according to time frames scheduled.

Child Justice Act implementation timeframes gave pressure in terms of all processes for accreditation.

Quality Assurance training was done in Pretoria at Manhattan Hotel on the 27-28 October 2011 for 15 quality assurance panels in preparation for quality assurance sittings planned for 2012 due to processes involved of informing organisations 30 days before site visits.

The quality assurance will conduct site visits in provinces, for organisations awarded full accreditation status after the eighth month and as a result the process will overlap with the 2nd cycle of Accreditation.

ANNEXURE B

RESTORATIVE JUSTICE RESPONSE ON CHILD JUSTICE ACT

Introduction

Restorative Justice Centre (RJC) has been working with children in conflict with the law since its inception in 2000. RJC sees a society in which communities value peace building and the constructive resolution of conflict, and where people care about one another, fostering individual and social well-being.

The organization strives to achieve these goals through the use of restorative justice approaches and principles that as indicated in the Child Justice Act aims to expand and entrench the principles of the Restorative Justice in the Criminal Justice system for children who are in conflict with the law, while ensuring their responsibility and accountability for crimes committed (Child Justice Act, 2008: p 5).

RJC 's implementation of the CJA focused on the following;

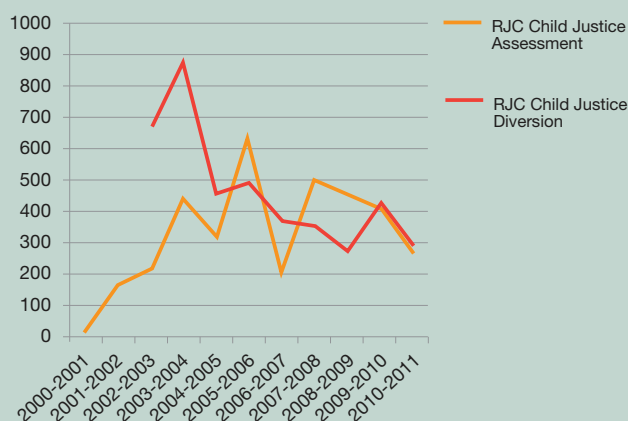
- Probation Services
- Participation on Child Justice Platforms
- Serviced Areas since 2003 for assessment of children at Mamelodi & Atteridgeville courts
- Diversion services to Child Justice courts through drama & Family Group Conferences since 2001)

Statistics

Since our inception the following progress has been done

Year	Assessment	Diversion
2000 -2001		11
2001 -2002		164
2002 -2003	671	211
2003 -2004	875	438
2004 -2005	456	319
2005 -2006	486	636
2006-2007	370	207
2007 -2008	349	504
2008- 2009	276	455
2009-2010	422	408
2010-2011	286	267

For the period 2000- 2002, RJC's diversion program was still at the pilot stage for children in conflict with the law. Only after 2002 was the assessment process included for courts with specific reference to Atteridgeville and Mamelodi courts. For the period after the implementation of the Child Justice Act a drastic reduction of the number of children assessed and diverted



The services rendered have been mainly targeting boys as compared to girls due to the arrest. Based on the areas that we are serving it has been mainly African -dis-aggregated between 1 April 2010 - 31 March 2011 and 1 April 2011 to 31 March 2012.

The accreditation process

The organization has been assessed by the Department of Social Development & Accreditation team where the following outcomes were highlighted;

- Restorative Justice Program based on practice guidelines which is comprehensive and well documented has been accredited based on;
 - the minimum standards as referred in section 55 of the Act,
 - general service standard for social services
 - general professional ethics and standards
- An accreditation of a Diversion Manual which is complete and comprehensive
 - norms and standards for diversion
- A candidacy status on implementation of all programs by the Department of Social Development. The developmental process has been part of the quality improvement on progress and process.
- The acknowledgement that the organization provides a safe space for the program

Challenges

The implementation of the CJA has been done through funding from Department of Social Development where funds are allocated for the assessment, referral & diversions implementation for the Mamelodi & Atteridgeville courts around funding and DSD funding in relation to this.

The specification of funds has limitation in the exploration of complementary services that could be offered to strengthen the current services. Funds are allocated for assessments & diversion but not for post diversion intervention.

Drastic reduction on assessed children creates risks linked when compared with the expected number of children assessed and diverted affected the organization meeting its commitment made with the Department of Social Development.

Parents' role & participation is limited, as the standards expect the participation in the two sessions. This responsibility can be strengthened through post intervention that are support and community based to ensure that all are part of a network structure.

Reoffending children prior / during a diversion program have an add-on concern as they require specialized tertiary intervention that integrate the relevant responses for the specific needs of the child including transformed holding facilities

Interaction with the court/ justice system for children

There has been a good relationship between the relevant stakeholders dealing with issues around the implementation of Child Justice. This has been done through case flow management meetings, participating in the Child Justice Forum and participation in relevant platforms to participate on issues and aspects around implementation process or gaps.

Our regular interaction with courts where direct child justice services are rendered is regular. This is done with the Department of Social Development and Restorative Justice Centre as the implanting partners.

Trends

The reduction in the number of children assesses might still contribute to decline and this could have an impact in the funding of program relevant to the implementation of the CJA. This might reduce the number of NGO rendering direct & indirect services to support and complement service to children in conflict with the law.

Losing children in the system could be a challenge especially if the when foreseen for the future in relation to the implementation the Act and diversion service provision.

The reoffending while in a diversion is a new trend that is concerning especially with petty crimes where the diversion process has to be terminated without completion of the process thus to allow tertiary interventions as complementary to the early intervention.

There has been a good relationship between the relevant stakeholders dealing with issues around the implementation of Child Justice. This has been done through case flow management meetings, participating in the Child Justice Forum and participation in relevant platforms to participate on issues and aspects around implementation process or gaps.



ANNEXURE C

DEPARTMENT OF HEALTH

Number of clinical psychologists and psychiatrists who are prepared to conduct an inquiry for the courts in terms of Section 77, 78 & 78 of the Criminal Procedure Act

Province	Clinical Psychologists	Psychiatrists
Gauteng	22	11
Eastern Cape	6	4
North West	2	
Western Cape	6	3
Free State	1	
Limpopo	5	2
Kwa-Zulu Natal	9	6
Northern Cape		
Mpumalanga		
Total	51	26

List of designated health establishments that conduct forensic psychiatric evaluations in terms of Section 77, 78 & 78 of the Criminal Procedure Act

Province	Name	Address	Telephone
Eastern Cape	Fort England Hospital	Private Bag X1002, Grahamstown, 6139	(046) 622 7003
	Komani Hospital	Private Bag X7074, Queenstown, 5320	(045) 858 8400
Free State	Free State Psychiatric Complex	Private Bag X20607, Bloemfontein, 9307	(051) 407 9418
Gauteng	Sterkfontein Hospital	Private Bag 2010, Krugersdorp, 1740	(011) 951 8000
	Weskoppies Hospital	Private Bag X113, Pretoria, 0001	(012) 319 9500
Kwa-Zulu Natal	Fort Napier Hospital	P.O Box 370, Pietermaritzburg, 3200	(033) 345 4221
Western Cape	Valkenberg Hospital	Private Bag X1, Observatory, 7925	(021) 440 3111
Limpopo	Hayani Hospital	Private Bag X 2272, Sibasa, 0970	(015) 963 1749
North West	Bophelong Hospital	Private Bag X2031, Mafikeng, 2747	(018) 383 2005
Northern Cape	Kimberly Hospital	Private Bag X6068, Kimberley, 8300	(053) 861 3911/1

List of health establishments administered under the auspices of state as psychiatric hospitals or as care and rehabilitation centres in terms of Mental Health Care Act No. 17 of 2002

Province	Name	Address	Telephone
Eastern Cape	Elizabeth Donkin Hospital	Private Bag X6024, Port Elizabeth, 6000	(041) 582 2174
	Fort England Hospital	Private Bag X1002, Grahamstown, 6139	(046) 622 7003
	Komani Hospital	Private Bag X7074, Queenstown, 5320	(045) 858 8400
	Cecilia Makiwane Mental Health Unit	Private Bag X9147, East London, 5201	(043) 708 2324
	Libode Hospital Mental Health Unit	PO Box 15, Lebone, 5160	(047) 555 1010
	Umthata General Hospital Mental Health Unit	Private Bag X5014	(047) 502 4137
	Tower Hospital	Private Bag X228	(0466) 451122
	Flagstaff Hospital	Transkei	(039) 252 3002
Free State	Free State Psychiatric Complex	Private Bag X20607, Bloemfontein, 9307	(051) 407 9414
	Mofumahadi Manapo Mopeli Regional Hospital	Private Bag X820, Witsieshoek, 9870	(051) 718 3200
	Biotumelo Regional Hospital	Private Bag X47, Kroonstad, 9500	(056) 216 5200
Gauteng	Chris Hani Baragwanath Hospital	PO Bertsham, 2013	(011) 933 3135
	Dr George Mukhari Hospital	Private Bag X422, Pretoria, 0001	(012) 529 3111
	Helen Joseph Hospital	Private Bag X47, Auckland Park, 2006	(011) 489 1011

Province	Name	Address	Telephone
	Johannesburg Hospital	Private Bag X39, Parktown, 2000	(011) 488 3334/5
	Kopanong Hospital	Private Bag X031, Vereeniging, 1930	(016) 428 7000
	Leratong Hospital	Private Bag X2078, Krugersdorp, 1740	(011) 411 3500
	Natalspruit Hospital	Private Bag X01, Alrode, 1451	(011) 389 0500
	Sterkfontein Hospital	Private Bag X2010, Krugersdorp, 1740	(011) 951 8000
	Tembisa Hospital	Private Bag X7, Olifantsfontein, 1665	(011) 923 2000
	Weskoppies Hospital	Private Bag X113, Pretoria, 0001	(012) 319 9500
	Tara Hospital	Private Bag X7, Randburg, 2125	(011) 535 3000
	Cullinan Care and Rehabilitation Centre	PO Box 67 Cullinan, 1000	(012) 305 2385
KwaZulu-Natal	Ekuhlegeni Rehabilitation Centre	PO Box X3 Umbogintwini, 4125	(031) 905 1342
	Fort Napier Hospital	PO Box 370, Pietermaritzburg, 3200	(033) 345 4221
	King George V Hospital	Pk Dromerton, Durban, 4015	(031) 208 7121
	Ladysmith Hospital	Private Bag X9928, Ladismith, 3370	(036) 637 2111
	Madadeni Hospital	Private Bag X6642, Newcastle, 2940	(034) 328 8000
	Ngwelezane Hospital	Private Bag X20021, Empangeni, 3880	(035) 901 7000
	Port Shepstone Hospital	Private Bag X5706, Port Shepstone, 4240	(039) 688 6000
	St Francis/ Benedictine Hospital	Private Bag X5007, Nongoma, 3950	(035) 381 0314
	Townhill Hospital	PO Box 400. Pietermartizburg, 3200	(033) 341 5500
	Umngeni Rehabilitation Centre	Hilton Advice Office, Hilton, 3245	(033) 343 3999
	Umzimkhulu Hospital	Private Bag X514, Umzimkhulu, 3297	(039) 259 0310
Limpopo	Donald Fraser Hospital	Private Bag X1172, Vhufuli, 0971	(015) 963 1778
	Elim Hospital	Private Bag X312, Elim, 0960	(015) 556 3202
	Ecuxakeni Hospital	Private Bag X9661, Giyani, 0826	(015) 812 1138
	Hayani Psychiatric Hospital	Private Bag X2272, Sibasa, 0970	(015) 963 1071
	Letaba Hospital	Private Bag X1430, Letaba, 0870	(015) 303 1711
	Malamulele Hospital	Private Bag X1117, Sovenga, 0727	(015) 286 1000/3
	Matlala Hospital	Private Bag X9624, Marble Hall, 0450	(013) 264 9600
	Nkhensani Hospital	Private Bag X581, Giyani, 0826	(015) 812 3251
	Siloam Hospital	Private Bag X2432, Makhado, 0920	(015) 973 0004
	Thabamooopo Hospital	Private Bag X37, Chuenespoort, 0745	(015) 632 4112
	Tshildzini Hospital	Private Bag X924, Shayandima, 0931	(015) 964 1061
Mpumalanga	Rob Ferreira Hospital	Private Bag X11223, Nelspruit, 1200	(013) 741 3031
	Witbank Hospital	Private Bag X7206, Witbank, 1035	(013) 653 2151
	Tintswalo Hospital	Private Bag X407, Acornhoek, 1360	(013) 795 5000
Northern Cape	The West End Hospital	Private Bag X6068, Kimberley, 8300	(053) 861 3911
North West	Witransd Hospital	Private Bag X253, Potchefstroom, 2530	(0148) 294 5221
	Mafikeng, Bophelong Hospital	Private Bag X2031, Mafikeng, 2747	(018) 383 2005
	Job Shimankane Hospital	Bosch & Heystek Street, Rustenburg, 0299	(014) 590 5100
	Taung Hospital	Private Bag X535, Taung, 8584	(053) 994 8100
Western Cape	Alexandra Hospital	Private Bag X1, Maitland Bag, 7405	(021) 503 5000
	George Hospital	Private Bag X6534, George, 6530	(044) 802 4534
	Lentegeur Hospital	Private Bag X4, Mitchells Plain, 7785	(021) 370 1111
	Nelspoort Hospital	Post Office, Nelspoort, 6973	(023) 416 1600
	Stikland Hospital	Private Bag X13, Bellville, 7535	(021) 940 4400
	Red Cross Therapeutic Learning	46 Sawkins Rd, Rondebosch, 7700	(021) 685 4103
	Valkenburg Hospital	Private Bag X1, Observatory, 7925	(021) 440 3111
	Tygerberg Hospital - Ward D	Private Bag X3, Tygerberg, 7505	(021) 938 5870
	Tygerberg Hospital - Ward G (lower ground)	Private Bag X3, Tygerberg, 7505	(021) 938 5583
	Groote Schuur Hospital (Ward G22 & C23)	Private Bag Observatory, 7925	(021) 404 2175



ANNEXURE D

DEPARTMENT OF CORRECTIONAL SERVICES

2ND ANNUAL REPORT OF PROGRESS ON THE IMPLEMENTATION OF CHILD JUSTICE ACT NO. 75, OF 2008

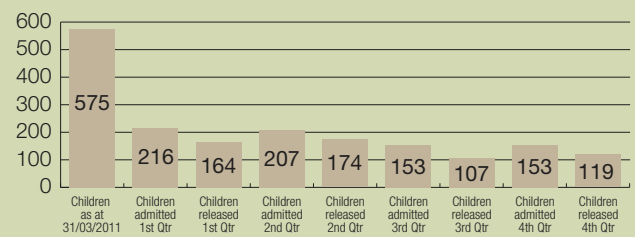
1. Background	66
2. Progress	66
2.1.1 Number of Sentenced Children (Section 96(1)(e)(viii) below 18 years old in DCS facilities: National: April 2011 – March 2012	66
2.1.2 Number of Sentenced Children (Section 96(1)(e)(viii) below 18 years old in DCS facilities: Provincial Distribution: April '11 – March 2012	67
2.2.1 Number of Children Awaiting Trial in DCS facilities: National: April 2011 – March 2012	68
2.2.2 Number of Children Awaiting Trial in DCS facilities: Provincial Distribution: April 2011 – March 2012	69
2.3.1 Period in custody	70
2.4.1 Sexual Crimes committed by Children Awaiting Trial: National	71
2.4.2 Sexual Crimes committed by Children Awaiting Trial: Provincial	71
2.5.1 Sexual Crimes committed by Sentenced Children: Nationally	72
2.5.2 Sexual Crimes committed by Sentenced Children: Provincial	73
2.6 Children under the System of Community Corrections	75
2.7 Human Resource Development	75
3. Programmes by DCS	76
3.1 Remand detainee children	76
3.1.1 Health services	76
3.1.2 Spiritual Care Services	76
3.1.3 Social work services	76
3.2 Sentenced children	78
3.2.1 Social work services	78
3.2.2 Formal education services	80
3.2.3 Health services	80
3.2.4 Correctional programmes	81
3.2.5 Spiritual Care services and programmes	81
4. Facilities	81

The Child Justice Act, 2008 (Act 75 of 2008) effective as from 1 April 2010, provides for a Criminal Justice System that takes account of the vulnerability and special needs of children. The intention is for children in conflict with the law to be diverted from the Criminal Justice System when appropriate and for children not diverted to be dealt with in Child Justice Courts. Children are to benefit from interventions, programs and sentencing options aimed at rehabilitation and reintegration in order to minimise the potential for re-offending whilst ensuring their responsibility and accountability for crimes committed. The Department of Correctional Services (DCS) is required to act in accordance with the Child Justice Act.

2. Progress

2.1.2 Number of sentenced children below 18 years old in DCS facilities

Figure 1:
Number of Sentenced Children (Section 96(1)(e)(viii) below 18 years old in DCS facilities: National: April 2011 – March 2012.



Source: DCS Corporate Data Bank

- There was in general less children released from DCS facilities than those admitted for all the quarters in the 2011/2012 financial year.
- There was a total of 729 sentenced children admitted in DCS facilities for the year and a total of 564 children that were released during the same time. This is a total of 165 less releases than admissions.
- The total after considering the admissions and releases would be 740 sentenced children in DCS facilities as at 31 March 2012 (Data Bank). It should however be noted that the admissions and releases would further have an effect on the number of children in DCS facilities on the specified date.

2.1.3 Number of sentenced children below 18 years old in DCS facilities

Table 1: Number of Sentenced Children (Section 96(1)(e)(viii) below 18 years old in DCS facilities:

Provincial Distribution: April 2011 – March 2012.

Combined Child Justice Stats 2011		EC	FS	GP	KZN	LP	MP	NW	NC	WC	TOTAL
Q1: How many sentenced children brought forward from 31 March 2011 (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	
	14 to 17	53	55	92	183	21	18	33	33	87	
	Total	53	55	92	183	21	18	33	33	87	575
Q1: How many sentenced children were admitted during Q1 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	
	14 to 17	12	20	36	44	21	14	10	15	42	
	Total	12	20	36	44	21	14	10	15	44	216
Q2: How many sentenced children were admitted during Q2 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	
	14 to 17	23	14	35	57	9	9	14	10	36	
	Total	23	14	35	57	9	9	14	10	36	207
Q3: How many sentenced children were admitted during Q3 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	
	14 to 17	22	12	44	31	10	9	3	6	16	
	Total	22	12	44	31	10	9	3	6	16	153
Q4: How many sentenced children were admitted during Q4 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	
	14 to 17	15	12	31	39	7	9	5	13	22	
	Total	15	12	31	39	7	9	5	13	22	153
Q1: How many sentenced children were released during Q1 (distinct) (DCS):	14 to 17	13	9	8	25	5	6	14	4	23	
	18	4	1	9	13	9	5	4	5	7	
	Total	17	10	17	38	14	11	18	9	30	164
Q2: How many sentenced children were released during Q2 (distinct) (DCS):	14 to 17	15	10	19	28	8	2	4	11	22	
	18	5	6	8	11	0	6	4	5	10	
	Total	20	16	27	39	8	8	8	16	32	174
Q3: How many sentenced children were released during Q3 (distinct) (DCS):	14 to 17	12	4	9	14	0	3	2	5	6	
	18	4	3	15	11	0	1	1	2	15	
	Total	16	7	24	25	0	4	3	7	21	107
Q4: How many sentenced children were released during Q4 (distinct) (DCS):	14 to 17	7	12	13	15	3	6	7	10	14	
	18	1	4	8	4	0	2	1	2	10	
	Total	8	16	21	19	3	8	8	12	24	119

Source: DCS Corporate Data Bank

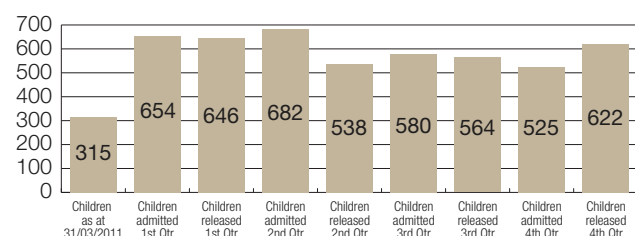
Note: It must be noted that children were admitted as 17 year olds in DCS facilities but upon release were at the age of 18.

Thus the age group 18 was included in the release statistics.

- The only province that showed more releases than admissions is the North West province with 32 admissions and 37 releases.
- The admissions and releases in the Northern Cape remained at the same figure of 44.
- It is noted that there were less releases than admissions in all Provinces other than North West Province:-
 - There were 11 more admissions (72) than releases (61) in the Eastern Cape.
 - There were 9 more admissions (58) than releases (49) in the Free State.
 - There were 57 more admissions (146) than releases (89) in the Gauteng.
 - There were 50 more admissions (171) than releases (121) in KZN.
 - There were 22 more admissions (47) than releases (25) in Limpopo.
 - There were 10 more admissions (41) than releases (31) in Mpumalanga.
 - There were 11 more admissions (118) than releases (107) in Western Cape.
- The Province with the highest admissions was KZN with 171 admissions ie 23,46% followed by the Gauteng Province with 146 admissions ie 20,03%.
- The Province with the highest percentage of release of sentenced children is the Northern Cape with 57,17% release rate [number of releases / balance brought forward + admissions ie 44 / (33 + 44) = 57,17%]. This is followed by the North West Province with 56,93% release rate.

2.3.1 Number of Children Awaiting Trial in DCS facilities: National: April 2011 – March 2012

Figure 2: Awaiting Trial children in DCS facilities: National



Source: DCS Corporate Data Bank

- There was in general less children released from DCS facilities than those admitted for all the quarters in the 2011/2012 financial year.

- There was a total of 2441 awaiting trial children admitted in DCS facilities for the year and a total of 2370 ATD children that were released during the same time. This is a total of 71 less releases than admissions.
- It is noted that there were more releases (622) than admissions (525) in the 4th quarter.
- The total number of ATD children in DCS facilities (considering the admissions and releases) in each quarter indicates that in the 1st quarter there were 323 children in DCS. This number increased to 467 in the 2nd quarter and a further increase was noted in the 3rd quarter 2011/2012. There was however a decrease in the 4th quarter of 2011/2012 to 386 children in DCS.
- The total after considering the admissions and releases would be 386 awaiting trial children in DCS facilities as at 31 March 2012 (Data Bank). It should however be noted that the admissions and releases would further have an effect on the number of children in DCS facilities on the specified date.

Table 2: Number of Children Awaiting Trial in DCS facilities: Provincial Distribution: April 2011 – March 2012

		EC	FS	GP	KZN	LP	MP	NW	NC	WC	TOTAL
Q1: How many awaiting trial children brought forward from 31 March 2011(DCS):	10 to 13	0	0	0	0	0	0	*	0	0	315
	14 to 17	123	29	14	80	0	6	*	17	46	
	Total	123	29	14	80	0	6	*	17	46	
Q1:How many awaiting trial children were admitted during Q1 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	*	0	654
	14 to 17	215	66	58	168	9	31	21	24	62	
	Total	215	66	58	168	9	31	21	24	62	
Q2: How many awaiting trial children were admitted during Q2 (distinct)	10 to 13	0	0	0	0	0	0	0	*	0	682
	14 to 17	237	74	82	151	15	37	6	22	58	
	Total	237	74	82	151	15	37	6	22	58	
Q3: How many awaiting trial unique children were admitted	10 to 13	0	0	0	0	0	0	0	*	0	580
	14 to 17	177	43	93	132	11	22	15	18	69	
	Total	177	43	93	132	11	22	15	18	69	
Q4: How many awaiting trial unique children were admitted during Q4 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	*	0	525
	14 to 17	140	63	81	116	0	51	4	18	52	
	Total	140	63	81	116	0	51	4	18	52	
Q1: How many awaiting trial children were released during Q1 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	*	0	0	646
	14 to 17	210	42	32	164	1	13	1	14	49	
	18	18	7	28	18	7	11	4	9	18	
	Total	228	49	60	182	8	24	5	23	67	
Q2: How many awaiting trial children were released during Q2 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	*	0	0	538
	14 to 17	196	59	28	120	1	16	1	24	29	
	18	14	16	45	22	3	23	11	8	22	
	Total	210	75	73	142	4	39	12	32	51	
Q3: How many awaiting trial unique children were released during Q3 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	*	0	0	564
	14 to 17	164	34	27	119	10	14	2	8	49	
	18	13	14	55	12	0	1	5	8	29	
	Total	177	48	82	131	10	15	7	16	78	
Q4: How many awaiting trial unique children were released during Q4 (distinct) (DCS):	10 to 13	0	0	0	0	0	0	*	0	0	622
	14 to 17	171	53	26	111	0	23	6	16	46	
	18	10	21	48	7	0	32	15	9	28	
	Total	181	74	74	118	0	55	21	25	74	

Source: DCS Corporate Data Bank

Note:* indicates that there are no Awaiting Trial children in North West

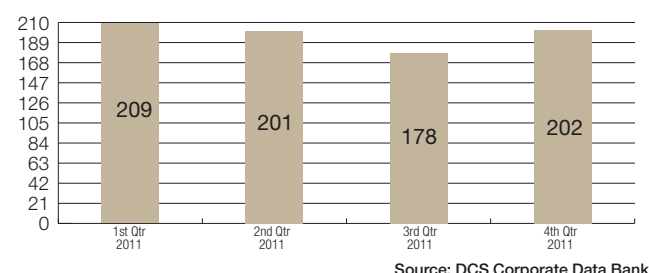
It must be noted that children were admitted as 17 year olds in DCS facilities but upon release were at the age of 18.

Thus the age group 18 was included in the release statistics.

- The following Provinces showed more releases than admissions:-
- There were 27 more releases (796) than admissions (769) in Eastern Cape.
- There were 06 more releases (573) than admissions (567) in KZN.
- There were 14 more releases (96) than admissions (82) in Northern Cape.
- There were 29 more releases (270) than admissions (241) in Western Cape.
- The admissions and releases in the Free State Province was the same at 246.
- It is noted that there were more admissions than releases in the following Provinces
 - There were 01 more admissions (46) than releases (45) in the North West.
 - There were 08 more admissions (141) than releases (133) in Mpumalanga.
 - There were 13 more admissions (35) than releases (22) in Limpopo.
 - There were 25 more admissions (314) than releases (289) in Gauteng.
- The Province with the highest admissions was Eastern Cape with 769 admissions ie 31,51% followed by KZN with 567 admissions ie 23,23%.
- The Province with the highest percentage of release of awaiting trial children is the North West with 97,83% release rate [number of releases / balance brought forward + admissions ie $45 / (0 + 46) = 97,83\%$]. This is followed by the Northern Cape with 96,97% release rate. Further to this the Western Cape release rate was 94,08% followed by Mpumalanga with 90,48%.

2.3.1 Period in custody

Figure 3: Children awaiting trial > 90 days: National



Number of children awaiting trial for > 90 days	1st Qtr 2011	2nd Qtr 2011	3rd Qtr 2011	4th Qtr 2011
	209	201	178	202

Source: DCS Corporate Data Bank

Nationally there were 209 ATD children awaiting trial in correctional facilities longer than 90 days in the 1st quarter 2011/2012. This number decreased slightly to 201 in the 2nd quarter and to 178 in the 3rd quarter. The 4th quarter saw an increase by 24 children when compared to the 3rd quarter.

Table 3: Number of children detained in Correctional facilities > 90 days whilst awaiting trial: by province

	EC	FS	GP	KZN	LP	MP	NW	NC	WC	Total
1st Q	68	24	5	53	0	3	7	13	36	209
2nd Q	68	28	4	40	0	4	10	14	33	201
3rd Q	67	30	1	33	1	2	7	6	31	178
4th Q	80	19	3	51	1	4	13	6	25	202
Total	283	101	13	177	2	13	37	39	125	790

Source: DCS Corporate Data Bank

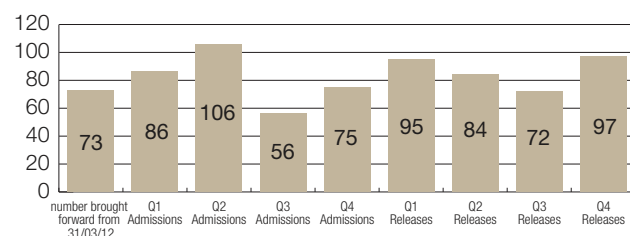
- The Eastern Cape had the highest number of children awaiting trial for longer than 90 days. This was followed by KwaZulu Natal (177) and the Western Cape (125).
- A percentage of 64,71% children were detained in DCS facilities for longer than a 90 days awaiting trial the 1st quarter of 2011/2012. This percentage decreased to 43,04% in the 2nd quarter and to a further 36,86% in the 3rd quarter of 2011/2012. The percentage of children awaiting trial in DCS facilities for longer than 90 days increased to 52,34% in the 4th quarter 2011/2012.

2.4.1 Sexual Crimes committed by Children awaiting Trial: National

Note: It must be noted that children were admitted as 17 year olds in DCS facilities but upon release were at the age of 18. Thus the age group 18 was included in the release statistics.

- A total of 323 children awaiting trial were admitted in 2011/2012 [1st quarter (86); 2nd quarter (106); 3rd quarter (56); and the 4th quarter (75)] for allegedly committing sexual offences.
- A total of 348 children awaiting trial were released in 2011/2012 [1st quarter (95); 2nd quarter (84); 3rd quarter (72) and the 4th quarter (97)] for allegedly committing sexual offences.
- There were nationally more releases (348) than admissions (323) of children awaiting trial for allegedly committing sexual offences.

Figure 4: No. of children awaiting trial for allegedly committing sexual offences: National



Source: DCS Corporate databank

* Note: There are no Awaiting Trial children in North West

2.4.2 Sexual Crimes committed by Children Awaiting Trial: Provincial Distribution

Sexual offence : Rape, Rape Attempted, Indecent Assault, Sexual Crimes Other, Intercourse With Minor

Table 4: Sexual Crimes Committed by Children Awaiting Trial: Provincial

		EC	FS	GP	KZN	LP	MP	NW	NC	WC	TOTAL
Q1: How many awaiting trial children brought forward from 31 March 2011 allegedly committed sexual offences (DCS):	10 to 13	0	0	0	0	0	0	*	0	0	73
	14 to 17	37	6	2	18	0	1	*	4	5	
	Total	37	6	2	18	0	1	*	4	5	
Q1: How many awaiting trial children who were admitted during Q1 allegedly committed sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	*	0	0	86
	14 to 17	25	13	5	17	4	6	*	2	8	
	Total	25	13	5	17	4	6	6	2	8	
Q2: How many awaiting trial children who were admitted during Q2 allegedly committed sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	*	0	0	106
	14 to 17	46	17	11	12	2	6	0	6	6	
	Total	46	17	11	12	2	6	0	6	6	
Q3: How many awaiting trial unique children who were admitted during Q3 allegedly committed sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	56
	14 to 17	17	9	3	13	2	4	2	3	3	
	Total	17	9	3	13	2	4	2	3	3	
Q4: How many awaiting trial unique children who were admitted during Q4 allegedly committed sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	75
	14 to 17	24	15	8	12	0	6	1	4	5	
	Total	24	15	8	12	0	6	1	4	5	
Q1: How many awaiting trial children who were released during Q1 allegedly committed sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	*	0	0	95
	14 to 17	33	8	2	20	1	3	2	2	7	
	18	5	1	2	1	3	1	0	0	4	
	Total	38	9	4	21	4	4	2	2	11	
Q2: How many awaiting trial children who were released during Q2 allegedly committed sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	*	0	0	84
	14 to 17	31	11	5	10	0	2	*	4	3	
	18	1	1	5	0	1	3	3	3	1	
	Total	32	12	10	10	1	5	3	7	4	
Q3: How many awaiting trial children who were released during Q3 allegedly committed sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	72
	14 to 17	28	13	1	13	0	2	0	1	2	
	18	1	4	1	2	0	0	0	1	3	
	Total	29	17	2	15	0	2	0	2	5	
Q4: How many awaiting trial children who were released during Q4 allegedly committed sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	97
	14 to 17	26	15	1	15	0	2	1	5	4	
	18	1	7	6	2	0	2	5	3	2	
	Total	27	22	7	17	0	4	6	8	6	

Source: DCS Corporate Data Bank

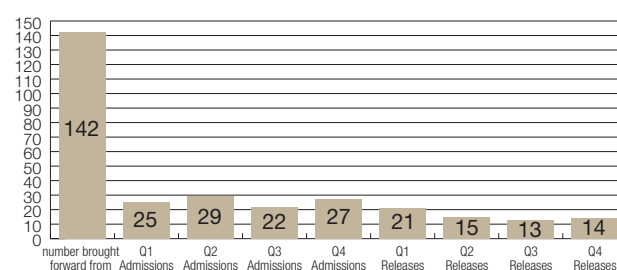
- Provinces distribution indicates that there were more releases than admissions of ATD children who allegedly committed sexual crimes in the Eastern Cape (126 releases and 112 admissions), Free State (60 releases and 54 admissions), KZN (63 releases and 54 admissions), Northern Cape (19 releases and 15 admissions) and Western Cape (26 releases and 22 admissions).

2.5.1 Sexual Crimes committed by Sentenced Children: Nationally

Sexual offence: Rape, Rape Attempted, Indecent Assault, Sexual Crimes Other, Intercourse with Minor

Note: It must be noted that children were admitted as 17 year olds in DCS facilities but upon release were at the age of 18. Thus the age group 18 was included in the release statistics.

Figure 5: No. of Children sentenced for committing sexual offences: Nationally



Source: DCS Corporate Data Bank

Number brought forward from 31 March 2011	Q1 admissions	Q2 admissions	Q3 admissions	Q4 Admissions	Q1 Releases	Q2 releases	Q3 releases	Q4 releases
142	25	29	22	27	21	15	13	14
	103				63			

Source: DCS Corporate Data Bank

- A total of 103 children were admitted in 2011/2012 for committing sexual crimes [1st quarter (25); 2nd quarter (29); 3rd quarter (22); and the 4th quarter (27)].
- A total of 63 children sentenced for allegedly committing sexual offences were released [1st quarter (21); 2nd quarter (15); 3rd quarter (13); and the 4th quarter (14)] The majority of these releases took place in the 1st quarter 2011/2012.
- Figure 5 therefore indicates that forty more children were sentenced (admitted) for committing sexual offences in 2011/2012 than those released.

Table 5: Sexual Crimes committed by Sentenced Children: Provincial Distribution

		EC	FS	GP	KZN	LP	MP	NW	NC	WC	TOTAL
Q1: How many sentenced children brought forward from 31 March 2011 were sentenced for committing sexual offences (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	142
	14 to 17	17	12	17	47	9	7	18	5	10	
	Total	17	12	17	47	9	7	18	5	10	
Q1: How many sentenced children who were admitted during Q1 were sentenced for committing sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	25
	14 to 17	6	3	5	9	0	0	2	0	0	
	Total	6	3	5	9	0	0	2	0	0	
Q2: How many sentenced children who were admitted during Q2 were sentenced for committing sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	29
	14 to 17	1	1	2	13	1	0	3	2	6	
	Total	1	1	2	13	1	0	3	2	6	
Q3: How many sentenced children who were admitted during 3d for committing sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	22
	14 to 17	3	3	7	4	1	2	1	0	1	
	Total	3	3	7	4	1	2	1	0	1	
Q4: How many sentenced children who were admitted during 4th qtr for committing sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	27
	14 to 17	3	1	6	7	0	4	2	2	2	
	Total	3	1	6	7	0	4	2	2	2	
Q1: How many sentenced children who were released during Q1 were sentenced for committing sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	21
	14 to 17	5	1	1	4	0	1	3	0	2	
	18	2	0	0	1	0	0	1	0	0	
	Total	7	1	1	5	0	1	4	0	2	
Q2: How many sentenced children who were released during Q2 were sentenced for committing sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	15
	14 to 17	4	0	1	4	1	0	1	1	1	
	18	1	0	0	1	0	0	0	0	0	
	Total	5	0	1	5	1	0	1	1	1	
Q3: How many sentenced children who were released during Q3 were sentenced for committing sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	13
	14 to 17	3	1	0	2	0	0	0	1	2	
	18	0	0	2	1	0	0	0	1	0	
	Total	3	1	2	3	0	0	0	2	2	
Q4: How many sentenced children who were released during Q4 were sentenced for committing sexual offences (distinct) (DCS):	10 to 13	0	0	0	0	0	0	0	0	0	14
	14 to 17	1	1	6	2	0	1	0	0	0	
	18	0	1	1	0	0	0	1	0	0	
	Total	1	2	7	2	0	1	1	0	0	

Source: DCS Corporate Data Bank

Note: It must be noted that children were admitted as 17 year olds in DCS facilities but upon release were at the age of 18. Thus the age group 18 was included in the release statistics.

- Provincial distribution indicates that there were more releases of children sentenced for committing sexual crimes than the number of children admitted in the Eastern Cape (16 releases and 13 admissions).

- Table 5 also indicates that KZN has the most number of children who have been sentenced for committing sexual offences ie. 65 [balance b/f + admissions – releases (47 = 33 – 15 = 65).
- Similarly, Eastern Cape currently has 14 children in their facilities, Free State has 16, KZN -26, Limpopo 10, Mpumalanga -11, North West - 20, Northern Cape - 06 and Western Cape has 14 children incarcerated for committing sexual offences.

2.6 Children under the system of community corrections (correctional supervision)

Table 6: Children under the system of Community Corrections

National Regions	1st Quarter 2011/12		2nd Quarter 2011/12		3rd Quarter 2011/12		4th Quarter 2011/12	
	ATD	Sentenced	ATD	Sentenced	ATD	Sentenced	ATD	Sentenced
Western Cape Region		85		87		81		82
Eastern Cape Region		84		84		79		95
Kwazulu/Natal Region		140	1	128	1	112	1	104
Gauteng Region		52		47	1	44	1	38
Free State / Northern Cape Region		59		54		43		44
Limpopo Mpumalanga North West Region		74		68		63	1	65
All Regions	0	494	1	468	2	422	3	428

Source: Social Reintegration

- There were no ATD children admitted to the system of correctional supervision in the 1st quarter and only one child was admitted in the 2nd quarter. Two children were under correctional supervision in the 3rd quarter and 3 ATD children in the 4th quarter 2011/2012.
- There were 494 children under the system of correctional supervision in the 1st quarter. This decreased to 468 in the 2nd quarter, to 422 in the 3rd quarter and to 428 in the 4th quarter 2011/2012.

2.7 Human Resource Development

One hundred and nine (109) Correctional Officials based at Youth centres including managers and Social Workers were trained on Child Justice Act and children's Act. Three Social Workers from Leeuwkop Youth centre were trained by UNISA on Trauma Debriefing for children.

Social work services

Programmes and services are offered to Remand Detainees per identified needs and referrals are made to external service providers to ensure that their identified needs are addressed. Crisis intervention services are offered to Remand Detainees per identified need. A supportive service in terms of family consultation is rendered for reunification and to strengthen family ties.

Tabulated figures: unsentenced

A total number of 489 children were involved in programmes rendered by the Department of Social Development, FNB, DCS clinical psychologists and by social workers from the Department of Correctional Services.

3. PROGRAMMES BY DCS

3.1 Remand detainee children

Health services

Provision of comprehensive Primary Health Care services (Health Care, Pharmaceutical, Nutritional, and Personal and Environmental Hygiene services).

Spiritual Care Services

Spiritual Care Services are made available to all Remand Detainee Children of the different religions and faiths by appointed Chaplains, Spiritual & Moral Development Co-ordinators and Spiritual Workers from the community.

The Spiritual Care services and programmes are provided and these include: faith services, individual pastoral care services, moral renewal programmes (Heartlines, Combating HIV and AIDS through Ethical and Spiritual Conduct (CHATSEC), need based programmes such as Anger Management, Pre-release, Uyaphimanje (Where from here?) Building Relationships Programme, and Religious development programmes of different faiths and churches.

Table 8: Social programmes rendered to unsentenced children

Term	2011 1st quarter Programmes and services rendered	Service provider	Total
1st Quarter 2011	Life Skills	DSD	43
	Crisis Intervention, Supportive services,	DCS Social Workers	69
	Assessment, probation services/ pre-sentence report.	DSD	03
	Reconstruction Services	DSD	06
	Orientation	DCS Social Workers	31
	Crisis Intervention.	DCS Social Workers	20
TOTAL			172
2nd quarter 2011	Life Skills	Department of Social Development (DSD)	21
	Reunification Services	DCS Social Workers	10
	Crisis Intervention	DCS Social Workers	17
	Pre-sentence report/ Court Assessments	Department of Social Development (DSD Probation Officers)	15
	Assessment Correctional Supervision report	DCS Social Workers	04
	HIV & AIDS Educational Programme (Awareness)	Department of Social Development (DSD)	03
	Supportive Services	Department of Social Development (DSD)	17
	Trauma Debriefing	DCS Social Workers	10
	Family Support	DCS Social Workers	12
	Life Skills (Choose to change	Hlanganani Nothando (NGO)	20
TOTAL			129
3rd Quarter 2011	HIV & AIDS awareness	FNB	10
	Substance Abuse	DSD	02
	Assessment, probation services/ pre-sentence report.	DSD	17
	Assessment	DCS Social Workers	02
	Reconstruction Services	DSD	06
	Orientation & supportive services	DCS Social Workers	15
	Substance Abuse	DCS Social Workers	12
	Psychological services	DCS clinical psychologists	10
	Correctional supervision reports	DCS social workers	02
TOTAL			76
4th Quarter 2011	Psychotherapy	Phelophepa	03
	Individual Counselling Support Services	DSD	04
	Substance Abuse	DCS Social Workers	19
	HIV & AIDS Awareness programme	DSD	03
	Life Skills	DSD	24
	Assessment Correctional Supervision reports	DCS Social Workers	05
	Reconstruction Services	Department of Social Development	12
	Crisis Intervention	DCS Social Workers	03
	Pre-sentence report.	DCS Social Workers	06
	Crime Prevention	Khuliswa	05
	Orientation	DCS Social Workers	11
	Supportive Services	DCS Social Workers	17
TOTAL			112
GRAND TOTAL			489

3.2 Sentenced children

Social work services

Table 9: Social programmes rendered to sentenced children

Term	2011 1st quarter Programmes and services rendered	Service provider	Total
1st Quarter 2011	Support Services, Anger Management, Life Skills, Assessment, Substance Abuse, Crisis Intervention, Family Care, Re-unification Services, Community Work Project, Court Assessment, Orientation, Child Protection Week,	DSD, Social Development, Correctional Services, SAPS, Khulisa, Nicro	733
	Substance Abuse	FAMSA	1
TOTAL			734
2nd quarter 2011	Orientation	DCS Social Workers	22
	Court Assessment Correctional Supervision Reports	DCS Social Workers	04
	Pre –Release Programme	DCS Social Workers	18
	Life Skills	DCS Social Workers	37
	Supportive services	DCS Social Workers	58
	Anger Management	DCS Social Workers	18
	Family Care	DCS Social Workers	18
	Community Work Project (Child Protection Week)	DCS Social Workers	35
	Substance Abuse	DCS Social Workers	09
2nd quarter 2011	Assessment Model of Intervention	DCS Social Workers	21
	Anger Management	DCS Social Workers	08
	Substance Abuse	Khuliswa	20
	Mental Health	ROHA	18
	Crime prevention	Nicro	06
	Crime Prevention	DCS Peer Educators	02
	Reconstruction Services (Family Care)	DSD Social Workers	30
	Life Skills	University of Pretoria	50
	Life Skills	Youth for Christ	10
	Crime Prevention	Molehe Mampe Secure Care Centre	03
TOTAL			387
3rd Quarter 2011	Assessment Correctional Supervision Reports	DCS Social Workers	30
	Court assessment Reports	DSD Probation Officers	12
	Substance Abuse	Khulisa	01
3rd Quarter 2011		DCS Social Workers	01
	Anger management	DCS Social Workers	48
	Life Skills	DCS Social Workers	50
	Psychological Services	DCS Psychologists	21
	Crime Prevention	Nicro	01
	Crime Prevention Programme	SAPS	02
	Pre -release Programme	DCS Social Workers	05
	Supportive Services	Molehe Mampe Secure Care Centre	05
	Supportive Services	Nicro	01
	Supportive Services	DCS Social Workers	02
	Orientation		02
	Assessment Model of Intervention	DCS Social Workers	24
	Relationship and Family Care	DCS Social Workers	03
TOTAL			208

Term	2011 1st quarter Programmes and services rendered	Service provider	Total
4th Quarter 2011	Life Skills	DCS Social Worker	51
	Individual Therapy	DCS Social Workers	32
	Psychological Services	DCS Psychologists	11
	Life Skills	DSD	21
	Correctional Supervision reports	DCS Social Workers	01
	Crime Prevention Workshop	Khulisa, DSD, SAPS, ACVV & DCS	60
	Trauma Debriefing	DCS Social Workers	01
	Sexual Offender Programme	DCS Social Workers	42
	Orientation	DCS Social Workers	24
	Relationship and Family Care	DCS Social Workers	05
	Stress management	DCS Social Workers	02
	Pre- release	DCS Social Workers	23
	Supportive services	DCS Social Workers	40
	Anger Management	DCS Social Workers	16
	Reconstruction Services	DSD Social Workers	03
	Substance Abuse	DCS Social Workers	08
	Assessment	DCS Social Workers	13
TOTAL			353
GRAND TOTAL			1682

Source: Social Work Services: DCS

- Therapeutic programmes are rendered to child offenders in terms of their identified needs. The interventions are rendered in partnership with external stakeholders. The total number of 734 sentenced child offenders within DCS facilities were involved in Social Work Services in the 1st quarter 2011 and 308 in the 2nd quarter 2011. A further 208 children were involved in programmes in the 3rd quarter 2011. and 353 4th quarter 2011
- These programmes are rendered by both internal and external service providers such as Khulisa, Nicro, Molehemampe Secure Care Centre, DCS Psychologists and social workers from DCS AND Department of Social Development, South African Police Services, Khuliswa, Youth for Christ and University of Pretoria.
- The total numbers of one thousand six hundred and eighty two (1682) sentenced child offenders were involved in Social Work Services and Programmes from April 2011 to March 2012.

3.2.2 Formal education services: Source Formal Education

Table 10: Formal Education programmes rendered to sentenced children

	Q1	Q2	Q3	Q4
*Adult Education and Training (Abet)	3283	2867	2913	2768
*Further Education and Training (FET)	427	380	400	445

Abet: These are Levels 1-4 (depending on the availability of human resources).

Further Education and Training: Grades 10 -12 – Available where the Facility complies with the prescribes set by the Department of Basic Education. No classes can be offered if the Correctional Centres is not registered as a Full time schools.

3.3.3 Health services

There is a provision of primary health care services in all the centres. The sick inmates including the children with their incarcerated mothers are being treated in the clinics within the centres.

- Continuous health assessment for the children that are sick and those that are on continuous medication like epilepsy and other chronic and communicable diseases are given their daily treatment in the centres' clinics.
- Services that are rendered in the clinics include prevention, promotive and curative programmes as well as referral services.e.g
 - Management of TB and HIV
 - Prevention of STIs
 - Provision of health education
 - Maternal and child health services
 - Provision of Mental health care.
- The following services are also rendered to children:
 - Provisioning of Food Services to all categories of Inmates including babies and children with their incarcerated mothers. The provisioning will also cater for needs of Inmates who must be served with:
 - Prescribed Therapeutic diet,
 - Recommended Religious diets, and Cultural diets

- Rendering of Personal and Environmental hygiene services, which includes the provisioning of toiletry, bedding and clothing
- Nutritional services (includes therapeutic, religious and cultural diets)
- Personal and environmental hygiene services (which includes toiletry, bedding and clothing)

3.2.4 Correctional programmes

The following 10 internal correctional programmes are offered to offenders: Pre-Release, Substance Abuse, Anger Management, Sexual offenders, Orientation on Restorative Justice, Cross Roads, New Beginnings, Behaviour Modification on Gangsterism and two economic crime programmes (one addressing theft and one addressing fraud.)

Table 11: Internal correctional programmes offered to offenders

Programmes	2011/2012
Substance Abuse	161
Anger Management	104
Sexual offenders	40
Pre Release	132
Restorative Justice	46
Cross Roads	45
New Beginnings	9
TOTAL	537

Source: Correctional programmes

- A total number of 338 completed correctional programmes during the 3rd quarter of 2012.
- November 2011 saw an increase in the number of children attending substance abuse programmes.

3.2.5 Spiritual care services & programmes

Spiritual Care Services and programmes are provided to both sentenced and unsentenced Children in Correctional Facilities. A dedicated team of Chaplains, Spiritual & Moral Development Co-ordinators and Spiritual Workers render on a daily basis services and programmes to children offenders which includes:

- Orientation of Child Offenders to make them aware of the available Spiritual Care Services and Programmes for their upliftment and enlightenment.
- Provision of Spiritual Care Literature such as Bibles, Quran, Spiritual enlightenment material for their nurturing and growth.
- Spiritual Workers and Home Ministers are made available from various churches & faiths in the community to present religious development programmes to child offenders such as Church Services, Group Sessions, Bible Studies and Instruction, Individual Pastoral Interviews for their spiritual construction, correction and maintenance.
- Faith-based Organizations, NGO's and CBO's and other service providers deliver structured programmes to child offenders which includes: Alpha Course, New Life Behaviour, Kairos for Young Offenders, Ukuphula Iketanga (Breaking the Chains).

- The following needs based Spiritual Care programmes are presented: Moral Renewal Programmes [Heartlines, Combating HIV and AIDS through Ethical and Spiritual Conduct (CHATSEC)], Need-based Programmes such as Anger Management, Pre-release, Building Relationships Programme, and Religious development programmes of different faiths and churches.

4. Facilities

Sentenced and Awaiting Trial children are held in Units in Correctional Centres. There is no contact between children, juveniles and adults. Where there are no facilities for children, they are accommodated in single cells. During movement for meals and recreation they do not come into contact with other inmate/offenders.

ANNEXURE E

NATIONAL PROSECUTING AUTHORITY

PROGRESS REPORT

1. Introduction

In preparation for the development of Child Justice Act Annual Report to Parliament, herewith inputs from NPA as requested by the Department of Justice and Constitutional Development (DOJCD) from different relevant departments. This report deals with progress on the implementation of the Act for 2011/2012 financial year in terms of the following ten key priority areas of the Child Justice National Policy Framework:

1. Building Capacity in the Sector (All Departments);
2. Ensuring assessment of children (Social Development);
3. Preliminary Inquiries (DoJCD and Magistracy);
4. Sentencing (DoJCD; DCS and DoBE);
5. Provision of Diversion and Alternative Sentencing Services (DoJCD, DSD and DCS);
6. Establishment of Child and Youth Care Centres (DSD);
7. Establishment of One Stop Child Justice Centres (DoJCD);
8. Resources and Budgets (All Departments);
9. Public Education and Communication (All Departments led by DoJCD PEC);
10. Development of necessary IT and IJS-systems to support information management systems (IJS, DoJCD ISM and all Departments).

For this purpose, the report will focus on Building Capacity in the Sector, Public Education and Communication, Resources and Budgets; and notable challenges re the implementation of the Act.

2. Building Capacity in the Sector

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. Ultimately with a view to ensure that: "... all prosecutors are able to deal with child justice matters in an appropriate, efficient and sensitive manner".

In preparation for the roll-out of phase three training programme of the Child Justice Act the NPA has reviewed and updated the training material in line with the latest developments in law. The child justice training was included by SOCA Unit to the schedule of trainings to be delivered in 2011/2012/.

The training sessions are once again decentralised over a 3 day-period in all provinces which will cover approximately 250 prosecutors.

Curriculum of the training sessions includes inter alia:

- Social Context
- Criminal Capacity
- Assessment, Age Determination, Securing Attendance & Placement
- Diversion
- Preliminary Inquiry
- Trial
- Sentencing
- Legal Representation, Reviews, Appeals & Expungement
- Process Maps
- NPA Policy Directives
- Regulations developed by the Department of Justice and Constitutional Development

Below is the schedule of trainings as referred to in paragraph 2.2:

Province	Date	Station	Number of Prosecutors Trained
Kwa Zulu-Natal	26-28 July 2011	Durban	22
Free State & Northern Cape	23 -25 August 2011	Bloemfontein	30
Western Cape	18 -20 October 2011	Cape Town	34
Gauteng North	08 – 10 November 2011	Pretoria	26
North West	22 – 24 November 2011	Mahikeng	16
Limpopo & Mpumalanga	21 – 23 February 2012	Nelspruit	To be completed once delivered
Eastern Cape	06 – 08 March 2010	East London	To be completed once delivered
Gauteng South	13 – 15 March 2012	Johannesburg	To be completed once delivered

For 2011/2012 we have conducted 5 sessions attended by 128 prosecutors, with 3 more sessions to be delivered by end March 2012.

Therefore, the totals as from 2009 until end December 2011 on the Child Justice Act training are:

- 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;
- Totals: 28 sessions attended by 826 prosecutors.

3. Challenges

Inputs re challenges in implementing the Act were requested from the child justice nodal points. The following is the summary of challenges raised by divisions:

Summary of Challenges

- There is still a need for Probation Officers to be appointed and to avail themselves after hours when need arises. Reports received from Probation Officers are not comprehensive enough to assist the court and prosecution (Gauteng South & KZN).
- There is a need for a uniform or standardised process for the implementation of the Preliminary Inquiries (KZN).
- Lack of service providers for diversion is a most serious challenge. This result in Prosecutors making more use of informal mediation options not involving service providers. This is very unsatisfactory as justice is not always fully done (KZN & Eastern Cape).
- Delays in evaluation of criminal capacity are still a challenge (All Divisions).
- Training is recommended for all relevant stakeholders (All Divisions).

4. Diversion Statistics

Attached herewith is the diversion statistics from April 2011 to December 2011 for your attention.

Summary of statistics included spreadsheet:

- Total diverted pre enrolment (by prosecutors & preliminary inquiry process); 4698
- Total diverted post enrolment (in court); 3946
- Total number diversions; 8644

5. Public Education and Communication

From May to November 2011, prosecutors and NPA staff members participated in the NPA/SABC radio campaign coordinated by Communication Unit, wherein radio station interviews were conducted covering different topics one of which was the Child Justice Act. The purpose of the campaign was to ensure that the NPA reaches out to community

members throughout the country in their respective languages. Such initiatives also improve service delivery, educating the public about the criminal justice system, and specifically about the work of the NPA.

The cumulative estimated listenership figure since the campaign started is about 34 million listeners.

15 Interviews were conducted between from 30 May – 5 June on the Child Justice Act on the following stations:

Station	Language
Umhlobo Wenene Fm	IsiXhosa
Thobela Fm	Sepedi
Phalaphala Fm	TshiVenda
Munghana Lonene Fm	Xitsonga
Ukhozi Fm	IsiZulu
Lesedi Fm	Sesotho
Ligwalagwala Fm	SiSwati
RSG	Afrikaans
Motsweding Fm	Setswana
Ikwewezi Fm	Ndebele
Radio 2000	English
SA Fm	English
Lotus Fm	English
Tru Fm	IsiXhosa / English
X-K Fm	Afrikaans

6. Resources and Budgets

We have utilised SOCA voted funds to fund Child Justice Act trainings delivered for the 2011/2012 financial year.

ANNEXURE F

LIST OF AWARDS RECEIVED BY MANGAUNG ONE STOP CHILD JUSTICE CENTRE

International awards:

2006: Sirius Coat of Arms received from African Council for Safety and Security: Awarded for proactive initiatives to empower the Youth and Inter Ministerial Collaboration to improve a safer Community. (A Delegation consisting of representatives from various African countries were the guests of the then Free State Premier Beatrice Maarshoff, who received the award on our premises.)

2008: United Nation's Human Settlements Program: Certificate of Recognition for service excellence received from delegates of the UN: Awarded for service excellence and pioneering new a new concept of dealing with Children in conflict with the Law. Subsequent to this, the Mangaung OSCJC was referred to in their literature as the prototype of a CJC. In an attempt to promote the concept, the UN has since referred delegates of various countries to follow the example set by the SA Government.

National awards:

- 2006: Premier of Free State's designation of "Best performing Provincial Institution"
- 2006: Honorable Judge of the Supreme Court of Appeal, Belinda van Heerden, referred to Mangaung OSCJC in her inauguration speech as the "pinnacle of Child Justice in a Democratic SA"
- 2007: Honorable Deputy Minister of Social Development, Me. Swanson Jacobs, declared the Center as "Training Center" and suggested that procedures followed with children in conflict with the Law, programs rendered and core values of the Center should be replicated by all other Provinces.
- 2008: Roper Report completed at request of DoJ and CD indicated Mangaung OSCJC as "Best performing model"
- 2008: The Chairperson of the Justice Portfolio Committee, at the time Honorable Yunnis Carrim, thanked the staff of the Center for commitment shown during the successful piloting of the Preliminary Inquiry.
- 2008: Youth day celebrations: Appointed as "Best Practice Model for intervention and crime prevention: Youth Offenders" by NICRO Free State
- 2008: The Minister of Justice, at the time honorable B. Mbandla MP applauded the Center for efforts and initiatives successfully implemented, resulting the final approval of the Child Justice Bill by Parliament: Opening speech, General Assembly, Parliamentary Session 25 June 2008.
- 2010: The Minister of Justice, Honorable J. Radebe MP addressed the media during a visit to the Center, indicating that the system is successful to the extend that it should be rolled out throughout SA.
- 2011: Received the Mangaung Institution of the Year award for "priceless community service and promoting the image of Mangaung both Nationally and Internationally" – considered the highest honor that any citizen of institution of Mangaung can receive.

ANNEXURE G

PROGRESS ON ACTION PLAN

TO ADDRESS ISSUES EMANATING FROM BRIEFING TO PORTFOLIO COMMITTEE OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT ON THE PROGRESS WITH THE IMPLEMENTATION OF THE CHILD JUSTICE ACT NO. 75 OF 2008, ON THE 24th AUGUST 2011

Issue	PC's Concern/ Question	Report Page No.	Corrective Action	Response	Comments
Statistics: 1.1 Short-term action plans/ reports/ questions: 1.1.1 Arrests or charges	Clarify whether the figure of 75 435 on SAPS statistics relates to the number of children arrested, charged or summonsed. If yes, categorically and distinctly state the number of children arrested, charged and summonsed. Further explain as to why only 32 494 children were assessed. What happened to the rest of the children? Why has there been a decrease in the numbers of children arrested and/or charged?	44-45	SAPS to submit: <ul style="list-style-type: none"> Updated statistics If this data is not readily available, SAPS must submit an explanatory note Further submit a written report, as required by the Portfolio Committee 	SAPS have indicated per e-mail that the SAPS do not have an electronic system that provides information on the number of children detained in police cells. There is currently a manual SAPS 14 Register kept at stations as a custody register. To answer the Portfolio Committee's request, will require dedicated capacity to examine individual registers for 1 123 stations, which is not feasible. A Detention Management System is being developed that should assist in capturing this information electronically in the future. The National Instruction provides for the charging of children as the central aspect in SAPS' interaction with children in conflict with the law who have legal capacity.	Written report submitted during August 2011, copy of which is attached and which is summarized below. SAPS indicated that the discrepancy between the total number of children arrested and those who were assessed, cannot be explained by the SAPS. If the SAPS receives a request to provide the "number of children arrested" during a specific period, this request is fed into the computerised Crime Administration System (CAS) of the Service. The system calculates the number by adding together all instances in which a child (below the age of 18) was "charged" as reflected in the system. The term "charged" in this context, refers to every case recorded on the system that was sent to court and in respect of which the person "charged" appeared in court. The number of children "charged" are accordingly not identical to the number of children "arrested", since a child may be arrested upon more than one count (charge), which will result in the child being counted as one child "arrested" for every count (charge) in respect of which the child was arrested. The system was programmed to calculate arrests in this manner, to enable the Police to respond to questions in which the Police are often requested to provide figures of the number of persons that were arrested in respect of certain offences. According to section 20(5) of the Child Justice Act, 2008 (Act No 75 of 2008), a child who has been arrested and who remains in custody must, whether or not an assessment of the child has been done, be taken by a police official to the appropriate magistrate's court, as soon as possible but not later than 48 hours after his or her arrest. This means that there will be children who are arrested but who are not assessed before they are taken to court. Even if the child had not been assessed, the Police are obliged to take the child to court. Once a child is taken to court, the Police have no control over what the court decides should happen to the child. The Police are therefore unable to explain whether an assessment was done or not and, if not, why not. In this regard, it is important to note that, once a child has appeared in court, the child may no longer be detained at a police station. The Police have to wait until the case is eventually finalised and the docket sent back to the Police to determine what actually happened to the child after the child had been taken to court. This may take a long period of time. Section 48(1) further provides for the postponement of a preliminary inquiry. An inquiry magistrate may postpone the proceedings of a preliminary inquiry for a period not exceeding 48 hours, amongst others in the case where a child is in detention and the prosecutor indicates that diversion is being considered but an assessment has not been done and is required; or if it is necessary to assess the child, where no assessment has previously been undertaken.

<p>Section 48(1)(b)(vi) of the Act seems to imply that if a child is assessed and is later arrested in respect of a different offence, the inquiry magistrate may not postpone the matter in order to have the child assessed. Such a child will therefore not undergo a second assessment. The Police have no information at its disposal indicating whether a child was not assessed after his or her arrest on account of the fact that the child had previously been assessed (after a previous arrest).</p> <p>Section 48(2) also provides for a postponement for an additional period not exceeding 48 hours if the postponement is likely to increase the prospects of diversion.</p> <p>The Child Justice Act does not require that a child MUST be assessed before the diversion of the case may be considered.</p> <p>In accordance with section 5(2) of the Act, every child who is 10 years or older, who is alleged to have committed an offence and who is required to appear at a preliminary inquiry in respect of that offence must, before his or her first appearance at the preliminary inquiry, be assessed by a probation officer, UNLESS ASSESSMENT IS DISPENSED WITH in terms of sections 41(3) or 47(5) of the Act.</p> <p>According to section 41 of the Act, a prosecutor may divert a matter involving a child who is alleged to have committed a Schedule 1-offence. Section 41(3) of the Act provides that a prosecutor may dispense with the assessment of a child in such a case, if it is in the best interest of the child to do so. According to K.3 of the Directives by the National Director of Public Prosecutions in terms of section 97(4) of the Act, such dispensing may be done "where the prosecutor has sufficient information to make a decision on whether to divert or not."</p> <p>An inquiry magistrate may, if the child has not yet been assessed before the preliminary inquiry, dispense with assessment if it is in the best interest of the child to do so (section 47(5)).</p> <p>It is clear from the aforementioned that there are instances in which a child is arrested, but is not assessed, simply because the assessment had been dispensed with in terms of sections 41(3) or 47(5) of the Act.</p> <p>The number of instances where an assessment had been dispensed with (as set out above), are not available to the Police. These figures should only be available to the Department of Justice and Constitutional Development (in the instance where the inquiry magistrate during a preliminary inquiry, dispensed with the assessment) or to the National Prosecuting Authority (in the case where a prosecutor dispensed with an assessment).</p> <p>Since these figures are not available to the Police, the Police are not in a position to explain why there is a difference between the number of children arrested and the number of children assessed by the Department of Social Development.</p> <p>Once the child appears at a preliminary inquiry, a presiding officer may, according to section 26(3) of the Act, order the detention of the child in either a child and youth care centre or prison. A child may however, not be remanded back to detention at a police station. This will apply in all instances where the preliminary inquiry has been postponed for whatever reason, including where an assessment must still be done or may still be dispensed with.</p> <p>It is recommended that this report be submitted separately to the Portfolio Committee on Justice and Constitutional Development.</p>				
--	--	--	--	--

Issue	PC's Concern/ Question	Report Page No.	Corrective Action	Response	Comments
1.1.2 Preliminary enquiries	Review statistics of children taken through preliminary inquiries and determine why only 14 471 children out of the 75 435 charged and 32 494 assessed, went through preliminary inquiries.	27	<ul style="list-style-type: none"> DoJCD NOC to verify statistics, and submit a report for the Portfolio Committee. If the figure submitted is accurate, provide an explanatory note 	<p>NOC only records Preliminary inquiry matters in terms of the Child Justice Act, 2008. Therefore, NOC can only verify the number of 14 471.</p> <p>NOC has nevertheless, sent the statistics for 2010/11 back to the courts for verification; and a supplementary report, will be submitted.</p>	<p>There is no single electronic system or interface between the Departments' systems. Most of the information concerned, is still collected manually.</p> <p>In the medium term, the National Departments of the National Operational ISCCJ have agreed, that because there is no electronic system available as yet to track children throughout the case-flow of a child through the Child Justice System, that snapshot research will be done in a large, medium and smaller, rural court, to determine what happens to the children from arrest or charge through to diversion and/or conviction. In this way, discrepancies between statistics and any practical challenges experienced, will be able to be picked up and addressed.</p> <p>In the longer term, the Integrated Justice System (IJS) has been requested to fast-track the development of the "single child/person tracking variable" between Departments, so that all Departments will be able to submit their information into one (1) database, to enable tracking of the child through the system and easier analysis of differences of statistics and possible gaps between Departments.</p>
1.1.3 Diversions	<p>Please see below.</p> <p>Review statistics of children diverted from the criminal justice processes, and determine why only 16 462 (15 588 to CJA) of the 75 435 children charged, 32,494 assessed and 14,471 taken through preliminary inquiries, were diverted.</p> <p>Determine the cause for the discrepancy between figures of children who went through preliminary inquiries and the number of children diverted.</p> <p>Investigate why section 9-referrals of children under the age of 10 years, are included in the NPA's diversion report; and differentiate between the two (children under 10 referred to DSD and children over 10, diverted).</p> <p>Further submit statistics on the number of charges withdrawn.</p> <p>State reasons for non-representation at the meeting</p>	33 - 34	<ul style="list-style-type: none"> Compile a report for submission to the Portfolio Committee Submit statistics on withdrawals. In the PC report, further explain why there was no representation from NPA. 	<p>Please see below.</p> <ul style="list-style-type: none"> The NPA reported that the NPA only records matters disposed of in terms of the Child Justice Act, 2008 (CJA). Therefore, the NPA can only verify the number 16 462. The other statistics as reflected re children charged, assessed, taken to preliminary inquiry are not collated by NPA therefore the NPA is not in a position to compare them with their statistics. It is the NPA's recommendation in this regard that the NOC tool for CJA developed for DOJCD will be extremely useful once fully implemented to compare and analyse statistics from the different departments collectively. Recommendation as mentioned supra will apply to this discrepancy 	<p>No written report received, except for excerpts from the NPA Annual Report.</p> <p>E-mailed inputs into the draft action plan, were received.</p>

Issue	PC's Concern/ Question	Report Page No.	Corrective Action	Response	Comments
				<ul style="list-style-type: none"> • Section 9 referrals as reflected by the NPA include those children dealt with in terms of Sec 10(2) (b) of the CJA, who are children between the ages of 10 and 13 years of age, who have been found not to have criminal capacity and therefore are not prosecuted, but managed in the same way that children under the age of 10 are managed (referred to social workers for the development of a support plan). • During 2010/11 the NPA has only recorded matters disposed other than through trial. An accurate account of only the number of withdrawals is therefore not available for this reporting period. • It should however be noted that the recording template has been amended and from April 2011 the number of withdrawals are being recorded. • The NDP's office received an invite for the NPA to attend on the afternoon of the 21st June 2011, the day before the presentation. • Understandably, it was challenging for the office to nominate officials to attend. • However, the NPA has provided detailed inputs to the Cluster presentation. 	
1.1.4 Children going through trials	Verify statistics on children who went through trials and determine why 2,179 children were awaiting trial, whilst 3,216 trials took place in child justice courts.	45-46, 51	<ul style="list-style-type: none"> • Compile a report to explain the discrepancy between the total number of children awaiting trial and the total number of trials conducted • If the figures are accurate, submit an explanatory note. 	<p>NOC DoJCD has reported that statistics for children awaiting trial, were only captured as from December 2010 to March 2011, because the previous Excel-sheet based statistics that had been used for April to November 2010, inadvertently did not have such a variable included.</p> <p>The statistics for trials conducted, were captured from April 2010 to March 2011. NOC did mention this in the main report.</p>	Please see the input in terms of 1.1.2 above.

Issue	PC's Concern/ Question	Report Page No.	Corrective Action	Response	Comments
1.1.5 Children awaiting trial in correctional facilities	Review statistics of children awaiting trial in correctional facilities to determine the state of accuracy and give breakdown of offences allegedly committed by such children; as well as how long the children await trial in correctional facilities.	49 - 51	<ul style="list-style-type: none"> • Compile a report for submission to the PC • If inaccurate figures were submitted, as intimated to the PC, please submit accurate figures 	Please see attached Powerpoint presentation as submitted by DCS.	It is recommended that the Department of Correctional Services, submits the updated report to the Secretariat of the Portfolio Committee.
1.1.6 Children awaiting trial in Child and Youth Care Centres	Review statistics of children awaiting trial in Child and Youth Care Facilities and give breakdown of offences allegedly committed by such children; as well as how long the children await trial in child and youth care facilities. Also compile report on programs that children undergo in such facilities.	30	<ul style="list-style-type: none"> • Compile a report for submission to the PC • Submit revised figures, if any. 	On the 21st July 2011, DSD reported that DSD's formal response is still with the DG: DSD awaiting signature, and as soon as it is signed, it will be forwarded to DoJCD.	As on the 24th August 2011, no formal letter has been received as yet from the DG: DSD.
1.1.7 Children sentenced to Reform Schools and hand-over process to Social Development	Review statistics of children sentenced to Reform Schools. Give an updated report on handover processes of Reform Schools to Social Development and indicate what educational programs such children undergo.	31	<ul style="list-style-type: none"> • Compile a response report for submission to PC • Submit revised figures, if any. 	On the 21st July 2011, DSD reported that DSD's formal response is still with the DG: DSD awaiting signature, and as soon as it is signed, it will be forwarded to DoJCD. DoBE submitted the educational programs that children undergo, on the 6th July 2011, which information has been included in the updated main annual report.	As on the 24th August 2011, no formal letter has been received as yet from the DG: DSD.
1.1.8 Children sentenced to fines or alternatives to fine	Review statistics and differentiate between children who were fined and children who were given alternatives to a fine.	29	<ul style="list-style-type: none"> • Rectify statistics, and submit the revised statistics 	Section 74 of the Act is very specific regarding the differences between the imposition of a fine or an alternative to a fine. However, section 96(1) (e) of the Act, relating to the gathering of the statistics, does not differentiate between the two - both fines and alternatives to fines falls under one section and not separately. The existing tool was also designed in this manner to collect the statistics together and not differentiate between the two. NOC cannot collect backdated data as it is not certain if the courts keep statistics on this. However, NOC has now been requested to add a variable to the existing tool and the differentiated statistics will be kept in future.	Updated and differentiated statistics as requested will only be able to be provided by NOC DoJCD as from the 2011/12 financial year.
1.1.9 Children sentenced to imprisonment	Review statistics of children sentenced to direct imprisonment and compile report on which offences they have been sentenced for.	31	<ul style="list-style-type: none"> • Rectify statistics, and submit the revised statistic. • Compile the report requested. 	Please see attached Powerpoint presentation as received from DCS.	It is recommended that the Department of Correctional Services, submits the updated report to the Secretariat of the Portfolio Committee.

Issue	PC's Concern/ Question	Report Page No.	Corrective Action	Response	Comments
1.2 Medium term action plan:					
1.2.1 Establish the Integrated Information Management System	Advise PC on the progress regarding the development of the Integrated Information Management System	42 - 43	Convene special Child Justice Information Management Task Team-meeting to discuss and agree-upon Portfolio Committee requests that can be answered; as well as to develop action plan to manage requests that cannot be answered immediately.	<p>The Task Team met and agreed on a way forward in this regard, as follows:</p> <p>Short-term:</p> <p>i. Confirm the Departmental statistics for 2010/11, that they are correct and correct them if need be, by 15th July 2011.</p> <p>ii. Submit reports on anomalies in the statistics and what the Cluster is doing to address the anomalies, by 15th July 2011.</p> <p>Medium Term:</p> <p>iii. Ensure submission of monthly statistics to JS by the 25th of each following month.</p> <p>iv. Research a snapshot of children going through the criminal justice system, from arrest or charge to diversion or sentencing, to identify what happens to the children in the system.</p> <p>Long term:</p> <p>v. Ensure attendance of meetings of JS, to finalise development of Integrated Child Justice Information Management System; and integrate into one system using one child tracking variable.</p>	<p>The development of the single child tracking variable for each Department to use in the value-chain, is of utmost importance, as at present, the Departments cannot compare nor analyse their individually collated statistics, as some Departments gather averages as at the end of the month; some gather statistics on the last day of the month; some gather statistics on the numbers of cases; others on the numbers of charges and a third group on the numbers of children in the system.</p>
1.3 Long-term plan:					
1.3.1 Establish the Integrated Information Management System	Advise PC on the corrective measures to address the anomalies in the statistics	42 –43	Conduct a research to determine the cause for these statistical gaps.	The DoJCD NDC Research Unit has been requested to advise whether they will be able to undertake the research, otherwise, terms of reference will be drafted for urgent consulting out of said research.	Terms of reference are in process of finalisation and submission.
2. Submission of the responses received from the Departments to the Portfolio Committee	PC required the submission of specific reports from the various departments		Collate all reports from the departments on the 30 June 2011, and submit to the PC via the DG; DoJ&CD	All the reports submitted, have been collated into the updated annual report, with 1 Department's written report outstanding as on the 24th August 2011: Social Development. Follow-up will be made.	All Departments to be requested to submit their individual additional written reports; which will be attached to the amended updated Child Justice Annual Report, to be resubmitted to the Minister for Justice and Constitutional Development, for eventual resubmission to the Portfolio Committee of Justice and Constitutional Development.
				The Department of Social Development did make inputs into the amended Annual Report and this Action Plan.	

Issue	PC's Concern/ Question	Report Page No.	Corrective Action	Response	Comments
3. Preliminary Inquiries	Why there is no uniform application of the preliminary enquiries?	27	Hold a Judicial Follow-Up Consultative Workshop on the development of the Uniform Preliminary Inquiry Template and Guidelines. This workshop is already scheduled for 30 June 11.	The Gauteng Magistrates' Forum convened this workshop and submitted a report in this regard, which is being considered. The Chief Magistrates' Forum and Justice College have now requested a follow-up workshop with the Magistrates from all provinces; and a date and a proposal in this regard, is being awaited. Follow-up will be made.	Justice College has now requested funding for this workshop to be convened in November 2011.
4. Research to support recommendations to Parliament on reconsideration of age of criminal capacity:	Do we need to raise the age of criminal capacity?	53 – 54	Commission research to determine the need to increase the age of criminal capacity	Terms of reference will be drafted and taken through the formal procurement administration-processes, during the 2nd quarter of 2011.	Draft terms of reference, are receiving attention.
5. Training	Have all police officials been trained?	24	Compile a response report for submission to PC	SAPS submitted a formal report in August 2011, that a total of 15 891 police officials had been trained on Child Justice matters during the 2010/11 financial year. The SAPS training is on-going.	An Intersectoral Child Justice Training Reference Group under the Chair of Justice College, has been re-established and convened on the 19th July 2011. Progress reports will be submitted.
6. Caseloads of Probation Officers	Consider recommendations of Child Justice Alliance to research caseloads of Probation Officers	25	Compile relevant report to the Portfolio Committee	As on 22nd July 2011, DSD's formal response is still awaiting signature by the DG: DSD. As soon as it is signed it will be forwarded to DoJCD.	As on the 24th August 2011, no formal letter has been received as yet from the DG: DSD.
7. Educational programs for children awaiting trial in prison	PC required information regarding the educational programs for children in correctional facilities and child and youth care facilities.	62	Compile a report outlining the programmes offered to children	As on 22nd July 2011, DSD's formal response is still awaiting signature by the DG: DSD. As soon as it is signed it will be forwarded to DoJCD. Received responses from DCS and DoBE, which are included in the amended main Annual Report.	As on the 24th August 2011, no formal letter has been received as yet from the DG: DSD. Written inputs received from DCS and DoBE, have been included into the main updated Child Justice Annual Report.
8. Transfer of Reform Schools to Social Development	PC required an update in this regard	36	Compile an update report for submission to the PC	As on 22nd July 2011, DSD's formal response is still awaiting signature by the DG: DSD. As soon as it is signed it will be forwarded to DoJCD	As on the 24th August 2011, no formal letter has been received as yet from the DG: DSD.
9. Budgets	Explain budgets required to fully implement the Act; Update Cluster Budget bid to National Treasury	38 - 39	Update Cluster budget bid for submission to National Treasury	The DoJCD has started the process of consultations to update the Cluster Budget bids and will submit the amounts required as well as narrative support, as follows: By 31 August 2011: To DevComm; and National Treasury	A concern has been raised that only DoJCD, DSD and Legal Aid SA attended the workshop convened on the 15th August 2011, to assist the DoJCD's Chief Director: Costing in the new budgets to be requested. A further workshop will be arranged later this year by the National Operational ISCCJ Departments, to do a proper costing for the whole Act and system, for later submission, but minimum requirements need to be indicated before end August 2011 to National Treasury.
10. Diversion service providers and diversion programs	Are there enough diversion programmes and diversion service providers in rural communities?	14	· Provide report on whether there are enough programs and service providers in rural areas; and which programs and service providers, are available	As on 22nd July 2011, DSD's formal response is still awaiting signature by the DG: DSD. As soon as it is signed it will be forwarded to DoJCD.	As on the 24th August 2011, no formal letter has been received as yet from the DG: DSD.



www.justice.gov.za