2017-18

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

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

Child Justice

Contents

1. DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT 5

2. NATIONAL PROSECUTING AUTHORITY 57

3. LEGAL AID SOUTH AFRICA 71

4. DEPARTMENT OF SOCIAL DEVELOPMENT 83

5. DEPARTMENT OF CORRECTIONAL SERVICES 101

6. SOUTH AFRICAN POLICE SERVICE 123

7. DEPARTMENT OF HEALTH 133

8. DEPARTMENT OF BASIC EDUCATION 145

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

ANNUAL REPORT

on the implementation of the Child Justice Act, 2008 (Act 75 of 2008)

the doj & cd

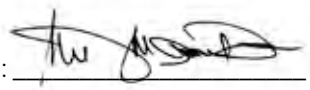
Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

Child Justice

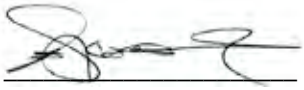
2030 NDP

OFFICIAL SIGN-OFF

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

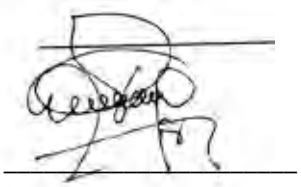
Adv Praise Kambula Signature: 

Chief Director: Promotion of the Rights of Vulnerable Persons

Adv J B Skosana Signature: 

Deputy Director-General: Court Services Branch

Approved by:

Mr Vusi Madonsela Signature: 

Director- General: Justice and Constitutional Development

CONTENTS

CHAPTER 1: THE LEGAL FRAMEWORK IN CHILD JUSTICE **14**

1.1 THE CHILD JUSTICE ACT, 2008 (ACT 75 OF 2008) 14

1.2 OTHER APPLICABLE DOMESTIC LEGISLATION 14

1.3 INTERNATIONAL AND REGIONAL INSTRUMENTS 14

CHAPTER 2: GOVERNANCE STRUCTURES **16**

2.1 INTRODUCTION 16

2.2 THE DIRECTORS-GENERAL INTERSECTORAL COMMITTEE FOR CHILD JUSTICE (DG ISCCJ) 16

2.3 NATIONAL TECHNICAL INTERSECTORAL COMMITTEE FOR CHILD JUSTICE (NT ISCCJ) 17

2.4 THE PROVINCIAL CHILD JUSTICE FORA (PCJF) 19

CHAPTER 3: THE KEY PRIORITY PERFORMANCE AREAS IN THE NATIONAL POLICY FRAMEWORK FOR CHILD JUSTICE **21**

3.1 INTRODUCTION 21

3.2 KEY PERFORMANCE AREAS APPLICABLE TO DOJ&CD 21

3.2.1 Capacity Building in the Sector 21

3.2.1.1 Capacity Building (Training) 21

3.2.1.2 Human Capacity 22

3.2.2 Preliminary Inquiries 23

3.2.2.1. Outcomes of the Preliminary Inquiries 24

3.2.2.2. Top 10 Crimes Allegedly Committed by Children 25

3.2.2.3. Challenges in Data Management 25

3.2.3. Establishment of One Stop Child Justice Centres 27

3.2.3.1 Nerina One Stop Child Justice Centre, Port Elizabeth 27

3.2.3.2 The Mangaung One Stop Child Justice Centre, Bloemfontein 28

3.2.3.3 Matlosana One Stop Child Justice Centre, Klerksdorp 29

3.2.3.4. Challenges raised by the decline in the reported performance of the One Stop Child Justice Centres 30

3.2.3.5. Progress on the development of and implementation of the Protocols on the Establishment and Management of One Stop Child Justice Centres 30

3.2.4. Public Education and Communication Interventions 31

3.2.5. Development of Necessary IT and IJS Systems to support Information Management Systems 31

3.2.5.1 ICMS Child Justice 32

3.2.6. Qualitative and Quantitative Data Collection in terms of section 96(1) (e) of the Act 33
3.2.6.1. Bail and Placement 33
3.2.6.2. Trials 34
3.2.6.3. Convictions 36
3.2.6.4. Sentencing 37
3.2.6.5. Appeals and Reviews 38

CHAPTER 4: THE INTEGRATED JUSTICE SYSTEM (IJS) PROGRAMME 40

4.1. THE IJS PROGRAMME 40
4.2. THE IJS DELIVERY APPROACH 40
4.3. IMPORTANT SYSTEM INTEGRATIONS BETWEEN SAPS AND DSD 41
4.4. SUCCESSFUL IJS ACHIEVEMENTS for 2017/18 41

CHAPTER 5: DEVELOPMENTS IN CHILD JUSTICE AND RELATED ISSUES 44

5.1 INTRODUCTION 44
5.2 INCLUSION OF A KEY PERFORMANCE INDICATOR ON CHILD JUSTICE IN THE 2017/2018 DEPARTMENAL ANNUAL PERFORMANCE PLAN 44
5.3 DEVELOPMENT OF THE CODE: CLERK OF THE COURT: CHILD JUSTICE 44
5.4 AMENDMENT OF SECTIONS 77 TO 79 OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977) 44
5.5 APPLICATION RELATING TO SECTION 154(3) OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977) 44
5.6 REVIEW AND AMENDMENT OF THE NATIONAL POLICY FRAMEWORK ON CHILD JUSTICE 44
5.7 RESEARCH ON THE IMPACT OF THE CHILD JUSTICE ACT, 2008 45
5.8 JUDICIAL MATTERS AMENDMENT ACT, 2015 (ACT 24 OF 2015) 45

CHAPTER 6: LIMITATIONS AND POSSIBLE INTERVENTIONS 47

CHAPTER 7: CONCLUSION 49

ANNEXURE A: PUBLIC EDUCATION AND COMMUNICATION EVENTS 50

LIST OF TABLES

TABLE 1: DIRECTORS-GENERAL INTERSECTORAL COMMITTEE FOR CHILD JUSTICE MEETINGS 16

TABLE 2: THE DELIVERABLES OF THE NATIONAL TECHNICAL INTERSECTORAL COMMITTEE FOR CHILD JUSTICE 18

TABLE 3: SKILLS TRAINING: 01 APRIL 2017 TO 31 MARCH 2018 22

TABLE 4: AGES OF CHILDREN AT PRELIMINARY INQUIRIES 24

TABLE 5: OUTCOMES OF PRELIMINARY INQUIRIES (PIS) 24

TABLE 6: LIST OF TOP 10 CRIMES ALLEGEDLY COMMITTED BY CHILDREN AND THE % CONTRIBUTION TO THE NUMBER OF PRELIMINARY INQUIRIES: 2015/2016- 2017/2018 25

TABLE 7: CHILD JUSTICE MATTERS DETECTED FROM THE ICMS CRIMINAL MODULE 26

TABLE 8: OUTCOME OF PRELIMINARY INQUIRIES DEALT WITH AT THE NERINA ONE STOP CHILD JUSTICE CENTRE FROM 2015/2016 TO 2017/2018 27

TABLE 9: OUTCOME OF CASES DEALT WITH IN THE CHILD JUSTICE COURT AT THE NERINA ONE STOP CHILD JUSTICE CENTRE FROM 2015/2016 TO 2017/2018 28

TABLE 10: OUTCOME OF PRELIMINARY INQUIRIES DEALT WITH AT THE MANGAUNG ONE STOP CHILD JUSTICE CENTRE FROM 2015/2016 TO 2017/2018 28

TABLE 11: OUTCOME OF CASES DEALT WITH IN THE CHILD JUSTICE COURT AT THE MANGAUNG ONE STOP CHILD JUSTICE CENTRE FROM 2015/2016 TO 2017/2018 29

TABLE 12: OUTCOME OF PRELIMINARY INQUIRIES DEALT WITH AT THE MATLOSANA ONE STOP CHILD JUSTICE CENTRE FROM 2015/2016 TO 2017/2018 29

TABLE 13: OUTCOME OF CASES DEALT WITH IN THE CHILD JUSTICE COURT AT THE MATLOSANA ONE STOP CHILD JUSTICE CENTRE FROM 2015/2016 TO 2017/2018 30

TABLE 14: SUMMARY OF THE PUBLIC EDUCATION AND COMMUNICATION INITIATIVES 31

TABLE 15 : PRELIMINARY INQUIRY REGISTRATION WITH % OF REGIONAL DISTRIBUTION 32

TABLE 16 : SYSTEM UTILIZATION - AVERAGE FOR THE YEAR 32

TABLE 17: BAIL AND PLACEMENT OF CHILDREN ALLEGED TO HAVE COMMITTED OFFENCES 33

TABLE 18: AGES OF CHILDREN REFERRED TO THE CHILD JUSTICE COURT 34

TABLE 19: TOP 8 CHARGES AGAINST CHILDREN AWAITING TRIAL AND PERCENTAGE CONTRIBUTION 34

TABLE 20: PREDOMINATE CRIMES ALLEGEDLY COMMITTED PER AGE WHILE AWAITING TRIAL 35

TABLE 21: COMPARISON BETWEEN 2015/2016 AND 2017/2018 CHARGES AGAINST CHILDREN AWAITING TRIAL 35

TABLE 22: OUTCOME OF TRIALS IN THE CHILD JUSTICE COURTS 35

TABLE 23: TOP 8 CHARGES THAT CHILDREN WERE CONVICTED OF PER AGE AND PERCENTAGE OF CONTRIBUTION 36

TABLE 24: CONVICTIONS: COMPARISON BETWEEN 2015/2016 TO 2017/2018 36

TABLE 25: TYPES OF SENTENCES IMPOSED ON CHILDREN 37

TABLE 26: TOP 8 CHARGES CONVICTED OF WHERE IMPRISONMENT WAS IMPOSED PER AGE 37

TABLE 27: APPEALS AND REVIEWS 38

TABLE 28: LIMITATIONS EXPERIENCED IN THE IMPLEMENTATION OF THE ACT 47

OVERVIEW

The Child Justice Act, 2008 (Act 75 of 2008) (hereinafter referred to as the Act,) requires the intersectoral collaboration and support from all the Departments/ Institutions tasked with the building of a child justice system in South Africa[1].

Section 94(1) of the Act established the Intersectoral Committee for Child Justice, chaired by the Director-General of Justice and Constitutional Development, to oversee the intersectoral implementation of the Act and to report directly to the Minister of Justice and Correctional Services. To strengthen accountability, section 93 (3) of the Act further requires the submission of Annual Reports on the implementation of the Act by each Department/ Institution falling under the child justice sector and listed under section 94(2) of the Act as the Departments of Justice and Constitutional Development, Social Development, Basic Education, Health, Correctional Services, as well as South African Police Service, National Prosecuting Authority.

The Minister of Justice and Correctional Services is required to, after consultation with the Cabinet members responsible for police, social development, education, and health, to submit these Annual Reports to Parliament in terms of section 96 (3) of the Act.

In guiding the shared and cooperative implementation of the Act by stakeholders, the Directors-General Intersectoral Committee on Child Justice, as it is referred to, developed the National Policy Framework[2], which lists ten (10) key priority areas of reporting on the implementation of the Act. This National Policy is fundamentally intended to provide a roadmap for the collective establishment of a child justice system in the country, whilst also serving as a performance monitoring tool for the Intersectoral Committee.

As expected, this Annual Report therefore focuses only on the key priority areas of reporting falling under the mandate of the Department, which include: Building Capacity, Preliminary Inquiries, Sentencing, One Stop Child Justice Centres, Resourcing and Budgeting, Public Education and Communication, and the development of an Integrated Information System.

Section 96(1)(e) of the Act further identifies various service point areas in mapping the flow of children through the child justice system, where information should be provided.

Again this Report will cover only those areas which are applicable to the administrative mandate of the Department, and these are bail and placement, trials, appeals and reviews.

The statistical data provided in this Report is collected through the Integrated Case Management System (ICMS) Child Justice module and is largely based on the performance by other role-players in the child justice system, such as the National Prosecuting Authority and the judiciary, and this potentially restricts the Department from conducting a seamless and conclusive data analysis.

The Report gives an expression of the legal framework for child justice in South Africa, with particular focus on both the domestic legislation and the international instruments applicable to the protection of the rights of children, in general.

The governance structures in the monitoring of the implementation of the Act are discussed in the Report, including reports on the meetings of the various governance structures. Compliance with the legislative obligations relating to the performance of the Directors-General Intersectoral Committee also takes the centre of focus.

Training of our officials on the Act remains key to the improved performance of the Department as one of the key players in the implementation of the Act. During this reporting period 937 officials participated in our skills development programme.

The Report further covers a 10.4% increase in the number of preliminary inquiries recorded, as compared with the previous reporting period. This may be viewed in a positive light in terms of channeling children to the protective procedures of the child justice system. The majority of children who appeared before preliminary inquiries were aged 17 years and mostly charged with assault with the intent to do grievous bodily harm (15.1%), followed by possession / use of drugs (14.5%) and then theft (10.1%).

The performance of the One Stop Child Justice Centres remains a serious concern that demands more intensive interventions. The Report notes the decline in the outputs recorded particularly at the Matlosana and Mangaung One Stop Child Justice Centres, and also delineates steps taken to address these challenges.

1 Section 94(2) of the Act
2 As required by section 96 of the Act

Public education continues to be a strong contributor in crime prevention in any country. In the midst of serious budget cuts, the Department succeeded to conduct a total of 214 public education events on Child Justice- with an impressive outreach of approximately 1, 717 991 children, community members, parents and teachers. The Department is committed in raising awareness among children on the ruthless consequences and long-lasting effects of crime, particularly on one's adult life.

A slight increase in the number of children detained in correctional facilities awaiting trial was noted, i.e. from 144 in 2016/2017 to 147 in 2017/2018. This may be linked to the fact that many children are increasingly committing serious offences which often attract comparably stricter responses. On the other hand, the number of children awaiting trial at the child and youth care centres declined from 924 in 2016/2017 to 863 in 2017/2018.

The majority of children appearing in child justice courts were 16 and 17 years old - charged mostly with rape (14.9%), followed by assault with the intent of do grievous bodily harm (12.3%), and housebreaking with the intent to steal and theft (10.2%) as the third highest offence. Surprisingly, the 17 and 16 year old children appeared mostly on charges of assault with the intent of do grievous bodily harm, while the 11 to 15 year old children were mostly charged with sexual offences.

A notable increase of 22.9% in the number of children charged with housebreaking with the intent to steal and theft, 18.2% increase in murder charges, 15.6% rise in robbery charges, while an increase of 8.8% charges of rape was also recorded. These are indeed quite disturbing.

In terms of convictions, the majority of the 15 to 17 year old children were found guilty of housebreaking with intention to steal and theft, while the 14 year old children were mostly convicted of rape. These are the school-going age children, and these figures are likely confirming the rising levels of violence currently at schools.

The increase in the number of children sentenced to imprisonment may also be attributed to the parallel increase in the number of children convicted of serious offences. The majority of cases where imprisonment sentence was imposed related to crimes of rape, robbery with aggravating circumstances, and murder.

With the increasing violence in crimes committed by children, the intended goals of the child justice system may be threatened.

CHAPTER 1
THE LEGAL FRAMEWORK IN CHILD JUSTICE

CHAPTER 1: THE LEGAL FRAMEWORK IN CHILD JUSTICE

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

The Act came into operation on 1 April 2010 mainly to establish a child justice system for children in conflict with the law, in accordance with the values underpinning the Constitution and the international obligations incurred by South Africa through the ratification of the various international instruments applicable to the protection of the rights of children.

The Act allows the diversion of criminal matters involving child offenders away from the conventional criminal justice system to a child-appropriate justice system. Its primary goal includes the promotion of the spirit of Ubuntu in the child justice system by fostering children's sense of dignity and worth, reinforcing children's respect for human rights and the fundamental freedoms of others by holding children accountable for their actions and safe-guarding the interests of victims and the community. Reconciliation by means of restorative justice responses is supported and the involvement of parents, families, victims and where appropriate, community members affected by the crime, are encouraged to promote the reintegration of children back into their families and communities.

1.2 OTHER APPLICABLE DOMESTIC LEGISLATION

The interpretation and implementation of the Act have to take account of the following domestic legislative framework:

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

1.3 INTERNATIONAL AND REGIONAL INSTRUMENTS

South Africa ratified the United Nations Convention on the Rights of the Child, 1989 (CRC) on 16 June 1995 and the The African Charter on the Rights and Welfare of the Child, 1990 (ACRWC) on 18 November 1999. Various other international instruments are also relevant in the protection of the rights of children in conflict with the law and these include:

(i) The Declaration of the Rights of the Child (General Assembly Resolution 1386 (XIV) on 20 November 1959);
(ii) The African Commission on Human and Peoples' Rights developed Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa;
(iii) The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), 1985;
(iv) United Nations Rules for the Protection of Juveniles Deprived of their Liberty (JDL), 1990;
(v) The United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), 1990;
(vi) The United Nations Committee on the Rights of the Child General Comment No 10 of 2007 on Juvenile Justice;
(vii) The United Nations Resolution on the Administration of Human Rights, in Particular Juvenile Justice (A/HRC/10/L.15 on 20 March 2009).

CHAPTER 2
GOVERNANCE STRUCTURES

CHAPTER 2:
GOVERNANCE STRUCTURES

2.1 INTRODUCTION

Section 94 of the Act encourages stakeholder collaboration and support in the implementation of the Act by establishing the Intersectoral Committee for Child Justice under the chairpersonship of the Director-General of Justice and Constitutional Development. The creation of this governance structure warranted its duplication at the lower levels of management to ensure continuity of accountability.

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

The Directors-General Intersectoral Committee for Child Justice (DG ISCCJ) provides oversight in the intersectoral implementation of the Act and the National Policy Framework.

Members to this Committee are expressly identified by the Act as being the Director-General: Justice and Constitutional Development, who is the Chairperson of the Committee; the National Director of Public Prosecutions; the National Commissioner of the South African Police Service; the National Commissioner of Correctional Services; the Director-General: Social Development, who has been elected as the deputy Chair of the Committee; the Director-General: Education; and the Director-General: Health. The Chief Executive Officer of Legal Aid South Africa has been co-opted as a member of this Committee due to the legal services often required by children in conflict with the law.

The Act requires the DG ISCCJ to meet at least twice a year and to also report in writing to the Minister of Justice and Correctional Services within one month after each meeting.

During this reporting period the Committee held four (4) meetings where the following issues were on the agenda:

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

DATE	AGENDA ITEMS
3 May 2018	(i) Considered the Research on the possible reasons for the decrease in the number of charges against children – by SAPS. This research was commissioned by the DG ISCCJ; (ii) Considered and approved the Standard Operating Procedures to deal with children charged by SAPS – developed under the leadership of DoJ&CD and at the request of the DG ISCCJ;
18 July 2017	(iii) Considered the Integrated Social Crime Prevention Strategy – presented by DSD; (iv) Approved the Inter-Departmental Implementation Plan – developed under the leadership of DoJ&CD. The DG ISCCJ intends to use this Plan as a monitoring tool of stakeholder performance. The Plan will also be tabled in Parliament as part of the amended National Policy Framework in terms of section 93(2)(d) of the Act;
17 Augustus 2018	(v) Approved the Protocol on the Establishment and Management of the Matlosana OSCJC, and required the same to be introduced at other One Stop Child Justice Centres in the country. This process was led by DoJ&CD; (vi) Monitored the work done by the Task Team to resolve challenges identified from the Oversight visit at the Free State Child and Youth Care Centre by the Select Committee on Social Development. This task was led by DSD;
5 February 2018	(vii) Approved the amended National Policy Framework on Child Justice (NPF CJ)and recommended its tabling in Parliament by the Minister of Justice and Correctional Services in terms of s93(2)(d) of the Act. The NPF CJ was developed under the leadership of DoJ&CD; (viii) Dealt with the challenges relating to poor attendance of certain stakeholders at the Provincial Child Justice Forum meetings. This matter was escalated to the DG ISCCJ by the National Technical Intersectoral Committee for Child Justice (NT ISSCJ); (ix) Approved the Protocol on the Criminal Capacity Evaluations of Children – developed under the leadership of DoJ&CD; (x) Considered the Departmental Annual Reports for 2016/2017 and commissioned working sessions to improve the quality of reporting as well as the look and feel of the reports;

	(xi) Adopted the 2016/2017 Departmental Annual Reports on the Implementation of the Child Justice Act and raised concerns on gaps. Letters were written to the Heads of the reporting Departments and Institutions to address these gaps; (xii) Recommended to the Minister of Justice and Correctional Services to table in Parliament the Departmental Annual Reports for 2016/2017, but raised concerns on reporting gaps in certain reports;Dealt with poor attendance to meetings by certain stakeholders and required the alternate representation be drawn from senior level; (xiii) Monitored progress in the Research on the Impact of the Act. The aim of the DG ISCCJ is to determine the root causes of child offending so as to appropriate national response and prevention; (xiv) Commissioned the NT ISCCJ to determine indicators to measure the successful implementation of the Act. This task is still in progress; (xv) Reported in writing to the Minister of Justice and Correctional Services within a month of each meeting held, as required by section 95 of the Act.

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

The Chairperson of the DG ISCCJ[3] submitted a total of four (4) written reports to the Minister of Justice and Correctional Services within a month of each meeting, as required by section 95 (b) of the Act.

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

Under the chairpersonship of DoJ&CD, the National Technical Intersectoral Committee (NT ISCCJ) provides technical assistance, support and advice to the DG ISCCJ in all matters relating to the execution of its legislative responsibilities, functions and duties.

The constitution of the NT ISCCJ is primarily the same as the DG ISCCJ, except that its membership is extended to the Chairpersons of the nine (9) Provincial Child Justice Fora (PCJF), Chapter 9 Institutions, and Non-Governmental Organisations (NGO's) working in the child justice sector. Unlike the DG ISCCJ, this Committee meets bi-monthly. It considers operational challenges escalated by the Chairpersons of the Provincial Child Justice Fora and NGOs, and is, for this reason, in touch with the real issues that affect communities. Matters that could not be resolved at this level are immediately escalated to the DG ISCCJ for consideration. The Department serves as the secretariat and chair of this Committee, whilst the Department of Social Development deputizes the chairing function.

3 The Director-General of Justice and Constitutional Development

During the reporting period the NT ISCCJ met six (6) times and the agenda items included the following:

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

DATES	AGENDA ITEMS	
24 May 2017	(i)	Set up a Task Team to investigate the discrepancies in statistics between DSD and SAPS-IJS, and monitored progress. The Task Team has not finalised its work;
	(ii)	Reviewed the National Policy Framework on Child Justice, as required by the Act. Workshops were held under the leadership of DoJ&CD.
12 July 2017	(iii)	Adopted the Standard Operating Procedures for Clerks of the Court developed by DoJ&CD, and recommended that they be presented to the DG ISCCJ for approval;
	(iv)	Considered the challenges identified during the training of psychiatrist and Draft Charter on the Rights and Responsibilities and Religion Education in the Learning Environment-DBE.
13 September 2017	(v)	Considered progress on the development of the vocational training programme and therapeutic programmes - DBE and DSD.
8 November 2017	(vi)	Explored the link between the Child Justice and Traditional Courts Bill and resolved that the membership be extended to the National House of Traditional Leaders- DoJ&CD.
24 January 2018	(vii)	Dealt with the non-attendance of certain stakeholders at the Provincial Child Justice Fora and escalated the unresolved to the DG ISCCJ;
	(viii)	Considered the report on the progress of revamping on Winkie Direko and Kroonstad Child and Youth Care Centres – DSD, and made its recommendations to DSD;
	(ix)	Monitored progress in the development of a monitoring tool for the implementation of the Protocol on Matlosana OSCJC- PCJF NW;
	(x)	Assigned the FS and EC Provincial Child Justice Fora to develop Protocol on the Establishment and Management One Stop Child Justice Centres – PCJF FS & PCJF EC;
	(xi)	Held working sessions to improve the drafting of Departmental Annual Reports for 2016/2017, and subsequently recommended that they be adopted by the DG ISCCJ, despite gaps in some of them. This decision had to be done so as to ensure that the Minister does not miss the tabling deadline- DoJ&CD.
	(xii)	Adopted the Reviewed Policy Framework on Accreditation of Diversion Services and escalated it to the DG ISCCJ for further adoption- DSD.
	(xiii)	Adopted the template to guide the Development of Annual Report on Child Justice - DoJ&CD.
	(xiv)	Adopted the Draft Protocol on Criminal Capacity Evaluations of Children, and escalated it to the DG ISCCJ for approval - DoJ&CD.
	(xv)	Escalated the Amended National Policy Framework on Child Justice to the DG ISCCJ for approval - DoJ&CD.
	(xvi)	Adopted a mobile version of DSD's Probation Case Management (PCM) application developed by the Integrated Justice System (IJS), and escalated the presentation thereof to the DG ISCCJ for further adoption- IJS;
	(xvii)	Established a Task Team to investigate the declining performance of the One Stop Child Justice Centres. The Task Team will present its Report in the next financial year- DoJ&CD;

DATES	AGENDA ITEMS	
	(xviii)	Considered the progress reports on systems integration by IJS;
	(xix)	Considered the progress reports on the Integrated Case Management System (ICMS) Child Justice to manage the flow of cases in courts- DoJ&CD;
	(xx)	Received reports from the Chairpersons of the provinces and the participating NGOs;
	(xxi)	Considers Report back on the DG ISCCJ meetings held on 3 May 2017, 18 July, 17 August 2017 and 5 February 2018 - DoJ& CD.

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

A special meeting/ working session was held on 3 August 2017 to adopt the Annual Reports on the Implementation of the Act by the Departments or institutions referred to in section 94(2) of the Act before the presenting them to the Intersectoral Committee for Child Justice (DG's ISCCJ) for adoption. The Committee advised stakeholders of the gaps in their reports, but not all gaps were addressed by affected stakeholders. Annual Reports were subsequently submitted with signatures of approval by the respective Directors- General and Heads of the Institutions, and this compelled the Committee to accept them as they were. The matter was escalated to the DG ISCCJ for intervention.

2.4 THE PROVINCIAL CHILD JUSTICE FORA (PCJF)

The Provincial Child Justice Fora (PCJF) monitor the implementation of the Act at provincial/ regional level and are chaired by DoJ&CD. These Forums are constituted by representatives drawn from the reporting government stakeholders (i.e. DoJ&CD, NPA, SAPS, DSD, DBE, DCS, Legal Aid SA and DoH), NGO's, and other relevant provincial stakeholders. Each Forum reports directly to the National Technical Intersectoral Committee for Child Justice (NT ISCCJ) in its bi-monthly meetings.

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

CHAPTER 3

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

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

3.1 INTRODUCTION

The National Policy Framework for Child Justice[4] identified ten (10) key priority performance areas for the implementation of the Act, and these are listed below as follows:

(i) Building capacity in the sector;

(ii) Ensuring the assessment of children;

(iii) Preliminary inquiries;

(iv) Sentencing;

(v) Provision of Diversion and Alternative Sentencing Services;

(vi) Establishment of Child and Youth Care Centres (also referred to as the Secure Care Centres);

(vii) Establishment of One Stop Child Justice Centres;

(viii) Resources and Budgeting;

(ix) Public education and Communication; and

(x) Development of necessary IT and IJS System to support Information Management System

Only the key priority performance areas falling within the mandate of the Department of Justice and Constitutional Development (DoJ&CD) are reported on below:

3.2 KEY PERFORMANCE AREAS APPLICABLE TO DOJ&CD

As indicated above, the report will focus only on the following key performance areas applicable to the DoJ&CD:

3.2.1 Capacity Building in the Sector

Both skills development and human resource capacity are dealt with below as follows:

3.2.1.1 Capacity Building (Training)

Department created a Key Performance Indicator (KPI) on child justice in the 2017/2018 Annual Performance Plan (APP) monitoring the finalisation of 55% of preliminary inquiries 90 days after the first appearance to improve the utilisation of the Integrated Case Management System (ICMS) Child Justice module generating the information reported on. Training was conducted to court clerks, data capturers and supervisors on the Integrated Case Management System (ICMS) Child Justice module to ensure that correct and reliable information is captured for reporting purposes. The impact of the training has begun to yield positive results as the utilisation of the Integrated Case Management System (ICMS) Child Justice module has improved from 37% during 2016/2017 to 60% during the reporting period (as indicated under paragraph 3.2.5.1 below.

4 The National Policy Framework on Child Justice has been reviewed and amended as required by section 93(2)(c) and (d) of the Act. The progress on this process is reported on in paragraph 5.6 in this Report.

During this reporting period, the Department delivered the following training interventions:

Table 3: Skills Training: 01 April 2017 to 31 March 2018

Course/ Training	Province	Officials Trained	No of Officials Trained
Child Justice Act: Data capturing; Roles and responsibilities of clerks, data capturers and supervisors	Eastern Cape	Court Clerks, data capturers and supervisors	130
	Free State	Court Clerks, data capturers and supervisors	68
	Gauteng	Stakeholders[1]	51
		Court Clerks, data capturers and supervisors	40
	KwaZulu-Natal	Court Clerks, data capturers and supervisors	122
	Limpopo	Stakeholders	74
		Court Clerks, data capturers and supervisors	71
	Western Cape	Court Clerks, data capturers and supervisors	29
	Northern Cape	Court Clerks, data capturers and supervisors	54
	Mpumalanga	Stakeholders	56
		Court Clerks, data capturers and supervisors	42
	North West	Court Clerks, data capturers and supervisors	22
Training Conducted by Justice College			
Child Justice Act	All provinces	Clerks of the Court	207
Total Trained			966

Source: *Regions*

Training on the Act is conducted on an on-going basis by the Department.

During this reporting period the Department trained 966 officials and stakeholders on the provisions of the Act, including the various roles and responsibilities emanating from the Act. The Justice Officials were also trained on how to capture the correct information on the ICMS Child Justice module.

Training to clerks of the court in the Western Cape on Integrated Case Management System (ICMS) Child Justice module

3.2.1.2 Human Capacity

The Regulations to the Act defines a "clerk of the child justice court" as:

"(a) a clerk and assistant clerk of the court appointed under section 13 of the Magistrates' Courts Act, 1944 (Act 32 of 1944);

(b) a registrar and assistant registrar appointed under section 34 of the Supreme Court Act, 1959 (Act 59 of 1959); or

(c) a registrar appointed under any other law not yet repealed by a competent authority and, immediately before the commencement of the Constitution, in force in any area which forms part of the national territory. Clerks of the court dealing with child justice matters are therefore not specifically designated for this duty and often clerks deal with child justice matters and criminal court matters."

Clerks of the court can therefore deal with both adult criminal cases and child justice cases.

A moratorium on appointments has been called in line with budget constraints and cost-cutting measures and therefore no new appointments were made during the reporting period. The Department has introduced a multi-tasking approach in the clerical level to address the gaps.

3.2.2 Preliminary Inquiries

The role players attending preliminary inquiries include the inquiry magistrate, the prosecutor, the child, the child's parent/ guardian/ an appropriate adult and the probation officer. The Department is not one of the parties appearing at the preliminary inquiry and is not involved in the court process. The Department collects data on preliminary inquiries to monitor the turn-around time in the finalization of preliminary inquiries, and as such the Department does not have control over the process.

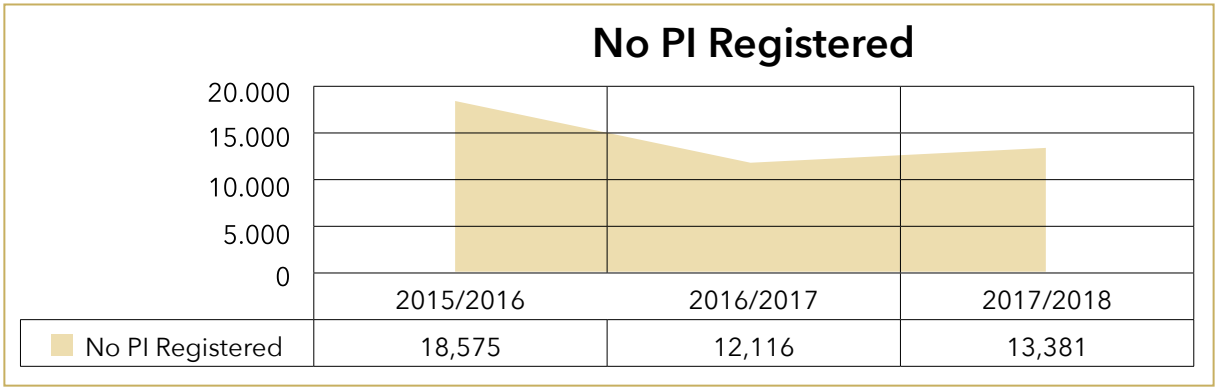
A preliminary inquiry is an informal pre-trial procedure which is inquisitorial in nature. It is presided over by a magistrate of the district in which the child is alleged to have committed that offence.

A child's appearance at a preliminary inquiry is regarded as his or her first appearance before a lower court, in terms of section 50 of the Criminal Procedure Act, 1977 (Act 51 of 1977). No information furnished by any person at a preliminary inquiry in relation to the child may be used against that child in any bail application, plea, trial or sentencing proceedings.

The inquiry magistrate must encourage the participation of the child and his or her parent, guardian or appropriate adult during the preliminary inquiry proceedings to ensure that they are take part in any decisions taken concerning the child.

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

Figure 1: Preliminary Inquiries (2015/16 to 2017/2018)



Source: *Integrated Case Management System: Child Justice*

During this reporting period, an increase of 10.4 % in the number of preliminary inquiries conducted was recorded, as depicted in the figure above. This increase may be as a result of an increase in the capturing of cases in the ICMS[5] flowing from the training programme undertaken by the Department to improve data capturing and reporting by the court clerks and data capturers.

Subsequent to this training, a further improvement in the entry of the progress and outcomes of preliminaryinquiries in the ICMS was noted, and this brought completion to case management to a greater level.

Be that as it may, one cannot exclude the possibility of a link between the reported rise in the number of preliminary inquiries and the possible increase in the number of children charged by the South African Police Service, but this will only be ascertained once the 2017/2018 Annual Report on the implementation of the Child Justice Act compiled by the South African Police Service has been tabled in Parliament.

5 Integrated Case Management System

Table 4: Ages of children at Preliminary Inquiries

Financial Year	Ages of Children							
	10	**11**	**12**	**13**	**14**	**15**	**16**	**17**
2015/2016	29	71	133	412	1 169	2 467	4 225	6 506
2016/2017	33	72	158	376	966	2 000	3 510	5 001
2017/2018	**32**	**103**	**192**	**440**	**1059**	**2 075**	**3 713**	**5 767**
% Contribution per age for 2017/ 2018	0.2%	0.8%	1.4%	3.3%	7.9%	15.5%	27.7%	43.1%

Source: *Integrated Case Management System: Child Justice*

Children between the ages of 10 to 11 years contributed to 1% of the total number of preliminary inquiry registered during the reporting period. Children between the ages of 14 to 17 years contributed to 94.2% of the total number of preliminary inquiry registered, with the 17 year old children being in the majority of all the appearances at the preliminary inquiries registered during this period.

A slight decrease of the number of 13 year old children appearing at preliminary inquiries has been recorded.

3.2.2.1. Outcomes of the Preliminary Inquiries

During 2017/2018, the outcomes of preliminary inquiries were recorded as follows:

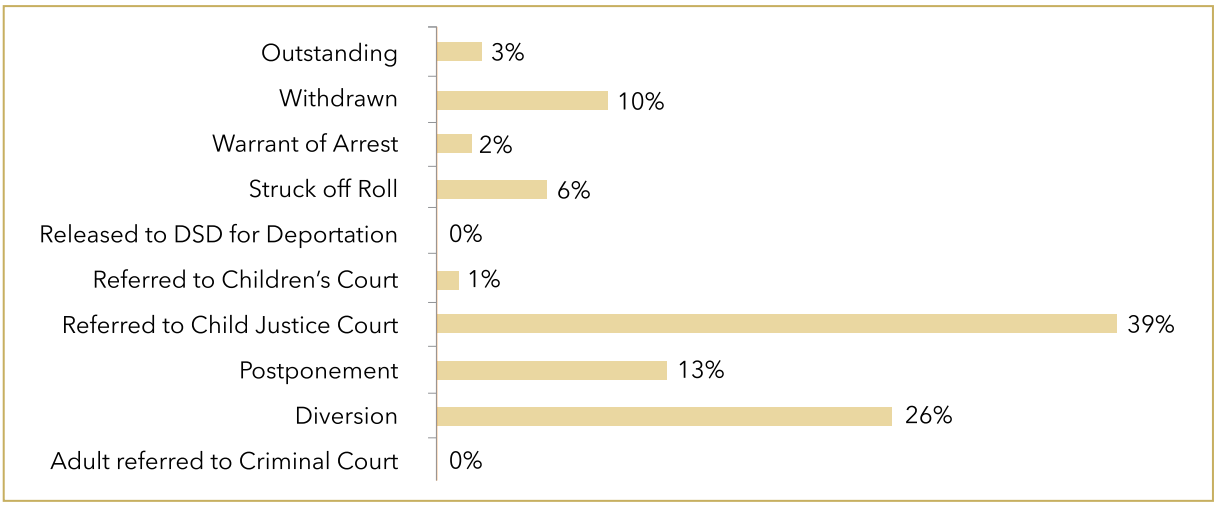
Table 5: Outcomes of Preliminary Inquiries (PIs)

Outcome of PI	Age of the Child								Grand Total
	10	11	12	13	14	15	16	17	
Referred to Child Justice Court	1	22	36	118	393	803	1471	2349	5193
Diversion	6	18	37	79	257	562	1061	1470	3490
Postponement	10	27	52	108	166	264	441	688	1756
Withdrawn	9	18	34	64	102	189	354	543	1313
Struck of Roll	1	6	18	36	63	128	203	389	844
Outstanding/ Unreturned Matters	2	8	4	13	34	66	75	136	338
Warrant of Arrest	2	0	3	8	18	41	62	133	267
Referred to Children's Court	1	4	8	14	23	19	41	44	154
Adult referred to Criminal Court	-	-	-	-	-	-	-	-	22
Released to DSD for Deportation	0	0	0	0	2	1	0	1	4
Grand Total	32	103	192	440	1 059	2 075	3 713	5 767	13 381

Source: *Integrated Case Management System: Child Justice*

39% of preliminary inquiries registered during this reporting period were referred to the child justice court for plea and trial, of which 45.2% involved 17 year old children. 26% of the recorded preliminary inquiries resulted in diversions. A total of 1 313 preliminary inquiries were withdrawn while 844 of the inquiries were struck of the roll.

Figure 2: % Contribution to PI Outcomes 2017/2018



Source: *Integrated Case Management System: Child Justice*

In March 2018, two additional variables on the outcomes of preliminary inquiries were included in the ICMS Child Justice module following the feedback from the training sessions with the clerks of the court and data capturers. The first variable relates to cases where the preliminary inquiries do not proceed due to the fact that the child is handed to the Department of Social Development for deportation. The second additional variable relates to cases where the perpetrator is initially recorded as a child but during the preliminary inquiry it is established that he/ she is an adult. The case is then removed from the ICMS Child Justice module and transferred to the criminal court.

The variable of outstanding matters refers to the preliminary inquiries that were not updated on the ICMS Child Justice module at the time the data was extracted for reporting purposes. These were new cases that were registered in March 2018 and were still pending in the system by 31 March 2018.

3.2.2.2. Top 10 Crimes Allegedly Committed by Children

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

Table 6: List of top 10 crimes allegedly committed by children and the % contribution to the number of preliminary inquiries: 2015/2016- 2017/2018

Offence	2015/2016		2016/2017		2017/2018	
	No of Cases	% Contribution	No of Cases	% Contribution	No of Cases	% Contribution
1. Assault with intent to do Grievous Bodily Harm	2 457	13.2%	1 549	12.8%	2 019	15.1%
2. Possession/Use of Drugs	2 535	13.6%	1 961	16.2%	1 934	14.5%
3. Theft	2 663	14.3%	1 351	11.2%	1 353	10.1%
4. Rape	1 612	8.7%	1 053	8.7%	1 255	9.4%
5. Housebreaking with the Intent to Steal and Theft	1 629	8.8%	1 057	8.7%	1 194	8.9%
6. Assault	1475	7.9%	899	7.4%	989	7.4%
7. Robbery	994	5.4%	606	5.0%	705	5.3%

Offence	2015/2016		2016/2017		2017/2018	
	No of Cases	% Contribution	No of Cases	% Contribution	No of Cases	% Contribution
8. Malicious injury to property	730	3.9%	488	4.0%	525	3.9%
9. Robbery with Aggravating Circumstances	476	2.6%	430	3.5%	471	3.5%
10. Murder	462	2.5%	379	3.1%	416	3.1%

From the table above it is clear that the list of the top 10 crimes allegedly committed by children has remained consistent over the past three reporting period. However, the frequency of the type of the offences and the percentages of contribution changed. During the reporting period the top 3 crimes are Assault with the intent to do Grievous Bodily Harm (15.1% contribution), Possession / Use of Drugs (14.5%) and Theft (10.1%), while in the previous reporting period the charges of Possession/ Use of Drugs, Assault with intent to do Grievous Bodily Harm and Theft made it to the top 3 crimes allegedly committed by children.

It is quite unsettling to note that the number of children charged with rape increased by 202, compared with the previous reporting period. Likewise, the number of children charged with Murder increased by 37 cases. These figures show that children are increasingly becoming more violent and the need for an impactful intervention is now more urgent.

The slight decrease recorded in the number of children charged with possession/ use of drugs brings relief to a certain extent in view of the devastating effects of substance abuse on children, families and communities at large.

3.2.2.3. Challenges in Data Management

The challenge of systems integration between SAPS and NPA Electronic Case Management System (ECMS) continues to automatically push some of the child justice matters to the ICMS Criminal module. As an intervention, intensive training sessions on data capturing were conducted in all regions to address this anomaly, among other things. As depicted in the table below, the number of the wrongly-captured cases on ICMS Criminal was dramatically reduced as a result of this training. However, it is anticipated that further improvement will be achieved as soon as the NPA Electronic Case Management System (ECMS) is linked with the ICMS Child Justice module (DoJ&CD). This integration will result in the elimination of this challenge since the need to re-capture cases will disappear. The system specifications to achieve this link are in development and will be implemented during the 2018/2019 financial year.

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

Child Justice Cases	2016/2017	2017/2018
Number of cases registered on ICMS Criminal	3 012	1 042
Number of cases outstanding on ICMS Criminal	730	404
Number of cases disposed (removed) of on ICMS Criminal	3 244	922

Source: *Integrated Case Management System: Child Justice*

During the training sessions, the data capturers were instructed to remove pending/outstanding child justice matters from the ICMS Criminal Module and re-capture them on the ICMS Child Justice Module. From the period February to March 2018, the outstanding matters in the ICMS Criminal went down from 730 to 404 cases. The Department is closely monitoring the rectification of this irregularity in data management by our courts and is committed in clearing it off our system.

3.2.3. Establishment of One Stop Child Justice Centres

Section 89 of the Act provides for the establishment of One-Stop Child Justice Centres. In terms of this provision, the Minister of Justice and Correctional Services may, in consultation with the Ministers of Social Development and Police establish these Centres. These Ministers are severally responsible for the provisioning of resources and services by their respective Departments to enable the One-Stop Child Justice Centre to function effectively.

The objective of a One-Stop Child Justice Centre is to promote co-operation between Government Departments and between Government Departments and the Non- Governmental sector and Civil Society Organisations, to ensure an integrated and holistic approach in the implementation of the Act.

The core feature of One-Stop Child Justice Centres is that it is based on the concept of co-ordinated, co-operative service provision by a range of role-players and services providers, from Government and Non-Governmental Organisations at one place.

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

(i) Eastern Cape, Port Elizabeth: Nerina One Stop Child Justice Centre;

(ii) Free State: Bloemfontein: Mangaung One Stop Child Justice Centre; and

(iii) North West, Klerksdorp: Matlosana One Stop Child Justice Centre.

The Department reports on the performance of the One Stop Child Justice Centres since section 89 of the Act places a responsibility on the Minister of Justice and Correctional Services to establish One Stop Child Justice Centres, when he deems it fit to do so. The data collected at these Centres is captured on the ICMS Child Justice module. The monitoring of the performance of these Centres is essential to ensure that the resources invested at the One Stop Child Justice Centre are justified, especially in light of all the cost-cutting measures and budget restrictions implemented by Government.

The Study on the Viability of One Stop Child Justice Centres was concluded in December 2015 and the draft report was presented to the Directors-General Intersectoral Committee for Child Justice (DG ISCCJ) where various inputs were made regarding the findings. The draft Report was discussed internally and a decision was taken to draft amendments to section 89 of the Act to reflect the recommendations in the report before the Report is taken through the Departmental adoption process.

3.2.3.1 Nerina One Stop Child Justice Centre, Port Elizabeth

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

Table 8: Outcome of Preliminary Inquiries dealt with at the Nerina One Stop Child Justice Centre from 2015/2016 to 2017/2018

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

Source: *Integrated Case Management System: Child Justice*

During the reporting period an increase of 28 cases in the number of new preliminary inquiries was recorded, as well as an increase by 31 cases referred to the child justice court for plea and trial. These upsurges correlate with the increase in the overall number of preliminary inquiries recorded during this reporting period, as referred to in Figure 1 above. It also corresponds with the information in table 5 above where it was pointed out that majority of preliminary inquiries registered during the reporting period were referred to the child justice

court. The Nerina One Stop Child Justice Centre recorded the highest number of new preliminary inquiries in 2017/2018 compared with the other two One Stop Child Justice Centres.

Table 9: Outcome of cases dealt with in the child justice court at the Nerina One Stop Child Justice Centre from 2015/2016 to 2017/2018

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

Source: Integrated Case Management System: Child Justice

An increase in the number of new cases in the child justice court has been recorded during the reporting period. There was a decrease in the number of charges withdrawn (42 cases) and an increase in the number of diversions (17 cases) recorded at the Nerina One Stop Child Justice Centre. Again, the Nerina One Stop Child Justice Centre recorded the highest number of new matters in the child justice court in 2017/2018 compared with the other two One Stop Child Justice Centres. From the tables below it is clear that the Mangaung and Matlosana One Stop Child Justice Centres dealt with 77 and 82 new matters in the child justice courts, respectively, while the Nerina One Stop Child Justice Centre deal with 327 new matters in the child justice court, during the reporting period.

The process of increasing the jurisdiction of the Nerina One Stop Child Justice Centre to include Uitenhage, in terms of section 89(6)(b) of the Act, is underway.

The Nerina One Stop Child Justice Centre has indicated that an investigation has been launched into the feasibility of establishing a children's court at the Centre. In the event of the investigation finding that this will be feasible additions to the Nerina One Stop Child Justice Centre, it will result in a significant improvement in the protection of the rights of children in conflict with the law and those in need of care and protection, respectively.

At present children appearing at the Nerina One-Stop Child Justice Centre and who are identified as children in need of care and protection, are transferred to the children's courts in the district. This result in these children (who are usually in dire need of support) losing the support that that they enjoyed from the services provided for at the Centre during the time of transfer.

Establishing a children's courts at the Nerina One-Stop Child Justice Centre will not only benefit children in need of care and protection by providing the intended protection of their rights but will also contribute to the improved utilisation of the resources at Nerina One-Stop Child Justice Centre.

3.2.3.2 The Mangaung One Stop Child Justice Centre, Bloemfontein

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

Table 10: Outcome of Preliminary Inquiries dealt with at the Mangaung One Stop Child Justice Centre from 2015/2016 to 2017/2018

Period	New PIs[2]	Referred to Children's Court	Diverted	Transferred to Child Justice Court	Withdrawn (after diversion completed successfully)	Struck off the roll
2015/2016	629	5	453	176	436	17
2016/2017	741	12	300	122	286	21
2017/2018	263	1	47	77	24	24

Source: Integrated Case Management System: Child Justice

The number of new preliminary inquiries recorded since 2016/2017 has significantly decreased and this is noted with serious concern. This resulted in reduced figures registered in cases diverted, referred to the child justice courts and withdrawn charges. It is anticipated that the investigation currently undertaken by the National Intersectoral Committee for Child Justice at this Centre will unravel the root cause for this steep decline.

Table 11: Outcome of cases dealt with in the child justice court at the Mangaung One Stop Child Justice Centre from 2015/2016 to 2017/2018

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

Source: *Integrated Case Management System: Child Justice*

The significant decrease in the number of new preliminary inquiries recording during the reporting period (referred to above) also resulted in a significant decrease in the number of new cases heard by the child justice court. Diversions by the child justice court, convictions and referrals to the children's court also decreased.

Preliminary inquiry room at Mangaung One Stop Child Justice Centre

3.2.3.3 Matlosana One Stop Child Justice Centre, Klerksdorp

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

Table 12: Outcome of Preliminary Inquiries dealt with at the Matlosana One Stop Child Justice Centre from 2015/2016 to 2017/2018

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

Source: *Integrated Case Management System: Child Justice*

A further decrease in the number of new preliminary inquiries conducted at this Centre has been recorded. This decline also resulted in decreases in the number of diversions and cases referred to the child justice court.

Table 13: Outcome of cases dealt with in the child justice court at the Matlosana One Stop Child Justice Centre from 2015/2016 to 2017/2018

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

Source: Integrated Case Management System: Child Justice

Matlosana One Stop Child Justice Centre

The table above clearly shows a decrease in the number of new child justice court recorded during the reporting period and this resulted in decreases in matters withdrawn and matters struck off the roll. From the recorded information in the table above it appears that no diversions by the child justice court were recorded during the reporting period. This will need further investigation and intervention.

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

The decline in the number of cases recorded at the One Stop Child Justice Centres raises serious concerns. During the National Technical Intersectoral Committee for Child Justice meeting held on 14 March 2018 a resolution was adopted that a National Technical Task

Team be established, represented by the Departments/ Institutions referred to in section 94(2) of the Act, to visit the three (3) exiting One Stop Child Justice Centres. The purpose of these visits will be to interact with all the role players at the Centres and to identify the challenges hampering the performance and operations at the Centres with a view to address them. The Investigation Report will be presented by the Task Team to the National Technical Intersectoral Committee for Child Justice for possible interventions.

3.2.3.5. Progress on the development of and implementation of the Protocols on the Establishment and Management of One Stop Child Justice Centres

As a way of ensuring accountability and also dealing with the challenges at the One Stop Child Justice Centres, the Directors-General Intersectoral Committee for Child Justice (DG ISCCJ) commissioned the introduction of Protocols to guide the establishment and the management of these Centres. The first Protocol was developed for the Matlosana One Stop Child Justice Centre and approved by the DG ISCCJ. The implementation of the Protocol will commence in 2018/2019 financial year, and will be closely monitored by the National Technical Intersectoral Committee for Child Justice.

Both the Mangaung and Nerina One Stop Child Justice Centres are in the process of developing their Protocols on the Establishment and Management of the Centres, respectively. After finalization, the Protocols will be forwarded to the Office of the State Law Adviser for vetting before being adopted by the Provincial Stakeholders. The Protocol will then be presented to and adopted by the National Technical Intersectoral Committee for Child Justice before being escalated to the Directors-General Intersectoral Committee for Child Justice for approval. Progress in the development of these Protocols will also be monitored by the National Technical Intersectoral Committee for Child Justice.

3.2.4. Public Education and Communication Interventions

Section 2(b)(iv) of the Act requires the involvement of parents, families, victims and, where appropriate, other members of communities affected by the crime to be involved in the procedures in terms of the Act to encourage the reintegration of children.

Public Education event held in Delft, Western on 30 May 2017 focusing on substance abuse and the Child Justice Act

The Act provides for the special treatment of children in conflict with the law, which is designed to break the cycle of crime, and to contribute to safer communities. The Act furthermore encourages children to become law-abiding citizens and productive adults. An integral part of achieving this objective depends on the acceptance of children in conflict with the law back into their families, communities and society in general. Effective public education and awareness raising about the child justice system and the benefits of treating children in conflict with the law differently than adults in the criminal justice system will not only benefit the children and their families but the society at large.

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

Table 14: Summary of the Public education and communication initiatives

Region	Number of Interventions	Number of people reached
Eastern Cape	8	± 1, 002 651
Free State	15	2 160
Gauteng	5	4 209
Kwa Zulu-Natal	45	± 33 844
Limpopo	41	14 860
Mpumalanga	71	25 640
National Office	1	±300
North West	4	790
Northern Cape	21	632 937
Western Cape	3	600
Total	214	± 1, 717 991

Source: National Office and Regional Offices

In the midst of serious budget cuts, the Department succeeded to conduct a total of 214 public education and information sharing events in the Act during 2017/2018, and approximately 1, 717 991 children, community members, parents and teachers were reached.
The interventions included school visits, Imbizos, workshops, service fair and radio interviews, and were primarily focusing on the legal consequences of substance abuse, sexual offences and other crimes in general.

3.2.5. Development of Necessary IT and IJS Systems to support Information Management Systems

Section 96(1)(e) of the Act requires the establishment of an integrated information management system to enable the effective monitoring of the case flow and the analysis of crime trends that feature in the child justice system. As reported in previous Annual Reports, the Integrated Case Management System (ICMS) Child Justice module was developed by the Department in compliance with this provision. The Department periodically reviews the system to improve the quality of the reported information and to provide essential details to analyse trends in child offending. During 2017/2018 a "correction tool" was included in the system to enable the clerks of the court to correct information captured incorrectly. More variables were added to capture the outcome of preliminary inquiries, e.g. (i) A variable to capture cases where it transpired after the entry that the accused is in fact not a child but an adult; (ii) A variable for the referral of the foreign child to the Department of Social Development for deportation when the preliminary inquiry magistrate decided not to proceed with the preliminary inquiry.

3.2.5.1 ICMS Child Justice

The number of preliminary inquiries captured per region during 2017/2018 as follows:

Table 15 : Preliminary Inquiry Registration with % of Regional Distribution

Region	No of PIs registered	Regional % Distribution
Eastern Cape	1 547	12%
Free State	999	7%
Gauteng	1 878	14%
Kwa Zulu- Natal	1 804	13%
Limpopo	1 055	8%
Mpumalanga	624	5%
North West	820	6%
Northern Cape	453	3%
Western Cape	4 201	31%
Grand Total	13 381	100%

Source: Integrated Case Management System: Child Justice

Western Cape contributes to the majority of preliminary inquiries captured on the ICMS Child Justice module (31%) followed by Gauteng (14%) and KwaZulu-Natal (13%).

In the previous reporting period, the average utilization of the system was 37% nationally, and this impacted badly on the Department's ability to furnish credible information to Parliament.

To rectify the situation, the Department created a Key Performance Indicator (KPI) on child justice in the 2017/2018 Annual Performance Plan (APP) and introduced a monitoring mechanism to ensure its achievement. This move was further strengthened by an intensive training on data capturing and management for court clerks, data capturers and supervisors. From these interventions, the Department succeeded to increase the utilization of the ICMS Child Justice module by courts from 37% to 60%. To further enhance the monitoring of the utilization of the ICMS Child Justice module, the Department developed a function where the courts, in instances where no child justice cases were recorded in a specific month, should declare a "zero case" registration for the specific month.

The instances where "zero case declarations" were received are tabularized below and this information has been excluded in the calculation of the utilization reflected above.

Table 16 : System Utilization - average for the year

Region	Q1	Q2	Q3	Q4	Average for 2017/2018
Eastern Cape	64%	65%	55%	48%	58%
Free State	50%	49%	60%	36%	49%
Gauteng	63%	56%	56%	54%	57%
KwaZulu-Natal	60%	68%	68%	56%	63%
Limpopo	68%	69%	69%	60%	67%
Mpumalanga	55%	54%	57%	54%	55%
North West	65%	73%	70%	85%	73%
Northern Cape	56%	53%	56%	58%	56%
Western Cape	66%	73%	64%	66%	67%
Average totals	61%	62%	61%	57%	60%

Source: Integrated Case Management System: Child Justice

From the table above, North West registered the highest percentage of utilisation of the ICMS Child Justice Module followed by Limpopo, Western Cape and KwaZulu-Natal.

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

3.2.6. Qualitative and Quantitative Data Collection in terms of section 96(1) (e) of the Act

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

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

3.2.6.1. Bail and Placement

In considering whether or not it would be in the best interests of a child to release a child into the care of a parent, an appropriate adult or guardian or on the child's own recognizance, the presiding officer must have regard to the recommendations of the probation officer's assessment report and all other factors, including:

(a) the best interest of the child;

(b) whether the child has previous convictions;

(c) the fact the child is 10 years or older but under the age of 14 years and is presumed to lack criminal capacity;

(d) the interests and safety of the community in which the child resides; and

(e) the seriousness of the offence.

The Act also provides for the court to release the child on bail. If the child is to be detained, the inquiry magistrate must decide whether such detention should be in a correctional facility or in a child and youth care centre. In instances, where the court ordered the detention of a child awaiting trial in a correctional facility, the postponements of the proceedings may not be for a period longer than 14 days at a time. The limit for the postponements of the proceedings where the child is detained in a child and youth care centre is for a period not longer than 30 days at a time.

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

Table 17: Bail and placement of children alleged to have committed offences

Period	In care of parent/ guardian/appropriate adult	Bail	In prison	In child and youth care centre	Police lockup	On Warning	Total pending matters
2015/2106	5 550	29	887	266	0	1 548	8 280
2016/2017	4 483	16	144	924	148	630	6 345
2017/2018	2 952	17	147	863	91	345	5 643

Source: Integrated Case Management System: Child Justice

The above table shows a decline in the number of children released into the care of a parent/ guardian/ appropriate adult during the reporting period. There was also a decrease in the number of children released on warning. With regard to children detained while awaiting trial, the reductions have been recorded in the number of children awaiting trial in child and youth care centres and in police lock-ups.

The pending matters in the child justice court have also decreased matters. Pending matters include cases rolled over from the previous financial year. The decline in respect of the pending matters may explain the decrease in the various placement options reflected in the table.

The number of children awaiting trial in correctional facilities remained more or less the same as the previous year. Section 30(4) of the Act requires the court to reconsider the continued detention of the child during each appearance of the child in court. Therefore, the number of children awaiting trial keeps changing almost daily because of the orders made by courts during court days.

The ICMS Child Justice module is also updated after each court appearance to reflect the most recent decision of the court on the placement of the child after each appearance.

3.2.6.2. Trials

A child justice court must conclude all trials of children as speedily as possible, without unreasonable delay and must ensure that postponements are limited in number and duration.

The Act provides for the diversion of a matter from the formal criminal justice system at various stages in the process and a child justice court may, at any time before the conclusion of the case for the prosecution, make an order for diversion in respect of the child. The criminal proceedings against a child, who has been diverted by the child justice court, must be postponed by the child justice court pending the child's compliance with the diversion order.

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

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

	Ages of children								
Financial Year	10	11	12	13	14	15	16	17	Total
2017/2018	1	24	36	114	388	798	1457	2343	5161

Source: Integrated Case Management System: Child Justice

From the recorded information it appears that only one (1) 10 year old child and twenty four (24) 11 year old children appeared before child justice courts during the reporting period. The majority of children that appeared before the child justice court during the reporting period were 17 years old (2 343) followed by 16 year old children (1457). The number of children that appeared before child justice courts increased with the ages of the children, especially from 14 years of age or older.

The top 8 charges against children awaiting trial are:

Table 19: Top 8 Charges against children awaiting trial and percentage contribution

No	Charges against children awaiting trial	Number of charges	% Contribution
1	Rape	657	14.9%
2	Assault with the intent to do Grievous Bodily Harm	545	12.3%
3	Housebreaking with the Intent to Steal and Theft	451	10.2%
4	Robbery	328	7.4%
5	Murder	285	6.5%
6	Possession or Use of Drugs	285	6.5%
7	Theft	277	6.3%
8	Assault	192	6.0%

Source: Integrated Case Management System: Child Justice

The information provided in the table above displays a very serious concern namely that the top charge against children awaiting trial is rape which contributed to 14.9% of the total number of alleged charges against children awaiting trial. This means that cases of rape are not often diverted or withdrawn before the children's appearance in the child justice court. This may be due to the fact that rape is a Schedule 3 offence and that the Act requires that the Director of Public Prosecutions must indicate in writing that the matter may be diverted, if exceptional circumstances exist. The view of the victim must also be taken into account when diversion in these instances is considered and the investigating officer must also be consulted. Of further concern is the fact that the charge of murder is number five (5) of the top 8 charges against children awaiting trial. A total 285 children awaiting trial were charged with murder.

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

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

Charges	10	11	12	13	14	15	16	17
Rape	-	9	16	41	95	134	-	-
Assault with the intent to do Grievous Bodily Harm	1	-	-	-	-	-	175	248

Source: Integrated Case Management System: Child Justice

From the information reflected above the top charge against 12, 13 14 and 15 year old children was rape. What this means is that interventions against sexual offences should start before children reach the age of 11 years.

The top charge against children aged 16 and 17 years was assault with the intention to do grievous bodily harm.

Table 21: Comparison between 2015/2016 and 2017/2018 Charges against children awaiting trial

Charges	2015/2016	2016/2017	2017/2018	% Change
Rape	16.10%	13.70%	14.90%	8.8%
Assault with the intent to do Grievous Bodily Harm	12.90%	12.90%	12.30%	-4.7%
Housebreaking with the Intent to Steal and Theft	11.20%	8.30%	10.20%	22.9%
Robbery	7.20%	6.40%	7.40%	15.6%
Possession or Use of Drugs	6.70%	9.70%	6.50%	-33.0%
Murder	5.00%	5.50%	6.50%	18.2%
Theft	7.80%	7.60%	6.30%	-17.1%
Assault	5.30%	5.60%	6.00%	7.1%

Source: Integrated Case Management System: Child Justice

The table above reflects that there has been a 33% decline in the number of charges of alleged possession or use of drugs during the reporting period compared with 2016/2017. This decrease is encouraging since the use of drugs has devastation effects on children, families and the society at large.

Increases in charges of housebreaking with the intent to steal and theft (an increase of 22.9%), murder (an increase of 18.2%), robbery (an increase of 15.6%) and rape (an increase of 8.8%) have been recorded, against children awaiting trial, during the reporting period compared to 2016/2017. All these offences are violent offences, which should not feature among children.

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

Table 22: Outcome of trials in the child justice courts

Period	New cases registered	Postponed during trial	Guilty	Not guilty/ acquitted	Withdrawn	Struck off the roll	Warrant of Arrest
2015/2016	-	9 995	181	154	635	239	-
2016/2017	-	9 616	280	143	2 628	1 031	-
2017/2018	5 161	8 847	407	108	1 384	534	145

Source: Integrated Case Management System: Child Justice

Two additional variables have been added in the current reporting on the outcomes of trials in child justice courts, namely the new cases registered and the number of warrant of arrests issued. The number of child-convicts increased during the reporting period, and this obviously exacerbates the situation of child offending in South Africa.

3.2.6.3. Convictions

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

Table 23: Top 8 charges that children were convicted of per age and percentage of contribution

Charge	Ages of children					Grand Total	% Contribution
	13	14	15	16	17		
1. Housebreaking with the Intent to Steal and Theft		5	14	32	44	95	23.3%
2. Rape	1	7	12	16	16	52	12.8%
3. Robbery		3	6	11	20	40	9.8%
4. Assault with the intent to do Grievous Bodily Harm			4	10	18	32	7.9%
5. Theft		2	4	6	19	31	7.6%
6. Robbery with Aggravating Circumstances	1	2	4	9	12	28	6.9%
7. Possession or Use of Drugs	1		2	8	14	25	6.1%
8. Murder	1	1	8	8	7	25	6.1%

Source: Integrated Case Management System: Child Justice

The top charge for which most 15, 16 and 17 year old children were convicted of is housebreaking with intention to steal and theft. In the case of 14 year old children, it appears that most of them were convicted of rape. This reinforces the earlier deduction that interventions focusing on the prevention of sexual offences should start at a very early age. Again it is clear from the above recorded information that the eight (8) top offences that children were convicted of are mostly violent crimes.

Table 24: Convictions: Comparison between 2015/2016 to 2017/2018

Charges	2015/2016	2016/2017	2017/2018	% Change 2016/17 vs 2017/2018
Housebreaking with the Intent to Steal and Theft	27%	25%	23%	-8%
Assault with the intent to do Grievous Bodily Harm	9%	13%	8%	-38%
Theft	12%	9%	8%	-11%
Murder	3%	8%	6%	-25%
Robbery	6%	8%	10%	25%
Rape	8%	8%	13%	63%
Robbery with Aggravating Circumstances	4%	6%	10%	67%
Possession or Use of Drugs	5%	6%	6%	0%

Source: Integrated Case Management System: Child Justice

When comparing the 2016/2017 and 2017/2018 recorded information on the charges with which children were convicted, the rise in the number of convictions on charges of robbery with aggravating circumstances, rape and robbery is noted with serious concern. Significant reduction in convictions of assault with the intent to do grievous bodily harm and murder is also recorded. Again these are all violent crimes.

3.2.6.4. Sentencing

The objectives of sentencing in terms of the Act are to:

(i) encourage the child to understand the implications of and be accountable for the harm caused;

(ii) promote an individualised response which strikes a balance between the circumstances of the child, the nature of the offence and the interests of society;

(iii) promote the reintegration of the child into the family and community;

(iv) ensure that any necessary supervision, guidance, treatment or services which form part of the sentence assist the child in the process of reintegration; and

(v) use imprisonment only as a measure of last resort and only for the shortest appropriate period of time.

The Act expressly provides for the submission of a victim impact statement for the purposes of sentencing to reflect the physical, psychological, social, and financial or any other consequence that the offence had on the victim. This links to one of the aims of the Act to ensure that due regard is given to the rights of victims.

A child below the age of 14 years at the time of sentencing may not be sentenced to imprisonment.

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

Table 25: Types of sentences imposed on children

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

Source: Integrated Case Management System: Child Justice

There have been increases in the recorded number of sentences of correctional supervision, compulsory residence in a child and youth care centre and imprisonment imposed during the reporting period.

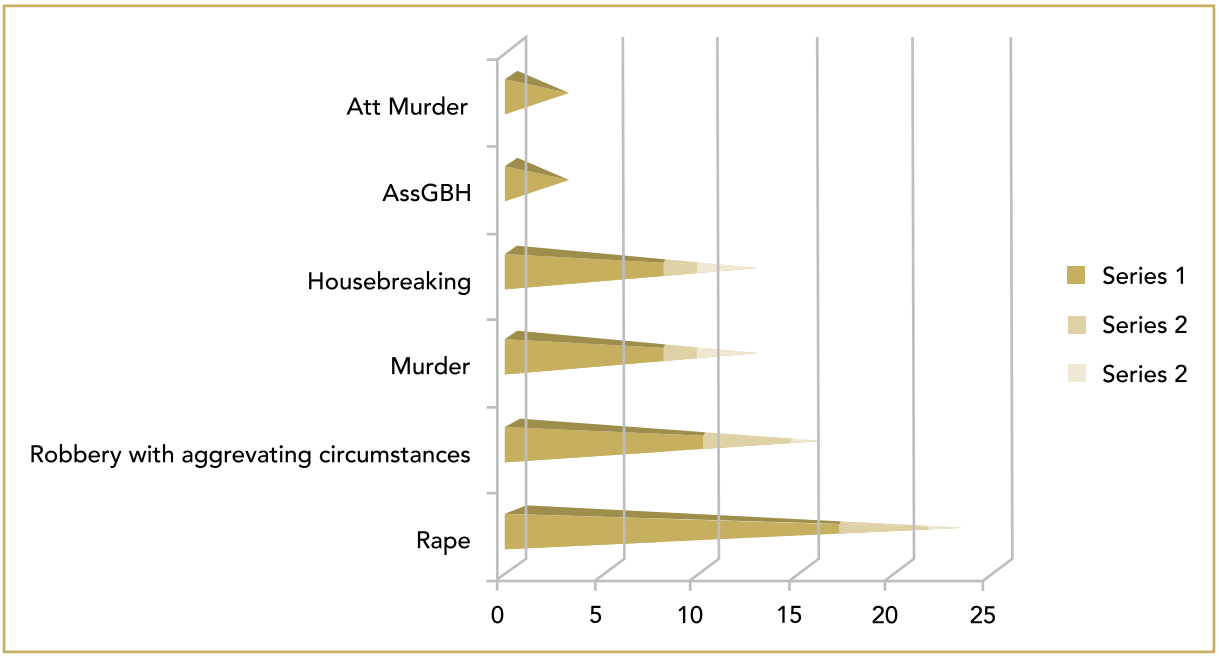
The increase in the number of children sentenced to imprisonment can be attributed to the rise in the number of children convicted of Schedule 3 offences, as indicated in above tables.

Table 26: Top 8 charges convicted of where imprisonment was imposed per age

Charge convicted of	Age of the Child				Grand Total
	14	15	16	17	
1. Rape	1	3	5	10	19
2. Robbery with Aggravating Circumstances	-	-	4	5	10
3. Murder	-	3	1	4	8

Charge convicted of	Age of the Child				Grand Total
	14	15	16	17	
4. Housebreaking with the Intent to Steal and Theft	-		3	3	6
5. Robbery	-	1	1	3	5
6. Assault with the intent to do Grievous Bodily Harm	-		1	2	3
7. Attempted Murder	1	1	-	1	3
8. Theft	-	2	-	1	3

Source: Integrated Case Management System: Child Justice



The top 3 charges where imprisonment sentence was imposed on children were Rape, Robbery with aggravating circumstances and then Murder. What is shocking is that a 14 year old child was imprisoned for rape and 3 children aged 15 years were incarcerated for murder.

3.2.6.5. Appeals and Reviews

In terms of the Act all sentences of imprisonment or compulsory residence in child and youth care centre are subject to automatic review. During the reporting period, two (2) appeals and 100 reviews were recorded.

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

Table 27: Appeals and Reviews

Application	2015/2016	2016/2017	2017/2018
Appeals	2	3	2
Reviews	227	115	100
TOTAL	229	118	102

Source: Integrated Case Management System: Child Justice

The number of appeals recorded over the last three reporting periods remained almost the same. It appears as if the number of reviews recorded has also stabilized since the amendment of section 85 of the Act by the Judicial Amendment Act, 2013 (Act 42 of 2013) reported on in 2016/2017.

CHAPTER 4

THE INTEGRATED JUSTICE SYSTEM (IJS) PROGRAMME

CHAPTER 4: THE INTEGRATED JUSTICE SYSTEM (IJS) PROGRAMME

4.1 THE IJS PROGRAMME

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

4.2 THE IJS DELIVERY APPROACH

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

STEP 1: Enable and capacitate the relevant government departments to support and automate the criminal justice processes;

STEP 2: Integrate by electronically connecting these enabled CJS business processes between the respective IJS member departments;

STEP 3: Integrate the performance of the CJS with real-time capturing of the key business events as they occur to establish a holistic performance management capability for the cluster; and

STEP 4: Accelerate delivery through shared IJS services that create capabilities that will be re-useable, shared and benefit all IJS department members.

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

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

Integral to the enabling intra-department integration, the successful implementation of the IJS Transversal hub has provided a platform on which the underlying criminal justice business process may be integrated. The JCPS cluster was the first cluster within government that pursued inter-operability, and the hub already provides for the electronic exchange of information between SAPS, NPA, DoJ&CD and Legal Aid. Integration of DSD is already at an advanced stage in preparation for the real-time exchange of Child Justice related transaction data in 2018/19 financial year.

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

The integration, alignment and continued improvements of these departmental systems therefore support the coordinated implementation of the Child Justice Act, and gives effect to the reporting requirements it sets out.

4.3 IMPORTANT SYSTEM INTEGRATIONS BETWEEN SAPS AND DSD

A key IJS focus area in 2017/18 has been the establishment of an electronic integration between the South African Police Service (SAPS) and the Department of Social Development (DSD). This will enable probation officers to receive electronic notifications when children in conflict with the law are detained by SAPS. Over and above efficiency and response time benefits, this system connection between the two entities will provide the basis for full traceability and reconciliation in terms of Child Justice related statistics in terms of the number of children referred by SAPS to DSD for assessment.

Figure 2: The DSD Mobile Probation Case Management App - A first for IJS, DSD and SITA. The application is designed to operate on affordable mobile tablets costing less than R1,900 per device.

The delivery of this integration was planned by DSD and SAPS for implementation during 2017/18. The physical network links between DSD and the IJS Transversal Hub were implemented in March 2017, and in the first quarter of 2017/18 the system message exchange was established between DSD and the IJS Hub. Unfortunately, the shortage of critical development resources at SITA adversely impacted the deployment of the required SAPS system enhancements to enable the integration. An alternative delivery mechanism was found through the joint efforts of SAPS, the IJS and State Information Technology Agency (SITA), and while a significant portion of the software development was completed, implementation to production is scheduled for Quarter 2 of 2018/19 financial year.

Delivery of this integration is a priority, and the project is being managed as a co-ordinated effort, closely monitored by SAPS, DSD and IJS stakeholders.

4.4 SUCCESSFUL IJS ACHIEVEMENTS for 2017/18

DSD probation officers were previously provided with an electronic case management system, the Probation Case Management (PCM) application. However, this web-based tool required full-time internet access, with dependency on desktop and laptop computers.

Ahead of the imminent electronic integration between DSD and the SAPS, improving the utilisation and access to the PCM application is essential for the notification and assignment of probation officers to cases where children are in conflict with the law, while also ensuring assessment and diversion information is captured electronically for the future exchange with the other involved departments.

Figure 3: DSD Probation Officer captures an assessment report using the updated DSD PCM mobile app

Further, the prevalence of increasingly affordable smart mobile devices provides an enticing opportunity for government to overcome resource constraints and improve our rate of service delivery. These tablets are a fraction of the price of traditional laptops and work

stations, and the delivery of the DSD PCM mobile app as a fully functional mobile application that takes advantage of these low-cost mobile tablets is a landmark achievement. Further, productivity improvements resulting from probation officers being able to work "offline" in conditions where there is poor network infrastructure is a significant advantage that overcomes the frustration and challenges experienced by probation case workers previously.

Working together with the DSD and SITA, the IJS completed the development of a mobile version of DSD's Probation Case Management (PCM) application. The PCM app was initially deployed as a proof of concept (POC) to 12 probation officers in Limpopo province, and a further 12 probation officers in Northwest province. These users were provided with mobile tablets (costing approx. R1,900 each), combined with cellular data connectivity to use the PCM app whilst active in the field undertaking the assessment of children in conflict with the law.

The feedback from these pilot users was extremely positive and demonstrated the viability of this solution as an affordable approach with associated connectivity, usability and user-adoption benefits. Based on the positive experience with the mobile app, the Northwest Provincial management sourced low-cost mobile tablets to equip all probation officers across the province.

Similarly, Limpopo Provincial management followed suit, and pursued a rollout to all probation officers across the province. This achievement has also showcased the benefit of modern application design where minimal training and change management is required while system utilisation rates achieved record highs among this user group. Most probation officers have not only utilised the digital application for new child assessments but have already made significant inroads in back-capturing of paper assessments going back to implementation of the Child Justice Act more than 5 years ago. In September 2017 the POC was expanded to include the Eastern Cape.

The IJS is committed to the implementation of technology systems to ensure a fair, responsive and efficient criminal justice system where all South Africans are and feel safe. This includes a justice system that is able to handle and protect the rights of all vulnerable persons, especially children.

CHAPTER 5

DEVELOPMENT IN CHILD JUSTICE AND RELATED ISSUES

CHAPTER 5: DEVELOPMENT IN CHILD JUSTICE AND RELATED ISSUES

5.1 INTRODUCTION

The following developments in child justice and related issues can be reported on:

5.2 INCLUSION OF A KEY PERFORMANCE INDICATOR ON CHILD JUSTICE IN THE 2017/2018 DEPARTMENAL ANNUAL PERFORMANCE PLAN

In 2017/2018 the Department included a Key Performance Indicator (KPI) on child justice in the Departmental Annual Performance Plan (APP). This Indicator provides for the finalisation of 55% of the preliminary inquiries in child justice cases within 90 days after first appearance. The performance recorded under the Indicator for 2017/2018 was 96%. A Reporting Monitoring Tool was developed to ensure that data is captured and verified at court level. The inclusion of this indicator had a positive effect on increasing the utilization of the ICMS Child Justice Module from 37% to 60%.

5.3 DEVELOPMENT OF THE CODE: CLERK OF THE COURT: CHILD JUSTICE

The Code: Clerk of the Court: Child Justice was developed and published in a Departmental Circular to guide the execution of all the responsibilities of the clerk of the court in terms of the Act and the Regulations and to establish uniform performance in all the courts.

5.4 AMENDMENT OF SECTIONS 77 TO 79 OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977)

In the matter De Vos N.O v Minister of Justice and Correctional Services and Others [2015] ZACC 2, the Constitutional Court, on 26 June 2015, declared section 77(6)(a)(i) and (ii) of the Criminal Procedure Act, 1977 (Act 51 of 1977) to be inconsistent with the Constitution and invalid to the extent that it provides for the compulsory imprisonment of an adult person and the compulsory hospitalization or imprisonment of children.

The Criminal Procedure Amendment Act, 2017 (Act 4 of 2017), published in Government Gazette No. 40946 on 29 June 2017 amended the Criminal Procedure Act, 1977 to provide courts with a wider range of options in respect of orders to be issued in cases of finding that accused persons are not capable of understanding the criminal proceedings so as to make a proper defence by reason of mental illness or intellectual disability. In terms of the amendments children may now also be referred to a Children's Court and they may also be placed in the care of a parent, guardian or other appropriate adult or be placed in temporary safe care in a child and youth care centre.

5.5 APPLICATION RELATING TO SECTION 154(3) OF THE CRIMINAL PROCEDURE ACT, 1977 (ACT 51 OF 1977)

In the case of Centre for Child Law and others v Media 24 Limited and others an application was brought in the Gauteng North High Court in Pretoria to prevent the media from identifying child victims, witnesses, and offenders. The applicants argued that section 154(3) of the Criminal Procedure Act, 1977 (Act 51 of 1977) also be applied to victims of crimes and that a sub-section be included after section 154(3) of the Criminal Procedure Act, 1977 to state that child offenders, witnesses and victims do not forfeit the protection not to be identified by the publication of information even after they reached the age of 18 years. The Criminal Procedure Act, 1977 prohibits the publication of any information that could lead to the identification of witnesses and offenders younger than 18. The application was unsuccessful and a notice for an application for leave to appeal was filed by the Centre for Child Law and others on 24 July 2017.

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

Section 93(1)(a) to (d) of the Act, requires that the Cabinet member responsible for the administration of justice (the Minister of Justice and Correctional Services) must, after consultation with those Cabinet members responsible for Safety and Security, Correctional Services, Social Development, Education and Health, adopt a National Policy Framework (NPF).

The National Policy Framework (NPF) is an overarching framework for the implementation of the Act with as aim to ensure a uniform, coordinated and co-operative approach and is supported by relevant national directives, standing instructions, standing operating procedures, guidelines, and circulars of the relevant Departments and institutions concerned.

The first Child Justice National Policy Framework (NPF) was published under General Notice 801 of 2010, in Government Gazette No. 33461, dated 13 August 2010, after it was tabled in Parliament as required by section 93(2)(b) of the Act.

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

Following intensive consultation with role players in the child justice sector, the current National Policy Framework (NPF) was reviewed and amended. In terms of section 93(2) (c) the first and second review processes were dealt with since 2013 by the respective Departments and institutions through the co-ordinated endeavor of the Intersectoral Committee for Child Justice (DG ISCCJ). These reviews were however not formally Gazetted or tabled. The reviewed National Policy Framework (NPF) was adopted by the Intersectoral Committee for Child Justice (DG ISCCJ) on 18 July 2017. On 6 February 2018 the Justice, Crime Prevention and Security Cluster Directors-General Forum recommended the submission of the Amended National Policy Framework on Child Justice, 2018 to Cabinet for noting. The aim is to table the Amended National Policy Framework (NPF) in Parliament and publish it in a Gazette for public comment during the 2018/2019 financial year.

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

As reported previously, the Intersectoral Committee for Child Justice commissioned research into the impact of the Act since its implementation. The challenges relating to the procurement process to acquire the services of an independent service provider to conduct the multi-sectoral research project were dealt with and a service provider has since been appointed. The project will commence in April 2018 and will run for 9 months where after the Report will be presented to the Intersectoral Committee for Child Justice for inputs and adoption. The results of the research project will be reported on during the next reporting period.

5.8 JUDICIAL MATTERS AMENDMENT ACT, 2015 (ACT 24 OF 2015)

As reported in 2015/2016 the Judicial Matters Amendment Act, 2015 (Act 24 of 2015) effected amendments to section 96 of the Child Justice Act, 2008, to further regulate the reporting to Parliament by the various roleplaying Departments and institutions regarding the implementation of the Child Justice Act, 2008. Section 19 requires the Cabinet members responsible for the administration of justice, safety and security, correctional services, social development, education and health each to submit annual reports on the implementation of the Child Justice Act, 2008 to Parliament. At present, in terms of the Child Justice Act, 2008, the Minister of Justice and Correctional Services is responsible for collating the reports of all implementing government stakeholders for tabling purposes. Since the implementation of the Act, this responsibility has given rise to numerous challenges, delaying the submission of the reports to Parliament due to difficulties experienced in the collection and collation of these reports for tabling in Parliament.

The Judicial Matters Amendment Act, 2015 was published in Government Gazette No. 39587 on 8 January 2016. Section 19 of the Judicial Matters Amendment Act, 2015, dealing with the new reporting requirements to Parliament, will come into operation once the regulations envisaged in this Amendment Act have been finalized.

CHAPTER 6

LIMITATIONS AND POSSIBLE INTERVENTIONS

CHAPTER 6: LIMITATIONS AND POSSIBLE INTERVENTIONS

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

Table 28: Limitations experienced in the implementation of the Act

CHALLENGES/LIMITATIONS	CORRECTIVE MEASURE/PROGRESS
Challenges in the utilization of the ICMS Child Justice module has an impact on the statistical information provided in this report. The JCPS cluster integration of system information between SAPS and NPA Electronic Case Management System (ECMS) commenced in April 2016. The integration is directly linked from SAPS to NPA to ICMS Criminal module (DoJ&CD). Cases involving child offenders were therefore directly sent to ICMS Criminal module and these cases then have to be removed from the ICMS Criminal module and re-captured on the ICMS Child Justice module.	To eliminate the need for re-capturing of data on the ICMS Child Justice module, a direct link between ECMS and ICMS Child Justice module is being developed to ensure that cases involving child offenders are directly sent from ECMS to the ICMS Child Justice module. The specifications for this linked has been developed and it is envisaged that it will be operation during 2018/2019 financial year.
The poor utilisation of the ICMS Child Justice module by courts.	The monitoring of the finalization of preliminary inquiries within 90 days was included as a Key Performance Indicator in the 2017/2018 Departmental Annual Performance Plan. It has been retained in the 2018/2019 Departmental Annual Performance Plan. Improvement in the utilisation of the ICMS Child Justice module is visible from the statistics reflected in this Report. Continuous monitoring of the utilisation of the ICMS Child Justice module will be on-going.
Challenges in the decline in the performance of the One Stop Child Justice Centres raise serious concerns.	A Task Team from the National Technical Intersectoral Committee for Child Justice has been established to visit the three One Stop Child Justice Centres to identify the challenges impacting on the performance and to provide support to eliminate such challenges, where necessary.
The lack of uniformity in the performance of the responsibilities and duties in terms of the Act and Regulations by the clerks of the court: Child Justice.	Circular AN 9 of 2017 was published on 22 November 2017 outlining the duties and responsibilities of the clerks of the court to ensure uniformity in the performance of and compliance by all courts.

CHAPTER 7

CONCLUSION

CHAPTER 7: CONCLUSION

The Act has been in operation for 8 years and the improvements in data management through the Integrated Case Management System (ICMS) Child Justice Module has resulted in more detailed information of the way in which children are being dealt with in the courts.

The current trends in child offending are now depicted in various age categories which make it possible for the development of age-appropriate interventions targeting particular crimes. As the Report unravels, crime has invaded the innocence of children and translated some of them into convicted rapists and murderers from an early age of 14 years.

From the information provided in the report it is clear that children are committing more and more violent offences from a very young age. Research shows that the overwhelming majority of violent offenders first experience violence as victims or as bystanders to violence and many research studies further make the connection between early childhood trauma and later aberrant or violent behaviour.

The plight of vulnerable children is often ignored until they pose a threat to the rest of society and once they become offenders, society demands a punitive response from the criminal justice system.

[6] It is therefore clear that the plight of vulnerable children should be addressed before they come into contact with the criminal justice system.

Intervention programmes should start at a very early age and should focus not only on children but also on their families and communities at large.

The information provided in the Report indicates that the number of children charged with rape and murder has increased during the reporting period and also that the 11 to 15 year old children mostly often faced charges of rape. It is indeed shocking to learn that 11 year olds are counted among the sex offenders who are traumatizing our communities and making our streets unsafe for girls and women.

With serious offences increasingly featuring among children, it is not surprising that 5 193 out of the 13 381 children who appeared before preliminary inquiries were referred to child justice courts for plea and trial. Likewise, the rise in the number of children sentenced to imprisonment, i.e. from 51 in 2016/2017 to 62 in 2017/2018 is shocking while inevitable in view of the violent crimes children are convicted of. The future of our country is indeed under a serious threat. The need to re-think and re-strategise has become more urgent.

6 Integrated Social Crime Prevention Strategy, 2011. Department of Social Development.

ANNEXURE A: PUBLIC EDUCATION AND COMMUNICATION EVENTS

Province	Exact location and date	Type of initiative	No of initiatives	Number of people reached
KwaZulu- Natal	Date: 15 – 19 May 2017 Place: Amajuba district- 20 different schools	Schools visits	45	6145 learners
	Date: 19 – 23 June 2017 Place: Ilembe district - 20 schools	Schools visits		11 093 learners
	Date: 23-27 October 2017 Place: King Cetshwayo District/ Umhlathuze Local Municipality	Community information sessions		536 community members
	Date: 20-24 November 2017 Place: Underberg	Community Information Sessions		470 community members
	Date: 22-26 January 2018 Place: Umzinyathi District Municipality	School visits		+-5000 learners
	Date: 19-23 February 2018 Place: Pinetown Cluster	School visits		+-5000 learners
	Date: 26 – 30 March 2018 Place: Richmond	School visits		+-5600 learners
Total			**45**	**±33 844**

Eastern Cape	Date: 29 June 2017 Place: Willowmore, Steytlerville, Port Elizabeth and Kirkwood	Child Protection Week	8	2300 learners
	Date: 01 – 02 June 2017 Place: Kwelera, Ntabethemba and Queenstown. **The following schools were visited:** 1. Bongolethu High School 2. Masizame High School 3. Zanabantu High School	Child protection week		351 learners
	Date: 19/06/2017 Place: Umhlobo Wenene F.M	Radio interviews		± 1 Million listeners
Total			**8**	**± 1, 002 651**

Free State	Date: 15-18 May 2017 Place: Phillipolis, Trompsburg, Edenburg Petrusburg	Awareness campaign	15	100 community members
	Date: 26 to 30 June 2017 Place: Kopanong Heidedaal Kagisanong Bloemspruit	Information Sessions		1100 community members
	Date: 22 and 25 August 2017 Place: Phuthaditjhaba and Boshoff	Awareness campaign		300 Community members were reached
	Date: 28 November 2018 Place: Reitz	Awareness campaign		201 community members
	Date: 29 November 2018 Place: Lindley	Awareness campaign		126 community members
	Date: 01 December 2018 Place: Botshabelo	Awareness campaign		115 community members
	Date: 04 December 2018 Place: Hobhouse	Awareness campaign		151 community members
	Date: 05 November 2018 Place: Edenburg	Awareness campaign		67 community members
Total			**15**	**2 160**

Gauteng	Date: 29/05/2017 Place: Alexandra	Public Education in schools	5	520 learners
	Date: 30/05/2017 Place: Soweto- Zola	Public education in schools		1523 learners
	Date: 31/05/2017 Place: Sebokeng	Public education in schools		1164 learners
	Date: 01/06/2017 Place: Soshanguve	Public education in schools		661 learners
	Date: 02/06/2017 Place: Tembisa	Public education in schools		341 learners
Total			**5**	4 209

Western Cape	Date: 15 June 2017 Place: Delft South	Interdepartmental Imbizo.	3	450 community members
	Date: 18 July 2017 Place: Khayelitsha	Information session		50 community members
	Date: 22 September 2017 Place: Cape Town	Workshop of Probation Officers in respect of their duties re Child Justice Act.		100 community members
Total			**3**	**600**

Limpopo	Date: 15-19 May 2017 Place: Thabazimbi	School crime awareness campaigns and information sharing	41	2618 learners
	Date: 29 May-02 June 2017 Place: Phalala South	School crime awareness campaigns and information sharing		1271 learners
	Date: 23 June 2017. Place: Polokwane correctional facility	School crime awareness campaigns and information sharing		150 learners
	Date: 27-29 September 2017 Place: Phalaborwa	Dialogue On Constitutional Education		6725 learners
	Date: 07 - 11 August 2017 Place: Phokwane Community Hall, Praktiseer at Diborro School , Sekhukhune, Zebediela Magatle and University of Venda	Public Awareness Campaigns and information sharing and learner dialogue		1500 learners
	Date: 23-27 October 2017 Place: Giyani	School visits.		2596 learners
Total			**41**	**14 860**

Mpumalanga	Date: 14-18 August 2017 Place: Mbombela South Municipality **Schools visited** Khanyisile Primary, SA Makam Primary, Chief Funwako Primary, Kaapvallei Primary ,Fairview Primary ,Glenthorpe Primary ,Ekhayeni Primary, Laerskool Combined, Hoerskool Combined,Sibongile Combined , Louwville Combine Mountain View Primary, Ngwane Primary ,Ekucathuzeni Primary ,Amon Nkosi Primary ,Mhola Primary ,Sikhutsele Primary, Takhele Primary , Benjamin Primary , Sukumani Primary ,Sihlulile Primary ,Kappmuiden Primary, Kamhola Secondary ,Emjindini Secondary ,Barberton Secondary, Tikhontele Secondary ,Masitakhe Secondary, Sitfokotile Secondary, Sibusisiwe Secondary .	School visits and outreach programs.	71	7334 learners plus educators

	Date: 15 September 2017 Place: Gert Sibande Municipality **School visited :** Jim Van Tonder (Bethal)	School visit and learners Dialogue		106 learners
	Date: 11- May 2017 Place: Bushbuckridge Municipality Locations visited : Mkuhlu / Ronal C.	Community session and service fair		72 people
	Date: 13- May 2017 Place: Nkomazi Municipality Locations visited: Komatipoort /Mjejane.	Community session and service fair		86 people
	Date: 26-30 June 2017 Place: Bushbuckridge Municipality Locations visited : Culcuta, Hoxani, Oakle, Cunnnigmore, Killdare, Justicia, Marite, Oakley.	Community session and service fair		827 adults and children
	Date: 24-28 July 2017 Place: Mbombela Municipality Locations visited :Kamajika, Mdhluli Tribal Authority , Swalala, Mpakeni, Betesta, Phathwa	Community session and service fair		678 adults and children.
	Date: 18-22 September 2017 Place: Nkangala Municipality Locations visited :Doornkop, Hendrina, Doorenkop, Mhluzi	Community session and service fair		575 adults and children
	Date: 06-09 November 2018 Place: Dr JS Moroka Municipality Communities visited: Drifontein community, Klopper community and Matlerekeng community	Outreach programs		440 community members
	Date: 20-24 November 2018 Place: Gert Sibande Municipality Communities visited: Eerstehoek communities	Outreach programs		485 community members
	Date: 29 January – 02 February 2018 Place: Emalahleni Municipality **Schools visited:** Mapule Sindane Primary school, Moruti Primary School, Kromdraai Primary School, Besilindile Primary School Motsaosele Secondary School, L Ntshuntshe Secondary School, Nancy shiba Primary School, Edward Matyeka Primary School Dunbar Primary School.	School visits.		6118 learners and educators

	Date: 12-16 March 2018 Place: Ehlanzeni Municipality **Schools visited:** Somcuba Primary School, Gedlembane Secondary School, Msogwaba Primary School , Tiboneleni Primary School , EJ Singwane Secondary School, Siyakhla Primary School, Mawayi Primary School , Enkhoweni Primary School, Thembeka Secondary School, Thandolwazi Primary School, Khutsalani Primary School, Emtfowjeni Secondary School, Mgwenyaane Primary School , Vulindlela Secondary School.	School visits.		8919 learners and
Total			**71**	**25 640**

North West	Date: 4 August 2017 Place: Rooigrond Mafikeng Madiba Secondary school	School education program	2	140 learners
	Date: 4 August 2017 Place: Molelwane Secondary School	School education program		200 learners
	Date: 5 August 2017 Place: Sol Plaatjie Secondary school	School education program		300 learners
	Date: 11 December 2017 Place: Mmabatho	Awareness campaign		150 learners
Total			**4**	**790**

Northern Cape	Date: 27 April 2017 Place: Riemvasmaak	Exhibition	21	500-600 community members
	Date: 24 May 2017 Place: Richmond (Richmond High School)	School visit		302 learners
	Date: 25 May 2017 Place: Noupoort (Enoch Mthetho Senior Secondary)	School visit		127 learners
	Date: 26 May 2017 Place: Kimberley	Advert (newspaper)		+/- 62 0000 community members
	Date: 26/5/2017 Place: De Aar (Bosasa Center)	Child and youth care center visit		62 children
	Date: 30/5/2017 Place: Kimberley (Roodepan)	Community dialogue		51 community members
	Date: 1/06/2017 Place: Kimberley (Galeshewe)	Exhibition		150 community members

	Date: 6/6/2017 Place: Sutherland	Exhibition		15 community members
	Date: 16/6/2017 Place: Jan Kempdorp	Exhibition		800 community members
	Date : 23/6/2017 Place: Kimberley	Information session		72 community members
	Date: 11/7/2017 Place: Greenpoint (Kimberley)	Exhibition		90 community members
	Date: 13/7/2017 Place: Loxton	Information session		40 community members
	Date: 14/8/2017 Place: Douglas (Breipaal)	Information session		47 community members
	Date: 15/8/2017 Place: Cambell	Information session		90 community members
	Date: 16/8/2017 Place: Warrenton	Information session		71 community members
	Date: 23/8/2017 Place: Augrabies	Information session		80 community members
	Date: 9/9/2017 Place: Galeshewe	Exhibition		10 000 community members
	Date: 4 December 2017 Place: Nababeep	Information session		94 community members
	Date: 5 December 2017 Place: Nababeep	Door-to-door campaign		94 community members
	Date: 14 March 2018 Place: De Aar	Community information session		146 community members
	Date: 20 March 2018 Place: Barkly West	Exhibition		150 community members
	Date: 26 March 2018 Place: Galeshewe	Exhibition		50 community members
Total			**21**	**±300**

National Office	Date: 30 May 2017 Place: Delft, Western Cape	Child Protection Week : Information session on cyber bullying and sexting and the legal consequences (Child Justice Act) and drug abuse	1	± 300 learners and stakeholders
TOTAL			**214**	**±1, 717 991**

(Footnotes)

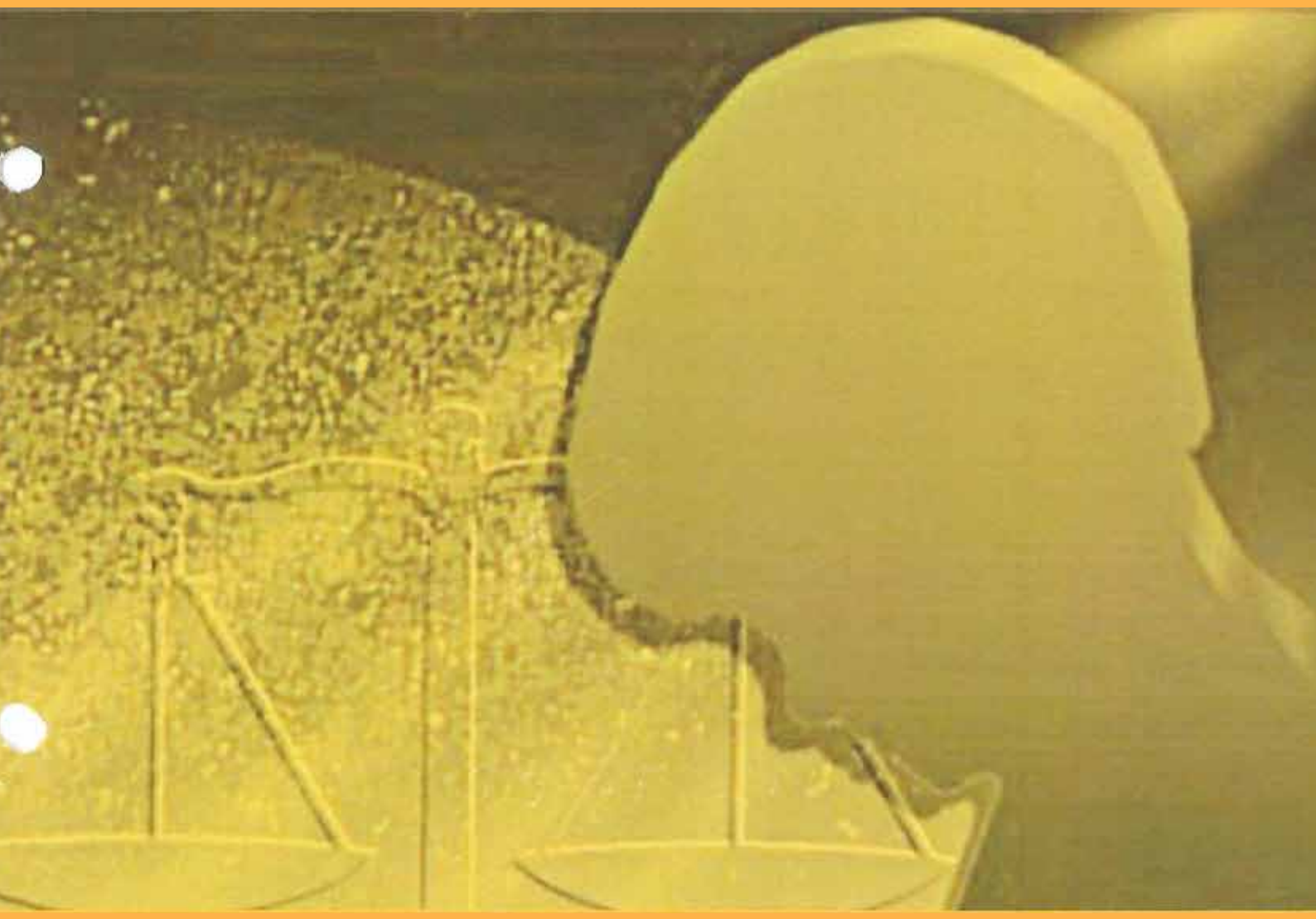
1. Prosecutors, Probation Officers, Police Officers, Court Clerks, Legal Aid Representatives and Correctional Services Officers.
2. Preliminary inquiries

LAW

NATIONAL PROSECUTING AUTHORITY

NATIONAL PROSECUTING AUTHORITY
South Africa

The National Prosecuting Authority
of South Africa



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

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

INDEX

OFFICIAL SIGN OFF

PROGRESS IN RESPECT OF THE IMPLEMENTATION OF THE CHILD JUSTICE CT 60

1. BACKGROUND 61

BUILDING CAPACITY IN THE SECTOR (SKILLS DEVELOPMENT) 61

2. PROVISION OF DIVERSION REFERRALS BY THE NPA (DIVERSION STATISTICS) 63

3. RESOURCES AND BUDGET 69

4. PUBLIC EDUCATION AND AWARENESS CAMPAIGNS 69

OFFICIAL SIGN OFF

PROGRESS IN RESPECT OF THE IMPLEMENTATION OF THE CHILD JUSTICE ACT

In preparation for the development of the Child Justice Act (the Act) Annual Report to Parliament (section 96(3)(a) and (b) of the Act refers), herewith the approved 12-months report from the NPA as requested by the Department of Justice and Constitutional Development (DOJCD). These reports are also submitted from different relevant departments. This report deals with progress on the implementation of the Act for the 2017/18 Financial Year, in terms of the key priority areas of the Child Justice National Policy Framework. The reporting period is thus from 01 April 2017 up to 31 March 2018.

ADV. S MZINYATHI
ACTING DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS: NPS AND NSPS
Date: 16 JULY 2018

ADV. S K ABRAHAMS
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
NATIONAL PROSECUTING AUTHORITY
Date: 30/07/2018

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

PROGRESS IN RESPECT OF THE IMPLEMENTATION OF THE CHILD JUSTICE ACT
NPA Report on the Implementation of the Child Justice Act 75 of 2008
(12 months report for the 2017/18 Financial Year)

1. BACKGROUND

The Child Justice Act (75 of 2008, hereafter referred to as the Act) came into operation on the 1st of April 2010. With reference to section 94 of the Act the NPA participates in the Intersectoral Committee which by law is chaired by the Director-General of the Department Justice and Constitutional development. In line with section 96(3)(a & b) of the Act, it is expected of the said Department to submit reports as prescribed to Parliament. In respect of said report, Departments as members of the Committee are required to submit departmental reports based on progress and initiatives implemented in keeping with the provisions of the Act and the key priority areas of the Child Justice National Policy Framework.

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

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

2. BUILDING CAPACITY IN THE SECTOR (SKILLS DEVELOPMENT)

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

2.2 For the roll-out of the training programme for the Act, in the current reporting financial year (2017/18), the NPA SOCA Unit has reviewed and updated the training material which was previously developed in line with the Act. The review-process is guided by the latest developments in law, focusing specifically on legislation and case law. The child justice training is facilitated by the SOCA Unit and was included in the schedule of trainings for the 2017/18 financial year. The training team includes experts on child justice from both SOCA and NPS Business Units.

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

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

2.4 For the reporting period, we delivered four decentralized training sessions nationally attended by 74 prosecutors.

2.5 Summary of training sessions (facilitated by NPA SOCA Unit) conducted for prosecutors as from 2009 until end March 2018 on the Child Justice Act is:

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

Total: 62 sessions attended by 1426 prosecutors over a period of 9 financial years.

008

3.1 The total number of children diverted during the reporting period in line with the Child Justice Act, is **6769**. Herewith the breakdown per month and quarter:

Quarter	Month	Number of Children Diverted as reflected:
Q1	April	596
	May	571
	June	538
Total – Q1		**1705**
Q2	July	578
	August	667
	September	564
Total – Q2		**1809**
Q3	October	629
	November	630
	December	443
Total – Q3		**1702**
Q4	January	453
	February	558
	March	542
Total – Q4		**1553**
Total for the FY		**6769**

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

3.3 Aforementioned analysis is of importance in that it assists with *inter alia* the identification of possible interventions to be implemented in affected areas for e.g. public awareness programs, skills development and the escalation of challenges to

the National Technical ISCCJ meeting and the Director General's ISCCJ meetings. Shortcomings and challenges are also engaged with at stakeholder meetings at provincial and local level to collectively identify solutions for implementation.

3.4 The following four tables is a comparison in the number of children diverted during the respective quarters of the 2017/18 FY with the similar quarters of the previous two financial years (2015/16 and 2016/17).

Table 1: Diversions between 2015/16 – 2017/18 FY:

Indicator	Q1-2015/16	Q1-2016/17	Q1-2017/18
Total number of diversions of children ito CJA	**2293**	**2029**	**1705**

There is a decrease of 25.6% when comparing Q1 of 2017/18 FY with Q1 of 2015/16 FY. A decline of 15.9% is also noted when comparing Q1 of 2017/18 FY with Q1 of 2016/17 FY.

Table 2: Diversions between Q2 of 2015/16 – 2017/18 FY:

Indicator	Q2-2015/16	Q2-2016/17	Q2-2017/18
Total number of diversions of children ito CJA	**2224**	**1905**	**1809**

There is a decrease of 18.7% when comparing Q2 of 2017/18 FY with Q2 of 2015/16 FY. A decline of 5% is also noted when comparing Q2 of 2017/18 FY with Q2 of 2016/17 FY.

Table 3: Diversions between Q3 of 2015/16 – 2017/18 FY:

Indicator	Q3-2015/16	Q3-2016/17	Q3-2017/18
Total number of diversions of children ito CJA	1904	2064	1702

NPA Report on the Implementation of the Child Justice Act 75 of 2008
(12 months report for the 2017/18 Financial Year)

There is a decrease of 10.60% when comparing Q3 of 2017/18 FY with Q3 of 2015/16 FY. A decline of 17.5% is also noted when comparing Q3 of 2017/18 FY with Q3 of 2016/17 FY.

Table 4: Diversions between Q4 of 2015/16 – 2017/18 FY:

Indicator	Q4-2015/16	Q4-2016/17	Q4-2017/18
Total number of diversions of children ito CJA	**1693**	**1675**	**1553**

There is a decrease of 8.3% when comparing Q4 of 2017/18 FY with Q4 of 2015/16 FY. A decline of 7.3% is also noted when comparing Q4 of 2017/18 FY with Q4 of 2016/17 FY.

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

Indicator	2015/16	2016/17	2017/18
Total number of diversions of children ito CJA	**8114**	**7673**	**6769**

With reference to the aforementioned totals as reflected, there is a decrease of 1345 or 16.6 % in matters diverted when comparing the current FY with the 2015/16 FY. A decrease of 904 or 11.8% matters diverted is noted when comparing the current FY with the previous FY 2016/17. Further to this, based on the total number of diversions

registered in the current FY, the Western Cape is responsible for 41.7% (2826) with Gauteng following with 13% (880).

3.6 **Table 5**: Breakdown of diversions by prosecutor before preliminary inquiry in respect of offences referred to in Schedule 1 of the Act (minor offences, Chapter 6, section 41 of the Act):

Financial year and information per quarter	2016/17	2017/18
Q1	321	192
Q2	344	246
Q3	233	149
Q4	289	281
Total	**1187**	**868**

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

Financial year and information per quarter	2016/17	2017/18
Q1	1130	971
Q2	1040	1125
Q3	1279	1057
Q4	1023	892
Total	**4472**	**4045**

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

Financial year and information per quarter	2016/17	2017/18
Q1	24	70
Q2	36	14
Q3	55	34
Q4	16	18
Total	**131**	**136**

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

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

- An increase in the number of children committing more serious offences (schedule 3 of the Child Justice Act) and not meeting the requirements of diversion as stipulated in the Act.
- In some areas there are fewer children entering the Criminal Justice System, due to a lower number of cases reported. This might be because children (in comparison to previous years) are committing fewer crimes or that less of these crimes are being reported. Hence, we have requested nodal points in the provinces to interrogate with stakeholders the possible reasons for the aforementioned.
- Lastly, there is generally a decrease in matters diverted also due to the limited number of accredited diversion programmes and accredited service providers (NGO's). This on its own will have a negative impact on the number of children being diverted because fewer children will be considered for diversion during preliminary inquiries and Child Justice Courts.

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

4. RESOURCES AND BUDGETS

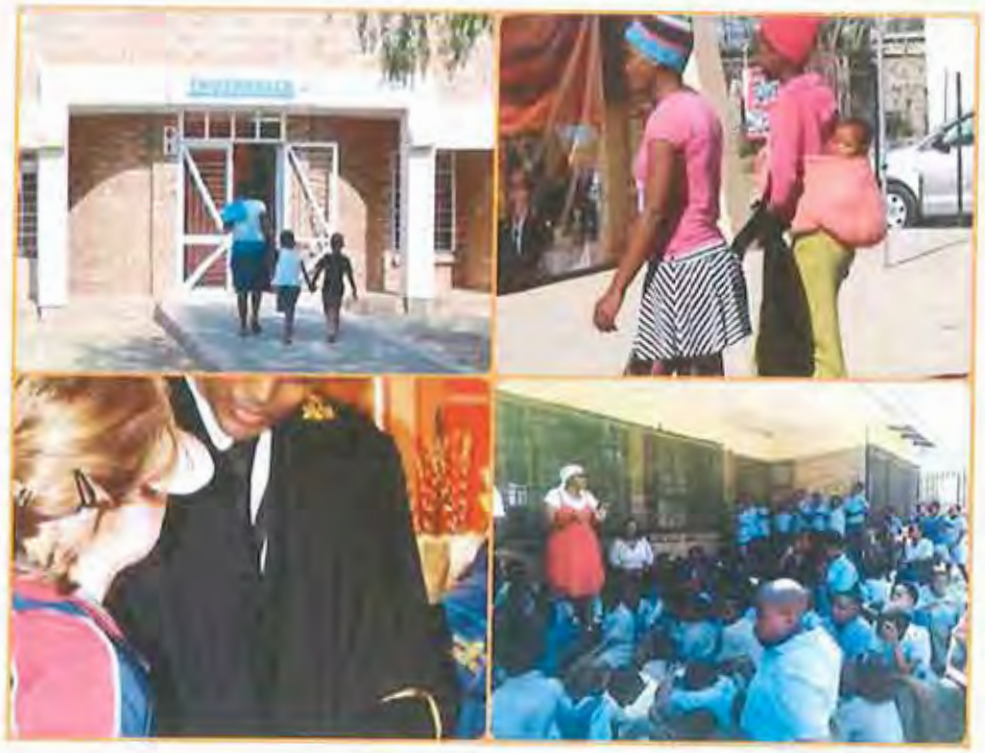
4.1 We are utilizing NPA SOCA voted funds for the Child Justice training sessions (par 2, *supra*) and public awareness campaigns (par 5, *infra*).

5. PUBLIC EDUCATION AND AWARENESS CAMPAIGNS

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

5.2 NPA SOCA Unit facilitated or participated in several **public awareness and community projects** (including radio interviews and discussions) on gender based violence, human trafficking and relevant legislation (including matters pertaining to the Child Justice and Children's Act). These activities are delivered or participated in by the TCC-personnel and SOCA provincial officials nationally in line with the "365 National Action Plan of no violence against women and children".

5.3 In conclusion, these events as aforementioned (par 5.2) are focusing *inter alia* on the following topics: the essence of gender based violence, TCC-services, the influence of drugs and alcohol at schools (substance dependency), child pornography, reporting of GBV-matters, LGBTI-cases, sexual violence / abuse at schools and tertiary institutions, the importance of forensic medical examinations and post-trauma consequences of GBV, ukuthwala-practises, the existence of sexual harassment and what it entails, human trafficking specifically for sexual exploitation etc.

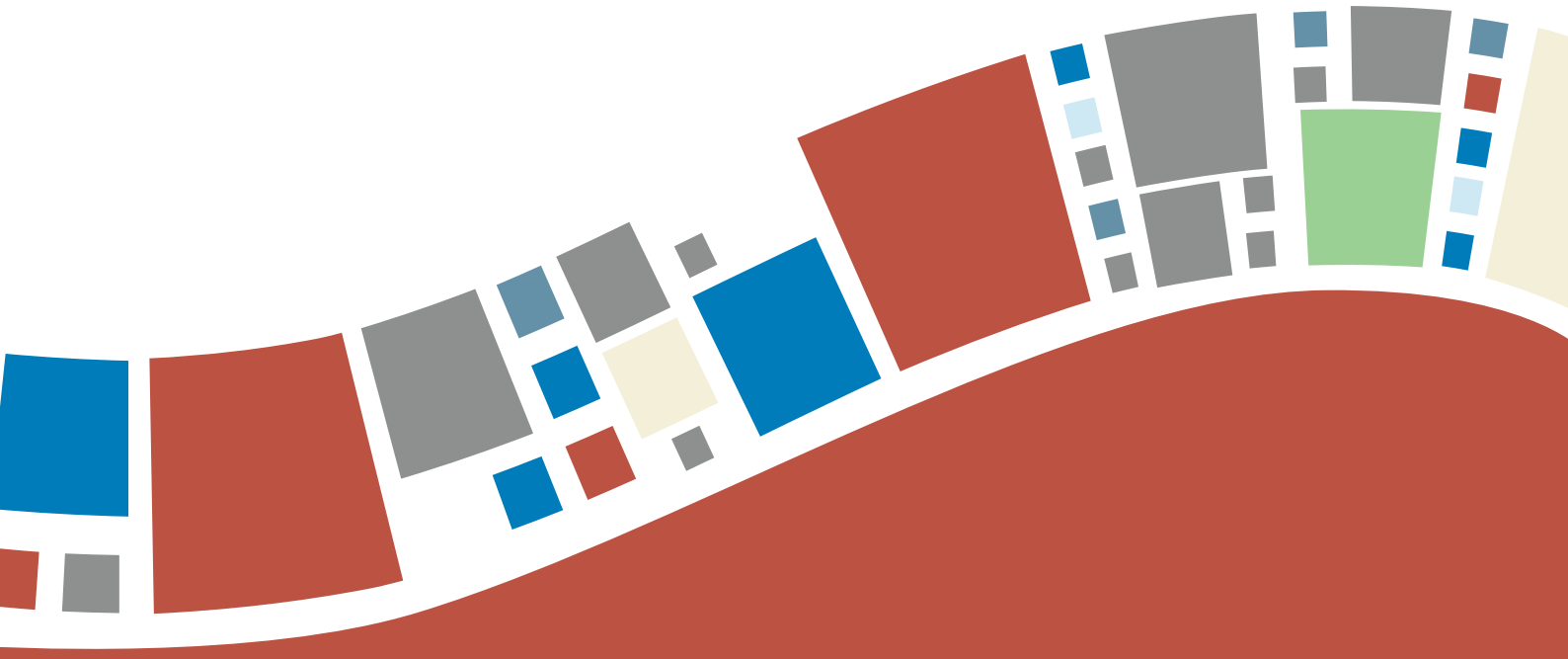


LEGAL AID SOUTH AFRICA

Legal Aid South Africa

Your voice. For justice.

Independent and within reach.



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

1 April 2017 - 31 March 2018

TABLE OF CONTENTS

Topic		Page
A.	Introduction	74
B.	Capacity Building	74
C.	Human Resource Capacity	75
D.	Infrastructure	76
E.	Resources and Budgets	76
F.	Public Education and Communication	77
G.	Development of IT and IJS Systems	78
H.	Number of Children Represented by Legal Aid SA	78
I.	Tracking of Children in Detention	80
J.	Representation of Children in Impact Matters and Matters of Constitutional Importance	81

A. INTRODUCTION

1. The mandate of Legal Aid South Africa includes among others, giving content to the rights contained in s35(3)(g) of the Constitution by providing legal representation at state expense, to arrested, detained and accused persons, where substantial injustice would otherwise result. Legal Aid SA provides legal representation in the majority of cases that go through our courts. We do this by allocating a practitioner to each court room, thereby ensuring that all accused persons who require legal representation, but are not in a position to pay for the services of their own legal representative, have ready access to one of our lawyers.

2. During the 2017/2018 financial year, Legal Aid SA provided legal representation in 371,202 criminal matters, of which 10,141 matters were children's matters.

3. Section 28 of the Constitution gives special protection to the rights of children, including children in conflict with the law. The constitutionally entrenched right of a child to legal representation at state expense is clearly enunciated in s82 of the Child Justice Act. Section 80 of the Act furthermore sets out specific requirements to be complied with by any legal representative representing a child in criminal proceedings, and sets out the consequences of non-compliance with the section.

4. Experience from dealing with high numbers of cases in the criminal courts has shown that an inter-sectorial approach is most effective in dealing with issues that may impact negatively on the smooth flow of cases through the courts, as well as the speedy finalisation of cases. For this reason, Legal Aid SA participates in all activities of the ISCCJ with a view to understanding the challenges that exist and helping to shape the solutions necessary to ensure the best protection of the rights of children in conflict with the law.

B. CAPACITY BUILDING

1. Extensive training on the Child Justice Act was conducted with all Legal Aid SA practitioners prior to the 1 April 2010 date of commencement of the Child Justice Act, in order to prepare practitioners for the new regime for dealing with cases involving children in conflict with the law. In addition, two practitioners per Legal Aid SA Local Office were trained as trainers to provide training capacity for the Child Justice Act, at local level.

2. Currently, training is conducted at Legal Aid SA Local Offices based on the training needs identified at the particular office or based on new developments in the law. Training covers various aspects of child justice litigation.

3. All Candidate Attorneys commencing their employment with Legal Aid SA have to undergo a Candidate Attorney beginner training course. The CA Beginner Training Programme includes, among other subjects, a module on the Child Justice Act. All our Candidate Attorneys are therefore fully prepared to handle cases involving children in conflict with the law by the time they start appearing in courts.

4. Furthermore, Legal Aid SA has introduced e-learning as an additional method to train practitioners. There are various e-learning modules on our Intranet that cover child jutice related topics. Practitioners complete these modules in their own time and have to complete a competency test at the end.

5. A total of 824 practitioners attended training on aspects relating to the representation of children in conflict with the law. This number represents the total number of practitioners who received CJA-related training during the financial year and is not cumulative from the commencement of the CJA.

6. Training is provided on different aspects of child justice litigation. This includes, among others:
   - Preliminary enquiries
   - Age determination
   - Sentencing
   - Diversion and restorative justice

7. All training is designed to better equip practitioners to effectively represent children in conflict with the law. We are confident that all our practitioners have received the necessary training on the application of the CJA.

C. HUMAN RESOURCE CAPACITY

Since every court hearing criminal matters is a Child Justice Court, all our practitioners and managers deployed to the criminal courts are capacitated to deal with child justice matters. Our coverage of these matters is therefore similar to our coverage of all criminal courts. We currently have 1794 positions within our organisation that are directly involved with the delivery of criminal legal aid. All our practitioners are available to assist with preliminary inquiries, whenever requested by the courts to assist. There have been no reported challenges with regard to the representation of children at the various courts. The tables below reflect our criminal court coverage planning for the district and regional courts, which stood at 86% and 95% respectively, at the end of the reporting period. While it is less likely for a CJA matter to be tried in the Higher Courts, legal aid is available to all accused who require such assistance in these courts, and our High Court Units are available to assist any children who may be unfortunate enough to have their matters tried in these courts.

CourtCoverage–DistrictCourt						
Provincial Office	**Court Seats**	**Court Rooms**	**Reception Courts**	**Total Court Days**	**Days Court Covered**	**Coverage (%)**
EC	107	178	11	2,981	2,560	86%
FS/NW	109	155	9	2,282	2,032	89%
GP	55	150	19	3,242	2,714	84%
KZN	103	175	11	3,278	2,674	82%
L/MP	147	191	8	2,647	2,300	87%
NC/WC	149	244	11	3,679	3,211	87%
Total	**670**	**1,093**	**69**	**18,109**	**15,491**	**86%**

CourtCoverage–RegionalCourt					
Provincial Office	Court Seats	Court Rooms	Total Court Days	Days Court Covered	Coverage (%)
EC	76	101	1,106	1,106	100%
FS/NW	66	93	1,024	1,000	98%
GP	37	111	2,194	1,986	91%
KZN	39	74	1,396	1,364	98%
L/MP	57	67	941	891	95%
NC/WC	84	133	1,407	1,315	93%
Total	**359**	**579**	**8,068**	**7,662**	**95%**

D. INFRASTRUCTURE

1. Legal Aid SA does not have any special infrastructure requirements for the purpose of representing children in conflict with the law. Legal Aid SA's Local Offices do have suitable consultation facilities to consult with children.

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

3. A protocol was entered into between the DCS and Legal Aid SA, which addresses in part, the issue of consultation facilities at DCS facilities.

E. RESOURCES AND BUDGETS

1. At the inception of the CJA, funding was provided to Legal Aid SA for the implementation of the Child Justice Act. These funds were utilised to create additional criminal court practitioner positions for the various courts that we serve. The budget that was made available to cover CJA matters was therefore absorbed into our main budget. The allocation of budgets in the last few years has however shown a downward trend. Towards the end of the financial year under review, further budget cuts amounting to a cumulative 8% of our budget were announced. These budget cuts have forced us to consider the rationalisation of our staff resources, which will have an unavoidable negative impact on our levels of court coverage.

2. Currently, our practitioner resources do not allow us to cover District Courts, in particular, at 100%. The majority of child justice matters are allocated to these courts. Furthermore, another demand on our capacity stems from the need to attend to preliminary inquiry matters in addition to the normal daily court roll. The next MTEF period will see measures introduced that will make serious inroads into our capacity to service the courts at the level that we do now. It appears certain that one of the ways to reduce costs will be to reduce our salary bill which by implication, will mean a reduction in staff capacity.

3. Proposals to address resource gaps are submitted as part of our MTEF additional funds proposals to National Treasury. However, we have no way of avoiding government-wide budget cuts and will have to continue to stretch our resources to service this vulnerable group.

F. PUBLIC EDUCATION AND COMMUNICATION

1. Legal Aid SA has a comprehensive communication programme aimed at reaching all communities. Communication events are planned to address identified issues that are relevant for the particular community. Child justice issues are addressed at these events. In addition, our Communication Department, in conjunction with Legal Aid SA Provincial and Local Offices, roll out the following communication initiatives aimed specifically at children, annually:

a. Outreach Events
   i. Take a Girl Child to Work Day – Visits to courts, Legal Aid SA Local Offices, career path presentations
   ii. Men in the Making – Visits to courts, Legal Aid SA Local Offices, career path pre sentations
   iii. Don't Neglect the Future Man – Similar to the Men in the Making programme
   iv. Child Protection Week (CPW) – National and provincial events in partnership with government departments
   v. Social grant campaigns – Exhibitions and pamphlet blitzes at SASSA Payout Points
   vi. 16 Days of Activism for No Violence Against Women and Children
   vii. Schools Moot Court Competition

b. Advertising
   i. Promotional items – Branded merchandise, children's posters, calendars, puzzles
   ii. TV advertising – Legal Aid SA television advertisement
   iii. Print advertising – Advertorials and strip adverts during CPW
   iv. Outdoor advertising – Taxi Rank TV

c. Media
   i. Community Radio and TV interviews, during and outside commemorative events that include children. Many legal topics of discussion are covered on these platforms during the rest of the year, which allows for children's rights to be discussed.

2. As a leading provider of legal aid services, Legal Aid SA has, as one of its strategies, the provision of assistance to developing legal aid systems, particularly on the African continent. We regularly host delegations from different countries, in order to share with them our experiences and expertise in the delivery of legal aid services. This assistance includes presentations on the provision of assistance to children in conflict with the law.

G. DEVELOPMENT OF IT AND IJS SYSTEMS

Legal Aid SA is currently still using its IT platform called Ad Infinitum (AI) which was introduced in 2004. It is also involved in efforts to integrate systems across the CJS cluster, such as the planned integration of our systems with those of the SAPS. Our IT platform is currently at the end of its lifespan. Development of a new IT platform called eLAA 2016 (electronic Legal Aid Administration system) is at an advanced stage. eLAA 2016 is expected to go live during the second quarter of FY 18/19.

H. NUMBER OF CHILDREN REPRESENTED BY LEGAL AID SA

1. The table below indicates that Legal Aid SA represented 4,146 children at preliminary enquiries during the period under review, of which 4,003 were finalised. The number of children we represent at preliminary enquiries is in steady decline. While we cannot pinpoint the exact cause of this decline, the decrease in the number of children appearing in Preliminary Inquiry Courts should result in even fewer children entering the criminal justice system.

PreliminaryInquiryMatters		
ProvincialOffice	**New**	**Finalised**
EC	464	467
FS/NW	789	788
GP	791	714
KZN	424	438
L/MP	168	144
NC/WC	1,510	1,452
Total	**4,146**	**4,003**

2. The table below shows a summary of the outcomes of the Preliminary Inquiry matters dealt with by Legal Aid SA. Legal Aid SA does not represent all children appearing in Preliminary Inquiry Courts, and only provides legal representation as and when so requested. Furthermore, there are only a few dedicated Preliminary Inquiry Courts in which Legal Aid SA has allocated staff resources on a full time basis. A majority of cases (62%) in which we represented children in preliminary inquiries were transferred to a Child Justice Court. This could indicate that presiding officers in these courts are primarily referring the more serious cases, or cases that have strong prospects of ending up in a Child Justice Court, to Legal Aid SA.

OutcomesofPreliminaryInquiryMatters								
Province	**EC**	**FS/NW**	**GP**	**KZN**	**L/MP**	**NC/WC**	**Total**	**% of Total**
Matter Transferred to DC/RC	392	451	263	278	79	1,033	2,496	**62%**
Withdrawn - Diversion	75	337	451	160	65	419	1,507	**38%**
Total	**467**	**788**	**714**	**438**	**144**	**1,452**	**4,003**	
%ofTotal	**12%**	**20%**	**18%**	**11%**	**4%**	**36%**		

3. The table below indicates that 10,141 children were assisted in criminal matters by Legal Aid SA during the financial year. This represents 89% of the CJA matters we dealt with during the previous financial year. This again confirms a trend that we have observed in the years since the introduction of the Child Justice Act, namely, a steady decline in the number of children going through the criminal justice system.

NewChildren'sCriminalMatters							
Provincial Office	**FY2016/17**	**Q1**	**Q2**	**Q3**	**Q4**	**FY2017/18**	**%change frompreviousFY**
EC	1,370	255	276	294	285	1,110	**81%**
FS/NW	1,632	380	419	419	372	1,590	**97%**
GP	1,363	319	348	407	291	1,365	**100%**
KZN	1,533	303	323	385	301	1,312	**86%**
L/MP	647	124	139	148	137	548	**85%**
NC/WC	4,833	990	1,039	1,080	1,107	4,216	**87%**
Total	**11,378**	**2,371**	**2,544**	**2,733**	**2,493**	**10,141**	**89%**

4. Below is the age distribution of children represented by Legal Aid SA in criminal matters:

AgeDistributionofChildren								
Provincial Office	**≤14**	**≤15**	**≤16**	**≤17**	**≤18**	**Applications on behalf of a child by an adult**	**Total**	**% of Total**
EC	115	87	166	279	451	12	**1,110**	**11%**
FS/NW	198	139	207	413	604	29	**1,590**	**16%**
GP	129	117	201	349	526	43	**1,365**	**13%**
KZN	133	134	169	313	535	28	**1,312**	**13%**
L/MP	42	69	92	106	219	20	**548**	**5%**
NC/WC	650	404	596	984	1,528	54	**4,216**	**42%**
Total	**1,267**	**950**	**1,431**	**2,444**	**3,863**	**186**	**10,141**	
%ofTotal	**13%**	**9%**	**14%**	**24%**	**38%**	**2%**		

5. The table below shows the generic type of offences for which children were prosecuted:

TypesofOffences								
Provincial Office	**Aggressive**	**Economic**	**Sexual**	**Narcotics**	**Statutory Offences**	**Other**	**Total**	**% of Total**
EC	680	129	195	59	42	5	**1,110**	**11%**
FS/NW	931	186	292	115	63	3	**1,590**	**16%**
GP	704	237	154	224	44	2	**1,365**	**13%**
KZN	660	136	295	168	44	9	**1,312**	**13%**
L/MP	258	54	184	13	36	3	**548**	**5%**
NC/WC	2510	498	441	542	204	21	**4,216**	**42%**
Total	**5,743**	**1,240**	**1,561**	**1,121**	**433**	**43**	**10,141**	
% of Total	**57%**	**12%**	**15%**	**11%**	**4%**	**1%**		

6. The following are the outcomes of the criminal prosecutions that were finalised during the financial year.

Outcomes	EC	FS/NW	GP	KZN	L/MP	NC/WC	Total	% of Total
Admission of guilt fine	1	3	1		4	11	**20**	**0%**
Conviction	18	30	14	29	14	31	**136**	**3%**
Diversion	48	97	134	102	37	425	**843**	**17%**
GuiltyPlea	117	160	46	89	37	212	**661**	**13%**
InformalMediation	38	46	58	57	23	231	**453**	**9%**
NotGuilty	13	11	15	18	5	20	**82**	**2%**
Sec174	9	8	9	5	10	22	**63**	**1%**
Struckofroll	154	128	67	71	90	285	**795**	**16%**
Warrantofarrest	62	46	41	76	35	224	**484**	**9%**
Withdrawn	154	164	109	288	116	699	**1,530**	**30%**
Total	**614**	**693**	**494**	**735**	**371**	**2,160**	**5,067**	
%ofTotal	**12%**	**14%**	**10%**	**15%**	**7%**	**42%**		

7. The following are the various sanctions to which children were sentenced in respect of cases where there was a conviction or a guilty plea.

Typeofsentence	Numberof Instructions	% o fTotal
Suspendedsentence	299	38%
Custodialsentence	194	24%
Correctionalsupervision	116	15%
Sentencepostponed	98	12%
Fine	54	7%
Caution	19	2%
Communityservice	11	1%
StatePresident'sPatient	4	1%
Housearrest	2	0%
Total	**797**	

I. TRACKING OF CHILDREN IN DETENTION

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

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

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

TrackingofChildrenAwaitingTrialinCustody								
Provincial Office	New	Finalised	PendingAges					
			>1 month	≥2 months	≥3 months	≥4 months	>5 months	Total
EC	84	90		4			1	5
FS/NW	87	86	5	1				6
GP	39	40				1	3	4
KZN	151	132	9	8	1	5	2	25
L/MP	37	39					4	4
NC/WC	65	110	1				1	2
Total	**463**	**497**	**15**	**13**	**1**	**6**	**11**	**46**

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

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

V. N. Vedalankar

Vidhu Vedalankar
Chief Executive Officer
Legal Aid South Africa

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

Private Bag X76
Braamfontein, 2017

Telephone
+27 11 877 2000

Ethics Hotline
0800 153 728

Legal Aid Advice Line
0800 110 110

Please Call Me
079 835 7179

Email
communications2@legal-aid.co.za

Website
www.legal-aid.co.za

Twitter and Facebook
@LegalAidSA1

DEPARTMENT OF SOCIAL DEVELOPMENT

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

2017/2018

Building a Caring Society. Together.

www.dsd.gov.za

social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT,2008 FOR THE FINANCIAL YEAR 2017/2018

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

1.7. Implementation of the Integrated Social Crime Prevention Strategy.

2. BUILDING CAPACITY IN THE SECTOR

(i) Human Capacity

The implementation of the Act requires capacity building within the Child Justice System (CJS) both in terms of human resource skills and knowledge, as well as the availability of adequate physical infrastructure. In pursuant to the above the Department of Social Development in 2017/18, established four (4) Provincial multi-disciplinary committees to promote institutional mechanisms to implement the integrated social crime prevention strategy at all levels of service delivery. The four (4) provinces include Free State, Western Cape, North West and Kwa-Zulu Natal.

The department also coordinated and ensured the functionality of the National Multi-disciplinary Social Crime Prevention committee by facilitating the three (3) quarterly meetings and one (1) plenary session. The outcomes of the said committee produced an integrated social crime prevention plan and monitoring the implementation of the integrated plans on a quarterly basis.

The national multi-disciplinary committee meets quarterly to discuss progress on the implementation of the integrated action plan for Integrated Social Crime Prevention Strategy and to submit reports to Presidency on the Justice Crime and Prevention and to the Security Cluster programme of action. During the period under review, Social Development has also developed a Local Framework to localize the Integrated Social Crime Prevention Strategy and to strengthen established provincial multi-disciplinary committees.

(ii) Training and Education

Section 97 of the Act requires the National Director of Public Prosecutions, the National Commissioner of the South African Police Service, the Directors-General of Social Development and Health and the National Commissioner of Correctional Services to develop training courses to build skills and sensitivity when dealing with child justice matters.

The Department of Social Development trained Seventy five (75) master trainers/practitioners on social crime prevention therapeutic programmes for children between 10-12 years in four (4) provinces namely: Kwa-Zulu Natal, Eastern Cape, Mpumalanga and Western Cape.

Furthermore, an After-Hour Policy was developed to guide practitioners for probation services in providing overtime services for children at risk and those in conflict with the law. The training has been done in Limpopo, Western Cape and Kwa-Zulu Natal, Northern Cape, Mpumalanga, Free State, and GP respectively.

A total of 280 provincial practitioners for probation services (supervisors and district coordinators) and officials from HR, Finance and Supply Chain (for supporting the implementation of the After-Hour Policy) were trained on After Hour policy in seven provinces.

The Child Justice Act (Act 75 of 2008) described reintegration and aftercare services as the process by which children are prepared for their return to their family and community after a period of confinement in Child and Youth Care centers (Secure Care) and attending diversion programmes. In response to this challenge the department of Social Development has developed a national implementation plan to implement the reintegration and aftercare services in nine (9) provinces. However, instead of implementation, provinces rolled-out training on Reintegration and After-Care strategy to regions and districts, 2017/18:

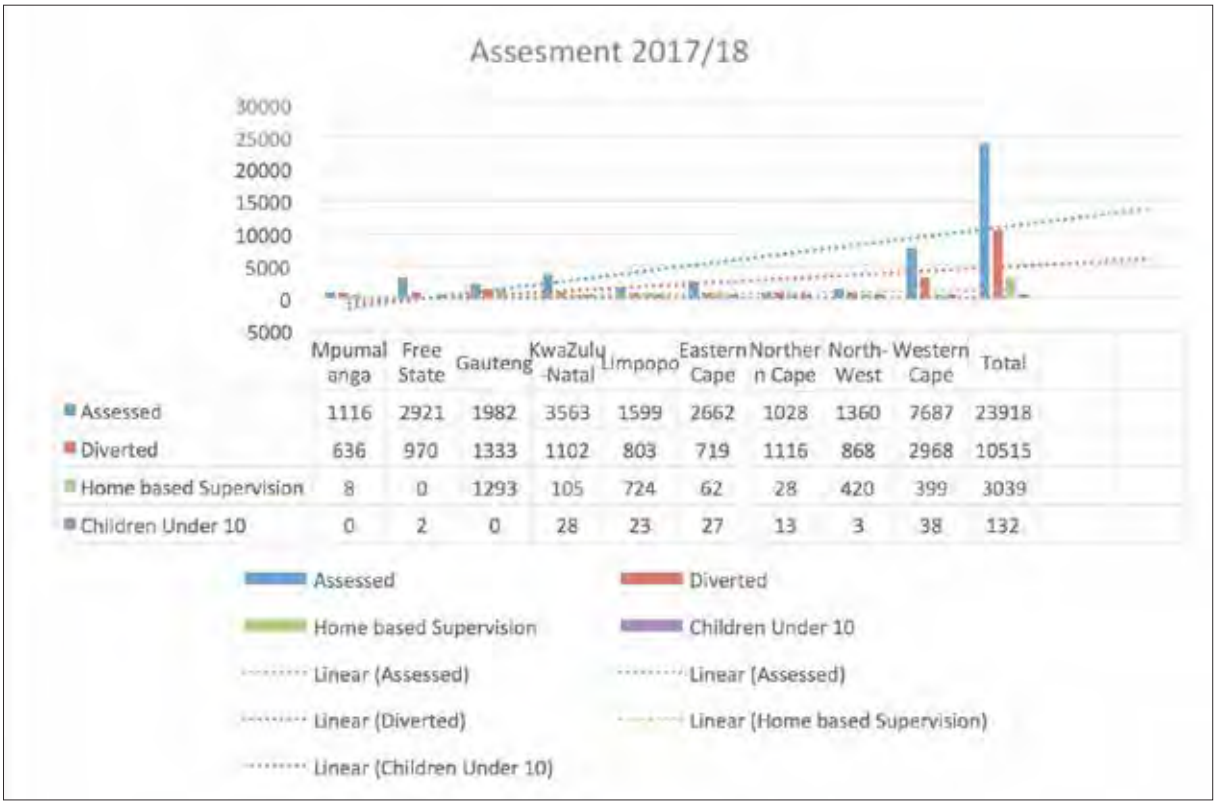
PROVINCE	NUMBER OF PRACTITIONERS TRAINED
Gauteng	42
Western Cape	35
Eastern Cape	40
Northern Cape	30
Free-State	30
Mpumalanga	44
North West	35
Limpopo	30
KZN	56
Total	**342**

3. ENSURING ASSESSMENT OF CHILDREN

The Department of Social Development conducted a total of **23 918** assessments for the period under review. This number of assessments conduced is higher by **1 612** as compared to the same period last financial year which was **22 306.**

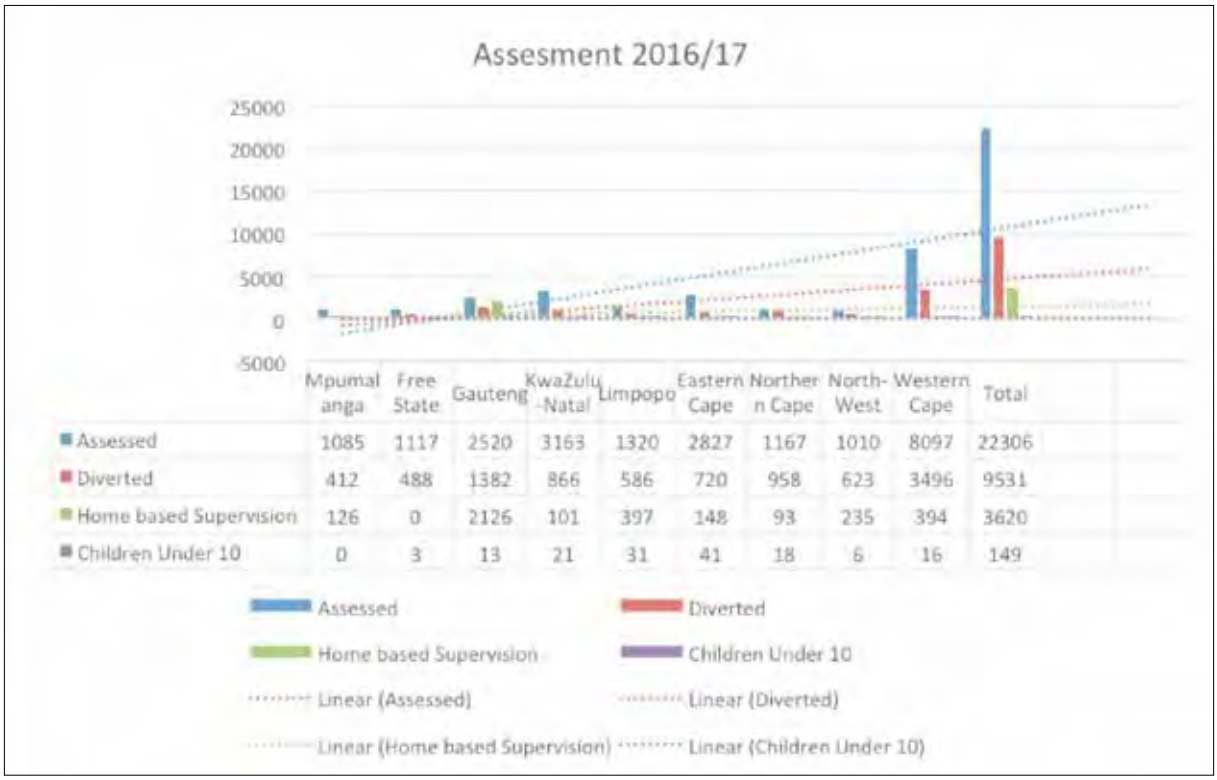
The graphics below depicts analysis assessments, diverted, homebased supervision and children under 10 years for 2017/18 and 2016/17.

(Graphic 1 (a)



	Mpumalanga	Free State	Gauteng	KwaZulu-Natal	Limpopo	Eastern Cape	Northern Cape	North-West	Western Cape	Total
Assessed	1116	2921	1982	3563	1599	2662	1028	1360	7687	23918
Diverted	636	970	1333	1102	803	719	1116	868	2968	10515
Home based Supervision	8	0	1293	105	724	62	28	420	399	3039
Children Under 10	0	2	0	28	23	27	13	3	38	132

(Graphic 1 (b)



	Mpumalanga	Free State	Gauteng	KwaZulu-Natal	Limpopo	Eastern Cape	Northern Cape	North-West	Western Cape	Total
Assessed	1085	1117	2520	3163	1320	2827	1167	1010	8097	22306
Diverted	412	488	1382	866	586	720	958	623	3496	9531
Home based Supervision	126	0	2126	101	397	148	93	235	394	3620
Children Under 10	0	3	13	21	31	41	18	6	16	149

4. DIVERSION SERVICES

(i) Provisioning of Diversion Services

Section 56 of the Child Justice Act 75/2008 mandates the Department of Social Development to establish and maintain a system of accreditation with a view to improve the quality and standard of diversion services through accreditation processes. Gazette No. 40883 that invites applications for diversion programmes and diversion service providers was published on 02 June 2017, while Gazette No.41287 on results of accredited diversion services and diversion service providers was published on 01 December 2017.

The results are based on four Department of Social Development sites and civil society organisations that applied. An analysis of accredited diversion service is outlined hereunder:

ACCREDITED DIVERSION SERVICES

Provinces	Accredited programme	Accredited site/ service provider	Total
Northwest			
DSD:	5	2	7
NGO:	14	-	14
Gauteng			
DSD	2	1	3
NGO:	10	4	14
Free State			
DSD	13	-	13
NGO:	-	-	--
Kwa-Zulu Natal			
DSD:	20	5	25
NGO:	-	-	
DSD			**48**
NGO:			**28**
Overall total			**76**

DIVERSION SERVICES GRANTED CANDIDACY STATUS OR DECLINED

Provinces	Candidacy site/ service provider	Candidacy Programme	Declined sites & programme	Total
Northwest				
DSD	7	13	1	21
NGO:	10	6	-	16
Gauteng				
DSD	2	2	-	4
NGO:	2	3	-	5
Free State				
DSD	8	-	-	8
NGO:	-	2	-	2
Kwa-Zulu Natal				
DSD	6	-	1	7
NGO:	-	-	-	-
DSD				**40**
NGO:				**23**
Overall Total				**63**

During 2017/18, DSD reviewed the Policy Framework for Accreditation of Diversion Services. The Policy was then presented to the following Clusters and their Technical Committees:

(a) Intersectoral Committee on Child Justice, Development Committee (DevCom), Director's General Intersectoral Committee (DG-ISC) and then presented to Justice Crime Prevention and Security (JCPS) Cluster on 17 October 2017.

(b) Technical Working Group of Social Protection Community and Human Development (SPCHD) and then to SPCHD Cluster on 27 September 2017.

A final certificate on the Socio-Economic Impact Assessment was issued on 19 December 2017 by the Department of Planning, Monitoring and Evaluation. The reviewed policy framework will be submitted to Cabinet for approval in 2018/19 financial year.

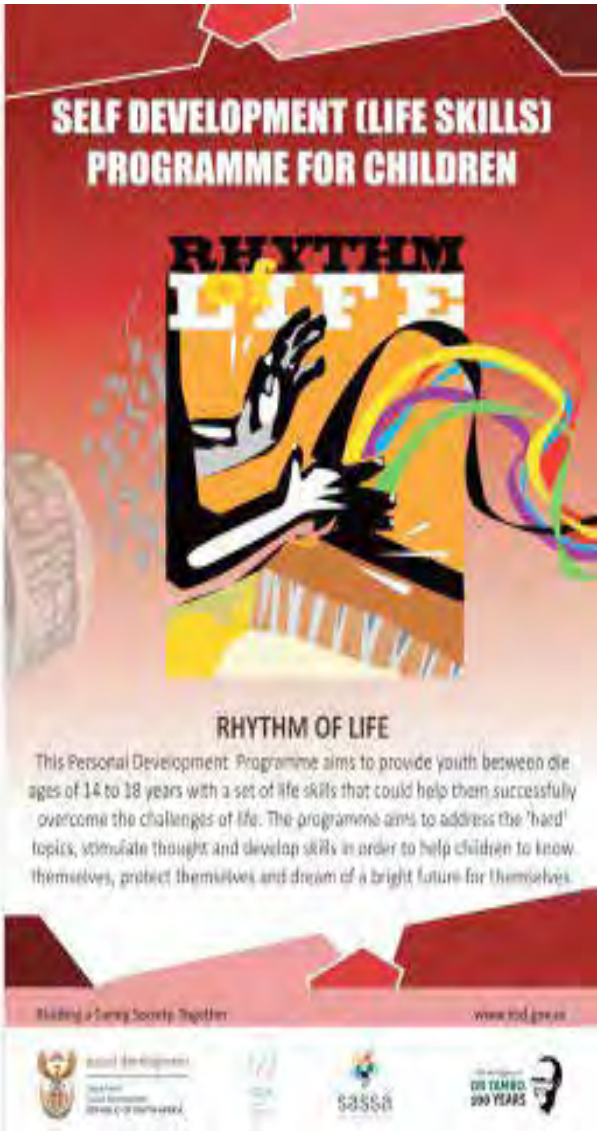
SOCIAL CRIME PREVENTION THERAPEUTIC PROGRAMMES FOR CHILDREN BETWEEN 10-12 YEARS

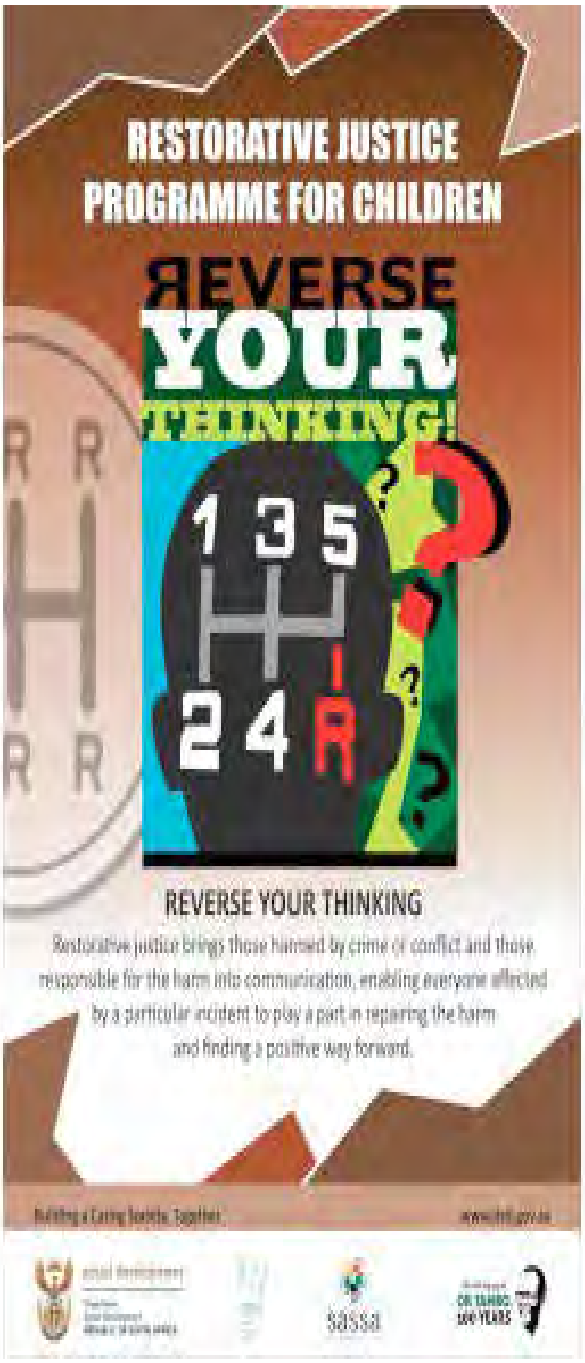
For the period under review 285 (two hundred and eight five) master trainers/practitioners were trained on social crime prevention therapeutic programmes for children between 10-12 years in four (4) provinces as follows:

PROVINCE	PROGRAMME	DATES FOR TRAINING
Kwa-Zulu Natal	I **am Me**/Sexual Offender & **Planting Hope**/ After Care Programmes	09-12 May 2017 12-14 July 2017
Eastern Cape	I **am Me**/Sexual Offender Programme	29 May-01 June 2017 14 -17 Nov 2017 27 Nov– 01 Dec 2017 12 -15 Dec 2017 20-23 Feb 2018 26 Feb -01 Mar 2018
	Planting Hope/ After Care Programme	18 -20 Oct 2017 22-24 Nov 2017 15 -17 Nov 2017 31 Jan-02 Feb 2018 21-23 Feb 2018 14 -16 Feb 2018 07-09 Feb 2018 26-28 Feb 2018
Mpumalanga	**Planting Hope**/ After Care Programme	25-27 July 2017
Western Cape	**Planting Hope**/ After Care Programme	15-17 August 2017

Below are the names of approved and accredited therapeutic (diversion) programmes the Department provide for children in conflict with the law (ages 10-12 and below 18 years):

SELF-DEVELOPMENT (LIFE SKILLS)
PROGRAMME FOR CHILDREN
Playing Through the
FOREST
PLAYING THROUGH THE FOREST
This programme equips children between the ages of 10 to 12 years with essentially abilities that help promote mental well-being and competence as they face the realities of life. With these life skills, the children will be able to explore alternatives, weigh the pros and cons and make rational decisions to help solve each problem or issue as it arises. It also entails being able to establish healthy interpersonal relationships with others.
SASSA


SELF DEVELOPMENT (LIFE SKILLS)
PROGRAMME FOR CHILDREN
RHYTHM
LIFE
RHYTHM OF LIFE
This Personal Development Programme aims to provide youth between the ages of 14 to 18 years with a set of life skills that could help them successfully overcome the challenges of life. The programme aims to address the 'hard' topics, stimulate thought and develop skills in order to help children to know themselves, protect themselves and dream of a bright future for themselves.
SASSA

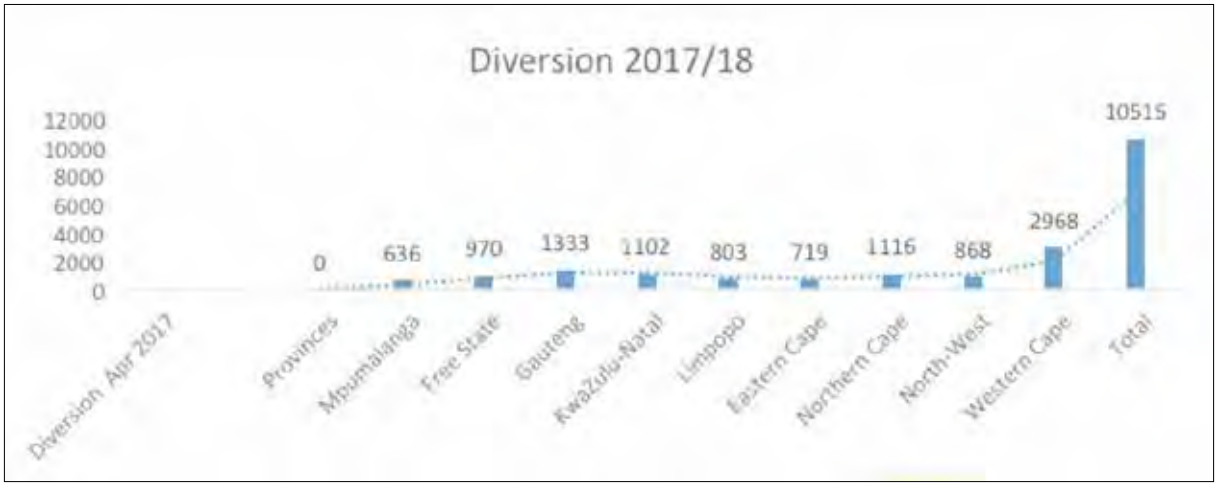

RESTORATIVE JUSTICE
PROGRAMME FOR CHILDREN
REVERSE
YOUR
THINKING!
1 3 5
2 4 R
REVERSE YOUR THINKING
Restorative justice brings those harmed by crime or conflict and those
responsible for the harm into communication, enabling everyone affected
by a particular incident to play a part in repairing the harm
and finding a positive way forward.
SASSA

.

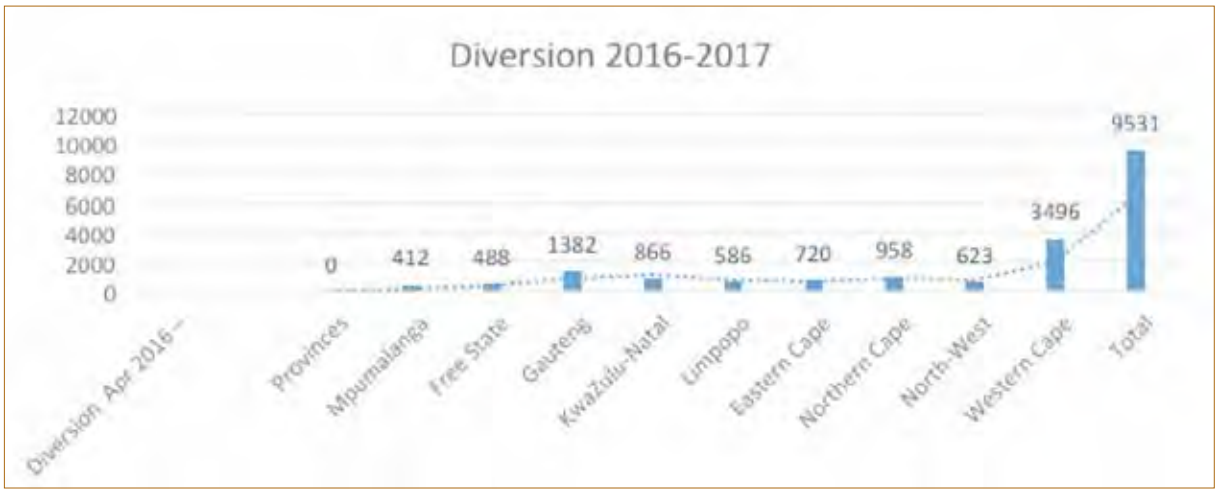
(ii) APPLICATION OF DIVERSION

A total of **10 515** children were referred to diversion programmes which shows a significant increase of **984** diverted children as compared to **9 531** from the previous year. The accreditation of the nine DSD therapeutic programmes assisted in the increase of the numbers in diversion

Diversion 2017-2018



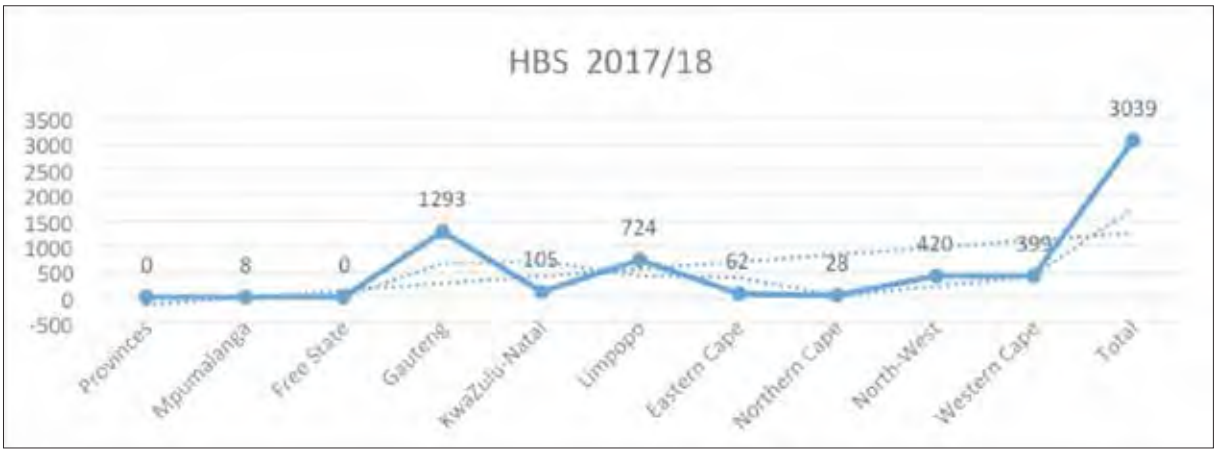
Diversion 2017-2018

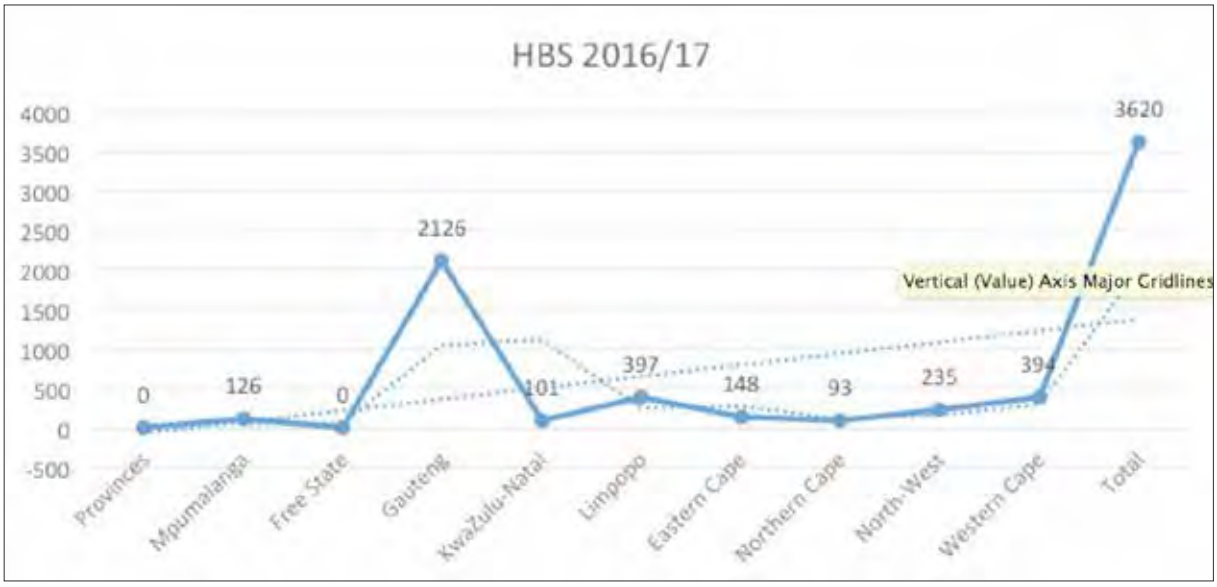


5. HOME BASED SUPERVISION

A total of **3 039** children were placed under Home based supervision which shows a slight decrease of **581** as compared to **3 620** from the previous year.

A two period moving average period depict the home based supervision in different provinces.

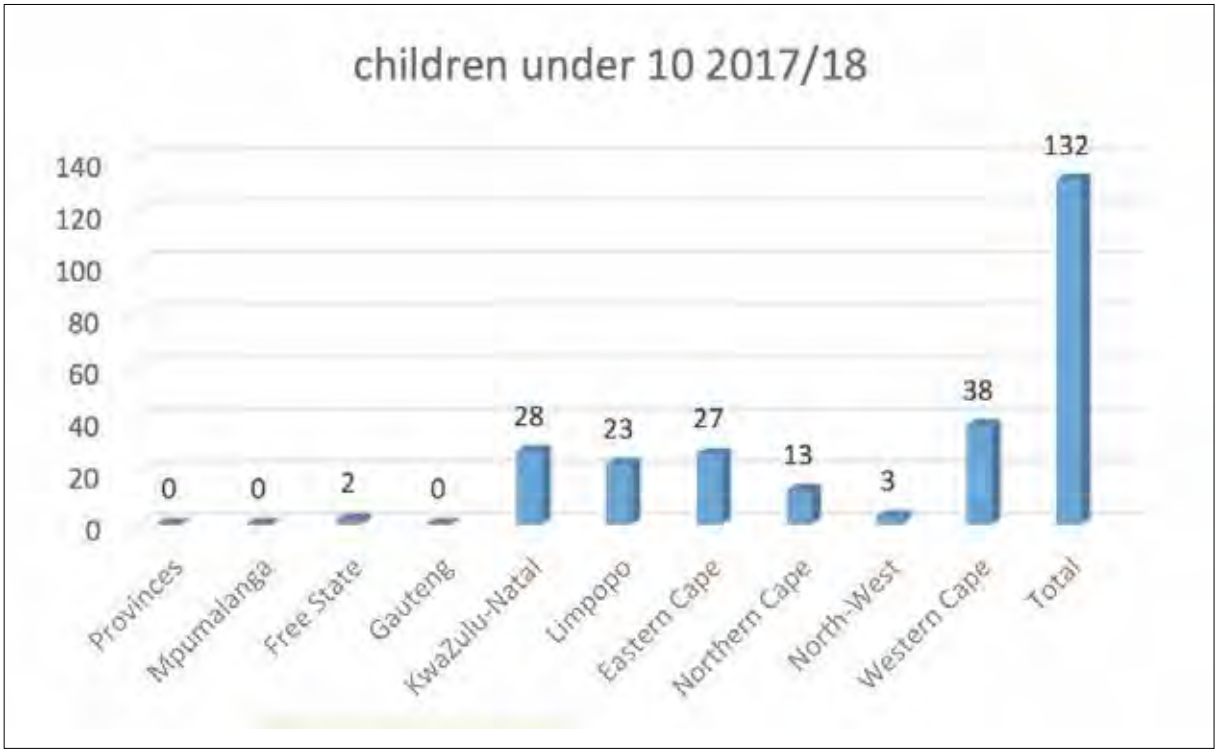




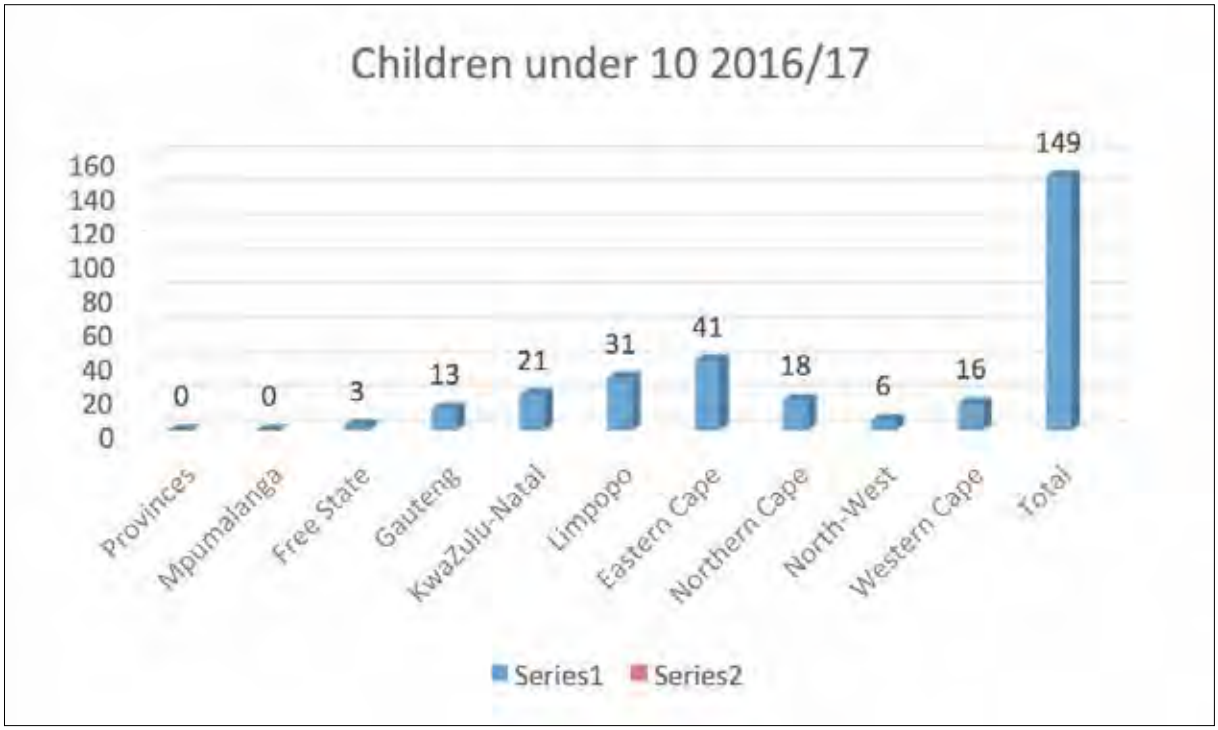
6. CHILDREN UNDER THE AGE OF 10

The number of children in conflict with the law in the period in question has slightly dropped by 17 which is 132 as compared to 149 in the previous financial period.

Children under 10: 2017/18



Children under 10: 2016/17



7. ESTABLISHMENT OF INFRASTRUCTURE FOR THE IMPLEMENTATION OF THE ACT

Child and Youth Care Centers

There are 31 functional Child and Youth Care Centers (secure care) in the Country and are as follows:

PROVINCES	SECURE CARE CENTRE & CAPACITY	
Mpumalanga	Hendrina	60
	EThokomala	60
Free State	Matete Matches	40
	Winkie Direko (Bloemfontein)	50
	Thabo Mofutsanyane	68
Gauteng	Mogale City	300
	Walter Sisulu	90
	Father Smangaliso	90
KwaZulu-Natal	Excelsior	57
	Valley View	60
	Ocean View	15
	Newcastle	39
Limpopo	Polokwane	110
	Mavhambe	70
Eastern Cape	Enkuselweni	50
	John X Merriman	100
	Bhisho CYCC	320
	Burgersdorp CYCC	48
	Qumbu SCC	48
Northern Cape	Lorato	20
	Molehe Mampe	60
	Marcus Mbetha	40
	Namaqua	51
	De Aar	51
North-West	Matlosana	48
	Rustenburg	48
	Mafikeng	60
Western Cape	Bonnytoun	130
	The Horizon	195
	Outeniequa	100
	Clanwilliam	70
	Vredelust	76
Total	**31**	**2 624**

FINANCIAL YEAR 2017/18

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

The total number of children in the Secure Care Centre's during 2017/18 was **14 190**. This was less by **2 994** compared to **17184** of the financial year **2016/17.** The same applies with the admission which was **4064** less to the previous year by **985**. Furthermore the release also went on a downscale of **1 088** as the total of the 2017/18 was **3 713** compared to 4 801 in the previous financial year.

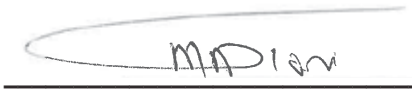
8. ESTABLISHMENT OF AN INTEGRATED INFORMATION MANAGEMENT SYSTEM

During 2017/18 financial year focus of the system was on supporting the end-users in dealing with challenges faced in the implementation of the system. All Provinces have been supported. Currently both Probation Case Management (PCM) and Child and Youth Care Application systems are able to interface. The end users are able to use search to request space from the CYCA while CYCA is able to send message back to PCM on the request made. This was a significant milestone. Both onsite visits and online support was provided to Provinces.

The three provinces that have been sampled for Mobile PCM application (Limpopo, Northwest and Eastern Cape) have been continuously supported and the pilot has been receiving good reception. During 2017/18 Free State and Mpumalanga were added to be part of the project and were provided with 24 tablets from Integrated Justice System.

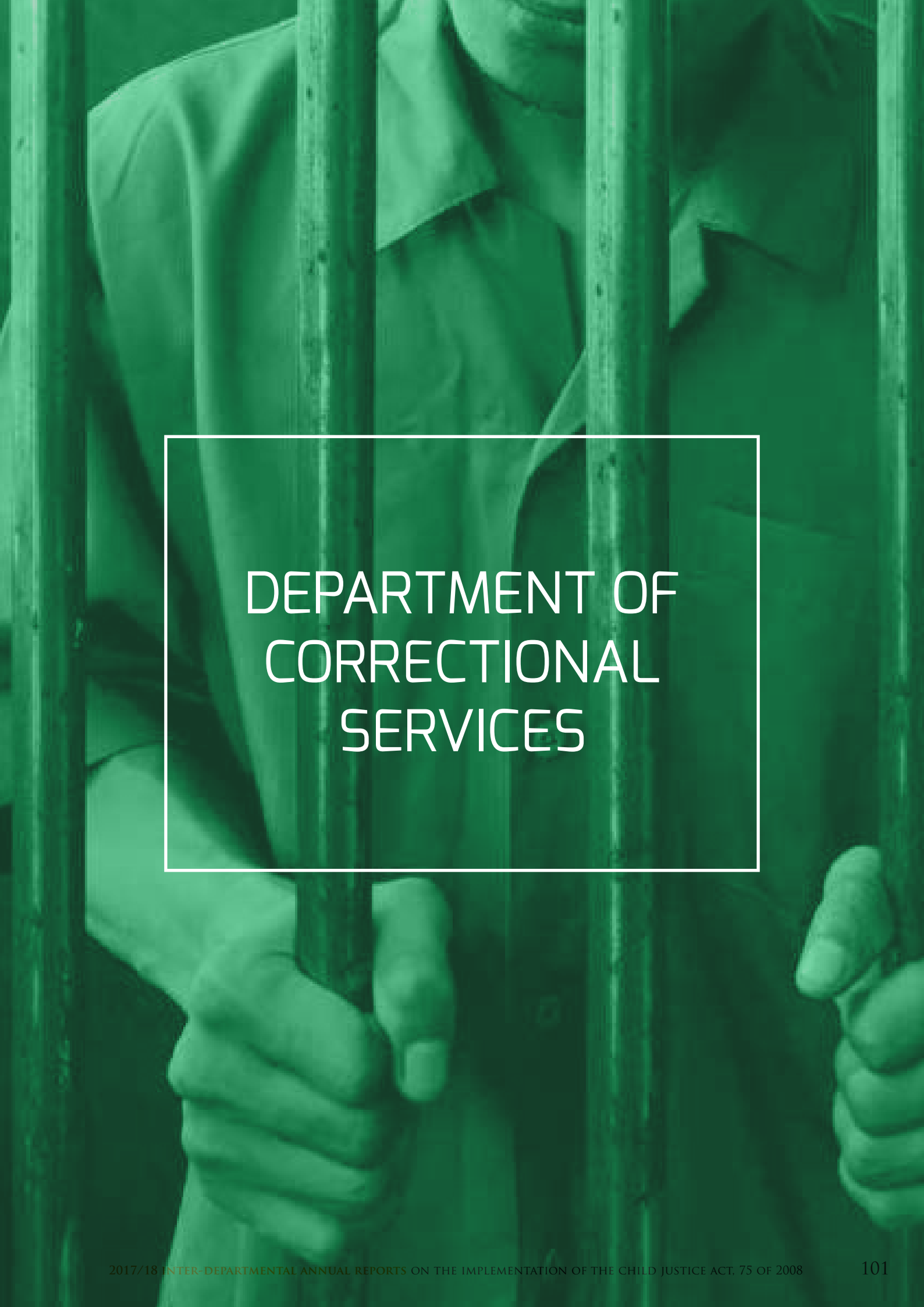
SNAPSHOT ON 31 MARCH (awaiting trial, sentenced)

APPROVED/ NOT APPROVED



MR M TONI

ACTING DIRECTOR GENERAL: SOCIAL DEVELOPMENT DATE: 18\07\2018



DEPARTMENT OF CORRECTIONAL SERVICES

Department of Correctional Services

2017/2018 5th Annual Report: Implementation of the Child Justice Act, 75 of 2008

correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA

Department of Correctional Services

2017/2018 5th Annual Report: Implementation of the Child Justice Act, 75 of 2008

TABLE OF CONTENTS

ACRONYMS	106
PREAMBLE	107
1. INTRODUCTION	108
2. DETENTION OF CHILDREN WITHIN DCS FACILITIES	108
3. BUILDING CAPACITY INCLUDING TRAINING OF OFFICIALS	109
4. REMAND DETAINEES	109
4.1 Trend analysis from 2010 to 2017/18	109
4.2 Facilities that Detained Remand Detainee children	110
4.3 Gender	110
4.4 Age distribution of RD Children	112
4.5 Regional Distribution	112
4.6 Bail	112
4.7 Period Spent in Detention	113
4.9 Escapes	113
5. 5. SENTENCED CHILDREN	114
5.1 Trend analysis from 2010 to 2017/18	114
5.2 Gender	114
5.3 Facilities that detained Sentenced Children	114
5.4 Regional Distribution	115
5.5 Age distribution of sentenced children	115
5.6 Sentences	116
6. 6. PROGRAMMES/SERVICES PROVIDED TO CHILDREN	116
6.1 Social Work Services	116
6.2 Sport, Recreation, Arts and Culture (SRAC)	117
6.3 Correctional Programmes	117
6.4 Spiritual Care Services	118
6.5 Health Care Services	118
6.6 Psychological Services	119
6.7 Formal Education	119
7. ESTABLISHMENT OF INFRASTRUCTURE	119
8. RESOURCE AND BUDGET	119
9. ESTABLISHMENT OF INTEGRATED INFORMATION MANAGEMENT SYSTEM	119
10. PUBLIC EDUCATION AND COMMUNICATION	120
11. CHALLENGES	120
12. CONCLUSION	120
13. ANNEXURES	120
ANNEXURE A: HEALTH SERVICES AVAILABLE FOR INMATES INCLUDING CHILDREN	120

ACRONYMS

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

PREAMBLE

This is the departmental fifth (5th) annual report submitted in line with section 96(3) of the Child Justice Act (CJA) which requires the Minister of the Department of Justice and Correctional Services to table in Parliament, the Annual progress reports received from the Cluster Departments that form part of the Inter-sectoral Committee for Child Justice (ISCCJ)

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

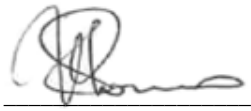
This report covers a variety of areas such as facilities that detain children, training of officials, regional distribution of children, bail categories, period spent in detention by remand detainee children, programmes and services rendered to children and the challenges experienced regarding the implementation of the CJA. The report includes a 17 year analysis of children detained in DCS.

From 2000 to 2017 the average number of children reduced by more than 90%. While the RDs reduced by almost 97%, sentenced children dropped by 92.33% over a period of 17 years. The largest reduction of 1 046 in the average number of children was observed between 2004 and 2005 calendar years followed by a reduction of 546 between 2009 and 2010 calendar years. The training of officials in Child Justice Act has been included in the annual programme of Human Resource Development.

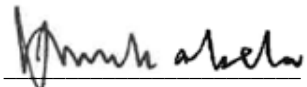
While the report of the past financial year (2016/17) included the findings on the audit of the educational background of children remand detainees, the extension of the audit to sentenced children as per proposal made could not be done in 2017/18 because of budgetary constraints. The DCS will include the audit in the programme for 2018/19 financial year. Participation of children in formal education is crucial because education is one of the factors that have been found to contribute to reduction in re-offending. [1]

While the Directors-General ISCCJ resolved that the DCS report of 2017/18 should include Matric results, it should be noted that the inmates that enrolled for matric were older than eighteen years; nevertheless the matric results are included under formal education.

I wish to express my sincere appreciation to all the employees of the department for their hard work, cooperation and commitment in implementing the framework which was developed and adopted as one of the departmental policies aimed at promoting and protecting the constitutional rights of children in conflict with the law who fall under the custody of the department.



Ms VC Mlomo-Ndlovu
Deputy Commissioner: Remand Detention Management
Date: 2018/07/26



Mr JM Mkabela
Chief Deputy Commissioner: Chief Operations Officer
Date: 2018/08/03

Mr A Fraser
National Commissioner: Department of Correctional Services
Date: 2018/08/09

1. INTRODUCTION

The purpose of this report is to provide departmental progress in relation to the implementation of the Child Justice Act in the areas of responsibility falling within the scope of the DCS. While the intention of the report is to report on the annual progress for 2017/2018, long terms trends on children detained in DCS will be included. Areas that will be covered in this report are:

- Detention of children in DCS facilities (overview);
- Building capacity including training of officials;
- Remand detainees: bail and placement;
- Sentenced children;
- Services and Programmes;
- Establishment of infrastructure;
- Resources and budgets;
- Public education and communication;
- Establishment of an integrated information management system information management system; and
- Challenges.

2. DETENTION OF CHILDREN WITHIN DCS FACILITIES

2.1 Overview

The DCS has 243 facilities that detain inmates. Of the 243 facilities, 235 were operational and five (5) were temporary closed because of upgrading work while three (3) were closed due to dilapidation.
The average number of inmates in 2017/18 was 160 583 and children constituted 0.13% (204) of the total inmate population. Remand Detainee (RD) children constituted 0.18% (78) of the RD population (42 705) and sentenced children constituted 0.11% (126) of the sentenced population (117 878). Four (4) female children constituted 1.96% and males 98.04% of the total average of 204 children in detention during 2017/18 financial year.

Female children (4) constituted 0.10% of the total average female population (4 150) while the male children (200) constituted 0.13% of the total average male population (156 433). The summary of the average population is presented in the table below:

Inmates	Children (14 to <18 years)			Juveniles (18 to 20 years)			Youth, Adults and elderly (21 and older)			Total	% against all inmates
	Female	Males	*Total*	Females	Males	*Total*	Females	Males	*Total*		
Remand Detainees	3	75	*78*	92	3 583	*3 675*	1 086	37 744	*38 830*	42 583	26.52
Other unsentenced	0	0	*0*	0	4	*4*	0	118	*118*	122	0.08
Sentenced	1	125	*126*	67	3 239	*3 306*	2 901	111 545	*114 446*	117 878	73.41
Total	4	200	*204*	159	6 826	*6 985*	3 987	149 407	*153 394*	160 583	100.00
%	0.002	0.12	*0.13*	0.10	4.25	*4.35*	2.48	93.04	*95.52*	100	
Others: State Patients and Involuntary Mental Health Care Users: Deportation Group phased out[2]											

Table 1 Annual average for 2017/18 based on the daily unlock

The average number of sentenced children dropped from 148 to 126 between the financial year 2016/2017[3] and 2017/2018. This constitutes a decrease of 14.86%. Based on the table reflecting the annual averages of the inmate population for 2017/18 financial year, the ratios of children to juveniles and other categories of inmates was 1:34 and 1:751 respectively. The ratio of male children to other male detainees was 1: 781. The ratios of female children to female juveniles and other female detainees were 1:40 and 1:997 respectively. The ratios of RD children to juvenile RDs and other categories of RDs were 1:47 and 1:497 respectively. The ratios of sentenced children to juvenile and other categories of sentenced offenders were 1:26 and 1:908.

[2] Deportation group falls under the mandate of the Department of Home Affairs. They are no longer detained in DCS because of the court judgement (Minister of Home Affairs v Rahim and Others [2016] ZACC 3 which found that it was unlawful to detain the deportation categories with the convicted inmates.
[3] DCS 4th Annual report on implementation of Child Justice Act: 2016/17

According to the 4th Annual Report on the Implementation of the Child Justice Act (2016/2017), an average number of 73 remand detainee children were in detention as compared to an average of 78 children who were detained during 2017/2018 financial year. The noted increase constituted 6.87% over the two reporting periods.

From 2000 to 2017 the average number of children reduced by more than 90%. While the RDs reduced by almost 97%, sentenced children dropped by 92.33% over a period of 17 years. The largest reduction of 1 046 in the average number of children was observed between 2004 and 2005 calendar years followed by a reduction of 546 between 2009 and 2010 calendar years. The highest number of children recorded in terms of the long-term trends was in 2003 (4 126). Of the children detained, RDs constituted more than 55% while sentenced children constituted 43.67%. Since 2009 the annual averages reflected a reduction in the number of RD children as compared to the sentenced children. While in 2007 the average number of RD children was 57.31% of the children detained in DCS, ten years later i.e., in 2017 the reported average for RD children dropped to 36.45%. The table below reflects the annual averages from 2000 to 2017:

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

Table 2: Long term trend: 2001-2017: Annual average based on calendar years:
Source MIS 2001-2014 and Daily unlock calculation: 2015-2017

3. BUILDING CAPACITY INCLUDING TRAINING OF OFFICIALS

The DCS through its Human Resource Development develops annually a programme for training of officials in the department. The Child Justice Act has been included as a module in the training programme since 2015/16. The total number of officials trained during 2017/18 financial year was 101.

4. REMAND DETAINEES

4.1 Trend analysis from 2010 to 2017/18

An average of five hundred and four (504) remand detainee children were incarcerated in DCS facilities in March 2010. This figure decreased to an average of 78 during 2017/ 201. This converts to a reduction of more than 80%.

He said,
she said
said Thabo.

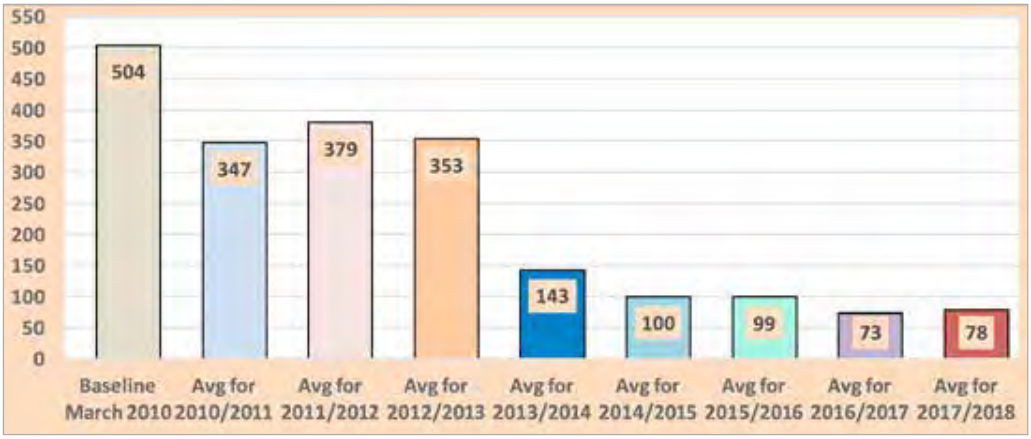


Figure 1: Average number of children Baseline of 2010 to 2016/17: Source Daily unlock

4.2 Facilities that Detained Remand Detainee children

The RD children were detained in 15 facilities as per the snapshot analysis of 31 March 2018. The region with the highest number of facilities that detained children is Free State Northern Cape. Five facilities that detained lone children were Mthatha, Ladysmith, Bethal, Nelspruit and Sasolburg. The reduction in the number of children implies that some children will be detained far from their families as it becomes difficult for the DCS to manage lone children.

Eastern Cape	KwaZulu Natal	Western Cape	Limpopo, Mpumalanga and North West (LMN)	Free State and Northern Cape (FSNC)	Gauteng
Cradock (6) Port Elizabeth (3) Mthatha Medium (10	Durban Juvenile (25) Ladysmith (1) Newcastle (2)	Pollsmoor Med. A (13) Mosselbaai (5)	Bethal (1) Nelspruit (1) Thohoyandou Female (2)	Grootvlei Max (14) Kroonstad Med. B (11) Sasolburg (1) Kimberley (2)	No children
Total 10	Total: 28	Total: 18	Total: 4	Total	Total: 0

Table 3: Facilities that detained Remand Detainee children 31 March 2018: Source Databank

4.3 Gender

Of the remand detainee children detained, males constituted more than 90% in all the three snapshots taken on 31 March 2017, 30 September 2017 and 31 March 2018.

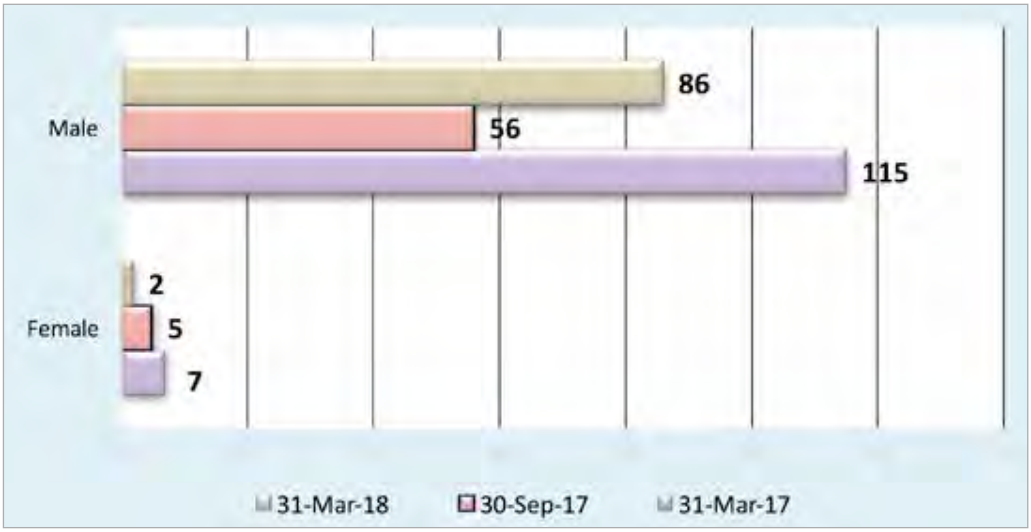


Figure 2: Snapshots Analysis of RD Children: Gender Distribution: Data from DCS Databank

4.4 Age distribution of RD Children

In terms of the CJA, the DCS detains children from fourteen (14) to seventeen (17) years. The 17 year old constituted the highest number of children detained in DCS on 31 March 2017 and 31 March 2018. As per the snapshot analysis of 31 March 2017, 17 year old RDs constituted 54.92% (67), 16 years old were 44 (36.07%) and the 15 years old were the lowest at 9.02% (11). There was no 14 year old remand detainee child. Of the RDs detained on 31 March 2018, 17 years old RDs were 62 (70.45%), 16 years old were 18 (20.45%) and 15 years were 7 (7.95%) and the 14 years old was only 1 (1.14%).

Regions	31 March 2017				31 March 2018			
	14 years	15 years	16 years	17 years	14 years	15 years	16 years	17 years
Eastern Cape	0	6	10	24	1	1	1	7
FSNC	0	0	13	12	0	2	7	19
Gauteng	0	0	0	5	0	0	0	0
KZN	0	5	12	18	0	2	8	18
LMN	0	0	1	2	0	0	1	3
Western Cape	0	0	8	6	0	2	1	15
Total	0	11	44	67	1	7	18	62

4.5 Regional Distribution

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

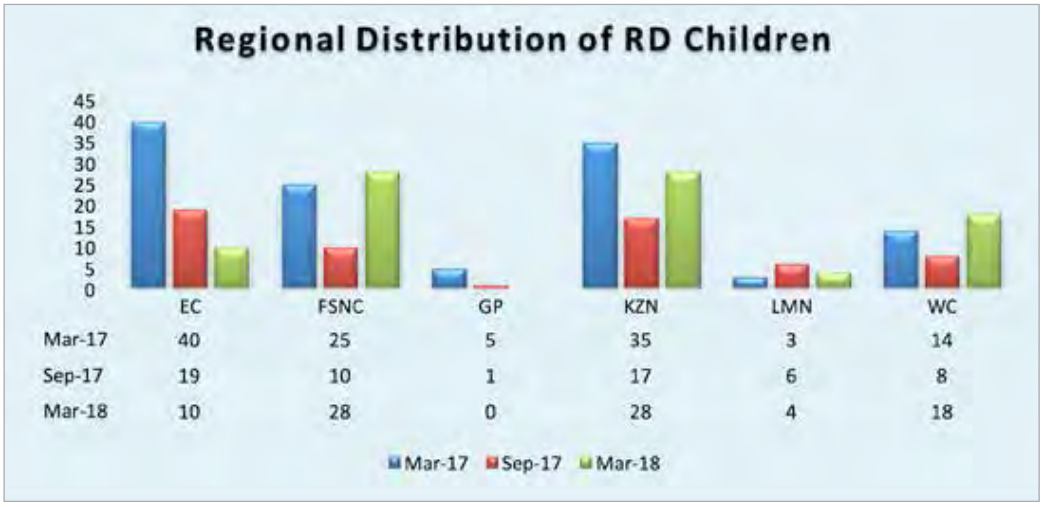


Figure 4: Snapshots Analysis of RD Children: Regional Distribution: Data from DCS Databank

The pattern of the distribution of children on 30 September 2017 in relation to the three regions with the highest number of children remained the same and lowest number of children was in Gauteng (1). The distribution changed on 31 March 2018 with KZN and FSNC with the highest number of RD children (28) followed by the Western Cape (18) and Eastern Cape (10). Gauteng did not have any children in detention on 31 March 2018.

4.6 Bail

Table 4 reflects the analysis of RD children in terms of bail based three snapshots for 31 March 2017, 30 September 2017 and 31 March 2018. Children with more than one (1) case who have bail in one case and no bail in other case(s) are excluded from the count of bail cases because they would not qualify for release even if they pay bail.

Bail Amount	31 March 2017		30 September 2017		31 March 2018	
	RDs	Percentage	RDs	Percentage	RDs	Percentage
0	118	96.72%	60	98.37%	86	97.73%
300	1	0.82%				
400			1	1.63%	1	1.14
500	1	0.82%				
800						
1000	2	1.64%	1	1.63%	1	1.14
Grand Total	122	100%	61	100%	88	100
The 0 or No bail includes - No bail application made; Bail application in process and Bail application considered and denied.						
Table: 5: RDs with bail: 3 snapshots: Source: DCS Databank						

The three snapshots analysis revealed that more than 90% of children were detained without bail while less than 2% had bail of R1000. Of the children detained with an option of bail, the bail amount ranged from R300 to R1 000 on 31 March 2017 and from R400 to R1000 on 30 September 2017. It ranged from R400 to R1 000 on 31 March 2018. The highest amount of bail given based on the three snapshots was R1000.

4.7 Period Spent in Detention

On 31 March 2018, of the 88 children in detention 81.82% were detained for a period ranging from a day to three months, 13.56% were detained for a period ranging from more than three months to nine months, 3.41% were detained for a period longer than nine to fifteen months. Only one child was detained for more than 1 year but less than two years. The longest period spent in detention by a remand detainee child was less than 4 years.[4] The child had two warrants and was charged for murder in both warrants.

Period in Custody	EC	FS	KZN	LIM	WC	Total	Percentage
1 day -3 months	8	25	22	1	16	72	81.82%
> 3-6 months	2	2	3	1	2	10	11.36%
> 6-9 months			1	1		2	2.27%
> 9-12 months			1			1	1.14%
> 12-15 months		1	1			2	2.27%
> 18-21 months				1		1	1.14%
Grand Total	10	28	28	4	18	88	100.00%
	11.36%	31.82%	31.82%	4.55%	20.45%	100.00%	
Table 6: Period spent in custody by RD children: snapshot 31 March 2018 Source: DCS Databank							

When comparing with the general population of inmates, the children's cases are prioritized in terms of court appearance. They have to appear in court every 14 days. While the general population of RDs (based on the snapshot taken on the last day of month) would reflect more than four percent who are detained for longer than two years, there has been no remand detainee child detained for longer than two years during the past three years.

4.9 Escapes

There were no escapes of remand detainee children recorded in 2017/2018 financial year.

[4] Profile report of ATDs based on the snapshot for 31 December 2007.

5. SENTENCED CHILDREN

5.1 Trend analysis from 2010 to 2017/18

An average of 717 sentenced children was incarcerated in DCS facilities in April 2010. This figure decreased to an annual average of 126 sentenced children during the financial year 2017/18. This converts to a decrease of 82.43% over a period of eight years.

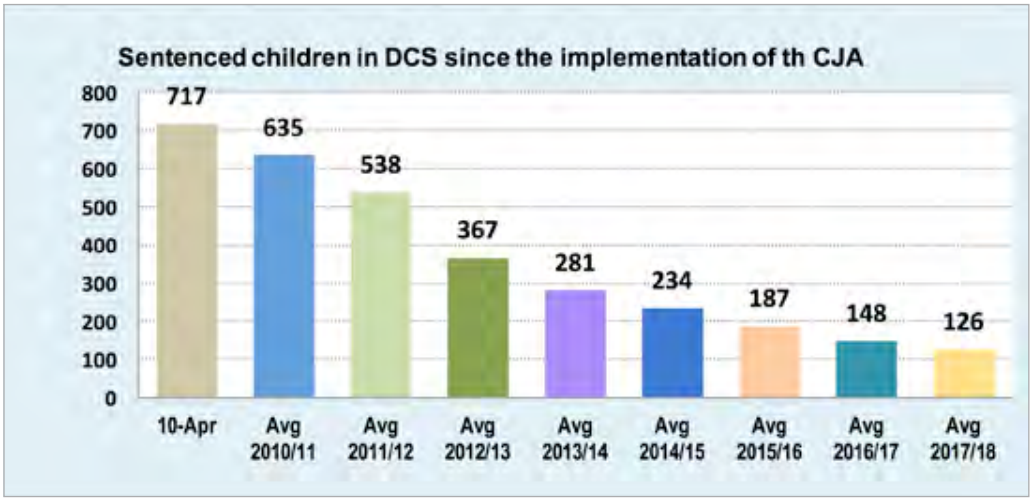


Figure 6: National Distribution of sentenced children in DCS Source: Daily Unlock

5.2 Gender

Of the sentenced children incarcerated, males constituted more than 95% in all the three snapshots taken at 31 March 2017, 30 September 2017 and 31 March 2018.

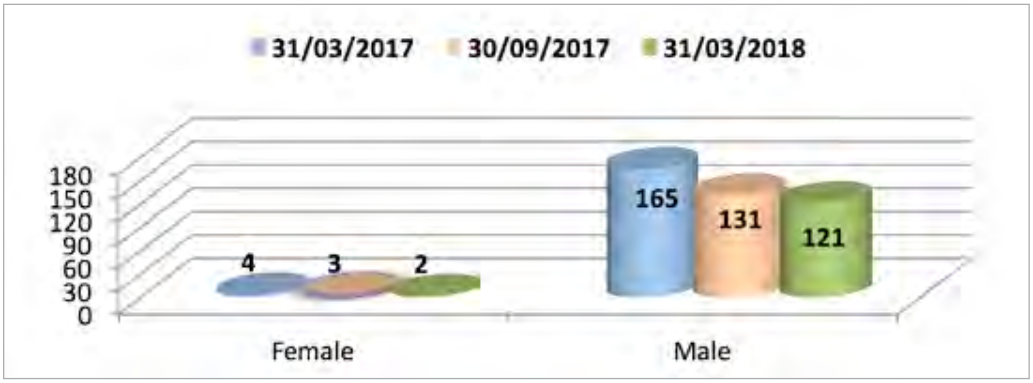


Figure 6: Snapshots Analysis of sentenced children: Gender Distribution: Data from DCS databank for 31 March 2017, 30 September 2017 and information for 31 March 2018 is Daily Unlock.

5.3 Facilities that detained Sentenced Children

Sentenced children were detained in 26 facilities as per the snapshot analysis of 31 March 2018. The region with the highest number of facilities that detained children was KwaZulu Natal (6) followed by FSNC (5). The region with the lowest number of facilities that detained sentenced children was Gauteng (3). The number of facilities that detained lone children were 14.

Eastern Cape	KwaZulu Natal	Western Cape	LMN	FSNC	Gauteng
Cradock (9) Port Elizabeth (1) Mdantsane (1) Mqanduli (1)	Durban Juvenile (21) Durban Female (1) Durban Medium B (2) Ekuseni Youth Centre (20) Pietermaritzburg (1) Qalakabusha (1)	Brandvlei Juvenile (2) Mosselbaai (2) Drakenstein Med B (6) VanRhynsdorp (1)	Barberton Town (3) Nelspruit (1) Potchefstroom (1) Rustenburg (3)	Grootvlei Maximum (2) Kimberley (1) Kroonstad Medium B (1) Kroonstad Youth (18) Vereeniging (1)	Boksburg CC (1) Boksburg Juvenile (1) Emthonjeni Juvenile (5)
Total 12	Total: 46	Total: 11	Total: 8	Total: 23	Total: 7

Table 7: Facilities that detained Sentenced children 31 March 2018: Source Databank:

5.4 Regional Distribution

The regions with the highest number of sentenced children on 31 March 2018 were KZN (48), followed by FSNC (41) and EC (11). However KZN reflected the largest decrease of 32 children (80 to 48 children) from 31 March 2016 to 31 March 2018. An additional four regions reflected further decreases in the number of sentenced children from 31 March 2016 to 31 March 2018. LMN reflected a total decrease of 20 sentenced children (from 27 to 7 children), followed by Gauteng with 12 sentenced children (from 18 to 6 children), and Eastern Cape with 11 sentenced children (from 22 to 11 children) and lastly Western Cape with a decrease of 2 sentenced children (from 12 to 10 children).

FSNC reflected the highest increase of 13 children since 31 March 2016 to 31 March 2018 (from 28 to 41 children). Regions with the lowest number of sentenced children as at 31 March 2018 were Gauteng (6) followed by LMN (7) and Western Cape (10).

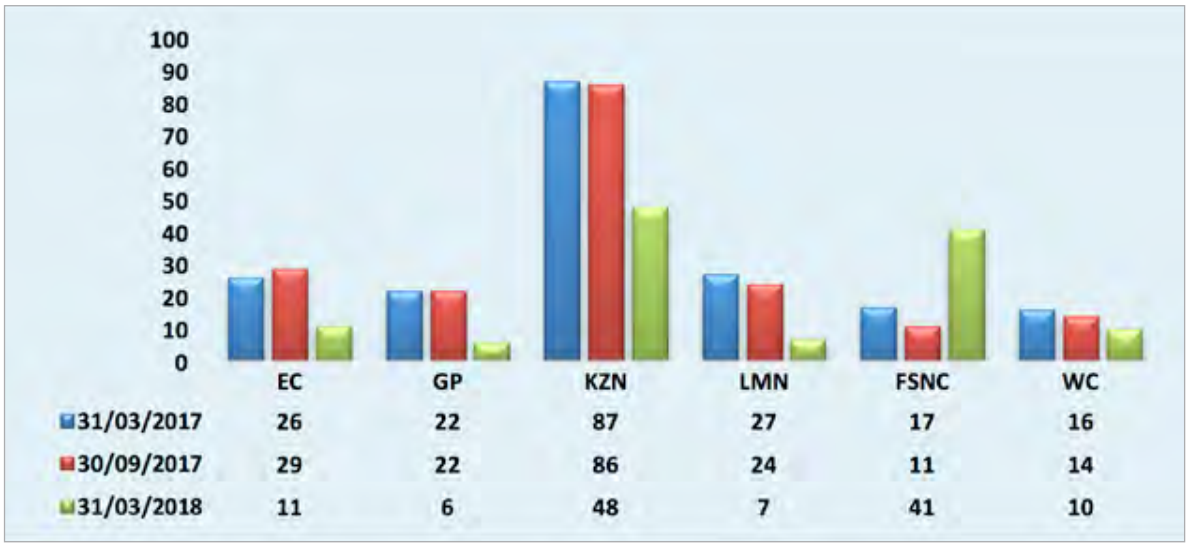


Figure 8: Snapshots Analysis of sentenced children: Regional Distribution: Data from DCS Databank for 31 March 2017 and 30 September 2017. Source: Daily Unlock 31 March 2018.

5.5 Age distribution of sentenced children

On 31 March 2017 of the 169 sentenced children who were detained, almost 66% were 17 years old, 24.85% were 16 years old, 4.73% were 15 years old and 1.78% were 14 years old. Gauteng did not have 14 and 15 year old children on 31 March 2017.

On March 2018, 17 year olds consisted of 63.55% of all sentenced children (107), 16 years olds consisted of 27.1% of the total number of children and 15 year olds constituted 7.48% of sentenced children whilst 14 year olds were 1.89%.

Eastern Cape, Gauteng, KZN and WC did not have 14 in their detention facilities on 31 March 2018.

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

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

5.6 Sentences

According to the snapshot of 31 March 2018, 10.28% (11) of sentenced children received sentences of >10–15 years and 34.58% received sentences of >3-5 years. The child serving the longest sentence (>15 to 20 years) was convicted for crimes ranging from housebreaking to attempted murder, murder and robbery. Of the sentenced children detained as per the snapshot of 31 March 2018, eight (8) children were convicted for sentences ranging from above ten to fifteen years (>10 to 15 years). These children were convicted for crimes ranging from rape, murder and robbery aggravating.

Sentences	Eastern Cape	FSNC	Gauteng	KwaZulu Natal	LMN	Western Cape	Total
0 - 6 Months		3	1	1	1		6
> 6 - 12 Months			1	2			3
> 12 - < 24 Months				3			3
> 2 - 3 years		2	2	2	1		7
> 3 - 5 years	3	7	1	17	4	5	37
> 5 - 7 years	4	3	1	9	1		18
> 7 - 10 years	2	3	1	6		4	16
> 10 - 15 years	2	5		2	1	1	11
> 15 - 20 years				1			1
2 years	1			4			5
Total	**12**	**23**	**7**	**47**	**8**	**10**	**107**

Table 9: Source: DCS Databank as at 31 March 2018

6. PROGRAMMES/SERVICES PROVIDED TO CHILDREN

6.1 Social Work Services

Programmes and services offered to sentenced children including parolees and probationers were: Support and counselling services to remand. Other programmes rendered to sentenced children were: Substance Abuse, Life-Skills, Marriage and Family Care, Sexual Offender Treatment, Anger Management, Assessment, Orientation, Cool and Fit for Life and Resilience Enhancement Programme. A total number of 246 sentenced and only two (2) remand children were involved in programmes and services from April 2017 to March 2018. For the financial year 2017/18, the total number of 248 children participated in social work services and programmes.

Programmes and services	Sentenced Children	Remand Children
Substance Abuse	35	1
Life-Skills	45	1
Marriage and Family Care	34	
Sexual Offender	19	
Anger Management,	15	
Orientation Treatment	7	
Cool and fit for life	7	
Resilience Enhancement Programme	6	
Parenting	2	
Trauma	8	
Assessment	68	
TOTAL	246	2
NB: Some children attended more than 1 programme		

Table 9: Social Work Programmes: Source: Incarceration and Corrections

6.2 Sport, Recreation, Arts and Culture (SRAC)

The total number of 135 sentenced children offenders, were involved in the following SRAC programmes and services for 2017/2018.

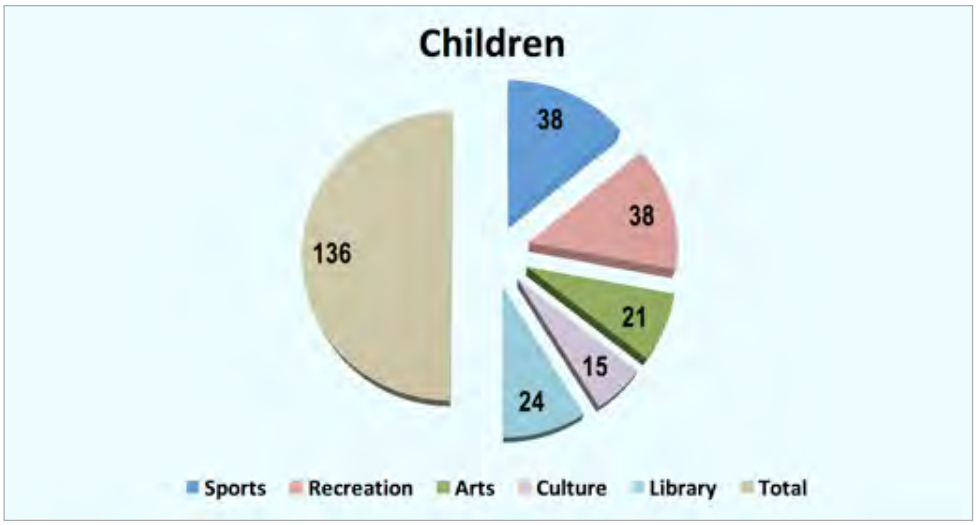


Figure 8: Pie chart on attendance of SRAC Programmes during 2017/18

6.3 Correctional Programmes

Correctional programmes appearing in the table below were offered to sentenced children in the 2017/18 financial year. The programmes include those that were facilitated by the DCS officials and the external service providers. A total number of 312 children completed correctional programmes from 1 April 2017 to 31 March 2018. Some children attended more than one programme.

Programmes and services	Service Provider	
	DCS	External Service Provider
Substance Abuse	13	
Aggressive Programme	39	
Restorative Justice	36	
New Beginnings	42	
Cross Roads	42	
Behaviour Modification: Gangsterism	4	
Economic Crime (Fraud)	10	
Economic Crime (Theft)	2	
Changing Lanes (Murder)	20	
Robbery	33	
Sexual Offences	14	4
Pre – Release	51	2
Total	**306**	**6**
NB: Some children attended more than 1 programme		
Table 11: Correctional Programmes: Source: Incarceration and Corrections		

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

6.4 Spiritual Care Services

Spiritual care services are available and accessible to all children detained in DCS facilities. These programmes are offered by spiritual workers appointed by DCS, external services providers including volunteers.

Figure 8: Pie chart on attendance of Spiritual Care Services during 2017/18

6.5 Health Care Services

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

Table 5 below indicates the numbers of children who attended health care programmes during 2016/17 financial year.

Health Care Programmes and services	Service Provider	RDs	Sentenced
Primary Health Care: (Promotion of health, Disease prevention curative and rehabilitative services)	DCS National Department of Health and Partners[5]	122	169
Nutrition Services: Provision of food service as per prescribed meal plan.	DCS	122	169
Personal Hygiene: Provision of toiletry, bedding and clothing	DCS	122	169

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

6.6 Psychological Services

Psychological services are available for sentenced children and remand detainee children are referred to psychological services when a need is identified. To the extent that services provided to children in detention, as well as other inmates, are need-based, psychologists have not received a great number of referrals relating to children. Further, where most of the psychologists are located, children account for an insignificant number of incarcerated persons. During the year 2017/18, five children detained in centres received psychological services.

6.7 Formal Education

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

The challenge faced by the DCS is that some children who are in detention were not attending school before they were arrested. An audit of RD children was conducted during 2016/17 financial year and the plan was to extend the audit to sentenced children during 2017/18 financial year. The audit could not be conducted because of budgetary constraints.

With regard to matric pass which is reported annually, all the inmates that passed were older than eighteen years. The number of inmates' matriculants who were enrolled in 2017 was 233 and the obtained pass rate was 76.7%. The schools that achieved a 100% matric pass rate were - Usethubeni Youth Centre (Durban Management Area); Emthonjeni Youth Centre (Baviaanspoort Management Area); Umlalati Youth Centre (Barberton Management Area) and Cradock Youth Centre (Sada Management Area).

7. ESTABLISHMENT OF INFRASTRUCTURE

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

8. RESOURCE AND BUDGET

There are no resources and budget which are ring-fenced for the implementation of the Child Justice Act in the department; however its implementation has been integrated within the budget programmes and the policies of the department. A departmental framework on the implementation of the Child Justice Act guides the implementation of the Act in the department therefore the roles and responsibilities of several units have been outlined in the framework. The Chief Directorate Remand Operations Management coordinates the implementation of the CJA including reporting.

9. ESTABLISHMENT OF INTEGRATED INFORMATION MANAGEMENT SYSTEM

The development and management of the integrated information management system has been assigned to the Integrated Justice System (IJS) which is situated in the Department of Justice and Constitutional Development. The DCS however has commenced with the implementation of the improved management system called Integrated Inmate Management System (IIMS). The system will allow for the interphase between departments through the IJS hub for sharing of information with other cluster departments on selected areas based on the agreements developed.

[5] Health care partners are Right to Care; TB/HIV Association and Aurum

10. PUBLIC EDUCATION AND COMMUNICATION

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

The DCS has included in its operational plan "Imbizos[6]" as part of public education on variety of matters for the purpose of social reintegration. During 2017/18 financial year more than 400 public education sessions were conducted in all six regions of the department.

11. CHALLENGES

Challenge	Intervention
The department continues to detain lone children in several facilities and the remand detainees cannot be mixed with sentenced children.	Referral of RDs through a negotiated agreement with relevant role players is in place.
Lack of participation of children in formal education	An audit will be conducted in 2018/19 for determination of the educational background of children and factors associated with poor or lack of attendance of formal educational classes

12. CONCLUSION

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

13. ANNEXURES

ANNEXURE A: HEALTH SERVICES AVAILABLE FOR INMATES INCLUDING CHILDREN

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

[6] Imbizo is a gathering that draws a number of people for discussing issues affecting a large number of

POLICE
CONSTABLE

SOUTH AFRICAN POLICE SERVICE

South African Police Service Suid-Afrikaanse Polisiediens

Private Bag
Privaatsak X 94, Pretoria, 0001

Fax No:
Faks No: 012 421 8216

Your reference/U verwysing:

My reference/My verwysing: 3/1/5/1/343(1)

Enquiries/Navrae: Lieutenant General Masiye

Tel: 012 421 8009
012 421 8003

Email/E-pos: singhrajeeve@saps.gov.za

THE NATIONAL COMMISSIONER
DIE NASIONALE KOMMISSARIS

PRETORIA

0001

The Director General
Department of Justice and Constitutional Development
Private Bag X81
PRETORIA
0001

Dear Dr C Badenhorst

REPORTING ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 2008 (ACT NO 75 OF 2008), FOR THE PERIOD: 01 APRIL 2017 TO 31 MARCH 2018: SOUTH AFRICAN POLICE SERVICE

Your letter with reference, Implementation of the Child Justice Act, dated 21 July 2017, refers.

Herewith, please find input for the annual report on the implementation of the Child Justice Act, 2008 (Act No 75 of 2008), from the South African Police Service (SAPS) for the period, 01 April 2017 to 31 March 2018.

The SAPS is required to report on the following, in terms of progress on the implementation of the Child Justice Act, 2008 (Act No. 75 of 2008):

- Building capacity in the Sector;
- Ensuring assessment of children;
- Management of One Stop Child Justice Centre's (OSCJC);
- Resources and Budgets;
- Public Education and Communication;
- Development of necessary Information Technology (IT) and Integrated Justice Systems (IJS) to support information management and monitoring.

REPORTING ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 2008 (ACT NO 75 OF 2008), FOR THE PERIOD: 01 APRIL 2017 TO 31 MARCH 2018: SOUTH AFRICAN POLICE SERVICE

Building capacity

The SAPS Vulnerable Children Learning Programme, is a one week in-service training curriculum, which aimed at capacitating members on how to deal with children who are in conflict with the law, as well as those who are in need of care and protection. The Learning Programme includes information on the Child Justice Act, 2008 (Act No 75 of 2008), supported by the SAPS's National Instruction 2 of 2010, "Children in Conflict of the Law", as well as information on the Children's Act, 2005 (Act No 38 of 2005), supported by the SAPS's National Instruction 3 of 2010, "The Care and Protection of Children in terms of the Children's Act". The SAPS has trained a total number of 2 140 members who have been found competent in the Vulnerable Children Learning Programme, from 1 April 2017 to 31 March 2018. Please refer to **Annexure A**.

Ensuring assessment of a child before appearance at a preliminary enquiry

An updated list with information on designated probation officers and child and youth care centres, to which children may be referred, including identifiable bed space, was provided to all provinces and police stations and is available on the SAPS Intranet. The SAPS Operational Planning and Monitoring (OPAM) System, was also updated during the reporting period, with the latest contact details of provincial coordinators, from the Department of Social Development. This was done to facilitate the process of email notifications to probation officers, when a child under the age of 10 years old, is in conflict with the law. Challenges are still being experienced with this system as not all SAPS members are registered to use the above mentioned system. This matter is being addressed through the station compliance visits that are being conducted.

During the period under review, legislative compliance visits were conducted at police stations. A total of 32 police stations were visited during the reporting period:

PROVINCE	STATION	DATE
Western Cape	Bellville Parow Milnerton	15 August 2017 16 August 2017 17 August 2017
Free State	Botshabelo Selosesha Thaba Nchu	22 August 2017 23 August 2017 24 August 2017
KwaZulu-Natal	Melmoth Durban North Empangeni Greenwood Park Plessieslaer Marianhill	28 August 2017 28 August 2017 29 August 2017 29 August 2017 30 August 2017 31 August 2017
Western Cape	George Kraaifontein Cape Town Central Nyanga Gugulethu	11 September 2017 11 September 2017 12 September 2017 13 September 2017 14 September 2017
Mpumalanga	Nelspruit Hendrina	26 September 2017 27 September 2017

REPORTING ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 2008 (ACT NO 75 OF 2008), FOR THE PERIOD: 01 APRIL 2017 TO 31 MARCH 2018: SOUTH AFRICAN POLICE SERVICE

PROVINCE	STATION	DATE
	Piet Retief	28 September 2017
Northern Cape	Kimberly Galeshewe Roodepan	14 November 2017 15 November 2017 16 November 2017
Gauteng	Silverton Lyttelton Garsfontein	16 January 2018 17 January 2018 18 January 2018
North West	Rustenburg Hartebeespoort	06 February 2018 07 February 2017
Limpopo	Lephalale Tom Burke Modimolle Tabazimbi	05 March 2018 06 March 2018 07 March 2018 08 March 2018

One-Stop Child Justice Centres

The SAPS participates in the management of One Stop Child Justice Centres with stakeholders in the Criminal Justice Sector and it continues to provide support to the One-Stop Child Justice Centres as part of its inter-departmental obligations.

SAPS Provincial Offices were required to assess the modalities that can be applied in respect of each Centre, to ensure the most cost-effective utilisation of resources.

Information Management

Statistics regarding charges against children for the period 01 April 2017 to 31 March 2018, are as follows, please refer to **Annexure B**:

- Total criminal charges against children – **42 642**; and
- Total criminal charges against children for Sexual Offences – **3 220**.

Statistics regarding the number of children charged for the period 01 April 2017 to 31 March 2018 is as follows, please refer to **Annexure B**:

- Total number of children charged – **40 962**.

A summary of the charges against children since the implementation of the Child Justice Act, 2008 (Act 75 of 2008), is as follows:

REPORTING ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 2008 (ACT NO 75 OF 2008), FOR THE PERIOD: 01 APRIL 2017 TO 31 MARCH 2018: SOUTH AFRICAN POLICE SERVICE

Period	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Total Charges	68 078	57 721	47 274	50 535	42 628	39 797	42 642
Charges for sexual offences	4772	4960	2943	3560	2805	2652	3 220

Period	2014/15		2015/16		2016/17		2017/18	
Semester	1	2	1	2	1	2	1	2
Total Charges	19898	30637	23042	19586	22321	17476	20763	21879
Charges for sexual offences	1174	2386	1426	1379	1438	1214	1486	1734

From the above, it is clear that there has been a significant decrease in the number of charges against children since the implementation of the Child Justice Act, 2008 (Act 75 of 2008). Semester statistics could only be provided from the 2014/2015 to 2017/2018 financial years.

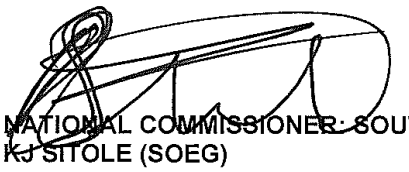
Furthermore, a total number of 23 (twenty three) national and 69 (sixty nine) provincial public education and communication events were conducted to address child protection and children in conflict with the law. During the reporting period the SAPS also provided 400 (four hundred) Child Justice Act playing cards to the Kraaifontein Child and Youth Care Centre and 400 (four hundred) Child Justice Act playing cards to the Hendrina Child and Youth Care Centre. During January 2018, 200 (two hundred) Child Justice Act playing cards and 100 (one hundred) Child Justice Act flow charts were provided to the SAPS Provincial Office in the North West Province for build- up activities in support of Child Protection Week 2018.

During January 2018, 200 (two hundred) Child Justice Act playing cards, 30 (thirty) Child Justice Act posters and 2 000 (two thousand) Children's Act, 2005 (Act 38 of 2005) flyers were provided to SAPS Garsfontein for awareness campaigns. The Child Justice Act playing cards serves to educate the public on the Child Justice Act, 2008 (Act 75 of 2008).

There were no significant challenges to report with regard to the implementation of the Child Justice Act, 2008 (Act 75 of 2008).

REPORTING ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 2008 (ACT NO 75 OF 2008), FOR THE PERIOD: 01 APRIL 2017 TO 31 MARCH 2018: SOUTH AFRICAN POLICE SERVICE

Yours sincerely,



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

Date: 2018/08/03

Annexure A

TOTAL NUMBER OF MEMBERS TRAINED AND FOUND COMPETENT FOR THE PERIOD 1 APRIL 2017 31 MARCH 2018 AS PER TRAING AS PER TRAINING ADMINISTRATION SYSTEM ON 03 APRIL 2018																			
	TRAINED MEMBERS									COMPETENT MEMBERS								
COURSE DESCRIPTION	A	A	C	C	I	I	W	W	TOTAL	A	A	C	C	I	I	W	W	TOTAL
	F	M	F	M	F	M	F	M		F	M	F	M	F	M	F	M	
3519 VULNERABLE CHILDREN COURSE	778	1135	62	70	9	27	16	54	2151	778	1135	62	70	9	27	16	54	2140

OTAL NUMBER OF MEMBERS TRAINED AND FOUND COMPETENT PER PROVINCE FOR THE PERIOD 1 APRIL 2017 31 MARCH 2018 AS PER TRAING AS PER TRAINING ADMINISTRATION SYSTEM ON 03 APRIL 2018												
		TRAINED MEMBERS					COMPETENT MEMBERS				
PROVINCE	COURSE DESCRIPTION	Q1	Q2	Q3	Q4	TOTAL	Q1	Q2	Q3	Q4	Grand Total
NAT HEAD OFFICE	3519 VULNERABLE CHILDREN COURSE	4	6	2	0	12	4	6	2	0	12
P COMM EASTERN CAPE	3519 VULNERABLE CHILDREN COURSE	60	48	0	0	1081	60	48	0	0	108
P COMM FREE STATE	3519 VULNERABLE CHILDREN COURSE	19	71 I	49	18	1571	19	71	48	18	156
P COMM GAUTENG	3519 VULNERABLE CHILDREN COURSE	200	327	184	82	7931	200	323	184	82	789
P COMM KWAZULU NATAL	3519 VULNERABLE CHILDREN COURSE	134	220	110	145	6091	132	219	109	144	604
P COMM LIMPOPO	3519 VULNERABLE CHILDREN COURSE	81	23	0	0	1041	81	23	0	0	104
P COMM MPUMALANGA	3519 VULNERABLE CHILDREN COURSE	54	24	0	0	781	54	24	0	0	78
P COMM NORTH WEST	3519 VULNERABLE CHILDREN COURSE	25	46	19	20	110	25	46	19	20	110
P COMM NORTHERN CAPE	3519 VULNERABLE CHILDREN COURSE	32	29	19	0	80	32	29	19	0	80
P COMM WESTERN CAPE	3519 VULNERABLE CHILDREN COURSE	20	19	39	21	991	20	19	38	21	98
UNKNOWN	3519 VULNERABLE CHILDREN COURSE	0	0	1 II	0		0	0	1	0	
TOTAL	3519 VULNERABLE CHILDREN COURSE	629	813	423	286	215	627	808	420	285	2140

Annexure B

Charges against children - 2017/2018 financial year

Summary

No. of charges against children 2017-2018 financial year

Quarter	Sex		
	Female	Male	
April – June	1041	9043	**10084**
July - Sept	1073	9606	**10679**
Oct – Dec	1111	10376	**11487**
Jan - March	998	9394	**10392**
	4223	38419	42642

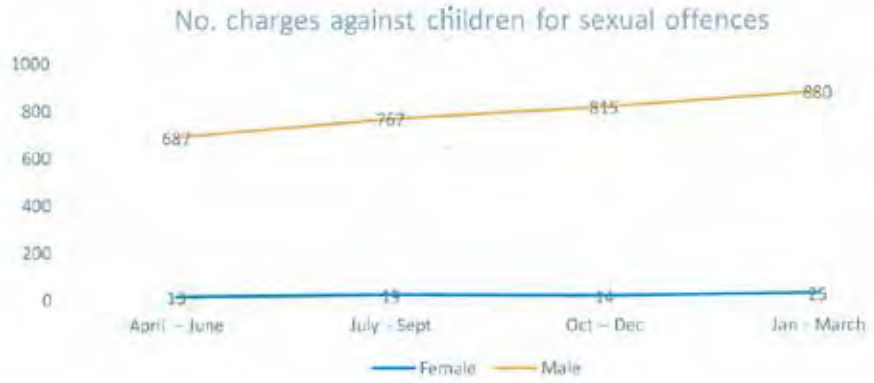
No. charges against children - Sexual Offences 2017-2018 financial year

Quarter	Sex		
	Female	Male	
April – June	13	687	**700**
July - Sept	19	767	**786**
Oct – Dec	14	815	**829**
Jan - March	25	880	**905**
	71	3149	3220

No. of children charged - 2017-2018 financial year

Quarter	Sex		
	Female	Male	
April – June	983	8359	**9342**
July - Sept	1073	9604	**10677**
Oct – Dec	1051	9500	**10551**
Jan - March	998	9394	**10392**
	4105	36857	40962

Annexure B


No. charges against children for sexual offences
1000
800
600
400
200
0
687
767
815
880
15
15
14
25
April - June
July - Sept
Oct - Dec
Jan - March
Female
Male

DEPARTMENT OF HEALTH

health

Department:
Health
REPUBLIC OF SOUTH AFRICA

Annual Report on the Implementation of The Child Justice Act 75 Of 2008 For The 2017/18

April 2017 to march 2018

Table of content

Acronyms.....136
1. Overview 138

2. Report.....139
2.1 Priority 1: Building capacity in the sector.....139
2.2 Priority 2: Ensuring criminal capacity assessments of children 142

2.3 Priority 3: Resources and budgets 142

2.4 Priority 4: Public education and communication..... 143
2.5 Priority 5: Development of the necessary information communication technology. 143

Conclusion..... 143

List of pictures:

Picture 1: Compact disc with the training material.....139
Picture 2: The training team..... 140
Picture 3: Training session in Mpumalanga.....141

List of tables:

Table 1: Training schedule implemented in all provinces 140
Table 2: Number of trained health professionals in provinces 141

List of graphics:

Graphic 1: Number of private psychiatrists and clinical psychologists included in the 2016/17 and 2017/18 lists 142
Graphic 2: Number of children referred by courts and assessed 143

Acronyms

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

Official sign-off

It is hereby certified that this departmental annual report was developed by the Department of Health (the department) and submitted in terms of Section 11 of the Child Justice Act, 2008 (Act 75 of 2008) (the Act). It highlights the achievements and limitations experienced in realising the roles and responsibilities of the Department of Health espoused in the Act. The reporting period for this departmental report is from 1 April to 31 March 2018.

Dr NE Mulutsi
Acting Chief Director:
Non-Communicable Diseases

Signature: _____

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

Signature: _____

Approved by:

MP Matsoso
Director-General: Health

Signature: _____

1. Overview

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

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

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

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

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

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

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

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

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

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

1.4. The relevant key priorities for the health sector as stipulated in the National Policy Framework on Child Justice are capacity building, ensuring assessments of children, resources, budgets and information communication technology, which are to be reported on half-yearly and on an annual basis in line with the Act.

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

- providing mental health facilities for children who are referred for observation/criminal capacity evaluations, or who are declared as State patients because of a mental health problem
- assisting with the provision of a suitably qualified person to conduct a criminal capacity evaluation and provide expert evidence regarding whether a child has criminal capacity in cases where the age of the child is equal to or older than the minimum age of criminal capacity but under the age of 14 years where required by the Court.

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

2. Report

2.1 Priority 1: Building capacity in the sector

A training programme on the implementation of the Act was developed in liaison with the Justice College from the Department of Justice and Constitutional Development. The training was focused on the following key areas:

(a) How to conduct criminal capacity assessments.
(b) How to compile the assessment reports for the Courts.
(c) How to give expert evidence in Court.

The training material was packaged in a compact disc shown below and distributed to all the attendees for reference.

Picture 1: Compact disc with the training material

The training team comprised of Prof. Zabow, specialist psychiatrist; Adv. Ellison, Justice College at the Department of Justice and Constitutional Development; and officials from Forensic Mental Health in the national Department of Health.

Picture 2: The training team

Left to right: L Mompuisi, Senior Administration Clerk: Forensic Mental Health; Adv. S Ellison: Justice College; MA Motaung, Deputy Director: Forensic Mental Health; Dr NE Mulutsi, Director: Forensic Mental Health and Prof. T Zabow, specialist psychiatrist.

The training was initially piloted in Limpopo and KwaZulu-Natal, then rolled over to the remaining provinces. A combined training session was conducted for professionals from the Northern Cape and Free State, due to the limited number of psychiatrists and clinical psychologists in these provinces. **Table 1** shows the training schedule in provinces.

Table 1: Training schedule implemented in all provinces

Province	Venue	Date conducted
Limpopo	Capricorn District Office	22-23 February 2017
KwaZulu-Natal	Krith Building Nelson Mandela Medical School	28 February – 1 March 2017
Free State and Northern Cape	Free State Psychiatric Complex	28-29 September 2017
North West	North West Department of Health	27-28 October 2017
Eastern Cape	Cecilia Makiwane Hospital	16- 17 November 2017
Western Cape	Valkenberg Hospital	16-17 February 2018
Gauteng	Tshwane District Hospital	22-23 February 2018
Mpumalanga	Mpumalanga Government Buildings	27-28 February 2018

By February 2018, 245 health professionals in all nine provinces were trained, consisting of 37 psychiatrists, seven registrars, 28 medical officers and 138 clinical psychologists. The distribution of professionals in provinces is illustrated in Table 2 below.

Table 2: Number of trained health professionals in provinces

Professional category	Provinces								
	Limpopo	KwaZulu-Natal	Free State and Northern Cape	Mpumalanga	Gauteng	North West	Eastern Cape	Western Cape	Total
Psychiatrists	4	6	1	1	8	2	1	14	37
Psychiatry registrars	2			0	0	0	3	2	7
Medical officers involved in forensic mental health	17	1	0	0	0	6	0	4	28
Clinical psychologists	19	25	18	19	16	12	20	9	138
Educational and counselling psychologists	0	0	0	0	3	0	1	0	4
Provincial and district mental health coordinators	2	3	2	3	3	4	3	2	22
Social workers	0	0	0	0	3	2	2	6	13
Professional nurses	0	0	0	0	4	9	0	2	15
Occupational therapists	0	0	0	0	0	0	0	1	1
Total	**44**	**35**	**21**	**23**	**37**	**35**	**30**	**40**	**265**

Picture 3: Training session in Mpumalanga

The following key issues emerged from the training sessions:

- there is no standard reporting template to structure the assessment reports for the Courts
- there is no interdepartmental protocol to clarify the roles and responsibilities of departments in the implementation of the respective legal mandates
- Form 2 (court order) provides inadequate information for the criminal capacity assessments
- there is no introductory/orientation manual for psychiatrists and clinical psychologists on conducting criminal capacity assessments and report compilation

In order to mitigate these challenges, the National Technical Intersectoral Committee on Child Justice (NTISCCJ) established a task team to generate possible solutions to bridge the gaps. The following documents were developed in consultation with relevant stakeholders:

- a draft reporting template on criminal capacity assessments for psychologists and psychiatrists
- an interdepartmental protocol on criminal capacity assessments
- a checklist on the information to be attached to Form 2 (court order) for criminal capacity assessments

The department is in the process of finalising an orientation guideline for psychiatrists and clinical psychologists on criminal capacity assessments.

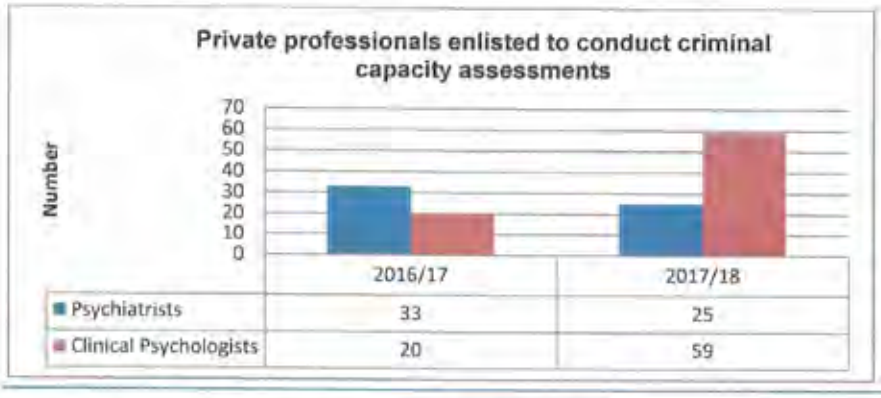
2.2 Priority 2: Ensuring criminal capacity assessments of children

Criminal capacity assessments are conducted by psychiatrists and clinical psychologists in 64 designated psychiatric hospitals in the public sector.

The department compiled the 2017/2018 list of psychiatrists and clinical psychologists who are prepared to conduct these assessments in order to complement the public sector human resource capacity. The list was submitted to the Department of Justice and Constitutional Development for contracting and reimbursement where the need arises.

However, a limited number of private professionals submitted their details for inclusion in the list, which consisted of 25 private psychiatrists and 59 clinical psychologists. There were no submissions from Mpumalanga, the Northern Cape or North West. The number of private psychiatrist enlisted to conduct criminal capacity assessments in 2016/2017 and 2017/2018 is reflected in **Graph 1**

Graphic 1: Number of private psychiatrists and clinical psychologists included in the 2016/17 and 2017/18 lists



The Department of Justice and Constitutional Development in September 2017 revised the tariffs from **R550** to **R1 000 per hour** for private psychiatrists and **R380 to R765 per hour** for private clinical psychologists.

2.3 Priority 3: Resources and budgets

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

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

2.4 Priority 4: Public education and communication

Mental health promotion and illness prevention awareness campaigns are conducted throughout the year, with special emphasis on mental illness in July and mental health in October.

2.5 Priority 5: Development of the necessary information communication technology

The department revised and implemented a data collection tool from the designated psychiatric hospitals to improve information management on this legislative mandate. The data elements are:

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

By March 2018, 146 criminal capacity assessments were referred by the courts and conducted in designated psychiatric hospitals, compared to 135 in 2016/2017.

Graphic 2: Number of children referred by courts and assessed

There was no waiting list for criminal capacity assessments during the reporting period.

Conclusion

The department made major strides in the implementation of Section11 of the Act in 2017/2018. There was no backlog on criminal capacity assessments of children referred by the courts. However, the limited number of psychiatrists and clinical psychologists to conduct the criminal capacity assessments in the public health sector remains a challenge.

The limited number of psychiatrists and clinical psychologists in the public sector are being augmented by utilising private sector health practitioners, who are directly contracted and remunerated by the Department of Justice and Constitutional Development. Although a limited number of private clinicians submitted their details for inclusion in the list, it is envisaged that the numbers will increase as the tariffs were revised in September 2017 and training was conducted on the legal mandates.

DEPARTMENT OF BASIC EDUCATION

Department of Basic Education`s inputs into 2017/ 2018 Annual Report on the implementation of the Child Justice Act 2008

basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

Read to Lead
A Reading Nation is a Leading Nation

2030 NDP

ALBERTINA SISULU Centenary 2018

Nelson Mandela Centenary 2018 Be the Legacy

Department of Basic Education`s inputs into 2017/ 2018 Annual Report on the implementation of the Child Justice Act 2008 of the Child Justice Act 2008

Introduction of the Technical Occupational Stream

The development of a Technical Occupational exit level qualification at NQF Level 1 was initiated by the DBE in 2013 with a view to standardise the curriculum offered at Schools of Skill and Schools for Learners with Severe Intellectual Disability.

Substantial progress has been made in this programme. The 26 Technical Occupational Subjects and 21 Differentiated Subjects for learners with Severe Intellectual Disability were completed in September 2016. The draft General Certificate: Technical Occupational (GCE: TO) was handed over to Umalusi for finalisation in October 2016.

After National Training was conducted for 268 Teachers and Officials in February 2017, followed by provincial training from March to July 2017, Schools of Skill have been piloting the Technical Occupational Subjects. The findings of the pilot will be incorporated into final versions of the Subject Statements before they are published for public comment.

DBE has established a Ministerial Task Team to develop a General Certificate of Education for the whole system of which the GCE: TO will be a programme.

The DBE sees the introduction of the Technical Occupational Stream as part of its obligation towards implementing Sustainable Development Goal 4, as well as the Convention on the Rights of Persons with Disabilities. Both of these conventions, require States Parties of the UN to strengthen Technical Vocational Education and Training (TVET) to ensure access to differentiated pathways that meet the needs of diverse learner populations. The National Development Plan (2011: 266 - 267) draws the attention of the Department of Basic Education (DBE) to the need to urgently mediating the high drop-out rate of learners from the basic schooling system by increasing the learner retention to 90 % and allowing for an increase of the number of learners entering vocational and occupational pathways. To achieve this goal a process has been underway since 2012 to broaden the General and Further Education Band which currently only focuses on purely academic content by introducing a Technical Vocational, as well as a Vocational Occupational stream in the Basic Education Sector.

The strengthening of the Academic Stream in the schooling system is the ongoing and main focus of the Department of Basic Education. To improve the standard of delivery in the GET band, the DBE has developed a concept document on the introduction of a General Education Certificate at the end of Grade 9.

What Constitutes the Three Stream Model?

- The programme is about strengthening the technical and vocational education and training in the basic education sector;
- It is targeting 14 –18 year olds in the secondary education;

- A vocational programme consist of subject offerings (programmes) that consist of at least a 25% practical skills component and a 75% theory component whilst
- The occupational programme has at least a 75% practical component and a 25% theory component.

Goals and Objectives

- Strengthening differentiated curriculum pathways in the senior and FET phases to ensure that more learners have access to the content which suits their interest and aptitude;
- Reducing early school leaving and promote throughput rate in the basic education sector;
- Enhancing transition from school to work opportunities by creating multiple exit pathways;
- Fostering entrepreneurship;
- Strengthening career guidance and lifelong learning programmes;
- Promoting equity and gender equality; and
- Facilitating transition to green economies and sustainable societies

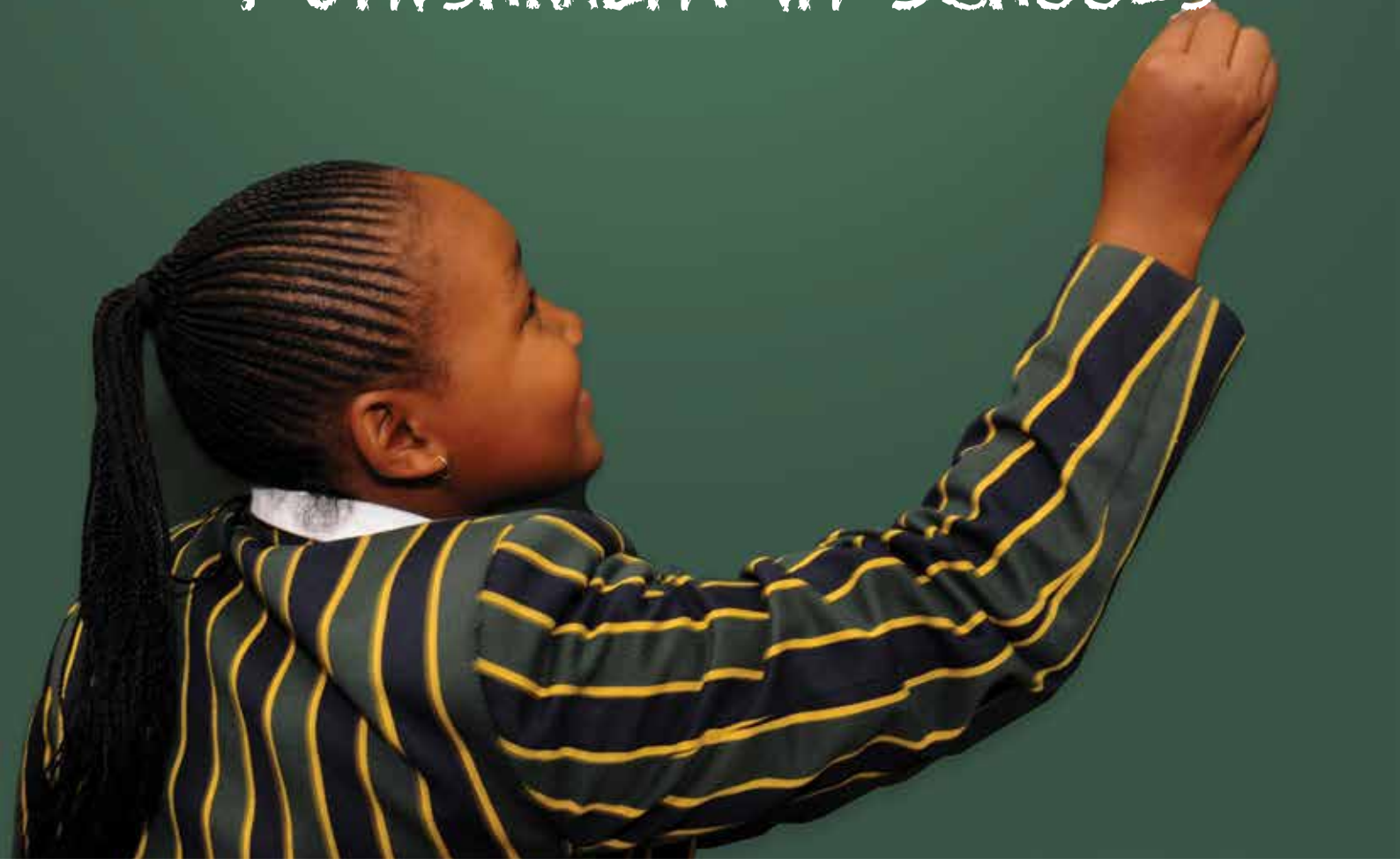
Strengthening the pilot in Schools of Skills in 2017

- Training Manuals developed for each of the 26 subjects;
- 261 teachers, district and provincial officials were orientated into the 26 subjects during September 2017;
- PEDs are submitting plans for orientation of school-based teachers;
- DBE is monitoring and supporting the orientation of teachers from Schools of Skill; and
- Partnerships are being established with corporates and industries to support implementation on an ongoing basis.

Teacher training

- Teachers from Schools are being profiled in terms of qualifications, experience, etc. through audit data to plan the training later in 2017;
- Deliberations have commenced with Department of Higher Education and Training on a planned programme for professionalisation of artisans; and
- Agreements reached with several SETAs to support the teacher training programme.

Protocol to Deal with Incidences of Corporal Punishment in Schools



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

Read to Lead
A Reading Nation is a Leading Nation

2030 NDP

PROTOCOLS ON MANAGEMENT OF THE INCIDENTS OF CORPORAL PUNISHMENT AND MANAGEMENT AND REPORTING SEXUAL ABUSE AND HARASSMENT IN SCHOOLS

The CEM of 14 – 15 September 2017 approved:

- **The Protocol to Deal with Incidences of Corporal Punishment in Schools; and**
- **The Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools**
- In 2018/19 these documents will be widely disseminated with the intention to strengthen the adoption of the roles and responsibilities assigned to officials and educators at various levels of the education system.
- Advocacy, training and/or support for School Safety Committees, Principals, School Governing
- Bodies, Teacher Unions, District and provincial officials.

The protocols foregrounds the following areas:

a) The steps to be taken by provincial, district, circuit and school SMT in reporting the incidents of corporal punishment as well as sexual abuse and harassment in schools.

The complaints procedures are outlined and the measures to be taken at every level of the system are explicit and include the labour relations processes in response to perpetrators of corporal punishment as well as sexual abuse and harassment.

PREVALENCE OF SUBSTANCE ABUSE, CRIME AND VIOLENCE IN SOCIETY AND ITS EFFCETS ON TEACHING AND LEARNING

The National School Violence Survey (2012) showed that learners were acutely aware of people at their schools who were involved substance-related activities, crime and violence:

- One in seven (15.5%) reported knowing people at school who had done things that could have gotten them in trouble with the police, such as stealing, selling stolen goods or assaulting others.
- 47.1% knew people who smoked marijuana; 12.2% knew people who used illicit drugs and 6.3% knew the drug sellers.
- Parental criminality was recorded at 9.4% and sibling criminality at 23.7% and 12.2% reported exposure to family violence.

GANG RELATED INCIDENCES

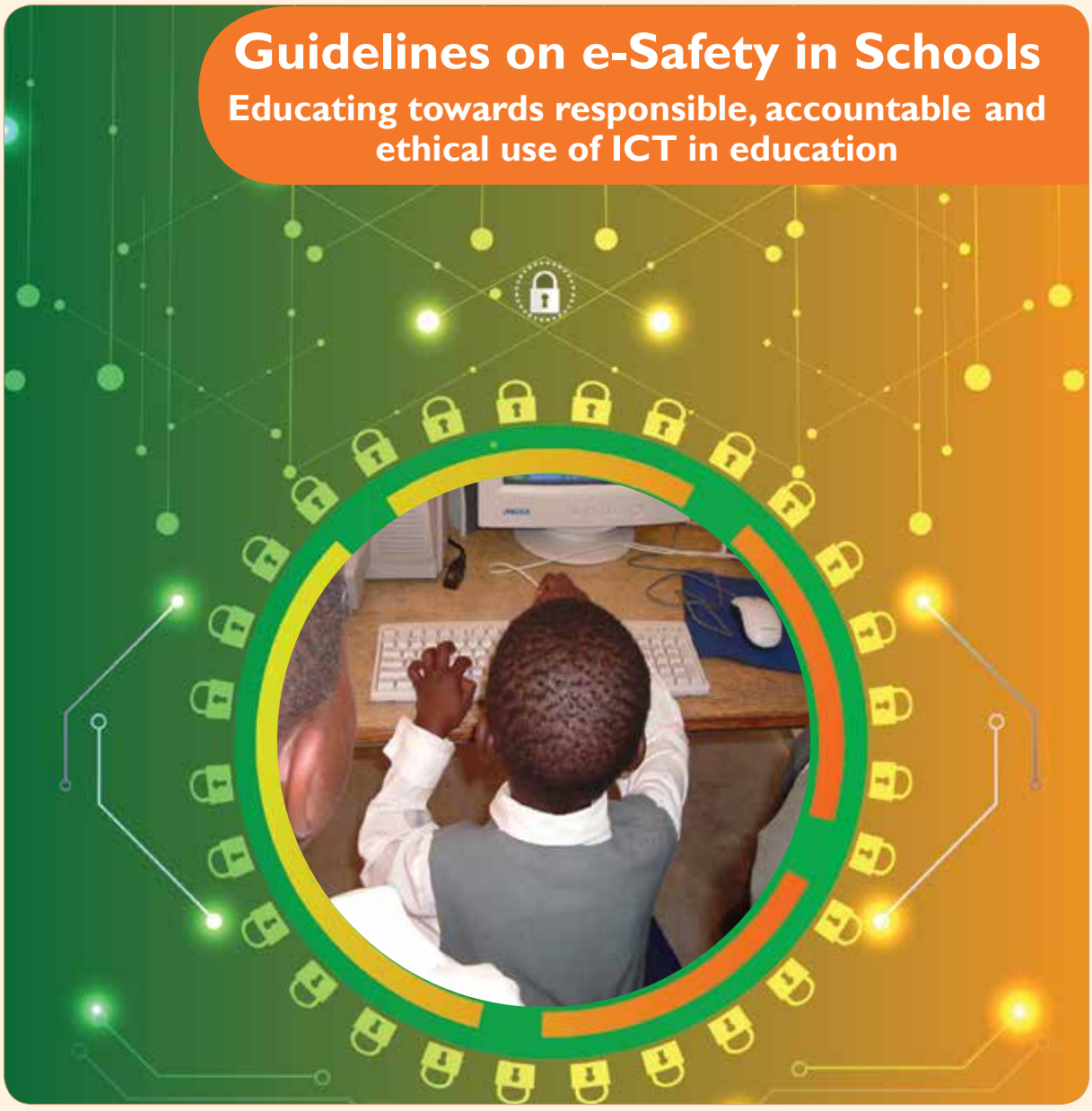
The gang-related incidents are prevalent across all provinces and most pronounced in the Western Cape, Eastern Cape, Free State, North West, Gauteng and KwaZulu-Natal.

Inter-governmental anti-gangs plans are required to give expression to the strategy. Another National School Violence Survey is needed to further inform evidence-based decision making and trend analysis.

In line with the National School Safety Framework (NSSF) the Protocols further support schools in ensuring safe and supportive learning environments that use protective behaviour, positive discipline, restorative justice, positive behaviour intervention support.

The national Inter-departmental Anti-Gang Strategy has four-pillars:

- ***Awareness*** - focusing on collaboration and engagement with communities;
- ***Prevention*** - refers to services, programmes and activities of government and civil society that are designed to prevent people from joining gangs;
- ***Intervention*** - are short, medium and long term and can be driven by law-enforcement agencies, communities and/or civil society organisations; and
- ***Coordination*** – involves sequencing and synergising programmes, processes and interventions including joint operations and information-sharing platforms.



BULLYING PREVENTION IN SCHOOLS

Bullying is an aggressive pattern of behaviour (not an isolated event), involving a real or perceived imbalance of power, and has an adverse impact on the victims, bystanders and bullies. The most vulnerable learners that are at a higher risk of being bullied attend no-fee schools, are gender non-conforming and/or have one or more disability.

TIMMS 2015 reported:

- Bullying is far more common in **no-fee public schools** - almost half (48%) of learners reported being bullied on a weekly basis, compared with just a quarter of those in independent schools.

- **Boys (47%) are more likely to be bullied than girls (40%) on a weekly basis.**

- Nearly one-quarter (23%) of all Grade 5 learners who report experiencing bullying on a weekly basis, underperform, as compared to those who almost never experience bullying scoring on average 72 points higher than those who were bullied weekly.

TIMMS (2015) recommends the importance of **self-regulatory, socio-emotional skills and positive self-concept,** alongside academic achievement, to improve learners' performance and their experiences of learning.

In response to these incidents of bullying which have occupied media attention in recent times, the Department of Basic Education has developed the following responses and strategies with the support of various partners to prevent and manage bullying in schools:

i. Training manuals on the prevention and management of bullying, including cyber and homophobic bullying;

ii. DBE has also developed E-Safety Guidelines to address cyber-bullying; and

iii. A bullying prevention programme has been developed and will be launched and rolled out in districts and schools. This will include a social media campaign built on the slogan STOP, **WALK, TALK.**

Published by the Department of Basic Education

222 Struben Street

Private Bag X895, Pretoria, 0001

Telephone: 012 357 3000 Fax: 012 328 2595

© Department of Basic Education

website	facebook	Call Center
www.education.gov.za/Programmes/Second-ChanceProgramme/tabid/932/Default.aspx	www.facebook.com/DBE2ndChance/	0800 2029 33