

2022/23 INTER-DEPARTMENTAL ANNUAL REPORTS

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



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







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DEPARTMENT
OF JUSTICE AND
CONSTITUTIONAL
DEVELOPMENT





2022/23 ANNUAL REPORT

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



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

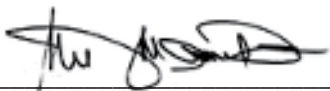


OFFICIAL SIGN-OFF

It is hereby certified that this Annual Report on the Implementation of the Child Justice Act, 2008 (Act 75 of 2008) was developed by the Department of Justice and Constitutional Development. It takes into account the key priority areas outlined by the National Policy Framework on Child Justice and the areas identified by section 96(1)(e) of the Child Justice Act, which fall within the mandate of the Department of Justice and Constitutional Development. It also reflects the achievements and limitations experienced by the Department as it endeavors 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 submission to Parliament in compliance with section 96(3) of the Act.

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OVERVIEW

The performance covered in this Report occurred post COVID-19 pandemic. All the national lockdown restrictions were lifted and the social and economic activities had resumed normally but under difficult circumstances.

The analysis of the data for the current reporting period have therefore been compared with the data from the previous period (2021/2022) and, where possible, with the data from the pre-COVID-19 reporting periods to provide a clear picture of the current trends in child offending in South Africa.

There has been a steady increase in the number of new preliminary inquiries recorded since the 2020/21 reporting period (COVID-19 lockdown) with an increase of 13% from the previous reporting period - 2021/22.

With effect from 19 August 2023, the minimum age of criminal capacity was raised from 10 years to 12 years in line with the amendment of the Child Justice Act, 2008 (Act 75 of 2008) and this contributed to the significant decreases in the number of children aged 10 and 11 years appearing at preliminary inquiries during the reporting period.

The 16 and 17 year old children accounted for 28.7% and 40.% of the new preliminary inquiries recorded during the reporting period, respectively.

The majority of 49.84% children who appeared in preliminary inquiries during the reporting period were referred to child justice courts for plea and trial followed by 30.48% children who were taken through diversion.

The seriousness of the charges that compose of the top ten charges against children appearing in preliminary inquiries explains why 49.84% of children were referred to child justice courts for plea and trial.

The top charge against children awaiting trial was assault with the intent to cause grievous bodily harm (GBH) that contributed to 20% of the overall charges against children awaiting trial followed by rape at 19% of the overall charges against children awaiting trial. Nine (9) of the top charges against children awaiting trial include an element of violence, and this is indeed a serious concern that requires the strengthening of the country's programmatic interventions against the social ill impacting on children.

During the reporting period, 72% of children awaiting trial, were released into the care of a parent/guardian/appropriate person, while 18% of these children awaited trial in child and youth care centres and 6% released on warning.

Charges of rape against children awaiting trial had the biggest percentage contribution to the total number of charges lodged in North West (43%), followed by Free State (34%), and Mpumalanga (33%). It should be noted that during the reporting period KwaZulu-Natal recorded the highest number of rape charges nationally.

The majority of children who appeared in child justice courts were between the ages of 16 and 17 years. The number of children referred to child justice court during the reporting period increased with 19% compared to the previous reporting period.

Cases of 145 children were finalized with convictions, while 513 cases were struck off the roll. A total of 1 770 charges were withdrawn and 4 754 cases were postponed.

As per the three (3) previous reporting periods the majority convictions were of rape. The youngest child sex offender convicted of rape was a 12 year old. The majority of convictions were of rape (36), followed by housebreaking with the intent to steal and theft (20), and assault with the intent to do grievous bodily harm (16).

Sentences following convictions were suspended in the majority of cases during the reporting period. Thirty one (31) sentences of correctional supervision were imposed. A total of 18 children were sentenced to terms of imprisonment.

Approximately 149 public education and communication interventions were conducted in the various provinces during this reporting period, reaching about 58 146 children and community members.

The Intersectoral Committee for Child Justice considered this Report and recommended that it be submitted to Parliament in terms of section 96(3) of the Child Justice Act, 2008 (Act 75 of 2008).



CHAPTER 1

THE LEGAL FRAMEWORK IN CHILD JUSTICE

CHAPTER 1: THE LEGAL FRAMEWORK IN CHILD JUSTICE

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

The Child Justice Act, 2008 (Act 75 of 2008) (herein after referred to as “the Act”) came into operation on 1 April 2010. This reporting period marked 13th year of the implementation of the Act.

With regard to the Constitution and the various international instruments, the UN Convention on the Rights of the Child, 1989 and the African Charter on the Rights and Welfare of the Child, 1990 ratified by South Africa, the Act aims to prevent children from being exposed to the adverse effects of the formal criminal justice system, where appropriate.

The Act also recognises the present realities of crime in the country and the need to be proactive in crime prevention by placing increased emphasis on the effective rehabilitation and reintegration of children in order to minimise the potential for re-offending.

The importance of prevention and early intervention is reiterated in section 9 of the Act which provides for a mechanism to deal with children who lack criminal capacity outside the criminal justice system through the provisioning of social support services to prevent them from coming into conflict with the law when they are older. These measures are in line with the UN General Comment No.24 (2019) stating that early intervention for children who are below the minimum age of criminal responsibility requires child-friendly and multidisciplinary responses to the first signs of behaviour that would, if the child were above the minimum age of criminal responsibility, be considered an offence.¹

1.2 OTHER APPLICABLE DOMESTIC LEGISLATION

Various pieces of legislation in South Africa support the provisions of the Constitution and ensure domestication of the various international and regional instruments, ratified by South Africa, and the regional and international obligations aimed at the protection of children in conflict with the law required.

¹ United Nations Convention on the Rights of the Child. Committee on the Rights of the Child. General Comment No.24(2019) on Children’s Rights in the Child Justice System. 18 September 2019.

TABLE 1: THE LEGISLATION THAT GOVERNS THE PROTECTION OF THE RIGHTS OF CHILDREN IN CONFLICT WITH THE LAW

Responsible Department	Legislation	Relevance
Department of Justice and Constitutional Development	The Constitution of the Republic of South Africa, 1996	Best interests of the child, special protection of children in conflict with the law and procedural protection relating to the criminal justice system, as encapsulated by section 28 of the Constitution.
	The Child Justice Act, 2008 (Act No. 75 of 2008)	Creates a child justice system for children in conflict with the law.
	The Criminal Procedure Act, 1977 (Act No. 51 of 1977)	Provides procedural protection to children in line with section 28 of the Constitution.
	The Criminal (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)	Special protective measures relating to children registered in the National Register for Sex Offenders
Department of Social Development	The Probation Services Act, 1991 (Act No. 116 of 1991)	Regulation of probation services
	The Probation Services Amendment Act, 2002 (Act No. 35 of 2002)	The appointment and duties of Probation Officers
	The Children's Act, 2005 (Act No. 38 of 2005),	Deals with children in need of care and protection. It also establishes child and youth care centres.
Department of Correctional Services	The Correctional Services Act, 1998 (Act No. 111 of 1998)	Protection of the right of children in correctional facilities to be kept separately from detained adults and to be treated in a manner and kept in conditions that take account of the child's age in line with section 28(1)(g) of the Constitution.

1.3 INTERNATIONAL AND REGIONAL INSTRUMENTS

South Africa ratified various international and regional instruments promoting the protection of the rights of children in conflict with the law, and these include:

INTERNATIONAL

- The Declaration of the Rights of the Child (General Assembly Resolution 1386 (XIV) on 20 November 1959);
- UN Convention on the Rights of the Child, 1989;
- UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), 1985;
- UN Rules for the Protection of Juveniles Deprived of their Liberty (JDL) (Havana Rules), 1990;
- UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), 1990;
- UN Committee on the Rights of the Child General Comment No 24 of 2019 on Children's Rights in the Child Justice System;
- Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002;
- UN Resolution on the Administration of Human Rights, in Particular Juvenile Justice (A/HRC/10/L.15 on 20 March 2009);
- UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) revised on 17 December 2015.
- UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), 1990.
- Regional
- The African Commission on Human and Peoples' Rights developed Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa;
- The African Charter on the Rights and Welfare of the Child, 1990

REGIONAL

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



CHAPTER 2

GOVERNANCE STRUCTURES

CHAPTER 2: GOVERNANCE STRUCTURES

2.1 INTRODUCTION

Intersectoral collaboration by and coordination with all the Departments/ Institutions, listed in section 94 of the Act, are essential for the successful implementation of the Act. Section 94 of the Act established the Intersectoral Committee for Child Justice.² One of the responsibilities of the Intersectoral Committee for Child Justice is to submit Annual Reports on the implementation of the Act by all the relevant Departments/ Institutions to the Minister of Justice and Correctional Services for submission to Parliament, after consultation with the Cabinet members responsible for police, social development, education, and health.

The Minister submitted the 2021/2022 Annual Reports to Parliament on 30 September 2022 in compliance with section 96(3)(b) of the Act.

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

Section 94(1) of the Act identifies the members of the Intersectoral Committee for Child Justice (DG's ISCCJ) as:

- (i) Director-General: Justice and Constitutional Development, who is the Chairperson of the Committee;
- (ii) National Director of Public Prosecutions;
- (iii) National Commissioner of the South African Police Service;
- (iv) National Commissioner of Correctional Services;
- (v) Director-General: Social Development, who has been elected as the deputy Chair of the Committee;
- (vi) Director-General: Education; and
- (v) Director-General: Health.

The Director-General: Justice and Constitutional Development chairs the Committee and the Department provides secretariat support to this Committee.

During the reporting period the Committee met on 6 July 2022 and 28 March 2023.

The chairperson of the Intersectoral Committee for Child Justice recommended to the Minister to submit the 2021/22 Departmental Annual Reports on the Implementation of the Child Justice to Parliament. As stated the Reports were tabled on 30 September 2022.

² Referred to as the Directors-General Intersectoral Committee for Child Justice

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

The Directors-General Intersectoral Committee for Child Justice receives technical support in the implementation of the Act through the National Technical Intersectoral Committee for Child Justice (NT ISCCJ). The National implementing Departments/ Institutions³, chairpersons of the nine (9) Provincial Child Justice Fora (PCJF), the judiciary and non-governmental organisations (NGO's) working in the child justice sector are members of the National Technical Intersectoral Committee for Child Justice (NT ISCCJ).

The National Technical Intersectoral Committee for Child Justice (NT ISCCJ) also provide support in the resolution of challenges escalated by the Provincial Child Justice Fora (PCJF). The Department chairs the Committee and provides secretariat support to this Committee.

During this reporting period the NT ISCCJ met six (6) times in person and on virtual platforms, and executed the following resolutions:

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

DATES	AGENDA ITEMS AND RESOLUTIONS
11 May 2022	<ul style="list-style-type: none"> Monitored the investigations into the discrepancies in the statistical reports shared by the reporting stakeholders and considered reports thereof.
22 July 2022	
21 September 2022	<ul style="list-style-type: none"> Considered the 2021/2022 Departmental Annual Reports and recommended to the DG ISCCJ the tabling thereof by the Minister in Parliament, as required by the Act.
8 November 2022	
24 January 2023	<ul style="list-style-type: none"> Developed and Adopted the 2022/2023 Intersectoral Workplan for the Intersectoral Committee for Child Justice. Monitored the progress on the readiness to implement the Child Justice Amendment Act, 2019 (Act 28 of 2019) Monitored the progress on court process in the case <i>LM and others</i> in the Constitutional Court and the unpacking of the judgment and its implications. Developed Guidelines on Alternative Measures to deal with Children Addicted to Dependency- Producing Substances Considered the National Preventative Measures implemented in compliance with the OPCAT by SAHRC in relation to children and the report on the visit of the SPT to South Africa in Feb - March 2023. Monitored the progress in the execution of the 2022/2023 Intersectoral Workplan for the Intersectoral Committee for Child Justice.
27 March 2023	

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

2.3.1 WORKSHOPS CONDUCTED BY THE NT ISCCJ

Adoption of Annual Reports for Tabling: On 2 August 2022, the NT ISCCJ held a Workshop to consider the 2021/22 Annual Reports on the implementation of the Act. The NT ISCCJ checked compliance against the 12 Priority Areas of Reporting in the National Policy Framework for Child Justice as well as the data accuracy, analysis and completeness of each report. The NT ISCCJ adopted the Reports and escalated the Reports to the DG ISCCJ for consideration.

³ As listed under section 94(2) of the Act

Development of the 2022/2023 Intersectoral Workplan for the Intersectoral Committee for Child Justice: On 8 April 2022 the NT ISCCJ developed an Intersectoral Workplan for the Intersectoral Committee for Child Justice. This Workplan was adopted by the NT ISCCJ and implementation was monitored. Reports on the activities in the Workplan form part of the Annual Reports of the relevant stakeholders for this reporting period.

Workshop to consider the 2022/23 Half Year Report

A Workshop was conducted on 23 February 2023 to consider the 2022/23 Half Year Report submitted by the various Department/ Institutions to identify gaps in preparation for the development of the 2022/23 Annual Reports on the Implementation of the Act.

2.3.2 ADDITIONAL INTERVENTIONS BY THE NT ISCCJ

Visits to the Provincial Child Justice Forums by the NT ISCCJ Task Team

Following the visits to the Western Cape and Northern Cape Provincial Child Justice Forum meetings the NT ISCCJ took a resolution on 21 September 2022 that the NT ISCCJ Task Team comprising of representatives of the Department of Justice and Constitutional Development (DOJ & CD), the Department of Social Development (DSD), the National Prosecuting Authority (NPA), the South African Police Service (SAPS), the Department of Correctional Services (DCS), the Department of Basic Education (DBE), the Department of Health (DOH) and Legal Aid will attend one Provincial Child Justice Forum meeting in each of the remaining Province to assist with the revival of the structures post COVID-19. The objectives of the visits included the improvement of the functioning of the structures; engagement with the members of the Provincial Child Justice Forum on issues relating to the implementation of the Act and the Probation Case Management System. The amendments to the Act were also addressed.

The visits were conducted on the dates below:

PCJF	Date	NT Task Team members
NC	30 June 2023	DOJ & CD, NPA, DSD
WC	13 July 2023	DOJ & CD, DSD
NW (workshop)	3-4 November 2022	DOH, DOJ & CD, DSD
MP	9 November 2022	DOJ & CD
FS	15 November 2022	DBE, DOJ & CD, SAPS
EC	16 November 2022	DOJ & CD
KZN	17 November 2022	SAPS, DOJ & CD, DOH
Limpopo	30 November 2022	DBE, DOJ & CD, DSD, SAPS
GP	1 December 2022	DBE, DOJ & CD

Attendance of the various stakeholders in the Provincial structures is monitored and provincial and national interventions will be activated to deal with non-attendance if and when necessary.

Webinars on the amendments to the Child Justice Act

Three (3) webinars were conducted on 22 June 2022 (25 participants); 24 June 2022 (71 participants), and 15 July 2022 (30 participants) to share information on the amendments to the Act and the implications of the amendments to improve readiness to implement once promulgated.

Webinar on the Constitutional Court judgment: Centre for Child Law v Director of Public Prosecution, Johannesburg and Others

A Workshop was conducted on 13 December 2022 to unpack the Constitutional Court judgment and to canvas existing alternative measures to deal with children in need of care and protection due to addiction to dependency-producing substances. Possible amendments to the Act to include children using/ possessing cannabis in the provisions dealing with children who do not have criminal capacity, was also discussed. Guidelines on the information on current alternative measures to deal with children addicted to dependency-producing substances are being developed and will be finalized in the next reporting period.

2.4 THE PROVINCIAL CHILD JUSTICE FORA (PCJF)

The Provincial Child Justice Forums (PCJFs) monitor and support the implementation of the Act in the provinces. These structures report to the National Technical Intersectoral Committee (NT ISCCJ). As stated above, the chairpersons of the nine (9) Provincial Child Justice Fora (PCJF) are members of the National Technical Intersectoral Committee (NT ISCCJ) and they have the responsibility of cascading interventions to the provinces to ensure the uniform implementation of the Act in the country.

The Department chairs the Provincial Committees and provides secretariat support to these Provincial Committees.



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 identifies twelve (12) key priority performance areas for the implementation of the Act, and these are listed below as follows:

FIGURE 1: 12 KEY PRIORITY AREAS OF REPORTING ACCORDING TO THE NATIONAL POLICY FRAMEWORK



3.2 KEY PERFORMANCE AREAS APPLICABLE TO DOJ&CD

The key performance areas applicable to the DoJ&CD reported on:

3.2.1 CAPACITY BUILDING

The Department's performance in capacity building is outlined below under skills development and human resource capacity:

3.2.1.1 HUMAN CAPACITY

Due to the regular rotation of the clerks of the court to capacitate them to serve at all the various sections at court level there is an ongoing need to continuously train them on all the various pieces of legislation applicable to the court environment.

3.2.1.2 CAPACITY BUILDING (SKILLS TRAINING)

During the reporting period the Department provided various training interventions. The following training was conducted:

TABLE 3: SKILLS TRAINING: 01 APRIL 2022 TO 31 MARCH 2023

Province	Total Number of officials trained	Content of the training	Expected Outcome of the training
EC	01	Train the trainer programme on how to draw reports and analyse such reports	The Admin Officer is now able to guide officials on what to do in terms of solving challenges and how to fix risks identified.
KZN	Virtual	Newly appointed court managers, supervisors and admin clerks were trained on correct capturing of CJ cases on ICMS and the CJ risk report received from the National Operations Centre (NOC) and the importance of attending to the risks identified. To highlight the changes to the Child Justice legislation and how it affects our functions as DoJ&CD.	Court managers were sensitized on the importance of complete and accurate capturing to avoid any audit findings. They were also informed to take the training back to their supervisors and section heads. They were also advised that non-compliance could lead to higher interventions.
	25	Amendments to the Child Justice Act	The Child Justice Forum members were trained on the amendments to the CJA to understand the implications; members shared information on other aspects of the Act.

Province	Total Number of officials trained	Content of the training	Expected Outcome of the training
Limpopo	26	ICMS Child Justice	The capturing of child justice data on ICMS. Supervisors were trained on the capturing of data and how to validate the correctness of the data captured by the clerk.
MP	80	Child Justice Act amendments, the role of clerks in the implementation of the Act and the reporting on diversion orders to DSD.	There is an improved understanding on both the functioning of the Act and on the importance of reporting the diversion orders to DSD.
NC	39	ICMS Child Justice training and Child Justice Act.	Capturing & updating of cases on the system Knowledge on the implementation of the Child Justice Act.
NW	36	Child Justice Amendment Act National Policy Framework Integrated Information Management system for Child Justice	The Child Justice Forum members were trained on the amendments to the CJA to understand the implications; members shared information on other aspects of the Act.
WC	68	Child Justice Amendment Act	Educating the JCPS cluster officials on the new amendments
	45	ICMS Child Justice (practical utilization)	Court officials to have knowledge of how to use ICMS Child Justice effectively
Justice College	295	Implementation of the Child Justice Act	Improved implementation
Total trained	±615		

Approximately 615 officials were trained during the reporting period. Training is offered on a continuous basis to ensure seamless service delivery in the courts and to focus on changes in the legislation to ensure compliance. UN General Comment No.24 (2019) emphasises that continuous and systematic training of professionals in the child justice system is crucial to uphold children's rights to fair treatment and trials.⁴

⁴ United Nations Convention on the Rights of the Child. Committee on the Rights of the Child. General Comment No.24(2019) on Children's Rights in the Child Justice System. 18 September 2019.

3.2.2 PRELIMINARY INQUIRIES

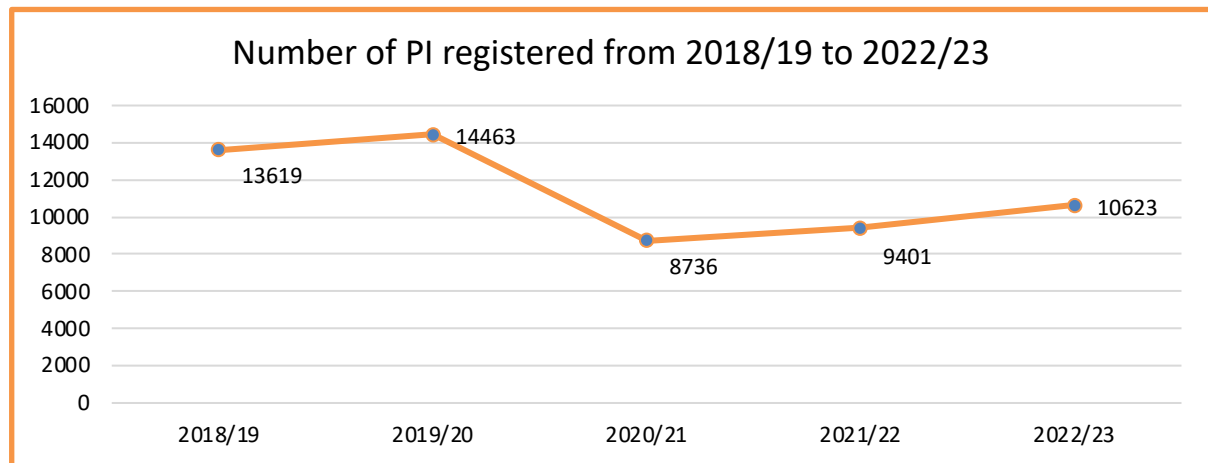
Preliminary inquiries are designed to facilitate the disposal of cases in the best interests of children. The approach followed during a preliminary inquiry allows for the inquiry magistrate to take cognizance of the individual needs and circumstances of each child appearing at the preliminary inquiry through the consideration of the assessment report compiled by the probation officer and the views of all the persons present.

With the amendment of the Act that came into operation on 19 August 2022, section 49 provides that if the inquiry magistrate is of the view that a child (between the ages of 12 to under 14 years of age) is unlikely to benefit from diversion, or if diversion is for any reason not appropriate, the inquiry magistrate may refer the child to a probation officer to be dealt with as a child who lacks criminal capacity, in terms of section 9 of the Act.

The Department has consistently included in the Annual Performance Plan, an indicator to improve the turnaround in the finalisation of child justice preliminary inquiries since 2017/2018. During the reporting period the target for performance was 90% child justice preliminary inquiries finalised within 90 days after the date of first appearance, and the Department recorded an achievement of 94% performance.

The number of preliminary inquiries recorded over the past five (5) reporting periods is reflected in the figure below:

FIGURE 2: PRELIMINARY INQUIRIES (2018/19 TO 2022/2023)



Source: Integrated Case Management System: Child Justice

There has been a steady increase in the number of new preliminary inquiries recorded since the 2020/21 reporting period (COVID-19 lockdown) with an increase of 13% from the previous reporting period. The numbers of new preliminary inquiries recorded have not reached the levels recorded during the pre-COVID-19 reporting periods (2018/19 and 2019/20).

TABLE 4: AGES OF CHILDREN AT PRELIMINARY INQUIRIES (PI) REGISTERED DURING THE REPORTING PERIOD

Financial Year	Ages of Children							
	10	11	12	13	14	15	16	17
2018/2019	38	76	186	529	1178	2 224	3 722	5 666
2019/2020	37	83	277	498	1393	2 452	4 012	5 711
2020/2021	11	33	165	339	779	1 491	2 441	3 477
2021/2022	15	35	160	391	916	1 668	2 622	3 594
2022/2023	3	12	131	384	1 012	1 777	3 051	4 253
% Contribution per age for 2022/2023	0,0%	0,1%	1,2%	3,6%	9,5%	16,7%	28,7%	40,0%

Source: Integrated Case Management System: Child Justice

Children aged 10 and 11 years old accounted for less than 1% of all preliminary inquiries registered during the reporting period.

Sixteen (16) and 17 year old children accounted for 28.7% and 40.% of the preliminary inquiries recorded during the reporting period, respectively.

TABLE 5: CHANGES IN THE NUMBERS PER AGES OF CHILDREN AT PRELIMINARY INQUIRIES (PI) REGISTERED DURING THE REPORTING PERIOD 2021/22 VS 2022/2023

Measurement	Ages							
	10	11	12	13	14	15	16	17
2021/2022	15	35	160	391	916	1 668	2 622	3 594
2022/2023	3	12	131	384	1 012	1 777	3 051	4 253
# of increase/decrease	-12	-23	-29	-7	+96	+109	+429	+659

Source: Integrated Case Management System: Child Justice

The minimum age of criminal capacity was raised from 10 years to 12 years with effect from 19 August 2022 with the amendment of the Act and this contributed to significant decreases in the number of children aged 10 and 11 years appearing at preliminary inquiries during the reporting period.

There were increases recorded in the number of new preliminary inquiries from 14 year old children, with the most significant increase being for 17 year old children (659). This correlates with the fact that there was a 13% increase in the number of new preliminary inquiries recorded from the previous reporting period.

3.2.2.1. OUTCOMES OF THE PRELIMINARY INQUIRIES

The outcomes of preliminary inquiries recorded during 2022/23 were as follows:

TABLE 6: OUTCOMES OF PRELIMINARY INQUIRIES (PI) REGISTERED DURING THE REPORTING PERIOD

Outcome of PI	Age of the child								Grand Total	% Contribution PI Outcomes
	10	11	12	13	14	15	16	17		
Child Justice Court	1	1	38	141	513	930	1647	2323	5594	49,84%
Children's Court	-	-	7	16	23	24	38	24	132	1,18%
Criminal Court - Adult	-	-	2	4	4	20	35	79	144	1,28%
Diversion	1	5	60	124	340	604	979	1308	3421	30,48%
PI Withdrawal	5	10	20	76	69	96	189	242	707	6,30%
Postponement		1	12	38	52	59	97	115	374	3,33%
Referred to Probation Officer	-	-	-	1	-	1	1	2	5	0,04%
Released to DSD (Deportation)	-	-	2	-	1	1	2	4	10	0,09%
Struck off Roll		1	25	44	66	84	140	244	604	5,38%
Warrant of Arrest	-	-	2	12	11	39	68	100	232	2,07%
Grand Total	7	18	168	456	1079	1858	3196	4441	11223	100,00%

Source: Integrated Case Management System: Child Justice

The outcomes reported in the table above include preliminary inquiries from the previous reporting period that were finalised during the current reporting period.

The majority of children who appeared in preliminary inquiries during the reporting period were referred to child justice courts for plea and trial (49.84%), followed by diversion (30.48%).

Only 3.33% of preliminary inquiries were postponed, indicating that preliminary inquiries were completed without unreasonable delay, as required by the Act. A total of 144 preliminary inquiries were closed because the alleged accused were adults (above the age of 18).

As stated above section 49 provides that if the inquiry magistrate is of the view that the child is unlikely to benefit from diversion, or if diversion is for any reason not appropriate, the inquiry magistrate may refer a child (between the ages of 12 to under 14 years of age) to a probation officer to be dealt with as a child who lacks criminal capacity, in terms of section 9 of the Act. A total of 5 children were referred to a probation officer in line with this provision during the reporting period.

A total of 132 children were referred to the Children's Court in terms of section 50 of the Act which provides that the inquiry magistrate may stop the proceedings, with a referral to the Children's Court, if it appears that the child may be a child in need of care and protection.

It is important to note that most children who come into conflict with the law – whether they are children trying to survive, petty offenders or serious offenders – are children who are facing challenges in their care and protection and in their relationships with their families, communities and society. Their lives, choices and opportunities are affected to a great extent by the social, economic and political realities in which they live. These include communities increasingly fragmented through urbanisation, chronic poverty, social and inter-personal violence, and increased pressure from commercialisation and materialism. Children cannot remain unaffected by such circumstances and negative events.

Research reports highlight the fact that many children had their first contact with child protection system before they came into conflict with the law.⁵ These children are referred to as “crossover children”. Often there is inadequate integration with justice services and social services.

3.2.2.2. TOP 10 CRIMES ALLEGEDLY COMMITTED BY CHILDREN

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

TABLE 7: LIST OF TOP 10 CRIMES ALLEGEDLY COMMITTED BY CHILDREN AND THE % CONTRIBUTION TO THE NUMBER OF PRELIMINARY INQUIRIES: 2018/19- 2022/2023

Offence	2018/2019		2019/2020		2020/2021		2021/2022		2022/2023	
	No of Cases	% Contribution	No of Cases	% Contribution	No of Cases	% Contribution	No of Cases	% Contribution	No of Cases	% Contribution
Assault GBH	2508	18,40%	2690	18,60%	1734	20%	1921	20%	2431	22%
Assault	1249	9,20%	1504	10,40%	796	9%	1055	11%	1427	13%
Rape	1184	8,70%	1458	10,08%	1365	16%	1260	13%	1348	12%
Theft	1495	11,00%	1604	11,09%	878	10%	976	10%	1144	10%
Housebreaking with the Intent to Steal and Theft	1177	8,60%	1117	7,72%	653	7%	655	7%	722	6%
Malicious injury to property	568	4,20%	589	4,07%	404	5%	548	6%	630	6%
Robbery	749	5,50%	705	4,87%	353	4%	384	4%	499	4%
Murder	451	3,30%	621	4,29%	168	2%	391	4%	436	4%
Robbery with Aggravating Circumstances	527	3,90%	651	4,50%	391	4%	352	4%	330	3%
Possession/Use of Drugs	1303	9,60%	688	4,76%	205	2%	200	2%	303	3%

Source: Integrated Case Management System: Child Justice

⁵ Save the Children. 2023. Putting children first: A rights respecting approach to youth justice in Australia.p.19

The seriousness of the charges that compose the top ten charges against children appearing in preliminary inquiries explains why 49.84% of children were referred to child justice courts for plea and trial, as seen in table 7 above.

Despite figures showing a decrease in the percentage contribution of rape charges to overall charges over the last three years, the number of rape charges continued to climb.

With an alarming increase in the number of assault with the intent to cause grievous bodily harm (assault GBH) charges recorded at preliminary inquiries during this reporting period, assault GBH remained the most common charge levied against children at preliminary inquiries.

TABLE 8: LIST OF TOP 10 CRIMES ALLEGEDLY COMMITTED BY CHILDREN BY AGE FOR 2022/2023

Charge	Age of the child								Grand Total
	10	11	12	13	14	15	16	17	
Assault with the intent to do Grievous Bodily Harm	-	3	18	62	185	380	754	1029	2431
Assault	-	1	15	60	173	266	401	511	1427
Rape	2	8	58	145	248	240	299	348	1348
Theft	-	2	21	36	99	192	348	446	1144
Housebreaking with the Intent to Steal and Theft	2	1	22	45	78	124	210	240	722
Malicious Injury to Property	3	3	8	29	65	97	179	246	630
Robbery with Aggravating Circumstances	-	-	-	1	27	74	152	245	499
Murder	-	-	4	5	21	56	130	220	436
Robbery	-	-	1	5	13	56	98	157	330
Possession or Use of Drugs	-	-	-	4	22	45	88	144	303

Source: Integrated Case Management System: Child Justice

The top charge against children aged 15 to 17 years was assault GBH. It is noted with concern that the top charge against children aged 11 to 14 years was rape.

TABLE 9: OUTCOMES OF THE PI HEARING FOR THE TOP 10 CHARGES:

Charge	Child Justice Court	Children's Court	Criminal Court - Adult	Diversion	PI Withdrawal	Postponement	Referred to Probation Officer	Released to DSD (Deportation)	Struck off Roll	Warrant of Arrest	Grand Total
Assault with the intent to do Grievous Bodily Harm	1068	7	8	969	140	75	1	1	121	41	2431
Assault	490	9	3	663	117	44	1		69	31	1427
Rape	1021	4	17	56	91	78	1	3	65	12	1348
Theft	294	28	8	541	81	40	2		91	59	1144
Housebreaking with the Intent to Steal and Theft	279	25	6	287	42	23	-	-	47	13	722
Malicious Injury to Property	248	8	3	249	54	25	-	1	28	14	630
Robbery with Aggravating Circumstances	409	2	11	17	17	11	-	-	27	5	499
Murder	388	2	7	1	13	12	-	-	11	2	436
Robbery	230	4	6	58	15	3	-	-	10	4	330
Possession or Use of Drugs	111	3	1	124	26		-	1	25	12	303

Source: Integrated Case Management System: Child Justice

The table above indicates the outcomes of the preliminary inquiries for the top 10 charges:

- Assault with the intent to cause serious bodily harm - 44% referred to the child justice court, while 40% were diverted;
- Assault - 34% referred to the child justice court, while 46% were diverted, and a further 8% were withdrawn;
- Rape - 76% referred to the child justice court, while 7% were withdrawn, 5% were struck off the roll, and 4% were diverted;
- Murder - 89% referred to the child justice court, while 3% were withdrawn and struck off the roll respectively;
- The number of diversion were higher than the number of cases referred to the child justice court for the following charges: assault, theft, housebreaking with the intent to steal and theft, malicious injury to property and possession or use of drugs.

3.2.2.3. CHALLENGES IN DATA MANAGEMENT

As reported previously, to achieve data integrity in child justice matters, a systems integration between DoJ&CD and the NPA is essential. Little progress was made in this regard during this reporting period due to competing priorities and a lack of ICT resources.

3.2.3. AWAITING TRIAL, BAIL AND PLACEMENT

The leading principles for the use of deprivation of liberty are: (a) the arrest, detention or imprisonment of a child is to be used only in conformity with the law, only as a measure of last resort and only for the shortest appropriate period of time; and (b) no child is to be deprived of his or her liberty unlawfully or arbitrarily.

The Act requires the court to give due consideration of the options for the release of a child, and when a decision is made that the child is to be detained or is to remain in detention, a presiding officer must give preference to the least restrictive option possible in the circumstances.

The Act also provides for time limits to postponements in instances where a child is detained awaiting trial. Section 32 of the Act requires that where the child is in detention awaiting trial, the court must at every subsequent appearance of the child consider the continued detention of the child and to enter the reasons for the detention or further detention on the record of the proceedings.

The Department collected the following statistics on the placement of children awaiting trial:

TABLE 10: BAIL AND PLACEMENT OF CHILDREN AWAITING TRIAL IN CHILD JUSTICE COURTS

Period	In care of parent/guardian/appropriate person	Bail	In prison	In child and youth care centre	Police lockup	On Warning	Total placements
2018/2019	3 911	29	173	958	93	371	5 535
2019/2020	4 879	57	196	1 387	126	503	7 148
2020/2021	3 320	41	49	853	40	341	4 644
2021/2022	3 329	35	58	874	23	375	4 694
2022/2023	4 038	23	133	990	59	351	5 594
	72%	0%	2%	18%	1%	6%	100%

Source: Integrated Case Management System: Child Justice

During the reporting period, the majority of children awaiting trial (72%), were released into the care of a parent/guardian/appropriate person. Eighteen percent (18%) of children awaited trial in child and youth care centres and 6% were released on warning.

TABLE 11: AGES OF CHILDREN PLACED WHILE AWAITING TRIAL

Age At Offence	Child and Youth Care Centre	In care of Parent/ Appropriate person	On Bail	On Warning	Police Lock-up	Prison	Grand Total
10	-	1	-	-	-	-	1
11	-	1	-	-	-	-	1
12	2	35	-	1	-	-	38
13	13	109	-	19	-	-	141
14	85	393	-	25	4	6	513
15	152	700	1	52	8	17	930
16	315	1149	6	110	15	52	1647
17	423	1650	16	144	32	58	2323
Total	990	4038	23	351	59	133	5594

Source: Integrated Case Management System: Child Justice

As stated above, the majority of children awaiting trial were released into the care of a parent/ guardian/ appropriate person. Fifty eight (58) 17 year old children awaited trial in correctional facilities and 990 total children in child and youth care centres.

3.2.3.1. TOP 10 CHARGES AGAINST CHILDREN AWAITING TRIAL

The top 10 charges against children awaiting trial are listed below:

TABLE 12: TOP 10 CHARGES AGAINST CHILDREN AWAITING TRIAL IN CHILD JUSTICE COURT

No	Charges against children awaiting trial	No of charges	% Contribution
1	Assault with the intent to do Grievous Bodily Harm	1068	20%
2	Rape	1021	19%
3	Assault	490	9%
4	Robbery with Aggravating Circumstances	409	7%
5	Murder	388	7%
6	Theft	294	5%
7	Housebreaking with the Intent to Steal and Theft	279	5%
8	Malicious Injury to Property	248	5%
9	Robbery	230	4%
10	Attempted Murder	177	3%

Source: Integrated Case Management System: Child Justice

The top charge against children awaiting trial was assault GBH that contributed to 20% of the overall charges against children awaiting trial followed by rape that contributed to 19% of the overall charges against children awaiting trial. Nine (9) of the top charges against children awaiting trial include an element of violence.

The experience of violence of children in conflict with the law rarely begins with their first contact with the law. It is often a direct and major cause of their coming into conflict with the law in the first place. It is also a direct consequence of failed care and protection responses by state and communities for children "at risk" if their traditional familial protective environments have broken down.⁶

Violence in the family, including physical, sexual and psychological abuse as well as neglect, abandonment and discrimination, not only has a major impact on the child's well-being and development, it fundamentally affects a child's choices and may force him or her to fall back on coping strategies that often lead to further victimization and criminalisation.⁷

TABLE 13: TOP 10 CHARGES AGAINST CHILDREN AWAITING TRIAL IN CHILD JUSTICE COURT PER AGE

Charge	Age of child while awaiting trial								Grand Total
	10	11	12	13	14	15	16	17	
Assault with the intent to do Grievous Bodily Harm	-	-	6	10	77	160	344	471	1068
Rape	1	1	20	68	187	200	257	287	1021
Assault	-	-	4	16	62	73	161	174	490
Robbery with Aggravating Circumstances	-	-	-	1	20	63	127	198	409
Murder	-	-	-	1	17	49	115	206	388
Theft	-	-	1	4	22	54	90	123	294
Housebreaking with the Intent to Steal and Theft	-	-	2	6	18	46	89	118	279
Malicious Injury to Property	-	-	-	7	25	38	79	99	248
Robbery	-	-	1	4	11	37	73	104	230
Attempted Murder	-	-	2	-	5	26	48	96	177

Source: Integrated Case Management System: Child Justice

The top charge against 10 to 15 year old children awaiting trial in the child justice court was rape and assault GBH against 16 and 17 year old children awaiting trial.

⁶ Save the Children. 2005. The Right Not to Lose Hope. Children in conflict with the law - a policy analysis and examples of good practice. A contribution to the UN Study on Violence against Children from the International Save the Children Alliance. p. 12

⁷ Save the Children. 2005. The Right Not to Lose Hope. Children in conflict with the law - a policy analysis and examples of good practice. A contribution to the UN Study on Violence against Children from the International Save the Children Alliance. p. 13

Adolescents' increasingly difficult and oppositional behaviour may mask and prevent attention to the maltreatment that underlies and reinforces it. Maltreated "acting-out" adolescents are less likely to receive sympathetic attention than younger children, and are more likely to run away, become homeless and engage in illegal and survival activities to bring them to the attention of police. The attention of police rather than child protection services mean that the interventions these adolescents receive are more likely to criminalise them than to treat them. Effective mental health services and evidence-informed treatment are therefore essential for older children who are being or have been maltreated.⁸

When children commit crimes society tend to focus on their deeds and not their needs. The focus should be on their needs not their deeds.

TABLE 14: PREDOMINATE CRIMES ALLEGEDLY COMMITTED BY AWAITING TRIAL CHILDREN PER PROVINCE

Province	Predominant charges	Total charges allegedly committed	Predominant charge	% Contribution
Eastern Cape	Rape	440	116	26%
Free State	Rape	222	75	34%
Gauteng	Assault with the intent to do Grievous Bodily Harm	543	112	21%
	Rape		112	
KwaZulu Natal	Rape	964	244	25%
Limpopo	Rape	365	105	29%
Mpumalanga	Rape	211	69	33%
North West	Rape	118	51	43%
Northern Cape	Rape	117	37	21%
Western Cape	Assault with the intent to do Grievous Bodily Harm	2554	514	20%

Source: Integrated Case Management System: Child Justice

According to the above table, charges of rape against children awaiting trial had the biggest percentage contribution to the total number of charges lodged in North West (43%), followed by Free State (34%), and Mpumalanga (33%). It should be noted that during the reporting period KwaZulu Natal recorded the highest number of rape charges nationally.

Rape charges accounted for 8% of all rape charges reported in the Western Cape. Assault GBH charges accounted for 20% of all charges registered in the Western Cape and contributed to 48% of all charges registered nationally.

⁸ Cashmore, J. 2011. The link between child maltreatment and adolescent offending. System neglect of adolescents. Family Matters. 2011. No.89. p. 34.

Despite increasing concerns about the violent behaviour by children, including sexual violence, most criminal justice responses continue to fail to respond to the links between violence experienced and violence committed by children.⁹

Violence is the major root cause of children coming into conflict with the law in the first place.¹⁰ Other contributing factors include maltreatment, undiagnosed disorders, domestic and family violence and mental health problems.¹¹

3.2.4. TRIALS

The Act requires that trials in child justice courts must be concluded without unreasonable delay and also that postponements should be limited in number and duration.

The UN General Comment No.24 (2019) reiterates that the time between the commission of the offence and the conclusion of proceedings should be as short as possible. The longer this period, the more likely it is that the response loses its desired outcome.¹²

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

TABLE 15: AGES OF CHILDREN REFERRED TO THE CHILD JUSTICE COURT

Financial Year	Ages of children									Total
	10	11	12	13	14	15	16	17		
2018/2019	3	11	46	165	504	1 087	1 767	2 755	6 338	
2019/2020	5	19	64	162	628	1 194	2 092	2 984	7 148	
2020/2021	1	9	58	117	399	774	1 358	1 928	4 644	
2021/2022	-	4	43	124	427	881	1 329	1 886	4 694	
2022/2023	1	1	38	141	513	930	1 647	2 323	5 594	

Source: Integrated Case Management System: Child Justice

During the reporting year, the majority of children who appeared in child justice courts were between the ages of 16 and 17 years. The number of children referred to child justice court during the reporting period increased with 19% compared to the previous reporting period.

Research shows that children and young people who have progressed deeper into the child justice system are more likely to have experienced abuse and neglect, have mental health problems and be developmentally delayed.¹³

⁹ Save the Children. 2005. The Right Not to Lose Hope. Children in conflict with the law - a policy analysis and examples of good practice. A contribution to the UN Study on Violence against Children from the International Save the Children Alliance. p. 14

¹⁰ Save the Children. 2005. The Right Not to Lose Hope. Children in conflict with the law - a policy analysis and examples of good practice. A contribution to the UN Study on Violence against Children from the International Save the Children Alliance. p. 4

¹¹ Save the Children. 2023. Putting children first: A rights respecting approach to youth justice in Australia.p.19

¹² United Nations Convention on the Rights of the Child. Committee on the Rights of the Child. General Comment No.24(2019) on Children's Rights in the Child Justice System. 18 September 2019.

¹³ Cashmore, J. 2011. The link between child maltreatment and adolescent offending. System neglect of adolescents. Family Matters. 2011. No.89. p. 31.

The link between abuse and neglect and later offending is evident, regardless of the measures of maltreatment or offending.¹⁴

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

TABLE 16: OUTCOME OF TRIALS IN THE CHILD JUSTICE COURTS

Court Process 2021/2022	Number
New cases registered for 2022/23	5 594
Matters from previous reporting periods	2 193
Total	7 787
Court Outcome	
Sentencing	145
Not guilty	79
Withdrawn in court	1 770
Struck off the roll	513
Referred to Children's court	19
Diversions successful	206
Warrant of Arrest	260
Other	41
Postponements	4 754

Source: Integrated Case Management System: Child Justice

A total of 145 children were convicted during the reporting period and 513 cases were struck off the roll. A total of 1 770 cases were withdrawn and 4 754 cases were postponed during the reporting period and the details are reflected in the tables below.

¹⁴ Cashmore, J. 2011. The link between child maltreatment and adolescent offending. System neglect of adolescents. Family Matters. 2011. No.89. p. 33

TABLE 17: TOP 10 CHARGES WITHDRAWN IN CHILD JUSTICE COURT DURING THE REPORTING PERIOD

Charges	Grand Total
Assault with the intent to do Grievous Bodily Harm	430
Rape	297
Assault	210
Malicious Injury to Property	114
Theft	102
Robbery with Aggravating Circumstances	94
Robbery	80
Housebreaking with the Intent to Steal and Theft	52
Attempted Murder	50
Murder	45

Source: Integrated Case Management System: Child Justice

From the table above it is clear that cases that were withdrawn were part of the top 10 charges against children awaiting trial in child justice courts reported on above in table 12.

A total of 430 charges of assault GBH and 297 charges of rape were withdrawn in child justice courts during the reporting period.

The reasons for withdrawals are not recorded on the charge sheets. Reasons for the withdrawal may include: lack of evidence; unlikelihood of proving criminal capacity; the case is de minimus (minimal, very small or trivial); the complainant does not want to proceed with the charge or the complainant cannot be traced. A case may also be withdrawn if the child complied with the diversion order.

TABLE 18: DOMINATE POSTPONEMENT REASONS IN THE CHILD JUSTICE COURTS

Reason	Number
Further Investigation	2 443
Trial	308
Regional Court Date	166
Plea: Plea and Trial	163
Obtain Information for PI	123

Source: Integrated Case Management System: Child Justice

Dominant reasons for the postponement of cases during trials in child justice courts include: further investigation, trials and awaiting a regional court date.

3.2.4.1. TOP 9 CONVICTIONS ON CHARGES

Children were convicted of the following top 9 charges during the reporting period:

TABLE 19: TOP 10 CONVICTIONS PER AGES OF CHILDREN

Charges	12	13	14	15	16	17	Total
Rape	1	4	4	9	6	12	36
Housebreaking with the Intent to Steal and Theft	-	-	-	2	3	15	20
Assault with the intent to do Grievous Bodily Harm	-	-	1	1	4	10	16
Murder	-	1	-	3	5	3	12
Robbery with Aggravating Circumstances	-	-	1	2	6	2	11
Attempted Murder	-	-	-	1	2	4	7
Theft	-	-	-	-	1	4	5
Malicious Injury to Property	-	-	-	1	1	2	4
Possession of a firearm without holding a licence, permit or authorization issued in terms of the Act to possess such firearm(s)	-	-	-	1	1	1	3
Robbery	-	-	-	-	-	3	3

Source: Integrated Case Management System: Child Justice

During this reporting period, one (1) 12 year old child was convicted and the conviction was on a charge of rape. The majority of convictions were on charges of rape (36), followed by housebreaking with the intent to steal and theft (20), and assault with the intent to do grievous bodily harm (16).

3.2.5. SENTENCING

The Act provides for a wide range of appropriate sentencing options specifically suited to the needs of children.

When considering the imposition of a sentence involving imprisonment, the child justice court must take the following factors into account:

- a) The seriousness of the offence, with due regards to:
 - (i) the amount of harm done or risked through the offence; and
 - (ii) the culpability of the child in causing or risking the harm;
- b) the protection of the community;
- c) the severity of the impact of the offence on the victim;
- d) the previous failure of the child to respond to non-residential alternatives, if applicable; and
- e) the desirability of keeping the child out of prison.

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

TABLE 20: TYPES OF SENTENCES IMPOSED ON CHILDREN PER AGE

Sentence	Age At Offence						Grand Total
	12	13	14	15	16	17	
Alternative to Fine	-	-	-	-	-	1	1
Community Service	-	--		2	1	1	4
Correctional Supervision	-	-	3	4	9	15	31
Imprisonment	-	-		2	3	13	18
Sentence of compulsory residence in child youth centre	-	3	1	3	2	1	10
Sentence Postponed	-	1	1	3	5	6	16
Suspended	1	3	2	9	15	35	65
Grand Total	1	7	7	23	35	72	145

Source: Integrated Case Management System: Child Justice

Sentences following convictions were suspended in the majority of cases during the reporting period. Thirty one (31) sentences of correctional supervision were imposed. A total of 18 children were sentenced to imprisonment.

The UN Committee on the Rights of the Child emphasizes in the UN General Comment No.24 (2019) that the reaction to an offence should always be proportionate not only to the circumstance and gravity of the offence, but also to the personal circumstances (ages, lesser culpability, circumstances and needs, including, if appropriate, the mental health needs of the child), as well as to the various and particularly long-term needs of society.

TABLE 21: TOP 8 CONVICTIONS WHERE IMPRISONMENT WAS IMPOSED PER AGE

Charge	15	16	17	Grand Total
Assault	-	-	1	1
Assault with the intent to do Grievous Bodily Harm	-	-	1	1
Attempted Murder	-	-	1	1
Attempted Robbery with Aggravating Circumstances	-	-	1	1
Entering, remaining or departing from the Republic in contravention of the Immigration Act	-	-	1	1
Housebreaking with the Intent to Steal and Theft	-	-	1	1
Kidnapping	-	-	1	1
Murder	1	1	1	3
Rape	1	2	5	8
Grand Total	2	3	13	18

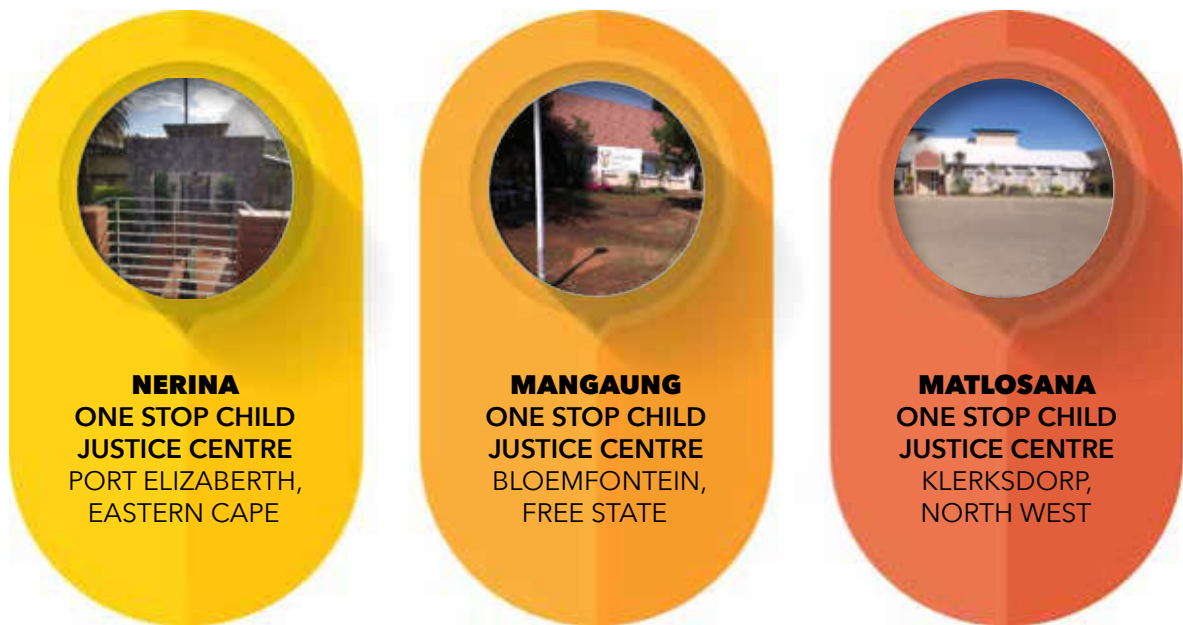
Source: Integrated Case Management System: Child Justice

The top crimes where imprisonment sentences were imposed on children were rape followed by murder. Two (2) 15 year old children and three (3) 16 year old children were sentenced to imprisonment during the reporting period.

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

The Act provides that the Minister may establish One-Stop Child Justice Centres, in consultation with the Ministers of Social Development and Police.

ONE STOP CHILD JUSTICE CENTRES



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

The Department monitors the performance of the One Stop Child Justice Centres through the data captured on the ICMS Module for Child Justice Module.

3.2.6.1 ONE STOP CHILD JUSTICE CENTRE: NEW PI HEARING OUTCOMES FOR 2021/22

The performances of the One Stop Child Justice Centres are tabularised as follows:

TABLE 22: OUTCOME OF PRELIMINARY INQUIRIES DEALT WITH AT THE ONE STOP CHILD JUSTICE CENTRES DURING 2022/2023

Outcome Of PI	Mangaung	Matlosana	Nerina	Grand Total
Child Justice Court	20	27	124	171
Children`s Court	1	2	6	9
Criminal Court - Adult	-	-	1	1
Diversion	55	28	57	140
PI Withdrawal	19	6	2	27

Outcome Of PI	Mangaung	Matlosana	Nerina	Grand Total
Postponement	-	4	-	4
Referred to Probation Officer	-	-	1	1
Released to DSD (Deportation)	-	-	1	1
Struck off Roll	22	7	86	115
Warrant of Arrest	8	3	3	14
Grand Total	125	77	281	483

Source: Integrated Case Management System: Child Justice

The Nerina One Stop Child Justice Centre (OSCJC) dealt with the most cases during the reporting period compared with the other two One Stop Child Justice Centres. The majority of the children who appeared in preliminary inquiries conducted at the Nerina One Stop Child Justice Centre were referred to the child justice courts for plea and trial followed by cases struck off the roll (86). At the Mangaung and Matlosana One Stop Child Justice Centres the majority of preliminary inquiries were concluded as diversions.

TABLE 23: AGES OF THE CHILDREN DEALT WITH IN PRELIMINARY INQUIRIES AT THE ONE STOP CHILD JUSTICE CENTRE DURING 2022/2023

OCJC Name	11	12	13	14	15	16	17	Grand Total
Mangaung	1	8	10	16	15	30	45	125
Matlosana	-	1	7	7	12	22	28	77
Nerina	-	8	13	29	41	91	99	281
Total	1	17	30	52	68	143	172	483

Source: Integrated Case Management System: Child Justice

Only one (1) child age 11 years of age appeared in preliminary inquiries in the Mangaung One Stop Child Justice Centre during the reporting period.

TABLE 24: BAIL AND PLACEMENT OF CHILDREN AWAITING TRIAL IN CHILD JUSTICE COURTS AT THE ONE STOP CHILD JUSTICE CENTRE DURING 2022/2023

Custody Status	Mangaung	Matlosana	Nerina	Grand Total
Child and Youth Care Centre	6	11	24	41
In care of Parent/Appropriate person	108	65	229	402
In Detention	-	-	1	1
On Bail	1	1		2
On Warning	6	-	20	26
Prison	4		7	11
Total	125	77	281	483

Source: Integrated Case Management System: Child Justice

The majority of the children who appeared in preliminary inquiries conducted at the One Stop Child Justice Centres were released into the care of a parent/ appropriate adult/ guardian. Forty one (41) children awaited trial in child and youth care centres.

TABLE 25: AGES OF CHILDREN AWAITING TRIAL IN CHILD JUSTICE COURTS AT THE ONE STOP CHILD JUSTICE CENTRE DURING 2022/2023

Age At Offence	Mangaung	Matlosana	Nerina	Grand Total
12	-	1	2	3
13	1	-	6	7
14	6	3	21	30
15	1	2	17	20
16	4	11	37	52
17	8	10	41	59
Total	20	27	124	171

Source: Integrated Case Management System: Child Justice

No children aged 10 or 11 years of age and only two (2) 12 year old children awaited trial in any of the One Stop Child Justice Centres during the reporting period. The Nerina One Stop Child Justice Centre had the most children awaiting trial during the reporting period and the Mangaung One Stop Child Justice Centre had the fewest.

TABLE 26: OUTCOME OF CASES DEALT WITH IN THE CHILD JUSTICE COURT AT THE ONE STOP CHILD JUSTICE CENTRE DURING 2022/2023

Trial Outcome	Mangaung	Matlosana	Nerina	Grand Total
Diversion Successful	-	-	12	12
Merged		1	-	1
Rehabilitation centre	1	-	-	1
Struck Off Roll	-	7	22	29
Referred to Children's Court	-	-	1	1
Warrant of arrest	-	-	14	14
Withdrawal before Enrolment	-	-	1	1
Withdrawal in Court	-	9	32	41
Postponement	19	10	42	71
Total	20	27	124	171

Source: Integrated Case Management System: Child Justice

The Nerina OSCJC recorded the highest number of outcomes in the child justice courts. The majority of cases were postponed, withdrawn or struck off the roll.

3.2.7. PUBLIC EDUCATION AND COMMUNICATION INTERVENTIONS

During this period of reporting, DoJ&CD conducted more public education and communication initiatives on child justice during the reporting period due to the fact that the COVID-19 restrictions were lifted.

The following public education and communication initiatives on child justice were conducted:

TABLE 27: SUMMARY OF THE PUBLIC EDUCATION AND COMMUNICATION INITIATIVES

Region	Number of Initiatives	Number of people reached
Northern Cape	20	14 909
Mpumalanga	41	11 806
KwaZulu-Natal	11	5 561
Gauteng	±20	±2 404
Eastern Cape	±15	±12 600
Western Cape	7	1 350
North West	4	2 150
Free State	11	1 471
Limpopo	19	5 745
National Office	1	150
Total	±149	±58 146

Approximately 149 public education and communication interventions were conducted in the various Provinces during this reporting period, reaching about 58 146 community members.

3.2.8. DEVELOPMENT OF AN INTEGRATED MANAGEMENT SYSTEM

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

3.2.8.1 ICMS CHILD JUSTICE

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

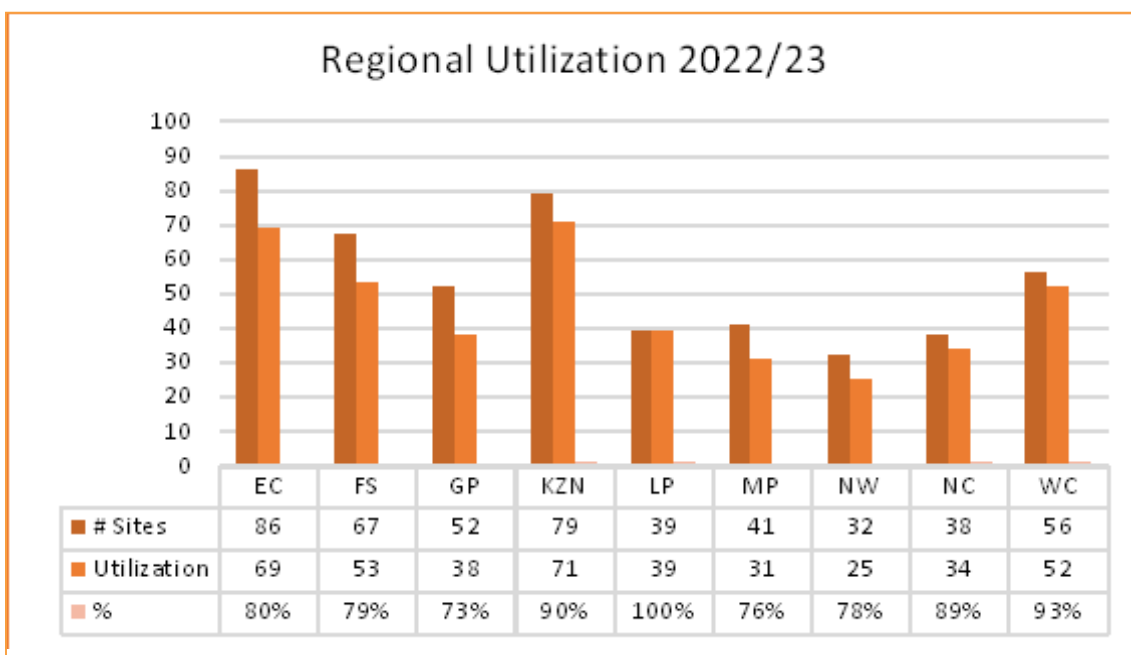
TABLE 28: PRELIMINARY INQUIRY REGISTRATION WITH % OF REGIONAL DISTRIBUTION

Region	No of PIs registered	Regional % Distribution
Eastern Cape	923	9%
Free State	601	6%
Gauteng	1522	14%
Kwazulu Natal	1460	14%
Limpopo	1008	9%
Mpumalanga	430	4%
North West	343	3%
Northern Cape	418	4%
Western Cape	3918	37%
Grand Total	10623	100%

Source: Integrated Case Management System: Child Justice

The majority of new preliminary inquiries captured on the ICMS Child Justice module were captured in the Western Cape Province (37%). The Gauteng and KwaZulu-Natal Provinces contributed to 14% respectively and Eastern Cape 9% to the total of new preliminary inquiries captured on the ICMS Child Justice module during the reporting period. The utilization per Region is tabularized as follows:

FIGURE 3: ICMS CHILD JUSTICE UTILIZATION BY COURTS PER REGION



Source: Integrated Case Management System: Child Justice

From the graph above, Limpopo (100%), Western Cape (93%), KwaZulu-Natal (90%) Northern Cape (89%) Eastern Cape (80%) recorded the highest utilization of the ICMS Child Justice system during the reporting period.

During this reporting period, the overall utilization of the ICMS Child Justice module increased from 78.6% to 84%.

The Department continues with the monitoring of the utilization of the ICMS Child Justice Module by the courts to ensure the 100% utilization of the system and most importantly, the accuracy and completeness of the data captured in this system.

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

Additional information that the Department must collect in terms of section 96(1)(e) of the Act includes:

3.2.9.1. APPEALS AND REVIEWS

The Department amended the ICMS Child Justice module to include information relating to automatic reviews in relation to sentences of imprisonment and compulsory residence in the child and youth care centres.

This function requires the clerks of the court to capture the review number and the date on which the case was referred to the appeals and reviews section. This will ensure compliance with section 85 of the Act.

The submission of data is closely monitored by the Department.



CHAPTER 4

THE INTEGRATED JUSTICE SYSTEM (IJS) PROGRAMME CHILD JUSTICE

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

4.1 THE IJS PROGRAMME

The Integrated Justice System (IJS) programme is a government initiative that strives to improve the efficiency and effectiveness of the South African criminal justice process. It is driving a multi-departmental effort to increase the probability of successful investigation, prosecution, punishment, and ultimately the rehabilitation of offenders and their restoration back into society to realise a national objective that all South Africans are and feel safe.

The IJS programme has representation in the Directors-General Inter-sectoral Committee for Child Justice (ISCCJ) and assists in the collation of transversal performance measures to monitor the various components of the CJS. This includes children in conflict with the law and all vulnerable groups that are affected by crime. The IJS is committed to the implementation of technology systems to ensure a fair, responsive and efficient criminal justice system where all South Africans are and feel safe. This includes a justice system that is able to handle and protect the rights of all children.

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

- 4.2.1 The 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 departments' core business processes especially relevant to the criminal justice system.
- 4.2.2 To date, case management business applications have been developed and implemented for the SAPS, NPA, DSD, Legal Aid South Africa and the DoJ&CD. The ICMS module for Child Justice, has provided an essential foundation for the collection of child justice related statistics.
- 4.2.3 Integral to the enabling of inter-department integration, the successful implementation of the IJS Transversal hub has provided a platform on which the underlying criminal justice business processes may be integrated. The JCPS cluster was the first cluster within government that pursued interoperability, and the hub already provides for the electronic exchange of information between SAPS, NPA, DoJ&CD, the Department of Home Affairs (DHA), DSD, the DCS and Legal Aid South Africa, amongst others.



FIGURE 4: THE IJS TRANSVERSAL HUB PROVIDES A TECHNICAL INTEGRATION PLATFORM FOR ELECTRONIC EXCHANGE OF INFORMATION BETWEEN MEMBER DEPARTMENTS

4.3 SUPPORTING CHILD JUSTICE THROUGH SYSTEM INTEGRATIONS

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

4.3.2 The 2021/2022 Child Justice annual report reported that 26 580 children in conflict with the law are reported as apprehended by SAPS. The Act indicates that each child should be assessed by a DSD probation officer, in order for necessary interventions, as well as suitability for diversion to be recommended. However, reported and completed assessments by the DSD



FIGURE 5: WHERE ARE THE CHILDREN? NUMBER OF CHILDREN IN CONFLICT WITH THE LAW APPREHENDED BY SAPS AS COMPARED TO NUMBER OF CHILDREN ASSESSED BY DSD (SOURCE: 2021/2022 CHILD JUSTICE ANNUAL REPORT)

showed that more than 50% (13 778) of these children were assessed, and only 35% (9 401) of these cases were captured as preliminary inquiries.

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



FIGURE 6: ELECTRONIC INTEGRATIONS BETWEEN SAPS AND DSD

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

4.3.5 Another key deliverable was the proposed integrations between NPA and DoJ&CD, which aims to integrate the child data captured between the relevant systems. The data will then be electronically integrated into the DoJ&CD environment. Initial analysis and design has been completed. Subsequent development and implementation will follow in the next financial year.

4.4 KEY 2022/2023 ACHIEVEMENTS

4.4.1 During the 2019/2020 financial year, the IJS and the DSD completed the enhancement and the development of an updated version of the DSD Mobile Probation Case Management (PCM) application. Enabled by the electronic integration with SAPS, the mobile application allows DSD supervisors to receive electronic notifications as soon as a child has been apprehended by SAPS, and it also helps to ensure that there is a prompt allocation of a probation officer.

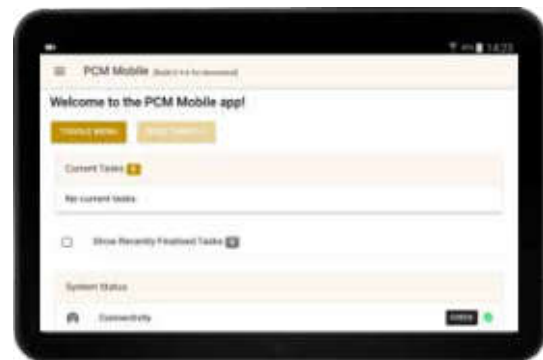


FIGURE 7: THE DSD MOBILE PCM. A FIRST FOR IJS, DSD AND SITA. THE APPLICATION OPERATES ON AFFORDABLE MOBILE TABLETS.

These alerts are received on their smartphones or tablets, wherever applicable. Upgrades were performed in 2022/23 in order to align with the requirements of the integrated case management approach. The solution rollout has been completed in all provinces. Initial training of the probation officers and supervisors was completed, although training continues as new employees are appointed.

- 4.4.2 To support DSD operations management and management of the electronic integrations between SAPS and DSD, the IJS Transversal developed an interactive reporting dashboard that provides key metrics on the number of children apprehended by SAPS, and the response rate of DSD probation supervisors in attending to these notifications. The dashboard was adopted and signed off, and access granted to DSD officials working with the Social Crime Prevention and Information Technology departments. Reports are provided on an on-going basis.
- 4.4.3 The IJS, as part of the National Technical Intersectoral Committee for Child Justice, has been working closely with the role-players to develop a holistic and integrated ISCCJ reporting dashboard for the display of Child Justice related measures, aligned to the recently approved Child Justice National Framework. The full list of measures has been identified. Priority metrics were identified and documented. Due to project reprioritisation, further development can only commence once the proposed child justice integrations have been completed.
- 4.4.4 During the last financial year the IJS Transversal worked closely with DSD to continue with the department's Child and Youth Care Centre Application (CYCA) modernisation project. This system is essential for reliable management and data reporting related to the safe custody of children in conflict with the law, and a prerequisite to several planned inter-departmental integrations. The application has now been deployed within the DSD environment to enable user acceptance testing. User acceptance testing was completed in the last financial year; however, some issues were highlighted and corrected. Analysis and design of the CYCA mobile application will commence in the new financial year.
- 4.4.5 IJS has also been assisting DSD in implementing integrations with the DHA in order to identify and verify persons, based on predefined biometric characteristics. Gauteng province has already implemented the electronic integrations successfully. The DSD case management system module is in the process of utilising the DHA functionalities. It is anticipated that other provinces will utilise the functionality by integrating with the case management system. DSD will also be subscribing to the enhanced DHA messages, which will allow for the verification of foreign nationals as well.
- 4.4.6 IJS formed part of an analysis team for the Integrated Person Management (IPM) system implemented in the SAPS environment. The aim of the project is to capture the relevant person information in one centralised data repository. IJS assisted in ensuring that the child offender management process was correctly documented and the relevant information would be captured and included in the business process models. Development of the initial phases and functionality of the IPM system have been completed and is currently piloted at a number of SAPS facilities.

4.5 PROVIDING SUPPORT TO THE INTERSECTORAL COMMITTEE FOR CHILD JUSTICE

- 4.5.1 The IJS continues to provide on-going data analysis support to the Intersectoral Committee for Child Justice (ISCCJ) task team established to reconcile the discrepancies between the numbers of reported children in conflict with the law between the CJS member departments. These data reports assist the Task Team for the National Inter-sectoral Technical Committee to conduct various reconciliation activities between departments.
- 4.5.2 The ISCCJ dashboard has also been scoped and will provide the platform for systems-based reporting of additional Child Justice key performance indicators across IJS member departments, with several key child-justice integrations between the NPA and DoJ&CD already developed, where implementation will occur in the 2023/2024 financial year.

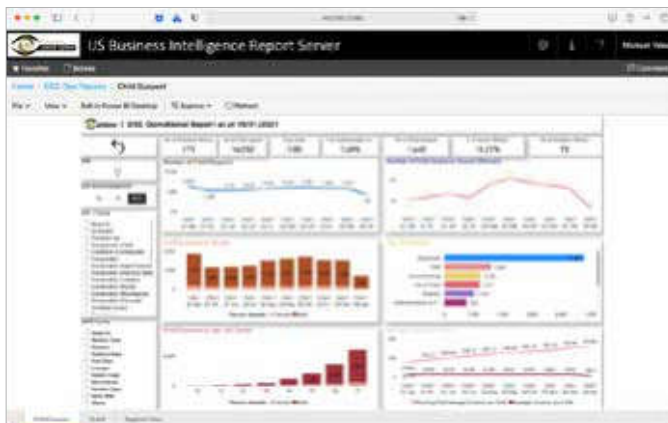


FIGURE 8: The Child Justice operations dashboard provides national, provincial and district view of key child justice related metrics

The IJS is committed to the implementation of technology systems to ensure a fair, responsive and efficient criminal justice system where all South Africans are and feel safe. We continue to pursue this to realise a justice system that fulfils the aspirations of the Act and is able to handle and protect the rights of all children.



CHAPTER 5

**LEGAL DEVELOPMENTS
IN CHILD JUSTICE AND
CASE LAW**

CHAPTER 5: LEGAL DEVELOPMENTS IN CHILD JUSTICE AND CASE LAW

During this reporting period, a number of reportable legal developments in child justice were recorded in the country, and some of these include:

5.1 CENTRE FOR CHILD LAW (APPLICANT) AND DIRECTOR OF PUBLIC PROSECUTIONS, JOHANNESBURG (FIRST RESPONDENT) AND OTHERS CTT 210/21

The case started as the State v LM; the State v KM; the State v EM; the State v KS,¹⁵ when four children from Krugersdorp tested positive for dagga at school.

The children and their parents appeared in the Krugersdorp Magistrate's Court where it was agreed they would undergo diversion programmes.

It later emerged all four children did not comply with the conditions of the diversion programmes.

They were then referred to the Department of Social Development where probation officers assessed them.

It was recommended the children be subjected to a compulsory residential diversion programme for an unspecified period.

The South Gauteng High Court has declared section 4(b) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), inconsistent with the Constitution and invalid to the extent that it criminalises the use and/or possession of cannabis by a child. The matter was referred to the Constitutional Court for confirmation.

The Constitutional Court gave judgment on 29 September 2022 in the matter Centre for Child Law v Director of Public Prosecution, Johannesburg and Others.¹⁶

The Constitutional Court emphasised that this case does not concern the legalisation and condonation of the use and/or possession of cannabis by a child. None of the parties before this Court, nor the High Court of South Africa, Gauteng Local Division, Johannesburg (High Court), argued that a child should be permitted by law to use and/or possess cannabis. Rather, this matter concerns the repercussions of the use and/or possession of cannabis by a child. In other words, the question to be answered is this: is the criminal justice system the appropriate mechanism to respond to the use and/or possession of cannabis by a child or are social systems, designed to protect and promote the rights of the child more suitable? This is the prism through which the issues may, and indeed must, be distilled and determined.

¹⁵ Unreported judgment of the High Court of South Africa, Gauteng Local Division, Johannesburg Case No 97/2018; 98/2018; 99/2018; 100/2018 (5 February 2019) (review judgment).

¹⁶ [2022]ZACC 35

In the judgment in the matter *Minister of Justice and Constitutional Development v Prince (Clarke and Others Intervening)*; *National Director of Public Prosecutions v Rubin*; *National Director of Public Prosecutions v Acton*¹⁷ the court legalised the use, possession and cultivation of cannabis by an adult in private for his or her personal consumption.

It is important here to distinguish between legalisation and decriminalisation. In *Prince*, the statutory provision was held to be invalid, and Parliament is in the process of enacting legislation specifically aimed at legalising the use and cultivation of cannabis in private by an adult. Therefore, it can be said that *Prince* carved out a legal space for an adult to use, possess and cultivate cannabis for their own consumption in private – this is a limited sphere in which the legalisation of cannabis is recognised. By contrast, decriminalisation does not permit the use and/or possession of cannabis, but has the consequence that the use and/or possession does not result in a criminal conviction and punishment.

The current matter is not about allowing a child to use and/or possess cannabis. The right recognised in *Prince* is limited to adults only. That is not an oversight by this Court. It is implausible to claim that a child has a right to the personal consumption of cannabis in private. There are valid reasons to protect children from the use of drugs and the recognition of the right of a child to use cannabis would be inconsistent with the need to protect children and, indeed, with the constitutional imperative in section 28(2) of the Constitution that a child’s best interests are of paramount importance in every matter concerning the child.

The constitutional problem in this case is not one of a status offence. To legalise the private possession and use of cannabis by adults does not require that the use and/or possession of cannabis by a child should also be recognised. The use and/or possession of cannabis by a child may have adverse effects to which we do not want to expose our children.

This matter is about the consequences of the use and/or possession of cannabis by a child, and whether those consequences should be located in the criminal justice system or in social systems. Unlike the use and/or possession of cannabis by an adult (in private, for personal use, as was dealt with in *Prince*), if this Court confirms the order of constitutional invalidity, there can still be legal consequences for children for the use and/or possession of cannabis, albeit outside of the criminal justice system. The focus in this matter is on decriminalisation, not legalization. This is the first difference between *Prince* and this matter.

Another important distinguishing feature between *Prince* and this matter is that *Prince* concerned adults, while this matter concerns children. The reasoning in *Prince* should not be imported into this judgment without cognisance of the difference between a child and an adult. This Court has recognised that a child deserves special protection from the law. It cannot be disputed that a child has a right to privacy.

The right to privacy applies to “everyone”. However, different rules apply to children in respect of this right. The principle that children accused of committing offences should be treated differently to adults “is now over a century old”.

This is because the law is oftentimes designed to treat a child and an adult differently.

¹⁷ [2018] ZACC 30; 2018 (6) SA 393 (CC); 2018 (10) BCLR 1220 (CC)

The final difficulty with importing the reasoning in Prince into this matter is that Prince legalised the use and/or possession of cannabis by an adult in private. An adult who uses and/or possesses cannabis in public can still face a criminal sanction. The High Court in this matter, when it declared section 4(b) of the Drugs Act unconstitutional, did not differentiate in the order between the private and public spheres. Accordingly, the effect of the High Court order is that it diverges from Prince. In terms of this order, it is still illegal for a child to use and/or possess cannabis (whether in public or private); however, that child cannot be arrested and/or prosecuted and/or sent to a diversion programme for contravening the impugned provision. The High Court concluded that there are other methods to deal with a child caught in those circumstances.

In the Court's view, going beyond the private arena when it pertains to the use and/or possession of cannabis by a child is necessary because this matter is not about protecting the child's right to privacy in order to use and/or possess cannabis in private. It is about choosing the most appropriate manner in which to respond to a child using and/or possessing cannabis, and this applies to the private and public spheres. Therefore, in this matter, we are not dealing with an extension of Prince to encompass children and thus this case cannot be determined through the lens of a status offence

The order by the Constitutional Court:

- a) The order of the High Court, declaring section 4(b) of the Drugs and Drug Trafficking Act 140 of 1992 to be inconsistent with the Constitution and invalid to the extent that it criminalises the use and/or possession of cannabis by a child, is confirmed.
- b) The operation of the order in paragraph 1 is suspended for a period of 24 months to enable Parliament to finalise the legislative reform process.
- c) During the period of suspension referred to in paragraph 2, no child may be arrested and/or prosecuted and/or diverted for contravening section 4(b) of the Drugs and Drug Trafficking Act insofar as it criminalises the use and/or possession of cannabis by a child.
- d) A child apprehended for the use and/or possession of cannabis may be referred to civil processes, including those found in the Children's Act 38 of 2005 and the Prevention of and Treatment for Substance Abuse Act 70 of 2008.
- e) Where a court has convicted a child of a contravention of section 4(b) of the Drugs and Drug Trafficking Act for the use and/or possession of cannabis, the criminal record containing the conviction and sentence in question, of that child in respect of that offence may, on application, be expunged by the Director-General: Justice and Constitutional Development or the Director-General: Social Development or the Minister of Justice and Correctional Services, as the case may be, in accordance with section 87 of the Child Justice Act 75 of 2008.

- f) If administrative or practical problems arise in the implementation of paragraph (e) of this order, any interested person may approach the High Court for appropriate relief.
- g) The second respondent must pay the applicant's costs in this Court.

As a concluding remark, the Constitutional Court emphasised the scope of this judgment. As much as the legal system sought to protect the child by criminalising such acts, there are more rights-centred approaches to responding to cannabis use and/or possession by a child. This judgment makes a finding that the criminalisation of the use and/or possession of cannabis by a child, whether in private or public, infringe on a child's rights. The Court is cognisant of the fact that there is an inherent risk with decriminalisation pertaining to a child and a potential scope for harm if the use and/or possession of cannabis by a child is not met with a social response. Therefore, the Court reiterated the need for a social response to cannabis use and/or possession by a child. In the Court's view, the response should be wholly centred on rehabilitation, support and recognising the inherent vulnerability of the child and as such, the response should not be located within the criminal justice system.

5.2 REVIEW OF THE MINIMUM AGE OF CRIMINAL CAPACITY

The Child Justice Amendment Act, 2019 (Act 28 of 2019) came into operation on 19 August 2022 through the Proclamation signed by the President and published in Government Gazette No. 11475 on 19 August 2022. The minimum age of criminal capacity has been raised from 10 years to 12 years from this date.

5.3 THE STATE V LJ¹⁸

This case (B1053/21) was before the Western Cape Division of the High Court, Cape Town on special review in terms of section 16(2) of the Child Justice Act, 2008 (Act 75 of 2008) read with section 303 of the Criminal Procedure Act, 1977 (Act 51 of 1977). The court ordered that the automatic review of cases in terms of section 85(1) of the Child Justice Act, 2008 includes all cases where the sentence involves any form of imprisonment or any sentence of compulsory residence in a child and youth care centre. This includes a sentence of imprisonment with an option of a fine and even a wholly suspended sentence.

¹⁸ Case 346/22. Western Cape Division of the High Court, Cape Town



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:

CHALLENGES/LIMITATIONS	CORRECTIVE MEASURES/PROGRESS
<p>01 The Delay in the integration of the ECMS and ICMS Child Justice modules to end the current data discrepancies on diversions between DoJ&CD and NPA.</p>	<p>01 The specifications for this proposed link have been developed. Renewed efforts will be made during the next reporting period to ensure data accuracy and completeness in diversions.</p>
<p>02 The discrepancies in data sets that evert accurate profiling in child justice.</p>	<p>02 IJS is finalising systems integration between the government child justice actors.</p>
<p>03 Poor data capturing and capturing of incomplete/inaccurate data at court level.</p>	<p>03 The ICMS CJ module has been amended to provide for electronic verification of captured data by supervisors at court level. This places the responsibility for complete and accurate data at court level. The implementation thereof will be monitored in the next reporting period.</p>
<p>04 Under-utilisation of the Integrated Case Management System (ICMS) for Child Justice.</p>	<p>04 Risk monitoring sessions are held with provincial stakeholders to improve the monitoring role of the regional offices in ensuring the 100% utilisation of the ICMS: child Justice. Other interventions will be explored.</p>



CHAPTER 7

CONCLUSION

CHAPTER 7: CONCLUSION

The Department continues to improve the way in which children are tracked through the courts in the child justice system.

To demand justice for children is not just to require that they are not abused at the hands of those who are meant to enforce the law. It is to require that society recognises and addresses the reality of children's lives and the root causes of their offending and seeks to put in place real, long term solutions.¹⁹

According to the World Health Organisation, it is estimated that up to 1 billion children aged 2-17 year, have experienced physical, sexual, or emotional violence or neglect in the past year.²⁰ South Africa is no exception -it was reported that an average of three to four children are murdered in South Africa every day. In the last quarter of 2021, 394 children survived attempted murder and 2 048 children were victims of physical assault.²¹

Exposure to violence at an early age can result in negative coping and health risks and these children are substantially more likely to smoke, misuse alcohol and drugs, and engage in risky sexual behaviour.²² Exposure to violence also impacts on opportunities and future generations since affected children are more likely to drop out of school, have difficulty finding and keeping a job, and are at heightened risk of later victimisation and/or perpetration of interpersonal and self-directed violence, by which violence against children can affect the next generation.²³

Children who have been maltreated (abused and neglected) and who commit offences are regarded as "crossover children" and there is a need to deal with their needs and their deeds as one, holding children responsible for their behaviour, but taking into account and responding to their needs and trauma by ensuring that they have the necessary support and services around them.²⁴

There is a need in South Africa to record and analyze the "crossover children" - not only those that are recorded in children's courts but also those who are regarded as "at risk" children coming into contact with the Department of Social Development including those leaving school at an early age to ensure that they receive appropriate support to prevent them from entering the child justice system.

19 Save the Children. 2005. The Right Not to Lose Hope. Children in conflict with the law – a policy analysis and examples of good practice. A contribution to the UN Study on Violence against Children from the International Save the Children Alliance. p. 5

20 World Health Organization. Violence against children. November 2022. Available at <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>

21 Vorster, RW. 2022. Three children are murdered every day in South Africa – we need action, not outrage. Daily Maverick, 23 November 2022.

22 World Health Organization. Violence against children. November 2022. Available at <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>

23 World Health Organization. Violence against children. November 2022. Available at <https://www.who.int/news-room/fact-sheets/detail/violence-against-children>

24 Cashmore, J. 2011. The link between child maltreatment and adolescent offending. System neglect of adolescents. Family Matters. 2011. No.89. p. 38.

ANNEXURE A: PUBLIC EDUCATION AND COMMUNICATION EVENTS

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
KwaZulu-Natal	Date: 24 June 2022 District: Zululand District Communities visited: Ulundi @ (Multipurpose Centre)	Community sessions & events	11	300 community members
	Date: 08 August 2022 District: King Cetshwayo District Communities visited: Qomintaba Community	Community sessions & events		250 community members
	Date: 15 August 2022 District: Ethekewini South Communities visited: Umlazi Clinic	Community sessions & events		+280 community members
	Date: 18 August 2022 District: Mzinyathi Communities visited: Mzinyathi High School in Greytown	Awareness with learners		250 learners
	Date: 12 August 2022 District: Ugu District Municipality Communities visited: Phindavele High School	Awareness with learners		210 learners
	Date: 7 December 2022 District: Langalibalele municipality Communities visited: Weneen@ Mthaniya Community Hall	Community Session		150 community members
	Date: 08 December 2022 District: Langalibalele municipality Communities visited: - Estcourt kwa-Mkhize Community	Community Session		150 community members

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
KwaZulu-Natal	Date: 9 December 2022 District: Estcourt Communities visited: Wembezi	Community Session		150 community members
	Date: 10 December 2022 District: Estcourt Communities visited: Loskop Ward 6	Community Session		150 community members
	Date: 20 - 24 February 2023 District: Greater Kokstad Local Municipality Communities visited: Kokstad	Community Session		3558 learners
	Date: 27 February 2023 District: Greater Kokstad Communities visited: Kokstad	Community session		113 community members
Total				+5 561

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Eastern Cape	Date: April, May, July and District: OR Tambo, Buffalo City and Nelson Mandela Communities visited: Lusikiski, Mthatha, East London	Outreach Programmes, Awareness Sessions and	More than 10	+4600 learners and 1 SGB.
	Date: 6-10 February 2023 District: Alfred Ndzo Communities visited: Bizana	Outreach/ Information Sessions at 10 schools where information were provided on GBV matters, Cyber bullying and Sexting, Child Justice Act, Maintenance and Drug and Substance Abuse, Teenage Pregnancy as well as Trafficking in Persons.		8000 learners
Total				±12 600

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Gauteng	Date: 30 May - 03 June 2022 District: Ekurhuleni & West-rand Communities	Child Protection Week	±20	1284
	Date: 12 July 2022 District: Springs Magisterial Communities Visited: Springs Methodist Retirement Village and Springs Epilepsy and Mental Disability Centre	Mandela Month Visit		63 Orphanage residence 75 Epileptic Centre
	Date: 20 July 2020 District: Boksburg Magisterial Communities Visited: Learners	Mock Court		154 Learners
	Date: 25 - 29 July 2022 District: Palm Ridge Magisterial Communities visited: Learners Date: 12 August 2022 District: Mogale City Magisterial Communities visited: Munsieville Community	Mock Court		

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Gauteng		Community Dialogue		136
	Date: 27 August 2022 District: Johannesburg Magisterial Communities visited: Learners	School Competition		40
	Date: 12 - 16 September 2022 District: Johannesburg Magisterial Communities visited: Various Communities	Child Justice		378
	Date: 17 February 2023 District: Ekurhuleni North Communities visited: Learners & Inmates	Prison Tour visit		90
	Date: 24 March 2023 District: Ekurhuleni North Communities visited: Learners & Inmates	Prison Tour visit		90
	Date: 10 March 2023 District: Ekurhuleni North Communities visited: Learners & Inmates	Prison Tour visit		90
Total				±2 404

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Western Cape	Date: 30 May 2022 District: Cape metro Communities visited: School children	Information session for Child Protection week	7	100
	Date: 01 June 2022 District: Cape Metro Communities visited: School children	Information session for Child Protection week		200
	Date: 03 June 2022 District: Overberg Communities visited: School children	Information session for Child Protection week		200
	Date: 03 June 2022 District: Overberg Communities visited: School children	Information session for Child Protection week		200
	Date: 03 June 2022 District: Central Karoo Communities visited: farming community	Information session for Child Protection week		300
	Date: 25 November 2022 District: West Coast Communities visited: Laaiplek High school	Youth engagement at a high school		200
	Date: 28 November 2022 District: West Coast Communities visited: Clanwilliam Youth center	Community youth engagement		150
Total				1 350

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Mpumalanga	Date: 26 April 2022 District: Nkangala District Communities visited: Middelburg the leaners came from this schools : Eastene Combine , Middelburg Combine HTC Middelburg ,MHS Middelburg ,Phumelela High,Ekwazini High Mphanama High,Sozama High ,Sofunda High ,Tswenyane High ,LD Moetanal High.	Leaners Dialogue	41	Total number of 110 Leaners was reached.
	Date: 30 May- 04 June 2022 District: Nkangala District Communities visited: Mhluzi, Middelburg, Nazareth, and Arnot. The following schools were reached: Aerorand, Beestepan Blinkpan,Ekwazini, Elusindisweni, Evergreen, Future Achievers, H/S M'burg,HTS M'burg,Ipani, Koorfontein, LD Moetanal, M'bur Prim. School, Mhluzi,MMS, Mphanama,Mthombeni, Mvuzo, Sofunda, Sozama St Peters College, Zikhuphule.	School visits		A total number of 6948 learners were reached.
	Date: 29 August -02 Sept 2022. District: Gert Sibande District Communities visited: Secunda and Trichardt. The following two schools visited; Trichardt Primary and Highveld High.	School visits		A total number of 1154 leaners were reached.
	Date: 25 October -28 October 2022 District: Gert Sibande District Local Municipality:Msukaligwa Area :Ermelo,Lothair ,Morgenzon. The following schools were reached: Ubuhle bolwazi Primary, Lothair Primary,The Gem Combined, Davel Primary,Umfundla Combined, Masizakhe Secondary,Umzimvelo Combined,Bashele Primary,Ermelo Combine,Cebisa Secondary,Lindile Secondary,lthafa Secondary,Wesselton Primary,Lungelo Combined,Sizakhele Primary, Qambekile Combined,New Ermelo Primary.	School visits		A total number of 3244 learners were reached.

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Mpumalanga	Date: 09 February - 2023. District: Ehlanzeni District Local Municipality :Bohlabelo School visited: Bondzeni Secondary.	School visit		A total number of 350 leaners were reached.
Total				11 806
Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Northern Cape	Date: 30 May 2022 District: ZF Mgcawu Communities visited: Upington Pabalello High School & AJ Ferreira High School	Child Protection Week Learner & educators engagement	20	976
	Date: 31 May 2022 District: ZF Mgcawu Communities visited: Upington Duineveld High School & Upington High School	Child Protection Week Learner & educators' engagement		390
	Date: 1 June 2022 District: ZF Mgcawu Communities visited: Upington Kalksloot Intermediate School & Westerkim Primary School	Child Protection Week Learner & educators' engagement		432 713
	Date: 02 June 2022 District: ZF Mgcawu Communities visited: Upington SC Kearns High School & Saul Damon High School	Child Protection Week Learner & educators' engagement		1028 1119
	Date: 03 June 2023 District: ZF Mgcawu Communities visited: Upington Carlton Van Heerden High School	Child Protection Week Learner & educators' engagement		1075

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Northern Cape	Date: 26 July 2022 District: ZF Mgcawu Communities visited: Kakamas Fiersdale Combined School & Kakamas Intermediate School	Community Outreach		93 113
	Date: 17 August 2022 District: ZF Mgcawu Communities visited: Louisvale Community hall	Provincial Government EXCO Community outreach- Exhibition		500
	Date: 18 August 2022 District: ZF Mgcawu Communities visited: Kenhardt KDY Projects-Youth Organisation	Kenhardt Youth		24
	Date: 21 October 2022 District: ZF Mgcawu Communities visited: Upington community Mxolisi Dicky Jacobs Stadium	Presidential Imbizo- Community Exhibition		5000
	Date: 14 March 2023 District: Namaqua Communities visited: Springbok community	Community Outreach		124
	Date: 15 March 2023 District: Namaqua Communities visited: Steinkopf community	Community Outreach		83
	Date: 16 March 2023 District: Namaqua Communities visited: Springbok AS Van Wyk High School	School information ses- sion		33
	Date: 21 March 2023 District: Pixley Ka Seme Communities vis- ited: De Aar Jacobs Stadium	Presidential Imbizo (community) Exhibition		3000

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Northern Cape	Date: 23 March 2023 District: ZF Mgcawu Communities visited: Post-masburg Newtown Community hall	Community Outreach		95
	Date: 24 March 2023 District: ZF Mgcawu Communities visited: Danielskuil 1933 Tourism Centre	Community Outreach		105
Total				14 909

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
North West	Date: 23 May 2022 District: Ngaka Modiri Molema District Communities visited: Schools	School outreach	4	300
	Date: 24 May 2022 District: Ngaka Modiri Molema District Communities visited: School	School outreach		450
	Date: 25 May 2022 District: Ngaka Modiri Molema District Communities visited: School	School outreach		800
	Date: 26 May 2022 District: Ngaka Modiri Molema District Communities visited: School	School outreach		600
Total				2 150

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Free State	Date: 30 May 2022 District: Boshof School: Aramela Combined School	Information session	11	200 learners
	Date: 31 May 2022 District: Hertzogville School: Sensile High	Information session		100 learners
	Date: 01 June 2022 District: Steynsrus School: Tharollo Primary	Information session		100 learners
	Date: 02 June 2022 District: Arlington School: Leratswana School	Information session		350 learners
	Date: 03 June 2022 District: Vanstandensrus School: Thapelong Secondary School	Information session		100 learners
	Date: 03 May 2022 District: Memel School: Esizibeni secondary School	Information session		194 learners
	Date: 25 October 2022 District: Trompsburg (Xhariep District)	Community Awareness campaigns		47 Community members
	Date: 25 November 2022 District: (Tweeling) Fezile Dabi District	Community Awareness campaigns		56 Community members
	Date: 30 November 2022 District: Allanridge (Lejweleputswa District)	Community Awareness campaigns		134 Community members
	Date: 16 March 2023 District: Xhariep Communities visited: (Learners) Jimmy Roos School Of Industry	Information Session		57 learners
	Date: 17 March 2023 District: Mangaung Metro Communities visited: Learners (Polokehong Primary School)	Information Session		133 Learners
Total				1 471

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
Limpopo	Date: 30 May to 03 June 2022 District: Waterberg District (Solomon Mahlangu High, Makhutjisha High, Mokhari Secondary, Letamong Combined, Settlers High, Bathopele Sec, Matamela Ramaphosa, Bela Bela high, Maope and Raeleng Secondary.	School visits- commemoration of the Child Protection week	19	2745 learners
	Date: 13 to 15 March 2023 District: Thabazimbi area Hoerskool Frikkie Meyer, Deo Gloria Primary, Mabogopedi High, Ysterberg Primary, Spitskop Special School, Kesarona primary , Laerskool Thabazimbi, Groenvlei Secondary and Naletsena Secondary	Learner dialogues		3000 learners
Total				5 745

Province	Location and date	Type of initiative	No of initiatives	Number of people reached
National Office	Virtual 13 December 2023	Webinar on less restrictive measures to deal with children addicted to dependency-producing substances	1	± 150 learners, stakeholders and community members
Total				± 150
TOTAL			±149	±58 146

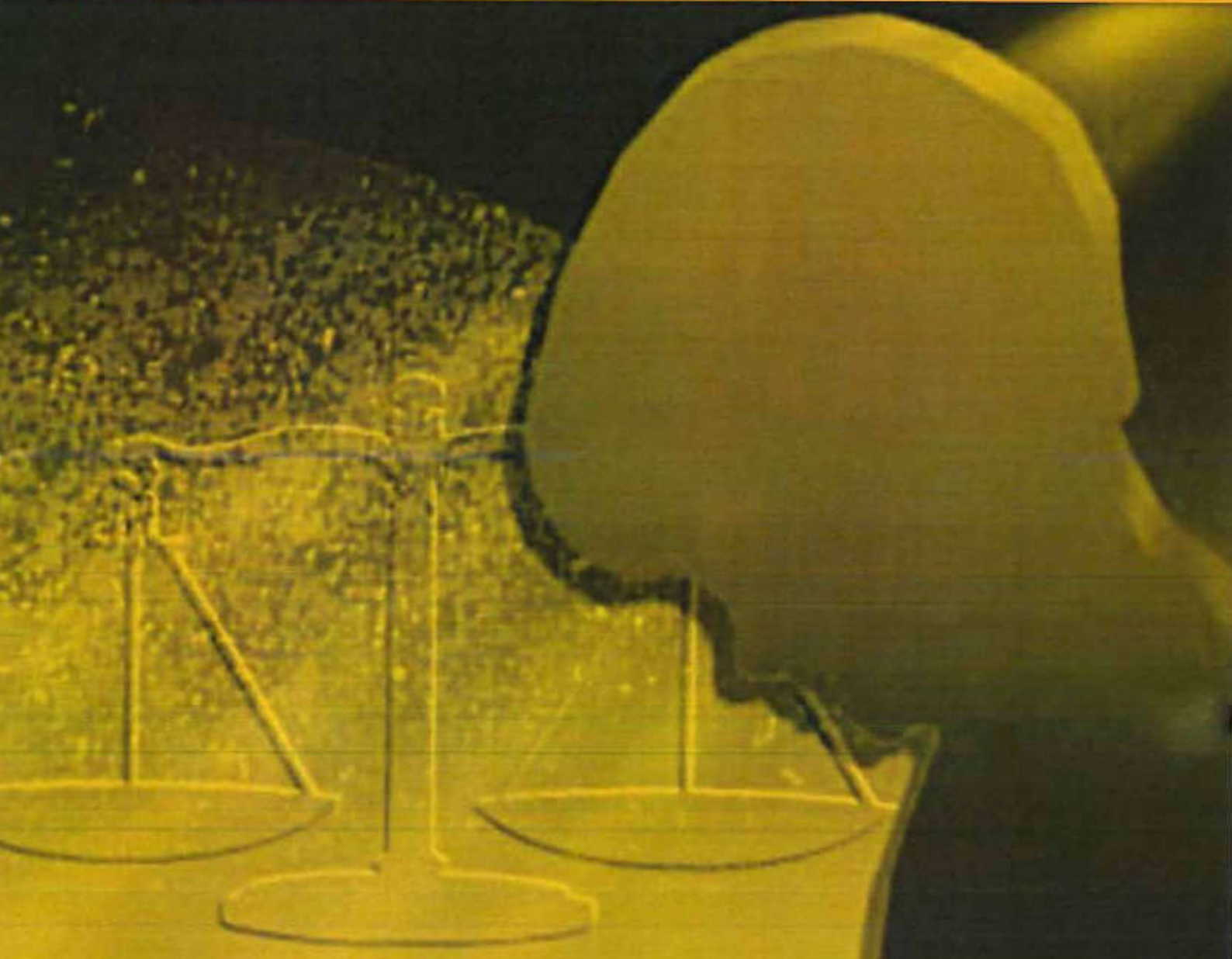
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NATIONAL PROSECUTING AUTHORITY
South Africa

The National Prosecuting Authority of South Africa



NPA PROGRESS REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT 75 OF 2008 FOR THE 2020/21 FINANCIAL YEAR

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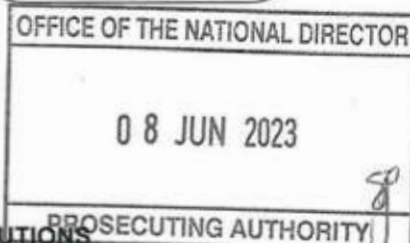


National Prosecuting Authority
South Africa

INTERNAL MEMORANDUM

TO: ADV S BATOHI
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS

FROM: ADV RJ DE KOCK
DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
HEAD: NPS



REF NO: 7/11/5 CJ

SUBJECT: NPA ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT
75 OF 2008 (the Act) FOR 2022/2023 FINANCIAL YEAR

1. PURPOSE

1.1 The purpose of this memorandum is to submit the annual progress report for 2022/2023 Financial Year on the implementation the Child Justice Act 75 of 2008 (hereafter referred to as the Act).

2. BACKGROUND AND DISCUSSION

2.1 The Act came into operation on 01 April 2010.

2.2 With reference to section 94 of the Act, the NPA participates in the Inter-sectoral Committee on Child Justice which by said law is chaired by the Director-General of the Department Justice and Constitutional Development. In line with section 96(3) of the Act it is expected of the said Department to submit reports as prescribed to Parliament.

2.3 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. Herewith is the report from the NPA as compiled by the SOCA Unit as required.

3. OTHER COMPONENTS CONSULTED

3.1 The following components were consulted:

- NPS Operations Management; and
- Child Justice Nodal Points from the DPP offices.

4. RECOMMENDATIONS

4.1 It is recommended that you note the annual progress report and sign it accordingly, after which it will be submitted to the Director-General of Justice and Constitutional Development.

Kind regards



Adv. R.J. de Kock

Deputy National Director of Public Prosecutions: NPS

Date: 6/6/2023



Adv. S. Batohi

National Director of Public Prosecutions

Date: 13/06/2023

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OFFICIAL SIGN OFF

PROGRESS IN RESPECT OF THE IMPLEMENTATION OF THE CHILD JUSTICE ACT

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4. RESOURCES AND BUDGETS
5. PUBLIC EDUCATION AND AWARENESS CAMPAIGNS

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 refer), herewith the approved 12-months report from the NPA as requested by the Department of Justice and Constitutional Development (DOJCD). This report deals with progress on the implementation of the Act for the 2022/2023 Financial Year, in terms of the key priority areas of the Child Justice National Policy Framework as applicable to the NPA.



ADV R.J. DE KOCK
DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS: NPS

Date: 4/6/2023.



ADV S. BATOHI
NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
NATIONAL PROSECUTING AUTHORITY

Date: 13/06/2023

For more information, please contact:

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PROGRESS IN RESPECT OF THE IMPLEMENTATION OF THE CHILD JUSTICE ACT

1. INTRODUCTION AND BACKGROUND

In preparation for the development of the Child Justice Act (the Act) Annual Report to Parliament (section 96(3)(a) and (b) of the Act refers), herewith the report from the NPA as requested by the Department of Justice and Constitutional Development (DOJCD). This report deals with progress on the implementation of the Act for 2021/2022 Financial Year in terms of the key priority areas of the Child Justice National Policy Framework.

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

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

2. BUILDING CAPACITY IN THE SECTOR (SKILLS DEVELOPMENT)

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

In terms of the Child Justice Amendment Act, Act 28 of 2019, the NPA has submitted its amended Child Justice Directives accordingly and same has been approved by the Minister of Justice and Correctional Services.

- 2.2 For the roll-out of the training programme for the Child Justice Act, in the current financial year (2022/2023 FY), the NPA SOCA Unit has reviewed and updated the training material (previously developed in line with the Act) with reference to

the latest developments in law (legislation and case law). The child justice training is facilitated by the SOCA Unit and was included in the schedule of trainings for 2022/2023.

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

- Social Context
- Criminal Capacity
- Assessments, Age Determination, Securing Attendance & Placement
- Diversion
- Preliminary Inquiry
- Trial
- Sentencing
- Legal Representation, Reviews, Appeals & Expungement of criminal records
- Process Maps
- NPA Policy Directives
- Regulations developed by the Department of Justice and Constitutional Development
- Relevant Case Law in line with Child Justice Act
- Miscellaneous Aspects of Child Law.
- Relevant provisions of the Child Justice Amendment Act 28 of 2019.

2.4 For the reporting period, we delivered **five decentralized training sessions** attended by 129 prosecutors.

2.5 Summary of training sessions (facilitated by NPA SOCA Unit) conducted for prosecutors as from 2009 until end September 2019 on the Child Justice Act is:

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

- For 2018/19; 3 training session attended by 32 prosecutors
- For 2019/2020; 2 training session attended by 40 prosecutors
- For 2020/2021; 3 training session attended by 37 prosecutors
- For 2021/2022; 2 training session attended by 36 prosecutors
- For 2022/2023; 5 training session attended by 129 prosecutors (including aspirant prosecutors)

Total: 77 sessions attended by 1700 prosecutors over a period of 14 financial years.



3. PROVISION OF DIVERSION REFERRALS BY THE NPA (DIVERSION STATISTICS)

3.1 The total number of children diverted during the reporting period in terms of the Child Justice Act is **4007**. Herewith the breakdown per month and quarter:

Quarter	Month	Number of Children Diverted as reflected:
Q1	April	498
	May	301
	June	331
Total – Q1		1130
Q2	July	299
	August	312
	September	289
Total – Q2		900
	October	370

NPA Report on the Implementation of the Child Justice Act 75 of 2008
(2022/2023 FY)

Q3	November	308
	December	401
Total – Q3		1079
Q4	January	244
	February	316
	March	338
Total – Q4		898
Annual Total		4007

- 3.2 The NPA SOCA Unit is continuously analyzing trends for children committing offences and the children diverted in accordance with the Child Justice Act.
- 3.3 This analysis is of importance in that it assists with *inter alia* the identification of possible interventions to be implemented in affected areas for e.g. public education and awareness, training and the escalation of challenges to the National Technical ISCCJ meeting and the Director General's ISCCJ meetings. Shortcomings and challenges are also engaged with at stakeholder meetings to collectively identify solutions for implementation.
- 3.4 As an intervention for the current 2023/24 FY, the NPA SOCA Unit will liaise with the NPS nodal points in the divisions to specifically engage with the Community Prosecution Prosecutors to ensure that children in the communities are informed about the consequences of committing crimes and the subsequent impact thereof on their futures. This will be achieved by working with the communities to identify those crime irritants that have a dire impact on children and the youth in certain areas that are specifically plagued by substance abuse, drug trafficking and gangsterism where children are exploited or persuaded to commit related offences.
- 3.5 The following tables compare the number of children diverted during 2022/2023 FY with 2021/22 and 2020/2021 FYs.

The increase in the number of diversions (as reflected in the tables, *infra*) can be attributed to the specific interventions that the NPA SOCA Unit have made in terms of targeting the training of an increased number of prosecutors and other role players. In addition, to the scheduled NPA SOCA Unit training sessions, we focused on the newly appointed aspirant prosecutors, focusing on the Child

Justice Act. It is believed that this targeted training intervention has contributed to an increased focus by the prosecutors and relevant stakeholders in dealing with child offenders that falls within the ambit of the Child Justice Act accordingly.

Table 1: Diversions between Q1 of 2020/21 – 2022/2023 FY:

Indicator	Q1-2020/2021	Q1-2021/2022	Q1-2022/2023
Total Number of Diversions of children ito CJA	207	702	1130

Q1 Graph Illustration



There is a notable increase of 923 matters when comparing Q1 of 2022/2023 FY with Q1 of 2020/21 FY. In addition, it also resulted in an increase of 428 matters when compared with the Q1 of the previous FY.

Table 2: Diversions between Q2 of 2020/21 – 2022/2023 FY:

Indicator	Q2-2020/21	Q2-2021/22	Q2-2022/2023
Total Number of Diversions of children ito CJA	552	670	900

Q2 Graph Illustration

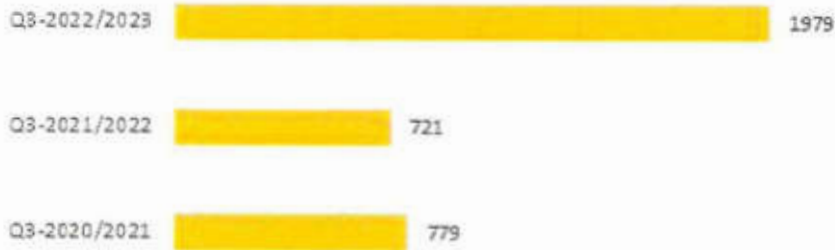


There is an increase of 38.6% when comparing Q2 of 2022/2023 FY with Q2 of 2020/21 FY. An increase of 25.5% is also noted when comparing Q2 of 2022/2023 FY with Q2 of 2021/22 FY.

Table 3: Diversions between Q3 of 2020/21 – 2022/2023 FY:

Indicator	Q3-2020/2021	Q3-2021/2022	Q3-2022/2023
Total Number of Diversions of children ito CJA	779	721	1079

Q3 Graph Illustration



There is an increase of 27.8 % when comparing Q3 of 2022/2023 FY with Q3 of 2020/21 FY. A rise of 33.1 % is also noted when comparing Q3 2022/2023 FY with Q3 of 2021/22 FY.

Table 4: Diversions between Q4 of 2020/21 – 2022/2023 FY:

Indicator	Q4-2020/2021	Q4-2021/2022	Q4-2022/2023
Total Number of Diversions of children ito CJA	649	760	898

Q4 Graph Illustration



There is an increase of 27.7% when comparing Q4 of 2022/2023 FY with Q4 of 2021/22 FY. An increase of 15.3% is also noted when comparing Q4 of 2022/2023 FY with Q4 of 2021/22 FY.

- 3.6 **Table 5: Breakdown of diversions by prosecutor in respect of minor offences (Chapter 6, section 41 of the CJA):**

Financial year and information per quarter	2021/2022	2022/2023
Q1	95	336
Q2	125	110
Q3	101	280
Q4	99	74
Total	420	800

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

Financial year and information per quarter	2021/2022	2022/2023
Q1	418	475
Q2	343	509
Q3	371	555
Q4	439	552
Total	1571	2091

- 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	2021/22	2022/2023
Q1	30	27
Q2	19	21
Q3	30	27
Q4	17	28
Total	96	103

- 3.9 The breakdown of all diversions per DPP division (in line with the Child Justice Act) nationally reflects the following position:

ECD - 1016 (25.4%)

FSD - 450 (11.2%)

GDP - 414 (10.3%)

GLD - 454 (11.3%)

KZND - 783 (19.5%)

LD - 642 (16%)

MD - 307 (7.7%)

NCD - 369 (9.2%)

NWD - 365 (9.1%)

WCD - 1507 (37.6%)

- 3.10 The aforementioned analysis by the NPA is done on a quarterly basis and relevant departments are regularly 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 and criminal capacity. .
- 5.2 NPA SOCA Unit facilitated and or participated in several **public awareness and community projects** on gender-based violence, trafficking in persons and relevant legislation (including matters pertaining to the Child Justice and Children's Act) by the TCC-personnel and SOCA provincial officials nationally in line with the "365 National Action Plan of no violence against women and children". The TCCs participated in several events in this quarter either at public

awareness campaigns and also radio interviews / discussions, focusing *inter alia* on the following topics: the essence of gender based violence, TCC-services, the influence of drugs and alcohol at schools, bullying and consequences thereof at schools, child pornography, reporting of GBV-matters, LGBTI-cases, sexual violence / abuse at schools and tertiary institutions, the importance of forensic medical examinations and post-trauma consequences of GBV, ukuthwala-practices, the existence of sexual harassment and what it entails, trafficking in persons specifically for sexual exploitation etc. It must be noted that comprehensive reports from the various cluster or provincial managers are available detailing the content and extent of the various campaigns delivered or participated in by SOCA officials.



6. CONCLUSION

In conclusion, the successes attained thus far have gradually showed some signs of progress towards establishing an effective child justice system in South Africa. However, the sector still needs to encourage all the role players to effectively and efficiently ensure the optimal implementation of the Child Justice Act in both urban, peri urban and rural areas of the country consistently.

To that end, as the National Prosecuting Authority we have begun the process of ensuring the proper and adequate implementation through oversight by dedicated personnel in the respective divisions.

NATIONAL PROSECUTIONS SERVICE

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National Prosecuting Authority
South Africa

INTERNAL MEMORANDUM

TO: ADV RJ DE KOCK
DEPUTY NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS
HEAD: NPS

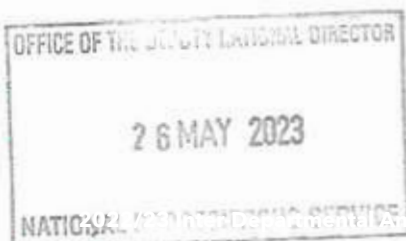
FROM: ADV. B. CURRIE-GAMWO
SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS: SOCA

REF NO: 7/11/5 CJ

SUBJECT: NPA ANNUAL PROGRESS REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT 75 OF 2008 FOR 2020/2021 FINANCIAL YEAR

1. The purpose of this memorandum is to submit the annual progress report for 2022/2023 Financial Year on the implementation of the Child Justice Act 75 of 2008 as amended (hereafter referred to as the Act).
2. The Act came into operation on 01 April 2010.
3. With reference to section 94 of the Act, the NPA participates in the Inter-sectoral Committee on Child Justice which by said law is chaired by the Director-General of the Department of Justice and Constitutional Development. In line with section 96(3) of the Act it is expected of the said Department to submit reports as prescribed to Parliament.

Independence - Professionalism - Accountability - Credibility



4. 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. Herewith is the report from the NPA as compiled by the SOCA Unit as required, marked as Annexure "A".
5. It is recommended that you note the annual progress report, signed it accordingly and forward it to the NDPP for her approval and signature after which the report will be submitted to the Director-General of Justice and Constitutional Development. Kindly find herewith attached for your perusal, draft correspondence addressed to the NDPP, marked as Annexure "B".

Kind regards,



ADV. BONNIE CURRIE-GAMWO
SPECIAL DIRECTOR OF PUBLIC PROSECUTIONS
SEXUAL OFFENCES & COMMUNITY AFFAIRS UNIT

DATE: 25/05/2023

SOUTH AFRICAN POLICE SERVICE





ANNUAL REPORT

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

— **2022/23** —



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CHAPTER 1: INTRODUCTION

Introduction

The purpose of this report is to provide departmental progress in relation to the implementation of the Child Justice Act in the areas of responsibility falling within the scope of the SAPS. Though the intention of the report is to report on the Annual progress for 2022/2023, long term trends on the number of children charged by the SAPS will be included. Areas that will be covered in this report are:

- Building Capacity in the Sector;
- Methods of securing attendance of children at preliminary inquiries;
- Management of Infrastructure for the Implementation of the Act;
- Resources and budgets;
- Public Education and Communication;
- Monitoring and Evaluation of Information Management Systems;
- Monitoring and Evaluation;
- Provide support to the One Stop Child Justice Centres; and
- Limitations/Challenges and possible interventions.

Background

The South African Police Service (SAPS) is the first point of contact for a child in conflict with the law, and the Child Justice Act, 2008 (Act No 75 of 2008) affords the SAPS the following responsibilities:

- Ensure the child's appearance at a preliminary inquiry, primarily by means of alternative methods provided for in the Act other than arrest (arrest may only be used as a measure of last resort);
- Explain to the child suspect and his or her parent / guardian / an appropriate adult the procedure that will be followed (including the fact that the child will be assessed by a probation officer) and that the child has a right to legal representation. If the family cannot afford their own legal representative, Legal Aid SA will assign a legal representative to the child. The Police must initiate contact with the nearest Legal Aid SA office if appropriate in the circumstances;
- Inform a probation officer immediately of the apprehended child, but if that is not possible, not later than 24 hours after the apprehension of such child, by means of either a written notice or arrest, in order for an assessment to be done. The Police must keep the database of the probation officers received from the Department of Social Development;

- Notify the parent, appropriate adult or guardian of the child of the child's arrest and where he or she is being taken;
- Release, where appropriate, a child older than 12 years who is suspected of having committed an offence(s) referred to in schedule 1, into the care of their parents, a guardian or an appropriate person;
- To place, a child younger than 12 years, in the care of his or her parents, a guardian or an appropriate adult, or in a place of temporary safe care in accordance with the Children's Act, 2005 (Act No 38 of 2005), and inform the probation officer accordingly;
- Ensure the safety and care of the child whilst in the SAPS holding cell. The Station Commander of each police station must record the details on the detention of all children in police cells or lock-ups in a register in a manner that is clearly distinguishable from the details of adults;
- Treat the child in custody in a manner and in conditions that take into account the age and gender of the child. This includes the provision of a mattress, blanket, food, sanitary towels and access to a toilet and washing facilities. Children must also be kept separately from adults, and boys should be kept separately from girls;
- Provide medical care by taking the child to a district surgeon or hospital for medical treatment, where necessary. This includes medical care when the child shows severe psychological trauma or injuries;
- Transport the child to and from detention facilities, such as the Correctional Services Awaiting Trial Centres, Child and Youth Care Centres and the court;
- Provide services in relation to appearance of the child in court (the transfer of the child from the holding cells to the court, maintaining order and safety in the court, investigating criminal cases and the performance of court orderly duties); and
- Issue a certificate for the expungement of a criminal record of a child, as contemplated in section 87(5) (b) of the Act.

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

Building Capacity in the Sector

Provide Training as per operational requirements

The SAPS through its Human Resource Development Division, develops learning programmes for training of officials in the department. The Child Justice Act has been included as a module in the Basic Police Development Learning Programme (BPDLP) since 2013 in order to make sure that newly enlisted members from the colleges are acquainted with the Act and what is required of them pertaining to the Act

In addition, during the reporting period no capacity building was done within the South African Police Service, with regards to the Child Justice Act, 2008(Act no. 75 of 2008).

The SAPS Vulnerable Children Learning Programme and Youth and Children at Risk are one week in-service training curricula, which are aimed at capacitating members on how to deal with children who are in conflict with the law, as well as those who are in need of care and protection. The Learning Programmes include information on *the Act* supported by the SAPS’ National Instruction 2 of 2010 (*Children in Conflict of the Law*), as well as information on the Children’s Act, 2005 (Act No 38 of 2005), supported by the SAPS’ National Instruction 3 of 2010 (*The Care and Protection of Children in terms of the Children’s Act*).

During the reporting period 01 April 2022 to 31 March 2023, **9484 (Nine thousand four hundred and eighty four)** members from all nine provinces were trained on Children and Youth at Risk and Vulnerable Children Learning Programmes. The graphic illustration below indicates the number of participants and competence reached during the reporting period:

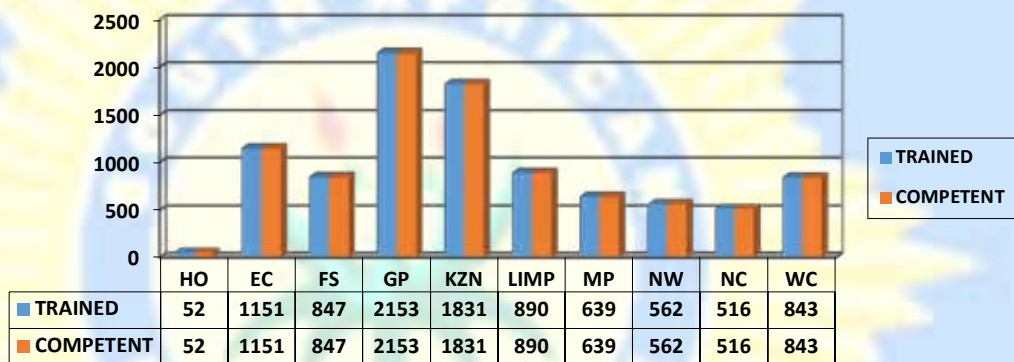


Figure 1: Total number of members trained and found competent on Vulnerable Groups and Victim Empowerment Learning Programmes between 1 April 2022 to 31 March 2023

In addition to internal training and capacity building, SAPS takes training seriously and maintains the highest standard of training police officials with regard to Gender Based Violence (GBV) and femicide.

Capacity Building and Awareness Conducted on Child Justice Amendment Act, 2019 (Act No. 28 of 2019), during the reporting period 01 April 2022 to 31 March 2023

PROVINCE/DIVISION	NUMBER OF PARTICIPANTS	OBJECTIVE
EASTERN CAPE	34	Implementation of the amendments brought by the Child Justice Amendment Act, 2019 (Act No. 28 of 2019)
FREE STATE	51	
KWAZULU-NATAL	40	Implementation of the amendments brought by the

PROVINCE/DIVISION	NUMBER OF PARTICIPANTS	OBJECTIVE
		Child Justice Amendment Act, 2019 (Act No. 28 of 2019)
LIMPOPO	38	Implementation of the amendments brought by the Child Justice Amendment Act, 2019 (Act No. 28 of 2019)
MPUMALANGA	50	Implementation of the amendments brought by the Child Justice Amendment Act, 2019 (Act No. 28 of 2019)
NORTH WEST	56	Implementation of the amendments brought by the Child Justice Amendment Act, 2019 (Act No. 28 of 2019)
WESTERN CAPE	57	Implementation of the amendments brought by the Child Justice Amendment Act, 2019 (Act No. 28 of 2019)

Methods of securing attendance of children at preliminary inquiries

Dealing with children in conflict with the law in terms of the provisions of the Child Justice Act

Police Officers utilize the prescribed SAPS 583 forms to secure a child's attendance at a preliminary inquiry, the forms are issued to the children on the basis of taking the compelling reasons into account. The SAPS 583(b) is utilised as the written notice and the SAPS 583(j) as the information notice upon the arrest of the child. Furthermore, the Designated Probation Officer is notified through the CAS¹/ICDMS² which is now linked with the Probation Case Management System (PCMS) to notify the Probation Officer about the cases opened against children in preparation for the assessment to take place.

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

The Operational Planning and Monitoring (OPAM) System was updated with the most recent contact details of Provincial Department of Social Development Coordinators, in order to facilitate the process of e-mail notification of Probation Officers when a child under the age of 12 years is in conflict with the law. Challenges are still being experienced with this system as not all SAPS members are registered to use the above mentioned system.

Management of Infrastructure for the Implementation of the Act

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

The SAPS has **One thousand one hundred and fifty nine (1159)** police stations, all of which are render services to children in conflict with the law. Detention facilities at police stations are not conducive to accommodate children and children are only detained at a police station as a last resort.

Resources and budgets

Cost the roles and responsibilities

The SAPS utilizes its day to day operational budget in meeting its obligation in the implementation of the Child Justice Act, 2008 (Act No. 75 of 2008).

Public Education and Communication

Crime Prevention Awareness Campaigns



Figure 2: SAPS at Umalusi Community (Gomorrah) on 21 May 2022

On 21 May 2022 SAPS in partnership with the Community Church held an Awareness Campaign at Umalusi (Gomorrah) Informal Settlement in Tshwane District the following aspects were addressed:

- The importance of reporting offences in relation to child abuse, neglect and cases with regard to sexual offences and related matters with reference to the Children’s Act, 2005 (Act 38 of 2005) and Criminal Law (Sexual offences and related matters)

Amendment Act, 2007 (Act 32 of 2007);

- The consequences of not reporting the cases of abuse to the police or other relevant departments;
- The assessment by the probation officer to identify the root causes of crime committed by children; and
- Reporting of cases where persons are using children to commit crime so that the real perpetrators could be brought to book.

Promotional materials were distributed as part of public education, 200 copies of children’s rights pamphlets, 150 copies of break the silence pamphlets, 150 copies of victim empowerment cards, 50 copies of the playing cards for child Justice, 100 drugs and substance abuse pamphlets and 100 bullying pamphlets were distributed.

The SAPS participated in the Child Protection Webinar held on 01 June 2022, hosted by the Department of Justice and Constitutional Development, the Section Vulnerable Groups and Victim Empowerment addressed the topic “People’s Obligation in Reporting Crimes against Children”

SAPS through its Component: Social Crime Prevention hosted a Child Protection National Event at Orange Farm Primary School (Gauteng Province) on 3 June 2022. The event was honoured by the following participants:

- The Office of the Civilian Secretariat on Policing ;
- Faith Based Organisation (FBO);
- Community Police Forum (CPF) Executive committee;
- The School Governing Body (SGB);
- Department of Health represented;
- Department of Social Development;
- Sedibeng GBV Brigade's;
- Youth Desk; and
- Sedibeng Family Violence, Child Protection and Sexual offences Unit (FCS).



Figure 2: Awareness programme during Child Protection Week on 3 June 2022 at Orange Farms intermediate School

During the event children were offered the opportunity to demonstrate their understanding of their children's rights and their responsibilities through the display of various activities, responding to questions and they were awarded with items that promote child protection.

All stakeholders empowered learners on the importance of children and their protection, not only focusing on the one week of the commemoration but throughout 365 days of the year.

There were 20 copies of the playing cards for child Justice to the educators, 250 Drugs and Substance abuse pamphlets, 250 bullying pamphlets, 200 copies of children's rights, 150 copies of break the silence pamphlets, 150 copies of victim empowerment z- cards, 50 copies of MySAPS App pamphlets were distributed,

SAPS facilitated 152 awareness campaigns during Child Protection Week in various platforms within the society.

Activities presented by SAPS during Child Protection Week 2022.

PROVINCE/DIVISION	NUMBER OF CAMPAIGNS CONDUCTED	ACTIVITY AND OBJECTIVE
EASTERN CAPE	18	<ul style="list-style-type: none"> • Substance Abuse and bullying; • Children’s rights of which the Protections of children’s from neglect; and • Violence and Exploitation and teenage pregnancy
FREE STATE	21	<ul style="list-style-type: none"> • awareness on GBV; • Teenage pregnancy; • bullying child abuse; and • The rights of the children’s
NORTHERN CAPE	36	<ul style="list-style-type: none"> • Cyber bullying; • Protection on Substance Abuse; • Human Trafficking in person; • Domestic Violence; and • Dangerous weapon.
NORTH WEST	11	<ul style="list-style-type: none"> • Substance Abuse • Bullying, • Human Trafficking in person, • Children’s rights of which the Protections of children’s from neglect; • Violence and Exploitation; and • Teenage pregnancy
LIMPOPO	44	<ul style="list-style-type: none"> • Crime Awareness Cyber bullying; • Protection on Substance Abuse;

PROVINCE/DIVISION	NUMBER OF CAMPAIGNS CONDUCTED	ACTIVITY AND OBJECTIVE
		<ul style="list-style-type: none"> • Human Trafficking in person; • Domestic Violence; and • Dangerous weapon.
KWAZULU-NATAL	5	<ul style="list-style-type: none"> • The crisis on teenage pregnancy
WESTERN CAPE	17	<ul style="list-style-type: none"> • Substance Abuse and bullying; • Human Trafficking in person; • Children’s rights of which the Protections of children’s from neglect; • Violence and Exploitation; and • Teenage pregnancy

PILOT PROJECT CHILD PROTECTION PROGRAMMES

During the reporting period, the South African Police Service conducted the Child Protection Programmes Pilot Project in 3(three) identified police stations. The aim of the programmes is to build resilience amongst children in committing crime and being victims of crime, to enhance youth internal strengths and to prevent their involvement in the use of substance and violence. The focus area of the project is to address crimes committed by children and against children who are “DROP OUT/LIVING & WORKING ON THE STREETS”



Figure 4: SAPS at Letlhabile Community implementing Child Protection Programme on 09 September 2022

During the implementation of child protection pilot project in Letlhabile, scrap yard and the mall where there were allegations that there are children who are begging and some are substance users rather than being in school. Forty two (42) people ranging from twenty seven (27) to seven (7) years were found at the mall and scrap yard and the team conducted a pre-assessment.

During the implementation of the child protection pilot project, which was held at Barkley West police station in the Northern Cape Province. The team embarked on a (2) two day door to door visits on the 29 and 30 September 2022. Four families were identified by the Community Policing Forum.

Executive Committee as families who have children interviewed to find out the reasons why those children are not attending school.



SAPS and other Departments Conducted door to door visits in Barkley West (Northern Cape) on the 29 to 30 September 2022.

On the 08 and 09 December 2022, the team of different stakeholders convened at Umlazi Police Station for a briefing and proceed to embark on a two (2) day door to door visits for sixty three (63)

houses which were identified by the Department of Basic Education as families who have children who are dropouts at Inkonkoni Senior Primary School.

SAPS through its Component: Social Crime Prevention implemented a Child Protection Pilot Project at Ngqeleni in Eastern Cape Province on the 05-06 December 2022. The event was honoured by the following stakeholders:



- The Division: Visible Policing and Operations.
- Ngqeleni SAPS Management
- Department of Social Development (DSD).
- Department of Justice (DoJ)
- Department of Correctional Services
- Community Policing Forum (CPF)
- Masikhulume Organisation Sizabantu NGO and Ngqeleni Social Crime Prevention.

Figure 5: SAPS at Ngqeleni Police Station Community implementing Child Protection Programme on 05 to 06 December 2022

During the session identified forty two (42), twenty eight (28) males with ages between the ages of 10 and 16 years and females between the age of 06 and 14 years who were having social problems and were victims of crimes. The parents of the above mentioned were involved in the process.

Conducted Child Protection Pilot Projects during 2022/2023 Annual reporting period.

PROVINCE	DISTRICT/CLUSTER	POLICE STATION	OUTCOMES	DATE
LIMPOPO	VHEMBE	Saselamani Police Station	Addressing the recent ongoing bullying, assault, substance and drug abuse, possession of dangerous weapon in the school environment. Nwanathi High School was identified as a school with 385 (Three Hundred and Eighty Five) alleged undocumented learners, details were forwarded to Department of Home Affairs for further engagements	20-21 September 2022

PROVINCE	DISTRICT/CLUSTER	POLICE STATION	OUTCOMES	DATE
NORTH WEST	BOJANALA	Letlhabile Police Station	<p>42 children were assessed with the assistance of the following stakeholders for different needs and referrals including tracing for integration purpose:</p> <p>Provincial / Local Department of Social Development</p> <p>Provincial/ Local Department of Basic Education</p> <p>Provincial/ Local Department of Health</p> <p>Community Based Organisations</p>	09 September 2022
NORTHERN CAPE	FRANCIS BAARD	Barkly West Police Station	<p>On the 30 September 2022 four (4) houses were assessed during two (2) day door to door visits with the help and assistance of:</p> <p>Department of Justice (DoJ)</p> <p>National Prosecuting Authority (NPA)</p> <p>Community Policing Forum and Municipality patrollers</p> <p>Department of Basic Education</p> <p>Department of Social Development</p> <p>One of the findings was that, a 13 year old child with disability was kept indoors and the mother also alleged that the child is not attending school because of financial constraints, the child is not receiving any social grant to ease the challenges. DSD scheduled an appointment with the mother for 3rd October 2022 for further consultation.</p> <p>A 17 year old girl child in a child headed family was found taking care of her siblings. They relied on neighbours for assistance. They have indicated that the male twin is no longer attending school</p>	29-30 September 2022

PROVINCE	DISTRICT/CLUSTER	POLICE STATION	OUTCOMES	DATE
			and started to portray uncontrollable behaviour.	
EASTERN CAPE	O.R Tambo	Ngqeleni Police Station	<p>Stakeholders identified forty (42) children, twenty eight (28) males with ages between 10 and 16 years and fourteen (14) females ages between 06 and 14 years who are having social problems and are victims of crimes. The parents of the above mentioned children were involved in the process.</p> <p>During the session the Department of Social Development indicated that seven (7) cases were attended to, and five (5) of children were in need of school uniforms. One (1) case of sexual abuse was opened by the police of Ngqeleni Police Station.</p>	05-06 December 2022
FREESTATE	Mangaung	Selosesha Police Station	The program focused on children living or working on the streets and school dropouts. The South African Police Services identified two children who were in need of care and referred them to Department of Social Development for further handling.	11 October 2022
GAUTENG	Johannesburg	Diepsloot Police Station	During the Implementation on Child protection Pilot Program Diepsloot Police Station, the South African Police Service (SAPS) identified five (5) children who were in need of care and protection and referred them to the Department of Social Development for further handling.	04 November 2022
KWAZULU-NATAL	Ethekwini	Umlazi Police Station	<p>Sixty three (63) learners were identified as children who are dropouts by the Department of Basic Education ,Department of Social Development, Umlazi Social Crime Prevention and Lifeline Durban</p> <p>Only fifteen (15) houses were located, the first eight (8) houses visited were</p>	08-09 December 2022

PROVINCE	DISTRICT/CLUSTER	POLICE STATION	OUTCOMES	DATE
			wrong addresses, other seven (7) houses alleged that children relocated to other family members.	
MPUMALANGA	Gert Sibande	Ermelo Police Station	Stakeholders identified three (3) children, one (1) male age of 16 years old and two (2) female age between 15 and 16 years who were having a problem of substance abuse. The children were referred to the Social Workers for further intervention.	30 November 2022
WESTERN CAPE	West Coast	Malmesburg	<p>The team of stakeholders embarked on a door to door campaign in Saamstaan and in llingeletu on the 31 October and 01 November 2022.</p> <p>A total number of 139 learners had dropped out from school between the periods of February 2022 to October 2022 from different school.</p> <p>Approximately 59 learners' houses were visited and engagement with the parents was done. Letters of concern were issued to the 19 parents whom were not found at the home.</p>	31 October 2022- 01 November 2022

Monitoring and Evaluation of Information Management Systems

Integration of the information management systems of the various JCPS Cluster departments/institutions

During the reporting period, the South African Police Service ensured that the current electronic information management systems such as the Crime Administrative System (CAS) and the Operational Monitoring System (OPAM) were maintained to provide the data requirements as prescribed in Section 96 of the Child Justice Act, 2008 (Act No. 75 of 2008).

Information is obtained from the enhanced Crime Administrative System from the Integrated Case Docket Management System (ICDMS) which is now developed and is been rolled out. The CAS/ICDMS system is also linked with the Probation Case Management (PCM).

Statistics regarding charges against children for the period 01 April 2022 to 31 March 2023, are as follows:

Total criminal charges against children – 25 213

Total criminal charges against children for Sexual Offences – 2286;

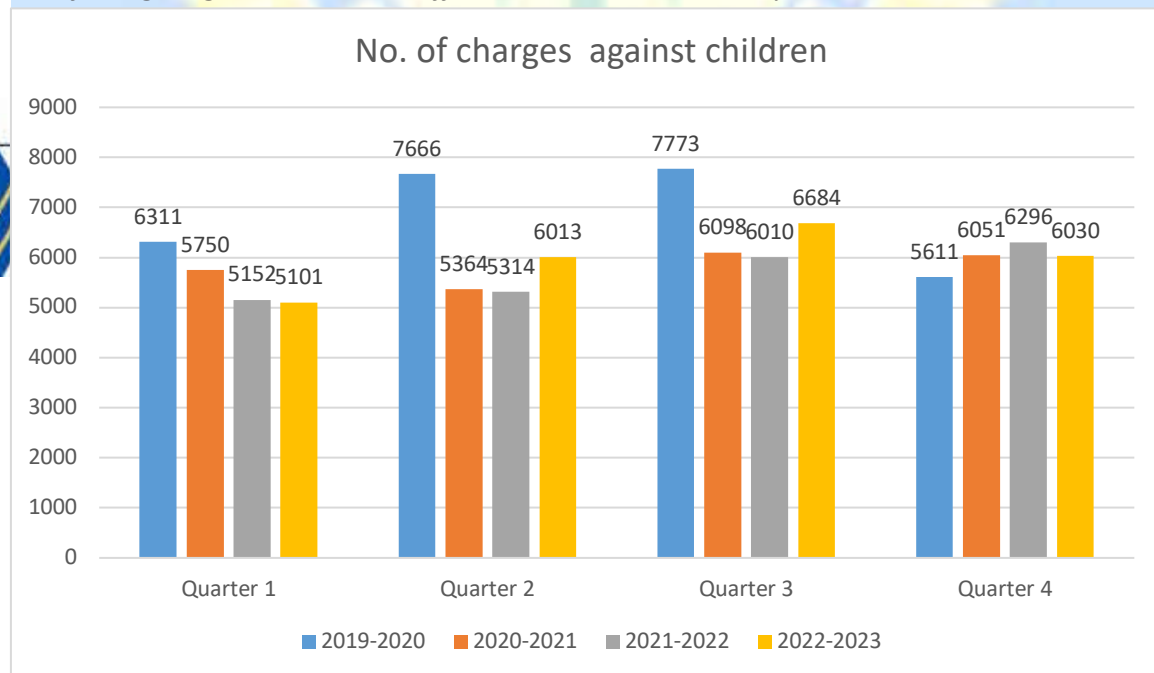
Total rape charges against children – 1933;

Total number of murder charges against children – 553; and

Total number of children charged for all offences – 28 931.

Quarter	CHARGES
April – June	5 101
July - Sept	6 013
Oct-Dec	6 684
Jan-Mar	7 415
Total	25 213

No. of charges against children all offences 2022-2023 Financial year

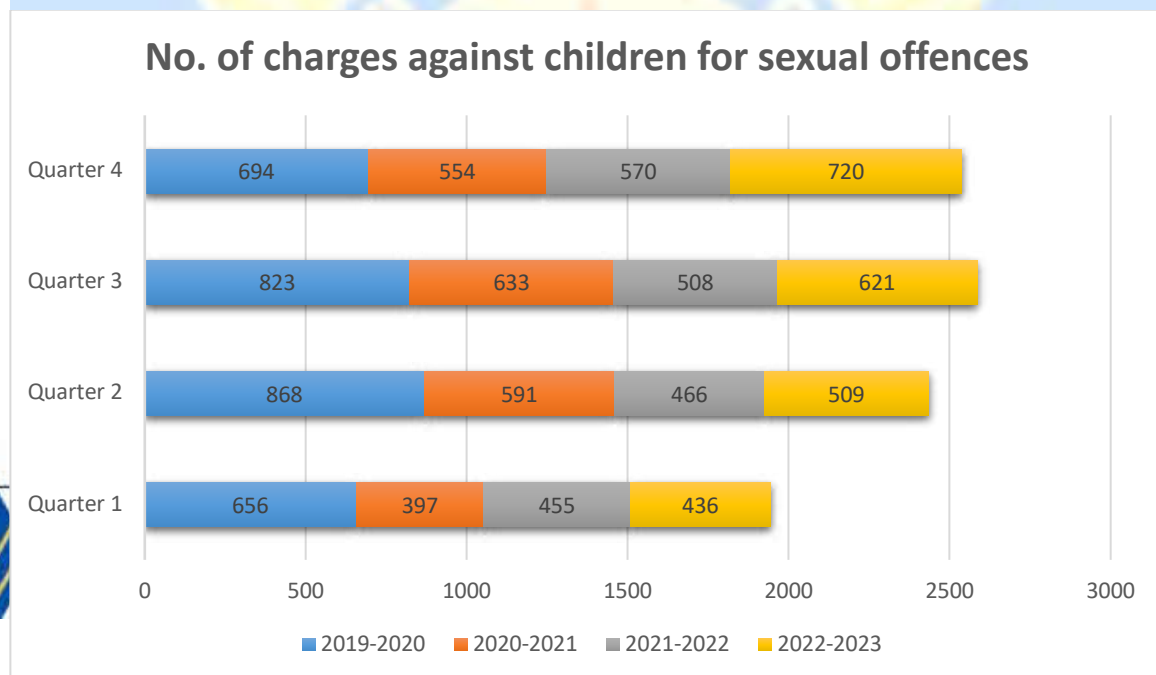


The indication during 2022/2023 financial year reporting period, less charges against children in quarter 1 were reported as compared to 2021/2022, 2021/2020 and 2019/2020 as compared to quarter 3 on the same time period.

Quarter

	CHARGES
April – June	436
July - Sept	509
Oct-Dec	621
Jan-Mar	720
Total	2286

No. charges against children - Sexual Offences 2022-2023 financial year



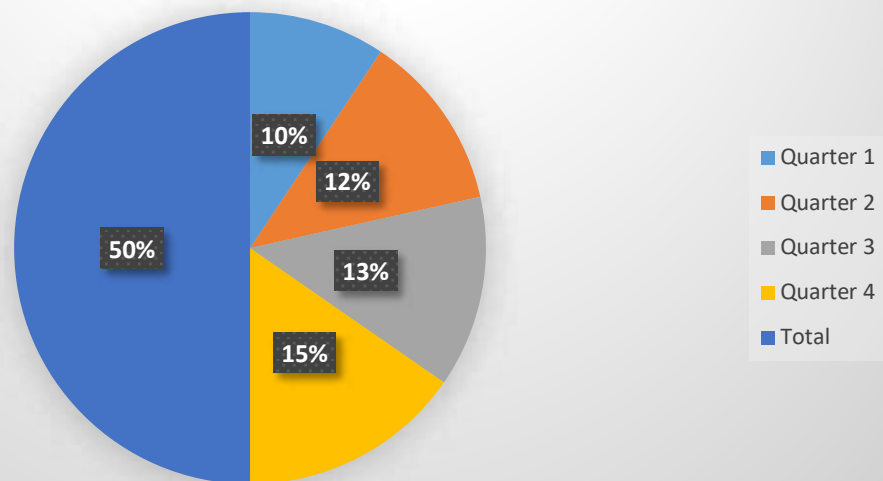
The indication during 2022/2023 annual reporting period, there were high charges of sexual offences against children as compared to 2021/2022, less charges as compared to 2020/2021 and 2019/2020 same time period.

Quarter

	CHARGES
April – June	362
July - Sept	470
Oct-Dec	508
Jan-Mar	593
Total	1933

No. charges against children: Rape 2022-2023 Financial year

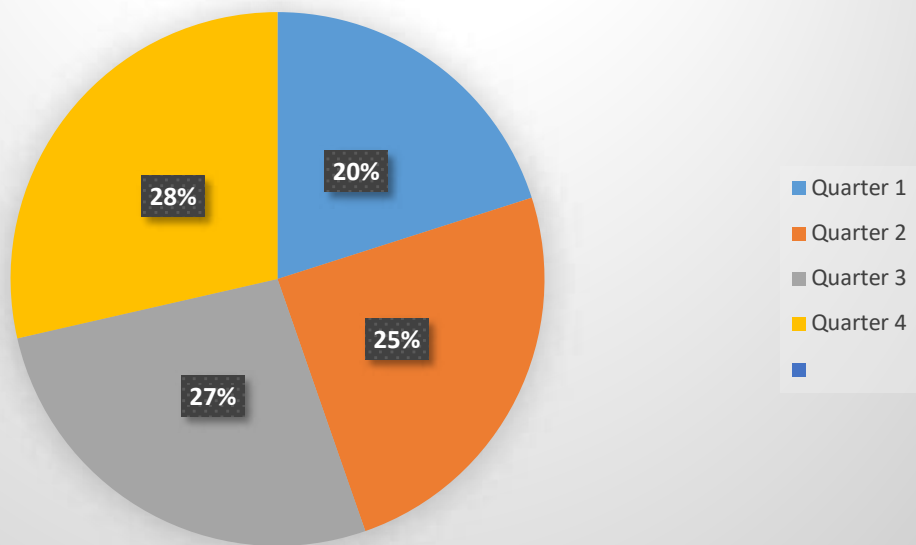
No. of percentage charges against children rape



The indication during 2022/2023 annual reporting period, there were 50% charges of rape offences against children with quarter 4 leading with 15% and quarter 2 with the lowest of 12%.

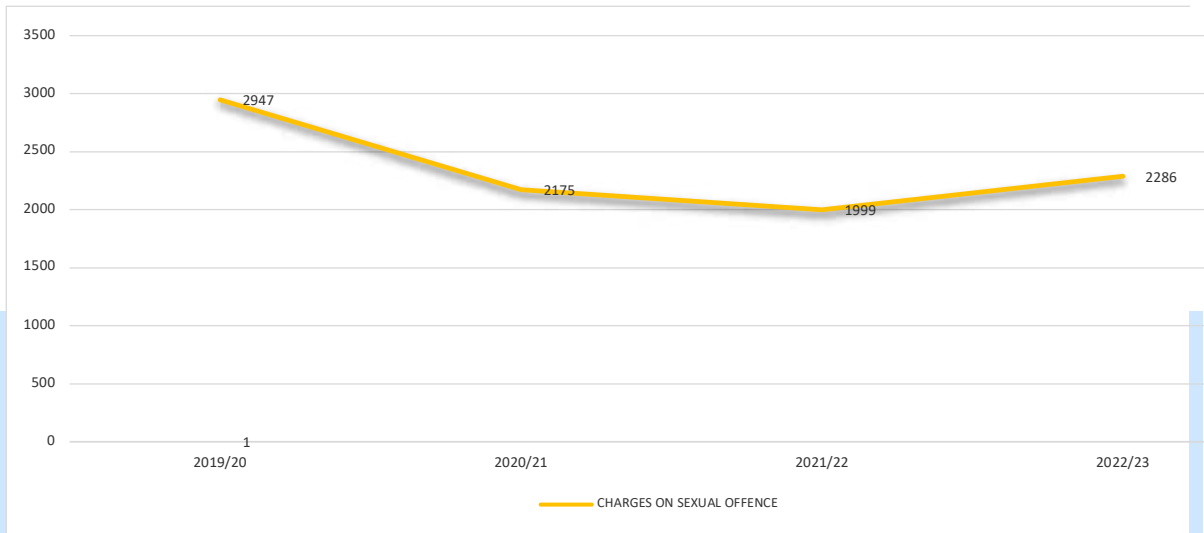
Quarter	CHARGES
April – June	111
July - Sept	136
Oct-Dec	148
Jan-Mar	158
Total	553

No. of percentage against murder charges



Charges against children: Murder 2022-2023 Financial year

The indication during 2022/2023 annual reporting period, quarter 4 had 28% percentage of murder charges which was the highest when compared to quarter 3 with the difference of 1%.



Comparison between 2019\20 to 2022\23 of charges against sexual offences

There is a slightly decrease in charges against sexual offence from 2019/2020 until to the financial year 2022\2023. There has been a significant decrease in the number of charges against children since the implementation of the Child Justice Act, 2008, (Act 75 of 2008).

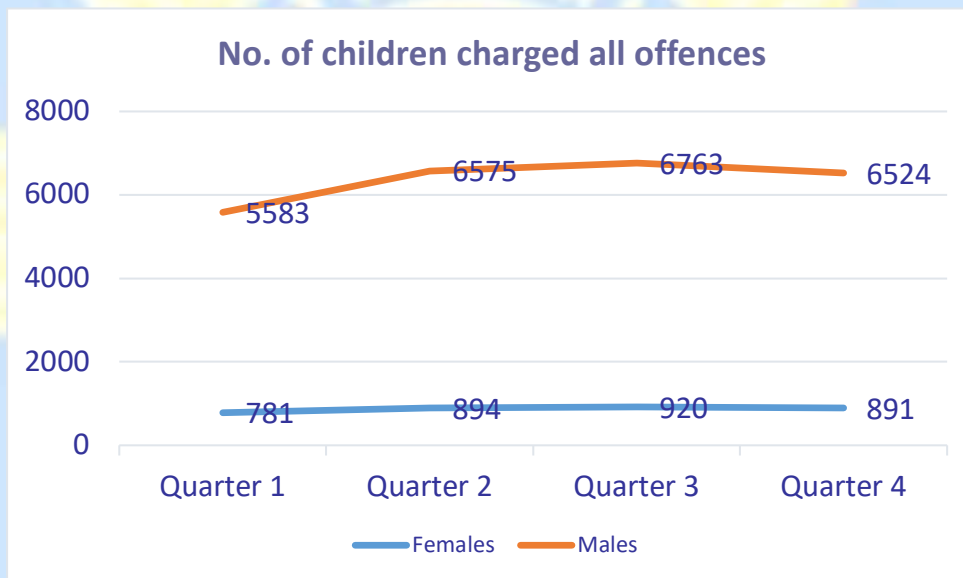


Statistics regarding the number of children charged for the period 01 April 2022 to 31 March 2023 is as follows:

Quarter

	Female	Male	Total
April – June	781	5 583	6 364
July - Sept	894	6 575	7 469
Oct- Dec	920	6 763	7 683
Jan- Mar	891	6 524	7 415

No. of children charged –All Crimes 2022-2023 financial year



During 2022 April to September reporting period less children were charged on crimes in general as compared to October 2022 to March 2023 reporting period.

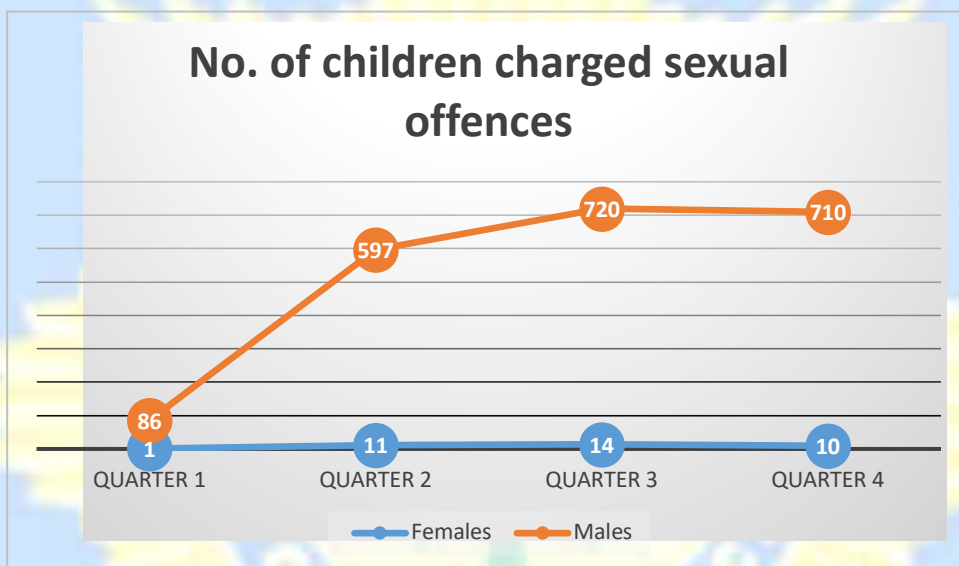
CHILDREN CHARGED: ALL OFFENCES (2022/2023) financial year

PROVINCE	AGE CATEGORIES														TOTAL CHILDREN CHARGED		
	10		11		12		13		14		15		16			17	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M		F	M
Eastern Cape	0	5	0	6	6	44	14	101	28	198	48	434	86	779	137	1179	3065
Free State	1	3	0	6	2	45	11	80	34	159	47	236	61	498	82	782	2047
Gauteng	0	8	2	8	12	51	19	108	46	294	85	649	125	1219	185	2054	4865
Kwa-Zulu Natal	0	1	0	7	6	45	18	112	44	251	64	486	127	915	194	1556	3826
Limpopo	4	2	5	4	4	35	8	76	27	147	39	268	62	536	110	922	2249
Mpumalanga	0	3	1	1	1	14	2	39	11	85	16	172	45	318	55	542	1305
North West	0	0	1	1	0	12	5	43	10	74	15	155	26	326	46	486	1200
Northern Cape	2	4	0	4	1	20	6	75	11	95	28	184	48	244	52	487	1261
Western Cape	1	10	4	24	36	129	111	361	190	676	208	1351	336	2137	475	3064	9113
TOTAL	8	36	13	61	68	395	194	995	401	1979	550	3935	916	6972	1336	11072	28931

Quarter

Gender	Female	Male	Total
April – June	1	85	86
July - Sept	11	597	608
Oct-Dec	14	720	734
Jan-Mar	10	710	720

No. of children charged: Sexual offences- 2022-2023 financial year: Total **2286**



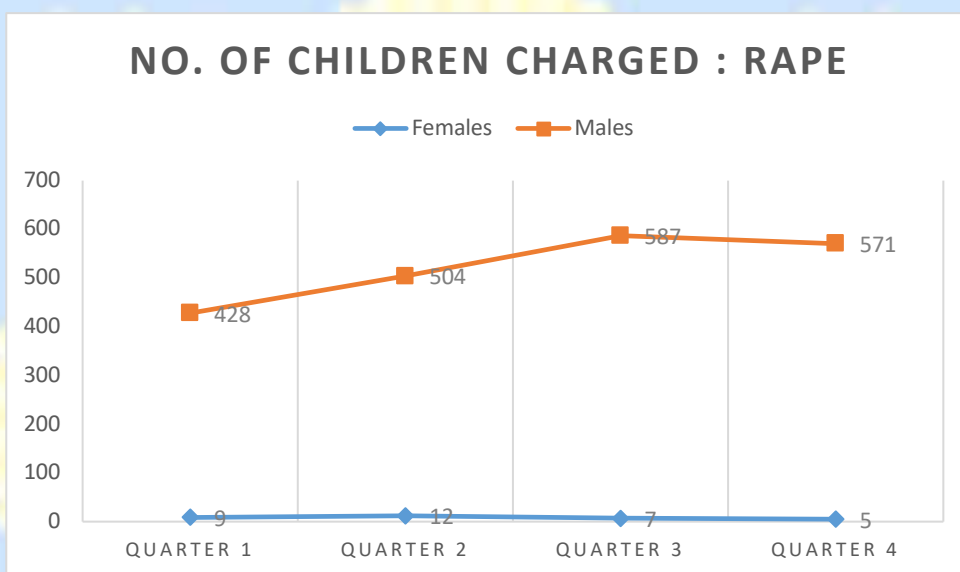
CHILDREN CHARGED: SEXUAL OFFENCES FINANCIAL YEAR (2022/2023)

PROVINCE	AGE CATEGORIES														TOTAL CHILDREN CHARGED		
	10		11		12		13		14		15		16			17	
			F	M	F	M	F	M	F	M	F	M	F	M		F	M
Eastern Cape	0	0	1	10	1	38	1	43	2	58	0	75	0	114	0	344	
Free State	0	2	0	11	1	20	1	36	0	27	0	40	0	54	0	194	
Gauteng	0	0	1	9	0	21	1	33	0	48	1	55	0	82	0	251	
Kwa-Zulu Natal	0	0	2	15	1	42	3	73	0	111	3	109	2	122	2	483	
Limpopo	0	0	1	12	1	19	0	22	0	39	0	41	2	41	2	178	
Mpumalanga	0	0	1	4	0	16	1	28	0	33	0	31	0	35	0	149	
North West	0	0	0	5	0	12	0	21	1	24	0	28	0	42	0	133	
Northern Cape	0	0	0	0	1	7	0	8	1	9	1	22	0	15	0	64	
Western Cape	0	0	0	10	1	45	3	54	3	70	1	86	1	77	1	352	
TOTAL	0	2	0	76	6	220	10	318	7	419	6	487	5	582	5	2148	

Quarter

Gender	Female	Male	Total
<i>April – June</i>	9	428	437
<i>July - Sept</i>	12	504	516
<i>Oct-Dec</i>	7	587	594
<i>Jan-Mar</i>	5	571	576

No. of children charged: Rape- 2022-2023 financial year



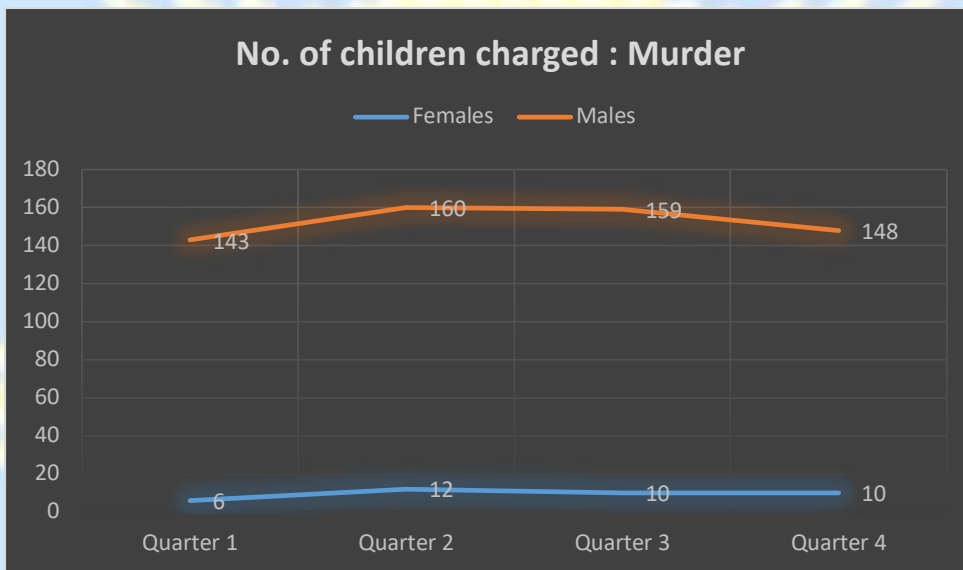
CHILDREN CHARGED: RAPE Annual Report (2022/2023) FINANCIAL YEAR

PROVINCE	AGE CATEGORIES														TOTAL CHILDREN CHARGED		
	10		11		12		13		14		15		16			17	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M		F	M
Eastern Cape	0	0	0	1	2	9	1	36	2	44	1	66	1	68	0	109	340
Free State	0	0	0	2	0	12	1	19	1	28	0	27	0	35	3	50	178
Gauteng	0	1	0	1	0	8	0	20	1	32	0	44	0	58	0	74	239
Kwa-Zulu Natal	0	0	0	4	0	15	1	46	2	87	0	103	0	105	2	134	499
Limpopo	0	0	0	1	0	11	1	22	0	30	0	47	0	43	2	40	197
Mpumalanga	0	0	0	1	0	6	0	19	1	32	0	38	0	37	1	40	175
North West	0	0	0	0	0	3	0	14	0	28	1	29	0	36	1	49	161
Northern Cape	0	0	0	1	0	5	1	8	0	9	1	10	1	15	0	15	66
Western Cape	0	0	0	2	0	8	1	37	1	45	1	45	0	75	2	68	285
TOTAL	0	1	0	13	2	77	6	221	8	335	4	409	2	472	11	579	2140

Quarter

	Female	Male	Total
April – June	6	143	149
July - Sept	12	160	172
Oct-Dec	10	159	169
Jan-Mar	10	148	158

No. of children charged: Murder 2022-2023 financial year

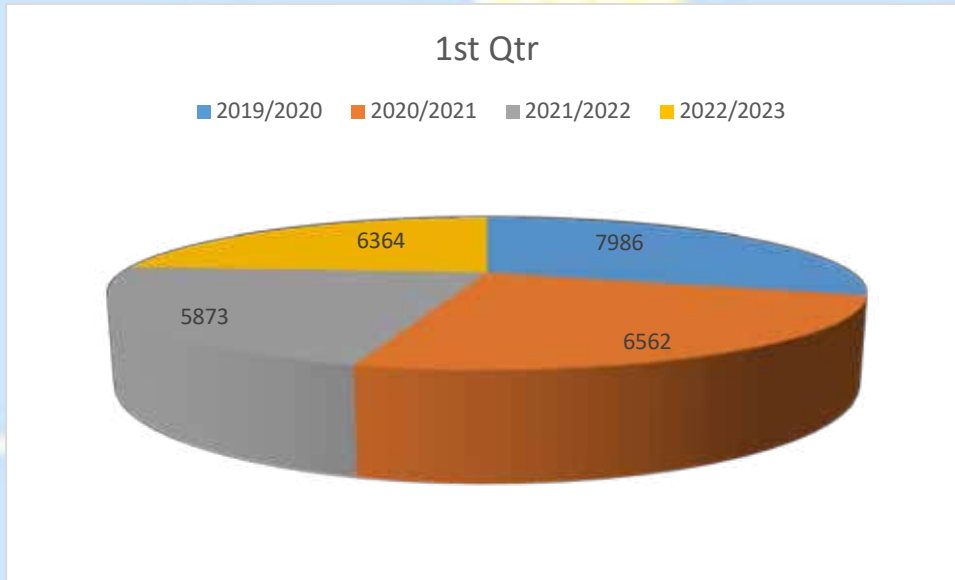


CHILDREN CHARGED: MURDER FINANCIAL YEAR (2022/2023)

PROVINCE	AGE CATEGORIES														TOTAL CHILDREN CHARGED					
	10		11		12		13		14		15		16			17				
	F	M	F	M	F	M	F	M	F	M	F	M	F	M		F	M			
Eastern Cape	0	1	0	0	0	0	1	1	1	2	0	0	9	2	18	4	50	4	65	157
Free State	0	0	0	0	0	0	1	1	0	0	0	1	1	2	0	0	7	0	14	27
Gauteng	0	0	0	0	0	0	1	0	0	0	0	1	1	2	4	2	16	2	29	57
Kwa-Zulu Natal	0	0	0	0	0	0	1	0	1	0	0	2	2	0	12	2	25	3	57	103
Limpopo	0	0	0	0	0	0	0	0	1	0	0	2	2	1	3	0	12	0	12	31
Mpumalanga	0	0	0	0	0	0	0	0	0	0	0	1	1	0	6	2	12	2	27	50
North West	0	0	0	0	0	0	1	1	0	0	0	0	0	4	4	0	3	2	9	20
Northern Cape	0	0	0	0	0	0	0	0	0	0	0	1	1	2	2	1	8	1	11	26
Western Cape	0	0	0	1	0	0	1	1	2	0	0	10	10	0	22	0	56	2	82	177
TOTAL	0	1	0	1	0	0	6	4	6	0	0	28	7	73	11	189	16	306	648	

During April 2022 to March 2023 reporting period there was a decrease on children charged for Rape and Murder however there was an increase on children charged with Sexual Offences in general during the same time period, as compared to April 2021 to March 2022 reporting period. In depth analysis will be conducted to determine the reasons for this trend.

COMPARATIVE ANALYSIS ON CHILDREN CHARGED FOR REPORTING PERIODS 2019/2020, 2020/2021, 2021/2022 AND 2022/2023

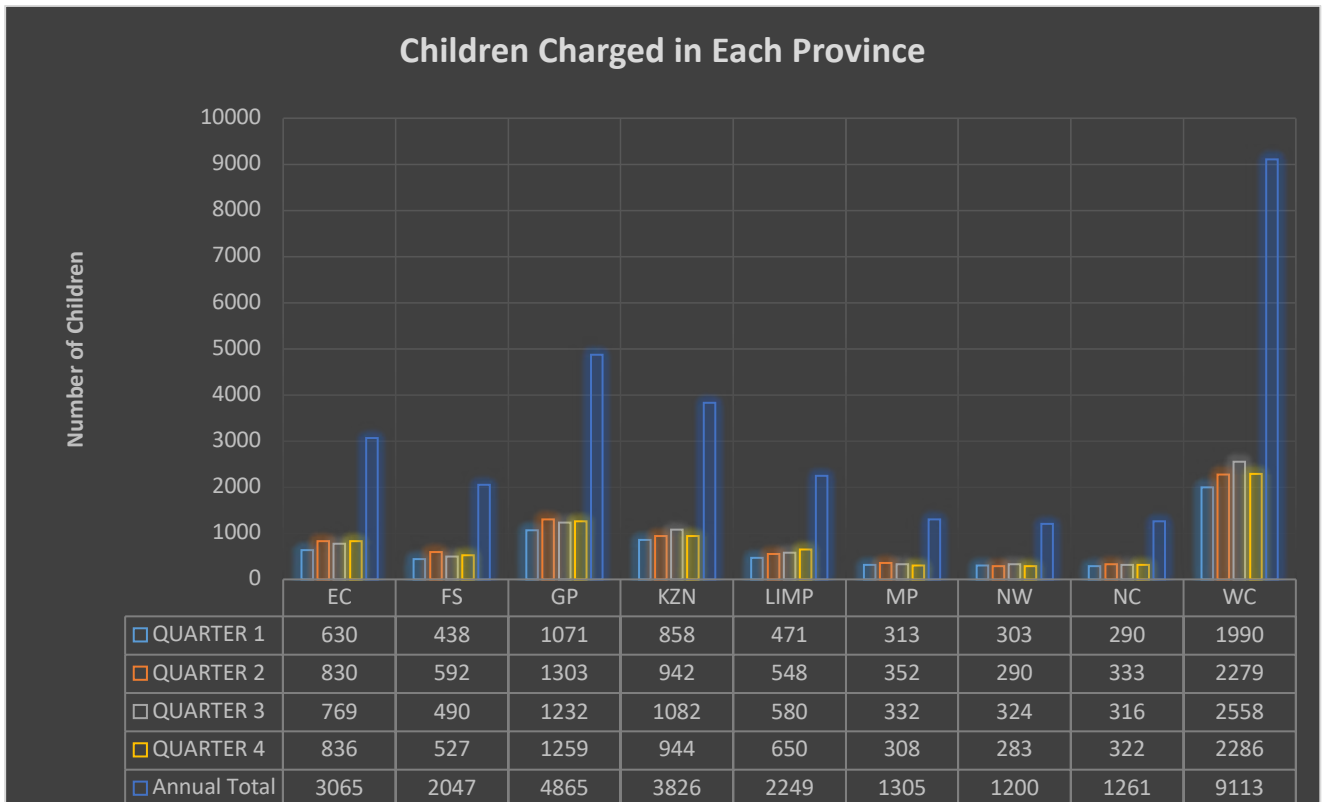


Comparative analysis for the period of four years indicates that from 2019\2020 the number of children charged has decreased when compared to the financial year 2022/2023.

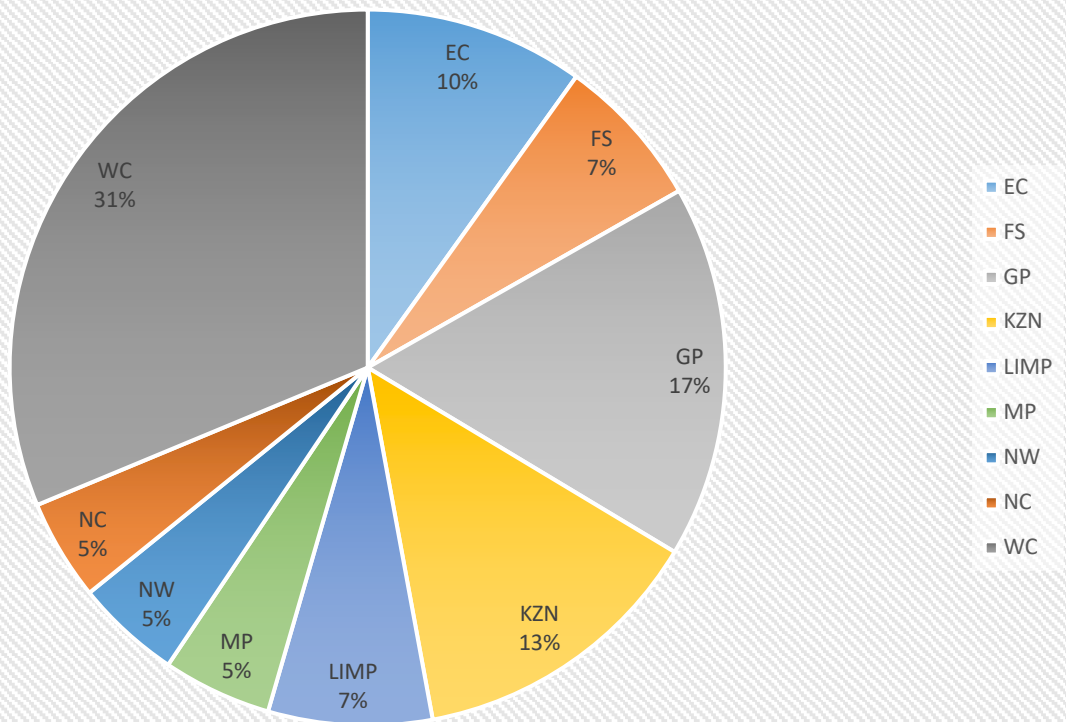
(Children Population Vs Children Charged 2022/2023 financial year)
 (Children Population Based on Statistics South Africa mid-year population estimates 2019)

PROVINCE	AGE CATEGORIES														CHILDREN POPULATION STATS SA	CHILDREN CHARGED	%		
	10		11		12		13		14		15		16					17	
	F	M	F	M	F	M	F	M	F	M	F	M	F	M				F	M
Eastern Cape	0	5	0	6	6	44	101	28	198	48	434	86	779	137	1179	3054	0,12%		
Free State	1	3	0	6	2	45	80	34	159	47	236	61	498	82	782	2037	0,19%		
Gauteng	0	8	2	8	12	51	108	46	294	85	649	125	67	185	2054	3695	0,08%		
Kwa-Zulu Natal	0	1	0	7	6	45	112	44	251	64	486	127	915	184	1556	3818	0,09%		
Limpopo	4	2	5	4	4	35	76	27	147	39	268	62	536	110	922	2234	0,09%		
Mpumalanga	0	3	1	1	1	14	39	11	85	16	172	45	318	55	542	1300	0,07%		
North West	0	0	1	1	0	12	42	10	74	15	155	26	326	46	486	1198	0,08%		
Northern Cape	2	4	0	4	1	20	76	11	95	28	184	48	244	52	487	1251	0,28%		
Western Cape	1	10	4	24	36	129	361	190	676	208	1351	336	2137	475	3062	9074	0,46%		
TOTAL	8	36	13	61	68	395	995	401	1979	550	3935	916	5820	1336	11072	27661	0,14%		

During the Financial year 2022/2023 Western Cape Province had less children population than Gauteng and Kwa-Zulu Natal and has reported the high percentage of children charged as compared to other provinces, Northern Cape has the least children population but has the high percentage of children charged against its population.



Crime percentage committed in each province



Western Cape occupies a bigger portion of statistics of children charged in South Africa, followed by Gauteng, Kwa-Zulu Natal and Eastern Cape respectively with Free State and Limpopo having the least portion of children charged.

Monitoring and evaluation on the impact of the training (effect on service delivery in child justice)

The SAPS continues to monitor the implementation of the relevant legal framework and directives. A total of **50 (Fifty)** Police Stations were monitored during the reporting period to measure compliance levels to legislative requirements and to identify challenges encountered during the implementation in order to address them constructively.

The following police stations were visited through Compliance Visits between 01 April 2022 and 31 March 2023:

PROVINCE AND VENUE	STATIONS INVOLVED	DATE
EASTERN CAPE	Mthatha	25 May 2022
	Madeira	25 May 2022
	Centane	30 May 2022
	Qumbu	31 May 2022
	Lusikisiki	01 June 2022
	Ngqeleni	02 June 2022
FREE STATE	Park Road	21 June 2022
	Selosesha	22 June 2022
	Kopanong	23 June 2022
	Botshabelo	24 June 2022
	Selosesha	11 October 2022
KWAZULU-NATAL	Empangeni	04 July 2022
	Kwamashu	05 July 2022
	Umlazi	06 July 2022
	Ntuzuma	07 July 2022
LIMPOPO	Thohoyandou	04 July 2022
	Saselamani	05 July 2022
	Polokwane	06 July 2022
	Mankweng	07 July 2022

PROVINCE AND VENUE	STATIONS INVOLVED	DATE
MPUMALANGA	Tonga	11 July 2022
	Kabokweni	12 July 2022
	Ermelo	30 November 2022
	Calcutta	13 July 2022
	Bushbuckridge	14 July 2022
NORTH WEST	Letlhabile	18 July 2022
	Boitekong	19 July 2022
	Brits	20 July 2022
	Rustenburg	21 July 2022
	Lithlabile	09 September 2022
WESTERN CAPE	Malmesbury	01 August 2022
	Atlantis	02 August 2022
	Kleinvei	03 August 2022
	Kraaifontein	04 August 2022
EASTERN CAPE	Mthatha	15 August 2022
	Butterworth	16 August 2022
	Kwazakhele	19 August 2022
	Ngqeleni	05 December 2022
GAUTENG	Olievenhoutbosch	15 August 2022
	Mamelodi East	16 August 2022

PROVINCE AND VENUE	STATIONS INVOLVED	DATE
FREE STATE	Bloemspruit	05 September 2022
	Harrismith	10 October 2022
	Ficksburg	11 October 2022
	Senekal	12 October 2022
	Paul Roux	13 October 2022
KWAZULU-NATAL	Osizweni	19 September 2022
	Plessislaer	20 September 2022
	Inanda	21 September 2022
	Umlazi	09-09 December 2022
GAUTENG	Honeydew	28 September 2022
	Diepsloot	28 September 2022
	Temba	29 September 2022
	Dobsonville	03 October 2022
	Alexandra	04 October 2022
	Moroka	05 October 2022
	Orange Farm	06 October 2022
	Diepsloot	04 October 2022
	Temba	01 November 2022
	Akasia	02 November 2022
	Honeydew	27 October 2022
Northern Cape	Bankley West	29-30 September 2022

CHAPTER 3: LIMITATIONS/CHALLENGES AND POSSIBLE INTERVENTIONS

Limitations/Challenges and possible interventions

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

- There are still large numbers of SAPS members that lack training with regards to the Child Justice Act, 2008 (Act No. 75 of 2008).
- The SAPS Division: Human Resource Development is still in the process to roll out the new learning programme: Vulnerable Groups and Victim Empowerment, which encompasses the Child Justice Act, 2008 (Act No 75 of 2008) and Children’s Act, 2005(Act No. 38 of 2005).
- There are still police stations that haven’t been resourced with the trained data capture with regard to the CAS/ICDMS.



**ANNUAL
REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, 75 OF
2008 & CHILD JUSTICE AMENDMENT ACT, 28 OF 2019**

OFFICIAL SIGN-OFF

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



MAJOR GENERAL

FOR **DIVISIONAL COMMISSIONER: VISIBLE POLICING & OPERATIONS**
S PIENAR

Date: 2023-07-28



LIEUTENANT GENERAL

DEPUTY NATIONAL COMMISSIONER: POLICING
TC MOSIKILI

Date: 2023-08-03



GENERAL

NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICES
SF MASEBOLA (BOEG)

Date: 2023-08-14

DEPARTMENT
OF BASIC
EDUCATION





**DEPARTMENT OF BASIC EDUCATION ANNUAL REPORT
ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT, (2008):
2022/2023**



basic education
Department:
Basic Education
REPUBLIC OF SOUTH AFRICA



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1. INTRODUCTION

The Department of Basic Education (DBE) serves on the National Technical Intersectoral Committee on Child Justice, which is mandated to implement the Child Justice Act of 2008 nationwide. As per the Committee, the DBE is required to provide progress made in implementing the Child Justice Act in schools and Child and Youth Care Centres (CYCCs). The DBE is responsible for the following functions in implementing the Act; capacity building, public education and awareness of the Act. Progress report on these functions are covered below.

2. CAPACITY BUILDING

2.1 National School Safety Framework

The DBE has developed the **National School Safety Framework (NSSF)** as a guiding strategy to curb violence in all schools. The Framework empowers the school community which comprises of School Management Teams (SMTs), educators, School Governing Body Members (SGBs) and learners to be able to do the following:

- Understand and identify all security issue and threats;
- Guide school community to effectively respond to identified security issue and threads;
- Create reporting systems and manage reported incidences appropriately; and
- Help the school community to monitor its progress over time.

To date, provinces, districts and schools have been trained on the implementation of the NSSF as the sector's main instrument for curbing violence in schools. The DBE in collaboration with the United Nations and International Children's Emergency Fund (UNICEF) also printed and distributed **27 000 manuals** to provinces to support the training and implementation of the NSSF in schools.

In addition, the DBE also released a circular requesting all school based personnel and school safety committees to complete the online training course on the NSSF and the Protocol for the Management and Reporting of Sexual Abuse and Harassment in Schools. The online training course

has been accredited by South African Council of Educators (SACE), and educators who have completed the course are granted 15 professional development points. To date, **130 028 people** have completed the course nation-wide.

The School Safety Directorate further disseminated a circular to all provinces and districts on the banning of corporal punishment in schools. This circular serves as a reminder to the sector about the abolishment of corporal punishment and its negative effects on children. The circular is also supported by the Protocol to deal with incidents of Corporal Punishment in Schools which encourages reporting of these incidents and the usage of positive discipline and restorative justice approaches on maintaining discipline in schools.

2.2 Monitoring 75 Districts on the implementation of School Safety, Sport and Enrichment, as well as Social Cohesion and Equity in Education Programmes

In the financial year of 2022-23; the Chief Directorate Social Inclusions and Partnership in Education (SIPE) in Branch S: Care and Support Services, monitored 75 districts on the implementation of all programmes in the Directorates: School Safety (where the NSSF is located), Sport and Enrichment in Education and Social Cohesion and Equity in Education. The following key findings emerged:

1. School Safety Committees are not functional and members do not fully understand their responsibilities in some schools;
2. Lack of sufficient human resources and financial commitment to implement learner support programmes;
3. Schools under-report the safety incidences;
4. School safety audits are not undertaken in some schools; and
5. South African School Management Systems is underutilised by schools in reporting safety incidents.

The DBE is working together with provinces and districts to address the above findings discovered, and ensure safe and secure environments for the whole schooling communities.

2.3 Child and Youth Care Centres

The Chief Directorate: Curriculum Policy Support and Monitoring undertakes a quarterly monitoring exercise on all programmes of the Directorate in the 75 districts; this monitoring included coverage on the implementation of the Child Justice Act in CYCCs; implementation of the inclusive education in public ordinary schools, CYCCs, Full Service Schools, Special Schools, Special Care Centres and Early Childhood Development Centres; implementation of the policy on Screening, Identification and Support in all centres of Learning and Support (SIAS). The following key findings emerged:

1. Bisho CYCC has been transferred into a CYCC. The residential facility is under the management of the Department of Social Development (DSD), however there are no accredited diversion programmes offered at the facility. The only skill provided at the residential facility is bricklaying, which is not accredited;
2. Bisho CYCC only offers Adult Education Training (AET) programme;
3. Bisho CYCC has 17 overage learners;
4. The infrastructure is poorly managed at Bisho CYCC. CCTV cameras are not working since 2012, yet the school accommodates learners that have committed serious offences such as rape, murder, house breaking and robbery. Swimming pool is also neglected and not utilized;
5. Bisho CYCC has a vacant post for a nurse for the residential facility;
6. Teachers at Bisho CYCC have not been trained on the Policy on Screening Identification Assessment and Support (SIAS) which was promulgated in 2014, and Education White Paper 6 (EWP6) which was promulgated in 2001;
7. SMT and SGB at Bisho CYCC have also not been orientated on the policy of inclusive education. Both the school and residential facility staff members have also not been capacitated on how to deal with learners/children with severe behavioural problems;

8. Rosenhof Youth Care Centre with 135 learners (girls) has not been transferred into CYCC. The residential facility of the school is still managed by the Free State Department of Education;
9. Learners at Rosenhof are not screened using the Policy on Screening, Identification, Assessment and Support (SIAS) after the admission;
10. Rosenhof Youth Care Centre has 29 overage learners;
11. Daeraad Special School with 106 learners (girls only) has not been transferred into a CYCC. The residential facility of the school is still managed by the North West Department of Education (NWED);
12. There are no therapeutic intervention programmes offered in the residential facility of Daeraad Special School.
13. Daeraad Special School has seven overage learners;
14. Daeraad Special School has a vacant post for a psychologist for the school and this post has been vacant since 2014 for the school;
15. There are no Child and Youth Care Workers (CYCWs) placed at Daeraad Special School's residential facility, and some learners are not placed in the school by court order.

The DBE is working together with provinces and partner departments to address the above findings.

There are only eight provinces with **34 CYCCs** in the DBE's database. The Child Justice National Policy Framework states that the DBE must provide educational programme to children sentenced to compulsory residence in CYCCs as regulated by South African School's Act 1996 (Act 84 of 1996). Education White Paper 6 recommends that the education and training system should promote education for all and foster the development of inclusive and supportive centres of learning that would enable all learners to participate actively in the education process so that they could develop and extend their potential and participate as equal members of society. The new Children's Act (No. 38 of 2005) as amended, promulgated in April 2010, stipulates that all existing schools of industry must be converted into CYCCs and become the responsibility of DSD. The conversion was expected to take place within the two years of commencement of the chapter, which is from 2010-2012. Most of our schools of industries/reform schools are still experiencing challenges with the conversion. The findings are as follows at the moment:

NAME OF THE SCHOOL	PROVINCE	DISTRICT	EMIS NUMBER	ENROLMENT	LOWEST GRADE	HIGHEST GRADE	CONVERTED INTO CYCC (Y/N)	PROFESSIONAL SPECIALIST SUPPORT STAFF (School)	PROFESSIONAL SPECIALIST SUPPORT STAFF (Hostel)	EDUCATION PROGRAMME OFFERED	THERAPEUTIC PROGRAMME OFFERED
Bisho CYCC	Eastern Cape	BCM	20020098	25	ABET (Level 1) (Grade 1 to 3)	ABET (Level 2 (Grade 4 and 5) Level 3 (grade 6 and 7), Level 4 (Grade 8 and 9). No	Yes	None	None	ABET	Intern Social Worker Provided.

PROFILES OF CHILD AND YOUTH CARE CENTRES/SCHOOL OF INDUSTRIES

Erica House Special School (Care and support)	Eastern Cape	NMB	200100210	28 (53) (Conduct Disorder = 81)	Grade 4 tot 9 Skills programme to be introduced.	Grade 9 (Plus Skills Application)	Yes	None	None	None	CAPS (Considering skills programme)	Intern Social Worker Provided.
Enkuselweni Special School (Secure Centre)	Eastern Cape	NMB	200100206	18	Grade 1 to 7 Ages 12 and 17	Grade 7	No	None	None	None	CAPS	Intern Social Worker Provided.
Protea Primary School	Eastern Cape	NMB	200100636	122	Grade R to 7, Ages 5 to 13	Grade 7	No	None	None	None	CAPS	Intern Social Worker Provided.
John X Merriman CYCC	Eastern Cape	BCM	N/A	100	Abet level 1	Abet level 4	Yes- It was registered as a Child and Youth Care Centre from the onset	-4 Vocational Instructors employed by the Department of Social Development - 9 Educators employed by the department of Education	-3 Social Workers -1 Nurse -1 Occupational Therapist -38 Child and Youth Care Workers	1. Upholstery Furniture making wood. 2. Sewing 3. Computer Literacy 4. Life orientation 5. Tourism 6. Maths Literacy 7. Maths 8. Maths Numeracy 9. English 10. Auxiliary Health Care 11. integrated science	1. Mind the Gap 2. Reverse your thinking. 3. Wake Up Call 4. In the Mirror 5. Rhythm of life	
Lulama Futshane CYCC	EC	Joe Gqabi	N/A	50	Level 1	AET Level 4	Yes- It was registered as a Child and Youth Care Centre from the onset	Four (4) vocational instructors employed at CYCC. One (1) vacant post, educator resigned in February 2023.	01 social worker 01 nurse - Child and Youth Care workers	Adult Education and Training And the following Vocational Skills: - -Bricklaying -Sawing and -Basic computer skills	Accredited Therapeutic Programmes; -Rhythm of Life (Life Skills) -Wake-up Call (Substance Abuse) -In the Mirror (Sexual Education) Reverse your thinking	

Qumbu Child and Youth Care Centre	Eastern Cape	OR Tambo	N/A	48	Adult Education & training (AET)	AET Level 2 & 3	Yes (Registered as a Child & Youth Care Centre)	2 Vocational Instructors (Basic computer skills & sewing) 2 Educators (AET) Employed by Department of Education	-1 Social Worker -1 Registered nurse -21 Child and Youth Care Workers	Adult Education and Training Vocational Skills	Accredited Therapeutic Programmes;
Rosenhof	Free State	Motheo	440303217	135	Gr8 Year 1	Gr12 Year 4	No	1 Psychologist 2 Social workers 2 Nurses 1 OT	32 CYCW	CAPS /TO	Psychosocial Programmes Life Skills Programme Behaviour programme Support
Jimmie Roos	Free State	Motheo	441002118	95	Year 1	Year 4	No	2 Psychologists 1 Social Worker 2 Nurses Teacher 2	21 CYCWs	TO	Psychosocial Programmes Life Skills Programme Behaviour programme Support
Matate Matches Secure Centre	Free State	Fezile Dabi		05	Multi-graded	Multi-graded	Yes		Act manager: 1 Social worker: 01 CYCW:11 Nurse:01	Multi-graded	Psychosocial support Behaviour modification
Thabo Mafotsanyane Secure Centre	Free State	Thabo Mafotsanyane	445802170	08	Multi-graded	Multi-graded	Yes	Principal: 1 Teachers:	Social worker Psychologist CYCW: Nurse: OT	Multi-graded	Psychosocial support Behaviour modification
Tatello special School/ Winkl Direka	Free State	Motheo	440304159	13	Multi-graded	Multi-graded	Yes	Principal Teachers 2	Manager: 1 Social worker: 01 CYCW:3	Multi-graded	Psychosocial support Behaviour modification
Hoerskool Emmasdal	Gauteng	Sedibeng East	700340208	55	Grade 5 Year 1	Grade 12 Year 4	Yes	None	Social Workers Child and Youth Care Workers	CAPS/TO	Resource Centres provide if necessary ; DSD provides psychosocial support

Hoerskool Luckhoff	JW	Gauteng	Sedibeng East	700340216	113	Grade 5 Year 1	Grade 12 Year 4	Yes	None	Social Workers and Child Youth Care Workers	CAPS/TO	Resource Centres provide if necessary, DSD provides psychosocial support
Ikwezi Khanyeng Primary School		Gauteng	Ekurhuleni North	700311639	42	Grade 1	Grade 7	Yes	None	Social Workers and Child Youth Care Workers	CAPS	Resource Centres provide if necessary, DSD provides psychosocial support
Normanhuiskool		Gauteng	Ekurhuleni North	700161075	26	Grade 1	Grade 7	Yes	None	Social Workers and Child Youth Care Workers	CAPS	Resource Centres provide if necessary, DSD provides psychosocial support
Protem Lsen School		Gauteng	Gauteng North	700212259	9	Grade 5	Grade 12	Yes	None	Social Workers and Child Youth Care Workers	CAPS/TO	Resource Centres provide if necessary, DSD provides psychosocial support
Walter Sisulu Child and Youth Care Centre		Gauteng	Johannesburg North	700141507	116	Grade 5	Grade 12	Yes	None	Social Workers and Child Youth Care Workers	CAPS	Resource Centres provide if necessary, DSD provides psychosocial support
Tsosoloso School		Gauteng	Tshwane North	700241489	29	Grade 1	Grade 7	Yes	None	Social Workers and Child Youth Care Workers	CAPS	Resource Centres provide if necessary, DSD provides psychosocial support
Soshanguve Secure Care Centre		Gauteng	Tshwane North	700400977	93	Year 1	Year 4	Yes	None	Social Workers and Child Youth Care Workers	TO	Resource Centres provide if necessary, DSD provides psychosocial support
Newcastle School of Industry		KZN	Amajuba	304214	25	7 (year 2)	Grade 10	Yes	1 Social worker	0	TECHNICAL OCCUPATIONAL CURRICULUM / FET CAPS	School awareness programme; Sex programme; Offender Substance Programme; Life Skills Awareness Programme.
Mamamulele Mavambe Secure Centre		Limpopo	Vhembe	N/A	28	Gr 6	Gr 12	Yes	Facilitators	Social Workers	Formal school Vocational school (bricklaying, sewing & furniture making)	Yes
Polokwane Secure Centre		Limpopo		N/A	29 + 08 = 37	Gr 9	Gr 12	Yes	Facilitators	Social Workers	CET, Formal School and amended Senior Certificate	Yes

Ethokomala CYCC for boys	Mpumalanga	Gert Sibande	800004036	07	08	Grade 12 (2022-only one learner for Grade 11)	Yes	1x Therapist (Social Worker)	1x Social Worker 1x Nurse 24x CYCWs	CAPS	Development Assessment, Psychosocial Support, Individual Counselling, Group Counselling, Trauma Counselling and Grief Counselling
Hoerskool Hofmeyer CYCC with MID unit for girls	Mpumalanga	Gert Sibande	800005819	139	Orientation Class to Grade 8	12 Year 4	Yes	1x Educational Psychologist	1x Social Worker-Supervisor 1x Nurse 19x CYCWs	CAPS Technical Occupational Stream MID	Development Assessment, Psychosocial Support, Individual Counselling, Group Counselling, Trauma Counselling
Hendrina CYCC	Mpumalanga										
De Aar CYCC	Northern Cape	De Aar	N/A	33	Level 1	Level 4	Yes	Educators	Social Worker Occupational therapist	AET Skills subjects accredited)	Yes By Social worker and Occupational Therapist
George Kekana Secure Centre	Northern Cape	Frances Baard	300010702	12	Gr 1	Gr 10	Yes	Principal 3 Educators		CAPS	Social Development Justice
Huise Mimosa Place of Safety	Northern Cape	Frances Baard	300010708	04	Gr 1	Gr 9	Yes	2 Support Staff Principal 3 Educators		DCAPS	Social Development Justice
Marcus Mbetha CYCC	Northern Cape	ZF Mgcawu	300040701	44	Gr 3	Gr 9	Yes	2 Support Staff Principal 4 Educators (3 permanent and 1 temporary)		DCAPS	Justice
Molehe Mamepe CYCC	Northern Cape										
Springbok CYCC	Northern Cape										

Darertraad	North West	Dr Kenneth Kaunda	600102366	106	Year 1	Year 4	No	02 nurses (works at both school and hostel) 01 social worker (placed by Social Development)	0	Technical Occupational Curriculum	N/A
Matlosana Centre	North West		N/A	15	Level 1	Level 4	Yes	Facilitators	Social Worker	Pre AET AET level (01 -04) Numeracy and Literacy Culinary Arts Arts and Craft	Yes Sex offender programme Substance abuse programme Life Skills programme
Rustenburg Secure Centre	North West		N/A	22	Gr 02	Gr 12	Yes	2 Professional Educators	N/A	AET AET level (01 -04) Numeracy and Literacy Culinary Arts Arts and Craft	Yes Sex offender programme Life Skills programme Substance
Oitery School of Industry	Western Cape	-	-	-	-	-	Yes	-	-	The centre was completely transferred to DSD as from the 1 st of April 2021, DSD is providing the skills programme. No educational programme provided by DoE	DSD is providing skills development programme. DoE is providing short term behaviour modification programme.

3. PUBLIC EDUCATION AND AWARENESS

3.1 Inter-Departmental Campaign on the Prevention of Violence, Bullying, Corporal Punishment, Gender-Based Violence, Learner Pregnancy, Drugs and Substance Abuse in Schools, North West and Eastern Cape.

In terms of public education and awareness of the Child Justice Act, the DBE and its partners, the South African Police Service and the following Departments: Social Development, Home Affairs (DHA), Health (DoH), Communication and Digital Technologies (DCDT), Sports, Arts and Culture (DESRAC), Correctional Services, as well as Justice and Constitutional Development rolled out *inter-Departmental Campaigns on the Prevention*

of Violence, Bullying, Corporal Punishment, Gender-Based Violence (GBV) Drugs and Substance Abuse and Learner Pregnancy in two provinces; North West and the Eastern Cape. The Campaign continues to raise awareness of how violence, in all its forms and substance abuse, frustrate the delivery of quality education and the futures of learners, while frustrating those committed to teaching and school governance. The Campaigns were championed by the Deputy Minister of Basic Education and supported by the Deputy Ministers from the above mentioned partner departments, as well as members of the executives from the Provincial and Local Governments.

The Campaigns were also implemented through a jamboree of career guidance, whereby learners are offered career guidance from various institutions of higher learning such as universities, Technical Vocational Education and Training Colleges, Sector Education and Training Authority and South African National Defence Force (SANDF) to encourage learners to focus on their future, post-matric year and advert from partaking in negative activities such as drugs and substance abuse.

The following institutions also exhibited at the two Campaigns:

- Love Life;
- SANPARK, Substance Abuse Prevention;
- Safety and Security Sector Education and Training Authority;
- Films and Publications Board (FPB);
- Wits Reproductive Health and HIV Institute;
- SANDF (Navy and Medical);
- Old Mutual;
- National Youth Development Agency (NYDA).

A. North West Edition

The Inter-Departmental Campaign in the North West was implemented in Dr Kenneth Kaunda District, Vaal Reefs Technical High School, from the 10th to the 19th of August 2022. The Campaign raised awareness on various community and school-level challenges such as bullying, GBV, learner pregnancy, drugs and substance abuse, as well as poor management and governance, which negatively affect teaching and learning.

The Campaign comprised of nine precursor events which took place in the North West, Dr Kenneth Kaunda District from the 10th to the 18th of August 2022. A total of 1050 learners were reached through the precursor events. Below is the schedule of the precursor events:

ACTIVITY	KEY DISCUSSIONS	DATE	VENUE	PARTICIPANTS
1. Online Safety Awareness	Cyberbullying, child pornography, dangers of distributing photos/ videos of others on social media, POPPI Act, Online Content suitable for children. Online Safety Youth Council Competition	10 August 2022/ 12:00-14:00	Vaal Reefs Technical High School	150 Learners 21 Officials (Vaal Reefs Technical High School, DBE, NWED, FPB).
2. Early Childhood Development (ECD)	Migration process/ function shift from DSD to DBE and its implication. The funding criteria used by DBE to fund some ECD centers. Qualification required by ECD practitioners.	11 August 2022/ 09:00-15:00	Vaal Reefs Technical High School	90 ECD Practitioners. DBE: Early Childhood Development
3. Learner Pregnancy	Highlighted causes of teenage pregnancy; lack of positive family interactions, lack of accurate health and reproductive system etc. Consequences of teenage pregnancy; drop out of school. Available health services at local hospitals	12 August 2022/ 12:00-14:00	Nkang-Mahlale Secondary School	114 Learners 25 Officials (DSD-DR Kenneth Kaunda District, DBE; School Safety, Quality Learning and Teaching Campaign (QLTC), Love Life, NWED: QLTC, Communications, School Enrichment and Security Services)
4. Psychosocial training	Highlighted social ills affecting children and the communities e.g GBV etc. Religious leaders were encouraged to play an active role in addressing these social-ills.	12 August 2022	Laerskool Rustenburg Noord,	50 Religious Leaders. NWED Officials
5. Academic Excellence	Highlighted social ills affecting learners in Ikageng Community; GBV, teacher abuse, substance abuse etc. the North West University offered psychosocial services and career guidance services to the learners.	13 August 2022/ 09:00-12:00	Thembalidani School, Potchefstroom	63 learners 16 Officials (Ikamva Youth Organisation, DBE: School Safety, QLTC, Community Safety Forum.
6. Dialogue on Bullying & Substance Abuse	Causes of substance abuse; peer pressure, low self-esteem etc. Commonly abused drugs; marijuana, medicine etc. Consequences of bullying; suicide amongst learners.	16 August 2022/ 12:00-14:00	Vaal Reefs Technical High School	100 Learners 18 Officials (DSD-DR KK Kaunda District, DBE; School Safety, QLTC, Love Life, NWED QLTC, Communications and Security Services).
7. Assembly address by Ex-Offender	The consequences of participating in criminal activities, the state of life in	17 August 2022	Vaal Reefs Technical High School	500 learners 10 Officials (DCS, DBE School

	prison. Learners encouraged to focus on schooling, and leave criminal activities			Safety, NWED QLTC, School Safety
8. Development of Self Workshop	Covered the following topics; who am I, personal development plan, dealing with conflict, time management etc.	17-18 August 2022/ 12:00-14:00	Vaal Reefs Technical High School	123 Learners on (17 August 2022) 50 learners (18 August 2022). DBE: Social Cohesion, DOVE, NYDA, DBE: School Safety, QLTC
9. Training on the Protocol on the Management & Reporting of Sexual Abuse/ 3 GBV legislation	Covered legislative framework for sexual abuse cases, roles and responsibilities, reporting of sexual abuse cases. The three GBV legislation under review; Children's Act 2005. Disciplinary process for teachers guilty of sexual offences	18 August 2022/ 10:00-14:00	Vaal Reefs Technical High School	103 Officials (DBE: Social Cohesion, QLTC, School Safety, NWED QLTC, School Safety, Governance, Security Services, NPA, SACE, DSD, SAPS, NGOs, School QLTC Coordinators, School Safety Coordinators.

The Campaign's main event took place on 19 August 2022 at Vaal Reefs Technical High School. It was attended by the following dignitaries; the Deputy Minister of Basic Education: Dr M.R Mhaule, the Deputy Minister of Correctional Services, Mr N.P Holomisa, the former Head of Department of NWED: Ms SM Semaswe, and the District Mayor of Dr Kenneth Kaunda District: Cllr N Num. The event was also attended by a total of 810 learners from 78 schools, including some special schools, emanating from all the districts in the North West; Dr Kenneth Kaunda, Ngaka Modiri Molema, Dr Ruth Mompoti and Bojanala Districts. Eighty-four Officials from the DBE and NWED, partner departments, civil society organisations, SMTs, SGB associations and members, community members attended the event.

B. Eastern Cape Edition

The Inter-Departmental Campaign in the Eastern Cape was implemented in Nelson Mandela and Sarah Baartman Districts between the 21st of February to the 10th of March 2023. The Campaign comprised of 16 precursor events which took place in the Eastern Cape, Nelson Mandela and Sarah Baartman Districts from the 21st of February to the 09th of March 2023. A total of **3509** learners were reached throughout the precursor events. Below is the schedule of the precursor events.

ACTIVITY	KEY DISCUSSIONS	DATE	EDUCATION DISTRICT	VENUE	PARTICIPANTS
1. Mental Health for Matrics	Highlighted causes of anxiety, depression. Strategies to deal with peer pressure, anxiety and depression.	21 February 2023	Sarah Baartman	Nombulelo High School	102 Learners 35 Officials from DSD DBE: QLTC, SIPE Eastern Cape Department of Education (ECDoE): School Safety
2. Assembly awareness on Social Services	Highlighted ways to access uniforms, social security grants and identity document registration services.	21 February 2023	Sarah Baartman		1100 learners (whole school) DSD DHA
3. Dialogue on substance Abuse & Bullying	Highlighted causes of substance abuse and bullying: peer pressure, low self-esteem etc. and various drugs consumed by young people.	22 February 2023	Sarah Baartman	Humansdorp High School	99 learners Officials from DBE: QLTC, School Safety, Office of the DM DSD ECDoE: School Safety
4. Assembly awareness on Social Services	Highlighted ways to access uniforms for underprivileged children, social security grants and identity document registration services.	22 February 2023	Sarah Baartman		986 learners (whole school) Officials from DSD DSRAC DBE: QLTC, SIPE ECDoE: School Safety

5. Meeting with Local Government Nelson Mandela Bay Metropolitan Municipality	Discussed the role of local government in supporting schools to prevent crime and violence in schools (management of the municipality and ward councilors).	23 February 2023	Nelson Mandela	ST Thomas Secondary School	20 Officials: Nelson Mandela Metropolitan Municipality, DBE: Office of the DM, School Safety/ Local Councilors/DSD/ Correctional Services/ DHA ECDoE: School Safety
6. Learner Pregnancy Awareness	Highlighted causes of teenage pregnancy and its negative effects on the youth. Mentioned the available sexual reproductive health services offered by health facilities.	23 February 2023	Nelson Mandela	Sophakama Senior Secondary School	87 learners 20 Officials: DBE: Office of the DM, QLTC & School Safety/ DSD/ DoH ECDoE: School Safety
7. Sports, Arts & Culture, ICT Career Day	Discussed the available opportunities within the Sports, Arts and Culture and ICT industries (Sportsman and Artists). Former footballer Daine Klate, Nelson Mandela University Lecture Dr Kativu and various Paralympics provided guidance.	24 February 2022	Nelson Mandela	Ikhwezilomso Secondary School	212 Learners 17 Officials: DBE: Office of the DM, School Safety, QLTC, Social Cohesion, DESRAC.
8. NSSF/ QLTC Training Workshop	Covered the NSSF: safety audits, incident reporting and safety plans, as well as the role of QLTC in supporting schools.	02-03 March 2023	Buffalo City	Mandla Makhupula Building East London	34 National & Provincial Officials, School Safety & QLTC District Coordinators UNICEF DBE: School Safety/ QLTC ECDoE: School Safety & Stakeholder Management
9. Dialogue on Drugs & Substance Abuse, Bullying & Gangsterism	Discussed the causes of substance abuse and the effects of gangsterism from communities on learners. Junior Commissioners and learners from surrounding schools participated in the discussions.	06 March 2023	Nelson Mandela	Hillside Secondary School	94 learners 14 Officials: DBE: QLTC, School Safety, Social Cohesion, SAPS, SANDF and Masifunde ECDoE: School Safety
10. Online Safety Awareness	Discussed cyberbullying, child pornography, dangers of	07 March 2023	Sarah Baartman	Nombulelo High School	101 Learners

	distributing videos of others on social media and the POPPI Act.					17 Officials: DCDT, FPB, DBE: QLTC, Social Cohesion FPB/ DCDT
11. Mental Health for Matrics	Highlighted causes of anxiety, depression. Strategies to deal with peer pressure, anxiety and depression. Two Professors from NMMU were main speakers	07 March 2023	Nelson Mandela	St Thomas Secondary School		120 Matric Learners 10 Officials Nelson Mandela University DBE: School Safety, ECDoE: School Safety
12. Cybersecurity awareness for teachers and parents	Discussed cyberbullying and the role of parents in safeguarding children from online harm	08 March 2022	Nelson Mandela	Kwa Zakele Secondary School		20 Educators and seven officials: DCDT, FPB DBE: QLTC, Social Cohesion, ECDoE
13. Assembly awareness on Social Services/Motivation	Highlighted ways to access uniforms for underprivileged children, social security grants and identity document registration services.	08 March 2023	Nelson Mandela	Soyise Primary School		608 learners DoH/DSD DBE: QLTC, SIPE, Social Cohesion ECDoE:
14. Training on the Protocol on Management of Sexual Abuse & Training Workshop	Covered legislative framework for sexual abuse cases, roles and responsibilities and reporting for sexual abuse cases	09 March 20023	Nelson Mandela	ST Thomas Secondary School		70 SMT and SGBs from surrounding schools and officials from DBE: Social Cohesion, QLTC, ECDoE: School Safety

The Campaign's main event took place on 10 March 2023 in Nelson Mandela District, ST Thomas Secondary School. It was attended by the following dignitaries; the Deputy Minister of Basic Education: Dr M.R Mhaule, the Deputy Minister in the Presidency, Ms P Kekana, the former Head of Department of ECDoE, Mr M Qwase and the Provincial Deputy Chairperson of the House of Traditional Leaders, Mr K Matanzima and the Member of Municipal Council for Constituency Services, Mr R. Kayser from the Nelson Mandela Metropolitan Municipality.

The main event was attended by over 854 learners from 30 schools from Nelson Mandela District and nine schools from Sarah Baartman District. Hundred and twenty-eight officials from the DBE, ECDoE, partner departments and civil society organisations, as well as local SGB members were present at the event.

4. CONCLUSION

The DBE will continue to work with provinces, districts, partner departments and civil society organisations to curb violence in schools, advocate for the protection of children and ensure effective implementation of the Child Justice Act, (2008).

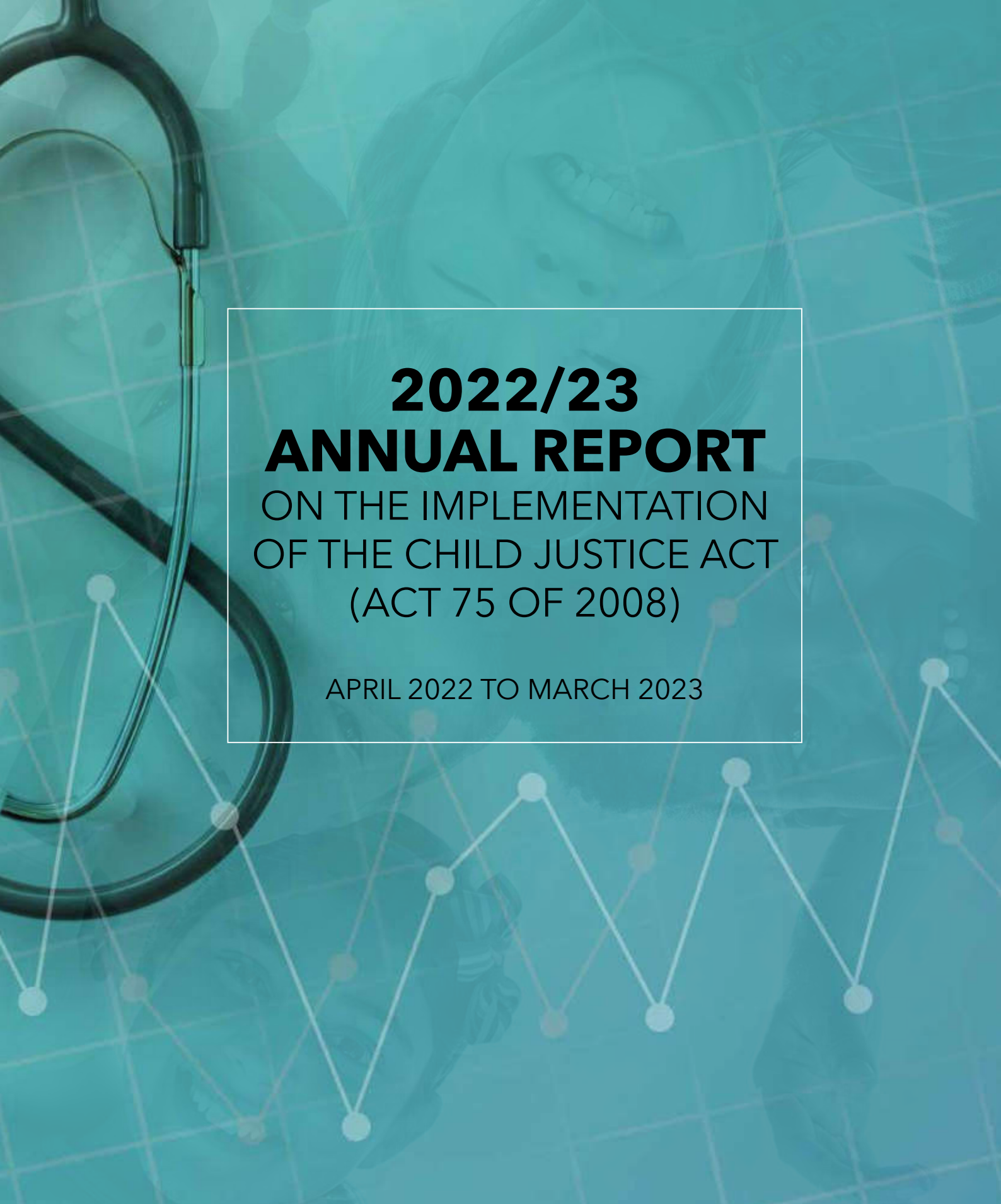
5. APPROVAL



MR HM MWELI
DIRECTOR-GENERAL
DATE: : 27/07/2023

DEPARTMENT
OF HEALTH





2022/23
ANNUAL REPORT
ON THE IMPLEMENTATION
OF THE CHILD JUSTICE ACT
(ACT 75 OF 2008)

APRIL 2022 TO MARCH 2023



health

Department:
Health
REPUBLIC OF SOUTH AFRICA



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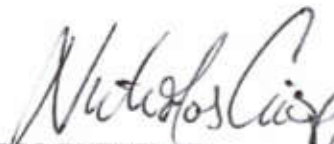
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Acronyms

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

Official sign-off

It is hereby certified that this 2022/2023 annual report was developed by the Department of Health (the department) and submitted in terms of section 11(3) of the Child Justice Act, 2008 (Act 75 of 2008) (the Act). It highlights the achievements and limitations experienced in realizing the roles and responsibilities of the Department of Health espoused in the Act. The reporting period is from 1 April 2022 to 31 March 2023.


DR SSS BUTHELEZI PROF N. CRISP
DIRECTOR-GENERAL: HEALTH ACTING.
DATE: 28/06/2023

1. INTRODUCTION AND BACKGROUND

- 1.1. The Child Justice Act, 2008 (Act 75 of 2008) as amended, 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.
- 1.2. Section 11(1) of the Act states that "the State must prove, beyond reasonable doubt, the capacity of a child who is 11 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".
- 1.3. Section 11(3) further states that "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 psychologists (clinical, counselling and educational) as suitable professionals to conduct these evaluations.
- 1.4. 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 (NDOH) in Parliament. The departmental annual report is submitted in compliance with this provision of the Act.
- 1.5. The report is compiled in line with the mandate of each department in terms of the Act and the National Policy Framework on Child Justice, 2018 which was adopted in terms of section 93(2)(a) and (b) of the Act.

2. DEPARTMENT'S RESPONSIBILITY IN TERMS OF THE CHILD JUSTICE ACT, 2008 (ACT 75 OF 2008) AND THE NATIONAL POLICY FRAMEWORK ON CHILD JUSTICE

- 2.1. The relevant key priority areas for the health sector as stipulated in the National Policy Framework on Child Justice, 2018 are:
 - Capacity building in the sector;
 - Conducting criminal capacity assessments of children who are 11 years or older, but under the age of 14 years;
 - Resources and budget;
 - Public education and communication;
 - Information, communication, and technology;

2.2. The National Policy Framework further delineates roles and responsibilities for specific government departments. For the Department of Health, the specified key responsibilities are:

- Providing mental health facilities for children who are referred for observation/criminal capacity evaluations, or who are declared as State patients, because of a mental health problem;
- 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.

3. THE REPORT

3.1. PRIORITY 1: BUILDING CAPACITY IN THE SECTOR

The Mental Health Care Act, 2002 (Act No. 17 of 2002) as amended and the related National Mental Health Policy Framework and Strategic Plan, 2023-2030 provide a blueprint for improved mental health services in the country. This includes building capacity of the health care providers to implement the health sector mandate emanating from relevant legislations, which include the Child Justice Act and other related prescripts.

The Department continuously implement in-service training of health care providers on mental health issues to improve their skills in the management of mental health problems. During the 2022/23 financial year, 661 nurses and doctors were trained on clinical management of mental disorders, which included issues of children that come into contact with the law in terms of the Child Justice Act, 2008 as amended across all levels of the health system (from primary, regional, tertiary, and specialised levels of care).

Table 1: Number of health care professionals (Medical Officers and Nurses) trained in clinical management of mental health problems by province.

PROVINCE	2019/20	2021/22	2022/23	TOTAL
Eastern Cape	113	49	160	322
Free State	105	57	0	162
Gauteng	216	60	177	453
KZN	180	87	212	479
Limpopo	49	60	0	109
Mpumalanga	159	63	0	222
Northern Cape	95	58	0	153
North West	124	47	112	283
Western Cape	79	56	0	135
CEOs Training	0	75	0	75
GRAND TOTAL	1 120	612	661	2 393

The training was not conducted in 2021/2022 due to the impact of the COVID-19 pandemic, the lockdown and the restrictions imposed.

Improved access and quality of forensic mental health services including implementation of the Child Justice Act requires strong collaboration among the stakeholders as the issues are across cutting. In this regard, the Department collaborates with other stakeholder departments in building capacity of relevant officials across other sector. During this reporting period (2022/23) the Department collaborated with the Department of Correctional Services in a project of training the Heads of Correctional Centres and selected Department of Correctional Services health care providers on forensic mental health issues. 345 Heads of Correctional Centres and health professionals were trained. The training content included:

- (a) Legislative and Policy background including the Child Justice Act, 2008;
- (b) The referral pathways between the Departments of Health and Correctional Services in terms of the legislative mandate;
- (c) Various Court Order Forms and their interpretation; and
- (d) Forensic mental health and the role of the Heads of Correctional Centres


3.2 PRIORITY 2: ENSURING CRIMINAL CAPACITY ASSESSMENTS OF CHILDREN

Human resource to conduct criminal capacity assessments

Regulations 1(a) and 1(b) of the Child Justice Act, 2008 Regulations as amended, declare Psychiatrists and Psychologists (Clinical, Counselling and Educational) as clinicians that are competent to conduct the assessment of criminal capacity of a child between the age of 12-14 years referred in in terms of Section 11(3) of the Act.

Furthermore, Regulation 13 (3)(b) of Child Justice Act, 2008 Regulations as amended, require the Director-General: Health to "annually compile and keep a list of private Psychiatrists and Clinical, Counselling and Educational Psychologists who are prepared to conduct the evaluation in respect of a child's criminal capacity in terms of section 11(3) of the Act and must provide the Director-General of the Department of Justice and Constitutional Development with a copy thereof for distribution to the registrars of the High Court and all the Clerks of the Magistrates' Courts". These private Psychiatrists and Psychologists are then contracted and reimbursed by the Department of Justice and Constitutional Development to complement the State employed clinicians and conduct criminal capacity assessments.

In compliance to Regulation 13(3)(b) the Department placed an advertisement in the February 2022 Sunday Times newspaper inviting Psychiatrists and Psychologists who were prepared to be included in the 2022/23 database to conduct criminal capacity assessments of children in terms of the Child Justice Act, 2008 (Act 75 of 2008) as well as those prepared to conduct forensic mental observations in terms of the Criminal Procedures Act, 1977.



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Invitation for submission of details of private Psychiatrists and Psychologists who are prepared to conduct Forensic Psychiatric Evaluations for the Courts in terms of Section 79(9) of the Criminal Procedure Act and Assessment of Criminal Capacity of Children in terms of Section 11(3) of the Child Justice Act

According to Section 79(9) of the Criminal Procedure Act (Act No 51 of 1977 as amended) in respect of a panel for the purposes of the enquiry and report under Sections 77 and 78 of the Act, the Director-General: Health will compile and keep a list of Psychiatrists and Clinical Psychologists who are prepared to conduct any enquiry under this section; and Psychiatrists who are prepared to conduct any enquiry under section 286A (3), and will provide the Registrars of the High Courts and all Clerks of the Magistrate's Courts with a copy thereof.

Section 1(a) and (b) of the Regulation to the Child Justice Act (as amended), declares Psychiatrists and Psychologists (Clinical, Counselling and Educational) to be competent to conduct the assessment of criminal capacity of a child between the age of 12-14 years referred to in section 11(3) of the Act.

The Department hereby invites private Psychiatrists and Psychologists who wish to conduct criminal capacity assessments of children in terms of the section 11 of the Child Justice Act and forensic psychiatric enquiries in terms of Section 79(9) as well as Section 286A (3) of the Criminal Procedure Act, to submit their details for inclusion in the national 2022/2023 database.

You are requested to submit the following information: Full names, contact details, business and residential address and your area of interest (i.e., Enquiries in terms of Criminal Procedure Act or criminal capacity assessments of children in terms of the Child Justice Act or Both), as well as a proof of your current registration with the relevant professional body.

Kindly note that the contracting and remuneration processes for this work will be handled by the Department of Justice and Constitutional Development. Enquiries in this regard should be communicated to Adv Elisabeth Picarra, Chief Director: Court Services @ 012 315 1658; Email: EPicarra@justice.gov.za.

Please submit your details for inclusion in the database to the Director-General: Department of Health, Private Bag X828, Pretoria, 0001; For Attention: Dr NE Mulutsi, Director: Forensic Mental Health @ Evah.Mulutsi@health.gov.za; 012 395 8044 or Bashu. Pule@health.gov.za; 012 395 8095 or Lesego.Rammutla@health.gov.za; 012 395 9107. CLOSING DATE FOR SUBMISSION: 25 MARCH 2022

Figure 1: The advertisement for the 2022/2023 list of private psychiatrists and psychologists to conduct criminal capacity assessments.

Only seven (7) private Psychologists responded to the advertisement and submitted their details for inclusion in the national database. These consisted of one (1) Counselling Psychologist and six (6) Clinical Psychologists. There has not been a Psychiatrist who expressed interest to be enlisted into the database in the current as well as the last financial year.

Table 2: Number of private psychiatrists and psychologists in the national database over the past four financial years

Professional category	2019/2020	2020/2021	2021/2022	2022/2023
Psychiatrists	35	2	0	0
Clinical psychologists	117	39	21	6
Educational psychologists	7	26	1	0
Counselling psychologists	2	9	0	1
Total	161	74	22	7

The list of private Psychologists that responded was compiled and submitted to the Department of Justice and Constitutional Development for implementation by the Registrars of the High Courts and all Clerks of the Magistrate's Courts as prescribed.

The main challenge reported by private clinicians regarding reduced numbers on the database is the low tariffs offered by the Department of Justice and Constitutional Development for this work. There has not been a review of these tariffs since they were promulgated by the Minister of Justice and Constitutional Development since 2017. The Clinicians also report delays in payment of claims for work done. The matter has been raised with the Department of Justice and Constitutional Development on numerous occasions including as part of the monthly reports at the Development Committee Meeting attended by stakeholders in the Criminal Justice System.

The following interventions will be explored to try and mitigate the low response by the private Psychologists and non-response by the Psychiatrists:

- (a) Advertise in two newspapers comprising of a Sunday newspaper as well as a weekly newspaper with high readership;
- (b) Separate the advertisements for criminal capacity assessment in terms of the Child Justice Act and that of the forensic mental observation in terms of the Criminal Procedure Act; and
- (c) Continue discussions with the Department of Justice and Constitutional Development to consider increasing the tariffs for the clinicians and turnaround time for payment of claims.

Criminal capacity assessments

According to statistics received from designated psychiatric hospitals, a total of 156 children who were 12 years and older, but under the age of 14 were referred by the Courts for criminal capacity assessment during 2022/23 financial year. 128 criminal capacity assessments were conducted, and reports submitted accordingly.

Table 3: Number of court referrals and cases concluded over the past four years

	Number of court referrals	Criminal capacity assessments conducted	
		Number	Percentage
2019/20	124	124	100%
2020/21	269	188	70%
2021/22	189	146	77%
2022/23	156	128	82%

There were sixty-three (63) children on the waiting list for criminal capacity assessment by end of 2022/23 financial year. Fifty-six (56) of these were for Valkenberg Psychiatric Hospital in the Western Cape. The province has reported that they are planning to increase the human resource capacity through sessional contracting of the relevant clinicians to address the backlog.

3.3 PRIORITY 3: RESOURCES AND BUDGET

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

The Directorate Mental Health and Substance Abuse at the National Department of Health participates in the National Technical Committee on Child Justice (NT-ISCCJ) that is led by the Department of Justice and Constitutional Development whilst provincial mental health programme managers are members of the provincial child justice for a that meet on a monthly basis to among others strengthen implementation of the Child Justice Act and address bottlenecks in the system.

3.4 PRIORITY 4: PUBLIC EDUCATION AND COMMUNICATION

Mental health promotion and illness prevention are conducted in line with the Department annual health calendar for public education, i.e., July for the mental illness awareness and October for mental health awareness to raise awareness on mental health, combat stigma associated with mental illness and inform the public about the services that are available. Child and adolescent mental health education messages are placed in various platforms including the social media platforms, the B-Wise mobisite and through distribution of written information materials. The Department provided funding to the South African Federation for Mental Health to run an information desk where the public access information on mental health issues for all age groups through internet, social media platforms, telephone, cellular phone messaging and voice calls. The public education measures on mental health issues among children are critical to facilitate early detection, thus reducing the risk of offending by children.

3.5 PRIORITY 5: DEVELOPMENT OF NECESSARY INFORMATION TECHNOLOGY

The Department developed a tool to collect data on criminal capacity assessment indicators. The tool is reviewed accordingly when a need arises to ensure accuracy of data collected. The elements collected through the tool are:

- Total number of children referred/booked for criminal capacity assessments;
- Total number of criminal capacity assessments conducted; and
- Total number of children in on the waiting list for criminal capacity assessments.

4. CONCLUSION

The Department of Health has achieved some major strides in the implementation of its mandate in terms of the Child Justice Act, 2008. However, the limited number of psychiatrists and psychologists in the public sector to conduct criminal capacity assessments coupled with the reluctance of private psychiatrists and psychologists to conduct this work remain a challenge. Revising the tariffs for private psychiatrists and psychologists to do this work could improve the human resource capacity required to conduct criminal capacity assessments of children.

DEPARTMENT OF CORRECTIONAL SERVICES



2022/2023 Annual Report: Implementation of the Child Justice Act, 75 of 2008



correctional services

Department:
Correctional Services
REPUBLIC OF SOUTH AFRICA



2022/2023 Annual Report: Implementation of the Child Justice Act, 75 of 2008





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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

Section 96(3) of the Child Justice Act (CJA) mandates that the Minister of Justice and Correctional Services presents the annual progress reports from the cluster departments that make up the Inter-Sectoral Committee for Child Justice (ISCCJ) in Parliament. This is the department's tenth (10th) annual report.

This report's goal is to present the status on the Department of Correctional Services' (DCS) progress in implementing the CJA in the areas of responsibility that are within its purview. The areas of responsibility of DCS are outlined in a policy document named "Implementation Framework: Child Justice Act (Act 75, 2008)" which was approved in 2015. The latter was amended for alignment with the National Framework of the CJA (2018) which was developed by the Department of Justice and Constitutional Development.

This report covers a broad range of topics, including detention facilities for children, official training, geographical distribution of children, programs and services provided to children, and obstacles encountered in implementing the CJA. A twenty-two year overview of children detained in DCS is included in the report.

The average number of children decreased by more than 90% from the calendar year 2000 to 2022. In the 22-year span the reduction of almost 97% was observed in both the RD and sentenced children. The highest decrease of 1 046 (28.98%) in the average number of children was observed from 2004 to 2005. The annual average number of children reduced from 3 610 to 2 564. The implementation of the CJA has positively benefited the department of correctional services through the reduction of children from an annual average of 1 004 in 2010 to 86 in 2022.


MS Thobakgale
National Commissioner: Correctional Services
Date: 10/07/2023

1. INTRODUCTION

The objective of this report is to outline departmental developments on the implementation of the Child Justice Act in the DCS's areas of responsibility. Even though the report's primary focus is on 2022/2023's annual progress, long-term patterns regarding children detained by DCS will also be covered. The topics that will be explored appear below:

- Detention of children in DCS facilities (overview);
- Building capacity including training of officials;
- Remand detainees;
- Sentenced children;
- Children placed under the Community Corrections system
- 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, 238 were operational and five (5) were closed. Of the closed facilities two (2) were temporary closed because of upgrading work while three (3) were closed due to dilapidation.

The average number of inmates in 2022/23 was 149 591 and children constituted 0.06% (88) of the total inmate population. Remand Detainee (RD) children constituted 0.10% (55) of the RD population (50 214) and sentenced children constituted 0.03% (33) of the sentenced population (99 258). There were no female children recorded. There were no escapes recorded by all the centres that detained children during 2022/2023 financial year. The summary of the average population is presented in the table below:

Inmates	Children			Juveniles			Youth, Adults and elderly			Total	% against total inmates
	(14 to <18 years)			(18 to 20 years)			(21 years and older)				
	Female	Males	Total	Females	Males	Total	Females	Males	Total		
Remand Detainees	0	55	55	83	3 195	3 278	1 475	4 5406	46 881	50 214	33,57
Other unsentenced	0	0	0	0	3	3	4	112	116	119	0,08
Sentenced	0	33	33	35	1 419	1 454	2 497	95 274	97 771	99 258	66,35
Total	0	88	88	118	4 617	4 735	3 976	140 792	144 768	149 591	100
% against total inmates	0,00	0,06	0,06	0,08	3,09	3,17	2,66	94,12	96,78	100,00	

Table 1: Annual average for 2022/2023 based on the Daily Unlock

2.2 Long Term Trend: 2000 to 2022

From 2000 to 2022 the average number of children reduced by almost 98% from 3 910 to 86. The highest average number of 4 126 was recorded for 2003 calendar year. A gradual decrease has been observed since the implementation of the CJA in 2010. The children in conflict with the law who are detained in correctional services reduced from an annual average of 1 004 to 86 in 2022. The pattern of decrease is similar for both RDs and sentenced children and this is reflected in figures presented below. A table reflecting the average number of children for the calendar years from 2000 to 2022 is attached as Annexure A.

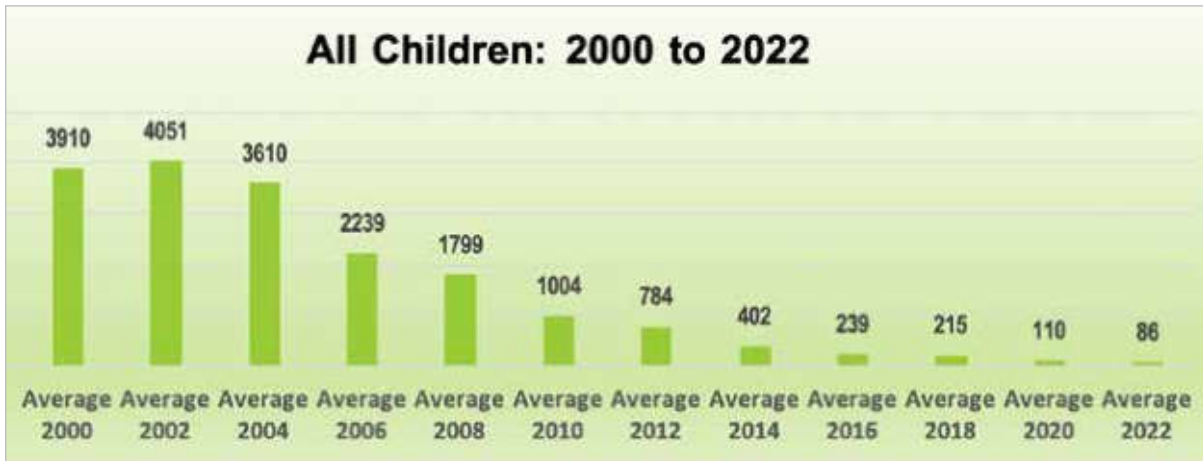


Figure 1: Average number of All children 2000 to 2022: Source: MIS 2001-2014 and Daily unlock 2015-2022

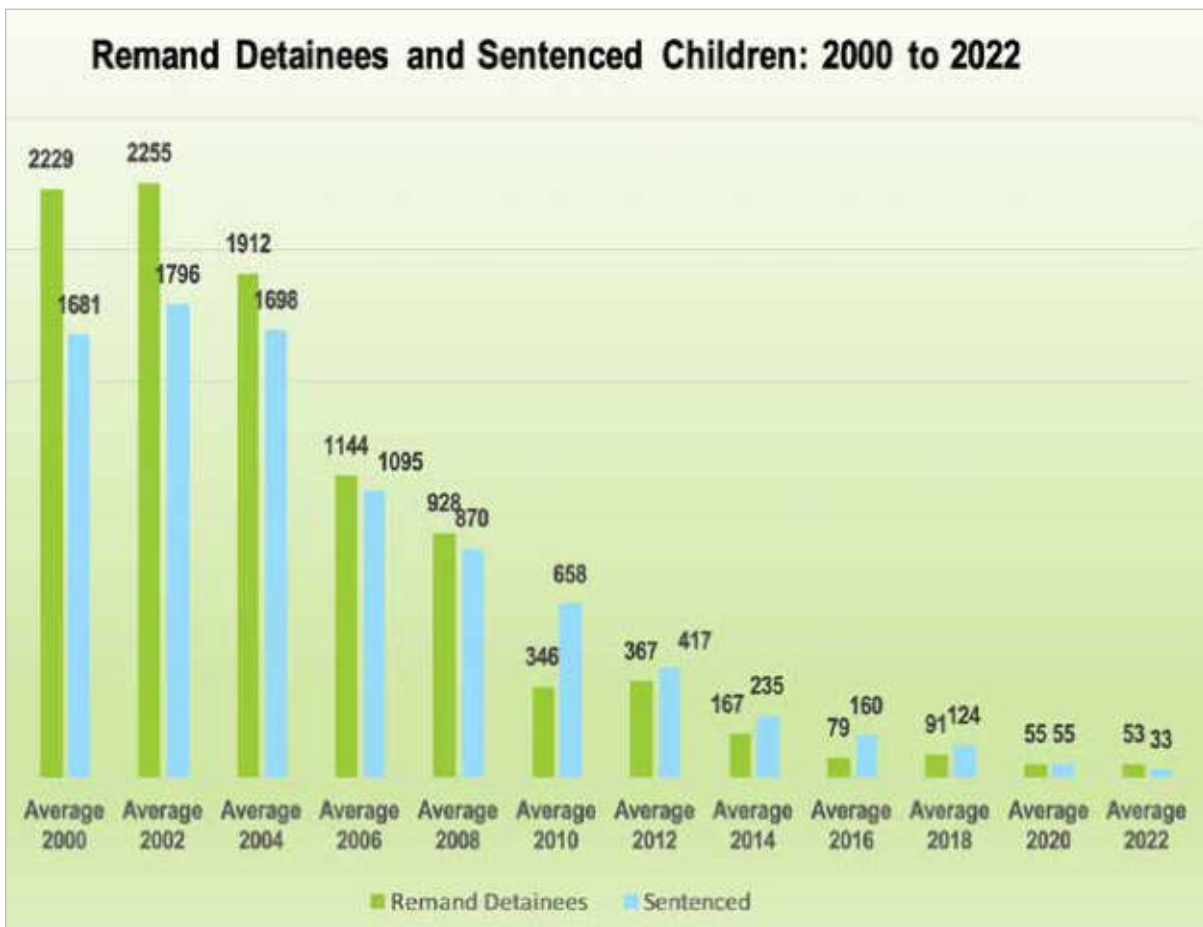


Figure 2: Average number of RD and sentenced children 2000 to 2022: Source: MIS 2001-2014 and Daily unlock 2015-2022

3. BUILDING CAPACITY INCLUDING TRAINING OF OFFICIALS

The DCS through its Human Resource Development develops annually a programme for training of officials. The Child Justice Act has been included as a module in the training programme since 2015/16. A total number of 76 officials were trained during the 2022/2023 financial year.

4. REMAND DETAINEES

4.1 Trend analysis from 2010 to 2022/2023

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 55 during the 2022/23 financial year, this converts to a reduction of 89,08%.

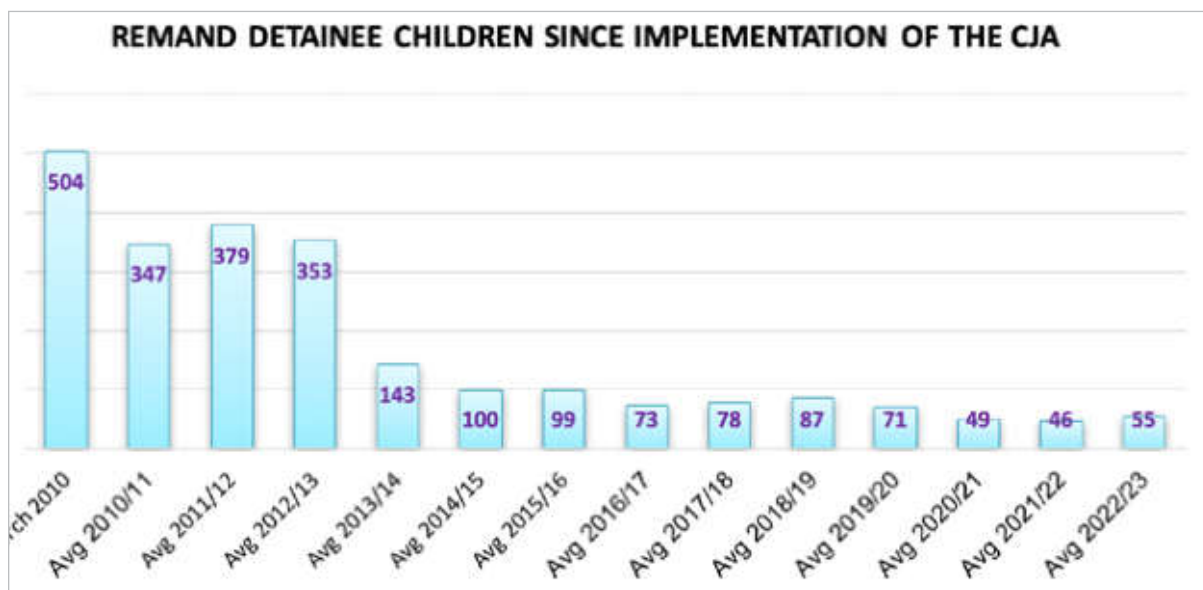


Figure 3: Average number of RD children Baseline of 2010 to 2022/23: Source Daily unlock

4.2 Facilities that detained Remand Detainee children

The RD children were detained in seven (7) facilities as per the snapshot analysis of 31 March 2023. Free State Northern Cape and Western Cape regions detained children in two facilities each. KwaZulu Natal, LMN and Eastern Cape detained children in one facility each and Gauteng detained no remand children on 31 March 2023.

FACILITIES THAT DETAINED REMAND DETAINEES										
KZN		GP	EC		LMN	FSNC		WC		
Durban Youth	29		Port Elizabeth	6	Barberton Youth	4	Grootvlei A	2	Pollsmoor Med A	16
							Bizzah Makhate B	3	Mosselbaai	5
Total	29	0		6		4		5		21

Table 2: Facilities that Detained Remand Children as at 31 March 2023 - DCS Source: Daily Unlock

4.3 Gender

Within the sub-population of remand detainee children in correctional services, males constituted more than 90% on 31 March 2021. The snapshots for 31 March 2022 and 31 March 2023 show that no female remand detainee children were recorded to be detained in DCS facilities.

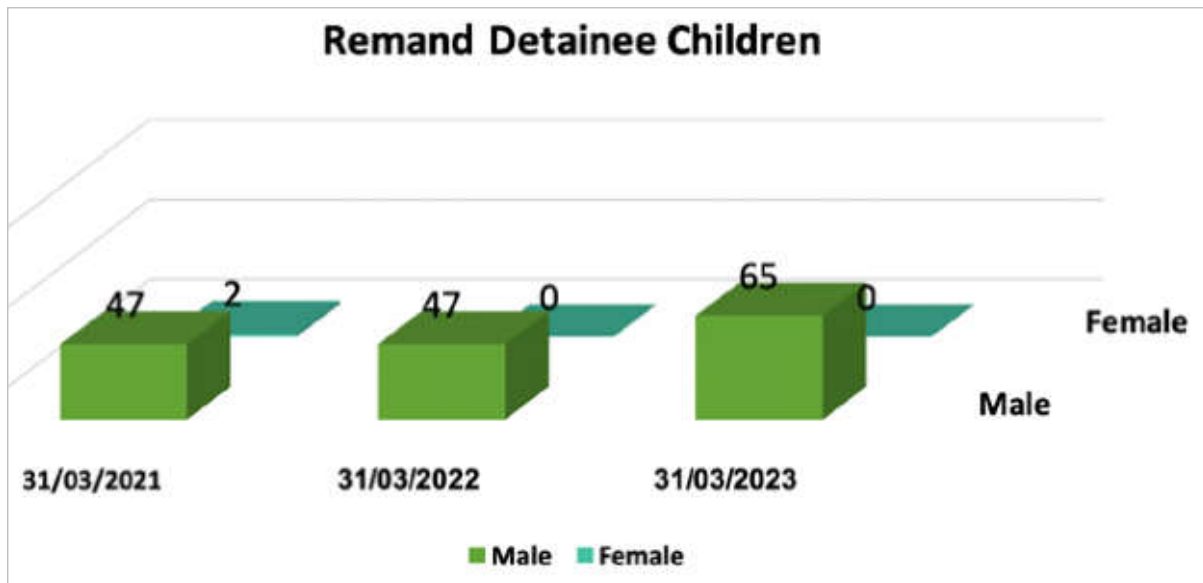


Figure 4: Snapshots Analysis of Remand Children: Gender Distribution: Data from the Daily Unlock for 31 March 2021, 31 March 2022 and 31 March 2023

4.4 Age distribution

The table below depicts the ages of remand detainee children as on 31 March 2023. According to the recorded information, there were no 14 year old RD children on the date mentioned. The Western Cape and Kwa-Zulu Natal regions recorded eleven (11) 16 years old and nine (9) and ten (10) 17 year old RDs respectively. The Gauteng region recorded no remand children in the reporting period.

Age Distribution	Region							
	31-Mar-23	GP	LMN	WC	FSNC	EC	KZN	TOTAL
14 Years		0	0	0	0	0	0	0
15 Years		0	0	1	2	0	8	11
16 Years		0	0	11	2	2	11	26
17 Years		0	4	9	1	4	10	28
Total		0	4	21	5	6	29	65

Table 3: Age distribution of Remand Children on 31 March 2023. Source: Daily Unlock

4.5 Regional Distribution

According to figure 6 below, on 31 March 2023, the regions with the highest number of remand detainee children, in descending order, were KwaZulu Natal (29), Western Cape (21), Eastern Cape (6) and Free State Northern Cape (5). LMN recorded four (4) remand children and Gauteng recorded no remand children on 31 March 2023.

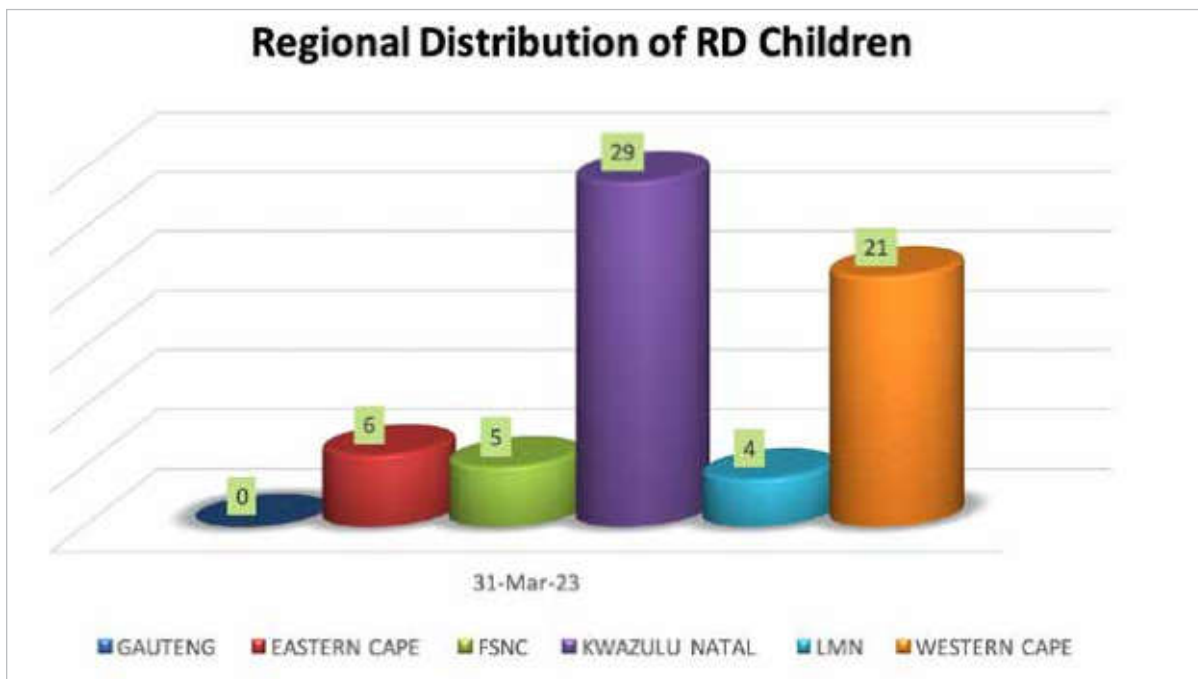


Figure 5: Snapshots Analysis of RD Children: Regional Distribution: Data sourced from the Daily Unlock

5. SENTENCED CHILDREN

5.1 Trend analysis from 2010 to 2022/2023

An average of 717 sentenced children was incarcerated in DCS facilities in April 2010. This figure decreased to an annual average of 33 sentenced children during 2022/2023 financial year, this therefore converts to a decrease of 95% over the said period.

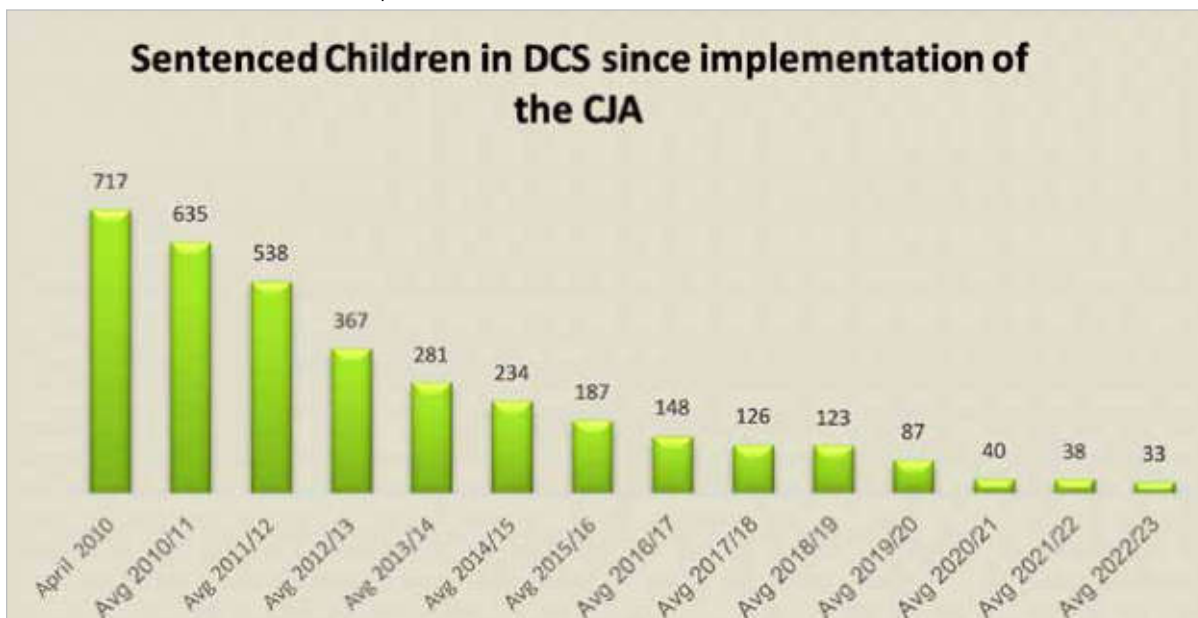


Figure 6: National Distribution of sentenced children in DCS Source: Daily Unlock

5.2 Gender

Within the subpopulation of sentenced children that were in detention as per the three snapshots of 31 March 2021, 31 March 2022 and 31 March 2023, males constituted 100%.



Figure 7: Snapshots Analysis of sentenced children: Gender Distribution: Data from DCS databank for 31 March 2021. Information for 31 March 2022 31 March 2023 is from the Daily Unlock.

5.3 Age distribution of sentenced children

Of the 32 sentenced children incarcerated on 31 March 2023, 21 (65, 63%) were 17 years of age while 9 (28, 13%) were aged 16 years. There were 2 (6, 25%) 15 years old sentenced offender incarcerated on 31 March 2023.

Age Distribution 31 March 2023	Region						TOTAL
	GP	LMN	WC	FSNC	EC	KZN	
14 Years	0	0	0	0	0	0	0
15 Years	0	1	0	0	0	1	2
16 Years	1	0	0	0	2	6	9
17 Years	5	1	3	3	1	8	21
Total	6	2	3	3	3	15	32

Table 4: Age distribution of Sentenced Children. Source: Daily Unlock

5.4 Facilities that detained Sentenced Children

Sentenced children were detained in 10 facilities as per the snapshot analysis of 31 March 2023. The regions with the highest number of facilities that detained children were KwaZulu Natal with three facilities and Gauteng and WC with two facilities in each region. FSNC, EC and LMN regions detained sentenced children in one (1) centre respectively. Three facilities, namely; Durban Med B, Boksburg Juveniles and Pollsmoor Females detained lone children.

FACILITIES THAT DETAINED SENTENCED CHILDREN											
KWAZULU NATAL (3 facilities)		GAUTENG (2 facilities)		EASTERN CAPE (1 facility)		LMN (1 facility)		FSNC (1 facility)		WC (2 facilities)	
Durban Youth	4	Emthonjeni	5	Cradock	3	Rustenburg Med A	2	Bizza Makhate B	3	Pollsmoor Female	1
Durban Med B	1	Boksburg Juveniles	1							Drakenstein Med B	2
Ekuseni	10										
Total	15		6		3		2		3		3

Table 5: Facilities that detained Sentenced Children. Source: Daily Unlock.

5.5 Regional Distribution

The region with the highest number of sentenced children in all three snapshots of 31 March from 2021 to 2023 was KZN. Additionally, it must be noted that even though KZN has had the highest numbers of sentenced children, there is a noticeable decrease in the numbers of sentenced children in KZN from twenty (20) children on 31 March 2021 to nine-teen (19) sentenced children on 31 March 2022 and then further down to fifteen (15) sentenced children on 31 March 2023. The region with the lowest number of sentenced children on 31 March 2023 was LMN with two (2) sentenced children.

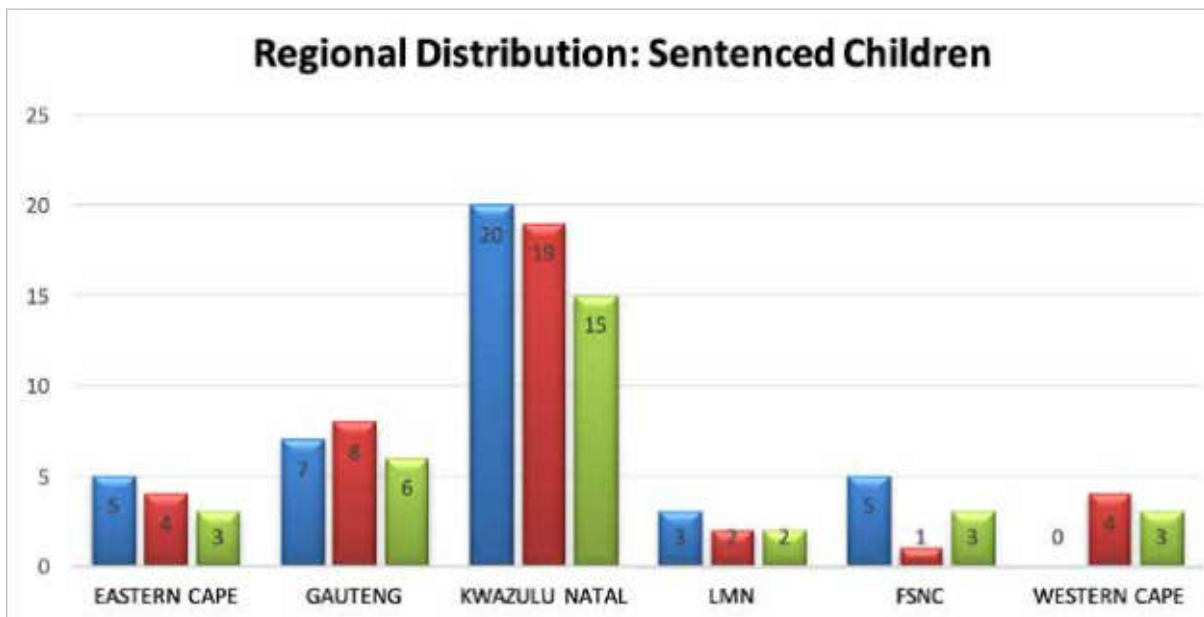


Figure 8: Snapshots Analysis of sentenced children: Regional Distribution: Source: Daily Unlock 31 March 2021, 31 March 2022 & 31 March 2023

5.6 Sentences

The below table depicts the sentences of children as on 31 March 2023. The sentence years vary from one (1) year to twenty-two years (22). Gauteng recorded a child who is sentenced to a period of 22 years. While KZN recorded a child who was sentenced to 17 years' incarceration. The highest number of children i.e., seven (7) were given the sentence of four years.

Sentences as at 31 March 2023	Region						
	GP	LMN	WC	FSNC	EC	KZN	TOTAL
1 Year	1	1	0	0	0	1	3
2 Years	0	0	0	1	0	1	2
4 Years	1	1	1	0	0	4	7
5 Years	0	0	1	0	0	4	5
6 Years	1	0	0	0	1	2	4
7 Years	0	0	0	0	1	0	1
8 Years	1	0	0	0	1	1	3
10 Years	1	0	1	2	0	1	5
17 Years	0	0	0	0	0	1	1
22 Years	1	0	0	0	0	0	1
Total	6	2	3	3	3	15	32

Table 6: Sentences of sentenced children on 31 March 2023.

6. CHILDREN PLACED UNDER THE SYSTEM OF COMMUNITY CORRECTIONS

6.1 Placement under the system of Community Corrections

A total number of 38 children were placed under the community corrections system during the 2022/23 financial year. The KZN region recorded the highest number (17) of children, followed by the Gauteng region (11). LMN and FSNC regions did not have any children placed under the community corrections system during the reporting period.

Region	Total number of children placed under Community Corrections System
GP	11
EC	6
FSNC	0
KZN	17
LMN	0
WC	4
Total	38

Table 7 Children placed under Community Corrections System during 2022/23 financial year

6.2 Absconding from community corrections system

There were no children recorded to have absconded from the Community Corrections system in 2022/2023 financial year.

7. PROGRAMMES/SERVICES PROVIDED TO CHILDREN

7.1 Social Work Services

Services offered to sentenced children including parolees, probationers and remand detainees during the 2022/23 financial year, included the following:

Programmes and services	Sentenced Children		Remand Children
	Correctional Centres	Community Corrections	
Substance Abuse	24		20
Life-Skills	51	36	9
Marriage and Family Care	32	12	6
Sexual Offender	13	14	0
Anger Management,	46	9	6
Orientation Treatment	10	0	10
Cool and fit for life	0	0	4
Resilience Enhancement Programme	4	0	0
Parenting	0	0	0
Supportive Services	0	1	5
Trauma	10	1	1
Assessment	26	9	2
TOTAL	216	82	63

NB: Some children attended more than 1 programme

Table 8: Social Work Programmes: Source: Incarceration and Corrections

7.2 Sports, Recreation, Arts and Culture (SRAC)

Sentenced children partake in Sport, Recreation, Arts and Culture (SRAC) activities which include indoor and outdoor games; however remand detainees do not take part in outdoor sport activities for containment of escape risk.

Children attended the following SRAC programmes during 2022/2023 financial year.



Figure 9: Pie chart on attendance of SRAC Programmes during 2022/2023. Note: Some children attended more than 1 programme

7.3 Correctional Programmes

In the financial year 2022/23, the following correctional programs were available to sentenced children. The programs include those that were facilitated by DCS officials as well as those that were provided by external service providers. Some children participated in multiple programs.

Programmes	Total number of children
Substance Abuse	7
Anger Management	5
Sexual Offences	1
New Beginnings	6
Restorative Justice	2
Cross Roads	7
Changing Lanes (Murder Related Programme)	1
Pre – Release	5
Total	34

Note: Some children attended more than 1 programme

Table 9: Correctional Programmes: Source: Incarceration and Corrections

7.4 Spiritual Care Services

In the financial year 2022/23, spiritual care services were provided to remand detainees and sentenced children, as shown in the diagram below. The figures below indicate the services provided to children.



Figure 10: Pie chart on attendance of Spiritual Care Services during 2022/23. Note: Some children attended more than 1 programme

7.5 Health Care Services

Each facility has a health unit that provides access to primary health care services to all inmates, including children. Those that require secondary and tertiary care are referred to external hospitals and clinics that fall under the Department of Health. Continuous health assessments are conducted for inmates who are unwell and those on acute and chronic medications. Prevention, promotion, and curative activities, as well as referral services, are provided in the health units. The summary of health care services is attached as Annexure B.

The table below indicates the number of children who attended health care programmes during 2022/23 financial year.

Health Care Programs and Services	Service Providers	Total Number of Children	
		RDs	Sentenced
Primary health care: Promotion of health, disease prevention, curative and rehabilitative services.	Health Care Professionals	65	33
Nutrition services: Provision of food service per prescribed meal plan.	Food Services Unit Officials	All inmates	
Personal hygiene: Provision of toiletry, bedding and clothing.	Hygiene Supervisors	All inmates	

Table 10: Source: Data from DCS Health Care Services

7.6 Psychological Services

Psychological services are available for sentenced and remand detainee children. The services are accessed through individual requests and referrals from the social workers and the officials from the correctional centre. Two children received psychological services in the 2022/23 financial year.

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

The number of inmates who enrolled for matric in 2022 was 264 and of these there were no children. A total number of 22 children attended education programmes in the 2022 academic year.

8. ESTABLISHMENT OF INFRASTRUCTURE

The property portfolio in the Department is managed under the custodianship of the Department of Public Works and Infrastructure (DPWI) in terms of the Government Immovable Asset Management Act (GIAMA), Act No. 19 of 2007, which directs the utilisation of the state-owned facilities. These facilities include the more than 200 correctional facilities, agricultural facilities and production workshops. The property portfolio is managed under the programme incarceration and the sub-programme facilities. The facilities that detain children are managed under the property portfolio.

9. RESOURCE AND BUDGET

The department does not have any resources or budget dedicated to the implementation of the Child Justice Act; however, its implementation has been integrated into the department's budget programs and policies. The role and responsibilities of numerous units have been established in a departmental framework on the implementation of the Child Justice Act, which directs the execution of the Act in the

department. The CJA's execution, including reporting, is coordinated by the Chief Directorate Remand Operations Management.

10. ESTABLISHMENT OF INTEGRATED INFORMATION MANAGEMENT SYSTEM

The Integrated Justice System (IJS), which is situated at the Department of Justice and Constitutional Development, is in charge of developing and managing the integrated information management system. The DCS, on the other hand, has begun implementing an enhanced management system known as the Integrated Inmate Management System (IIMS) in selected centres while a bulk of centres utilise the Admission and Release system. The latter has been in place for more than twenty years.

11. PUBLIC EDUCATION AND COMMUNICATION

As a societal obligation, the DCS is committed to collaborating with other government departments and societal institutions to advocate for the rehabilitation of families and communities as viable entities with good governance, socioeconomic viability, security, and stability. If communities are to benefit optimally from the government's service delivery in numerous areas of activity, this restoration of viability and good governance is necessary. The Department of Correctional Services through community corrections participates in crime prevention and awareness raising by visiting schools. Furthermore, the schools arrange visits to local correctional centres through liaison with the area commissioners. The list of schools visited during 2022/2023 financial year are attached as Annexure C. The summary of themes handled in visits that were conducted during 2022/2023 financial year is attached as Annexure D.

12. CHALLENGES

Challenge	Intervention
The department still has lone children in a number of facilities, and remand inmates are not allowed to be mixed with sentenced children.	Referral of RDs through a negotiated agreement with relevant role players is in place.

13. CONCLUSION

The CJA's implementation is a collective effort led by the National Office, which ensures that the department's operational procedures are updated and necessary officials are trained. Since the CJA (areas of responsibility that fall under the DCS) is implemented at the centre level under the operational leadership of the heads of centres, the heads are included in the department's official training program aimed at improving service delivery. The reduction in the number of children incarcerated in DCS facilities is a visible benefit.

14. ANNEXURES

ANNEXURE A: LONG TERM TRENDS

Calendar Years	Remand Detainees	Sentenced	Total	RD %	Sentenced %
Average for 2000	2229	1681	3910	57.01	42.99
Average for 2001	2042	1711	3753	54.41	45.59
Average for 2002	2255	1796	4051	55.67	44.33
Average for 2003	2324	1802	4126	56.33	43.67
Average for 2004	1912	1698	3610	52.96	47.04
Average for 2005	1332	1233	2564	51.95	48.09
Average for 2006	1144	1095	2239	51.09	48.91
Average for 2007	1196	892	2087	57.31	42.74
Average for 2008	928	870	1799	51.58	48.36
Average for 2009	696	854	1550	44.90	55.10
Child Justice Act (14 to below 18 years)					
Average for 2010	346	658	1004	34.46	65.54
Average for 2011	366	552	918	39.87	60.13
Average for 2012	367	417	784	46.81	53.19
Average for 2013	241	296	537	44.88	55.12
Average for 2014	167	235	402	41.54	58.46
Average for 2015	108	191	299	36.12	63.88
Average for 2016	79	160	239	33.05	66.95
Average for 2017	74	129	203	36.45	63.55
Average for 2018	91	124	215	42.32	57.67
Average for 2019	73	98	171	42.69	57.31
Average for 2020	55	55	110	50.00	50.00
Average for 2021	47	41	88	53.41	46.59
Average for 2022	53	33	86	61,63	38,37

Long term trend: 2001-2022: Annual average based on calendar years:

Source MIS 2001-2014 and Daily unlock calculation: 2015-2022

ANNEXURE B: HEALTH SERVICES AVAILABLE FOR INMATES INCLUDING CHILDREN

- | | |
|---|---|
| <ul style="list-style-type: none"> • Comprehensive Management of Human Immunodeficiency Virus (HIV), Acquired Immunodeficiency Syndrome (AIDS), Tuberculosis (TB) and Sexually Transmitted Infections (STIs) <ul style="list-style-type: none"> • Prevention, amongst others: <ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> - Adherence counseling - Psychosocial support - Direct Observation Treatment Short course (DOTS) - Palliative Care - Personal hygiene • Treatment, amongst others: <ul style="list-style-type: none"> - Anti-retroviral treatment (ART) - Syndromic management of STIs - TB treatment | <ul style="list-style-type: none"> • 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 |
|---|---|

ANNEXURE C: SCHOOLS VISITED BY THE DCS THROUGH COMMUNITY CORRECTIONS

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
Eastern Cape	Amathole Management Area	Eluxolweni Day Care Centre
	Amathole Management Area	Nonceba High School
	Amathole Management Area	Qaqamba Primary School
	Amathole Management Area	Majali High School
	Amathole Management Area	Toise High School
	Amathole Management Area	Mxalanga Primary School
	Amathole Management Area	Qaqamba Primary School
	Amathole Management Area	Emdeni High School
	Amathole Management Area	Kama High School
	Amathole Management Area	Sophakama Jnr Secondary
	Amathole Management Area	Sinethemba High School
	East London Management Area	Qaqamba Senior Secondary School
	East London Management Area	East London Secondary School
	East London Management Area	Lukhanyo Primary School
	East London Management Area	Lukhanyo Primary School
	East London Management Area	Fikille Gawushe Primary School Nu 10
	East London Management Area	Ntombimata Primary School Nu 15
	Kirkwood Management Area	Dale View High School (Steytlerville)
	Mthatha Management Area	Mzuvukile Special
	Mthatha Management Area	Marhelane Senior Sec
	Mthatha Management Area	Elliotdale Tech. S.S.S
	Mthatha Management Area	Mfundisweni S.S.S
	Mthatha Management Area	Gabajana
	Mthatha Management Area	Delityals S.P.S
	Mthatha Management Area	Nkqwiliso P.S
	Mthatha Management Area	Lingelethu J.S.S
	Mthatha Management Area	Bhikitsha J.S. S
	Mthatha Management Area	Mt Ayliff J.S. S
	Mthatha Management Area	Mbange J.S.S
	Mthatha Management Area	Jiliza S.P.S
	Mthatha Management Area	Dambeni s.p.s
	Mthatha Management Area	James Kobi J.S.S
	Mthatha Management Area	Gxididi J.S. S
	Mthatha Management Area	Norwood S.P. S
	Mthatha Management Area	Khanyisa
	Sada Management Area	Sizamulwazi Primary School
	Sada Management Area	Eureka Primary School
	Sada Management Area	Khayamnandi Primary
	Sada Management Area	Aurthur Mfebe High School
	Sada Management Area	Cofimvaba High School
	Sada Management Area	Macembe Junior Primary School
	Sada Management Area	Nyanga High School
	Sada Management Area	Mend Educara Centre
	Sada Management Area	Nonesi Primary School
	Sada Management Area	Makhetha Junior Primary
	Sada Management Area	Mokhetsi Junior Secondary School
	St Albans Management Area	Humansdorp Senior Secondary School
St Albans Management Area	Weston Primary School	

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
Eastern Cape	St Albans Management Area	Graslaagte Primary School
	St Albans Management Area	St. Patricks Primary School
	St Albans Management Area	Hankey Primary School
	St Albans Management Area	Paterson High School
	St Albans Management Area	Alfonso Arries Primary
	St Albans Management Area	Humansdorp Senior Secondary School
	St Albans Management Area	Weston Primary School
	St Albans Management Area	Graslaagte Primary School
	St Albans Management Area	St. Patricks Primary School
	St Albans Management Area	Paterson High School
	St Albans Management Area	Alfonso Arries Primary
	St Albans Management Area	Cowen High School
	St Albans Management Area	Isaac Booï Primary School
	St Albans Management Area	Mdengentonga Lower Primary School
	St Albans Management Area	Amlanzi Primary School
Free State & Northern Cape	Groenpunt Management Area	Qedilizwe Secondary School
	Groenpunt Management Area	Sehopotso Secondary School
	Groenpunt Management Area	Thuto Lore Secondary School
	Groenpunt Management Area	Letsemeng Primary School
	Groenpunt Management Area	Iphahlolle primary School
	Groenpunt Management Area	Tshitso Primary School
	Groenpunt Management Area	Tshepong Primary School
	Groenpunt Management Area	Eatonside Primary School
	Groenpunt Management Area	Thuto Tiro Sec School
	Groenpunt Management Area	Dinokaneng Sec School
	Groenpunt Management Area	Residensia High School
	Groenpunt Management Area	Lekoa Shandu Sec School
	Groenpunt Management Area	Moshate Sec School
	Groenpunt Management Area	Sizanani Sec School
	Groenpunt Management Area	Botebo Tsebo Sec School
	Groenpunt Management Area	ED Mashabane Sec School
	Groenpunt Management Area	General Smuts Sec School
	Groenpunt Management Area	Fundulwazi Sec School
	Groenpunt Management Area	Tsholo Sec School
	Groenpunt Management Area	Buhle Primary School
	Goedemoed Management Area	Trompsburg High
	Goedemoed Management Area	Albertina Sisulu High: Edenburg
	Goedemoed Management Area	Williamsville Primary: Springfontein
	Goedemoed Management Area	Zastron High
	Goedemoed Management Area	Lerethabetse Primary: Koffiefontein
	Bizzah Makhate Management Area	Mosala Secondary
	Bizzah Makhate Management Area	Khotsong Primary School
	Bizzah Makhate Management Area	Monyakeng High School
	Bizzah Makhate Management Area	Eldoret High School
	Bizzah Makhate Management Area	Mautse Primary School
	Bizzah Makhate Management Area	Taung Secondary School
	Bizzah Makhate Management Area	Masaleng Primary School
	Bizzah Makhate Management Area	Boitumelo Secondary School

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
Free State & Northern Cape	Bizzah Makhate Management Area	Bahale Secondary
	Bizzah Makhate Management Area	Ventersburg Intermediate
	Bizzah Makhate Management Area	Matseripe Secondary
	Bizzah Makhate Management Area	Mabila Intermediate School
	Bizzah Makhate Management Area	Akofang Intermediate School
	Bizzah Makhate Management Area	Pheta Intermediate School
	Bizzah Makhate Management Area	Matsikeng Intermediate School
	Bizzah Makhate Management Area	Moteka Secondary School
	Bizzah Makhate Management Area	Akofang Intermediate School
	Bizzah Makhate Management Area	Clubview Secondary School
	Bizzah Makhate Management Area	Thlorong Secondary School
	Bizzah Makhate Management Area	Kwadi Secondary School
	Bizzah Makhate Management Area	Sekoko Junior Primary
	Bizzah Makhate Management Area	Mohloli-Thuto Secondary
	Bizzah Makhate Management Area	Ee Monese Secondary
	Bizzah Makhate Management Area	School In Bohlokong
	Bizzah Makhate Management Area	Kgotso Xolo Secondary School
	Bizzah Makhate Management Area	Ntsu Secondary School
	Bizzah Makhate Management Area	Polokeng Secondary School
	Bizzah Makhate Management Area	Lenakeng Comprehensive School
	Bizzah Makhate Management Area	Concordia Secondary School
	Bizzah Makhate Management Area	Welkom Secondary School
	Bizzah Makhate Management Area	Eldorado Secondary School
	Bizzah Makhate Management Area	Marematlou Secondary School
	Bizzah Makhate Management Area	Taiwe Secondary School
	Bizzah Makhate Management Area	Bodibeng Secondary School
	Bizzah Makhate Management Area	Matsepe Primary School
	Bizzah Makhate Management Area	Brentpark High School
	Bizzah Makhate Management Area	Mphatlalatsane Public School
	Bizzah Makhate Management Area	Kgabareng Public School
	Bizzah Makhate Management Area	Phomolong Primary School
	Bizzah Makhate Management Area	Rebatlathuto High School
	Bizzah Makhate Management Area	Kgolakganyo High School
	Bizzah Makhate Management Area	Sarel Cilliers Combined School
	Bizzah Makhate Management Area	SS Mafube Primary School
	Bizzah Makhate Management Area	Maokeng Public School
	Bizzah Makhate Management Area	Dr Reginald Cingo Secondary School
	Bizzah Makhate Management Area	Seeisoville Primary School
	Bizzah Makhate Management Area	Adeline Meje Public School
	Bizzah Makhate Management Area	Phephetso Secondary School
	Bizzah Makhate Management Area	Relebohile Public School
	Bizzah Makhate Management Area	Moepeng Public School
	Colesberg Management Area	Orion Secondary School
	Colesberg Management Area	Alfa Primary School
Grootvlei Management Area	Ntumediseng High School	
Grootvlei Management Area	Tebelelo Primary School	
Grootvlei Management Area	Brebner High School	
Grootvlei Management Area	Tierpoort farm School	
Grootvlei Management Area	Bloemfontein High School	

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
Free State & Northern Cape	Grootvlei Management Area	Chriestian Brothers High School
	Grootvlei Management Area	Tsholohelo Intermediate School
	Grootvlei Management Area	Tweespruit Combined School
	Grootvlei Management Area	Lenyora la Thuto School
	Grootvlei Management Area	Moemedi High School
	Grootvlei Management Area	Sehunelo Secondary School
	Grootvlei Management Area	Maboloka Primary School
	Grootvlei Management Area	St Patrick Primary School
	Boshof Community Corrections	Malebogo Primary School
	Grootvlei Management Area	Matshidiso Secondary School(Brandfort)
	Grootvlei Management Area	Le-Reng High School
	Grootvlei Management Area	Tshepang High School
	Grootvlei Management Area	Tweespruit Combine
	Grootvlei Management Area	Unicom High School
	Grootvlei Management Area	Kopano Primary
	Grootvlei Management Area	Itokisetseng Bokamoso Secondary School
	Grootvlei Management Area	Beisang Mabewane Primary School
	Grootvlei Management Area	Thaba-Patswa Primary School, Thaba-Patswa
	Grootvlei Management Area	Thapelong Secondary School
	Grootvlei Management Area	Thapelong Van-Statdensrus
Limpopo Mpumalanga & Northwest	Polokwane Management Area	Maphutha High School
	Polokwane Management Area	Marumofase High School:
	Polokwane Management Area	Taxila High School
	Polokwane Management Area	Westernberg High School
	Polokwane Management Area	Kabelo High School
	Polokwane Management Area	Boys and Girls foundation; Men's Seminar
	Polokwane Management Area	Majadibodu High School
	Polokwane Management Area	Mahlajwa High School:
	Polokwane Management Area	Fetakgomo High School
	Polokwane Management Area	Jacob Marwale Primary School
	Polokwane Management Area	Frank Mashile High School
	Polokwane Management Area	Ngwanamala High School
	Polokwane Management Area	Le rena reka kgona Special School
	Polokwane Management Area	Phuthakwe High School
	Polokwane Management Area	Moroka Lebole High School
	Polokwane Management Area	Mmaseala Progressive School
	Polokwane Management Area	Mothimako High School
	Polokwane Management Area	Mamphoku High School
	Polokwane Management Area	Lekota High School
	Polokwane Management Area	Mafolofolo High School
	Polokwane Management Area	Molosi High School
	Polokwane Management Area	Leruleng High School
	Polokwane Management Area	Jawejawe Ledwaba High School
	Polokwane Management Area	Pax Collage
	Polokwane Management Area	Mphatlalatsane High School
	Polokwane Management Area	Mahoai High School
	Polokwane Management Area	Ipopeng High School
	Polokwane Management Area	Kgolouthwane High School
	Polokwane Management Area	Ratlhagana High School

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
Limpopo Mpumalanga & Northwest	Polokwane Management Area	Moruleng High School,
	Polokwane Management Area	Nirvana Primary School,
	Polokwane Management Area	Good Hope Westernburg High School
	Polokwane Management Area	Dinao Secondary School
	Polokwane Management Area	Seshigo High School,
	Polokwane Management Area	Mohlakaneng High School,
	Polokwane Management Area	ME Makgatho High School
	Polokwane Management Area	Mafofolo High School,
	Barberton Management Area	Solomondale Primary School,
	Barberton Management Area	Maesala Progressive School,
	Barberton Management Area	Leruleng High School
	Barberton Management Area	BB Matlaila and Dikubu primary Schools
	Barberton Management Area	Masopha High School
	Barberton Management Area	Ditsepu High School
	Barberton Management Area	Phala High School
	Barberton Management Area	Waterberg TVET (Lebowakgomo)
	Barberton Management Area	Sinqobile Secondary School
	Barberton Management Area	Suikerland Secondary School
	Bethal Management Area	Kwadela Secondary School
	Bethal Management Area	Enon Primary School
	Bethal Management Area	Lungelo Primary School
	Bethal Management area	Klein Vrystat PRIMARY School
	Bethal Management area	Eziwelile Secondary School
	Bethal Management area	Ndlela High School
	Bethal Management area	Early Bird Primary School
	Bethal Management area	Thobelani Secondary School
	Bethal Management area	Shukushukuma Primary School
	Rooigrond Management Area	Multi -purpose Centre in Tsetse Village
	Rooigrond Management Area	Kgoke Lesabe School in Biesiesvlei
	Rooigrond Management Area	Thusanang Care Centre for Disabled Children
	Rooigrond Management Area	Retlametswe Special School
	Rooigrond Management Area	Thusanang Care Centre for Disabled Children
	Rooigrond Management Area	Lekgetha Commercial School
	Rooigrond Management Area	English Secondary School
	Rooigrond Management Area	Retlametswe Special School
	Rooigrond Management Area	Retlaadira Primary School
	Rooigrond Management Area	Phatsima Primary School
	Rooigrond Management Area	Stellaland Primary School
	Rooigrond Management Area	Retlametswe Special School
	Rooigrond Management Area	Retlametswe Special School
	Rooigrond Management Area	Thusanang Care Centre for Disabled Children
	Rooigrond Management Area	Pule Leeuw Secondary School
Rooigrond Management Area	Bethel High School	
Rooigrond Management Area	Matlhonyane Primary School	
Rooigrond Management Area	Legae La Bana	
Rooigrond Management Area	Batswana Commercial Secondary School	

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
Limpopo Mpumalanga & Northwest	Rooigrond Management Area	Retlametswe Special School
	Rooigrond Management Area	Phatsima Primary School in Boikhutso
	Rooigrond Management Area	Thusanang Care Centre for Disabled Children
	Rooigrond Management Area	Batho batho Primary School
	Rooigrond Management Area	Boikagong Child and Youth Care Centre
	Rooigrond Management Area	Modisakoma Primary School
	Rooigrond Management Area	Zeerust Primary School
	Rooigrond Management Area	Molelwane Secondary School
	Rooigrond Management Area	Nietverdiend Laer School
	Rooigrond Management Area	Sol Plaatjie Secondary School
	Rooigrond Management Area	Goodwill Primary School
	Thohoyandou Management Area	Mbilwi High School
	Thohoyandou Management Area	Maebani Primary School
	Thohoyandou Management Area	Mamothi Primary School
	Thohoyandou Management Area	Ntlhaveni high School
	Thohoyandou Management Area	Boduma Primary School
	Thohoyandou Management Area	Makgato Primary School
	Thohoyandou Management Area	Shingwedzi high School
	Thohoyandou Management Area	Lephalala Primary School
	Witbank Management Area	Pine ridge Combine School
	Witbank Management Area	Jeremiah Mndaka Primary School
	Witbank Management Area	Empucukweni Secondary School
	Witbank Management Area	Kwaguqa Primary School
	Witbank Management Area	Elukhanyisweni Secondary School
	Witbank Management Area	Elukhanyisweni Secondary School
	Witbank Management Area	Tasbet Primary School
	Witbank Management Area	Ogies Combined School
	Witbank Management Area	Empucukweni Secondary School
	Witbank Management Area	Middelburg Combined School
	Witbank Management Area	V.J Secondary School
	Witbank Management Area	Emakhazeni Boarding School
	Witbank Management Area	Vukuzame high School
	Witbank Management Area	Mgwezane High School
Witbank Management Area	Entokozweni Senior Secondary School	
Western Cape	Allandale Management Area	Drostdy Primary School
	Allandale Management Area	Newton Primary School (Wellington)
	Allandale Management Area	WA Joubert Primary School (Northern Paarl)
	BreedeRiver Management Area	Klaasvoogds Primary School
	BreedeRiver Management Area	Langeberg Secondary School
	BreedeRiver Management Area	Northridge Primary School
	BreedeRiver Management Area	Aan De Doorns Primary School
	BreedeRiver Management Area	Hex Park Primary School
	Drakenstein Management Area	Sir Louwrys Pass Primary School
	Drakenstein Management Area	False Bay Primary School
	Drakenstein Management Area	Strand Secondary School
	Drakenstein Management Area	Strand Secondary School
	Drakenstein Management Area	Umnqobhiso Primary School
	Drakenstein Management Area	Dr Joubert Primary School

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
Western Cape	Drakenstein Management Area	Rusthof Secondary School
	Drakenstein Management Area	Dr Joubert Primary School
	Drakenstein Management Area	Rusthof Secondary School
	Drakenstein Management Area	Macassar Primary School
	Drakenstein Management Area	Kylmore Primary School
	Drakenstein Management Area	Khayamandi Primary School
	Goodwood Management Area	Kraaifontein Primary School
	Goodwood Management Area	Rosendal High School
	Goodwood Management Area	Marconi Beam Primary School
	Goodwood Management Area	Silver Leaf Primary School
	Goodwood Management Area	Kraaifontein Secondary School
	Overberg Management Area	Swartberg Primary School
	Overberg Management Area	Mossienes Pre School
	Overberg Management Area	Msenge Pre School
	Overberg Management Area	Mickey Mouse Pre School
	Overberg Management Area	Wippie & Snippi Pre School
	Overberg Management Area	Siyakhula Day Care School
	Pollsmoor Management Area	Oranjesig Primary School
	Pollsmoor Management Area	Lavender Hill High School
	Pollsmoor Management Area	Constantia Primary School
	Pollsmoor Management Area	Youth Camp with YMCA and different Schools
	Pollsmoor Management Area	Youth Camp with YMCA and different Schools
	Pollsmoor Management Area	Grassdale High
	Pollsmoor Management Area	Trafalgar High School
	Pollsmoor Management Area	Trafalgar High School
	Pollsmoor Management Area	Silverleaf Junior Du Noon
	Pollsmoor Management Area	Silverleaf Junior Du Noon
	Pollsmoor Management Area	Lorier Primary School
	Pollsmoor Management Area	Lorier Primary School
	Pollsmoor Management Area	Lorier Primary School
	Pollsmoor Management Area	Lorier Primary School
	Pollsmoor Management Area	Beacon Hill High School
	Southern Cape Management Area	St Matthew's Primary School
	Southern Cape Management Area	Jonga High School
	Southern Cape Management Area	Gerrit du Plessis high School: Riversdale
	Southern Cape Management Area	Albertinia high School: Albertinia
	Southern Cape Management Area	Voorwaards Primary School: Riversdale
	Southern Cape Management Area	Concordia High School
	Southern Cape Management Area	Concordia High School
	Southern Cape Management Area	Plettenbergbay Secondary School
	Southern Cape Management Area	E.K. Primary School Zoar
	Southern Cape Management Area	E.K. Primary School Zoar
	Southern Cape Management Area	Sao Bras Secondary School
Southern Cape Management Area	Rooiheuvel Primary School	
Southern Cape Management Area	Jonga High School	
Southern Cape Management Area	Dekboshoff Primary School	
Voorberg Management Area	Hantam Secondary School	

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
Western Cape	Voorberg Management Area	Middelpos Primary School
	Voorberg Management Area	Eendekuil Primary School
	Voorberg Management Area	Groenvlei Primary School
	Voorberg Management Area	Nuhoop Primary School
	Voorberg Management Area	Carl Schreve Mor Primary School
	Voorberg Management Area	Roosendal Primary School
	Voorberg Management Area	Niewoudt Primary School
	West Coast Management Area	Meiring Primary School
	West Coast Management Area	Koringberg Primary School
	West Coast Management Area	Koringberg Primary School
	West Coast Management Area	Riebeeck West Primary School
	West Coast Management Area	Riebeeck West Primary School
	West Coast Management Area	Hopefield Primary, Hopefield
	Gauteng	Boksburg Management Area
Boksburg Management Area		Villa Liza High School and Wind Millpark High
Boksburg Management Area		Masthwalisane Secondary School
Boksburg Management Area		Tshabalala Primary School
Boksburg Management Area		Lethulwazi Comprehensive School
Boksburg Management Area		Wind Millpark High School
Boksburg Management Area		Eketsang Secondary and Sijabulile School
Boksburg Management Area		Masthwalisane and Erasmus Schools
Baviaanspoort Management Area		Mthunzini Primary School
Baviaanspoort Management Area		Refentse Primary School
Baviaanspoort Management Area		Sindawonye Primary School
Baviaanspoort Management Area		Pula Difate Primary School
Baviaanspoort Management Area		Tshegofatsong Primary School
Baviaanspoort Management Area		Laerskool Akasia
Baviaanspoort Management Area		Vukauzenzele Primary School
Baviaanspoort Management Area		Via Nova School
Baviaanspoort Management Area		Gatanang High School
Baviaanspoort Management Area		Kammelfontein Primary School
Johannesburg Management Area		Thutalore Secondary School
Johannesburg Management Area		Eldorado Park Secondary School
Johannesburg Management Area		Lawley Primary School
Johannesburg Management Area		Lancea Vale Secondary School
Johannesburg Management Area		Megatong Primary School
Johannesburg Management Area		Zola Primary School
Johannesburg Management Area		Sekano Ntoane Secondary
Johannesburg Management Area		Altmont Tech
Johannesburg Management Area		Immaculata High School
Johannesburg Management Area		Thaba Tshehlo Primary School
Johannesburg Management Area		White City Skills School
Johannesburg Management Area		Matseliso Secondary
Johannesburg Management Area		George Khosa Secondary
KMII Management Area		Baxolele Primary School
KMII Management Area	Hoers Kool Pretoria wes	
KMII Management Area	Mmasempame primary School	
KMII Management Area	Uitsig High School	

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
Gauteng	KMII Management Area	Mmakaunyana secondary School
	KMII Management Area	Walter Sisulu primary School
	KMII Management Area	Elandspoort high School
	KMII Management Area	Thoho ya ndou primary School
	KMII Management Area	Reinotswe secondary School
	KMII Management Area	Klipgat High School
	KMII Management Area	Lyttleton manor high School
	KMII Management Area	Laudium secondary School
	KMII Management Area	Himalaya secondary School
	KMII Management Area	Phelindaba secondary School
	KMII Management Area	Saul ridge secondary School
	KMII Management Area	Hoerskool Pretoria Wes
	KMII Management Area	Steve Tshwete secondary School
	KMII Management Area	Seshegong secondary School
	KMII Management Area	Olievenhoutbosch secondary School
	Krugersdorp Management Area	Seatile Primary School Bekkersdal
	Krugersdorp Management Area	Sithulela Primary School Wheatland's
	Krugersdorp Management Area	Lerato Children Centre
	Krugersdorp Management Area	Rooipoort Primary School in Carletonville
	Krugersdorp Management Area	Thembile Primary School in Kagiso
	Modderbee Management Area	Thakgalang Primary School
	Modderbee Management Area	Emzimkhulu Primary School
	Modderbee Management Area	Nigel High School
	Modderbee Management Area	Alra Park Secondary School
	Modderbee Management Area	Tshipi- Noto Primary School
	Modderbee Management Area	Dinito High School
	Modderbee Management Area	Dan Pharatsi Primary School
	Modderbee Management Area	Dan Kubheka Primary School
	Leeuwkop Management Area	Shukumani Primary School Tembisa
	Leeuwkop Management Area	Mvelaphanda Primary School Tembisa
	Zonderwater Management Area	Chipa Tabane Comprehensive High School
	Zonderwater Management Area	Retang Primary School
Zonderwater Management Area	Sinenhlanhla Primary School	
Zonderwater Management Area	Hlabelela Primary School	
KwaZulu-Natal	Pietermaritzburg Management Area	Emzamweni High School
	Pietermaritzburg Management Area	Zibukezukululu Technical High School
	Pietermaritzburg Management Area	Nansindlela Primary School
	Pietermaritzburg Management Area	Camperdown Combined School
	Pietermaritzburg Management Area	Nobhala High School
	Pietermaritzburg Management Area	Undabukhona Primary School
	Pietermaritzburg Management Area	Fundokuhle High School
	Pietermaritzburg Management Area	Gabangolwazi School
	Pietermaritzburg Management Area	Thuthukisa Primary School
	Pietermaritzburg Management Area	Mpopheni High School
	Pietermaritzburg Management Area	Asibemunye Secondary
	Pietermaritzburg Management Area	Nhlanhleni Primary School
	Pietermaritzburg Management Area	Zisikeleni Primary School
	Pietermaritzburg Management Area	Orient Heights High School
	Pietermaritzburg Management Area	Ihuba High School

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
KwaZulu-Natal	Pietermaritzburg Management Area	Copsville Primary School
	Pietermaritzburg Management Area	Eastwood Primary School & High School
	Pietermaritzburg Management Area	Zamazulu Secondary School
	Pietermaritzburg Management Area	Siqongweni High School
	Pietermaritzburg Management Area	Siyahlomula High School
	Pietermaritzburg Management Area	Funulwazi Primary School
	Pietermaritzburg Management Area	Edendale Primary School
	Pietermaritzburg Management Area	Khethindlelenhle Primary School
	Pietermaritzburg Management Area	Silwanetshe Primary School
	Pietermaritzburg Management Area	Siyanda High School
	Pietermaritzburg Management Area	Mbanjwa Primary School
	Pietermaritzburg Management Area	Laduma High School
	Pietermaritzburg Management Area	Ekukhanyeni School of the Disabled
	Pietermaritzburg Management Area	Linpark High School
	Pietermaritzburg Management Area	Gabangolwazi High School
	Pietermaritzburg Management Area	Thuthuka Primary School
	Pietermaritzburg Management Area	Inkomeni High School
	Pietermaritzburg Management Area	Linhood Primary School
	Pietermaritzburg Management Area	Nelsrus Primary School
	Pietermaritzburg Management Area	Gengeshe Primary School
	Pietermaritzburg Management Area	Mzwandile Primary School
	Pietermaritzburg Management Area	Richmond Primary School
	Pietermaritzburg Management Area	Mcoseli High School
	Pietermaritzburg Management Area	Mbambangalo High School
	Pietermaritzburg Management Area	Zuzulwazi High School
	Pietermaritzburg Management Area	Mthoqotho High School
	Pietermaritzburg Management Area	Ncedomhlophe High School
	Pietermaritzburg Management Area	Qoqisizwe High School
	Pietermaritzburg Management Area	Nobhala High School
	Pietermaritzburg Management Area	John Paul Secondary School
	Pietermaritzburg Management Area	Incwadi Secondary School
	Pietermaritzburg Management Area	Saint Secondary School
	Pietermaritzburg Management Area	Khanyisani Crèche
	Pietermaritzburg Management Area	New Hanover Primary
	Pietermaritzburg Management Area	Ekuthuleni High School
	Kokstad Management Area	Nyaniso Senior Secondary School
	Kokstad Management Area	Azariel Senior Secondary School
	Kokstad Management Area	Tsitong Senior Secondary School
	Kokstad Management Area	Polokong Junior Secondary School
	Kokstad Management Area	Mt Hagreaves Senior Secondary School
	Kokstad Management Area	Sozabe High School
	Kokstad Management Area	Nyavini High School
	Kokstad Management Area	Bhanoyi High School
	Kokstad Management Area	Nonzamo High School
	Kokstad Management Area	Franklin High School
	Kokstad Management Area	Carl Malcomess High School
	Waterval Management Area	Siyalungelwa High School
	Waterval Management Area	Khethukuthula High School
	Waterval Management Area	Muziwethu High School

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
KwaZulu-Natal	Waterval Management Area	Mzokhanyayo High School
	Waterval Management Area	Nkabane Combined School
	Waterval Management Area	Mlondolozu High School
	Waterval Management Area	Sididini Primary School
	Waterval Management Area	Zazi High School
	Waterval Management Area	Cacamezela High School
	Waterval Management Area	Hlalunolwazi Primary School
	Waterval Management Area	Thubelihle High School
	Waterval Management Area	Mlamleli Primary School
	Waterval Management Area	Sisizakele Primary School
	Waterval Management Area	Cathulani Primary School
	Waterval Management Area	Qedizebo High School
	Ncome Management Area	Sibanisakhe High School
	Ncome Management Area	Yanguye High School
	Ncome Management Area	Stheku High School
	Ncome Management Area	Mtonjaneni High School
	Ncome Management Area	Ntathukuza Combined School
	Ncome Management Area	Mphofini Secondary School
	Ncome Management Area	Msimba High School
	Ncome Management Area	Thembekile Primary School
	Ncome Management Area	Phakatanayo High School
	Ncome Management Area	Nondumo High School
	Ncome Management Area	Velaphanzi High School
	Ncome Management Area	Matheku Secondary School
	Ncome Management Area	Solomuzi Secondary School
	Ncome Management Area	Hlubi High School
	Ncome Management Area	Mhayehigh School
	Ncome Management Area	Ndlelahle High School
	Glencoe Management Area	Ukhali Primary School
	Glencoe Management Area	Riversdale Primary School
	Glencoe Management Area	Umtshezi High School
	Glencoe Management Area	Pisgah Primary School
	Glencoe Management Area	Mthiyane Primary School
	Glencoe Management Area	Bhekathina Primary School
	Glencoe Management Area	Mhlungwini Primary School
	Glencoe Management Area	Buhlebuyeza High School
	Glencoe Management Area	Nstwelamanzi Primary School
	Glencoe Management Area	KwaMiya Primary School
	Glencoe Management Area	Bukuzu Primary School
	Glencoe Management Area	Gcothoyi Secondary School
	Glencoe Management Area	Kranskop Primary School
	Glencoe Management Area	Hlangabeza High School
	Glencoe Management Area	Makhedama High School
	Durban Management Area	JE Ndlovu High School
	Durban Management Area	Kwasanti Secondary School
	Durban Management Area	Isikhwelo SP School
Durban Management Area	Sompukane High School	
Durban Management Area	Embizweni Junior School	
Durban Management Area	Siyabulela High School	

Region	Management area that visited Schools (Correctional Centres excluded)	Name of the School
KwaZulu-Natal	Durban Management Area	Botate High School
	Durban Management Area	Kamanzini High School
	Durban Management Area	Ezimbokodweni High School
	Durban Management Area	Wentworth High School
	Durban Management Area	Okumhlophe Senior Secondary School
	Durban Management Area	Mzwamandla High School
	Durban Management Area	Emsebe SP School
	Durban Management Area	Sithokozile High School
	Durban Management Area	Zandile HP School
	Durban Management Area	Zwelihle High School
	Durban Management Area	Branhoven High School
	Durban Management Area	Witteklip Secondary School
	Durban Management Area	St Croftdene High School
	Durban Management Area	Zimisle Primary School
	Empangeni Management Area	Nononti Primary
	Empangeni Management Area	Indlabeyilandula High School
	Empangeni Management Area	Inyoni Primary School
	Empangeni Management Area	Umuntunokudla High School

ANNEXURE D: THEMES FOR CRIME PREVENTION PROGRAMMES ON SCHOOL VISITS

Crime Awareness and its consequences
The importance of education towards a crime free life
Respect for others and comply with Law
The role of Correctional Services in Society and the effects of crime in teenagers.
Child protection week
School safety awareness
Crime Awareness & Substance Abuse
School Safety
Crime Awareness & Substance Abuse, Cyber bullying, GBV & Theft
Crime Awareness and its consequences
Bullying
Crime awareness Campaign
Drug and Substance Abuse
Bullying
Self-sustenance (Planting of vegetables and gardening)
Learner Motivation for girl child on teenage pregnancy
School search and crime, drugs and substance abuse awareness campaign
School talk on crime awareness
Mass cleaning campaign & Crime awareness talk to learners.



DEPARTMENT
OF SOCIAL
DEVELOPMENT



DSD ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT,75 OF 2008 FOR THE FINANCIAL YEAR

2022/2023



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social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA



**LEAVE NO
ONE BEHIND**

**DSD ANNUAL REPORT ON THE
IMPLEMENTATION OF THE CHILD JUSTICE
ACT,75 OF 2008 FOR THE FINANCIAL YEAR
2022/2023**

OFFICIAL SIGN OFF

It is hereby certified that this departmental annual report was by the Department of Social Development and submitted in terms of section 96(3)(a)(b) of the Child Justice Act 2008 (Act no 75 of 2008). The report highlights the progress in terms of DSD responsibilities in the implementation of the Act.

MR L.MCHUNU

ACTING DIRECTOR GENERAL: SOCIAL DEVELOPMENT



SIGNATURE

DATE:14/072023

**DSD ANNUAL REPORT ON THE
IMPLEMENTATION OF THE CHILD JUSTICE
ACT,75 OF 2008 FOR THE FINANCIAL YEAR
2022/2023**

1. EXECUTIVE SUMMARY

The Department of Social Development is mandated with the implementation of the Child Justice Act 75 of 2008; the Probation Services Act (Act 116 of 1991) as amended, and the Children's Act 38 of 2005, and as such must 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:

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

- e. Establishing and maintaining the registers children less than 10 years of age and another for diversion referral.
- f. Accreditation of diversion service providers and programmes for both private and public entities.

2. BUILDING CAPACITY IN THE SECTOR

The Department of Social Development has formalized ongoing engagements with the institutions of higher learning to coordinate and facilitate the integrated social crime prevention campaigns. The purpose of the scheduled campaigns is to ensure the ongoing and proactively responses to criminal and violent related matters that are experienced in South Africa and are addressed in an integrated approach.

A total of thirty-three (33) campuses were reached through prevention and early intervention measures to curb social ills during the period under review. The following campuses were reached: Buffalo City College, St Marks and East London Campus: 20-21 April 2022; University of Venda: 10th to 13th May 2022 ; Waterval Boven TVET college: 25th May 2022 ; Ehlanzeni TVET college; 1st June 2022 ; CNN TVET college: 14th June 2022; Durban University of Technology - Pietermaritzburg Campus: 19th July 2022; Hazy view: Mthimba TVET College: 1st August 2022; Acorn Hoek: Mapulaneng TVET College: 2nd August 2022; Durban University of Technology – Ritson Campus: 5th -6th August 2022; CPUT (District six campus) Vuselela TVET college on the 22 July 2022; University of Free State (main) on 13 September 2022 ; Buffalo City College (John Knox campus) on 26 July 2022; Tshwane South TVET College: Pretoria West Campus 16 September 2022; University of Pretoria, Prinshof: 7th October 2022; University of Pretoria, Groenloof: 10th October 2022; University of Limpopo: 18th October 2022; TOSA TVET: 3rd February 2023, University of Zululand KwaDlangezwa: 7th February 2023 and Richards Bay: 8th February 2023; Middelburg TVET college: 14th -

15th February 2023; Northern Cape Urban TVET college: 15th February 2023; Solplaatjie University: 16th February 2023; Peninsula University of Technology: 8th -9th March 2023 and Sefako Makgatho Health Science University: 10th March 2023.

2.1. Implementation of the Policy on the Provision of Probation Services beyond normal working hours

In ascertaining that the Child Justice Act implementation timeframes are met, Probation Services practitioners are available whenever a need arises and that the anticipated dire need for services is adhered to at all levels of service delivery, the department of Social Development is ongoingly monitoring the implementation of the Policy on the Provision of Probation Services beyond normal working hours in the provinces. To date the following provinces were monitored: **Free State** on the 15th of August 2022; **Western Cape** on the 15th of August; **Limpopo** on the 6th of September; **Eastern Cape** on the 6th of September; **North West** on the 9th of September ; KwaZulu Natal on the 9th of September and Northern Cape on the 9th of September 2022.

2.2. Implementation of Department of Social Development Anti-Gangsterism Strategy

The National Department of Social Development has a strategy which is a plan of the Department to prevent Gangsterism in secure care facilities and communities. During the period under review, nine high-risk districts affected by gangsterism and groupings of children emulating the gangs were identified. Educational sessions on prevention of Gangsterism were held in all high risk districts identified.

The Probation officers played a pivotal role in identification of high risk on the incidences in their respective districts and wards as they are in the fore front in assessment of children. The incidences and prevalence of gangsterism by children were picked up as media, parents and commu-

nities noted significant increase of violence. Therefore, a multidisciplinary Intervention approach was necessary to tackle the challenge, this was composed of law enforcement, probation, and outreach personnel who worked together to case manage gang intervention targets within the context of five interrelated strategies: social intervention, opportunities provision, community mobilization, suppression, and organizational change and development.

The Key activities covered on prevention of Gangsterism includes:

- Establishing parental and Children own experiences of causes of gangsterism and possible solutions.
- Knowledge of the signs of gangsterism.
- Information sharing by stakeholders on ways to prevent gangsterism.
- Community capacity enhancement on Gangsterism and bullying for parents to know the early signs and taking steps to prevent gangsterism.

During the financial year 2022 to 2023, the following High-Risk District were covered.

PROVINCE	DISTRICTS	DATES	TARGET
FREE STATE	Xhariep in zastron	05 August 2022	Parents & Children
KWAZULU-NATAL	eThekweni South in Wentworth	16 August 2022	Parents & Children
NORTHERN CAPE	Francis Baard in Pampierstad	31 August 2022	Parents & Children
NORTHWEST	DR Kenneth Kaunda in Jouberton	26 October 2022	Parents and Children
GAUTENG	Sedibeng District (Five Schools) in Vanderbijlpark and Sebokeng	18-19 October 2022 28 October 2022	Parents and Children
EASTERN CAPE	Sarah Baartman in Humansdorp	7 November 2022	Parents and Children
LIMPOPO	Capricorn Polokwane Secure Care	23-24 February 2023	Parents and Children
	Vhembe in Biaba	24 March 2022	
MPUMALANGA	Gert Sibande in Embalenhle,Secunda	29 March 2023	Parents and Children

The engagements was with the parents, children, stakeholders, (Traditional leadership, NPO's Community Safety, SAPS, DBE, DCS) and DSD basket of Services (Social Crime Prevention , Families, Anti-Substance Abuse, Victim empowerment).

The impact in this regard was that target group gained more information themselves as they dialogue/ discussed each other on the topic of gangsterism and bullying. Parents also acknowledged and shared their inconsistent parenting styles which was not moving with times as there are parents who are still using their children to sell drugs and encourage children to fight back.

They benefited from knowing the early signs of children through testimony by former offender who shared the consequences of being I trouble with the law. The children benefitted further by being empowered on their self-worth and managing the anger through use of sessions in the DSD Playing Through the Forest and Rhythm of life which

at risk of gangsterism, communication skills on how to constructively confront a child or teen at risk of being involved in gangs as well as how parents can manage conflict when a child report, she/he is bullied. They also benefitted from information and assistance shared from Victim Empowerment and a service from GBVCC including family preservation and parenting styles presentation provided by families' programme.

Other stakeholders shed light to parents and children are Social Crime Prevention Therapeutic Programmes as part on the spot early intervention.

Xhariep District in Zastron



eThekweni South in Wentworth



Francis Beard in Pampierstad



5.4. Sarah Baartman in Humansdorp



5.5. Dr Kenneth Kaunda District in Jouberton





5.6. Sedibeng Region



Vhembe District in Biaba



Gert Sibande District in Embalenhle-Secunda





3. ENSURING ASSESSMENT OF CHILDREN

The Department of Social Development conducted a total of **13 934** assessments for the period under review. This number of assessments conducted shows a decrease of **448** when compared to the same period last financial year which was **14 382**.

NB: It must be noted that these numbers exclude the EC Province.

The table below depicts the number and gender of children **Assessed**:

AGES	2021/22		TOTAL	2022/23		TOTAL
	GENDER			GENDER		
	MALES	FEMALES		MALES	FEMALES	
10	80	4	84	119	10	129
11	121	19	140	76	12	88
12	238	33	271	230	29	259
13	516	88	604	516	88	604
14	555	103	658	1052	221	1273
15	1039	185	1224	1897	302	2199
16	1938	314	2252	3159	449	3608
17	3062	521	3583	4384	488	4872
18	4221	496	4717	216	30	246
19	203	27	230	26	5	31
20	32	11	43	22	5	27
21	31	6	37	29	7	36
Other	476		476	562		562
GRAND TOTAL	12 537	1 845	14 382	12 288	1 646	13 934

TOP FIVE OFFENCES COMMITTED BY ASSESSED CHILDREN

For the 2021/22 and 2022/23 financial period, there is a commonality with regards to the top five types of offences committed by the assessed children.

The table below depicts the **top five offences committed by the assessed children**:

TOP FIVE OFFENCES COMMITTED BY ASSESSED CHILDREN	2021/22		TOTALS	TOP FIVE OFFENCES COMMITTED BY ASSESSED CHILDREN	2022/23		TOTALS
	MALES	FEMALES			MALES	FEMALES	
Assault GBH	2502	351	2853	Assault GBH	2414	309	2723
Rape	1544	25	1569	Common Assault	1417	384	1801
Common Assault	1179	323	1502	Rape	1377	21	1398
Theft	922	142	1064	Theft	921	139	1060
Malicious damage to property	836	132	968	Malicious damage to property	819	123	942
GRAND TOTAL	6 983	973	7 956	GRAND TOTAL	6 948	976	7 924

4. DIVERSION SERVICES

4.1. Progress on implementation of the Policy Framework for Accreditation of Diversion Services

4.1.1. Experiential learning programme or block diversion.

The Directorate: Social Crime Prevention is exploring the possibility of formalizing block diversion or experiential learning programme as part of therapeutic intervention offered in an away-from-home setting or in a wilderness environment. In 2015, the National Department of Social Development developed and accredited nine therapeutic diversion programmes. Amongst the nine programmes developed and accredited, the experiential learning programme was not included. The minimum norms and standards for diversion provide that diversion services must be accessible to all children regardless of their geographical location.

Currently, not all children have access to diversion programmes due to the vastness of other provinces where daily travel to access diversion services is practically impossible.

Standard 40-45 of the Reviewed Policy Framework for Accreditation of Diversion Services of 2018 read with Reviewed Minimum Norms and Standards for Diversion provides for overnight and away-from-home care or short-term programmatic interventions where children sleep away from their homes for one to seven nights.

Practice guidelines for block diversion programme are in the process of being developed and the benefits of this programme were observed in Eastern Cape on 06-07 October 2022 at Forest-Way campsite in Stutterheim, as per some of the pictures provided below. The practice guidelines will be finalized in the financial year 2023/24, and later consolidated in the electronic system for accreditation of diversion services (ADS).



Second exploration was due by march but postponed due to logistical arrangements. Finally on 25 May 2023, Mórester Camp in Krugersdorp was visited with the purpose of assessing an urban-based campsite. Officials from Gauteng Department of Social Development and NICRO management coordinated the visit.

Mórester Camp (which means morning star or tomorrow's star in Afrikaans), was established by Attie Janse van Rensburg in 1975 as a camping facility for Church groups, Schools and other similar organizations. Facilitators have qualifications in Sports and Adventure-based experiential learning obtained from the University of Pretoria. Facilitators have level 3 basic first aid training and are affiliated to South African Adventure Industry Association that regulates outdoor adventure safety. NICRO has a written contract with the Mórester Camp to offer The Journey programme twice a year on their premises in collaboration with their trained facilitators. The prerequisite for attending The Journey Programme is that the child must have completed the life skills programme and tested negative on two drug tests. An allocated annual budget covers the cost drivers below:

- Transport;

- Refreshments upon arrival at the camp and departure;
- 6x meals for duration of the camp;
- PPEs (personal protective equipment), first aid kit and drug tests.

Due to limited budget, The Journey programme is conducted twice a year. The envisaged situation would be to conduct the programme on a quarterly basis. While children are at the camp, the programme focuses on four major interventions, namely:

- Recreational;
- Educational (direct/indirect);
- Developmental, and
- Therapeutic or re-directional.

Having assessed the two camp-sites: Forest-Way and Mórester camp, the task team will reconvene to consolidate findings obtained. Deliberations will determine whether a third camp-site needs to be considered for purpose of finalizing standards and weightings for accreditation.



4.2. Implementation of the Reviewed policy framework for Accreditation of Diversion Services in South Africa

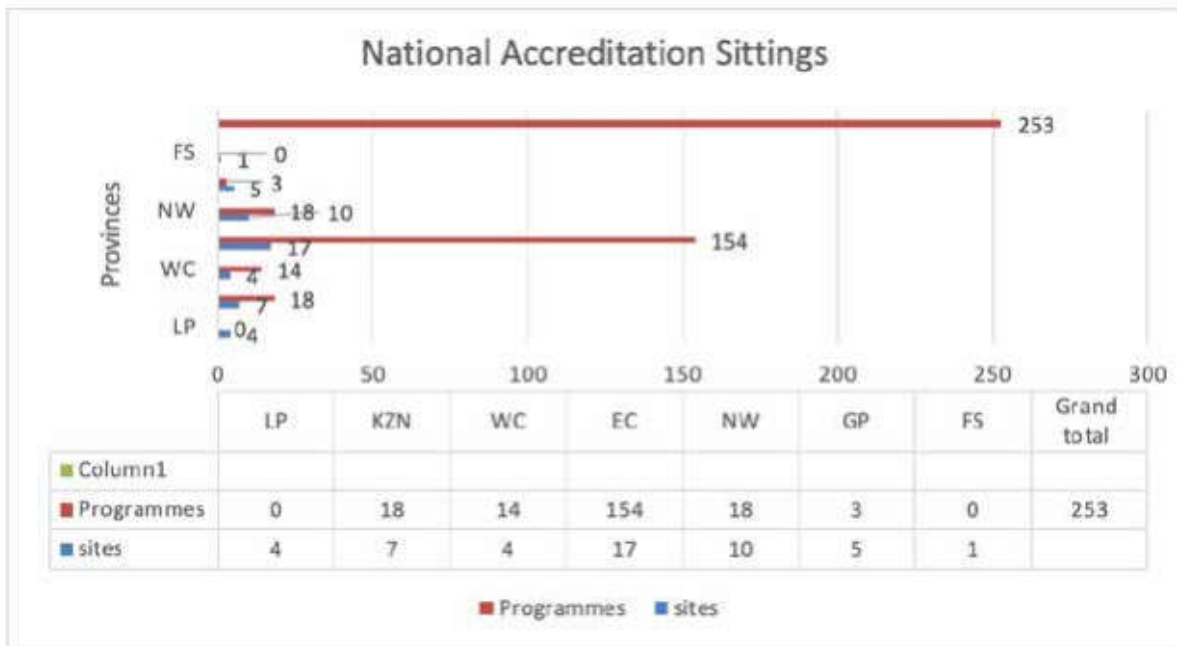
In the financial year 2022/23, monitoring was planned to take in four provinces. Monitoring took place in the form of physical engagement with members of the three-accreditation structures, which are the site verification team, accreditation committee and quality assurance panel. In Eastern Cape monitoring was conducted on 13-14 September 2022 in Port Elizabeth (Blue Lagoon hotel). In KZN monitoring was conducted on 26-27 September 2022 in Durban (at The Edward hotel). In Gauteng province monitoring was conducted on 29-30 September 2022 in Isando (at Garden Court OR Tambo hotel). The fourth province: Northern Cape was monitored on 26-27 October 2022 in Kimberley (at Protea hotel). Based on the outcome of the monitoring process, it appeared that all three structures still struggled to conduct plenary meetings prior to execution of planned activities. The structure that meets regularly is the site verification team and accreditation committees. Gauteng Province has complied with requirements of Regulations 32 by appointing an independent person to chair quality assurance panel.

The other three provinces have not as yet appointed an independent person to lead quality assurance processes.

A Gazette inviting applications for accreditation in the 2022/2023 cycle of diversion service providers and diversion programmes was published on 10 June 2022 and it closed on 12 August 2022, Gazette No. 46543, Vol. 2159 has reference. Applicants across provinces experienced delay with regards to completion of online-applications on the electronic system (Accreditation of Diversion System), hence an extension had to be granted until 30 November 2022.

Delays were also experienced with internal procurement processes starting from requesting a quotation and issuing of an order number prior to the Department of Government Printing Works publishing the Gazette on their pre-determined dates.

The National Accreditation Committee held sittings to adjudicate over reports of the past cycle received from seven Provinces. The sittings were held on 25-27 May 2022 and on 11-12 July 2022 respectively. The breakdown of reports considered are in this order:



Certificates for accredited diversion programmes and sites were created and signed-off by the Minister of Social Development. A Gazette on results was published on 23 June 2023. Volume No 696 Gazette Number: 48841 has reference.

5. Reviewed Minimum Norms and Standards for Diversion Services:

The overarching purpose of diversion, outlined in Section 51 of the Child Justice Act, is to manage children who have committed crime in a manner that limits their exposure to the criminal justice system (thus preventing a criminal record) and to provide them with an opportunity to participate in structured educational, rehabilitative programmes. Norms and standards for diversion were developed to guide the provision of diversion services at all level by all stakeholders, and were also reviewed. Provinces are implementing the Reviewed Minimum Norms and Standards for Diversion. Monitoring is conducted on ongoing basis to check the level of compliance, the impact ongoing basis to check the level of compliance, the impact

6. SOCIAL CRIME PREVENTION THERAPEUTIC PROGRAMMES

(ii) Referral to Diversion Programmes

A total of **2 162** children were referred to diversion programmes which shows an increase of **464** diverted children as compared to **1 698** from the previous year.

NB: It must be noted that these numbers exclude the EC Province

The table below depicts the **Diversion Programmes** that children are referred to:

PROGRAMMES	2021/22		TOTALS	2022/23		TOTALS
	GENDER			GENDER		
	MALES	FEMALES		MALES	FEMALES	
Life Skills	859	129	988	1178	209	1387
Sexual Offender	42	2	44	52	5	57
Anti-Substance Abuse	124	18	142	169	13	182
Restorative Justice	19	2	21	36	1	37
After Care	14	0	14	27	2	29
Anger Management	22	9	31	38	9	47
Other: Community Service	31	12	43	44	10	54
Other: Formal Caution	24	1	25	21	6	27
Other: Peer Association	0	0	0	5	0	5
Other: Assignment	28	2	30	2	3	5
Other: VOM	67	22	89	58	11	69
Other: Supervision & Guidance	56	3	59	123	10	133
Other	183	29	212	111	19	130
GRAND TOTAL	1 469	229	1 698	1864	298	2162

A total of **1 094 outcomes** of children referred to diversion programmes of which **964 complied** with the diversion order and completed the programmes as compared to **130 of non-compliance**.

NB: EC excluded due to non- submission.

The table below depicts the **Compliance and Non-Compliance outcomes**:

PROGRAMMES	2021/22		TOTALS	2022/23		TOTALS
	COMPLIANCE			COMPLIANCE		
	COMPLIED	NOT COMPLIED		COMPLIED	NOT COMPLIED	
Life Skills	554	57	611	766	88	854
Sexual Offender	41	0	41	14	0	14
Anti-Substance Abuse	22	15	37	63	6	69
Restorative Justice	13	0	13	19	1	20
After Care	3	1	4	4	0	4
Other	81	37	118	98	35	133
GRAND TOTAL	714	110	824	964	130	1094

7. HOME BASED SUPERVISION

A total of **916** children were placed under Home based supervision which shows an increase of **342** as compared to **574** from the previous year.

NB: EC excluded due to non- submission

The table below depicts children referred to **Home Based Supervision**:

AGES	2021/22		TOTAL	2022/23		TOTAL
	GENDER			GENDER		
	MALES	FEMALES		MALES	FEMALES	
10	10	1	11	5	0	5
11	9	0	9	3	0	3
12	12	1	13	21	1	22
13	19	2	21	28	3	31
14	39	5	44	58	15	73
15	103	11	114	114	33	147
16	114	15	129	221	43	264
17	182	23	205	301	36	337
18	19	0	19	24	4	28
19	1	1	2	2	1	3
20	1	0	1	2	0	2
21	0	0	0	0	0	0
Other			6			
	GRAND TOTAL		574	GRAND TOTAL		916

8. CHILDREN UNDER THE AGE OF 10

The number of children under ten in the reporting period is **153** which shows an increase of **97** as compared to **56** in the previous financial period.

The table below depicts number of **under ten** children and interventions referred to:

OUTCOME	2021/22		TOTAL	2022/23		TOTAL
	GENDER			GENDER		
	MALES	MALES		MALES	MALES	
Referral to children's court (sec 9 (3)(a)(i))	15	2	17	27	3	30
Referral to counselling or therapy (sec 9) (3)(a)(ii)	19	0	19	6	1	7
Referral to accredited programme (sec 9 (3)(a)(iii))	9	3	12	76	12	88
Other	8	0	8	28	0	28
TOTAL	51	5	56	137	16	153

9. ESTABLISHMENT OF INFRASTRUCTURE FOR THE IMPLEMENTATION OF THE ACT

(i) Child and Youth Care Centres

The Department of Social Development has established and is managing 29 functional Child and Youth Care Centres (secure care).

CHILDREN ADMITTED AT THE SECURE CARE CENTRES

The table below depicts the breakdown of children admitted at the **Secure Care Centres**:

AGES	2021/22		TOTAL	2022/23		TOTAL
	GENDER			GENDER		
	MALES	FEMALES		MALES	FEMALES	
10	0	0	0	0	0	0
11	0	0	0	1	0	1
12	20	2	22	14	4	18
13	64	5	69	62	13	75
14	277	47	324	235	72	307
15	776	79	855	866	75	941
16	1 340	77	1 417	1462	141	1603
17	1 737	71	1 808	1913	122	2035
18	636	5	641	397	12	409
19	343	0	343	317	0	317
20	228	6	234	218	0	218
21	8	0	8	9	0	9
Other	0	0	0	0	0	0
	5 429	292		5 494	439	
	GRAND TOTAL		5 721			5 933

The **2022/23** admission of **1 379** as compared to the previous year **1 150** shows an increase of **229**. Furthermore, the number of children released decreased to **1 326** compared to **1 135** in the previous financial year, an increase of **191**.

The table below depicts the breakdown of children admitted at the **Secure Care Centres**:

OUTCOME	TOTALS		
	2020/21	2021/22	2022/23
Total number in Centers	6 277	5 183	5 089
Overall Admissions	924	1 150	1 379
Overall Releases	1 455	1 135	1 326
TOTAL	8 656	7 468	16 818

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

Section 60 of Child Justice Act ,75 of 2008 requires Social Development to establish and maintain a register of children whom a diversion has been made. The Department has a fully functional Electronic Information Management Systems that is accessed by all Provinces. Ongoing training and capacity building on the DSD (Endpoint and Probation Case Management(PCM) systems was conducted in MP, WC, GP & FS. Whereas Child and Youth Care Application (CYCA) training was conducted in the following Secure Care Centres, Hendrina, eThokomala, Walter Sisulu, House Outeniqua and Winkie Direko.

Due to infra-structural challenges in the Northwest Secure Care Centres, DSD provided technical support for the rollout of CYCA to assist the two Centres to optimally utilize the system. The two SCC (Matlosana & Rustenburg) were collectively allocated the following working tools: ten desktops, ten laptops, ten tablets and Aruba wifi extender switch was procured and installed at Matlosana Secure Care since it has poor network connectivity.

Conclusion

Indeed, juvenile justice is a system that provides a legal setting which youths can account for their wrongs or receive official protection. At the heart of all these DSD remains a key role player to the realization of key priorities set up in the child justice act. DSD continues to capacitate the sector on the implementation of the act and committed to uphold the rights of children and their access to Justice. The report highlights the success and constrains experienced at implementation level as there are various contributory factors for example how a person acts maybe as a results of heredity learned behaviour conditioning or criminogenic factors, hence our strive each year improve through the above interventions.

LEGAL AID SOUTH AFRICA





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

01 April 2022 – 31 March 2023



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A

INTRODUCTION

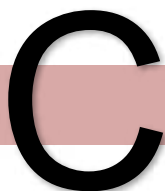
1. The delivery of legal services in the two years preceding the 2022/2023 financial year was characterised by unprecedented challenges, occasioned by the many COVID-19 restrictions that were in place. These were the pandemic years, which were filled with uncertainty and an ever-changing risk environment. Legal Aid South Africa had to make many adaptations to its service delivery model to keep pace with the changing environment. The phrase 'new normal' was often used to communicate the message that every individual and organisation had to appreciate and internalise new ways of doing things which were hitherto not tested. No organisation, Government or business entity was exempt from this phenomenon. The rate of adaptation to the new normal often meant the difference between success and failure. It was this adaptability that saw Legal Aid SA emerging from arguably the worst humanitarian challenge of our lifetime relatively unscathed.
2. The 2022/2023 financial year saw the first indications that we were finally emerging from the COVID-19 pandemic which had devastated the country for two years, and which had severely impacted operations. All restrictions that were imposed during the previous two years were removed. People moved freely and commercial activity was back to its pre-pandemic levels. Courts were back to normal operation, with no restrictions on access, and no limitation on the types of cases that could be heard in the courts.
3. With the return to normal operations came an uptick in the number of criminal cases dealt with in the courts and consequently, the demand for legal aid services.
4. The increase in demand for criminal legal aid services was also evident in children's criminal matters, with an upward trend in the number of children Legal Aid SA represented in both Preliminary Inquiry matters as well as matters in the Child Justice Courts.
5. With the lifting of restrictions on consultations in correctional centres, we were able to resume implementation of our programme to track all children in custody. We also implemented our communication and educational programmes that are targeted at children, albeit incrementally.
6. In line with our commitment to an intersectoral approach in dealing with matters of mutual interest, we continued to participate in the activities of the Intersectoral Committee on Child Justice as well as the Sexual Offences Committee. We also participated in the National and Provincial Efficiency Enhancement Committees.
7. We present below an overview of the services we rendered to children in conflict with the law.

B

CAPACITY BUILDING

1. Legal Aid SA has an extensive Quality Management Programme for all Legal Practitioners employed by the organisation. This programme comprises numerous areas of quality monitoring as well as interventions, to ensure that the quality of services we render is of the highest standard.
2. All our practitioners are linked to a Supervisor who exercises continuous supervision over the practitioner's work. There is a pre-determined and fixed ratio of practitioners to Supervisor for all our offices. This ratio is continuously monitored so that no Local Office falls below the set ratio.
3. All our practitioner's case files are reviewed on a continuous basis. Their quality performance is based on the score of their file reviews as well as a review of their actual performance while presenting a case in court.
4. In line with our commitment to provide access to the profession, and as the single biggest employer of Candidate Attorneys, we have implemented several programmes that are specifically targeted at the development of Candidate Attorneys throughout their journey to qualification as fully fledged Legal Practitioners. We have established a dedicated Candidate Attorney Support School which they attend virtually on Saturdays.
5. We also use webinars to roll out training to all practitioners so that we can train a large group of practitioners at the same time. Most of our training is conducted by our own internal experts in various fields. However, training in specialised areas of the law is procured from trainers who have specialisation in a given field.
6. Our training on criminal law topics is relevant to all matters handled by us, including child justice matters. We do, however, roll out training on specific issues relating to children in conflict with the law.
7. Our Candidate Attorneys must undergo a Beginner Training course, which includes a module on the Child Justice Act, when commencing their employment with Legal Aid SA. Before they are allowed to represent children in Preliminary Inquiries and child justice matters, our Candidate Attorneys are required to have successfully completed a Court Readiness Programme.
8. All newly recruited Legal Practitioners must undergo training on aspects of child justice litigation since every criminal court is also a Child Justice Court. These practitioners are also trained on the proper handling of children, both as clients and as witnesses.
9. Skills audits are conducted annually to identify areas where our practitioners require training and, where specific training is indicated, the training is rolled out in the next training cycle.
10. 606 practitioners attended training on aspects relating to the representation of children in conflict with the law during the financial year.

11. Our training programme covers different aspects of child justice litigation including, among others:
 - a) An overview of the Child Justice Act
 - b) Preliminary Inquiries
 - c) Age determination
 - d) Alternative dispute resolution
 - e) Restorative justice
 - f) Sentencing of children
 - g) Diversion
12. Further training is conducted by using e-learning modules, which are made available on our Intranet. Practitioners are also encouraged to make self-learning part of their daily lives.
13. A research unit within Legal Aid SA tracks any changes in national and international law. Court judgments are monitored by the unit. Periodic newsletters are distributed electronically, to keep practitioners abreast with the law.
14. The performance of our practitioners is evaluated bi-annually in line with our Human Resources policies. The turnaround times of cases as well as their pending caseloads are important indicators of a practitioner’s performance.



HUMAN RESOURCE CAPACITY

1. The table below shows the total staff complement of Legal Aid SA as at the end of 2022/2023. Our total recruitment as at the end of the financial year was at 94%.

Table 1: Legal Aid SA Staff Complement as at 31 March 2023

Province	Paralegals	Support Positions	Legal Positions	Total	% Filled
Eastern Cape	33	66	320	419	97%
Free State/North West	30	68	265	363	96%
Gauteng	31	85	390	506	95%
KwaZulu-Natal	30	67	346	443	91%
Limpopo/Mpumalanga	36	64	281	381	93%
National Office	16	195	14	225	90%
Northern Cape/Western Cape	39	78	391	508	92%
Total	215	623	2,007	2,845	94%
	8%	22%	71%		

2. We have over the past years experienced increasing cuts to our budget, which have meant that we must reduce our staff capacity at a time when the demand for our services is ever-increasing.
3. A service that is often requested by our stakeholders is the establishment of a relief capacity for the organisation, so that courts are not brought to a halt during the temporary absence of a legal aid practitioner. While attempts have previously been made to establish such a unit, the reduction in our budget allocation resulted in the abandonment of this project.
4. Legal Aid SA always endeavours to ensure that all courts are covered, and that legal aid services are available to all potential clients at their first appearance. We cover courts using our 'practitioner per court' model. In terms of this model, a practitioner is allocated to each court on a full-time basis. There are therefore no periods that the practitioner can be unavailable due to them being in another court. There is someone available in each court to take legal aid instructions and to provide legal representation.
5. 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.
6. Legal aid in Preliminary Inquiry matters is provided only if requested by the Presiding Officer, since the Child Justice Act does not require that legal aid representation must be made available at these inquiries. We do however have capacity available to help children at these inquiries.
7. The table below reflects our criminal court coverage planning for the District Courts for the financial year. Our coverage for these courts stood at 86%. This was a 2% reduction on the coverage of 88% in the previous financial year. The coverage for District Courts was within our targets, with regard to the fact that our practitioners use one court day per week for consultation and preparation. In addition, we have several District Courts that are covered by Agency practitioners on a contract basis as well as courts that we cover exclusively using our Judicare model.



Table 2: Legal Aid SA Criminal Court Coverage – District Court

Court Coverage – District Court Q4 FY 2022/2023							FY 2021/2022 (Q4)	
Province	Court Seats	Court Rooms	Reception Courts	Total Court Days	Days Court Covered	Coverage (%)	Coverage (%)	% Difference over FY 22/23
EC	106	170	11	2,880	2,416	84%	85%	-1%
FS	64	88	7	1,188	1,108	93%	97%	-4%
GP	54	134	17	2,873	2,506	87%	88%	-1%
KZN	101	166	8	3,078	2,536	82%	84%	-2%
L	63	82	4	1,272	1,024	81%	82%	-1%
MP	82	100	4	1,285	1,186	92%	93%	-1%
NW	48	66	2	867	741	85%	88%	-3%
NC	62	73	-	728	643	88%	88%	0%
WC	88	164	9	2,751	2,452	89%	90%	-1%
Total	668	1,043	62	16,922	14,612	86%	88%	-2%

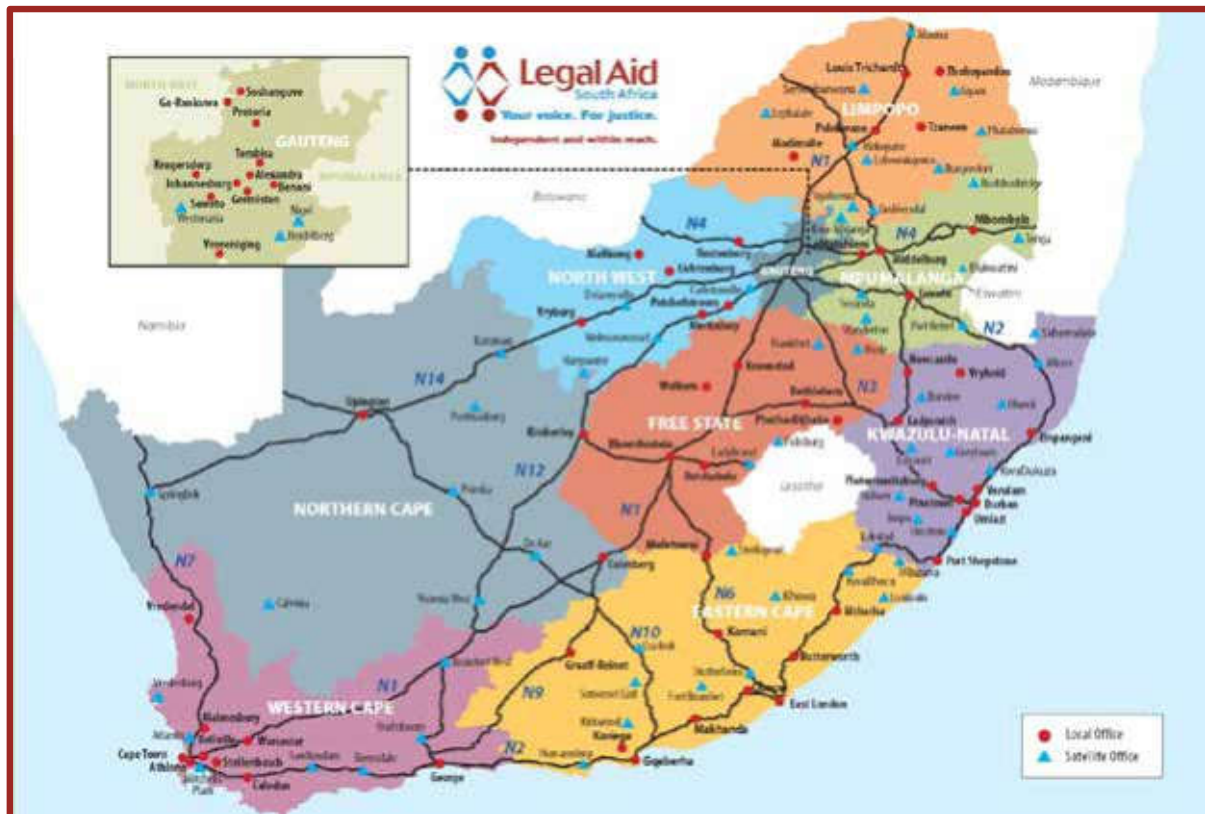
8. The table below reflects our criminal court coverage planning for Regional Courts. Our coverage for these courts was at 95%. This was an increase of 1% on our coverage of these courts in the previous financial year, which stood at 94%. The level of coverage is still within our target range.

Table 3: Legal Aid SA Criminal Court Coverage – Regional Court

Court Coverage – Regional Court Q4 FY 2022/2023						FY 2021/2022 (Q4)	
Province	Court Seats	Court Rooms	Total Court Days	Days Court Covered	Coverage (%)	Coverage (%)	% Difference
EC	75	99	1,115	1,115	100%	100%	0%
FS	46	60	541	537	99%	100%	-1%
GP	38	108	2,090	1,940	93%	92%	1%
KZN	41	72	1,340	1,306	97%	96%	1%
L	24	28	436	404	93%	91%	2%
MP	33	38	487	465	95%	91%	4%
NW	24	34	464	419	90%	90%	0%
NC	38	48	339	329	97%	97%	0%
WC	47	83	1,082	1,022	94%	92%	2%
Total	366	570	7,894	7,537	95%	94%	1%

D INFRASTRUCTURE

1. Due to budgetary constraints, our national footprint has remained largely unchanged for several years. The location of all our offices is indicated on the map below.



2. The table below shows details of our physical service points.

Table 4: Legal Aid SA National Footprint – FY 2022/2023

Provincial Office	Local Office	Satellite Office	High Court Unit	Civil Unit
	No.	No.	No.	No.
Eastern Cape	10	11	4	2
Free State/North West	12	6	2	2
Gauteng	11	4	2	2
KwaZulu-Natal	10	11	2	2
Limpopo/Mpumalanga	9	17	2	2
Northern Cape/Western Cape	12	15	2	3
Total	64	64	14	13

3. Our offices are conveniently located close to the seat of court in every location, for ease of access to our clients. High Court Units are situated wherever there is a seat of a High Court. The proximity of the office to public transport points is a factor that is considered whenever an office is established.
4. Our Local Offices are supported by six Provincial Offices as well as our National Office. The national footprint is continuously reviewed to ensure that our clients have easy access to our services.
5. A dedicated Property Management Unit has been established to manage our leases, and to ensure the maintenance of our offices. In recent years, this unit has been tasked with the purchasing of fixed property in areas where we do not deem it feasible to use the rental model.
6. We are constantly looking at alternative ways to provide services to clients, since the current economic climate does not allow for a further expansion of our footprint. This has called for the use of innovative means to provide access to clients.
7. We also make use of the following services to augment our physical points and thereby increase access to legal aid services:
 - a) Judicare – contracting a portion of our work to practitioners in private practice.
 - b) Agency Agreements – contracting the service of a remotely situated court to a private practitioner.
 - c) Co-operation Agreements – partnering with University Law Clinics to expand our services.
 - d) Pro bono – allocating a portion of our work to private practitioners so that they can do it to fulfil their statutory pro bono obligations.
 - e) Community outreach and contact points.
 - f) Partnerships with Community Advice Offices.
 - g) Partnerships with the office of the Inspecting Judge of Correctional Centres.
 - h) A Prison Clinic Programme.
8. We also make extensive use of technology to provide access to clients. This includes:
 - a) Our toll-free call centre service, the Legal Aid Advice Line.
 - b) Contact forms on our website.
 - c) Self-help modules that are web-based.
 - d) Contact with clients through short messaging services.
 - e) A visible presence on all social networking platforms.
 - f) Using community and national radio, as well as television.



E RESOURCES AND BUDGETS

1. Our budget allocation has been reduced substantially over the years with the worst reductions occurring during the pandemic years. Given the current economic outlook, there does not seem to be any light at the end of the tunnel. Our practitioner resources are likely to continue to reduce in the coming years, resulting in a reduction in the levels at which we can cover the courts, especially given the noticeable recovery in the number of criminal matters post the pandemic years.
2. We do however submit proposals to address our resource gaps as part of our Medium-Term Expenditure Framework proposals to the National Treasury.

F PUBLIC EDUCATION AND COMMUNICATION

1. One of the objects of Legal Aid SA is to provide education and information concerning legal rights and obligations. The organisation has a dedicated Communication Department to bring awareness of legal aid services to the public in general.
2. Our legal business units also conduct public outreach programmes to educate the public on their rights, and how these can be protected. We also have dedicated paralegals who visit correctional centres to assist both remand detainees and sentenced inmates.
3. Our communication events are planned to address identified issues that are relevant for the community. There are specialised programmes aimed at children to address their challenges as well as their rights.
4. Some of our communication and outreach programmes could not be rolled out during the pandemic years due to the restrictions that prevailed at the time. However, all the programmes are being revived incrementally.
5. The following are the various communication and outreach programmes undertaken at Legal Aid SA. The list of programmes is not exhaustive, and new programmes or activities are implemented where necessary:
 - a) Outreach Events
 - i. Take a Girl Child to Work Day – visits to courts, Legal Aid SA offices, career path presentations.
 - ii. Child Protection Week (CPW) – national and provincial events in partnership with Government departments.
 - iii. Social grant campaigns – exhibitions and pamphlet blitzes at SASSA payout points.

- iv. Youth Day celebrations.
 - v. Mandela Day celebrations.
 - vi. Women's Day celebrations.
 - vii. Heritage Day celebrations.
 - viii. 16 Days of Activism for No Violence Against Women and Children.
 - ix. Schools Moot Court Competition.
- b) Advertising and Public Relations campaigns
- i. Promotional items – branded merchandise, children's posters, calendars.
 - ii. Radio – advertising and slots on various programmes covering children's issues.
 - iii. TV – advertising (including digital brand integration) and slots on various programmes covering children's issues.
 - iv. Print advertising – advertorials and strip advertisements.
 - v. Outdoor advertising – taxi rank TVs, billboards, transit branding.
- c) Mainstream media
- i. Print media – Legal Aid SA regularly issues press releases to address specific issues that are pertinent at the time.
 - ii. National and community radio interviews – Managers and practitioners at our Local Offices participate in radio programmes to address pertinent legal issues and to answer questions from the public.
 - iii. TV interviews – Executives and Managers of Legal Aid SA participate in TV broadcasts such as *Morning Live* to provide perspective on topical issues.
6. Legal Aid SA enjoys a high profile as a leading provider of legal aid services. Because of this, the organisation is often invited to share expertise and experiences at several international conferences. Various topics are addressed at these conferences including children's matters.
7. One of our Business Plan programmes involves the provision of assistance to developing legal aid systems, particularly on the African continent, so that the right to legal assistance at State expense is realised by every person in every country. We regularly host delegations from different countries to share our experience and expertise in the delivery of legal aid services. We also travel to various jurisdictions to present on legal aid matters. This assistance includes presentations on the provision of assistance to children in conflict with the law.



G

DEVELOPMENT OF IT AND IJS SYSTEMS

1. Legal Aid SA uses eLAA (electronic Legal Aid Administration system), a system that was developed in-house, as its case management system.
2. The organisation is also involved in efforts to integrate systems across the Criminal Justice System (CJS) cluster. Currently, our system has successfully been integrated with the SAPS system.

H

NUMBER OF CHILDREN REPRESENTED BY LEGAL AID SA

1. The table below indicates the number of children represented by Legal Aid SA in Preliminary Inquiries during the financial year. 2,518 new Preliminary Inquiry matters were taken on during the financial year, and 2,405 Preliminary Inquiry matters were finalised. These figures represent an increase of 41% and 39% respectively compared with the equivalent period in the previous financial year.
2. Legal Aid SA only represents children in Preliminary Inquiry matters at the insistence of the Presiding Officer conducting the inquiry. These figures are therefore not a reflection of all the Preliminary Inquiry matters that were dealt with by the courts.

Table 5: Legal Aid SA Preliminary Inquiry Matters

Province	New			Finalised		
	FY 21/22	FY 22/23	% Difference	FY 21/22	FY 22/23	% Difference
EC	237	264	11%	237	284	20%
FS	84	142	69%	83	115	39%
GP	190	138	-27%	212	150	-29%
KZN	137	232	69%	146	217	49%
L	108	106	-2%	89	97	9%
MP	87	94	8%	91	92	1%
NW	110	167	52%	105	158	50%
NC	55	114	107%	57	98	72%
WC	783	1,261	61%	705	1,194	69%
Total	1,791	2,518	41%	1,725	2,405	39%

3. The table below indicates that 7,161 children were assisted in various Child Justice Courts by Legal Aid SA during the financial year. This represents an increase of 3% in the number of new children's matters taken on when compared with the previous financial year.

Table 6: Legal Aid SA Children's Criminal Matters

Province	FY 21/22	Q1	Q2	Q3	Q4	Total FY 2022/23	% of FY 2021/22
EC	760	129	166	175	171	641	-16%
FS	470	83	81	54	101	319	-32%
NW	237	45	74	81	46	246	4%
GP	890	199	257	191	165	812	-9%
KZN	908	189	272	268	277	1,006	11%
L	305	83	73	72	72	300	-2%
MP	255	63	75	65	72	275	8%
NC	405	93	120	89	118	420	4%
WC	2,705	704	906	775	757	3,142	16%
Total	6,935	1,588	2,024	1,770	1,779	7,161	3%

4. The table below shows the age distribution of children represented by Legal Aid SA in criminal matters.

Table 7: Age Distribution of Children

Province	< 15	< 16	< 17	< 18	Total
EC	160	176	107	198	641
FS	99	58	52	110	319
NW	64	54	50	78	246
GP	246	218	91	257	812
KZN	244	278	93	391	1,006
L	84	63	50	103	300
MP	83	56	42	94	275
NC	111	93	55	161	420
WC	846	884	390	1,022	3,142
Total	1,937	1,880	930	2,414	7,161
% of Total	27%	26%	13%	34%	

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

Table 8: Types of Offences

Province	Aggressive	Economic	Sexual	Narcotics	Statutory Offences	Other	Total
EC	384	79	121	10	43	4	641
FS	165	23	105	3	23	-	319
NW	122	34	64	3	23	-	246
GP	457	106	138	12	94	5	812
KZN	561	79	291	39	34	2	1,006
L	178	31	75	1	13	2	300
MP	132	23	104	1	13	2	275
NC	287	29	68	10	23	3	420
WC	2,001	401	332	205	192	11	3,142
Total	4,287	805	1,298	284	458	29	7,161
% of Total	60%	11%	18%	4%	6%	0%	

6. The table below shows that 5,681 matters were finalised by Legal Aid SA during the financial year. This represents an increase of 1% over the matters finalised during the equivalent period in the previous financial year.

Table 9: Children's Criminal Finalised Matters

Province	FY 2021/22	Q1	Q2	Q3	Q4	Total FY 2022/23	% of FY 2021/22
EC	618	124	156	157	115	552	-11%
FS	370	64	73	38	56	231	-38%
NW	667	42	70	57	25	194	-71%
GP	710	186	231	141	63	621	-13%
KZN	277	186	243	205	148	782	182%
L	177	75	64	53	40	232	31%
MP	197	58	57	49	16	180	-9%
NC	331	76	99	72	58	305	-8%
WC	2,287	681	864	631	408	2,584	13%
Total	5,634	1,492	1,857	1,403	929	5,681	1%

TRACKING OF CHILDREN IN DETENTION

1. Legal Aid SA works with stakeholders to obtain details of all children in detention, to ensure that no children are detained at correctional centres while they await their trial. A webpage is used to track children in custody and the status of every pending child justice case is reviewed on a regular basis, or at the very least, after each court appearance.
2. Children held in Child and Youth Care Centres are also tracked to ensure that any causes of delays in finalising their matters are addressed.
3. The table below shows the number of children awaiting trial in custody for greater than one month who we kept track of during the financial year.

Table 10: Children Awaiting Trial in Custody for Greater than One Month

Provincial Office	In custody at the end of FY 2022/2023				Total
	≤ 2 months	≤ 3 months	≤ 4 months	> 4 months	
EC					
FS/NW					
GP				1	1
KZN	7	1		10	18
L/MP					
NC/WC	1	1		8	10
Total	8	2	0	19	29



J

REPRESENTATION OF CHILDREN IN MATTERS OF CONSTITUTIONAL IMPORTANCE

In dealing with cases involving children in their daily work, Legal Aid SA practitioners play an important role in protecting the rights of children in conflict with the law. Where a case arises that impacts a specific right that requires adjudication by the courts, the case is referred to a specialised unit within Legal Aid SA known as the Strategic Litigation Unit (SLU). This unit specialises in the litigation of cases that are of strategic importance in that they involve the resolution of cases that affect large groups of people, or cases that involve the interpretation of constitutional rights. Some of the cases dealt with by the unit are cases where the interpretation of legislation is required as well as cases where legislation is unconstitutional, and it is sought to strike down the unconstitutional provisions. While the SLU's work is not limited to criminal cases, or children's cases, several cases that have an impact on children in conflict with the law have been litigated by the unit or by specialist non-governmental organisations with assistance from the unit.

K

CONCLUSION

1. It is clear from the data that the number of children's matters dealt with both in the Preliminary Inquiry Courts as well as the Child Justice Courts are on the rise. Should this trend continue, it will require a concerted effort from all stakeholders to ensure that these cases are dealt with efficiently and that delays are minimised.
2. The priority should be to ensure that as far as possible, no child in conflict with the law should have to go through the court system. This requires that the option of diversion should be utilised more often. The proper assessment of children as well as the proper screening of cases is key in this regard.
3. Legal Aid SA will continue to ensure that no child in conflict with the law will go through the court system unrepresented. This includes representation at Preliminary Inquiry stage.
4. The holding of children in places of detention while they await trial should be avoided at all costs. In this regard, Legal Aid SA will continue with its programme to track all children in custody to ensure that no child is kept in custody for an extended time while awaiting trial.



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