**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 428**

**DATE OF QUESTION: 25 FEBRUARY 2022**

**DATE OF SUBMISSION: 11 MARCH 2022**

**Prof CT Msimang (IFP) to ask the Minister of Justice and Correctional Services:**

In light of a recent inter-departmental report on the implementation of the Child Justice Act, Act 75 of 2008, submitted to the Portfolio Committee on Justice and Correctional Services, which indicated that there has been an alarming increase of 55% in the total number of rape charges against children compared to the previous reporting period and considering the seriousness of the situation, what (a) steps will be taken by his department to investigate the reasons for the exponential increase in the rape charges and (b) co-operation will be pursued with other departments to find solutions to this dire state of affairs?

**NW493E**

 **REPLY:**

As reported in the 2020/21 Departmental Annual Report on the Child Justice Act, 2008 our courts recorded a 55% increase in the number of rape charges against children who appeared in preliminary inquiries, compared to the previous reporting period. The percentage calculation is based on a percentage contribution of rape to all the charges recorded during the 2020/21 reporting period compared with the percentage contribution of rape to all the charges recorded during the 2019/20 reporting period.

1. *What steps will be taken by the department to investigate the reasons for the exponential increase in the rape charges?*

In addressing the alarming rise in sex crimes perpetrated by children, the Department has commenced with a two pronged approach at provincial and national levels:

(a)(i) The Department has already identified 6 provinces, which recorded the highest numbers of rape charges against children appearing in preliminary enquiries, as the focal areas where primary interventions must be undertaken, and these are: Mpumalanga (50%), North West (45%), Limpopo (36%), Eastern Cape (30%), Free State (30%) and KwaZulu-Natal (29%). Each of these provinces has a fully-functional multisectoral Provincial Child Justice Forum- tasked to monitor the provincial implementation of the Child Justice Act. Each Forum will conduct an investigation to identify the core drivers of the high numbers of child sex offenders in its province so as to develop tailor-made interventions for prevention, response and care by the end of May 2022. These plans must be correlated with the National Strategic Plan on Gender-based Violence and Femicide (NSP GBVF) (2020- 2030), which seeks to end GBVF and sex crimes in the country, whether perpetrated by adults or children.

(b)(ii) The Department has also considered the recent research study on *Children Seeking Justice: Safeguarding the rights of child offenders in the South African Criminal Court[[1]](#footnote-1)*, which reveals the increasing number of children who commit sexual offences against other children. The study found that many child offenders fall into the highest vulnerability category because of previous sexual abuse victimization, apart from neglect and abuse. On 22 February 2022 the Directors- General Intersectoral Committee on Child Justice requested the National Technical Intersectoral Committee on Child Justice to consider the recent studies on this issue as the basis on which the national action plan for intervention can be developed. This is to ensure that government actions target the identified root causes of the problem. The Departments of Social Development and Basic Education will be the key implementers of this Plan since they are the key drivers of the early crime prevention programmes for children and parents. The two Departments are represented at all levels of child justice and the NSP collaborations. This Plan will be the enhancement of the NSP GBVF to avoid the unnecessary duplication of government interventions.

(b) *What co-operation will be pursued with other departments to find solutions to this dire state of affairs?*

(b)(i) The Department intends to use the existing collaborations of the NSP GBVF to find and execute solutions, as aspired by the NSP. The NSP is a multisectoral strategic framework to realise a South Africa free from gender-based violence and femicide. Its collaborations draw representations from a wide spectrum of government and civil society organisations at national, provincial and local levels. It targets all perpetrators of GBVF, irrespective of age. Among its collaborations is the GBVF Inter-Ministerial Committee, chaired by the Minister of Women, Youth and Persons with Disabilities, and tasked by Cabinet to give political oversight in the implementation of the NSP.

Understanding the array of social ills that are the core drivers of child offending in South Africa, the NSP GBVF recognises children who experience violence within families and institutions as the main target group for intervention. Poverty, malnutrition, racism, bullying, drug addictions, corporal punishment at home, dysfunctional families, poor/lack of parenting are some of the dominant and fundamental breeding foundations for GBVF child offending. Pillar 2 of the NSP GBVF provides key activities for prevention and restoration of social fabric which include:

* the adoption and roll out of school-based gender-based violence prevention programmes;
* GBV prevention integrated into the roll out of Early Childhood Development programme; and
* parenting and early childhood development programmes to build non-violent and gender transformative approaches to parenting.

These NSP indicators are spot-on towards ending child offending in sex crimes and GBVF-related crimes. The Department therefore does not intend to re-invent the wheel as the government and civil society formations of the child justice sector are already the key stakeholders in the implementation of the GBVF NSP.

The NSP stakeholders, including the DoJ&CD, report performance to the Presidency via the Department of Women, Youth and Persons with Disabilities on monthly basis. The reports are signed by the respective accounting officers or heads of government institutions. The Directors-General Intersectoral Committee on Chid Justice will receive similar reports for monitoring purposes.

1. Songca, R. 2019. Children seeking justice: safeguarding the rights of child offenders in South African Criminal court. De Jure Law Journal. p. 316-334. Available at http://dx.doi/org/10.17159/2225-7160/2019/v52a17

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