**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION 450**

**DATE OF QUESTION: 13 MARCH 2020**

**DATE OF SUBMISSION: 27 MARCH 2020**

**Mr M Waters (DA) to ask the Minister of Justice and Correctional Services:**

1. What number of (a) crimes against children were successfully prosecuted in each year since the establishment of Part A of the Child Protection Register and (b) the specified names were submitted to the Department of Social Development for placement onto Part A of the Child Protection Register;
2. What number of persons were convicted of crimes that would warrant their names being placed on Part B of the Child Protection Register in accordance with Chapter 7 of the Children’s Act, 2005 (Act No. 38 of 2005), for every financial year since the Child Protection Register came into effect?

**NW632E**

**REPLY:**

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1. (a) The National Prosecuting Authority (NPA) does not keep crime statistics specifically for crimes committed by children or crimes against children. The NPA only collate diversion statistics with respect to offences committed by children in line with the Child Justice Act.

(b) The registrars or clerks of the court have submitted 2458 names to the Department of Social Development in terms of section 114 of the Children’s Act, 2005 (Act 38 of 2005) for placement onto Part A of the Child Protection Register (Form 25).

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| --- | --- |
| Year | Number of Form 25s submitted |
| 2013/2014 | 70 |
| 2014/2015 | 330 |
| 2015/2016 | 453 |
| 2016/2017 | 412 |
| 2017/2018 | 424 |
| 2018/2019 | 411 |
| 2019/2020 to date  | 358 |
| Total | 2458 |

The Children’s Act, 2005 came into operation on 1 April 2010 expecting clerks of the court to forward the names of children in terms of section 114 of the Children’s Act, 2005 for placement onto Part A of the Child Protection Register (Form 25) to the Registrar of the National Child Protection Register. The Department of Social Development reported that this section was not fully implemented by the courts. The Department of Justice and Constitutional Development issued Circular 61of 2013 in 2013 to the courts to ensure compliance and to perform quality checks on the information submitted to the Registrar of the National Child Protection Register for placement on the Register. There may be instances where the numbers submitted by the Department of Justice and Constitutional Development to the Registrar differ from the numbers recorded on the Register and this is due to the fact that the Registrar receive information from various sources as provided for in section 114(1)(a) of the Children’s Act, 2005).

(2) The Registrars or clerks of the court have submitted 662 names to the Department of Social Development in terms of section 122 of the Children’s Act, 2005 (Act 38 of 2005) for placement onto Part B of the Child Protection Register (Form 28).

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| --- | --- |
| Year | Number of Form 28s submitted  |
| 2013/2014 | 44 |
| 2014/2015 | 69 |
| 2015/2016 | 59 |
| 2016/2017 | 67 |
| 2017/2018 | 145 |
| 2018/2019 | 135 |
| 2019/2020 to date | 143 |
| Total | 662 |

There may be instances where the numbers submitted by the Department of Justice and Constitutional Development to the Registrar of the National Child Protection differ from the numbers recorded on the Register and this is due to the fact that the Registrar receive information from various sources, such as the South African Council of Educators (SACE) as provided for in section 120(1)(c) of the Children’s Act, 2005).

The Registrar of the National Child Protection Register reported in 2017/18 to the Department of Justice and Constitutional Development that some courts were submitting information on Forms 28 in instances where no finding was made in relation to unsuitability to work with children. The Department responded by conducting refresher training in 2018/19 on the submission of information to the Registrar of the National Child Protection Register in conjunction with the Registrar of the National Child Protection Register, the latter conducted the training. The training sessions were conducted as follows:

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| --- | --- |
| **Province** | **Date**  |
| Western Cape | 26 and 27 July 2018 |
| Limpopo | 7 August 2018 |
| Gauteng | 10 October and 13 August 2018 |
| Eastern Cape | 23 August 2018  |
| Mpumalanga  | 21 August 2018 |
| Northern Cape | 23 October 2018 |
| Free State | 25 and 26 October 2018 |
| North West  | 31 October 2018 |
| KwaZulu-Natal | 2017/2018 |