

# Article 40

The Dynamics of Youth Justice & the Convention on the Rights of the Child in South Africa

Volume 7 - Number 3  
October 2005



## **Article 4**

*States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention.*

# Probation services in Gauteng

*Gerda Brown from the Gauteng Provincial Department of Social Development gives an overview of this Department's progress in relation to child justice issues.*

**T**he Gauteng Provincial Department of Social Development works against the backdrop of legislative and policy frameworks that include the Probation Services Act, the White Paper for Social Welfare and the Provincial Protocol for the Management of Children Awaiting Trial. The Department provides a range of services within its probation section, including prevention services, early intervention services, assessment services, statutory services and continuum of care services.

### **Prevention services**

At the provincial level of operation, the aim is to identify risk factors for

children within communities and then address these in order to increase the healthy development and competency of young people.

In Gauteng, NICRO is presenting the Edventure programme for school-going children at risk of becoming involved in crime. The Department itself planned a crime-prevention programme for the West Rand region during the September school holidays. A similar programme is being planned for the East Rand region.

# EDITORIAL

In 2003, the Committee on the Rights of the Child released General Comment No. 5, General Measures of Implementation on the Convention on the Rights of the Child. In the introduction it states:

*“Ensuring that all domestic legislation is fully compatible with the Convention and that the Convention’s principles and provisions can be directly applied and appropriately enforced is fundamental. In addition, the Committee on the Rights of the Child has identified a wide range of measures that are needed for effective implementation, including the development of special structures and monitoring, training and other activities in Government, parliament and the judiciary at all levels.”*

So, while South Africa has still not enacted the Child Justice Bill, the country is nevertheless obliged to undertake “all appropriate ... administrative and other measures” to implement the rights contained in the Convention on the Rights of the Child.

This edition of Article 40 again highlights the fact that the government departments responsible for child justice have not been inactive while waiting for the Child Justice Bill to be passed. It is very encouraging to note the progress and continuous planning that has taken and is taking place in order to ensure a proper management system for children in trouble with the law.

We focus on the Department of Social Development and, in particular, its new programme of volunteer assistant probation officers. This initiative is aimed at easing the workload of probation officers and expanding the roll-out of home-based supervision services. This will hopefully ensure a reduction in the number of children awaiting trial in institutions.

We also examine the Gauteng Provincial Department of Social Development’s work in providing probation services throughout the province. The province has identified a number of challenges. If these are compared to the National Department’s challenges, one of the glaring similarities that emerges is inter-departmental co-operation.

It is highly commendable that all the relevant departments are planning for the Child Justice Bill. However, as the articles in this issue illustrate, such planning cannot be done in a vacuum. Departments should communicate what they need from their fellow departments to ensure a cohesive effort towards streamlining services to the ultimate benefit of children in the criminal justice system. The Inter-Sectoral Committee on Child Justice is a prime example of a forum where such discussion could occur. The work of this committee cannot be underestimated and should continue to be supported.



## Early intervention services

The aim is to ensure that children in conflict with the law are diverted from the criminal justice system and placed back with their families and communities. This includes programmes, processes and tasks aimed at restoring the healthy development of the child and victim within a restorative justice approach.

A number of NGOs are being subsidised to render diversion services in Gauteng, namely:

- NICRO (seven branches)
- The Restorative Justice Centre
- Youth for Christ
- Conquest for Life
- National Youth Development Outreach.

## Assessment services

Assessment services involve the assessment of every child within a prescribed period after arrest. The aim is also to establish Reception, Arrest and Referral centres (RAR) to ensure maximum impact with assessment. However, no new RAR centres will be established in Gauteng in 2005. At present there are seven existing RAR centres throughout Gauteng with an additional two being planned (see Table 1). There has also been an increase in the number of children receiving assessments – 5 856 children were assessed in 2000 and in 2004 the number totalled 8 280.

**Table 1: RAR centres**

NAME OF FACILITY	LOCATION
<b>EXISTING CENTRES</b>	
Johannesburg RAR	Johannesburg Court
Soweto RAR	Protea Court
Randburg RAR	Randburg Court
Alexandra RAR	Wynberg Court
Benoni RAR	Benoni Court
Pretoria RAR	Pretoria Court
Alberton RAR	Alberton Court
<b>PLANNED CENTRES</b>	
Germiston RAR	Germiston Court
Bronkhorstspuit RAR	Bronkhorstspuit Court

## Statutory services

This function includes the pre-sentence investigation and reports on children convicted of having committed an offence. The emphasis is on restorative justice and community-based sentence options. It also includes a number of pre-trial reports on children accused of having committed an offence. Table 2 shows the number of pre-trial and pre-sentence reports prepared over the last few years.

**Table 2: Pre-trial and pre-sentence reports**

ACTUAL NO.				ESTIMATED DEMAND
NUMBER OF PRE-TRIAL REPORTS				
2000	2001	2002	2004	2005
50	41	43	37	51
NUMBER OF PRE-SENTENCE REPORTS				
2000	2001	2002	2004	2005
2 127	2 259	2 412	2 129	2 925
TOTAL				
2 627	2 300	2 455	2 166	2 976

**Continuum of care services**

These services are aimed at assisting children who have been sentenced, and are linked to Secure Care and community-based sentencing options. Table 3 provides information on facilities in DSD Gauteng.

**Table 3: Gauteng DSD facilities**

FACILITY	CAPACITY FOR CHILDREN IN CONFLICT WITH THE LAW	LOCATION
EXISTING GOVERNMENT FACILITIES		
Norman House Place of Safety	5	Edenvale
Tutela Place of Safety	5	Pretoria
Walter Sisulu Centre	60 boys & 20 girls	Noordgesig
Protém Detention Centre	120 boys	Cullinan
Jabulani Welfare Complex	130 boys	Soshanguve
Van Ryn Secure Care Centre	40 boys & 20 girls	Boksburg
<b>Total</b>	<b>400</b>	
EXISTING NON-GOVERNMENT FACILITIES		
Mogale Detention Centre	500 boys	Randfontein
PLANNED GOVERNMENT FACILITIES		
Facility 1	240 children	Sebokeng
Facility 2	240 children	Midrand

The Van Ryn Secure Care Centre has been unavailable to accommodate children in conflict with the law since November 2004 as it is currently accommodating children living and working on the streets. Furthermore, the contract between the Gauteng Department of Social Development and the Mogale Detention Centre will expire in March 2006.

Since November 2004, the Department has also embarked on a project to move children out of correctional facilities (see Table 4). The results have been quite encouraging. The Department is responsible for the welfare of all children and is therefore committed to monitoring the conditions in police cells and correctional facilities. Accordingly, Life Line (East Rand) has been contracted to monitor police cells, while Youth for Christ has been contracted to monitor correctional facilities. Procedures have also been put in place to move children to places of safety or Secure Care.

**Table 4: Number of children moved from correctional facilities**

DEC 2004	JAN 2005	MAY 2005	JUNE 2005	TOTAL
183	92	178	94	547

*The Department is responsible for the welfare of all children and is therefore committed to monitoring the conditions in police cells and correctional facilities.*

**Challenges facing the Department**

The range of difficulties that must be overcome to deliver services to children in trouble with the law include the following:

- Human capacity is too limited to include prevention programmes in the work plans of probation officers.
- There has been resistance from some prosecutors to have children assessed and diverted out of the criminal justice system.
- Parents or care-givers of children are not informed by the SAPS to appear in court.
- There is an absence of an electronic case-tracking system.
- Diversion service providers are not available in all areas. In places like the far West and East Rand, children are often sentenced due to the unavailability of diversion programmes.
- Regional offices do not have enough vehicles, with the result that probation officers arrive late at court.
- Sentence options for girls are limited due to the lack of reform school facilities for girls in Gauteng.

**The way forward**

Despite the above-mentioned problems, forthcoming developments include the planned crime prevention programmes in the East and West Rand regions, the creation of 43 assistant probation officer posts in order to expand home-based supervision services, and the fact that tender applications will be invited for three new Secure Care centres. ●

# Launch

## of Volunteer Assistant Probation Officer Programme

On 29 October 2005, the Department of Social Development launched its Volunteer Assistant Probation Officer Programme in Mthatha, Eastern Cape. The launch was attended by the Minister of Social Development, the Minister of Labour, the Minister for Correctional Services as well as the MECs for Social Development in the Eastern Cape, Western Cape and Gauteng. This programme forms part of the National Youth Service Programme and consists of 470 Volunteer Assistant Probation Officers (VAPOs) being appointed in the next two months for a period of 12 months.

### **VAPOs**

The occupational class of assistant probation officers has been created to, among other duties, render home-based supervision as stipulated in terms of section 4A (2)(a) of the Probation Services Amendment Act (Act No. 35 of 2002). The volunteer assistance probation officer will work under the supervision of a probation officer and will also be engaged in community crime prevention programmes.

### **Home-based supervision**

One of the main responsibilities that VAPOs will undertake is home-based supervision services.

Home-based supervision is for high-risk children or those who allegedly have committed a criminal offence and are under the age of 18 years. It can be used as (a) an alternative placement option, (b) as a diversion programme, or (c) as a sentencing option. The child must be placed in the custody of his or her parents or guardian or another appropriate adult. The monitoring of the child has to be rendered by an assistant probation officer as stipulated in the Probation Services Amendment Act. This can only be done after the court has issued an order in this regard.

The court order should be preceded by a developmental assessment done by a probation officer after the arrest or, in relation to sentencing, after the conviction of the child. A pre-trial or a pre-sentence report can also be submitted to the court with a recommendation by the probation officer for this purpose.

Where children are placed in home-based supervision as an alternative to pre-trial detention, the child will stay under the order until such time as the criminal matter is concluded. Where home-based supervision is used for diversion or sentencing, the court will determine the period for which it can be used. Regular report-backs are provided to the court by the probation officers and assistant probation officers, at predetermined intervals or whenever requested.

The objectives of home-based supervision are as follows:

- To promote family preservation by allowing the child to stay with his or her family.
- To enable children to make a positive contribution towards their own lives and that of their community.
- To assist children to overcome criminal behaviour at an early stage of their lives.
- To keep the numbers of children awaiting trial down in correctional and Secure Care facilities
- To ensure a network of programmes during service delivery.
- To assist parents to take control and be responsible for their children's lifestyle.
- To create an alternative that is well structured to limit institutionalisation.
- To prevent further crimes from being committed.

**Conditions for home-based supervision**

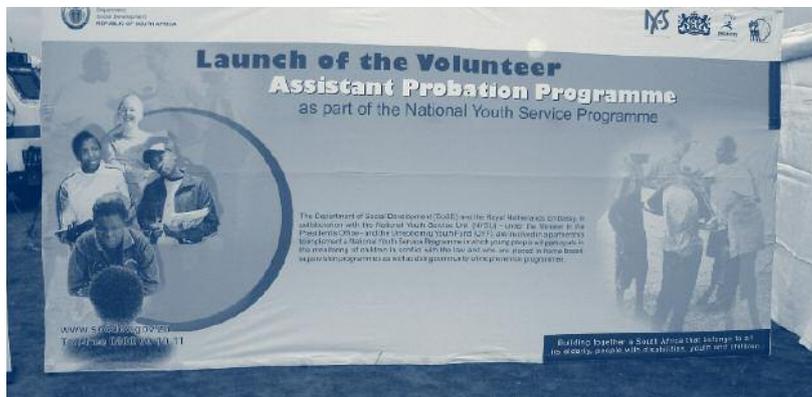
The conditions under which a child will be placed are very important. The probation officer and assistant probation officer will discuss the conditions with each other and with the child and family before the court hearing. The conditions will be stipulated in the court order. These conditions will be discussed with the child and the parents before home-based supervision commences, to make sure that everybody fully understands the conditions.

**Conclusion**

The VAPO programme is another example of the commitment undertaken by the Department of Social Development to reduce the number of children awaiting trial in prison, and to provide the services to which the Department has committed itself in the policy underpinning the Child Justice Bill. ●

*Editor's note: The information contained in this article was sourced from the Department of Social Development's VAPO pamphlet dated 21 October 2005.*

Launch



# Thinking outside the box

Article 40 asked Amanda Bezuidenhout, the presiding magistrate at the Pietermaritzburg juvenile court, to share her views on the court's innovative approach towards adjudicating matters involving children in trouble with the law.

It seems there can be no real hard and fast rules for dealing with young offenders. Anyone with children of their own will have come to realise that a child's maturity level is not guaranteed by their age in years. Setting a cut-off age for when a child becomes a 'juvenile' (and the implied criminal responsibility that goes with that) is not as obvious as it may seem at first. Consequently, when it comes to the law dealing with young offenders, it is possible that any ham-fisted approach will likely result in a worse outcome than intended by the spirit of the law. A young offender could actually become a victim of the law itself.

On the other hand, young offenders can be responsible for some serious offences. Around half of the cases heard at Pietermaritzburg's D court (the juvenile court) are housebreaking and robbery cases – and the public demands justice. A thorny issue, to be sure.

The following is an indication of how Pietermaritzburg's juvenile court deals with young offenders.

## **An innovative approach**

If children who come before the court are between 7 to 14 years, the court will first have an informal inquiry where the accused and his or her guardian are required to inform the court whether he or she has appeared in court before. If not, it is determined whether they have ever been referred to NICRO. If this is the first time that a child has appeared in court, and if they have never been referred to a diversion programme, then it is likely that they will be sent to complete one of NICRO's programmes – the aim being to teach the young offender the consequences of his or her actions. However, if the child has appeared in court before, and particularly if they have previously completed a NICRO diversion programme, the case can be converted to a Children's Court inquiry, where appropriate.

## **Restorative justice and diversion in action**

The Pietermaritzburg juvenile court mostly deals with young offenders aged 14 years and older. The largest group of children in trouble with the law tends to be 16 to 17-year old boys. The crimes they commit are

*In the June 2005 edition of True Crime, the following observation was made about the juvenile court in Pietermaritzburg: "With around 200 cases on the court's roll at any given time, and 70 to 80 new cases every month, it is encouraging to see that Pietermaritzburg's D court is not dealing with these young offenders as mere numbers. By striving to meet the demands of justice as well as looking out for the best interests of young offenders, the court has explored many creative options. And when it comes to the emotive issue of young offenders, perhaps thinking outside of the box is exactly what's needed to ensure true justice."*

mostly housebreaking, theft, robbery and assault with the intent to inflict grievous bodily harm. And yet, even with this age group, diversion (as opposed to imprisonment) is still the preferred action whenever possible.

## **Alternatives for first offenders**

For first offences that could be considered 'petty' (shoplifting or non-violent crimes), diversion to a NICRO programme is the usual route taken by the court. For first offenders who have been convicted of a crime like housebreaking with the intent to steal and theft or robbery, alternative sentence options include postponing the passing of sentence with a condition that the offender is placed under the supervision of either NICRO or the Department of Welfare. The offender is further required to attend certain programmes and perform community service. This is the

preferred course of action, especially if there were no serious circumstances attached to the crime and if the stolen property was recovered. The young offender is further warned in the presence of their guardian that, should they disobey or not co-operate, they will be referred back to court and will be sentenced. This approach hands power back to the young offender's guardian and in the almost three years that I have presided in the juvenile court, only approximately four young offenders have been referred back to court after being dealt with in this way.

### **Mediation**

In other cases, where the offender admits guilt and is prepared to fully take responsibility for his or her actions, and if circumstances allow, mediation is often more effective, especially where the victim and the offender know each other. A lot of these cases shouldn't even have come to court, for example, a window broken by a neighbour's child or a fight at school. Here the prosecutor arranges a meeting between both the offender and his or her guardian and the victim and his or her family. The prosecutor and the legal representative for the offender act as facilitators, trying to get the two parties together to talk the issue through. Matters are often sorted out in this way, resulting in the withdrawal of the criminal charge against the offender with the specific consent of the victim.

Often the offender is required to compensate the victim for his or her loss, and in some cases a genuine apology and obvious remorse on the part of the offender are sufficient to resolve the matter. This form of restorative justice (envisaged in the draft of the Child Justice Bill) is applied in the Pietermaritzburg juvenile court in relation to less serious cases (on an informal basis at this stage), with very positive results. In January 2005, D court's outstanding roll was 272 cases, however after the adoption of this new approach as discussed above, the roll at the beginning of October 2005 was standing at 76 cases.

### **The value of support systems**

If one applies one's mind to it and can manage to build up a support system of additional resources (such as trained facilitators, mechanisms to ensure fairness for all the parties involved and the enforcement of the agreements reached by the parties in these mediation processes), there seems to be no

reason why this process should be restricted to cases of petty offences. Obviously, in the case of more serious matters, much depends on the circumstances of each individual case when determining whether such a restorative approach would be suitable and appropriate.

### **Alternative sentencing**

The juvenile court in Pietermaritzburg has also made arrangements with NICRO so that a convicted juvenile offender can be referred to NICRO for alternate sentencing options. In addition, and depending on the seriousness of the offence committed, the young offender may be required to perform anything between 50 and 150 hours of community service work. Standing arrangements with the Traffic Department, SAPS Horse Unit and others were put in place so that their facilities are at the disposal of NICRO to allow juvenile offenders to perform tasks at these places under supervision, in addition to the life skills programmes they are required to attend and participate in. This ensures that the offender is punished, yet it is done in a very positive and innovative manner where the offender is also given the opportunity to learn from his mistakes.

### **Empowering the probation officer**

In each case after the juvenile accused is convicted, before a sentence is passed, the child and his or her guardian are referred to the probation officer stationed permanently at the court for the drafting of a pre-sentence report. Initially it was found that these reports were not adequate – a pro forma form was used and the recommendation was always a suspended sentence. The probation officer was then called in and training was provided to her on an informal basis to make her aware of and request her to consider various other sentencing options. She was also referred to the local NICRO office to familiarise herself with the programmes they offer.

### **Liaising with all role-players**

In addition, a juvenile justice forum meeting is held where all the role-players in the juvenile court meet once a month. The participants include the magistrate and prosecutor of the juvenile court, officials of the Department of Welfare, and representatives from each police station within the court's jurisdiction, from Correctional Services, as well as from other institutions like NICRO, FAMSA, SANCA, Lawyers for Human Rights, the Legal Aid Justice Centre, Pata Place of Safety and Greenfields Place of Safety.

Problems experienced by each of these role-players are discussed at these meetings and solutions are found. This has led to a very close and good working relationship between all those working with juvenile justice in the Pietermaritzburg area. The forum has also led to the drastic drop in the number of not only outstanding cases on D court's roll, but also of juveniles kept in custody awaiting trial.

### **Conclusion**

The law is by definition a set of rules and consequences, but when it comes to young offenders, the lines can become blurred. How a court deals with one 14-year old, for instance, can differ significantly from how it deals with another. Perhaps more than in any other court, when it comes to dealing with young offenders, the presiding magistrate can play a proactive role in insuring appropriate measures have been put in place for children. ●



# *Restorative justice training for magistrates*

**T**he Department of Justice recently organised training for magistrates on restorative justice in the Child Justice Bill and Children's Bill.

The training was organised for all nine provinces and to date has been provided in eight provinces – magistrates in the Northern Cape will be trained in early 2006. On average 22 magistrates attended each one-day session in each province.

On account of the training only being one day in duration, it involved presentations aimed at giving an overview of restorative justice theory and restorative justice in the Child Justice Bill and Children's Bill. However, in addition, the magistrates were provided with a file containing literature on restorative justice in South Africa and other countries to ensure that they were fully equipped with the relevant material.

## **Highlights of the presentations**

Among the aspects covered in the presentation on restorative justice theory were the following:

- Critiques of restorative justice and how these criticisms could be overcome.

- Examples of restorative justice in South Africa, e.g. the Truth and Reconciliation Commission and the South African Law Reform Commission's investigation into alternative forms of dispute resolution.
- Comparative examples of law reform incorporating restorative justice, e.g. New Zealand.

The presentation on the Child Justice Bill focused on restorative justice as one of the objectives of the Bill, how it emerged in the chapters on diversion and alternative sentences, and how the preliminary inquiry could be used as a mechanism to promote restorative justice. The presentation on the Children's Bill concentrated on the provisions in the Bill that provided for the use of restorative justice in the welfare setting (a wholly new concept to child protection in South

Africa), for example provisions on mediation, family group conferencing and lay forums such as traditional authorities.

### **Feedback from magistrates**

There was a mixed reaction to the training from the magistrates. Some felt that the training was premature on account of the fact that both Bills have not yet been enacted. However, most were enthusiastic about the training as only a few magistrates had previously received similar training. In addition, many magistrates noted that while their

courts practiced diversion of children, the link between diversion, alternative sentences and restorative justice had not been made and the training helped in this regard. Many of the comments received referred to the fact that the magistrates would now try to apply restorative justice in the sentencing of children.

In addition, the training also highlighted some good practices in various courts around South Africa, for example, the Benoni and Pietermaritzburg courts have established a local juvenile justice forum to bring all role-players together. This is important, as many of the magistrates noted the need for inter-sectoral co-operation at court level and expressed the opinion that the prosecutors, probation officers and social workers at their courts should receive similar training so that everyone proceeded from the same point of departure in managing children in conflict with the law. ●

# Letter to The Editor

Dear Editor

The Civil Society Prison Reform Initiative (CSPRI) was established in 2003 to address the need for research-based lobbying and advocacy on prison reform in South Africa. The lack of involvement of civil society organisations in the debate on prison reform prompted us to conceptualise a project that is aimed at generating research and policy inputs in support of a human rights-based approach to prisons in South Africa. CSPRI has four main objectives, namely:

- To build civil society capacity to do effective lobbying and advocacy on prison reform issues
- To promote good governance in the prison system
- To promote the use of non-custodial sentencing options
- To promote the use of effective offender reintegration methods.

CSPRI uses four methods to achieve its objectives, namely:

- Information collection, research and analysis of the field
- Dissemination and sharing of findings with stakeholders to stimulate and inform dialogue
- Engaging key players and decision-makers to influence decisions that will improve corrections
- Embedding the achievements of the programme in government and civil society.

Since 1 June 2005, CSPRI is based at the Community Law Centre (CLC), University of the Western Cape. Should any of your readers wish to know more about CSPRI, please feel free to contact us.

The free CSPRI Newsletter is available on e-mail. Readers can subscribe from the website, or send a subscription request via e-mail to the details below.

### **Contact details**

**Lukas Muntingh**

Tel: 021 797 9491

Cell: 082 200 6395

E-mail: [muntingh@worldonline.co.za](mailto:muntingh@worldonline.co.za)

**Julia Sloth-Nielsen**

Tel: 021 959 2419

Cell: 083 258 6230

E-mail: [jsloth-nielsen@uwc.ac.za](mailto:jsloth-nielsen@uwc.ac.za)

**CSPRI website (on CLC website):**

<http://www.communitylawcentre.org.za/cspri/index.php>



# *The management of children in the criminal justice system*



**O**n 14 September 2005, Mr Mazwandile Radebe, the Director of Social Crime Prevention and Youth, presented a paper entitled "Department of Social Development Response: Strategies to Combat Overcrowded Prisons" at a conference on the overcrowding of prisons held in Pretoria and hosted by Justice College. What follows are the issues that he highlighted in respect of children in conflict with the law and the Department of Social Development.

### ***Legislative mandate***

In the absence of the Child Justice Bill that has not yet been enacted, the Probation Services Act (as amended) is the first piece of legislation to define, inter alia, assistant probation officers, restorative justice, developmental assessment, assessment, and family group conferencing. In addition, the Child Care Act was amended to provide for Secure Care facilities.

### ***Recent policy developments***

In February 2004, the President announced his intention to reduce the number of children awaiting trial in police cells and prison, with a focus on KwaZulu-Natal, the Western Cape and Gauteng. At the request of the Deputy Minister of Social Development, the Depart-

ment of Social Development (DSD) in partnership with the provincial DSDs and other JCPS cluster departments, started this process in November 2004. This was also done in collaboration with the Inter-Sectoral Committee on Child Justice.

### **DSD's achievements**

In order to fulfil its legislative mandate and comply with moves to reduce the number of children awaiting trial in prison and police cells, the DSD has undertaken various measures to ensure that its responsibilities are being met. These include:

- Increasing the number of probation officers
- The appointment of additional assistant probation officers
- The roll-out of the home-based supervision programme
- Provision in provincial medium-term expenditure framework (MTEF) budget cycles for outsourcing of additional programmes, e.g. diversion
- The roll-out of Reception, Assessment and Referral services (RAR)
- Provision in provincial MTEF budget cycles for outsourcing of Secure Care centres
- Training and re-training of probation and assistant probation officers on probation practice, restorative justice and prevention programmes
- The development of minimum standards for diversion service providers and programme outcomes
- The implementation of the National Youth Service Programme consisting of the appointment of 470 volunteer assistant probation officers
- Ensuring provincial monthly reporting on the number of assessments done at correctional service facilities, Secure Care facilities, RAR's and SAPS holding facilities, as well as the outcomes and recommendations stemming from these assessments.

### **Secure Care and children awaiting trial**

As at 30 May 2005, there were 2 047 children awaiting trial (CAT) in Secure Care facilities. This figure is lower than the full capacity

numbers that all the facilities can house countrywide. However, the reasons for not transferring children awaiting trial in prisons to Secure Care facilities include the following:

- Some of the children have already been convicted and are awaiting sentence
- Some of the children have had no guardians present at court
- Some children may have multiple cases
- Some children could not be moved as the SAPS investigation had not yet been finalised
- Some of the children are awaiting designation to reform schools.

### **CAT in Secure Care Centres: 30 May 2005**

PROVINCE	NR & CAPACITY	CAT MAY 2005
KwaZulu-Natal	7: 179	127
Western Cape	6: 572	530
Gauteng	7: 910	600
Northern Cape	3: 150	153
Eastern Cape	3: 125	57
Mpumalanga	1: 35	21
Limpopo	1: 70	73
Free State	2: 88	73
<b>TOTAL CAT: 2047</b>	<b>Males: 2017</b>	<b>Female: 30</b>

### **Challenges to overcome**

The Department faces a number of challenges in its approach to reducing the number of children awaiting trial in prison and police cells. These include:

- Some cases involve children that have been remanded by the courts more than ten times (however, statistics are not regularly received from the Department of Correctional Services).
- SAPS does not have the capacity and resources to transport children.
- Some magistrates are of the opinion that children should await their sentence in prison.
- In some instances the prosecution does not accept recommendations as to placement made by the probation officers on account of the serious nature of the offence.

### **Conclusion**

This presentation provided valuable information regarding the Department of Social Development's approach to children in conflict with the law. It illustrates the DSD's commitment to the provision of probation services and the proper functioning of the department through budget planning and monthly reporting. The presentation also illustrates the fact that the DSD is often dependent on other departments in order to fulfil all its obligations. If all departments do not plan for implementation and, in doing so, communicate with each other regarding areas of overlap, problems will arise. For this reason the Inter-Sectoral Committee on Child Justice is most valuable, as it provides a direct opportunity for child justice role-players to communicate and manage issues relating to child justice. ●

# NOTICE-BOARD



## **Remember!**

**International Day of the Child  
(20 November 2005)**

### **Upcoming conferences**

#### ***The Internationalisation of Family and Child Law***

**Event Organiser:** Miller du Toit Inc and the Law Faculty of the University of the Western Cape.

**Date:** 26 and 27 January 2006

**Venue:** Protea President Hotel, Seapoint, Cape Town

For more information, contact Joan Cornish at Miller du Toit Inc on 021 418 0770 or [mdt@iafrica.com](mailto:mdt@iafrica.com).

#### ***Third International Conference on the Impact of Global Issues on Women and Children (12-16 February 2006)***

**Event Organiser:** McMaster University

**Date:** From Sunday, February 12, 2006 to Thursday, February 16, 2006

**Location:** Bangladesh

**Summary:** The aim of the Conference is the exchange of knowledge, expertise, and experience on issues relevant to positive and negative effects of globalisation on children and women.

For more information visit:  
[www.fhs.mcmaster.ca/slru/ic2006/main.html](http://www.fhs.mcmaster.ca/slru/ic2006/main.html)



#### **Editor**

Jacqui Gallinetti  
Tel: 021 959 2950/1  
Fax: 021 9592411  
E-mail: [jgallinetti@uwc.ac.za](mailto:jgallinetti@uwc.ac.za)

#### **Editorial board**

Ann Skelton – Centre for Child Law, UP  
Joyce Matshego – Department of Correctional Services

Lukas Muntingh – CSPRI  
Francois Botha – Consultant  
Pieter du Randt – Department of Justice  
Johanna Prozesky – Department of Social Development  
Coenie du Toit – Department of Social Development  
Julia Sloth-Nielsen – Faculty of Law, UWC

Cecilia Dawson – Nicro

#### **Website**

[www.communitylawcentre.org.za](http://www.communitylawcentre.org.za)

#### **Layout and design**

Out of the Blue Creative  
Communication Solutions

Tel: 021 947 3508  
E-mail: [lizanne@outoftheblue.co.za](mailto:lizanne@outoftheblue.co.za)

This publication was made possible by the generous funding of the Swiss Agency for Development and Cooperation. Published by the Children's Rights Project, Community Law Centre, University of the Western Cape. The views expressed in this publication are in all cases those of the writers concerned and do not in any way reflect the views of the Swiss Agency for Development and Cooperation or the Community Law Centre.