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From the Editors

Child justice has long been the Cinderella area of the South African legal system. With no dedicated legislation (although this is forthcoming), textbooks on criminal procedure have largely ignored the special position of children accused of offences, save a few references to sentencing and the requirement that parents be found and attend court to assist their child. No university yet offers juvenile justice as a subject in the law curriculum, although some social work faculties are taking the initiative here.

Yet, as this issue's lead article shows, there are precedents being set by the High Courts in an increasing number of cases. Some of these have been covered in previous issues of Article 40. High Court judgements are important, not just in setting benchmarks regarding fair trial processes for children in the criminal courts, but also because they give guidance to the practitioners in areas such as compilation of pre-sentence reports and the decision to prosecute. They can assist with the development of provincial and national standards, which can help us all.

However, many of these important cases are, for whatever reason, not reported in the formal law reports. In the past, the editors have been alerted to new cases by social workers, by judges themselves, and, in the instance of *M v Senior Public Prosecutor Randburg and Others*, indirectly via the legal practitioner. We thank all of you who have taken the trouble to notify us in the past, and encourage you to continue to bring reviews and appeals in children's cases to our attention where the issue at stake can be of benefit to a wider audience. In this way, we can all contribute to putting child justice law firmly on the map.

Challenging the Decision not to divert

M v The Senior Public Prosecutor, Randburg and Another (Case 3284/00 WLD)

by Julia Sloth-Nielsen

The High Court decision in this case is indeed a welcome advance in the march towards formalising the diversion process as a legitimate facet of the juvenile criminal process. The application, brought by the guardian of a minor girl convicted of shoplifting in the magistrate's court, did not seek to establish any irregularity in the guilty plea that she lodged, either in the process of her conviction or in relation to the sentence. Instead, the argument was launched on

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the basis of a similar set of facts involving a girl (T, the "co-culprit"), arrested in like fashion for shoplifting clothing. Both participated in the same theft. In T's case, diversion was assented to by the prosecution.

This application therefore challenged the exercise of prosecutorial discretion in deciding to prosecute M. The imputation, the court explained, was that the prosecutor in M's case did not consider diversion. As the prosecutor did not respond to the papers filed for review, whether he actually considered diversion is unknown. Also, the Court mentions that if the prosecutor had come back with an affidavit to explain what he did, and that he did consider diversion, the outcome would have been different. But, in the absence of any explanation, the inference had to be drawn that "on facts which require that the question of diversion should at least come into the equation, diversion was not considered." This, the court held, was reason to set the conviction aside, and to refer the matter back to the stage where the prosecutor "does bring the prospects of and the possibility of diversion into consideration before him."

The basis for this, said Fleming DJP, was not related to any constitutional issue. Rather, "the court has always reviewed administrative decisions which are vitiated by mala fides or other considerations where that is appropriate." In other words, in the ordinary course of the exercise of the High Court's inherent jurisdictional power to review administrative decisions, and to overturn them where the person who exercised the power displayed bad faith, or failed to apply his or her mind to the matter, the prosecutor's decision could be reviewed by a superior court. And, although the judge says that "for those who want to call it the decision to divert there is freedom to use that term, what is really at stake is a decision not to prosecute, juxtaposed on the same set of facts with a decision to prosecute," which latter decision was thus reviewable. In the absence of any explanation or reasons for proceeding with the charge, the implication was that the prosecutor did not apply himself properly and fully to the content of what was before him.

The case is obviously of immediate relevance for children who are co-accused for the commission of the same offence: if these children are not treated alike, reasons for adopting a different course of action may have to be furnished by the prosecutors. But also, on the principle that "like cases should be treated alike," there is a scope to argue that within a broad margin of discretion, diversion - and prosecution - must be applied relatively consistently within the jurisdiction. (See by contrast the 1997 Cape case of *S v D* and others. This case involved children convicted of possession of small quantities of dagga. It was argued unsuccessfully on review that this type of case was usually diverted in that court, that a previous case on similar facts had been diverted and that they too should have qualified for diversion. However, the conviction was set aside for other reasons.)

M v Senior Public Prosecutor does not establish a right to be considered for diversion in every case or even every petty case. But, the decision shows an acknowledgement of the benefit of the diversion process (Fleming DJP refers in general to the correctness of the decision not to prosecute taken in this type of situation because of the human potential of the child and the harm which prosecution does to children who are immature.) Also, it provides a basis for future challenges when obvious candidates for diversion are instead taken through the criminal process. Most pertinently, maybe, is that it demands of all prosecutors to apply their minds to the diversion possibilities when dealing with the accused children lest they be called later to account. This should encourage

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amongst prosecutors a deeper awareness of the variety of diversion options on offer, and the potential for diversion in each region.

Diversion initiatives in Noupoort

Magistrate Roberts of the Noupoort Magisterial District shares his experience on the establishment of diversion initiatives in Noupoort:

Noupoort, a small town in the Eastern Cape, has successfully initiated a diversion programme. This was made possible mainly by the tireless efforts of Magistrate Roberts, the funding from an international donor, Open Society Foundation, and other role-players. When the town found itself without a social worker in November last year and thus without any diversion programmes for child offenders, the presiding magistrate did not throw his hands in the air. Instead, he solicited help from a number of NGO experts and other role-players. In the absence of any diversion programme, the prosecutor simply withdrew all the petty offences against children without diverting them into a programme. This fuelled negative perceptions about juvenile offenders - the most popular being that child offenders were getting off scot-free.

The first step towards an effective diversion programme was to establish a Child Justice Committee, which consisted of all the role-players, namely the officials from the Police, the Justice, Welfare and Education departments, and community leaders. This committee was going to be responsible for the development and execution of the diversion programme in Noupoort. In order to empower the Committee regarding its responsibilities, an invitation was extended to a number of organisations and individuals with experience in the area of juvenile justice and diversion to train the committee. The response was so overwhelming that after the training the Committee was able to immediately start selecting and training local volunteers to assist with implementing the local diversion programme. The committee was given an unused office at the court buildings where all their functions were to be co-ordinated.

They were trained in, inter alia, how to run juvenile justice programmes, and were also taught how the assessment process works. The high quality and enthusiasm of these volunteers made it possible for the Committee to start with the diversion programme within a week of their training. As part of their functions, the volunteers went into the community and identified youths at risk, ie, those who have behavioural problems at school or are abusing alcohol and drugs. It is important to target such a group in any efforts aimed at steering the youth and children from the life of crime. The diversion programme was a roaring success in that there was a drastic reduction in the number of child offenders within the magisterial district of Noupoort.

The Committee also consulted with officials from the Department of Correctional Services with a view of incorporating the diversion programme into the range of correctional supervision sentencing options administered by Correctional Services. This is important if diversion is to be a reality even after the juvenile offender has been convicted and appropriately sentenced.

The success of the diversion programme in Noupoort should serve as an inspiration to other practitioners in rural and peri-urban settings not to despair when faced with obstacles in their efforts to set up a child-friendly justice system. This proves that substantial resources, are not required to establish a diversion

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structure - all that is required is the willpower, enthusiasm and imaginative solutions from all the role-players involved in the project.

Juveniles may be sentenced only after a full background report

The Supreme Court of Appeal says juveniles may be sentenced only after a full background report has been given to the court.

CARMEL RICKARD* of the Sunday Times reports as follows: long prison sentences imposed on two young offenders convicted of murder have been set aside by the Appeal Court in Bloemfontein, because no official reports on their circumstances were made available to the judge who originally handed down the jail terms. Now the case has been sent back to the trial court judge for re-sentencing once proper evaluations have been completed and given to him.

And the Appeal Court has ordered that its judgement in the case be sent urgently to every social worker and welfare officer in the Eastern Cape so that they see that they must comply with the law in future. Three Appeal Court judges were considering the case of Roger Peterson and Adrian Hing, both from Bloemendal outside Port Elizabeth. They were convicted of killing Bronwell Kettledas five years ago near a "home shop" belonging to a group of Rastafarians, and given an effective sentence of 18 years each.

The two accused were 15 and 16 at the time of the murders, and according to evidence before the trial judge, the area where the murder took place was rife with conflict between at least two rival gangs. After convicting the two, the judge adjourned the case for a month to allow for a full report to be prepared on the background and personal circumstances of both boys.

However, when court re-convened the judge was given a letter by the regional Director of Welfare Services, who said the department had not been able to obtain such reports. In his decision, the Appeal Court judge Pierre Olivier said he was "to put it mildly not in the least impressed with the explanations" which had been given to the trial judge. While the department claimed it was too dangerous for the social workers to go into the gang-ridden suburbs to obtain the interviews they needed for their reports, Judge Olivier pointed out that the two accused were in custody and could therefore have been interviewed quite safely. As for the parents and other people needed for such a report, the police could have arranged to fetch them and bring them for interviewing.

Judge Olivier said the trial court had made a mistake in accepting the excuses. It was expected that the judicial officer imposing sentence would play an active role in Juveniles may be sentenced only after a full background report establishing the correct sentence, particularly when the accused were as young as in this case, and where the sentence imposed was longer than the total lifespan of the youths.

He said the court would set aside the original sentence for reconsideration once the full reports had been considered. Judge Olivier also ordered that his judgement, particularly his remarks about the duty of the welfare officers to prepare and provide proper evaluations and reports on juvenile offenders, should be distributed among officials of the Department of Welfare as a matter of urgency. This would encourage a "reorientation" among the social workers, along the lines spelt out in the judgement. He said that it was possible that the court

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would impose another heavy sentence on Peterson and Hing, but that this would only be valid if imposed after consideration of all the relevant information.

** We are grateful to the author and the Sunday Times for generously allowing us to reproduce their article with some modifications.*

The case is reported as Peterson en 'n ander v S (case no. 374/99). A full copy of the judgement is available at the following website:

www.uovs.ac.za/faculties/law/appeals

NICRO's Diversion Plan Beyond 2000

Feroza Brey NICRO National Co-ordinator (Youth Development and Diversion) reports on the workshop held by NICRO (Western Cape) to develop its strategic direction for the new millennium.

From 13-15 September 2000 NICRO held a three-day workshop attended by a number of experts whose specialities ranged from psychology to criminology and juvenile justice. The aim of the workshop was to plan NICRO's future activities and to position the organisation strategically in the light of the new child justice legislation. It is anticipated that the new legislation will place increased demand on NICRO's diversion programmes. NICRO was represented by its Western Cape managers as well as five of its service practitioners.

The workshop was primarily aimed at achieving the following goals:

- to develop a long-term vision for NICRO in support of the new child justice legislation;
- to critically analyse NICRO's existing programmes;
- to formulate concrete plans in order to improve and sustain its services;
- to examine the role of the Department of Social Services in relation to NICRO's role in providing and expanding diversion options to youth at risk.

Various experts shared their knowledge of and insight into the challenges facing NICRO and similar organisations in the light of the proposed child justice legislation. Their presentations covered a number of topics including the following: the comparative study of juvenile justice legislation of different countries of the world, the overview of the proposed legislation and its implications for NICRO, the analysis of the various diversion models and other practical tips on running successful diversion programmes. One of the speakers identified training of police officers as being vital in the successful implementation of the new legislation because they would be charged with broad discretionary powers to help with the diversion of young offenders. The other speakers also stressed the importance of ensuring the physical and emotional safety of the participants of any diversion programme. NICRO was advised to commence, in conjunction with other stakeholders, internal capacity-building programmes so that it can respond to the challenges posed by the new legislation.

All the participants agreed that the success of diversion would largely depend on the level of co-operation between the various service providers and the Department of Social Services in sharing responsibilities and resources according to each party's level of expertise. The workshop succeeded in strengthening the existing ties between NICRO and other organisations and has also enhanced NICRO's networking capacity.

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In order to strengthen its diversion programmes, NICRO has adopted the following guiding principles:

- Restorative justice is the underlying principle of all its diversion programmes;
- every participant must be engaged in an individual intervention plan;
- after-care and follow-up should be integral components of all the programmes;
- all the programmes should have built-in indicators to measure their impact; and
- pilot programmes must be implemented in support of the proposed child justice legislation.

Statistics: How is NICRO's diversion project doing?

By Lukas Muntingh

In the 1999/2000 financial year NICRO dealt with approximately 10 500 diversion referrals. Compared to the humble beginnings of the programme seven years ago when only a few hundred cases were processed, this represents a significant increase in the number of cases referred to this organisation.

For a closer look at the performance of diversion programmes conducted under the auspices of this organisation, this article will examine the quantitative information of the first six months of the 1999/2000 financial year with data for the same period of the 2000/1 financial year. In both instances the period April to September is compared. Only cases that have been finalised and also those that have successfully complied with the conditions of the diversion programme or that have been referred back to the referring agency are included. The service is provided from 31 NICRO offices.

The accompanying graph shows the number of diversion cases per province for 1999/2000 and 2000/1. All the provinces showed an increase in the number of referrals. Expressed as a growth percentage, the profile is as follows: W Cape - 2.2%, E Cape - 6.0%, KZ Natal - 44.1%, Free State - 27.2%, N Cape - 50%, Gauteng - 110.2%, Mpumalanga - 4.5%, North West Province - 28.1%, and Northern Province - 268.1%. The graph also shows that four provinces are responsible for the bulk (84%) of diversion referrals, that is the W Cape, E Cape, KZ Natal and Gauteng. The project aims at making diversion more accessible to other under-served provinces such as the North West, Mpumalanga and Northern Province.

The 2000/1 period saw a fairly steep increase from April to June, after which the numbers declined, but not below the 1999/00 level. Then in September 2000 more than 1 400 cases were dealt with. Although not visible on this graph, it has been noticed that the increase in the number of cases that were processed each month is closely linked to school and public holidays.

The gender profile of the diversion programmes has remained constant for some years now at 75% males and 25% females. The race profile has, however, shown some slight but noticeable change. The proportion of African children has shown a steady increase over the past year. This can partly be ascribed to the demographic profiles of particular provinces and also to active lobbying with officials to make the service more accessible to all. The majority (77%) of

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children referred to NICRO diversion programmes are scholars, but from 1999/00 to 2000/1 the proportion of unemployed children (children no longer attending school) has increased from 16% to 18%. The number of employed children remained stable at approximately 4.5%.

Although children referred to the diversion programmes are charged with a wide range of offences, eight of the top ten charges are property or victimless offences, and only two violent offences are noted - common assault and assault GBH. Theft and Shoplifting account for approximately 60% of the total, followed by housebreaking and theft.

In those instances where the value of the property involved in the crime was known, the value was less than R 200,00.

Approximately 75% of cases are referred by prosecutors, as shown in the graph entitled "Origin of Referrals". Other sources of referrals have also been identified, such as community corrections (DCS) and places of safety also make use of the programmes. It is encouraging to see that the number of referrals coming from the SAPS has increased from 37 to 117 in the two periods. The number of cases referred from schools has also seen an increase from 131 to 440, which shows that schools are becoming more proactive in dealing with problem behaviour.

The table entitled "Cases referred to various programmes" shows that the proportion of cases referred to the YES (life skills) programme has decreased slightly and that Pre-trial Community Service (PTCS) increased by nearly 3.5%. The 1999/2000 figures showed that 83% of cases referred complied with the conditions of diversion and for 2000/1 this figure was 85%.

[Ed. Note: none of the graphs have been included. Please check out the paper copy.]

Challenges to setting up diversion programmes in rural areas

By Catherine Wood and Louise Ehlers

SAYStOP (South African Young Sex Offenders Project) has been piloting a diversion programme for young sex offenders in the Western Cape for the past three years. Initially the project was restricted to the Cape Metropole, but in 2000 the programme was expanded to make the service available to courts throughout the Province. The process of expansion began with the facilitation of an intensive three-day training workshop for probation officers from 12 Western Cape magisterial districts. After the training, the probation officers were provided with ongoing mentoring and follow-up through the following supportive services:

- (a) telephonic advice line;
- (b) follow-up site visits; and
- (c) a bi-monthly newsletter.

Through this process, SAYStOP has learnt some valuable lessons that are relevant for the general expansion and transfer of urban-developed diversion programmes into peri-urban and rural environments.

Firstly, any programme designed for use in urban areas needs some adaptation in order to be successfully implemented in rural environments. Initially the SAYStOP

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diversion programme was designed as a group intervention run on a weekly basis over a set number of weeks. This was a problem in the under-resourced areas, where one probation officer is responsible for service provision to a number of towns that are widely dispersed. In order to ensure a regular service to all these areas, diversion service providers often visit some of the smaller towns within their region on a rotational basis (for example, once a month for three consecutive days). As a result, it proved difficult to find a central point where the diversion programmes could be convened and still remain equally accessible to all the potential candidates in that region. Adapting the programme to deal with each region's unique problems counteracted this difficulty. For example, the West Coast region found that it was far more effective to run the diversion programme as an intensive intervention over consecutive days during the school holidays at a centrally located residential facility. Diversion service providers in the Karoo region, on the other hand, elected to work through the programme material on a one-to-one basis with the child or as part of a family intervention. In these cases, sessions were conducted on a monthly basis during rotational visits.

Both the above methods of intervention proved to be effective in overcoming some of the obstacles presented by the rural context. Unfortunately, these strategies do have some limitations. For example, the child participating in an individual or family intervention will lose out on the benefits of the group process. Likewise, those attending intensive programmes are presented with a lot of information in a short space of time. This could potentially limit the child's long-term retention of the material.

Given the above, it is important to remember that when diversion programmes are intensively administered, they need to be supplemented with additional follow-up sessions. The follow-up could take the form of individual or small group sessions as part of the diversion service provider's rotational visits to the child's home town. Alternatively, community mentors could be employed to work through aspects of the programme material with the child. These strategies will go some way towards ensuring that the children comprehend the material covered in the programme. This will also give the service provider the opportunity to monitor the re-integration process and, therefore, lessen the possibility of re-offending.

Through the expansion process, it has become clear to the SAYStOP Steering Committee that in rural areas it is not sufficient to train only two probation officers from each magisterial district. At present the magisterial districts are divided into separate sub-areas, with each probation officer only being responsible for one section. This has resulted in a situation where one area may be allocated a trained worker whereas an adjoining area may not. Consequently, the provision of services is inconsistent and not all children living in the same magisterial district have equal access to diversion. These gaps in service provision have highlighted the necessity for further training. In the long term, the Department of Social Services should also consider counteracting this problem through developing intra-departmental co-operation and building in mechanisms for the transfer of skills.

Another important lesson learnt over the past year is that diversion service providers need to make creative and innovative use of available community services and resources when establishing diversion programmes in rural areas. They need to alter their thinking and move away from seeing diversion as a set programme that has to be applied directly from a standard manual. Instead they should see it as a means of ensuring that the child involved not only takes

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responsibility for his or her actions, but is also successfully reintegrated into the community. In order to accomplish this, they need to use whatever resources are available in that particular community. The intervention should be context-specific and should be applied in such a way that maximum use is made of the trained worker (without forgetting that the overall success of any programme cannot depend entirely on the presence of that trained person).

During the piloting of their diversion programme, SAYStOP discovered that in rural areas the programmes that tended to be more successful were those where the service providers used their ability to work creatively and to think beyond the traditional application of diversion programmes. For example, on the West Coast, government-employed probation officers formed a very successful partnership with the local diversion worker from NICRO. As a team, they had to network extensively with community groups and municipal structures in order to obtain the necessary facilities, transport and additional personnel to make their intensive residential programme possible. They made use of the local airforce base as a venue for hosting their residential programme and used the police to help them to transport children and parents to the venue. They also involved volunteers to help them look after the children during their free time, at meal times, and for supervision in the dormitories. Through this networking, they were able to give some of the responsibility for the re-integration of these children back to the community.

It is important when establishing diversion programmes in rural areas to consider the following important guidelines as distilled from the experiences of the SAYSTOP initiative:

- diversion service providers must adapt the basic programme to the needs and constraints of their particular environments;
- they should take into account the distances separating the various communities within their magisterial district and to see that sufficient staff are trained;
- individuals and organisations involved in the provision of diversion services should build partnerships with one another to enable the sharing of information, skills and resources;
- finally, it is important for service providers to draw in members of the community in which they work and to make creative use of resources, skills and services available in that community.

Emerging trends in diversion

By Buyi Mbambo- Assistant Project Co-ordinator, UN Child Justice Project

Diversion is the centrepiece of the proposed Child Justice Bill. Article 48 of the Bill sets out the objectives of diversion. These objectives include encouraging the child to be accountable for the harm caused, meeting the particular needs of the individual child, promoting the integration of the child into the family and the community, and providing an opportunity for those affected by the harm to express their views on its impact on them.

The Bill further sets out a range of diversion options by proposing three levels of diversion for children aged ten years and older. Level one diversion includes less intense interventions that can be implemented through a range of orders issued by the magistrate at the preliminary inquiry. Examples of orders include

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compulsory school attendance orders, family time orders, placement under guidance or supervision and a compulsory school attendance order. These orders are meant to encourage positive behaviour in children and are meant to support parents in their parenting and guidance functions. An individual in the community or a community-based organisation is required to supervise the implementation of these orders.

Level two diversions include any options under level one. In this case the maximum period of diversion should not exceed six months. These diversion options are more intense than those at level one. They include, for instance, compulsory attendance at a specified centre or place for specified vocational training, performance of duties without remuneration for the benefit of the community under the supervision of an individual or an institution. Referral to a Family Group Conference or a Victim Offender Mediation Programme is also an option at this level.

Level three diversions are more intense and they can only be applied in cases of children aged 14 years or older if the court believes that upon conviction of the child, it would impose a sentence involving detention of the child for a period exceeding six months. These diversion options include referral to a programme with a residential component, performance of duties without remuneration and referral to counselling or therapeutic intervention.

The new child justice system is designed to cater for the majority of children who have committed crimes and the different levels offer an innovative way of dealing with them, based on appropriate assessment by the probation officer. The question we need to ask in anticipation of the new child justice legislation is: "Are we ready to deliver on diversion? Do we have the capacity to deliver a wide range of proposed options at every point where children come into the system?"

The UN Child Justice Project has as one of its objectives the enhancement of the capacity and use of programmes for diversion and alternative sentencing of children. In order to fulfill this mandate, the project is conducting an audit of available diversion programmes throughout the country. We are also looking beyond the currently available diversion programmes by identifying other good practice youth development programmes, which seem to have the potential to offer diversion, albeit with some adjustments. The audit is an ongoing process that identifies trends in programmes that respond to different levels of diversion as proposed in the Child Justice Bill. The audit has identified the following programmes so far:

Developmental life skills and life centre models

These programmes include a wide range of life skills education, covering topics such as personal awareness and growth, communication skills, conflict resolution and effective mediation, sexuality, crime awareness and crime prevention, gender sensitivity, and leadership development. Many life skills programmes are packaged in the form of a "course", which can last from a few hours to a number of days. The course content varies from one programme to another.

Peer / youth mentorship

These programmes make use of peers, youth or adult mentors from the community, who are sometimes referred to as youth leaders. The mentors are assigned to a child or a young person and they develop a unique relationship with

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them. They offer guidance by playing the role of big brother or sister and they offer friendship to the child. In most programmes, mentors have an accountability function, reporting back to the programme manager on the progress of a particular child. The most important feature of these programmes is the relationship that develops between the mentor and the child and the flexibility of these programmes.

Wilderness / adventure therapy

These programmes offer education, leadership and even therapeutic support through outdoor experiential education. Many of these programmes are especially designed for children with serious behavioural and emotional challenges and who respond well to level three diversion. Participants in these programmes "go away on wilderness journeys" for specified periods to experience for themselves, and to learn how to cope with, different challenges using the natural environment to shape their behaviour.

Skills training and entrepreneurship programmes

These programmes offer vocational skills training, such as computers, hairdressing, arts and crafts, motor mechanics, catering, bookkeeping and basic office maintenance. It should be noted that many of these programmes target the unemployed and out-of-school youth. They are assisted with job-hunting and setting up their own businesses. Many of these programmes can be adapted to serve children aged 14 to 18 years and they could also be used for level three diversions. They are available in both urban and rural areas.

Restorative justice programmes

Restorative justice programmes include Family Group Conferencing (FGC) and Victim Offender Mediation (VOM) processes. Only a few of these exist in limited parts of the country, and there is a challenge to develop a series of these programmes. The Child Justice Project is aware that restorative justice initiatives require a high skills base. This will require community development and capacity building.

Counselling and therapeutic programmes

Many children who commit crimes may have behavioural problems as well, and need serious or intensive counselling. Some of these programmes can be used to treat and deal with substance abuse among the children. It appears that the majority of existing drug rehabilitation programmes are aimed at adults and very few are targeted at youth and children. The challenge facing the development and provision of this service is that these programmes are not readily available for children.

Combined programmes

These programmes are a mix of many things. For instance, in one programme a child can be exposed to life skills, FGC, mentorship, vocational skills training, family support for children and adventure therapy. Some organisations have managed to successfully package their programmes in a way that provides an enriching experience for the child.

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Other significant models

Other interesting programmes are still being piloted and therefore cannot be reported on at this stage. However, it is important to note that some organisations are looking at using the traditional cultural practices on rites of passage and linking them to diversion. It is also important to look at indigenous conflict resolution processes that develop naturally in communities and those that are part of our cultural heritage, because they are the natural resources of those communities. **Conclusion**

It is important to note that there are many pragmatic diversion programmes that are being piloted or conducted throughout the country which have some elements of the programmes outlined above that are not mentioned in this audit.

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