ARTICLE 40

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From the Editor

After two years, the time has come for a report-back to readers. Circulation of this newsletter, generously funded by the Swedish International Development Agency, has increased from the first print run of 1 500 copies to 3 000 copies for each edition. The demand continues to grow, and funding for a larger print run is being sought.

The journal has attracted international attention and regular requests have been received for permission to reprint articles that have appeared in previous editions, which permission has been freely granted. Because many articles are now also available electronically on the Children's Rights Project web site (see Notice-board), news of South Africa's developing juvenile justice system is beginning to reach a wider audience of practitioners and researchers. Article 40 has been cited in High Court judgments, and has influenced judicial decisions as well. Academics and facilitators are using Article 40 material for teaching and training purposes, and Conrad Barberton's articles on costing the Child Justice Bill that appeared in the February and May 2000 editions were presented by him at an International Conference on the Reform of Criminal Law held in Sandton in December 2000. We encourage readers to use the material you find in these pages for any of these purposes!

We must also report on wonderful interaction with readers, and many offers of news, articles and research findings, not to mention unsolicited letters of support. We hope that you will continue to find Article 40 a useful forum for airing your views and profiling best practice in the child justice system.

A recent meeting of the Editorial Board confirmed that government departments - Justice, Welfare and Correctional Services - are fully behind this endeavour. All of us are motivated to ensure that Article 40 can play a role in the lead-up to, and implementation of, new legislation for a separate child justice system, and sincere thanks must go to each of the Board members for the contribution they have made to this publication. The Board also resolved to take steps to improve the circulation of Article 40 even further, especially to prosecutors and magistrates.

Lastly, we welcome Jacqui Gallinetti to the Board. As new project co-ordinator of the Children's Rights Project at CLC, she will also serve as editor of future editions of Article 40. Jacqui comes to CLC from the Legal Aid Board, where she managed the clinic in Athlone, Cape Town. As a practitioner she had a special interest in

children's matters, and she brings to CLC both practical insights and research experience. Zola Madotyeni, co-editor of this newsletter for the last two years, has left to pursue a career in tertiary education and we wish him well in his future career.

Advocacy Campaign planned around the Child Justice Bill

Since the early 1990s there has been a heightened awareness of the plight of children accused of crimes and their treatment within South Africa's criminal justice system. There has been a concerted effort by non-governmental organisations committed to children's rights issues to bring about appropriate law reform in this sphere. Despite unsuccessful piecemeal attempts at amending existing legislation to improve the situation relating to juvenile accused, the reform process progressed and resulted in the South African Law Commission's Project Committee on Juvenile Justice handing a final report (together with the Child Justice Bill) to the Minister of Justice in August 2000. At present the Child Justice Bill is on the verge of entering the parliamentary process. It is due to be submitted to the State Law Advisors in June 2001 and introduced to Parliament at the end of August 2001, with the Parliamentary Portfolio Committee hearings scheduled for September 2001.

Promoting informed debate

The Bill has sought to address the problems encountered in the field of child justice as it exists within the framework of current legislation. It is aimed at protecting the rights of children accused of committing crimes as well as at regulating the system that deals with accused children and at ensuring that the roles and responsibilities of all those involved in the process are clearly defined in order to support effective implementation. The effect of the new legislation, once adopted, will be to revolutionise the criminal justice system in South Africa in so far as it affects children in conflict with the law. For those committed to the reform process, it is therefore of paramount importance that there is an accurate understanding of the issues in the Bill and that informed debate takes place during the passage of the Child Justice Bill through the parliamentary process. Accordingly, in November 2000 a workshop, which was held in Pretoria, was convened by the United Nations Child Justice Project to promote an accurate perspective on child justice. The workshop was attended by NGOs, representatives from government departments and UN agencies as well as donor organisations. What arose from the workshop was the fact that an action plan needed to be implemented to ensure that civil society becomes familiar with the issues relating to child justice. This action plan is necessary especially in the light of the fact that, as the Bill progresses through Parliament, various problems could be encountered through inaccurate information being disseminated and a general lack of knowledge surrounding key issues in the Bill, eg diversion and the age of criminal capacity. It was generally recognised that if there is insufficient support for the Child Justice Bill, the possibility exists that the proposed legislation might encounter difficulties in Parliament. This would obviously not be in the best interests of children, nor would it be consistent with a children's rights culture in South Africa.

Collaborative network

Accordingly, the participants at the November workshop committed themselves to the formation of a collaborative network. Through this network all relevant sectors of society can contribute to the reform process by advocacy, lobbying and

increasing awareness on child justice issues and concerns in order to garner support for the Child Justice Bill and the implementation of its new child justice system. It is envisaged that this support will be achieved through informed debate on the Bill and the dissemination of accurate information. To ensure that the network is properly organised and managed, a "driver group" was established for this network. This group comprises Lawyers for Human Rights, NICRO, Community Law Centre, Restorative Justice Centre, CSIR, the Institute of Criminology, UCT and IDASA, and is already up and functioning. It has been agreed that all relevant organisations and parties will be consulted, invited to contribute to the formulation of a common vision, and to join the network, now called the Child Justice Alliance. The need for a dedicated co-ordinator for the Alliance was identified by the driver group at its first meeting on 8 February 2001. This co-ordinator would ensure inclusivity and consultation in the Alliance as well as perform specific organisational tasks linked to achieving the aims of the Alliance, as set out in its vision.

Project co-ordinator

It was decided that Jacqui Gallinetti of the Children's Rights Project at the Community Law Centre would be the co-ordinator of the Alliance. The Centre is located in Cape Town and thus has easy access to Parliament, which will be the critical arena of debate. Furthermore, the Children's Rights Project has, from its inception, focused on marginalised children and has dedicated much of its work to child justice reform in South Africa. Since 1992 the Children's Rights Project has been involved in a number of projects concerning the reform of the juvenile justice system, has hosted international seminars on this theme and has conducted extensive research on a broad range of issues concerning children's rights. At the outset the co-ordinator will embark on a country-wide consultative process to meet with CBOs, NGOs, other organisations and individuals committed to child justice reform to inform them of political process concerning the Child Justice Bill that lies ahead, and to explore their potential participation in the Alliance. In addition the co-ordinator will attempt to ensure the added participation of rural communities. These meetings will take the form of workshops and are scheduled to occur in Gauteng, Durban, Port Elizabeth, Kimberley, Pietersburg, Bloemfontein, Nelspruit, George and Cape Town in March and April 2001. Consultations will be held with the participants in order to finalise a vision for the Alliance and the development of a number of points relating to the Bill with which everyone is in agreement.

Web site

An important aspect in the advocacy and lobbying process is the dissemination of information. In this regard the Alliance has recognised the importance and potential usefulness of the Internet in increasing the general awareness of the Child Justice Bill. Specifically, it was decided at the UNDP Child Justice Project Workshop to establish a web site to facilitate access to accurate information on the contents of the Bill, and an e-mail network to promote the exchange of knowledge. Printed materials replicating the contents of the web site will, however, be made available for those who do not have Internet access. The Alliance has already applied for a domain name (www.childjustice.org) and the site will contain various features including announcements of upcoming events related to the campaign, basic facts and statistics, as well as a page dedicated to "Frequently Asked Questions".

Children's participation

A seminal feature of the law reform process leading up to the release of the Child Justice Bill has been children's participation, which has served to enrich the process. Considering that the Bill directly affects children, it is only logical that this participation should continue as the Bill proceeds to Parliament. The Alliance will seek to ensure that the voices of children are expressed and incorporated in the debate by ascertaining children's experiences of the justice system and their opinions regarding the proposed child justice reform. The Child Justice Alliance is committed to ensuring that there is the necessary political will and community support for the Child Justice Bill to see that it is enacted as legislation. Our children who are in conflict with the law are entitled to the protections contained in the proposed legislation that thus far have not been afforded them in our current criminal justice system. The new child justice system promises to be innovative in entrenching children's rights and striking a balance between the interests of society, its safety and security, and the best interests of children.

For more information on the Child Justice Alliance or details on how to join, contact Jacqui Gallinetti at (021) 959-3709 or at mailto:jgallineti@uwc.ac.za

The Office of the Inspecting Judge and new independent prison visitors

In terms of section 92(1) of the Correctional Services Act, 111 of 1998, the Inspecting Judge is required to appoint "Independent Prison Visitors" for the various prisons throughout South Africa. The primary function of Independent Prison Visitors is to deal with the complaints of prisoners. All complaints from prisoners (except in exceptional circumstances) have to be submitted to the Judicial Inspectorate via the Independent Prison Visitors.

Independent Prison Visitors have been given fairly extensive powers to equip them to deal with complaints. For example, the Act provides that they must be given "access to any part of the prison" and "to any document or record". The Head of Prison is required to assist the Independent Prison Visitor in the performance of his or her assigned functions. If the Head of Prison should refuse any relevant request from an Independent Prison Visitor, the dispute must be referred to the Inspecting Judge, whose decision will be final. But the underlying purpose of providing for the appointment of laypersons as Independent Prison Visitors is to stimulate the community's interest and involvement in correctional matters and promote public awareness of the treatment of prisoners in South African prisons. Persons appointed as Independent Prison Visitors should be responsible, reliable, public-spirited persons of integrity, interested in the promotion of the social responsibility and human development of prisoners. It is also essential that the persons appointed as Independent Prison Visitors are perceived to be independent by the prisoners, the correctional officials concerned and the general public.

In terms of the Act, the Inspecting Judge can only appoint an Independent Prison Visitor for a particular prison or prisons "after publicly calling for nominations and consulting with community organisations". The Inspectorate called for nominations by means of appropriate notices published in newspapers circulating in the areas where the prison or prisons concerned are situated. As to consultation with "community organisations", we endeavoured to identify organisations, such as NICRO, that are interested in the welfare of prisoners in the respective areas.

As of 31 December 2000, 117 Independent Prison Visitors had been appointed as independent contractors, receiving remuneration of R38,65 an hour. In Gauteng 47 are deployed, in the Free State 31 and in the Western Cape 39. During 2001 the Inspectorate will continue with the appointments process and it is envisaged that the process of appointing Independent Prison Visitors at all prisons will be completed by the end of this year.

Nature and number of prisoner complaints

During the year 2000, the Independent Prison Visitors collectively paid 3 974 visits to the various prisons, during which they interviewed 87 878 prisoners and conducted 17 556 private consultations in order to resolve complaints. They received 74 362 complaints from prisoners in the three provinces concerned. The vast majority have proved to be very effective in recording complaints and ensuring that Heads of Prisons take reasonable steps to resolve them. Whilst most complaints, such as those concerning food, transfers, access to clothing etc are dealt with immediately, other and often more serious complaints such as assaults must be investigated. The ability of the Inspectorate to effectively and speedily resolve such complaints is lacking and various strategies will be implemented during this year to increase our success rate.

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Probation officer's recommendations put to the test

J Sloth-Nielsen

In a recent judgment (*S v P 2001 (2) SACR 70*), not one but two probation officers' reports were delivered prior to sentence, one a month before the other. Both were written by the same probation officer, and concerned a 16-year-old first offender convicted of stealing a dog collar valued at R38,49. The first report was a comprehensive social history, and concluded with the recommendation that sentence be postponed in terms of section 297(1) of the Criminal Procedure Act, on various conditions. These included the child returning to school, submitting to the supervision of a probation officer, and rendering community service. A month later, a second supplementary report was furnished to the court by the probation officer, which departed (in what the Judge on review described as a "drastic" way) from the recommendation contained in the first report. The second pre-sentence report recommended committal to a reform school. The only factor that appeared in the second report and not in the first was that in the interim, the accused child was readmitted to school. This was entirely voluntary, and not subject to formal control by a court order, or supervision by a probation officer. However, it seems that the youth did not attend school regularly, which was the "apparent" reason for the change in recommendation, according to Moosa J. In his view, however, this second recommendation was "more in the nature of a punishment than a rehabilitative measure". The presiding officer imposed the recommendation contained in the second report, without subjecting this recommendation to critical analysis, or inquiring into why the recommendation had changed so drastically within the short period of a month. Setting aside the

sentence, the review court confirmed that a committal to a reform school should be considered only as a measure of last resort and in exceptional circumstances, and that this was required by section 28(1)(g) of the Constitution. Further, the court found that the presiding officer had misdirected himself by "slavishly" following the view of the probation officer, and failing to inquire more deeply into the second recommendation to refer the child to a reform school. This case teaches us that not only must judicial officers apply their minds carefully to recommendations in probation officers' reports, but also that probation officers themselves must recommend institutionalisation only sparingly, and only in cases where they can give good reasons for doing so. As an editorial comment on the above set of facts, though, it may be questioned why this case was not diverted from court in the first place, given that the accused was a first offender and the value of the stolen goods was very low.

National Workshop on Secure Care

Report by André Viviers, Department of Social Development, Free State

The National Department of Social Development hosted this workshop in Bloemfontein from 13 to 15 March 2001. The aims were to facilitate discussion on progress with regard to secure care, to develop a protocol, to discuss regulations, to promote a national forum for secure care, and to establish a training programme in secure care practice. The need and requirements for adequate training and a Code of Conduct were discussed in depth by participants, and the importance of monitoring secure care programmes through developmental quality assurance was highlighted. Numerous resolutions were taken on aspects that influence the system, its programmes, and emerging practice. These were concretised in a comprehensive Agenda for Action, the key outcome of the workshop. They include matters such as intersectoral collaboration, effective guidelines, labour relations matters and a capacity-building programme for provinces. Finally, it was agreed that a National Task Team on Secure Care must be established to take the process further.

Update: Sentenced and unsentenced children in prisons

LM Muntingh, NICRO

The Department of Correctional Services recently made available a comprehensive set of statistical information on trends in the prison population that includes projections for the future. It is, among other things, projected that the total prison population will be approximately 170 000 by March 2001, indicating a stabilising trend since July 2000. The overall situation pertaining to children is, however, less encouraging. Figure 1 shows the numbers of sentenced children in prisons since January 1995. Despite a bursting around July 1998, because of the Presidential birthday, there has been a steady increase in the number of children serving prison sentences, and numbers have more than doubled over this period. For comparative purposes, the figures for 18 - 20-years-olds are also presented. Since January 1995 to July 2000, there has been an increase of 158,67% in the number of children serving prison sentences - the highest of all the age cohorts analysed by the Department of Correctional Services. For 18 - 20-year-olds the increase for the same period was 33,23%; for 20 - 25-years-olds 25,15%, and for prisoners older than 25 years, 16,52%. Children under 18 years constitute 1,45% of the prison population. Although children make up only around 3% of the population of unsentenced prisoners, the

fact that they are there in the first instance has been the focus of sustained government efforts since 1995. Figure 2 does show that since January 2000 their numbers have decreased from 2 649 to 1 908 in July 2000 - a decrease of 39%. The numbers of adult awaiting-trial prisoners also decreased after interdepartmental teams were set up to deal with the overcrowding of prisons. If the downward trend continues (a decrease of 6,5% per month under normal conditions) there could be no more children awaiting trial in prisons by July 2009! In July 1996 the average period that a person would be held awaiting trial in prison was 76 days, but by July 2000 this had increased to 138 days or in excess of four and a half months. For regional court cases the situation is even worse and a prisoner being tried in regional court can expect to sit 221 days on average, or just less than seven and a half months. It is therefore possible that a substantial number of children currently awaiting trial in prison will celebrate their 18th birthday there.

Launch of three Justice Centres in the Western Cape

On 13 March 2001 the Minister of Justice, Min Penuell Manduna, launched three new Justice Centres in the Western Cape. These Centres are to be established by the Legal Aid Board as part of a plan to establish sixty Centres throughout South Africa by 2004. These three Centres are situated in Athlone, Cape Town and Mitchell's Plain. The Justice Centres, employing attorneys and candidate attorneys, will provide legal representation to the indigent according to Legal Aid Board policy. At the Centres there is a specific focus on criminal practice, and it seems that the representation of juvenile accused will be an important aspect of the work of the Justice Centres. The Legal Aid Board has identified women and children's rights (as well as land issues) as deserving of special attention in the provision of its legal services.

Setting standards for Diversion

Ann Skelton, Programme manager, UNDP Office for Child Justice

I AM A THIEF - these were the words which, everyone at the family group conference agreed, should be emblazoned on a tee-shirt to be worn by a boy who admitted stealing from a shop. This case occurred in Canberra, Australia, but we don't have to stretch our imaginations very far to picture this kind of thing happening in South Africa. Just last year two children were painted white and silver respectively by community members who suspected them of stealing, and another was forced to eat his own faeces. A boy was locked in a cold room by the owner of a shop he was suspected of having stolen from. Another boy had petrol poured on him by a shop owner, was set alight and died of his injuries.

The role of communities

Diversion means giving communities a bigger stake in justice - and this is particularly so when the diversions are of a restorative justice nature. When we divert children we are saying that we don't think that they need to go through the criminal justice system. We are of the view that the guidance of families and communities, supported by professionals and specific interventions, can sufficiently make children understand the impact of their crimes on others, and ensure that they put the wrong right - to victims where this is appropriate, or to society. By giving communities a role in the process and outcomes of justice we make them more aware of their role in raising young people appropriately. It has

been shown in other countries that victims who voluntarily participate in diversion programmes such as victim-offender mediation or conferencing often report a higher satisfaction with these types of processes than they do with the outcomes reached in the mainstream criminal justice system. These are all the reasons why those working in the area regard diversion as a good idea, and why it is a central aspect of the draft Child Justice Bill that will serve before Parliament this year. However, we need to realise that when we take children out of the criminal justice system to give them a "chance", or to work with them in ways that we believe may have more impact on them, we also remove them from a system with finely-tuned procedural safeguards. The criminal justice system has, over hundreds of years, developed rules which ensure that offender's rights are restricted only according to firmly enforced procedures. We must also realise that involving communities in justice processes and outcomes does not automatically mean that the results will be more restorative. Communities are capable of very retributive actions. We therefore need to build in measures to re-educate communities, and processes involving communities must be carefully managed and monitored. Having accepted that diversion entails a certain amount of risk, we, as professionals working in the field, must ensure that any possible risks to the rights of offending children are managed and contained. The draft Child Justice Bill sets out a number of provisions to do exactly that.

Rights in the diversion process

Firstly, the Bill has certain rules about referral of children to diversion, to ensure that children's rights are protected, and that they are not coerced into opting for diversion. The draft Bill says the following at section 51:

(1) A child suspected of having committed an offence may only be considered for diversion if -
(a) such child voluntarily acknowledges responsibility for the offence;

(b) the child understands his or her right to remain silent and has not been unduly influenced in acknowledging responsibility;

(c) there is sufficient evidence to prosecute; and

(d) such child and his or her parent or an appropriate adult, if such person is available, consent to diversion and the diversion option.

Secondly, the draft Bill sets out minimum standards applicable to diversion and diversion options at section 49:
(1) No child may be excluded from a diversion programme owing to an inability to pay any fee required for such programme.

(2) A child of ten years or over may be required to perform community service as an element of diversion, with due consideration for the child's age and development.

(3) Diversion options must:

(a) promote the dignity and well-being of the child, and the development of his or her sense of self-worth and ability to contribute to society;

(b) not be exploitative, harmful or hazardous to a child's physical or mental health;

(c) be appropriate to the age and maturity of the child; and

(d) not interfere with the child's schooling.

(4) Diversion options must, where reasonably possible:
(a) impart useful skills;

(b) include a restorative justice element which aims to heal relationships, including the relationship with the victim;

(c) include an element which seeks to ensure that the child understands the impact of his or her behaviour on others, including victims of the offence, and may include compensation or restitution; and

(d) be presented in a location reasonably accessible to children; and children who cannot afford transport in order to attend a selected diversion programme should, as far as is reasonably possible, be provided with the means to do so.

Registration of programmes

The draft Bill also provides that diversion programmes that are offered on a regular basis by a government department or a non-governmental organisation must be registered in terms of regulations to this Act. The regulations will then spell out standards for diversion in more detail than the proposed legislation does. The draft Bill does not set out exactly how the registration process will be managed, and the details about that will still have to be negotiated. Although standards are clearly necessary, we must also be cautious as there are negative aspects of setting standards too. Non- governmental organisations may be worried that the State will have too much control if the State is to set minimum standards, and it is true that too much State control can crush creativity. It is essential that community organisations and NGOs continue to develop innovative programmes as they have done in the past. Also, registration processes can put the brakes on the development of more indigenous models - community structures, especially if linked to traditional justice processes, may resist any form of registration. There should be as much consultation as possible in the formulation of detailed standards and regulation procedures. However, in the final analysis, we need to be able to be proud of our diversion programmes, we need to be able to sing their successes, we need to be sure that children are safe when they are diverted. Bad practice will seriously endanger diversion as a credible alternative to taking children through court processes. Setting standards and providing for registration, along with professional development and training of diversion service providers will lay the foundation for a lasting and successful diversion service in South Africa.

Impediments in the management of young offenders in the Free State

Francois Steyn (Researcher: Centre for Health Systems Research & Development, UFS)
Herma Foster (Lecturer: Department of Criminology, UFS)

ARTICLE 40

Background

During 1999/2000 a study was conducted to identify and describe the range of training needs experienced by persons actively involved in the management of young offenders in the Free State. While pursuing this overall aim of the study, respondents identified various impediments that exist in providing children in conflict with the law with appropriate services. The target population for the purposes of data-gathering consisted of social workers and probation officers responsible for the management of young offenders in the Free State. A total of 38 service providers were interviewed according to a semi-structured interview schedule. The interviews consisted of ten personal and five group interviews. The frequency with which respondents mentioned factors that hamper proper service delivery is also provided in the study. The impediments in the system that were revealed by the study are presented according to the process of dealing with young offenders from reception to after-care, as well as matters related thereto.

Reception

The respondents noted that practices inconsistent with policy guidelines exist with regard to the detention of youths. Some arrested youths are detained in prison cells despite the fact that they might be first offenders while others are kept in detention for extended periods of time. One respondent noted that some police officials treat arrested youths harshly, while certain police officers actually assault youths during arrest. Some respondents viewed the reception process as not being child-friendly and it was also noted that police officials require training to promote child-friendly services. In addition, some police officials do not consistently notify a social worker/probation officer about the arrest of a minor with the result that some social workers/ probation officers only get to know about the arrest of a minor when the court requires a pre-sentence report. Furthermore, some police officials do not co-operate in trying to locate arrested youths' parents. Some respondents also saw themselves as insufficiently informed about reception procedures.

Ensuring secure care

Nearly half of respondents noted that secure care facilities are non-existent in their service areas. In addition, in areas where such facilities are available, some were described as inadequate. In particular, the absence of secure care facilities (especially in rural areas) hampers the provision of social services to youths whose parents live elsewhere. Overcrowding also prevails as children in conflict with the law are sometimes unnecessarily placed in secure care facilities. Furthermore, not all parents want to take their offending youths back into their care and it became apparent that some communities are reluctant to provide secure care to youths in conflict with the law.

Assessment

It was emphasised by the participants in the study that assessment is not consistently undertaken owing to inadequate resources, to the extent that some arrested youths are not assessed at all. Respondents indicated that assessment was hampered mostly by insufficient time afforded them to undertake the assessment process. Furthermore, it was felt that assessments do not always encompass the psychosocial development or background of children in conflict with the law. In addition, the prescribed assessment format does not allow for all relevant information to be presented and it was also viewed as time-consuming.

Moreover, it was found that there is a prevalence of uncertainty regarding the content of assessments and the respondents stressed the need for clearer guidelines on the content of assessments.

Diversion

Four respondents noted that young offenders are seldom if ever diverted away from the criminal justice system. Of great concern is the fact that eight individual respondents and five of the groups stated that no diversion programmes exist in their service areas. Some stated that this is mainly due to insufficient resources and that communities are also reluctant to participate in diversion programmes. Some respondents obviously felt that they need training on the implementation and management of diversion programmes.

Court work

Three of the individual respondents interviewed indicated that novice social workers and probation officers appear unprofessional in court, and six individual respondents and three groups felt that this could be ascribed to inadequate formal training on court work. It was also mentioned that poor working relationships with justice officials often hamper proper court work involving young offenders.

Reports

One respondent noted that, since pre-sentence reports are requested mostly once a child has been found guilty, insufficient background information is taken into account prior to and during the criminal proceedings. Problems are also experienced in obtaining information from government departments for the compilation of reports. Furthermore, four individual respondents and four of the groups emphasised that insufficient formal training is provided on the compilation of reports and others felt that they were not trained on exactly what the courts seek from the reports. It was also indicated that some justice officials do not properly consider and take into account all the information that the reports provide on accused children.

Legal knowledge

Most of the respondents, namely seven individual respondents and all of the groups, stated that they received insufficient formal training on legal matters pertaining to young offenders. In this regard, all participants in the study, with the exception of only one group, felt that training on the various sentencing options applicable to young offenders is needed. As a result of insufficient training, the participants in the study experienced difficulties in justifying sentence recommendations in court.

Treatment, intervention and after-care

Six individual respondents and all of the groups indicated that after initial contact with a young offender during assessment and/or collecting data for reports, there is no further involvement with the child regarding treatment and after-care. In some cases, not even the intervention that social workers themselves recommend takes place. Record-keeping and programme evaluation Some respondents noted that information kept on individual cases is fragmented and managed by various

government departments and agencies and, as a result, it is difficult to access this information. In addition, available sources do not always provide sufficient information for social workers' purposes -- for example, reports and computerised statistics are seldom updated. The need for a centralised information system on young offenders was thus identified. Furthermore, programme or treatment evaluation is not always undertaken and in cases where programme evaluation is communicated to management, it was mentioned that no feedback is ever received.

Conclusion

The study shows that matters which warrant attention include ensuring child-friendly reception and consistent assessment, notifying the necessary officials once a youth has been apprehended and establishing secure care facilities, especially in rural areas. In addition, intervention and diversion programmes need to be established and maintained, while persons actively involved in the management of young offenders should be trained to acquire more adequate legal knowledge.

To obtain a full copy of the study contact Francois Steyn at steynf@rs.ouvs.za

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