

*Children in Conflict with the
Law: A Compendium of Child
Justice Statistics: 1995-2001*



Edited by

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of Child Justice Statistics: 1995-2001*

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FOREWORD

A compendium of this nature will hopefully provide a foundation for continuously updating the existing statistics and information presented in here, but it will also show us where the gaps are and where we need to collect more information and establish systems to collect information so as to inform our decision-making regarding children in conflict with the law. This report is by no means complete but it does provide a good overview of what happens to children in conflict with the law in South Africa in numerical terms.

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GLOSSARY OF ACRONYMS

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CJA	Child Justice Alliance
CJB	Child Justice Bill
DCS	Department of Correctional Services
DoJ	Department of Justice
DSD	Department of Social Development
NICRO	South African National Institute for Crime Prevention and the Reintegration of Offenders
NGO	Non-Governmental Organisation
NPA	National Prosecuting Authority
RSA	Republic of South Africa
SAPS	South African Police Service
UNCJP	United Nations Child Justice Project

Children in Conflict with the Law: A Compendium of Child Justice Statistics: 1995-2001

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ABSTRACT

The primary objectives of the research on which this report was based were to (i) collate useful statistical information on children in conflict with the law in South Africa, (ii) to categorise these statistics according to the stages of the criminal justice process, and (iii) to interpret the trends identified in the statistical data collected and categorised.

The extant literature and the data bases of key South African research and service agencies dealing with children in conflict with the law, as well as interviews with key role-players involved with these children were to constitute the key avenues via which the data referred to above were to be accessed.

A dearth of accessible statistical data, as well as the patent absence of adequate monitoring systems to record the relevant statistics pertaining to children in conflict with the law constituted the single most important obstacle to meeting the research objectives outlined above. Consequently, one of the key recommendations made in this report is that action be taken to co-ordinate the development of appropriate systems to capture the relevant statistics – as well as other forms of appropriate information – pertaining to children in conflict with the law.

Notwithstanding some substantial gaps in statistics on children in conflict with the law, the following are some of the main findings in this report:

- it is projected that in excess of 170 000 children would have been arrested in 2002
- children are arrested primarily for property offences
- the number of children referred to diversion programmes increased dramatically from 1996
- diversion programmes show very encouraging results in terms of curbing recidivism
- the number of children awaiting trial in prisons have increased six-fold since 1996

- by 2001 there were more children awaiting trial in prisons than sentenced children in prisons
- there were in 2001 roughly equal proportions of children awaiting trial in prisons on the one hand and, on the other hand, children awaiting trial in other institutions (police cells and Dept of Social Development facilities)
- the number of children sentenced to imprisonment has grown at an annual rate of 16% between 1999 to 2001
- the length of prison sentences for children are on the increase
- correctional supervision is used increasingly as a sentencing option for children
- between 1 January 1999 and 30 April 2000, ten children died in custody, nine of which were due to “unnatural causes”.

1 INTRODUCTION AND BACKGROUND

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The Child Justice Alliance (CJA) is a coalition of non-governmental organisations (NGOs) broadly in support of the Child Justice Bill (CJB) which was tabled in parliament in 2002. The CJA has, in support of the parliamentary processes initiated a research programme investigating a number of key issues pertaining to child justice in South Africa based on a gap analysis done by the Institute of Criminology (UCT). Four research areas have been identified, namely:

- the compilation of a compendium of statistics pertaining to child justice
- the development of baseline data for comparative use in longitudinal studies
- the collection of qualitative narratives on children's experiences of the criminal justice system
- consultation with children in relation to the Child Justice Bill.

Context

Since 1992 a range of civil society initiatives, which were later supported by government, sought to improve the situation of children coming into conflict with the law. The most important of these are:

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- the establishment of referral and assessment procedures
- the development of arrest, reception and referral centers
- diversion programmes
- monitoring of children awaiting trial in prison and in police cells
- non-custodial sentencing options.

The establishment of these services was accompanied by a strong advocacy campaign initiated by civil society and supported by government. Many of the initiatives included the recording and reporting on statistical data around

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children in trouble with the law. The result is that there is currently a wide range of statistical information spread over reports, published articles and government documents. This explains the current need to compile a compendium of available statistics.

The Child Justice Bill proposes to establish:

a criminal justice process for children accused of committing offences which aims to protect the rights of children entrenched in the Constitution and provided for in international instruments; to provide for the minimum age of criminal capacity of such children; to incorporate diversion of cases away from formal court procedures as a central feature of the process; to establish assessment of children and a preliminary inquiry as compulsory procedures; to provide that children must be tried in child justice courts and to extend the sentencing options available in respect of children; to entrench the notion of restorative justice in respect of children; and to provide for matters incidental thereto.

(Preamble to Child Justice Bill, p. 1).

Given its ‘children’s rights’ orientation (Sloth Nielsen & Muntingh, 1998), there can be no doubt that the proposed legislation has the potential to contribute significantly to the amelioration of the circumstances of children in conflict with the law as well as to the latter’s integration or reintegration into their communities and broader society (Child Justice Alliance, 2001). No doubt, the implementation of the proposed legislation will be accompanied by various difficulties. However, the fact that the government would be able to reduce the expenses related to the administration of child justice by as much as 35 percent with the implementation of the new child justice legislation is a very compelling reason for the implementation of this legislation.

In essence, the present report, through the medium of a compendium of statistical data, endeavours to outline the context within the proposed legislation will be introduced and function (cf. Child Justice Alliance, 2001).

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2 APPROACH AND METHODOLOGY

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This section outlines the purpose of the final evaluation, the conceptual framework underpinning the approach and the evaluation methods, and the instruments used to collect the data.

2.1 Purpose of the Study

The primary purpose of this research initiative was to compile an accessible compendium of statistics pertaining to children¹ and the justice system in South Africa for the period 1995 to 2001.

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The objectives of the research initiative briefly were as follows:

- To collate useful statistical information on children in conflict with the law in South Africa.
- To categorise these statistics according to the stages of the criminal justice process.
- To draw basic conclusions from trends identified by the statistics.

There are a number of potential themes to be investigated. These include:

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- identifying blockages in the criminal justice system
- determining the average length for completion of criminal cases
- an accessible and useful format for child justice statistical data in respect of:
 - ☆ children's arrest data
 - ☆ children arrested but not charged
 - ☆ deaths in custody
 - ☆ offence data

¹ In keeping with the definitions provided by the United Nations Convention on the Rights of the Child and the South African Constitution, in this report, the term "child" or "children" refers to any person or persons under the age of 18 years.

- ☆ children pleading guilty/not guilty
- ☆ number of children being prosecuted, diverted and convicted
- ☆ sentencing of children
- ☆ children awaiting trial in institutions
- ☆ children and legal representation
- ☆ children in prison (sentenced)
- ☆ children in places of safety
- ☆ recidivism figures
- ☆ statistics on assessment centres
- ☆ case management data
- ☆ services to children (NGOs, state, etc.).

2.2 Research Approach

The research study was designed in the following way:

Research Data

In accordance with the research brief provided by the commissioning agency, the Child Justice Alliance, the types of data that the researchers endeavoured to collect for this report included the following:

- general demographic information related to children in conflict with the law
- statistics on children arrested but not charged with a criminal offence
- statistics related to child deaths in custody
- offence data
- children pleading guilty/ not guilty to criminal charges
- statistics related to the number of children prosecuted, diverted and convicted
- the number of children awaiting trial in institutions
- statistics related to children and their legal representation
- the number of children in prison (sentenced)
- the number of children in places of safety
- statistics on recidivism trends

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- statistics on assessment centres
- statistics related to the case management of children in conflict with the law
- statistics related to the services available to children in conflict with the law.

Data Collection

The initial intention was to access the above-mentioned research data through the following sources:

- the extant literature (including unpublished reports) dealing with children in conflict with the law
- the data bases of key South African research, monitoring and service agencies dealing with children in conflict with the law
- interviews with key informants or role-players involved with children in conflict with the law, with the aim of obtaining the former's impressions of the current position of children in conflict with the law, as well as their views on the trends emerging from the statistics collected for this study.

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Statistics drawn from the extant literature

While the corpus of literature consulted (see the List of Sources at the end of the report) provided important indicators on the position of children in conflict with the law since 1995, on the whole, the statistical information provided in this body of literature was fairly inadequate as far as the overall objectives of this study were concerned. This was largely a result of the fact that most of the reports and articles which contained statistical information focused on a diversity of phenomena over fairly short time periods with the result that there were many time periods that were not accounted for. Statistics obtained from research, monitoring and service agencies

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Under normal circumstances, the gaps in the literature referred to above should not have posed an insurmountable obstacle, because there are various research and service agencies in South Africa, such as the South African Police Service, Statistics South Africa, the Department of Justice, the Department of Social

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Development and the Department of Correctional Services, which by virtue of their key business activities could have been expected to keep up to date and comprehensive statistics on children in conflict with the law. Unfortunately, the researchers' requests for statistical information from these agencies were generally met with disappointment. On the whole, it appeared as though the collection of statistical data on children in conflict with the law did not constitute a priority with most of the agencies approached for data.² However, as the following outline of the responses to requests for information from these agencies reveal, there were a few notable exceptions, such as the Department of Correctional Services, which had collected a very comprehensive set of data on children in conflict with the law for the period 1995 to October 2001. Very importantly too, this organisation was willing to make the data it had collected available for the present research initiative.

Department of Justice (DoJ)

The Department of Justice was unable to provide much statistical information on children in conflict with the law. Indeed, the only information which this department was able to make available to the researchers was a set of statistics on children awaiting trial in prison during 2001; statistics which the Department of Correctional Services had already made available to the researchers.

Statistics South Africa (SSA)

Following a request to Statistics South Africa for data on children in conflict with the law, this agency informed the researchers that they had discontinued the collection of the requested data in 1995. They referred the researchers to the South African Police Service.

South African Police Service (SAPS)

When approached, the South African Police Service (SAPS) informed the researchers that they could not provide the latter with any of the statistics

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² This fairly serious shortcoming in terms of the administration of the South African child justice system had previously (footnote continued)

requested as they did not have a centralised data bank. A range of reasons for this apparent lack of comprehensive statistics on children in conflict with the law were provided by the various officials contacted for the information. These included the following reasons. Firstly, it was claimed, the SAPS had decided to prioritise the collection of statistical data in relation to children as ‘victims’ of crime. Secondly, it was argued that a lack of financial and human resources has made it difficult for the SAPS to develop and maintain a data bank on children in conflict with the law.

One SAPS official did acknowledge that an effort had been made over the last two years to collect data relating to children in conflict with the law. However, he claimed that the collation of this data will only take place later this year. When the researchers requested access to this data (in whatever form), they were informed that permission from the SAPS National Office was required for the release of the information. While a request for the release of the data was subsequently forwarded to the relevant authorities, the data had not yet been made available to the researchers at the time of writing this report. It was only at a much later stage in the preparation of this report that arrest data on children became available per chance.

Department of Correctional Services (DCS)

The DCS is the only department that keeps accessible, comprehensive and up to date information on the children placed in their care. Data from this department figure strongly in this report.

National Prosecuting Authority (NPA)

The National Prosecuting Authority informed the researchers that, other than statistics on diversions, they had no statistics on children in conflict with the law. Unfortunately, the statistics on diversion that they provided to the researchers overlapped in large measure with statistics previously obtained from NICRO.

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already been criticised by the United Nations Committee on the Rights of the Child (Sewpaul, 2000).

Legal Aid Board

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The Legal Aid Board could not provide any statistics on children in conflict with the law. Instead, this organisation provided the researchers with a list of Legal Aid Centres nationally and advised the researchers to approach the individual centres for the requested data themselves. All these centres were duly approached for whatever statistics on children in conflict with the law they have on record. Unfortunately, no statistics had been forwarded to the researchers by the time of writing this report.

Courts

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The researchers contacted various magistrates' courts for statistics on children in conflict with the law. On each occasion the researchers were informed that the only statistics kept on record were related to diversion, and that the statistics on diversion collected by NICRO were more comprehensive.

Some court statistics were however obtained via the Department of Social Development (see below).

Department of Social Development (DSD)

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Initially, this department indicated that they did have some statistics on children in conflict with the law, but that they needed some time to collate the statistics. However, when the department was subsequently approached for these statistics, the researchers were informed that the department did not have any comprehensive statistics. Consequently, the researchers were advised to approach individual service centres. When approached, the general response from the service centres was that the requested statistics was not yet available, as they still had to be extracted from individual files. Three centres (viz. the Johannesburg, Nigel and Heidelberg centres) however forwarded statistics for their regions, and the researchers are continuing to follow up other centres for statistics.

United Nations Child Justice Project

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The United States Child Justice Project provided the researchers with a range of statistics, as well as other material on children in conflict with the law.

In summary, therefore, the responses of institutions contacted for statistics on children in conflict with the law generally were fairly disappointing. This obviously does not mean that it would be impossible to meet the primary objective of this study – namely, to compile an accessible and comprehensive compendium of statistics pertaining to children in conflict with the law. In essence it means that there are some significant gaps or that the accuracy of the data can be questioned. The data presented should however give a fair idea of overall trends.

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3 ARRESTS AND ASSESSMENTS

3.1 National and Provincial arrest figures

The purpose of this report is to provide an overview of the current situation concerning children in conflict with the law. The report shall present the statistics available in an easy accessible way to the reader and shall be structured in a manner to enable updates.

First the data on the number of arrested children in the country will be presented followed by a presentation on the number of diverted cases. By comparing the total number of arrested children with the number of children that are being diverted by Nicro, information on how many cases are being diverted can be obtained easily. It must be noted though, that the number of diverted cases is not the total number of cases that are being diverted since there are other organizations/institutions providing diversion besides Nicro. Still the comparison can give an indication on the development and the trends as Nicro is one of the main providers of diversion in the country. The information on how many children are being diverted may then be compared to the number of children being prosecuted and thereby go through the whole criminal system.

It is important to know how many children are being diverted compared to how many that are being prosecuted of the total number of arrests to be able to plan the future development of the organization and to be able to meet the needs of society.

CHILDREN ARRESTED PER PROVINCE PER YEAR FOR 1999, 2000, 2002 ³				
PROVINCE	1999	2000	2001	2002 (6 months)
Eastern Cape	10291	11285	12270	7497 (14994) ⁴
Free State	8214	8635	9259	5299 (10598)
Gautang	19886	23213	31017	19311 (38622)
KwaZulu-Natal	21647	24235	27275	16072 (32144)
Limpopo	3277	4495	5864	3916 (7832)
Mpumalanga	4550	5370	6606	4025 (8050)
Northern Cape	6551	7092	7153	4010 (8020)
North West	3592	4122	5460	4076 (8152)
Western Cape	36765	31109	32954	20906 (41812)
TOTAL	114773	119556	137858	85112 (170224)

Table 1. Children arrested per province per year for 1999, 2000, 2001, 2002. Source: S.APS Crime Information and Analysis Centre (2002).

3

- Only arrests per CAS link stations are reflected.
- Data was obtained from 3 CAS databases
- The information is only correct as it was captured on CAS
- Above the figures were determined as follows:
- Age, if captured,
- If no age was captured, but a birth date was available, the birth date was subtracted from the date arrested.
- If no age or birth date was captured, but an identification number was available, the birth date was derived from the identification number, and then subtracted from the date arrested.

⁴ Figures in brackets are projected for a 12 month period.

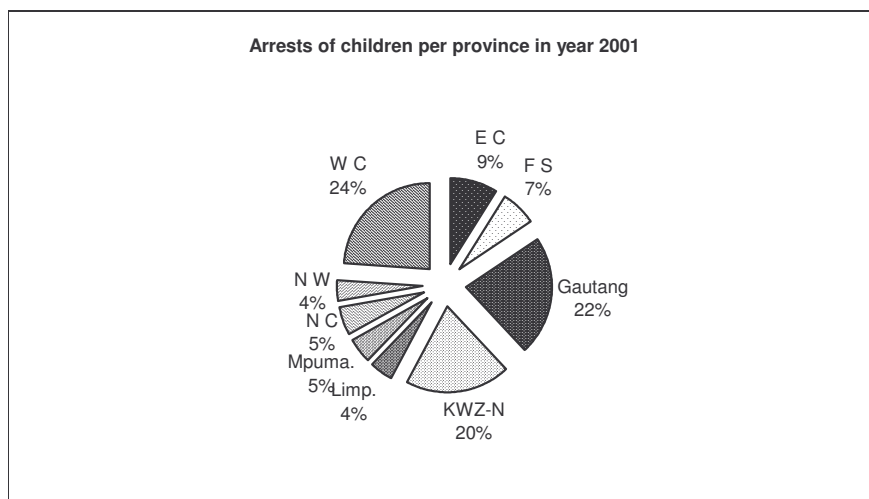


Figure 1. Arrests of children per province in year 2001, Source: SAPS Crime Information and Analysis Centre (2002).

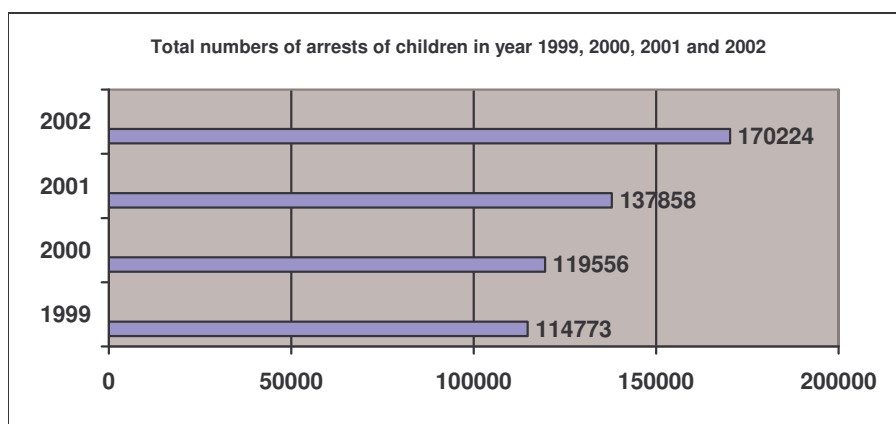


Figure 2. Total numbers of arrests of children in year 1999, 2000, 2001 and 2002⁵. Source: SAPS Crime Information and Analysis Centre (2002).

The table on number of arrests shows an increase each year in the number of arrested children. Most probably will the year 2002 also show an increase when the year has passed given the trend from the previous years. All the provinces

⁵The year 2002 has been projected at 170224.

showed an increase in the number of arrested children except the Western Cape where a decrease can be detected from 1999 to 2000. It should also be noted that the increase in annual arrests figures is part a function of the continuous roll-out of the CAS system and as more police stations are linked up, more data is recorded. As can be expected, Western Cape, Gauteng and KwaZulu-Natal account for the highest numbers of arrests. These three provinces, based on the figures for 2001, account for 66.2% of arrests. Due to the role-out of the CAS system the annual increases in number of arrests, these figures should not be interpreted at face value.

3.2 Assessment

Assessment refers to an alleged child offender's assessment by a probation officer, assistant probation officer or social worker. The purpose of the assessment is to determine the (social) circumstances of each child who comes into conflict with the law. As conceptualised by child justice activists as well as by the Child Justice Bill, assessment is central to the child justice system. This is so primarily because the assessment process allows for the protection of the child (see Sloth-Nielsen and Muntingh, 1999, for a more comprehensive discussion of this point). The assessment process also allows for the consideration of all the diversion options available to the child (see section on diversion below).

Despite the centrality of the assessment process to child justice, no national statistics on the application of the process could be obtained by the time of writing this report. Indeed the only statistics that could be obtained in relation to assessments are from Johannesburg, Port Elizabeth, Cape Town and Wynberg.

Table 2 presents assessment data per charge for the period September 1997 to March 2000 for the Stepping Stones Centre in Port Elizabeth. This centre was established to centralise arrests, assessment and processing of cases in the Port Elizabeth area. All children arrested in the area are brought to the Stepping Stones Centre and assessed. Full year data are available only for 1998 and 1999. From the data it appears that Stepping Stones assess approximate 3400 cases per year.

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STEPPING STONES: ARRESTS SEPTEMBER 1997 TO MARCH 2000 PORT ELIZABETH					
Offence	Sept-97-Dec-97	1998	1999	To March 2000	Totals
Murder	31	32	44	13	120
Att murder	4	16	18	3	41
Assault with the intent to cause grievous bodily harm	47	84	112	41	284
Assault		6			6
Indecent assault	2	4	24	2	32
Rape	53	114	151	56	374
Att rape	5	2	14		21
Robbery	39	114	153	65	368
Armed robbery	16	28	45	14	103
Att robbery			12	2	14
Theft	353	953	1104	302	3065 (36.8%)
Theft of a motor vehicle	8	10	16	5	39
Theft from a motor vehicle	24	100	157	21	302
House breaking and theft	153	611	873	233	1870 (22.7%)
Possession of drugs	14	47	53	18	132
Dealing in drugs	6	7	7	5	25
Malicious damage to property	145	71	79	22	317
Possession of stolen goods	16	103	93	21	233
Possession of arms and ammunition	3	19	49	10	81
Totals	854	3041	3413	924	8232

Table 2. Stepping Stones: Arrests September 1997 to March 2000 Port Elizabeth. source: Department of Social Development: E Cape (2002) Unpublished figures, Stepping Stones Port Elizabeth.

As is consistent with other data and common understanding of child involvement in crime, property offences are by far in the majority. Theft and house breaking account for 59.5% of cases.

CHILDREN ASSESSED AT WYNBERG COURT FOR THE PERIOD APRIL 2002 TO 30 OCTOBER 2002 ACCORDING TO THE AGE OF THE ALLEGED OFFENDERS		
Age	1/4/2002-30/10/20002	%
10	1	0.2
11	2	0.3
12	8	1.4
13	21	3.6
14	53	9.2
15	99	17.2
16	139	24.1
17	253	44.0

Table 3. Children assessed at Wynberg Court for the period April 2002 to 30 October 2002 according to the age of the alleged offenders. Source: Provincial Administration: Western Cape Department of Social Services.

The total number of children assessed at the Wynberg Court during the period April 1st to October 30th is 576 of which 441 are male and 118 female. This 75/25 profile is consistent with other data.

LANGUAGE PROFILE; WYNBERG ASSESSMENT CENTRE FROM APRIL 2002 TO OCTOBER 2002		
Language	N	%
Afrikaans	267	47.8
English	58	10.4
Xhosa	234	41.8
Total	559	

Table 4. Language profile; Wynberg assessment centre from April 2002 to October 2002.. Source: Provincial Administration: Western Cape Department of Social Services.

OFFENCE PROFILE OF CHILDREN ASSESSED AT THE WYNBERG COURT		
CRIME	No.	%
Murder	9	1.6
Attempted murder	11	2
Assault (common)	6	1
Assault GBH	8	1.4
Rape	2	0.4
Sodomy	2	0.4
Robbery (common)	27	4.8
Armed robbery	9	1.6
Theft	220	39.2
Theft of a fire-arm	3	0.5
Theft of a motor vehicle	10	1.8
Theft out of a motor vehicle	34	6
Att. Theft	4	0.7
Housebreaking and theft	80	14.3
Att. Housebreaking and theft	7	1.2
Att. Theft of a motor vehicle	1	0.2
Att. Theft out of a motor vehicle	4	0.7
Possession of illegal substance	45	8
Dealing with illegal substances	2	0.4
Possession of stolen property	29	5.2
Possession of unlicensed fire-arm	18	3.2
Possession of ammunition	1	0.2
Possession of housebreaking implements	1	0.2
Fraud	2	0.4
Crimen Injuria	1	0.2
Trespassing	3	0.5
Malicious damage to property	16	2.9
Bomb threat	1	0.2
Hijacking	4	0.7
Interference with members of SAPS	1	0.2
TOTAL	561	

Table 5. Offence profile of children assessed at the Wynberg Court. Source: Provincial Administration: Western Cape Department of Social Services.

Comparing the Wynberg and Stepping Stones Centre offence profiles, it emerges that the proportions are similar in that theft and house breaking and theft account for 53.5% of the total, compared to Stepping Stone's 55.5%.

AGE AND NUMBER OF CHILDREN ASSESSED AT THE CAPE TOWN ASSESSMENT CENTRE IN 2002												
Age profile	8	9	10	11	12	13	14	15	16	17	%	Total
January		1			7	6	14	30	32	22	12.5	112
February	2		3	2	7	14	17	27	21	37	14.5	130
March				3	4	5	14	24	30	38	13.2	118
April				2	3	7	17	26	30	43	14.3	128
May			1	2	6	10	19	42	30	36	16.3	146
June						6	23	20	20	34	11.5	103
July			1	2	3	6	7	14	15	14	6.9	62
August				1	2	2	6	16	18	18	7.0	63
September					1	3	4	6	10	8	3.6	32
Total	2	1	4	13	33	59	121	205	206	250		894

Table 6. Age and number of children assessed at Cape Town Assessment Centre in 2002. Source: Western Cape, Department of Social Services.

GENDER PROFILE OF CHILDREN ASSESSED AT CAPE TOWN ASSESSMENT CENTER 2002					
Gender	Female	%	Male	%	Total
January	18	15.9	95	84.1	113
February	22	16.8	109	83.2	131
March	25	21.2	93	78.8	118
April	31	24.2	97	75.8	128
May	40	27.4	106	72.6	146
June	39	37.9	64	62.1	103
July	13	21.0	49	79.0	62
August	12	18.8	52	81.2	64
September	3	9.4	29	90.6	32
Total	203		694		897

Table 7. Gender profile of children assessed at Cape Town Assessment Center 2002. Source: Western Cape, Department of Social Services

CRIMINAL CHARGES AT CAPE TOWN ASSESSMENT CENTRE 2002		
Crime	No.	%
Murder	4	0.4
Att. murder	2	0.2
Rape	3	0.3
Att. rape	2	0.2
Assault	17	2.0
Assault GBH	9	1.0
Robbery	87	10
Armed robbery	4	0.4
Theft	56	6.0
Theft of a motor vehicle	12	1.0
Theft from a motor vehicle	67	7.0
Housebreaking and theft	61	7.0
Att. Theft	4	0.4
Att. Housebreaking and theft	46	5.0
Att. theft of a motor vehicle	12	1.0
Att. theft from a motor vehicle	52	6.0
Shoplifting	306	34.0
Possession of dagga	55	6.0
Poss. of dagga and mandrax	13	1.0
Poss. of dagga, mandrax and cocaine	4	0.4
Possession of mandrax	4	0.4
Possession of cocaine	1	0.1
Dealing in drugs	3	0.3
Possession of stolen goods	37	4.0
In possession of ammunition/ firearm	3	0.3
Fraud	4	0.4
Trespassing	5	0.5
Malicious damage of property	17	2.0
Bomb threat	1	0.1
Kidnapping	1	0.1
Pointing of a fire arm	5	0.5
Total	897	

Table 8. Criminal Charges at Cape Town assessment Centre 2002. Source: Western Cape, Department of Social Services.

It appears that the Cape Town Assessment Centre uses slightly different offence categorization and it would therefore be somewhat risky to compare overall profiles with the other assessments centers.

Children co-accused with adults

The question on how many children are co-accused with adults arose from the fact that the Child Justice Bill proposes the separation of trials in such cases. The following statistics were collected from the SAPS records at the Stepping Stones One Stop Center in Port Elizabeth for the period January to March 2002. The data has been categorized according to the age of the alleged offender, offence and date. During this period a total of 109 children were co-accused with adults. In total, the center dealt with 983 arrested children. The age profile of the children is presented in the accompanying graph.

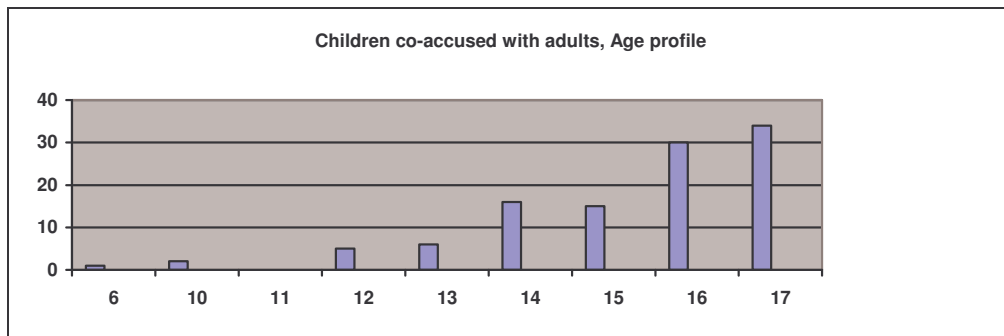


Figure 3. Age Profile, Source: L.M Muntingh, Nicro National Office, Cape Town May 2002.

The number of children co-accused with adults per month is shown in the accompanying graph as well as the percentage they make up of the total number of cases dealt with at Stepping Stones.

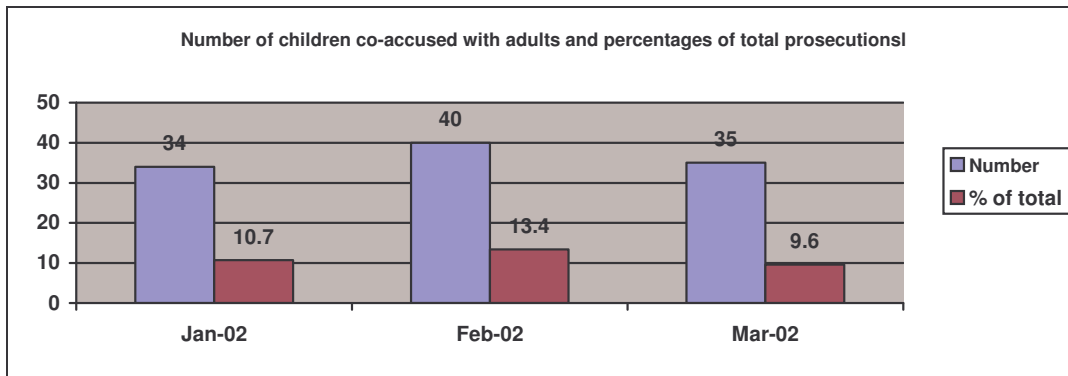


Figure 4. Number of children per month & % of total. Source: L.M Muntingh. Nicro National Office, Cape Town May 2002.

The offence profile of the children co-accused with adults is shown in the graphs below. Based on the available information, it can be concluded that between 9 and 13% of the children are co-accused with adults and that children who are co-accused with adults tend to be involved in more serious offences. The information also shows that older children tend to be co-accused more with adults than younger children.

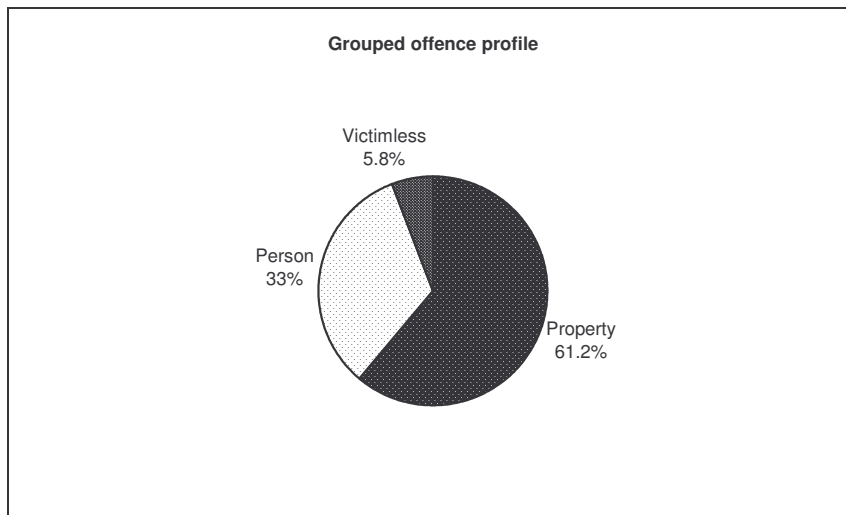


Figure 5. Grouped offence profile, Source: L.M Muntingh. Nicro National Office, Cape Town May 2002.

3.3 Awaiting trial placements

One of the key objectives of the assessment process and subsequent first appearance in court is to determine where the child will be placed pending a final decision on the case. In some instances it is possible to reach a decision to divert without the child having to appear in court. Nonetheless the assessment process need to make a decision on where the child be placed. The results of this process in the Western Cape is presented in Table 9.

SAPS Western Cape Youth Desk						
AWAITING-TRIAL PLACEMENTS: 1995-1997						
	1995		1996		1997	
	f	%	f	%	f	%
Care of Guardian/s	6730	59.0	5625	51.1	6572	54.4
Own Consent	1162	10.0	1511	13.7	1693	14.0
Prison	1024	9.0	622	5.7	704	5.8
Police cells	1039	9.1	2132	19.4	2066	17.1
Places of Safety	1114	9.8	947	8.6	926	7.7
Reformatories	308	2.7	163	1.5	118	1.0
TOTAL ARRESTS	11377		11000		12079	

Table 9. Awaiting-trial Placements: Western Cape, 1995-1997. Source: SAPS Western Cape Youth Desk (2002).

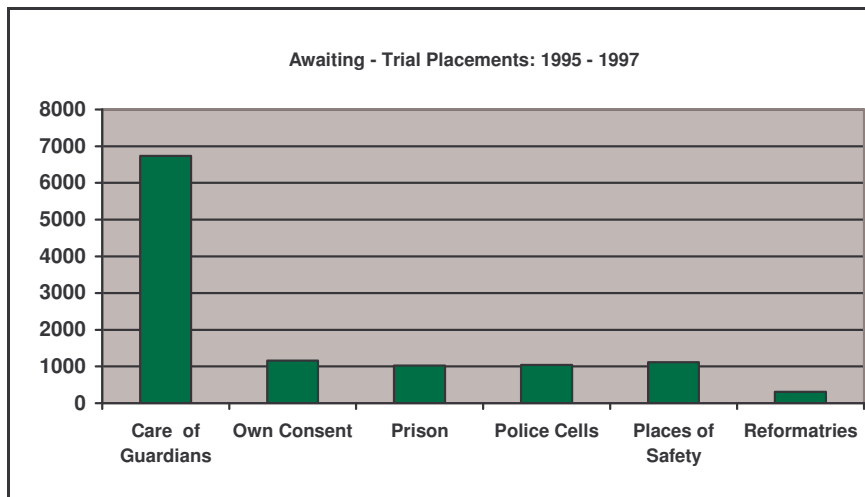


Figure 6. Awaiting-trial Placements: Western Cape, 1995-1997.

Based on the available figures the following conclusions can be made on awaiting trial placements in the Western Cape for the period 1995-1997.

- There was an increased tendency to release children on their consent.
- That the number of children placed in prison awaiting trial declined significantly from over 1000 to about 700.

- The number of children placed in police cells increased significantly.
- The number of children placed in places of safety decreased significantly as did reformatories.
- The number of children released to their guardian hovered around 50%.

3.4 Legal representation

As indicated in Table 10, a relatively small proportion of arrested children managed by the Johannesburg Juvenile Court had access to legal representation, viz. 18.7%. The number of cases with legal representation is expressed as a percentage of the total number of cases on the role. It also appears that this proportion was on the decrease. Unfortunately, no other statistics on the legal representation of children in conflict with the law could be obtained for this report.

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Johannesburg Juvenile Court:			
COURT STATISTICS FOR 1997, 2000 & 2001			
	1997	2000	2001
Total no. of cases on roll	2042	4799	6361
New cases on roll	805	N/A	N/A
New cases assessed by Probation Officer	756	2620	3357
New cases with legal representation	382	629	871
% of new cases with legal representation	18.7	13.1	13.7
Code: N/A= statistics not provided			

Table 10. Court Statistics For 1997, 2000 & 2001: Johannesburg Juvenile Court. Source: DSD (2002).

4 DIVERSION

4.1 Overview of National figures

The new Child Justice Bill aims to entrench diversion as a central feature of the new structure that will govern criminal proceedings against children. Diversion can be defined as the *“the referral of cases away from the criminal justice system to an approved programme, or mediation or community service”* (Sloth-Nielsen & Muntingh, 1998, p. 65). Diversion generally occurs subject to certain conditions and at the discretion of the prosecution. In essence, a case is diverted when *‘it is not in the best interest of the offender, the victim, the prosecution and the community that the case should proceed and that a conviction be secured’* (Muntingh, 1998, p. 3).

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In keeping with the principles of restorative justice, diversion aims at *“making offenders appreciate the consequences of their wrongful actions... [and]... the harm that they may have caused”* (Tserere, 2002, p. 1). Furthermore, it aims at facilitating the integration or reintegration of the offender into her or his community and the broader society.

As implied by the definition provided above, diversion programmes can assume various forms, including life skills programmes, pre-trial community service, family group conferencing and victim-offender mediation. Largely as a result of the focus of recent activism and advocacy by various interest groups, diversion programmes, over recent years have increasingly been geared towards children (rather than adults) in conflict with the law (Muntingh, 1998).

Before discussing the diversion statistics obtained, it should be pointed out here that these statistics are fairly inadequate in terms of the objectives of the present research initiative. The most salient gap in relation to the statistical data on diversion cases pertains to the assessment procedures related to diversion. The assessment of children in conflict with the law is a pivotal aspect of diversion. While the first assessment centres in South Africa were established in 1994

(Sloth-Nielsen & Muntingh, 1999), unfortunately no comprehensive statistics could be obtained in relation to these centres at the time of writing of this report.

Once again, the inadequacy of the data is largely a result of the apparent lacunae in the monitoring processes employed by various government departments in relation to capturing information on children in conflict with the law in South Africa. Ultimately, the researchers were therefore constrained to rely largely on the diversion research data collected by NICRO. Given that NICRO's data focuses largely on diversion statistics related to its own diversion programmes, and given that there are a range of other institutions or agencies also involved with diversion cases, the statistics that will be discussed hereafter will unavoidably be somewhat partial (cf. Barberton, 2000; Madotyeni & Muntingh, 2000; Muntingh, 1998a). Nonetheless, as Muntingh (2001) observes, NICRO remains the primary provider of diversion programmes nationally. Furthermore, judging by its research and publications output, it seems to have put in place fairly comprehensive data capturing and reporting procedures. Consequently, the statistics provided in this section can perhaps be viewed as useful indicators of the overall trends in the provision and use of diversion services nationally.

THE TOTAL NUMBER OF COMPLETED NICRO DIVERSION PROGRAMMES PER FINANCIAL YEAR PER PROVINCE						
PROVINCE	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02
Western Cape	1078	1419	2434	3047	3190	2865
Eastern Cape	625	607	1601	1661	2113	2196
KwaZulu-Natal	1720	1541	1572	2328	2827	2626
Free State	577	298	495	656	765	822
Northern Cape	307	233	346	555	658	1725
Gauteng	1235	1370	1086	1637	3535	4112
Mpumalanga	110	101	183	325	316	598
North West			189	286	548	963
Limpopo				69	175	304
TOTAL	5652	5569	7906	10564	14127	16211

Table 11. The total number of completed diversion programs per financial year per province. Source: Nicro reports unpublished

DIVERSION CASES: 1996/7–2000/1						
PROVINCIAL DISTRIBUTION						
REGION	1996/7 ¹ (%)	1997/8 ² (%)	1998/9 ³ (%)	1999/2000 ³ (%)	2000/1 ⁴ (%)	2001 ⁵ (%)
E. Cape	5.33	10.88	18.6	16.3	9.26	11.52
Free State	5.97	5.33	6.0	5.8	3.87	4.2
Gauteng	23.30	24.41	13.4	19.6	11.81	30.85
KwaZulu Natal	27.95	28.04	19.2	22.1	22.72	18.46
Limpopo				0.9	2.94	2.05
Mpumalanga	1.38	1.85	2.6	2.4	5.23	2.73
N. Cape	3.01	4.14	4.9	5.4	13.57	7.2
N. W. Province			3.0	2.6	3.55	4.09
W. Cape	33.07	25.34	32.0	24.8	27.06	18.9

Table 12. Diversion Cases: 1996/7–2000/1. Regional Distribution. Source: Nicro reports unpublished

NICRO services were established in the North West Province in 1998/9 and in the Limpopo Province in 1999/00.

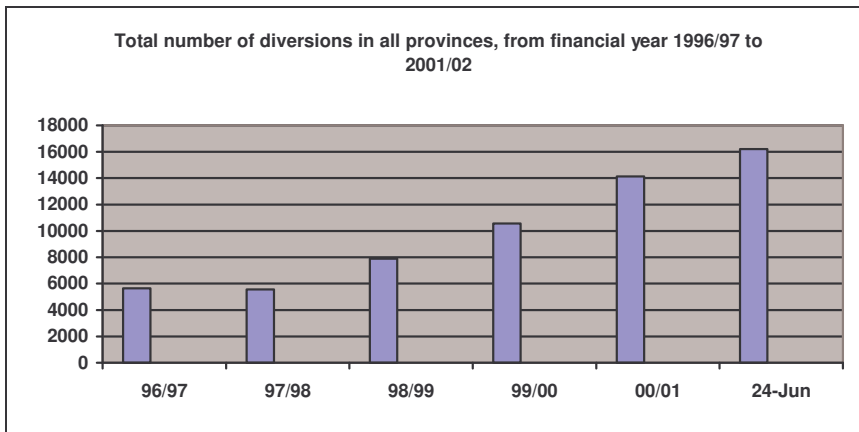


Figure 7. Total number of diversions in all provinces, from financial year 1996/97 to 2001/02, Source: Nicro reports unpublished.

As the above graph indicates, the number of diversion cases rapidly increased each year at an average rate of 24.5 %. This trend will in all likelihood continue, given the centrality of diversion to the Child Justice Bill.

NUMBER OF DIVERSION CASES PER PROGRAMME PER YEAR							
	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	%
YES	2168	4453	5711	6973	8242	7177	61.4
PTCS		548	1115	1692	2401	2893	15.3
YES & PTCS		250	400	525	593	903	4.7
VOM		21	32	35	54	62	0.4
YES & VOM			26	20	74	141	0.5
FGC		87	199	252	349	338	2.2
Journey		80	120	195	382	869	2.9
Support & counselling		47	83	176	611	801	3.0
Youth at risk					953	2214	5.6
Other		83	220	696	468	813	4.0
Total	2168	5569	7906	10564	14127	16211	

Table 13. Number of Diversion cases per programme per year. Source: Nicro reports unpublished.

The life-skills Programme of Nicro, YES, account for 57.8% of the total followed by the Pre-trial Community Service Programme at 14.4%.

As reflected in the statistics contained in Table 11, the number of diversion cases remained stable between 1996 to 1997/8. Furthermore, for this period the majority of diversions took place in the Western Cape, KwaZulu-Natal and Gauteng for this period (see Table 12).

The uneven distribution of diversion cases across regions as reflected in Table 11, is generally viewed as a function of the uneven distribution of Nicro offices across the country and the establishment of diversion services. (Muntingh, 1999).

Table 14 reveals that young people aged 14 to 17 years constituted more than 86% of all diversion programme participants, while children aged 7 to 13 years constituted less than 14% of programme beneficiaries in 2001/02. Representing 26.0% of all diversion programme participants, 17-year-olds constituted the single largest age group amongst the diversion participants.

In terms of gender representation, substantially more male children appear to have benefited from diversion programmes than female children. For example, between 1996 and 1998/9 male children consistently constituted in excess of 74

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percent of all diversion programme participants while female children constituted consistently less than 26 percent of the participants (see Table 15). It was only in 2000 that females constituted 28% of the total. However, in view of the absence of comprehensive statistics on the gender distribution of arrested children, it would be difficult to interpret the significance of the foregoing statistics.

Furthermore, as revealed in Tables 16 to 18, children charged with 'property offences' appear to have been more likely to benefit from diversion programmes than children who were charged with other offences, such as offences in the 'aggressive crimes' category.

CHILDREN IN NICRO DIVERSION PROGRAMMES IN 2001/2002				
AGE DISTRIBUTION				
AGE	F	Cum. F	%	Cum. %
7 years	59	59	0.5	0.5
8 years	48	107	0.4	0.9
9 years	32	139	0.2	1.1
10 years	76	215	0.6	1.7
11 years	194	409	1.5	3.2
12 years	468	877	3.6	6.8
13 years	937	1814	7.2	14.0
14 years	1708	3522	13.1	27.1
15 years	2691	6213	20.6	47.7
16 years	3443	13099	26.4	74.1
17 years	3397	16496	26.0	100
Total	13053			
Codes: Cum. f = cumulative frequency; Cum. % = cumulative percentage				

Table 14. Children In Nicro Diversion Programmes In 2001/2002: Age Distribution. Source: NICRO, Unpublished figures.

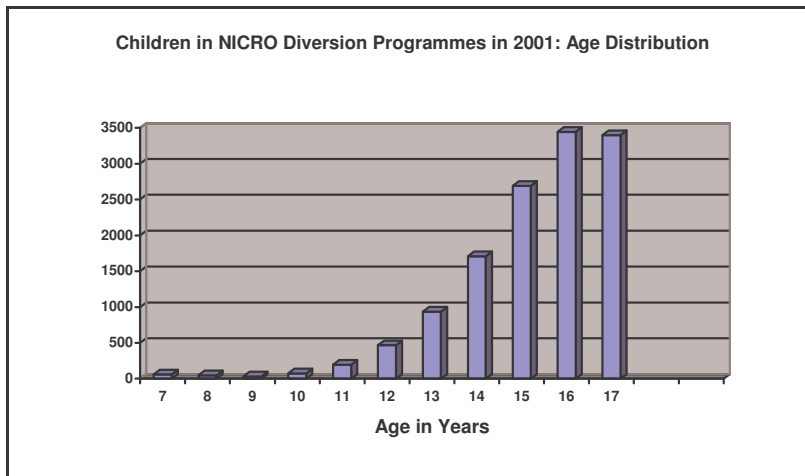


Figure 8. Children in NICRO Diversion Programmes in 2001: Age Distribution.

NICRO DIVERSION CASES: 1996–2000				
GENDER PROFILE OF PARTICIPANTS				
SEX	1996/7	1997/8	1998/9	2000
Male	76.34%	74.1%	76.04%	72.00%
Female	23.42%	25.9%	23.76%	28.00%

Table 15. Nicro Diversion Cases: 1996–1998/9. Sex Profile Of Participants. Source: Muntingh (1999, 1998b).

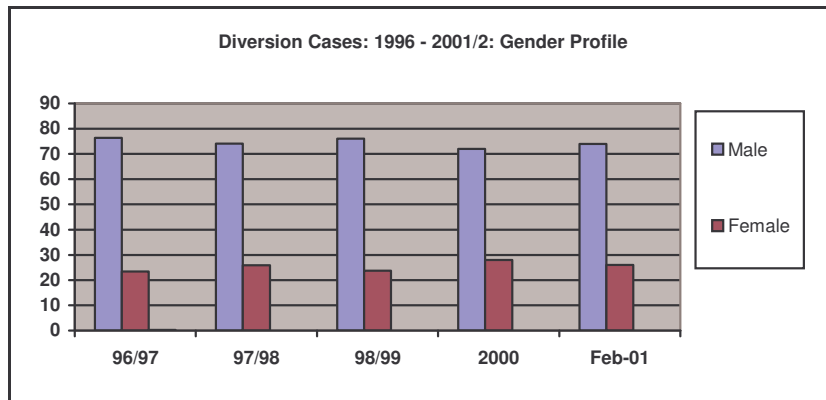


Figure 9. Diversion Cases: 1996 – 2001/2: Gender Profile.

OFFENCE PROFILE OF NICRO DIVERSION CASES ACCORDING TO GENDER FOR 1997/8			
MALES		FEMALES	
OFFENCE ²	CASES (%)	OFFENCE ³	CASES (%)
Shoplifting	39.21	Shoplifting	70.94
Theft	23.74	Theft	17.57
Breaking & entering	9.65	Common assault	2.14
Possession of cannabis	4.95	Breaking & entering	1.80
Damage to property	3.29	Possession of cannabis	1.80
Common assault	3.13	Assault – g. b. h.	1.14
Assault – g. b. h.	1.73		
Attempted theft	1.31		
Possession of stolen property	1.29		
Robbery	1.13		
1. Ten leading offences.			
2. Six leading offences.			

Table 16. Offence Profile Of Nicro Diversion Cases According To Gender For 1997/8. Source: Muntingh (1997).

The offence profile for the males and females show significant similarities in the sense that both are charged with primarily property offences and that less than 6% are charged with violent offences.

NICRO DIVERSION CASES: 1997/8, 1998/9 & 2000							
OFFENCE PROFILE IN PRESENTAGES							
OFFENCE	% OF CASES			OFFENCE	% OF CASES		
	1997/8	1998/9	2000		1997/8	1998/9	2000
Murder	0.26	0.14		Fraud	0.5	0.54	
Culpable homicide	0.26	0.08		Crimen Injuria	0.07	0.03	
Attempted murder	0.17	0.08	0.3	Trespassing	0.34	0.25	
Rape	0.05	0.15		Malicious damage to property	2.54	2.29	0.6
Attempted rape	0.09	0.21		Hijacking		0.01	
Common assault	2.88	3.77	5.4	Pointing a firearm	0.17	0.05	0.3
Assault: GBH	1.58	1.98		Negligent discharge of a firearm		0.11	
Indecent assault	0.64	0.97	0.3	Arson	0.03	0.14	0.6
Armed robbery		0.04		Attempted arson	0.07		
Robbery	0.84	1.33	1.1	Contravention of Explosives Act	0.22	0.15	
Theft	22.25	29.28	25.4	Driving under the influence of alcohol	0.36	0.92	0.6
Theft of motor vehicle		0.25	1.4	Reckless driving	0.38	0.33	1.1
Theft from motor vehicle		0.58	1.1	Driving without a licence	0.48	0.38	
Attempted theft	1.03	0.78	0.3	Unauthorised use of a motor vehicle	0.6	0.19	0.3
Breaking and entering	7.66	9.14	6.5	Public violence	0.02	0.13	
Shoplifting	47.54	36.16	48.3	Public indecency		0.15	
Possession of narcotics	0.46	1.08	0.3	Sexual harassment	0.14	0.04	0.3
Possession of cannabis	4.16	4.6	2.8	Making indecent suggestions	0.02		
Dealing in cannabis	0.14	0.3	0.3	Child abuse		0.03	
Dealing in other narcotics	0.05	0.05		Incest		0.01	
Dealing in alcohol	0.09	0.08		Mistreatment of an animal	0.05	0.05	
Possession of stolen goods	0.96	0.93	1.1	Catching a crayfish in a reserve	0.02		
Possession of firearm	0.62	0.82		Defeating the ends of justice	0.17	0.06	
Possession of ammunition	0.14	0.13		Perjury	0.03	0.04	
Possession of counterfeit money	0.14	0.05		Unknown	1.48	0.87	0.6

NICRO DIVERSION CASES: 1997/8, 1998/9 & 2000						
OFFENCE PROFILE IN PRESENTAGES						
Possession of house-breaking equipment	0.31	0.29	0.6			

Table 17. Nicro Diversion Cases: 1997/8 & 1999. Offence Profile. Source: Muntingh (1999, 2001)

NICRO DIVERSION CASES: 1997/8 & 1998/9		
OFFENCE PROFILE OF CASES (GROUPED)		
(in percentage)		
OFFENCE	CASES 1997/8 (%)	CASES 1998/9 (%)
Person	6.3	9.1
Property	84.9	80.4
Victimless	8.8	10.5

Table 18. NICRO Diversion Cases: 1997/8 & 1998/9. Offence Profile Of Cases (Grouped) (in percentage). Source: Muntingh (1999).

NICRO DIVERSION CASES: 1996/7 – 2000				
SOURCES OF REFERRALS				
ORIGIN OF REFERRAL	1996/7	1997/8	1998/9	2000
Self-referred	0.00	0.05	0.1	0.00
Other & unknown	2.78	2.75	2.5	6.2
Family	0.03	0.5	1.15	0.6
School	0.28	0.68	1.2	1.1
SAPS	0.03	2.17	0.85	0.3
Magistrate	0.75	7.1	14.76	7.1
Prosecutor	96.13	86.75	79.45	84.7

Table 19. Nicro Diversion Cases: 1996/7– 2000. Sources Of Referrals. Sources: Muntingh (2001, 1999, 1998b).

NICRO DIVERSION CASES: 1997/8 & 1998/9:			
COMPLIANCE RATE PER PROGRAMME (in percentage)			
PROGRAMME	1997/8 (%)	1998/9 (%)	2000/1 (%)
Youth Empowerment Scheme (YES) & Victim Offender Mediation (VOM)	-	82.6	-
Other	82.87	54.9	-
Youth Empowerment Scheme (YES) & Pre-trial Community Service (PTCS)	82.87	82.8	86.0
The Journey	88.75	95	90.7
Victim Offender Mediation (VOM)	90.48	89.7	80.8
Family Group Conferences (FGC)	74.71	89.1	84.0
Pre-trial Community Service (PTCS)	82.85	82.2	83.0
Youth Empowerment Scheme (YES)	85.17	82.8	86.1

Table 20. Nicro Diversion Cases: 1997/8 & 1998/9. Compliance Rate Per Programme (in percentage). Source: Muntingh (1999).

4.2 Diversion at specific courts and per magisterial district

NUMBER OF DIVERSIONS IN PORT ELIZABETH										
PROGRAM	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Totals
YES	42	53	35	34	44	31	38	32	40	479
PTCS	12	18	11	14	15	14	12	7	23	126
FGC	3	5	4	14	3	3	5	10	8	55
JOURNEY							10			10

Table 21. Number of Diversions in Port Elizabeth 2002. Source: Dept of Social Development: E Cape (2002) Unpublished figures, Stepping Stones Port Elizabeth.

NUMBER OF CHILDREN BEING DIVERTED AT WYNBERG, APRIL 2002 TO OCTOBER 2002	
YES program	99
Drug information school	12
Pre-trial Community service	11
Children's court inquiry	3
TOTAL	125

Table 22. Number of children being diverted at Wynberg. Source: Provincial administration: Western Cape Department of Social Services.

NUMBER OF CHILDREN BEING DIVERTED AT CAPE TOWN ASSESSMENT CENTRE IN YEAR 2002		
Assessed month	Total	%
January	19	7
February	37	14
March	42	16
April	25	10
May	46	17
June	52	20
July	22	8
August	13	5
September	8	3
Total	264	100

Table 23. Number of children being diverted at Cape Town assessment center in year 2002. Source: Western Cape, Department of Social Services.

From the total number of assessed children, 897, at Cape Town Assessment Centre, 264 of them were diverted in the year 2002 or 29.4%. (Western Cape, Department of Social Services).

PERCENTAGE OF ASSESSED CASES REFERRED FOR DIVERSION AT TWO ASSESSMENT CENTRES: 1996–1998			
INSTITUTION	PERIOD	% CASES RECOMMENDED FOR DIVERSION	N
Assessment, Reception & Referral Centre (Durban)¹	16/06/1996 to 16/06/1997	20.24%	2712
Stepping Stones Project (Port Elizabeth)	15/08/1997 to 31/10/1998	26.53%	2688
Cape Town	1/1/2002 to 31/12/2002	29.4	897

¹ A pilot project that functioned between June 16, 1996 and June 16, 1997.

Table 24. Percentage Of Assessed Cases Referred For Diversion At Two Assessment Centres: 1996–1998. Source: Sloth-Nielsen & Muntingh (1999).

As indicated by the data reflected in Table 24, a relatively small percentage of the cases assessed were recommended for diversion for the two time periods under consideration, namely, 20.24 percent in the case of the Durban Assessment, Reception and Referral Centre and 26.53 percent in the case of the Stepping Stones Project. Indeed, as Sloth-Nielsen and Muntingh (1999) point out, the percentage of cases diverted was significantly inferior to the target set for the Assessment, Reception and Referral Centres.

The following table indicates the magisterial district where programme participants reside for the year 2001/02.

GEOGRAPHICAL DISTRIBUTION PER MAGISTERIAL DISTRICT OF NICRO DIVERSION PROGRAMME BENEFICIARIES FOR 2001/2002			
Province	Magisterial District	Number	Totals
WESTERN CAPE	Unknown	20	
	Beaufort-West	64	
	Bellville	257	
	Bonnievale	6	
	Bredasdorp	33	
	Caledon	3	
	Calitzdorp	9	

GEOGRAPHICAL DISTRIBUTION PER MAGISTERIAL DISTRICT OF NICRO DIVERSION PROGRAMME BENEFICIARIES FOR 2001/2002			
Province	Magisterial District	Number	Totals
	George	142	
	Goodwood	136	
	Grabouw	12	
	Heidelberg	4	
	Kaapstad	222	
	Knysna	82	
	Kuilsrivier	197	
	Ladismith	20	
	Malmesbury	57	
	Mitchells Plain	463	
	Mosselbaai	82	
	Oudtshoorn	142	
	Paarl	78	
	Simonstad	83	
	Somerset West	42	
	Stellenbosch	54	
	Strand	31	
	Wellington	1	
	Worcester	187	
	Wynberg	440	2867
EASTERN CAPE			
	Ezibeleni	26	
	Graaff -Reinet	19	
	Grahamstown	165	
	Hankey	8	
	Humansdorp	24	
	Joubertina	13	
	Keiskammahoek	1	
	King Williams Town	87	
	Lady Frere	67	
	Mdantsane	169	
	East London	120	
	Peddie	2	
	Port Elizabeth	798	
	Queenstown	177	

GEOGRAPHICAL DISTRIBUTION PER MAGISTERIAL DISTRICT OF NICRO DIVERSION PROGRAMME BENEFICIARIES FOR 2001/2002			
Province	Magisterial District	Number	Totals
	Uitenhage	204	
	Umtata	135	
	Whittlesea	43	
	Zwelitsha	137	2195
KZ-NATAL	Unknown	3	
	Babango	1	
	Camperdown	56	
	Chatsworth	78	
	Durban	721	
	Estcourt	3	
	Glencoe	1	
	Impendle	19	
	Inanda	233	
	Lower Tugela	13	
	Lower Umfolozi	227	
	Mapumulo	1	
	Ndwedwe	16	
	Newcastle	1	
	New Hanover	16	
	Nongoma	5	
	Pietermairitzburg	553	
	Pinetown	335	
	Port Shepstone	93	
	Richmond	4	
	Umbumbulu	21	
	Umlazi	330	
	Umvoti	1	
	Umzinto	5	
	Vryheid	1	2737
FREESTATE			
	Bloemfontein	593	
	Kroonstad	228	821
N-CAPE			
	Barkly West	21	
	Britstown	48	

GEOGRAPHICAL DISTRIBUTION PER MAGISTERIAL DISTRICT OF NICRO DIVERSION PROGRAMME BENEFICIARIES FOR 2001/2002			
Province	Magisterial District	Number	Totals
	De Aar	301	
	Douglas	22	
	Fraserburg	1	
	Garies	22	
	Hanover	41	
	Hartswater	14	
	Jan Kempdorp	48	
	Kakamas	30	
	Keimoes	14	
	Kenhardt	2	
	Kimberley	538	
	Pofadder	27	
	Port Nolloth	8	
	Springbok	330	
	Upington	258	1725
GAUTENG	Unknown	45	
	Alberton -North	39	
	Benoni	140	
	Boksburg	56	
	Brakpan	43	
	Bronkhorstspuit	1	
	Cullinan	7	
	Germiston	75	
	Heidelberg	19	
	Johannesburg	1271	
	Kempton Park	35	
	Krugersdorp	1	
	Meyerton	29	
	Tembisa	10	
	Nigel	7	
	Pretoria	542	
	Pretoria North	295	
	Randburg	262	
	Randfontein	70	
	Roodepoort	213	

GEOGRAPHICAL DISTRIBUTION PER MAGISTERIAL DISTRICT OF NICRO DIVERSION PROGRAMME BENEFICIARIES FOR 2001/2002			
Province	Magisterial District	Number	Totals
	Springs	88	
	VanderBijl Park	439	
	Vereeniging	304	
	Soshanguve	116	4107
MPUMALANGA			
	Amersfoort	1	
	Balfour	1	
	Bethal	9	
	Evander	44	
	Kriel	14	
	Kanyamazane	2	
	Morgenzon	1	
	Nelspruit	208	
	Kabokweni	84	
	Standerton	170	
	Volksrust	25	
	Witbank	2	
	Witrivier	14	
	Nkomazi	9	584
NORTH WEST			
	Bafokeng	97	
	Brits	119	
	Madikwe	22	
	Odi	442	
	Rustenburg	283	963
LIMPOPO			
	Bochum	113	
	Mankweng	34	
	Polokwane	51	
	Ritavi	7	
	Seshego	35	
	Tzaneen	64	304
			16300

Table 25. Geographical Distribution per magisterial district of NICRO Diversion Programmes Beneficiaries for 2001/2002. Source: Unpublished figures, Nicro.

NUMBER OF MAGISTERIAL DISTRICTS PER PROVINCE REACHED BY NICRO DIVERSION SERVICES			
Province	NR Reached	Total number of Districts	%
Western Cape	26	48	54.2
Eastern Cape	18	80	22.5
KZ- Natal	24	67	35.8
Free State	2	65	3.1
Northern Cape	17	35	48.6
Gauteng	23	25	92
Mpumalanga	14	34	41.2
North West	5	32	15.6
Limpopo	6	47	12.8
TOTAL	135	433	

Table 26. Number of Magisterial Districts per province reached by NICRO Diversion Services. Source: Unpublished figures, Nicro.

4.3 Impact evaluation of diversion programmes

Two surveys were conducted by NICRO in 1998 and 2000 respectively. The 1998 sample framework identified a stratified sample of 640 individuals who participated in a diversion programme at least 12 months prior to the survey according to geographical location and programme profile. Respondents were selected from seven provinces in proportion to the numbers in the five diversion programmes.

Of the 640 questionnaires that went out in 1998, 468 (67%) were received back. Owing to certain problems not all the questionnaires were completed. Of the 468 that came back, 64% were completed when interviewing the client and 36% when interviewing an alternative respondent, as the client was not available.

In 2000 the same group of 468 was targeted and 356 (76.1%) questionnaires were completed. In 55.3% of the cases the client was the respondent and in 44.7% of cases, an alternative respondent was interviewed. Table 27 summarises the tracking rate of the two surveys. As expected the proportion of questionnaires in which the client was the respondent decreased by 10% because the target group is at a very mobile stage in life.

RESPONDENT NUMBERS IN 1998 AND 2000 SURVEYS					
			%	Respondent	
1998	Targeted	640		Client	65.8%
	Received	468	73.1%	Alternative	34.2%
2000	Targeted	468		Client	55.3%
	Received	356	76.1%	Alternative	44.7%

Table 27. Respondent numbers in 1998 and 2000 surveys. Source: L.M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

The questionnaires dealt with a number of issues and these are listed below. Some of the themes were covered only in the 1998 survey whereas others were covered in both surveys. These are indicated accordingly:

- biographical information (updated in 2000)
- case history (same as in 1998)
- residential situation and household structure (only in 1998)
- reason for attending programme (only in 1998)
- expectation of programme (both)
- retention of programme content (both)
- best and worst impressions of the programme (both)
- what was learned from programme (both)

- best and worst aspects of programme (only in 1998)
- current opinion of programme (both)
- reason for finishing programme (only in 1998)
- personal change after programme (both)
- commission of offences after programme (both)
- time lapse to further offences and reasons for further offences (both)
- reasons for not committing further offences (both).

Recidivism

One of the primary aims of the study was to measure the recidivism rate of diversion programme participants, firstly after at least a 12 month period after participation in the programme had expired and then after at least a 24-month period had expired. For the purposes of this study recidivism will refer to the commission of another offence (irrespective of seriousness) after attendance of a NICRO diversion programme. It is also not a prerequisite, in terms of this definition, that the person must have been arrested, charged and convicted to be defined as a recidivist. It will be shown later that the number of recidivists is extremely low, even when using such a wide definition.

Profile participants

The research was able to build a detailed profile of programme participants from across the country and across the different diversion programmes and is regarded as a representative sample of the group. The typical diversion programme participant is an unconvicted male (72%), aged 15-17 years, a first offender charged with property crime, who resides with his parents and is in his second to third year of secondary schooling. Just more than 55% participants are Black African. The majority of participants attended the YES programme. In 48% of the cases the father of the participant did not reside in the same household.

The respondents in the 1998 survey were concentrated in the 15– to 17– year age group, with substantially fewer people in the other categories above and

below these three ages. Occasionally young people of 18 years and slightly older are referred to NICRO and are also included in this study. The 2000 profile shows an appropriate two-year ageing in the sample.

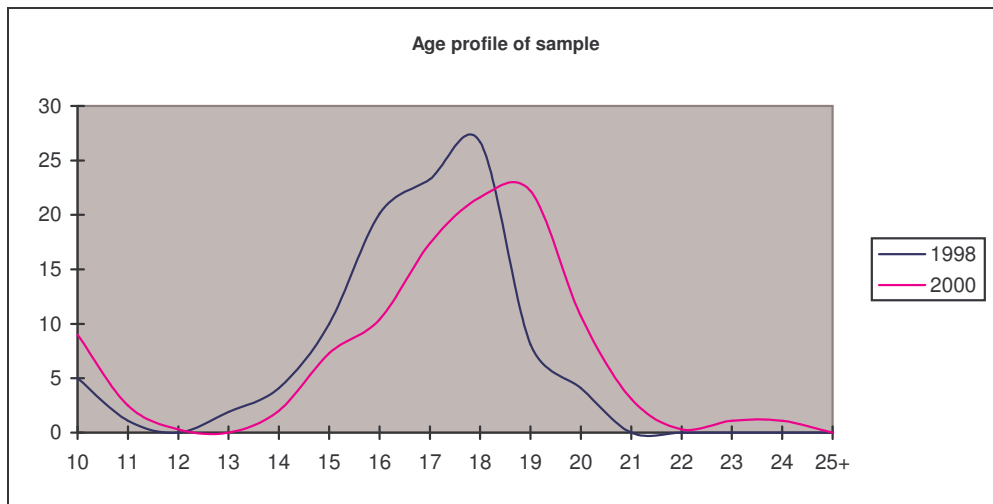


Figure 10. Age profile of sample. Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases, NICRO 2000*.

Despite slight over-representations of females, whites and coloureds, there is no real reason to assert that there is discrimination in terms of the race of referrals. The race profile is strongly linked to the geographical distribution of population groups and their overlapping with the availability of diversion programmes. In terms of gender, the two profiles are identical.

GENDER OF RESPONDENTS			
	Male	Female	N =
1998	72%	28%	468
2000	72%	28%	356

Table 28. Gender of respondents. Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases, NICRO 2000*.

The race profile of the two samples shows minor variations but this does not appear to be significant.

RACE OF RESPONDENTS (PERCENTAGES)			
Race	1998	2000	Variance
African	54.3	57.9	3.6
Asian	4.5	5.1	0.6
Coloured	29.1	26.8	-2.3
White	12.0	10.2	-1.8

Table 29. Race of respondent (percentages). Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

The home language profile of respondents compared with the census figures supports the point made above that the availability of the diversion programmes coincides with the geographical distribution of certain population groups. These programmes are also better established in certain urban areas than others or in rural areas. Again the differences between the two samples appear to be negligible.

The respondents in the two surveys participated in the following programmes as shown in Table 32. The majority were referred to the YES programme, followed by PTCS and a combination of the two.

Programme profile of respondents		
Programme	1998	2000
YES	72.2	74.0
PTCS	10.3	10.2
FGC	2.8	1.4
Journey	3.2	3.4
YES & PTCS	8.8	9.0
Other	1.7	1.4

Table 30. Programme profile of respondents. Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

The original offences with which the respondents were charged are listed in Table 31 and shows the wide variety of offences for which the clients were referred. These include violent offences, property offences and victimless offences. However, theft and shoplifting account for between 69% and 73% of the total.

OFFENCE PROFILE OF RESPONDENTS						
Offence	1998	2000	%	1998	%	2000
Unknown	4	2	0.9			0.6
Murder	1	0	0.2			0.0
Attempted Murder	1	1	0.2			0.3
Common Assault	28	19	6.0			5.4
Assault Gbh	1	0	0.2			0.0
Robbery	6	4	1.3			1.1
Theft	115	90	24.6			25.4
Shoplifting	213	171	45.5			48.3
Attempted Theft	3	1	0.6			0.3
Fraud	1	0	0.2			0.0
Malicious Damage to Property	5	2	1.1			0.6
Driving Under the Influence of Alcohol	2	2	0.4			0.6
Pointing A Firearm	1	1	0.2			0.3
Reckless Driving	4	4	0.9			1.1
Possession of Dagga	15	10	3.2			2.8
Possession of Other Narcotics	3	1	0.6			0.3
Dealing in Dagga	1	1	0.2			0.3
Possession of Stolen Goods	4	4	0.9			1.1
Unauthorised use of a motor vehicle	1	1	0.2			0.3
Sexual Harassment	1	1	0.2			0.3
Arson	6	2	1.3			0.6
Gambling	1	0	0.2			0.0
Trespassing	1	0	0.2			0.0
Possession housebreaking equipment	2	2	0.4			0.6
Possession of Firearm	3	2	0.6			0.6
Theft from motor vehicle	4	4	0.9			1.1
Theft of motor vehicle	5	5	1.1			1.4
Housebreaking	34	23	7.3			6.5
Sodomy	1	1	0.2			0.3
Not Applicable	1	0	0.2			0.0
Total	468	354				

Table 31. Offence profile of respondents.. Source: L. M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

If the offences are grouped in terms of crimes against the person, property and victimless offences the following profile emerges as shown in Figure 11. Of the 1998 sample 83.4% were charged with a property-related offence. Victimless offences refer in the majority of cases to the possession of illegal substances, the dealing thereof or traffic offences

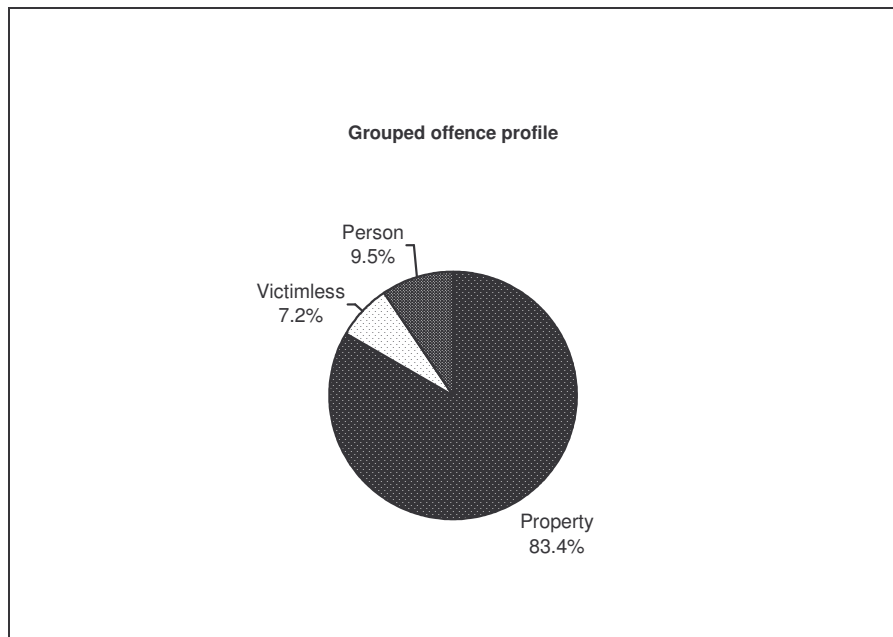


Figure 11. Grouped offence profile. Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

At the time of attending the programme, only 18 (3.8%) of the sample had previous convictions against them. It has been NICRO's experience that the programmes are generally used for first-time offenders and this profile is consistent with other analyses of the client group.

Cases can either be referred to the programmes, specifically the YES programme, as a pre-trial diversion or as part of a suspended or postponed sentenced. Of both samples, just over 3% were sentenced referrals and the balance were pre-trial referrals.

TYPE OF REFERRAL		
Type	1998	2000
Sentenced	15 (3.2%)	12 (3.4%)
Diverted	452 (96.8%)	341 (96.6%)

Table 32. Type of referral. Source: L. M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

Referrals may come from a variety of sources, but consistent with the above, the majority of referrals are from public prosecutors in the form of pre-trial referrals. Table 33 gives the profile on the source of referrals in the sample. The two samples are highly consistent on this variable as well.

SOURCE OF REFERRAL				
SOURCE	1998	2000	1998	2000
Prosecutor	394	300	84.2	84.7
Magistrate	34	25	7.3	7.1
Police	2	1	0.4	0.3
School	5	4	1.1	1.1
Family	2	2	0.4	0.6
Other	27	20	5.8	5.6
Social worker	1	0	0.2	0.0
Unknown	3	2	0.6	0.6
Total	468	356	100.0	100.0

Table 33. Source of referral. Source: L. M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

Almost all the programme participants were still busy with their schooling while attending the programme. Other research has shown that school attendance strongly influences the decision of the prosecutor to divert a case or not.

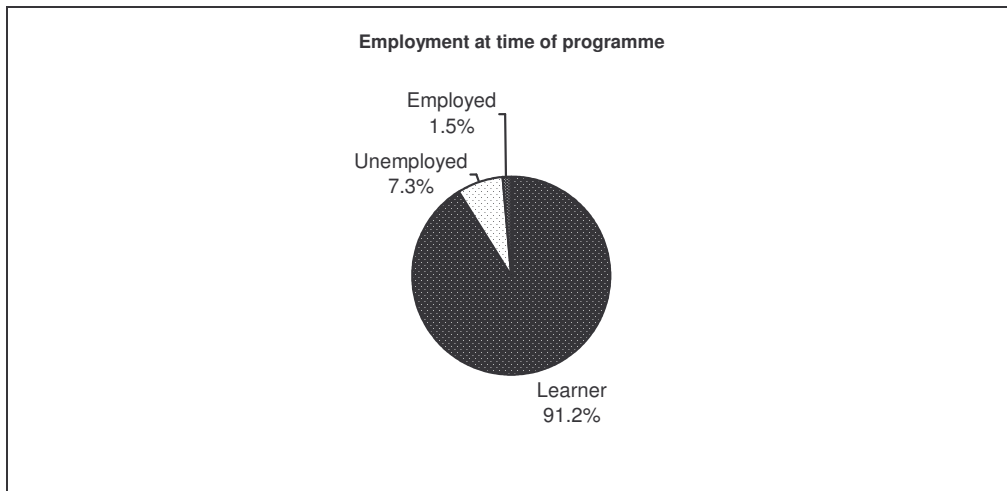


Figure 12. *Employment at time of programme.* Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases, NICRO 2000.*

Consistent with the age profile in the 1998 survey, the majority of respondents were busy with their high school training at the time they participated in the programmes. It is, however, interesting to note that comparatively few participants were in the higher school grades at that time. The 2002 survey profile shows that there has been a clear educational progression, with more respondents now concentrated in Grades 11 and 12.

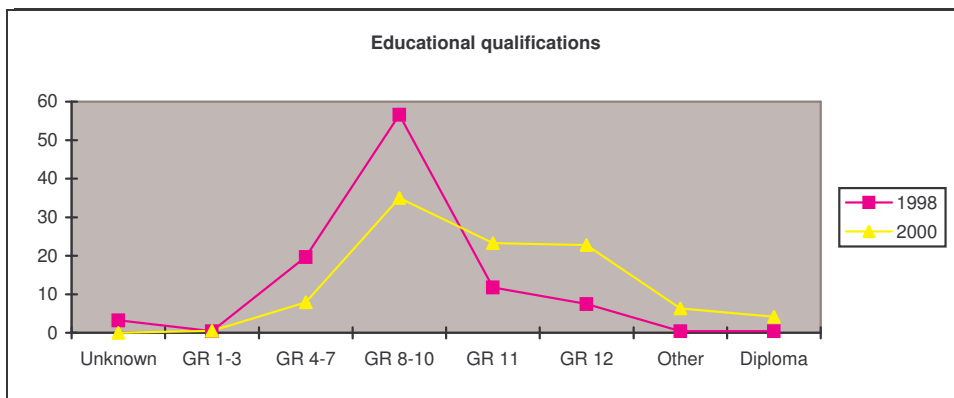


Figure 13. *Educational qualifications.* Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases, NICRO 2000.*

At the time of the interviews the majority of respondents were staying with their parents. The remainder were staying with family members, friends or on their own.

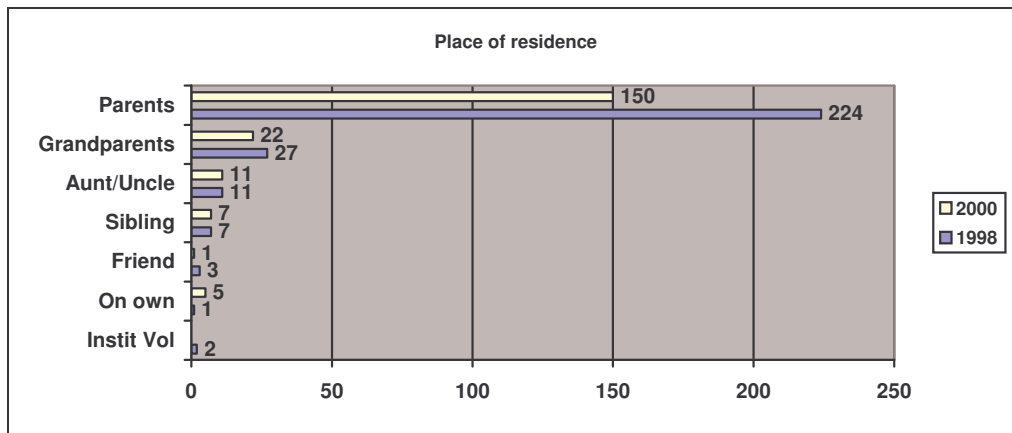


Figure 14. Place of residence. Source: L M Muntingb, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases, NICRO 2000.*

Table 34 summarises the household structure of the respondents as recorded in 1998 and it is indeed significant that in nearly 48% of cases the father was not living with the child and in 24% of cases the mother was not living with the child. The effect of absentee fathers requires further investigation as it may hold some implications for programme design.

SUMMARISED HOUSEHOLD STRUCTURE		
Relation	Present	Not present
Grandparent(s)	18.0	82.0
Father	52.1	47.9
Mother	75.7	24.3

Table 34. Summarised household structure. Source: L M Muntingb, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases, NICRO 2000.*

In the 1998 survey respondents were asked what they were expecting to happen during the programme that they were about to attend. From the responses it is

clear that there was a fair amount of misconception of what was to happen in the programme. The responses are listed in the table below according to the programme they were referred to.

Experience of the programme

Although there was some initial confusion in terms of what to expect from the programme they had been referred to, feedback from programme participants on programme content in both surveys was extremely positive and for most participants the programme they attended was a memorable experience. Most respondents were able to remember a fair amount of detail about the programme content, which is indicative of impact. Experiential and adventure education techniques appear to have been used to good effect by the programme facilitators. The fact that the majority of the respondents still had a positive opinion of the programme 24 months after they participated is also indicative of the programme effect. Limited negative feedback was received from the interviewed participants. Some negative feedback did in fact refer to intentionally difficult process that form part of the programme such as discussing personal matters.

EXPERIENCE OF THE PROGRAMME						
EXPECTATIONS	YES	PCTS	FGC	Journey	YES & PTCS	Other
No idea what to expect	43	3		4	3	1
Learn about disadvantages of crime	32	1	1		2	
Tough, have to work to repay crime	7	10	2		6	
Learn about life skills	16	3	1	1	2	
To receive some guidance/counselling	26	1		1	1	
Would go to jail after programme	3	1			1	
Would be treated like a criminal	13	1	3		3	
To learn new things	6					
Would have to talk to someone	3					
Would help to solve problems		1	1			
Clear name of criminal record	7					
Learn skills to avoid crime	25	2	1		4	
Good treatment	2					1

EXPERIENCE OF THE PROGRAMME						
Physical punishment	12	2		1	3	
Formal education	10	1			1	
Skills to earn own income	1					
To be sent away	1					
To be like a reform school	6				1	1
To appear in the newspaper	1					
Would be punished by victim			1			
Negative response	4				3	
Overt punishment	2	1				
To receive a warning	1	1				
To correct his/her mistakes	1					
To be boring	3				1	
To be disciplined	1					
Total	226	28	10	7	31	3

Table 35. *Expectations of the programme. Source: L M Muntingb, The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases, NICRO 2000.*

The respondents were then asked if their expectations were met and 61.5% replied in the affirmative. It should be noted from the table above that a substantial number of respondents had a negative to highly negative expectation of the programme. The fact that 38.5% stated that their expectations were not met should thus not be regarded as a negative but rather as a positive response. Nonetheless, from a programme evaluation point of view, the degree of misconception is a matter requiring follow-up on the part of programme facilitators.

The respondents were asked in 1998 what they remembered from the programme itself. The responses obviously refer to different components of the different programmes and are listed in the table below.

Retention of programme content						
RETENTION	YES	PTCS	FGC	Journey	YES & PTCS	Other
Unsure	4				1	
Sessions on crime/ law	48	1			6	1
Sessions on drugs	5	1				
Disadvantages of a criminal record	5					
Sessions on relationships/sharing feelings	29	1	3		1	
Life skills	11	1		1	2	
Sessions on problem-solving	8		1		1	
Not much	12	3			1	
Sessions on decision-making	14					
People involved; working/supporting	8	2	1	1	2	
Role-playing	13				5	
Physical work		17	2	1	3	
Learning right from wrong	4				1	
Effect of crime on victim	1		1		1	
Session on being a good role model	1					
The camp				2		
Games	16				4	
Group work	8		1		1	1
Introduction session	4		1	1		1
Self-awareness skills	9				2	
Communication skills	3					
Sessions on assertiveness	3					
Everything	2	2		1		
Session on bad influences/ friends	4					
Educational talks	3					
Setting goals for the future	6					
Accepting responsibility for own actions	2					
Sessions on trusting others	2					
Farewell letter at end of programme	1					
Felt relieved at receiving forgiveness	1					
Total	227	28	10	7	31	3

Table 36. Retention of programme content. Source: L M Muntingb, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

The table shows that there is a wide spectrum of aspects that the respondents remember from the programme. There are, however, certain items that stand out, such as the sessions on crime and law, and sessions on sharing of feelings and relationships. Basic education on crime and the law appears to have made a significant impact on the participants. The fact that participants are given the opportunity to share their feelings and talk about relationships also appears to leave a lasting impression.

Respondents were asked what impressed them most about the programme in which they participated. Two responses stand out from the long list, namely the co-ordination and facilitation of the programme, and the games they played in the (YES) programme. The YES programme relies strongly on interactive and experiential learning techniques, such as games and role-playing to make the programme material accessible. Very few respondents gave negative responses such as “Nothing” or “Can’t remember”.

IMPRESSED MOST ABOUT THE PROGRAMME						
Description	YES	PTCS	FGC	Journey	YES & PTCS	Other
Unsure	3					
Self-awareness skills	17				1	
Co-ordination of programme/workers skills	23	1	1		3	
Opportunity to voice own opinions/skills	17			1	3	
Opportunity to think/plan future	4					
Learned effect of bad friends	6					1
Problem-solving skills	7				2	
Relationship skills	9			1	1	
Everything	17	6		2	1	
Victims' forgiveness			1			
Games	24				2	2
Can't remember	3	1				
Role-playing	13	1	2		7	
Being treated with respect and understanding	6	4	1		1	

IMPRESSED MOST ABOUT THE PROGRAMME						
Consequences of crime	15				2	
Everyone working together	6		1			
The hike				2		
Group discussions	18	1			1	
To learn the value of parents	1					
Place where community service was done		5	1		2	
Visit to the prison	1					
Sessions attended by parents	5					
Session on crime awareness/prevention	7				3	
Physical work		3	1	1	1	
Decision making skills	5					
Session on gangsterism and drugs	1					
Other children attending the programme	2					
Introduction session	2	1				
Parent-child relationship	4					
Nothing	3	4				
Educational talks	4					
Achievement of goals	2					
Sessions on trust	2				1	
Victim's forgiveness			1			
Planning careers			1			
Total	227	27	10	7	31	3

Table 37. Impressed most about programme. Source: L. M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

Most of the respondents had no negative feed-back on the programme. However, the negative experiences that were listed covered a wide range of issues ranging from conflict on the programme to programme content and administrative arrangements. The single item with the highest frequency was the sharing of personal feelings and telling their “story” to other programme participants. Although this may be an uncomfortable experience, it is part of the process of taking responsibility. The other issues listed, especially about administration, require further investigation.

IMPRESSED THE LEAST ABOUT THE PROGRAMME						
Description	YES	PTCS	FGC	Journey	YES & PTCS	Other
Nothing	166	14	7	5	16	2
That the programme ran over a weekend	2				1	
Long hours/times	5	4			1	
Games	10	2	1	1	1	
Knowing that if someone does not attend, there will be trouble	2					
Sharing personal feelings/history of crime	17		1		5	
Compulsory		1				
Some children were fighting	4			1	1	
Physical work		6			4	
The venue	2					
Questionnaire	3					
Role-playing	2					
Sessions attended by parents	1	1			1	
Groups	1					
Not enough participation by workers	1					
Employees too strict	1		1			
Being body-searched	1					
Instructions not always clear	1					
Dangerous activity during Journey						1
Learning about the consequences of crime	1					
Sessions on HIV/Aids	1					
Sessions on friends	2					
Sessions on alcohol and drugs	1				1	
Total	224	28	10	7	31	3

Table 38. Impressed least about the programme. Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

From the feedback it appears that the main messages of the programmes are transferred to most participants, such as “crime does not pay”, to take responsibility for your own life and responsible decision-making. The other items listed are mostly supportive of these three main themes. The 2000 survey indicates a slight shift in the responses to this question as indicated in Table 39.

LEARNED FROM THE PROGRAMME				
Learned from programme	1998	2000	% 1998	% 2000
Unsure	3	5	1.0	2.5
Respect for self and others	27	7	8.7	3.6
Crime doesn't pay	64	20	20.7	10.2
Effect of crime on victim	5	2	1.6	1.0
Basic life skills	5	8	1.6	4.1
To stay away from bad influences/friends	29	15	9.4	7.6
How to handle personal problems	8	6	2.6	3.0
Learned from his/her mistakes	12	6	3.9	3.0
Motivated to finish school - to get job one day	4	2	1.3	1.0
To accept responsibility for own actions/life	25	14	8.1	7.1
To understand other people	4	6	1.3	3.0
A criminal record can destroy your future	15	11	4.9	5.6
To do the right things	33	22	10.7	11.2
Humanity/compassion for others	1	4	0.3	2.0
Vision for future	3	0	1.0	0.0
To share personal problems/feelings	8	3	2.6	1.5
Responsible decision-making	12	10	3.9	5.1
Communication skills	13	10	4.2	5.1
To be a child again	1	0	0.3	0.0
Danger of alcohol and drug abuse	3	0	1.0	0.0
To obey the law	6	7	1.9	3.6
Nothing	2	5	0.6	2.5
Honesty is the best policy	1	2	0.3	1.0
Skills, eg cooking, etc	4	0	1.3	0.0
How to control temper/violence isn't an answer	6	4	1.9	2.0
People are willing to give you a second chance	6	4	1.9	2.0
To believe in oneself	5	10	1.6	5.1
You have many options in life	2	2	0.6	1.0
To work as part of a team	1	3	0.3	1.5
Importance of forgiveness	1	1	0.3	0.5
Have to work for what want in life-can't just steal if you want it	0	8	0.0	4.1

Table 39. Learned from the programme. Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

The respondents were asked what they regarded as the best part of the programme. In a sense this question is cross-checking the responses given in

reply to the question around the “most impressive part” of the programme. Again the experiential learning techniques and games used featured high on the list in both sets of responses. Being treated with respect and meeting new friends (in the 1998 responses) were also regarded as strongly positive experiences. Only three respondents in 2000 replied that nothing was good about the programme. It is evident that the respondents’ opinion of the programme they attended has remained fairly stable over a two-year period and that they were able to recall it in a fair amount of detail.

WHAT WAS THE BEST PART OF THE PROGRAMME				
Response	1998	2000	% 1998	% 2000
Unsure	7	8	2.3	4.1
Learned right from wrong	12	5	3.9	2.5
Learning by participating, eg roleplaying, games	37	21	12.1	10.7
Being treated with respect and understanding	19	6	6.2	3.0
Meeting new people/friends	27	6	8.8	3.0
Games	22	23	7.2	11.7
Avoiding a criminal record	7	1	2.3	0.5
Problem-solving	7	4	2.3	2.0
Nothing	6	3	2.0	1.5
Learning about the consequences of crime	10	1	3.3	0.5
Crime-awareness sessions	13	14	4.2	7.1
Everything	27	20	8.8	10.2
Learning how to control your feelings	3	2	1.0	1.0
Outdoor activities	4	2	1.3	1.0
Chance to make own decisions	3	3	1.0	1.5
Group discussions	24	22	7.8	11.2
Beginning - reason for being there	3	0	1.0	0.0
Opportunity to voice own opinion	16	15	5.2	7.6
Questionnaires, worksheets	3	1	1.0	0.5
Communication skills	8	5	2.6	2.5
Visual aids, eg video	1	1	0.3	0.5
Physical work - serving community	7	6	2.3	3.0
Parent-child relationship	10	5	3.3	2.5
Self-concept session	11	12	3.6	6.1
Cooking for other people	1	1	0.3	0.5

WHAT WAS THE BEST PART OF THE PROGRAMME				
Planning his/her own business	1	0	0.3	0.0
Ending - summary of how I have grown	6	3	2.0	1.5
Aids-awareness programme	1	1	0.3	0.5
Setting goals for the future	2	1	0.7	0.5
Learning to trust others	7	0	2.3	0.0
Facilitator	1	2	0.3	1.0
Session on peer pressure	0	2	0.0	1.0
Visit to prison	0	1	0	0.5
Total	306	197	100	100

Table 40. What was the best part of the programme? Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

Most of the respondents (56% in 1998 and 57% in 2000) identified no negative components of the programme in which they participated. The issues raised as negative aspects that received the highest frequencies related to the sharing of personal feelings and telling their “story”, and feeling uncomfortable at the beginning of the programme, although the latter has dropped significantly and the former has increased. It should also be noted that not all the participants enjoyed the games and interactive learning techniques. The 2000 responses also yielded some new insights from the respondents, for example realising the impact of the programme on their parents who had to be present at the YES programme.

WHAT WAS THE WORST PART OF THE PROGRAMME				
Response	1998	2000	% 1998	% 2000
Too short	8	2	6.5	2.4
Having to talk in a group	11	2	8.9	2.4
Long hours/times	15	7	12.1	8.4
Sharing personal feelings/history of crime	26	23	21.0	27.7
Feeling guilty	6	4	4.8	4.8
Felt uncomfortable in the beginning	19	7	15.3	8.4
Asked too many questions	2	0	1.6	0.0
Physical work	5	3	4.0	3.6
Games	12	5	9.7	6.0
Some people were rude/argued	11	3	8.9	3.6

WHAT WAS THE WORST PART OF THE PROGRAMME				
Questionnaires	4	1	3.2	1.2
Promises were not always kept by workers	1	1	0.8	1.2
Working for no pay	1	0	0.8	0.0
The end	2	3	1.6	3.6
Being advised to look for new friends	1	2	0.8	2.4
Parent being present-saw how it hurt them	0	6	0.0	7.2
Long discussions	0	3	0.0	3.6
Venue	0	2	0.0	2.4
Transport cost-difficult to get to venue	0	5	0.0	6.0
Everything	0	1	0.0	1.2
Mixed with other race groups/racism	0	2	0.0	2.4
Not always enough depth to discussions	0	1	0.0	1.2
Total	124	83	100	100.0

Table 41. What was the worst part of the programme? Source: L. M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases, NICRO 2000.*

Asking respondents what their current opinion of the programme is, was thought to give a fairly accurate gauge of how the programme was experienced initially and whether it changed over time. All the participants but 16 in 1998 and 15 in 2000 had a positive opinion of the programme they attended, indicating that they were unsure of the value of the programme they attended. In both surveys the highest single response was that the programme was effective and helpful. In the 2000 survey two new response categories showed interesting insights, namely “useful tool to empower youth” and “Should be offered in schools”, indicating that these respondents are realising the wider issues relating to youth and crime.

CURRENT OPINIONS ABOUT THE PROGRAMME				
Response	1998	2000	% 1998	% 2000
Refer others to it	14	1	4.6	0.5
Useful tool to empower youth	19	26	6.2	13.2
Helped him/her to see life differently	13	13	4.2	6.6
Can open new doors for you	3	0	1.0	0.0
Very good/effective/helpful	112	68	36.5	34.5
You can learn a lot	29	2	9.4	1.0
Offers you a second chance	16	6	5.2	3.0

CURRENT OPINIONS ABOUT THE PROGRAMME				
Should do it more than once	9	3	2.9	1.5
Should use client to talk to other youths	6	1	2.0	0.5
Tough, but really helps	5	1	1.6	0.5
Unsure	16	15	5.2	7.6
Saved me	4	3	1.3	1.5
More meaningful than going to jail	4	1	1.3	0.5
Makes you take responsibility for own life	4	3	1.3	1.5
Should continue good work	18	17	5.9	8.6
Learn how to serve your community	3	2	1.0	1.0
Helped to stay out of trouble	12	5	3.9	2.5
Programmes too abstract - use more visual aids, etc	2	2	0.7	1.0
Benefited a lot	5	1	1.6	0.5
Helps you realise your mistakes	3	5	1.0	2.5
Should be offered to communities/ schools	5	14	1.6	7.1
Monitoring of youth after programme is important	1	1	0.3	0.5
Teaches you to be yourself	2	0	0.7	0.0
Teaches you things you take for granted	2	0	0.7	0.0
Needs a skills training component	0	2	0.0	1.0
Should be run over holidays & weekends	0	3	0.0	1.5
Workers should be more positive	0	1	0.0	0.5
Parents should be more involved	0	1	0.0	0.5
Total	307	197	100.0	100.0

Table 42. Current opinion of the programme. Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

Compliance with diversion programme

Avoiding re-arrest and conviction was identified as the single most important reason for complying with the conditions of diversion. However, if the other reasons are seen collectively, it appears the “carrot weighed more than the stick”.

Fear of re-arrest was singled out as the most important reason for completing the programme. As most cases were pre-trial referrals, it follows that non-compliance would result in the case being referred back to court for reinstatement of prosecution. However, if the other reasons are seen collectively, they emphasise a willingness by the programme participants to change their behaviour and not commit further offences.

REASONS FOR FINISHING THE PROGRAMME						
Description	YES	PTCS	FGC	Journey	YES & PTCS	Other
Afraid of law/prison/criminal record	90	12	6		10	1
Enjoyed the programme	10	2		1	5	
Realised for own good	20	1			2	
Committed to the rules of the programme	23	4			1	
Social worker	7					
Curious	6			1		
To learn new things/interesting/informative	15	1			3	
To understand crime better	3	1			2	1
Unsure	9	2			1	
To help others who might be in trouble	2					
Vision for future - career, family, etc	5			1	1	
To have a better life	12			2	1	
To learn from mistakes	5					
Felt guilty about crime	5	1	1		2	1
Stay out of trouble					1	
Prove self to community/family	4	3	1	2		
Motivated by family/friends	6	1	1			
Didn't have any other options	3				1	
Didn't want to waste this opportunity	1	1				
Family dependent on him/her			1			
Total	226	29	10	7	30	3

Table 43. Reasons for finishing the programme. Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

Staying out of trouble

The majority of participants said that they experienced a positive personal change after the programme, with the emphasis being on more responsible decision-making. Nearly all the participants (96%) stated that the programme they attended helped them stay out of trouble and that the programme had a lasting effect. This trend was confirmed when interviewing alternative respondents.

The overwhelming majority of respondents (96.7% and 96%) were of the opinion that the programme they attended did assist them to stay out of trouble with the law.

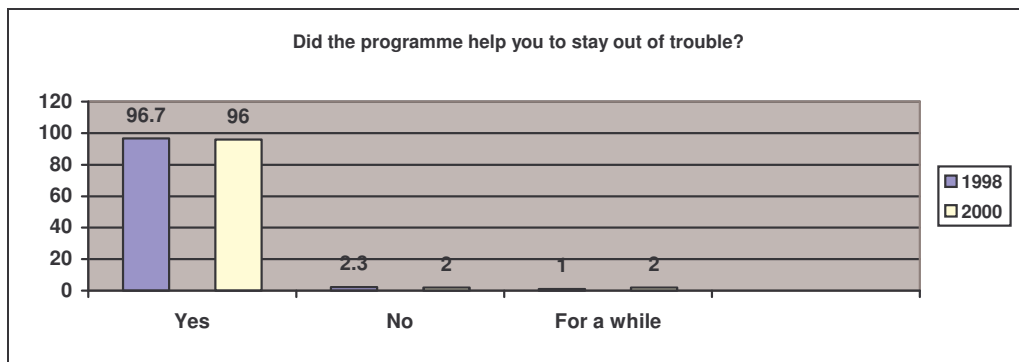


Figure 15. Did the programme help you to stay out of trouble? Source: L. M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

The respondents were asked if, in their own opinion, they experienced some personal change after attending the programme, and if so, what this change was. A wide range of positive change aspects is listed in Table 44 relating to the effects of the programme in which they participated. Less than 10% of both samples said that they were still the same and did not experience any specific change. There is very little change between the 1998 and 2000 responses indicating a fairly consistent self-opinion in the respondents.

DID ANYTHING CHANGE FOR YOU AFTER THE PROGRAMME?				
Description	1998		2000	
	Number	%	Number	%
Motivated person	22	7.2	2	1.0
Not interested in crime any more	57	18.6	26	13.3
Choosing friends more selectively	42	13.7	25	12.8
Better interpersonal skills	14	4.6	6	3.1
Knows what is the right thing to do	18	5.9	3	1.5
A total turnaround	16	5.2	8	4.1
Knows what he/she wants from life	4	1.3	4	2.0
Attending school regularly	13	4.2	10	5.1
Staying home more	15	4.9	13	6.6
Still the same	25	8.1	18	9.2
Think twice before doing something	15	4.9	9	4.6
Positive attitude	14	4.6	7	3.6
Given up possession of dangerous weapons	2	0.7	0	0.0
More responsible person	7	2.3	20	10.2
Relationship with parents improved	21	6.8	16	8.2
Taking part in community activities	4	1.6	10	5.1
Believes in self	7	2.3	8	4.1
Better time management	1	0.3	0	0.0
Could ask victim for forgiveness	1	0.3	0	0.0
Inform others about crime and consequences	5	1.6	4	2.0
Became more consistent	1	0.3	1	0.5
Learned to respect others	2	0.7	1	0.5
Stopped using dagga			2	1.0
Found employment			3	1.5

Table 44. Did anything change for you after the programme? Source: L. M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

While the programmes provide valuable educational input in terms of personal development, it remains the decision of the individual to be law-abiding. Therefore, the appropriate respondents were asked why they had not come into conflict with the law since attending the programme and the following responses were given (see Table 45). It is interesting that the threat of imprisonment, either real or perceived, of imprisonment received the third highest individual

score. The possible consequences of re-offending appear to be the most important motivating factor not to re-offend.

REASONS FOR STAYING OUT OF TROUBLE		
Description	Number	%
Unknown	10	3.4
Crime does not pay	47	16.2
Realised the disadvantages of re-offending	36	12.4
Could see the error of his/her ways	6	2.1
Realised what he or she wants out of life	15	5.2
Good after-care	2	0.7
Now has a vision for the future	18	6.2
New friends	5	1.7
Support of parents/family/friends	17	5.9
Realised effect on family/parents	13	4.5
Got a job	3	1.0
Felt bad at seeing victim's anger/pain	4	1.4
Doesn't want to go to jail	28	9.7
Advice from social worker	3	1.0
Keeps busy with meaningful activities	6	2.1
Didn't want to waste this opportunity	7	2.4
New knowledge gained from programme	26	9.0
Didn't want to repeat this experience	11	3.8
Programme helped me to believe in myself	3	1.0
Religion	3	1.0
Prove to community/family that he/she has changed	4	1.4
Has to provide for child/parents	1	0.3
Avoid criminal record	13	4.5
To be a role model for other young people	2	0.7
Wants to complete schooling	3	1.0
Doesn't want to be labelled a criminal	2	0.7
Better interpersonal skills	2	0.7

Table 45. Reasons for staying out of trouble. Source: L. M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

In those cases where the clients were not available and an alternative respondent was interviewed, this respondent was the mother in 50% of the interviews. Fathers and grandmothers also make up a significant proportions of the total.

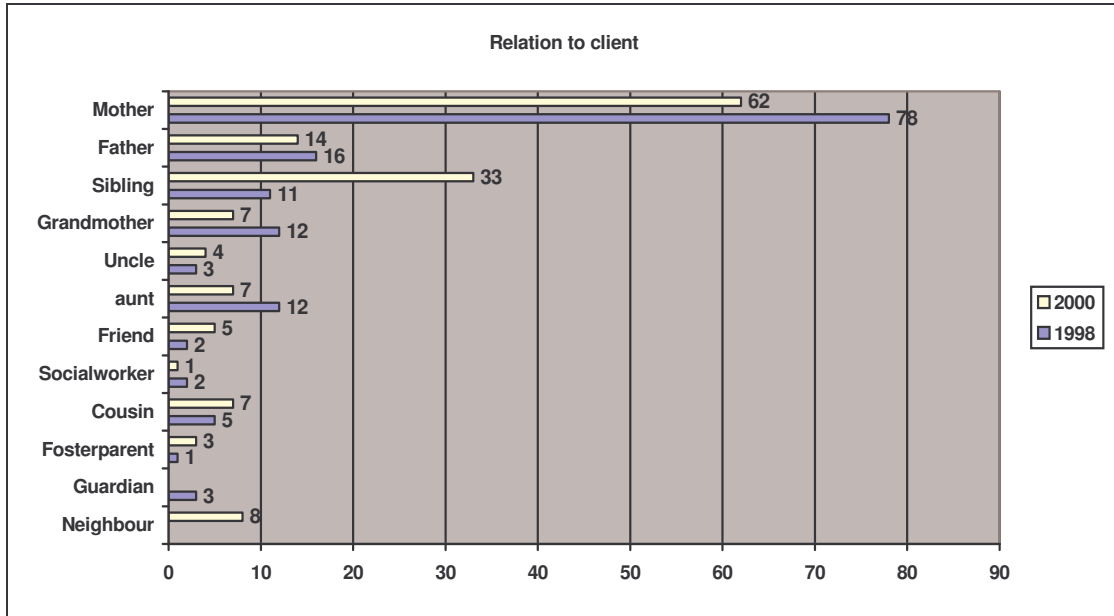


Figure 16. Relation to client. Source: L.M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

The alternative respondents were asked if the child, in their opinion, had reacted positively to the programme. Table 46 summarises the responses. The overwhelming assessment in both surveys was that the children did respond positively to the programme in which they were involved. It is clear from these responses that the programme had a sustainable impact on the participants.

Did the child react positively to the programme?				
Description	1998		2000	
	Number	%	Number	%
Yes	135	88.8	139	87.4
No	10	6.6	9	5.6
Unsure	5	3.3	10	6.3
For a short period	2	1.3	1	0.6
Total	152	100.0	159	100.0

Table 46. Did the child react positively to the programme? Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

Recidivism

A very small percentage of participants re-offended, 6.7% in the first 12 months after participating in a diversion programme and a further 9.8% were recorded in the second survey. The average time lapse from the completion of the programme to re-offend was 7.2 months. The first 12-month period after completing the programme appears to be a crucial period as more than 50% of re-offending took place in that period. Owing to the low number of recidivists it is difficult to make generalisations. There appears to be fair amount of offence specialisation and the majority of recidivists again committed property offences. A wide range of reasons were presented for re-offending but peer pressure appear to play a major role.

This section records crimes committed after attendance of the programmes and combines the responses of the clients interviewed and the alternative respondents.

Table 47 shows the number of offences reported in the two surveys as well as how long after the programme they were committed. In total, 76 offences were reported by the respondents involving 68 individuals as some committed more than one offence after attending the programme.

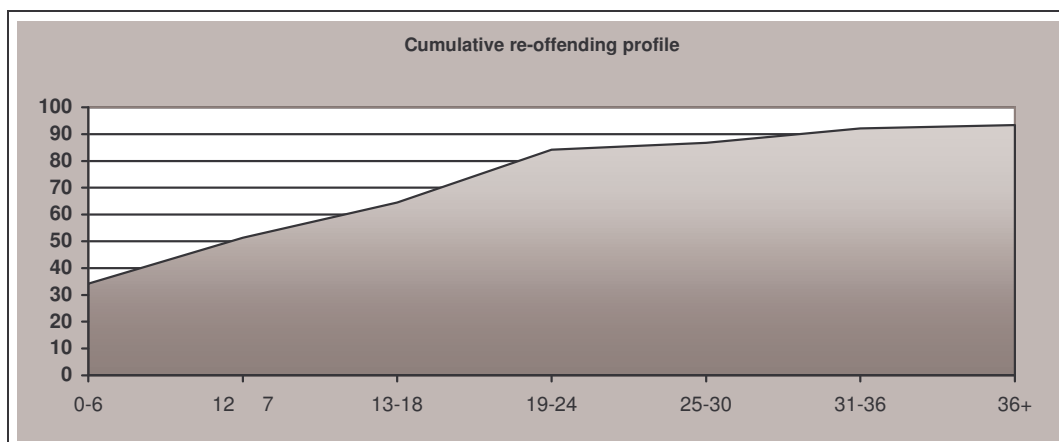


Figure 17. Cumulative re-offending profile. Source: L.M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

RECIDIVISM PROFILE AND TIME LAPSE																
OFFENCE	Time period in months														Un-known	TOTAL
	0-3	4-6	7-9	10-12	13-15	16-18	19-21	22-24	25-27	28-30	31-33	34-36	36+			
Murder	4		2												1	7
Common assault	1					1		2				1				5
Rape		1		1			1									3
Theft	4	2	1	6	2	2		5		1		1			3	27
Shoplifting	1	1				2										4
Driving under the influence					1											1
Possession of dagga	1				1			1								3
Armed robbery	1						1								1	3
Housebreaking	2	4		2				2								10
Unknown	2	2					1									5
Damage to property			1							1						2
Hijacking							1	1								2
Possession of firearms								1			1					2
Discharge of firearm														1		1
Possession of stolen goods											1					1
TOTAL	16	10	4	9	4	5	4	12	0	2	2	2	1	5	76	

Table 47. Recidivism profile and time lapse. Source: L.M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

REPORTING RE-OFFENDING AND RESPONDENT TYPE							
OFFENCE	1998 Client resp. 1 st offence	1998 Alternative resp. 1 st offence	1998 Alternative resp. 2 nd offence	2000 Client resp. 1 st offence	2000 Client resp. 2 nd offence	2000 Alternative resp. 1 st offence	2000 Alternative resp. 2 nd offence
Unknown	2	2					
Murder	2	2					
Attempted murder							1
Common assault	1			2		2	
Rape	1					1	
Robbery						2	1
Theft	4	7	1	3	1	8	1
Shoplifting	1			2			
Malicious damage to property				2			
Driving under the influence of alcohol	1						
Possession of dagga	1	1				1	
Possession of stolen goods						1	
Possession of firearms				1		1	
Armed robbery		1					
Theft from a motor vehicle						1	
Theft of a motor vehicle						1	
Hijacking				1		1	1
Housebreaking		6	1	3		2	
TOTAL	13	19	2	14	1	21	4

Table 48. Reporting of re-offending and respondent type. Source: L.M. Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

It is interesting to note that when an alternative respondent was used in both surveys, the reported re-offending rate was slightly higher than when the programme participant was the respondent.

Figure 17 presents a cumulative profile of the re-offending rate and indicates that just more than half of the re-offending took place in the first 12 months and 84% within 24 months.

Following from Table 47 and Table 49, profiles possible shifts in offence patterns. The majority of recidivists remained property offenders. Five of the sample shifted from property offences to violent offences, of which two were murders and one rape.

OFFENCE PROFILE OF RECIDIVISM (1998)							
Period	Property to property	Property to violent	Violent to property	Property to victimless	Victimless to property	Violent to violent	Total
1 - 6 months	7	4	1	1	1	1	15
7 - 12 months	4	1	1				6
12 + months	2	1		2			6
Average	7.16	6.3	6	11	1	3	
Total	15	5	2	3	1	1	27

Table 49. Offence profile of recidivism period (1998). Source: L M Muntingh, *The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases*, NICRO 2000.

When asked why they had committed further offences, the responses were not entirely clear in one third of the cases and respondents indicated no specific reason. A similar proportion indicated that they were influenced by friends or gang members. A range of other reasons such as economic reasons and being under the influence of alcohol are also cited.

REASONS PRESENTED WHY FURTHER OFFENCE WAS COMMITTED	
None given	20
Influenced by friends/gangs	19
Wanted possessions/money	9
Under influence of alcohol	5
Believes is innocent	4
To support drug addiction	4
Anger	3
Unsure	2
Father doesn't support family	1
Mental illness	1
For the fun of it	1
Self-defence	1
Lack of support system	1
Retrenched	1

Table 50. Reasons presented why further offence was committed.. Source: L M Muntingh, The Effectiveness of Diversion Programmes, A longitudinal evaluation of cases, NICRO 2000.

This study represents the second diversion follow-up study in South Africa and was in itself a learning experience for all those involved. The study, was however, not limited to tracing recidivists and yielded valuable programme feedback from former participants. Diversion programmes continue to operate without legislative support and this naturally impacts on the scope and extent of its utilisation. This study has nevertheless collected and analysed baseline information that will be used for further research. By way of conclusion a number of points are highlighted from the report.

Information systems remain inadequate and it was therefore not possible to trace former clients through official records. Well-developed information systems are vital for the proper administration and management of juvenile justice services. NICRO's own information system will only provide part of the picture in so far as the scope of that individual client's contact with the organisation is concerned. An integrated information system will not only

enhance research but also service delivery to children in trouble with the law through accurate tracking.

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5 CHILDREN AWAITING TRIAL

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Arrested children await trial in a variety of institutions and under diverse conditions. Given that the available information concerning children awaiting trial is most detailed for the category of awaiting-trial children in prisons, statistics pertaining to this category will be presented first.

5.1 Children awaiting trial in prisons

Despite the consistent calls over recent years for alternatives to imprisonment for awaiting-trial children (see for example, Sloth-Nielsen, 1996 and Muntingh, 1998), as well as the constitutional injunction that children should only be detained as a last resort (Article 40, 2001), the actual number of unsentenced children incarcerated in South African prisons increased nearly six-fold between 1995 and 2000⁶: specifically, from 341 in 1995 to 2263 in 2000 (see Table 51).

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AVERAGE NUMBER OF CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): GENDER DISTRIBUTION					
YEAR	MALES		FEMALES		N
	f	%	f	%	
1995	321	94.13	20	5.87	341
1996	494	93.92	32	6.08	526
1997	1082	95.84	47	4.16	1129
1998	1297	96.50	47	3.50	1344
1999	2017	97.06	61	2.94	2078
2000	2202	97.30	61	2.70	2263
2001	1972	97.43	52	2.57	2024
Codes: f = frequency; N = sum of frequencies/total					

Table 51. Gender Distribution. Children awaiting trial in prison (1995 – 2001).. Source: DCS (2002).

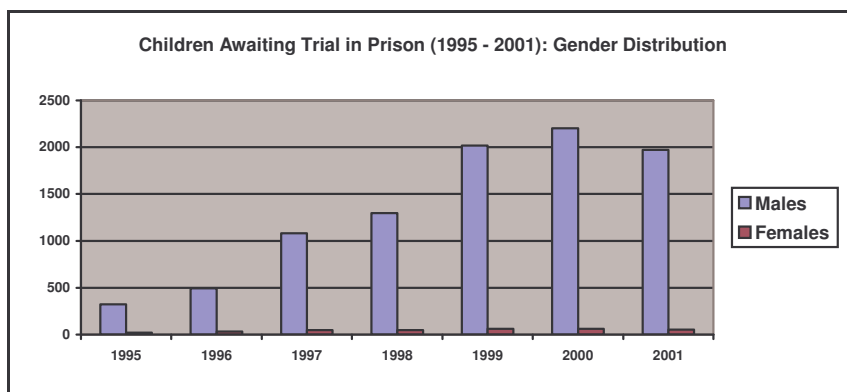


Figure 18. Gender Distribution. Children awaiting trial in prison (1995 – 2001). Source: DCS (2002).

As indicated in Table 51, for the entire time-period under consideration, there was a consistently significant difference between the number of male and female awaiting-trial child prisoners in South African prisons, with male awaiting-trial prisoners outnumbering their female counterparts by more than 88 percentage points for any given year. Furthermore, and as also indicated in Table 51, this difference became progressively larger between 1995 and 2000, with male awaiting-trial child prisoners constituting 94.13 percent of all awaiting-trial juvenile prisoners in 1995, and 97.30 percent in 2000. While female children constituted 5.87 percent of all awaiting-trial child prisoners in 1995, they constituted only 2.70 percent of awaiting-trial child prisoners in 2000.

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6 Given that the Department of Correctional Services (DCS) could only provide statistics for the first 10 months of 2001 (the DCS is still in the process of collating the statistics for the remaining two months), the 2001 DCS statistics
(footnote continued)

AVERAGE NUMBER OF MALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): REGIONAL DISTRIBUTION							
REGION	1995	1996	1997	1998	1999	2000	2001
E. Cape	40	144	241	324	344	373	344
Free State	10	17	60	88	150	130	142
Gauteng	52	27	140	116	269	293	274
KwaZulu Natal	133	120	278	288	514	694	616
Limpopo	12	4	7	38	45	18	11
Mpumalanga	3	6	20	31	40	55	46
N. Cape	4	14	36	53	60	85	49
N. W. Province	10	12	42	59	103	90	61
W. Cape	57	150	258	300	492	464	429
TOTAL	321	494	1082	1297	2017	2202	1972

Table 52. Male Children Awaiting Trial In Prison (1995–2001). Regional Distribution. Source DCS (2002).

AVERAGE PERCENTAGE OF MALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): REGIONAL DISTRIBUTION									
REGION	1995 (%)	1996 (%)	1997 (%)	1998 (%)	1999 (%)	2000 (%)	2001 (%)	Average (%)	Overall Rank
E. Cape	12.46	29.15	22.27	24.98	17.06	16.94	17.44	20.04	3
Free State	3.12	3.44	5.55	6.78	7.44	5.90	7.20	5.63	5
Gauteng	16.20	5.47	12.94	8.94	13.34	13.31	13.89	12.01	4
KwaZulu Natal	41.43	24.29	25.69	22.21	25.48	31.52	31.24	28.84	1
Limpopo	3.74	0.81	0.65	2.93	2.23	0.82	0.56	1.68	9
Mpumalanga	0.93	1.21	1.85	2.39	1.98	2.50	2.33	1.88	8
N. Cape	1.25	2.83	3.33	4.09	2.97	3.86	2.48	2.97	7
N. W. Province	3.12	2.43	3.88	4.55	5.11	4.09	3.09	3.75	6
W. Cape	17.75	30.36	23.84	23.13	24.39	21.07	21.75	23.18	2

Table 53. Male Children awaiting Trial in Prison: Regional distribution. Source: DCS (2002).

will be disregarded in parts of the discussion to follow.

AGE CATEGORIES: UNSENTENCED CHILDREN IN CUSTODY: 31 JULY 2002	
GENDER	Number
Female	52
Male	2105
All Genders	2157

Table 54. Age Categories: Unsentenced prisoners in custody: 31 July 2002. Source: Judicial Inspectorate of Prisons, 20 September 2002.

AGE PROFILE: UNSENTENCED CHILDREN IN CUSTODY: 31 JULY 2002						
GENDER	7-13 years	14 years	15 years	16 years	17 years	Total
Female	1	4	14	17	16	52
Male	6	137	346	685	931	2105
All Genders	7	141	360	702	947	2157

Table 55. Unsentenced children in custody: 31 July 2002. Source: Judicial Inspectorate of Prisons, 20 September 2002.

UNSENTENCED CHILDREN IN CUSTODY PER CRIME CATEGORY: 31 JULY 2002						
Crime Categories	7-13 years	14 years	15 years	16 years	17 years	Total
Economical	4	92	192	301	361	950
Aggressive	2	39	122	283	436	882
Sexual	1	8	35	87	116	247
Narcotics		2	6	10	10	28
Other			5	21	24	50
All crime categories	7	141	360	702	947	2157

Table 56. Unsentenced children in custody per crime category: 31 July 2002. Source: Judicial Inspectorate of Prisons, 20 September 2002.

INFANTS AND YOUNG CHILDREN IN PRISON WITH THEIR MOTHERS PER AGE CATEGORY: 31 JULY 2002				
Ages	Admitted with mother	Born in detention during month	Transferred to foster parents	In detention
< 1 year old	68		58	96
1-2 years old	26		28	60
>2-3 years old	11		8	26
>3-4 years old	5		5	5
4 years old	6		5	5
All ages	116	0	104	192

Table 57. Infants and young children in prison with their mothers per age category: 31 July 2002. Source: Judicial Inspectorate of Prisons, 20 September 2002.

Please note that this presumably includes sentenced and unsentenced mothers as prisoners.

INFANTS AND YOUNG CHILDREN IN PRISON WITH THEIR MOTHERS PER PROVINCE: 31 JULY 2002				
Province	Admitted with mother	Born in detention during month	Transferred to foster parents	In detention
Eastern Cape	10		15	32
Free State	7		12	17
Gauteng	25		18	40
KwaZulu-Natal	27		22	37
Limpopo	14		10	28
Mpumalanga	12		9	13
North west				
Northern Cape	7		7	7
Western Cape	14		11	18
RSA	116	0	104	192

Table 58. Infants and young children in prisons with their mothers per province: 31 July 2002. Source: Judicial Inspectorate of Prisons, 20 September 2002.

Regional distribution

As indicated in Tables 52 and 53, for the period between 1995 and 2001, the highest proportion of male awaiting-trial child prisoners in South Africa was found in KwaZulu-Natal, followed by Western Cape, Eastern Cape and Gauteng prisons. For the entire period, Limpopo Province prisons, followed by Mpumalanga prisons consistently had the lowest proportion of male awaiting-trial child prisoners.

For the same period, the highest proportion of female awaiting-trial child prisoners could be found in Gauteng, Western Cape and KwaZulu-Natal prisons (see Tables 59 and 60). As indicated in Tables 59 and 60, the Northern Cape, followed by Mpumalanga had the lowest proportion of female awaiting-trial child prisoners for this period.

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AVERAGE NUMBER OF FEMALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): REGIONAL DISTRIBUTION							
REGION	1995	1996	1997	1998	1999	2000	2001
E. Cape	3	7	9	8	5	7	10
Free State	1	1	1	3	2	6	3
Gauteng	5	7	12	7	12	13	12
KwaZulu Natal	6	6	5	7	12	11	10
Limpopo	1	2	5	4	4	2	
Mpumalanga		1	2	4	5	3	1
N. Cape		1	1	2	3	2	3
N. W. Province	1	2	2	1	3	3	2
W. Cape	3	5	10	11	15	14	11
TOTAL	20	32	47	47	61	61	52

Table 59. Female Children Awaiting Trial In Prison (1995 – 2001): Regional Distribution. Source: DCS (2002).

AVERAGE PERCENTAGE OF FEMALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001):									
REGIONAL DISTRIBUTION									
REGION	1995 (%)	1996 (%)	1997 (%)	1998 (%)	1999 (%)	2000 (%)	2001 (%)	Average (%)	Overall Rank
E. Cape	15	21.88	19.15	17.02	8.20	11.48	19.23	15.99	4
Free State	5	3.13	2.13	6.38	3.28	9.84	5.77	5.08	6
Gauteng	25	21.88	25.53	14.89	19.67	21.31	23.08	21.62	1
KwaZulu Natal	30	18.75	10.64	14.89	19.67	18.03	19.23	18.74	3
Limpopo	5	6.25	10.64	8.51	6.56	3.28		5.75	5
Mpumalanga		3.13	4.26	8.51	8.20	4.92	1.92	4.42	8
N. Cape		3.13	2.13	4.26	4.92	3.28	5.77	3.36	9
N. W. Province	5	6.25	4.26	2.13	4.92	4.92	3.85	4.48	7
W. Cape	15	15.63	21.28	23.40	24.59	22.95	21.15	20.57	2

Table 60. Female Children Awaiting Trial In Prison (1995 – 2001): Regional Distribution. Source: DCS (2002).

Age distribution

As indicated in Tables 61 and 62, the relative proportion of male awaiting-trial child prisoners progressively decreased between 1995 and 2000 for the following age groups: 7- to 13-year-olds, 14-year-olds, and 15-year-olds, with the decrease for the 7- to 13-year-olds being most significant (from 5.61 percent of the total awaiting-trial child prisoners in 1995, to 0.54 percent in 2000).⁷ For the same period, the proportion of awaiting-trial male child prisoners in the 16- and 17-year-old categories increased significantly.

As reflected in Tables 63 and 64, the trend for female awaiting-trial child prisoners differed slightly from that for male awaiting-trial child prisoners in terms of age-group distribution for the period 1995 to 2000. Specifically, while the proportion of awaiting-trial child prisoners decreased for the age groups, 7- to 13-year-olds, 14 year-olds and 17-year-olds from 1995 to 2000, it increased for the 15- and 16-year-old age categories, with the increase for the latter age

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⁷ Here it should be noted that the detention of children younger than 14 years of age is illegal.

category being most significant (from 20 percent in 1995 to 34.43 percent in 2000).⁸

AVERAGE NUMBER OF MALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): AGE DISTRIBUTION						
YEAR	AGES					N
	7-13 yrs	14 yrs	15 yrs	16 yrs	17 yrs	
1995	18	30	55	94	124	321
1996	10	48	84	157	195	494
1997	9	81	176	350	466	1082
1998	11	85	204	433	564	1297
1999	13	119	305	685	895	2017
2000	12	124	340	714	1012	2202
2001	9	122	330	672	839	1972

Table 61. Male Children Awaiting Trial In Prison (1995–2001). Age Distribution Source: DCS (2002).

AVERAGE PERCENTAGE OF MALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): AGE DISTRIBUTION					
YEAR	AGES				
	7-13 yrs (%)	14 yrs (%)	15 yrs (%)	16 yrs (%)	17 yrs (%)
1995	5.61	9.35	17.13	29.29	38.63
1996	2.02	9.72	17.00	31.78	39.47
1997	0.83	7.49	16.27	32.35	43.07
1998	0.85	6.55	15.73	33.38	43.48
1999	0.64	5.9	15.12	33.96	44.37
2000	0.54	5.63	15.44	32.43	45.96
2001	0.46	6.19	16.73	34.08	42.55

Table 62. Male Children Awaiting Trial In Prison (1995–2001): Age Distribution (in %). Source: DCS (2002).

8 Obviously, the small size of the awaiting-trial female prison population should be taken into consideration in the (footnote continued)

AVERAGE NUMBER OF FEMALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995-2001): AGE DISTRIBUTION						
YEAR	AGES					N
	7-13 yrs	14 yrs	15 yrs	16 yrs	17 yrs	
1995	3	2	3	4	8	20
1996	1	7	4	10	10	32
1997	1	5	13	13	15	47
1998	1	4	10	18	14	47
1999	2	6	13	21	19	61
2000	3	6	12	21	19	61
2001	0	3	9	20	20	52

Table 63. Female Children Awaiting Trial In Prison (1995-2001). Age Distribution. Source: DCS (2002).

AVERAGE PERCENTAGE OF FEMALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995-2001): AGE DISTRIBUTION						
YEAR	AGES					
	7-13 yrs (%)	14 yrs (%)	15 yrs (%)	16 yrs (%)	17 yrs (%)	
1995	15.00	10.00	15.00	20.00	40.00	
1996	3.13	21.88	12.5	31.25	31.25	
1997	2.13	10.64	27.66	27.66	31.91	
1998	2.13	8.51	21.28	38.3	29.79	
1999	3.28	9.84	21.31	34.43	31.15	
2000	4.92	9.84	19.67	34.43	31.15	
2001	0.00	5.77	17.31	38.46	38.46	

Table 64. Female Children Awaiting Trial In Prison (1995 - 2001): Age Distribution. Source: DCS (2002).

Offence profile

The statistics reflected in Tables 65 and 66 indicate that the vast majority of male awaiting-trial child prisoners were detained on charges related to crimes in the following DCS crime categories: 'aggressive crimes' and 'economic crimes', with the

interpretation of these results.

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proportion of male children detained on charges related to ‘aggressive crimes’ escalating significantly between 1995 and 2000 (from 27.68 percent of the total number of male awaiting-trial prisoners to 39.11 percent). Proportionately few male awaiting-trial child prisoners were detained on charges related to crimes in the following DCS crime categories: ‘narcotics-related crimes’ and ‘sexual crimes’. Nonetheless, it should be noted that the number of male awaiting-trial child prisoners detained in connection with sexual crimes increased significantly between 1995 and 2000 (see Tables 65 and 66).

With female awaiting-trial prisoners too, the majority of children were held on charges related to crimes in the ‘aggressive crimes’ and ‘economic crimes’ categories (see Tables 67 and 68). However, while there was a proportionate decrease in the relative number of male awaiting-trial child prisoners held for crimes in the ‘economic crimes’ category for the 1995 to 2000 time period, there was an increase in the number (in real and relative terms) of female awaiting-trial child prisoners held for crimes in this crime category for the same period (see Tables 67 and 68).

AVERAGE NUMBER OF MALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): CRIME CATEGORY DISTRIBUTION						
YEAR	CRIME CATEGORY					N
	<i>Aggressive</i>	<i>Economic</i>	<i>Narcotics</i>	<i>Sexual</i>	<i>Other</i>	
1995	116	208	16	40	39	419
1996	175	282	17	63	38	575
1997	369	564	23	139	42	1137
1998	N/A	N/A	N/A	N/A	N/A	N/A
1999	773	883	28	308	72	2064
2000	880	908	30	350	82	2250
2001	807	853	29	276	50	2015
Code: N/A = Data not available						

Table 65. Male Children Awaiting Trial In Prison (1995–2001): Crime Category Distribution (raw scores). Source: DCS (2002).

AVERAGE PERCENTAGE OF MALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): CRIME CATEGORY DISTRIBUTION					
YEAR	CRIME CATEGORY				
	<i>Aggressive</i> (%)	<i>Economic</i> (%)	<i>Narcotics</i> (%)	<i>Sexual</i> (%)	<i>Other</i> (%)
1995	27.68	49.64	3.82	9.55	9.31
1996	30.43	49.04	2.96	10.96	6.61
1997	32.45	49.60	2.02	12.23	3.69
1998	N/A	N/A	N/A	N/A	N/A
1999	37.45	42.78	1.36	14.92	3.49
2000	39.11	40.36	1.33	15.56	3.64
2001	40.05	42.33	1.44	13.70	2.48

Code: N/A = Data not available

Table 66. Male Children Awaiting Trial In Prison (1995 – 2001): Crime Category Distribution. Source: DCS (2002).

AVERAGE NUMBER OF FEMALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): CRIME CATEGORY DISTRIBUTION						
YEAR	CRIME CATEGORY					N
	<i>Aggressive</i>	<i>Economic</i>	<i>Narcotics</i>	<i>Sexual</i>	<i>Other</i>	
1995	10	12	5	1	4	32
1996	17	26	3		8	54
1997	19	28	4	1	9	61
1998	22	24	5	2	7	60
1999	15	25	3		8	51
2000	25	27	3	1	8	64
2001	24	22	3		6	55

Table 67. Female Children Awaiting Trial In Prison (1995–2001): Crime Category Distribution (raw scores). Source: DCS (2002).

AVERAGE PERCENTAGE OF FEMALE CHILDREN AWAITING TRIAL IN PRISON PER YEAR (1995–2001): CRIME CATEGORY DISTRIBUTION					
YEAR	CRIME CATEGORY				
	<i>Aggressive</i> (%)	<i>Economic</i> (%)	<i>Narcotics</i> (%)	<i>Sexual</i> (%)	<i>Other</i> (%)
1995	31.25	37.50	15.63	3.13	12.5
1996	31.48	48.15	5.56		14.81
1997	31.15	45.90	6.56	1.64	14.75
1998	36.67	40.00	8.33	3.33	11.67
1999	29.41	49.02	5.88	0.00	15.69
2000	39.06	42.19	4.69	1.56	12.5
2001	24	22	3		6

Table 68. Female Children Awaiting Trial In Prison (1995–2001): Crime Category Distribution (percentages)
Source: DCS (2002).

The growing number of awaiting-trial child prisoners

It cannot be denied that the number of sentenced and awaiting-trial prisoners children increased at an alarming rate between 1995 and 2000. However, even more disturbingly, the proportion of awaiting-trial children in prison had increased much more significantly than sentenced children in prison (see Table 69). For example, in 1996, sentenced children constituted 67.02 percent of all children in South African prisons, while awaiting-trial children constituted 32.98 percent of the child population in prison. By 2000, however, awaiting-trial child prisoners outnumbered sentenced child prisoners by nearly 14 percent. According to Sloth-Nielsen and Muntingh (1999), the increase in the number of awaiting trial children in prisons is in all likelihood a consequence of the lack of alternative places of secure care, as well as the increasing period of time it takes to process criminal cases involving children.

The tragedy of the scenario described above, as Sloth-Nielsen (1996, p. 347) observes, is that many of the awaiting-trial child prisoners, more often than not, spend “an average of four months, extending to nine months in a substantial proportion of the cases... in prison”; and that “in the vast majority of cases, [they will not] receive prison sentences when convicted.” Consequently, for many awaiting-trial child prisoners, the

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time spent in prison in reality constitutes “*punishment by process*” (Sloth-Nielsen, 1996, p. 347).

AVERAGE NUMBER OF MALE & FEMALE CHILDREN IN PRISON PER YEAR (1995–2001): SENTENCED/AWAITING TRIAL					
YEAR	SENTENCED		AWAITING TRIAL		N
	f	%	f	%	
1995	693	67.02	341	32.98	1034
1996	854	61.88	526	38.12	1380
1997	1217	51.88	1129	48.12	2346
1998	1275	48.68	1344	51.31	2619
1999	1557	42.83	2078	57.17	3635
2000	1705	42.97	2263	57.03	3968
2001	1712	45.82	2024	54.18	3736

Table 69. Male & Female Children In Prison (1995–2001). Sentenced/ Awaiting Trial. Source: DSD (2002).

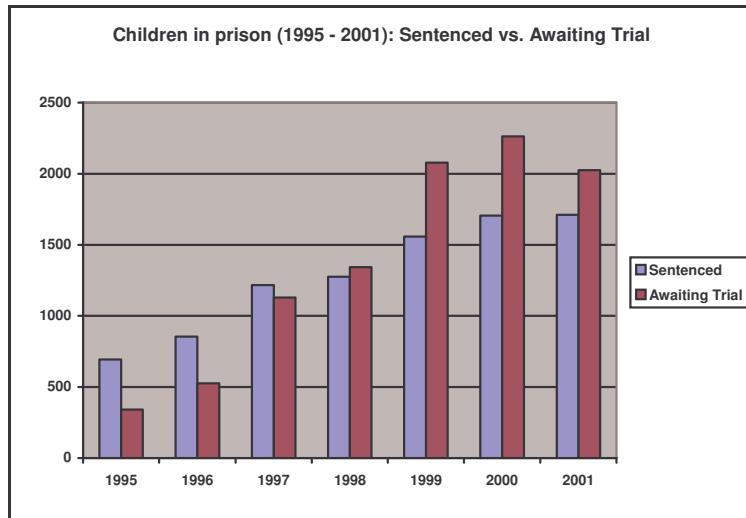


Figure 19. Prison Population (1995–2001): Children/Adult Divide. Source: DSD (2002).

Very disturbingly too, as indicated in Table 70, the proportion of child prisoners in relation to adult prisoners also increased quite significantly between 1995 and 2000. More specifically, while children constituted 0.93 percent of the total

prison population of 111 090 in 1995, they constituted as much as 2.19 percent of the total prison population of 167 567 in 2000.

AVERAGE PRISON POPULATION PER YEAR (1995–2001):					
CHILDREN/ADULT DIVIDE					
YEAR	CHILDREN		ADULTS		N
	f	%	f	%	
1995	1034	0.93	110056	99.07	111090
1996	1380	1.15	119014	98.85	120394
1997	2346	1.72	133720	98.28	136066
1998	2619	1.84	139806	98.16	142425
1999	3635	2.33	152396	97.67	156031
2000	3968	2.37	163599	97.63	167567
2001	3736	2.19	167192	97.81	170928

Table 70. Prison Population (1995–2001): Children/Adult Divide. Source: DSD (2002).

Given the much-reported hazards accompanying the incarceration of children in prison, the statistics reflected in this section of the report are certainly a cause for concern (Sloth-Nielsen & Muntingh, 1999).

5.2 Children awaiting trial in other facilities

Given that the Department of Social Development and the South African Police Service were unable to provide the researchers with any comprehensive statistics on children in conflict with the law, the statistics on children awaiting trial in institutions other than South African prisons are fairly sketchy. Nonetheless, the little statistical information on children awaiting trial in police cells and DSD (Department of Social Development) facilities that could be obtained from the DSD and other sources were collated and are presented in Tables 71 to 76 below. While clearly inadequate, these statistics nonetheless provide a ‘snapshot’ of the distribution of awaiting-trial child detainees in the various detention facilities in South Africa.

As reflected in Table 73, for more or less the same period in 2001, a larger number of institutionalised awaiting-trial children were detained in DSD facilities than in police cells nationally. However, as also indicated in this table, for more

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or less a corresponding period, significantly more awaiting-trial children were detained in prison. This pattern was broadly maintained a year later. However, by September 2001, the difference between the numbers of awaiting-trial children held in prison and DSD facilities (such as places of safety) had widened significantly (see Table 74). Indeed, at that point, according to the available statistics, more than 50 percent of awaiting-trial children were incarcerated in prison, as opposed to the 33.63 percent held in DSD facilities. At a more local level, as reflected in the Nigel and Heidelberg Court statistics reflected in Tables 75 and 76, a slightly different picture emerges. Firstly, none of the children whose cases were managed by the Nigel and Heidelberg Court systems awaited trial in police cells. Secondly, in general more children awaited trial in the care of their guardians than in prisons. However, as indicated in Tables 75 and 76, between 1998 and 2001, increasingly larger numbers of children whose cases were processed by the Nigel and Heidelberg Court systems, have been awaiting trial in prisons.

Still at a more local level, a slightly different picture emerges from the Western Cape (as opposed to Gauteng and nationally). As indicated in Table 9, while the majority of awaiting-trial children were placed in the care of their guardians, proportionately, the number of children awaiting trial in care of their parents decreased from 1995 to 1997. Furthermore, as had been the case for the Heidelberg and Nigel districts for the period 1998 to 2000, in the Western Cape a decreasing number of child offenders awaited trial in places of safety and reformatories for the period 1995 to 1997.

A breakdown of the regional distribution of awaiting-trial children detained in police cells on August 1, 2001 indicates that a disproportionately large number of awaiting-trial prisoners were detained in police cells in the Limpopo Province and the North West Province (202 and 228 children, respectively) (See Table 99). On the same day, no children were detained in police cells in the Western Cape and Gauteng. A month later (September 1, 2001), the picture was the same for the latter two provinces. However, at that point, 170 awaiting-trial children were detained in the Eastern Cape (94 more than the previous month) and 384

children were detained in Free State police cells (352 more than had been the case a month earlier). Unfortunately, no information could be obtained regarding the length of time children were detained in these facilities.

CHILDREN AWAITING TRIAL IN PLACES OF SAFETY IN OCTOBER		
1998 & OCTOBER 1999:		
REGIONAL DISTRIBUTION: A SNAPSHOT		
REGION	Oct. 1998¹	Oct. 1999¹
E. Cape	44	71
Free State	--	--
Gauteng	642	391
KwaZulu Natal	70	155
Limpopo	--	--
Mpumalanga	--	--
N. Cape	--	--
N. W. Province	--	--
W. Cape	282	308
N	1038	925

Table 71. Children Awaiting Trial In Places Of Safety In October 1998 & October 1999. Regional Distribution: A Snapshot. Sources: ¹Sloth-Nielsen & Muntingh (2001); ²Department of Social Development (2002).

CHILDREN AWAITING TRIAL IN POLICE CELLS:	
SEPTEMBER 2000	
REGIONAL DISTRIBUTION: A SNAPSHOT	
REGION	f
Eastern Cape	76
Free State	28
Gauteng	
KwaZulu Natal	130
Limpopo	202
Mpumalanga	66
North West Province	228
Northern Cape	16
Western Cape	
N	746

Table 72. Children Awaiting Trial In Police Cells: October 2000. Regional Distribution: A Snapshot. Sources: Sloth-Nielsen & Muntingh (2001); Department of Social Development (2002).

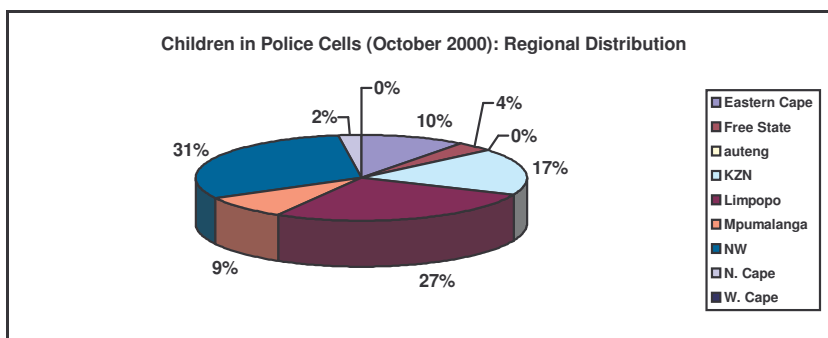


Figure 20. Children Awaiting Trial In Police Cells: October 2000. Regional Distribution: A Snapshot. Sources: Sloth-Nielsen & Muntingh (2001); Department of Social Development (2002).

CHILDREN AWAITING TRIAL: NATIONALLY			
PLACES OF DETENTION. A SNAPSHOT COMPARISON			
LOCALITY	DATE	f	%
Children in police cells	10/2000	746	18.01
Children in prisons	10/2000	1862	44.95
Children in DSD facilities	12/2000	1534	37.04
N		4142	100

Table 73. Children Awaiting Trial. Places Of Detention: A Snapshot Comparison. Source: Sloth-Nielsen & Muntingh (2001).

CHILDREN AWAITING TRIAL: NATIONALLY			
PLACES OF DETENTION. A SNAPSHOT COMPARISON			
LOCALITY	DATE	f	%
Children in police cells	01/09/2001	664	16.02
Children in prisons	01/09/2001	2087	50.35
Children in DSD facilities	30/09/2001	1394	33.63
N		4145	100

Table 74. Children Awaiting Trial. Places Of Detention. A Snapshot Comparison. Source: DSD (2002).

CHILDREN AWAITING TRIAL: NIGEL								
PLACES OF DETENTION								
PLACEMENT	1998		1999		2000		2001	
	f	%	f	%	f	%	f	%
Places of safety	26	43.33	17	27.42	30	36.14	2	2.11
Prisons	6	10.00	8	12.90	10	12.05	47	49.47
Care of guardian/s	28	46.67	37	59.68	43	51.81	46	48.42
N	60		62		83		95	

Table 75. Children Awaiting Trial: Heidelberg Places Of Detention. Source: DSD (2002).

CHILDREN AWAITING TRIAL: HEIDELBERG								
PLACES OF DETENTION								
PLACEMENT	1998		1999		2000		2001	
	f	%	f	%	f	%	f	%
Places of safety	10	52.63	10	52.63	24	32.88	37	35.92
Prisons	1	5.26			8	10.96	13	12.62
Care of guardian/s	8	42.11	9	47.37	41	56.16	53	51.46
N	19		19		73		103	

Table 76. Children Awaiting Trial: Heidelberg Places Of Detention. Source: DSD (2002).

6 PROSECUTIONS, SENTENCING AND CONVICTIONS

As indicated at the beginning of this report, one of the researchers' key terms of reference was to determine the prosecution, sentencing and conviction patterns in relation to child offenders for the period 1995 to 2001. However, serious lacunae in the monitoring processes used to collect and analyse statistics on child offenders in key government departments (e.g. the Department of Justice and the Department of Social Development) and non-governmental organisations involved with child justice and related matters, meant that insufficient information was obtained to meet this research objective. Needless to state, this lack of statistics relating to prosecution, conviction and sentencing rates, seriously limits the interpretation of the other statistics contained in this report.

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6.1 Conviction rates

At this point it might nonetheless be useful to briefly consider the available information related to prosecution, conviction and sentencing patterns available at the time of writing this report. As reflected in Tables 77 to 93, the bulk of this information pertains to the period 1995-1996.

AVERAGE CONVICTION RATE (ALL OFFENCES)			
PER 100 000 OF THE POPULATION: 1995/6			
AGE CATEGORIES	MALE f	FEMALE F	TOTAL
7-17yrs	318	37	355
18-20yrs	2283	277	2560
>20yrs	1481	205	1689
N	4082	519	4601

Table 77. Average Conviction Rate (All Offences) Per 100 000 Of The Population: 1995/6. Source: Schönleib (1999).

Consistent with the patterns emerging from the statistics in the rest of the report, the conviction rates for male children were significantly higher for all crime categories than those for female children. However, in contradistinction to the pattern emerging from the statistics reflected in the preceding and next sections, the conviction rate for male juveniles in 1995/6 appears to have been higher for crimes involving violence than for economic crimes (See Tables 78, 79 and 80).

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AVERAGE CONVICTION RATE FOR MURDER		
PER 100 000 OF THE POPULATION: 1995/6		
AGE CATEGORIES	MALE	FEMALE
7-17yrs	4.9	0.25
18-20yrs	41.9	2.7
>20yrs	26.9	2.1

Table 78. Conviction Rate For Murder Per 100 000 Of The Population: 1995/6. Source: Schönteich (1999).

AVERAGE CONVICTION RATE FOR ROBBERY		
PER 100 000 OF THE POPULATION: 1995/6		
AGE CATEGORIES	MALE	FEMALE
7-17yrs	16.1	0.2
18-20yrs	109.3	1.1
>20yrs	30.4	0.7

Table 79 Conviction Rate For Robbery Per 100 000 Of The Population: 1995/6. Source: Schönteich (1999).

AVERAGE CONVICTION RATE FOR ASSAULT		
PER 100 000 OF THE POPULATION: 1995/6		
AGE CATEGORIES	MALE	FEMALE
7-17yrs	38.7	5.5
18-20yrs	432.3	61.1
>20yrs	329	48.8

Table 80. Conviction Rate For Assault Per 100 000 Of The Population: 1995/6. Source: Schönteich (1999).

6.2 Children admitted to serve prison sentence

The following provides an overview of children admitted to prison to serve prison terms over a three year period from 1999 to 2001. The data was made available by the Department of Correctional Services through the UNDP Child Justice Project.

Some basis definitions are required for the correct interpretation of the data. All the data relate to prison admissions and should not be confused with daily averages or date specific counts, for example on 31 December. Thus, the figures refer to children that have been admitted to prison to serve a prison sentence. As far as could be established, these figures refer to children actively serving prison sentence and would not include sentences to correctional supervision which are administrated by the DCS.

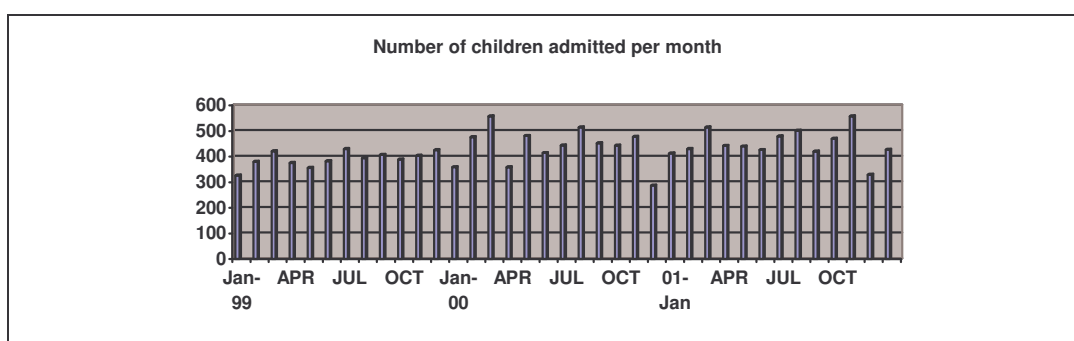


Figure 21. Number of children admitted per month. Source : L.M Muntingh Nicro National Office, August 2002.

During the period under review an average of 427 sentenced children were admitted to South African prisons per month. When averages are calculated for each year, they are 390.8 for 1999, 438.5 for 2000 and 451.6 for 2001. This reflects an increase of nearly 16% in the monthly average number of sentenced children admitted to prison from 1999 to 2001.

The highest number of admitted in a single month was in March 2000, a total of 557, and the lowest was in December 2000, a total of 287.

The data made available by the DCS was divided into two cohorts, 7 –16 years and 17 years. The monthly totals for the two cohorts over the three year period

is presented in the accompanying graph. As can be seen from the graph, the two age cohorts mirror each other in terms of the monthly number of admissions. From the graph it appears, as can be expected that the number decrease substantially towards the end of the calendar year (December to January) and is then followed by a sharp increase from February to April in order to erase the backlog created over the festive season.

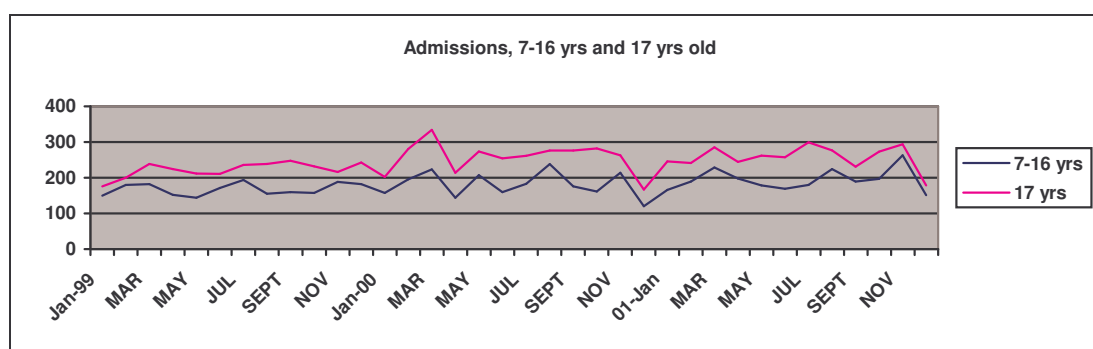


Figure 22. Admissions, 7-16 years and 17 years old. Source: L.M Muntingh, Nicro National Office, August 2002.

PROVINCIAL DISTRIBUTION OF ADMISSIONS							
PROVINCE	1999	%	2000	%	2001	%	TOTAL
W-Cape	833	17.8	835	15.9	913	17.3	2581
E-Cape	740	15.8	1038	19.7	998	18.9	2776
KZ-Natal	674	14.4	714	13.6	717	13.6	2105
Free State	462	9.9	602	11.4	659	12.5	1723
N-Cape	251	5.4	309	5.9	209	4.0	769
Gauteng	683	14.6	763	14.5	760	14.4	2206
Mpumalanga	296	6.3	289	5.5	244	4.6	829
N-West	461	9.8	434	8.2	442	8.4	1337
Limpopo	290	6.2	278	5.3	332	6.3	900
Total	4690		5262		5274		15226

Table 81. Provincial distributions of admissions. Source: L.M Muntingh Nicro National Office August 2002.

On an annual basis the proportional contributions of each of the nine province to the total number of admission appear to vary between 1% to 4%. Over the

three year period the total highest number of admissions was in the Eastern Cape, followed by the Western Cape and then Gauteng and KwaZulu-Natal. These four provinces account for 63.5% of all admissions between 1999-2001.

Sentence profiles

The overall sentence profile is presented in the tables below. From these tables the following points emerge:

- Over the three year period more than 15 000 children were admitted to prisons to serve a sentence.
- Sentence lengths are not equally distributed across the provinces, for example 79.9% of admissions in the Limpopo province was for six months or less in 2000 compared to the 30.1% in Gauteng for the same year.
- Four provinces show substantial decreases in the number of children admitted for terms of 12 months or less, they are Eastern Cape, Northern Cape, Mpumpalanga and North West.
- It needs to be verified if the children admitted to these prisons were in fact sentenced in that province and therefore if these figures are an accurate reflection of sentencing trends or whether the trends are a function of the placement of prisoners across provincial boundaries.
- Seven of the nine provinces show a decrease in the proportion of children admitted for sentences of less than 12 months, the two showing an increase are Western Cape and Free State.
- Although the numbers are very low, there appears to be an increase in the use of longer sentences, ie longer than 3 years.

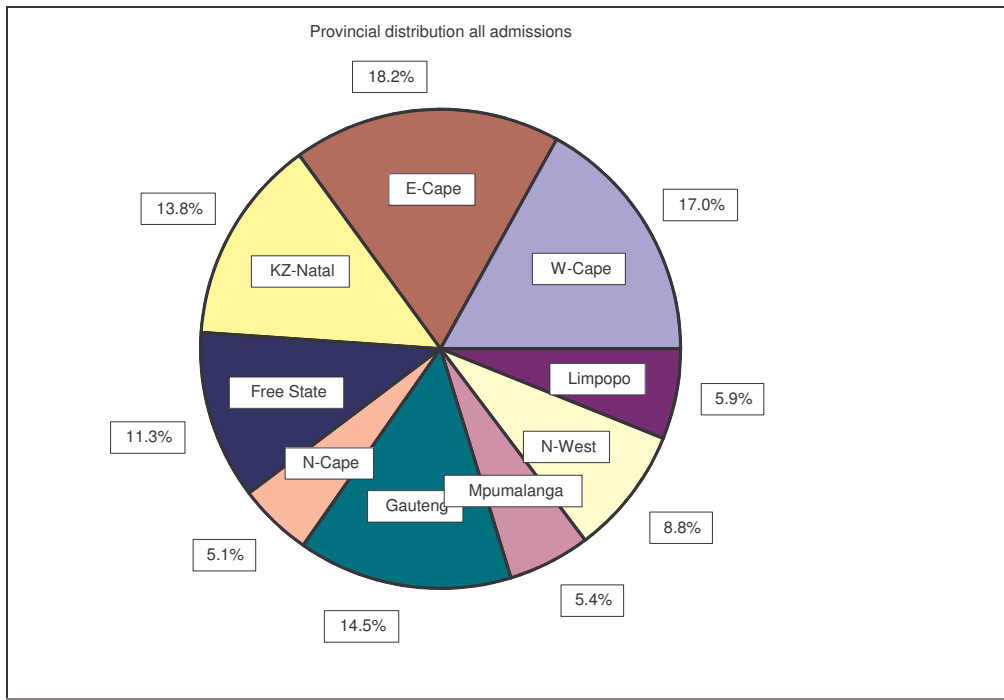


Figure 23. Provincial distribution of all admissions. Source: : L.M Muntingh Nicro National Office August 2002.

SENTENCE PROFILE OF ADMISSIONS				
Sentence	1999	2000	2001	Total
0-6 months	1587	1784	1697	5068
>6-12 months	755	778	733	2266
>12->24 months	400	484	468	1352
2-3 years	909	974	967	2850
>3-5 years	466	495	614	1575
>5-7 years	183	209	219	611
>7-10 years	183	226	198	607
>10-15 years	96	118	152	366
>15-20 years	35	42	42	119
>20 years	17	33	34	84
Other sentences	59	119	296	474
Total	4690	5262	5420	15372

Table 82. Sentence profile of admissions. Source: L.M Muntingh Nicro National Office August 2002.

SENTENCE PROFILE OF ADMISSIONS IN PERCENTAGES				
Sentence	1999	2000	2001	% Increase/Decrease
0-6 months	33.8	33.9	31.3	-2.5
>6-12 months	16.1	14.8	13.5	-2.6
>12->24 months	8.5	9.2	8.6	0.1
2-3 years	19.4	18.5	17.8	-1.5
>3-5 years	9.9	9.4	11.3	1.4
>5-7 years	3.9	4.0	4.0	0.1
>7-10 years	3.9	4.3	3.7	-0.2
>10-15 years	2.0	2.2	2.8	0.8
>15-20 years	0.7	0.8	0.8	0.0
>20 years	0.4	0.6	0.6	0.3
Other sentences	1.3	2.3	5.5	4.2
Total	100.0	100.0	100.0	

Table 83. Sentence profile of admissions in percentages. Source: L M Muntingh Nicro National Office August 2002.

PERCENTAGES OF TOTAL ADMISSIONS SENTENCED TO 6 MONTHS OR LESS PER PROVINCE			
PROVINCE	1999	2000	2001
Western Cape	28.2	29.2	31.8
Eastern Cape	47.3	45.4	37.5
KwaZulu-Natal	31.0	32.2	31.7
Free State	25.9	27.9	24.1
Northern Cape	40.2	36.6	30.6
Gauteng	19.9	19.9	25.3
Mpumalanga	39.5	36.7	35.7
North West	27.9	25.8	16.5
Limpopo	65.5	67.6	69.6

Table 84. Percentage of total admissions sentenced to 6 months or less per province. Source: L M Muntingh Nicro National Office August 2002.

PERCENTAGES OF TOTAL ADMISSIONS SENTENCED TO 12 MONTHS OR LESS PER PROVINCE			
PROVINCE	1999	2000	2001
Western Cape	46.5	46.6	47.0
Eastern Cape	62.1	60.9	54.4
KwaZulu Natal	43.7	45.4	41.4
Free State	38.7	43.4	42.5
Northern Cape	62.9	52.8	50.7
Gauteng	38.6	30.1	36.8
Mpumalanga	56.1	60.2	45.4
North West	44.6	38.7	30.1
Limpopo	77.9	79.1	74.1

Table 85. Percentage of total admissions sentenced to 12 months or less per province. Source: L M Muntingh Nicro National Office August 2002.

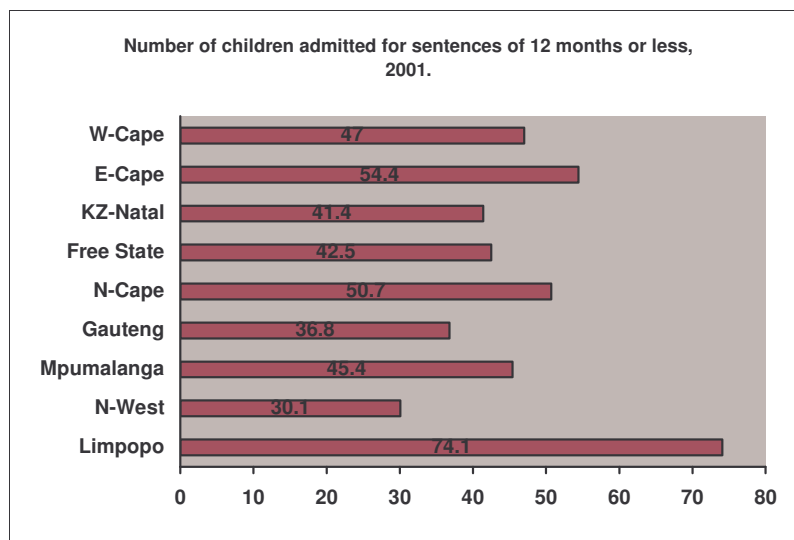


Figure 24. Number of children for sentences of 12 months or less, 2001. Source : L M Muntingh Nicro National Office August 2002.

The growth in the number of children in prison is most disturbing. In the 7 years since January 1995 (date from which statistical information is available),

the number of unsentenced children have increased by 209% and sentenced children by 178%.

Another problem with children and juvenile prisoners is that many of them (36 at Pollsmoor), have been sentenced by court to attend reformatory school, however, they remain in prison for long periods because of the limited accommodation that these reformatory schools offer.⁹

6.3 Sentenced children in prison

The following presents data on children serving prison sentences. The data is presented in primarily two formats namely, date specific counts and averages.

AGE CATEGORIES: SENTENCED CHILDREN IN CUSTODY: 31 JULY 2002	
GENDER	Number
Female	42
Male	1762
All Genders	1804

Table 86. Age Categories: sentenced children in custody: 31 July 2002. Source: Judicial Inspectorate of Prisons, 20 September 2002.

AGE PROFILE: SENTENCED CHILDREN IN CUSTODY: 31 JULY 2002						
GENDER	7-13 years	14 years	15 years	16 years	17 years	Total
Female			1	15	26	42
Male	9	34	175	506	1038	1762
All Genders	9	34	176	521	1064	1804

Table 87. Sentenced children in custody: 31 July 2002. Source: Judicial Inspectorate of Prisons, 20 September 2002.

⁹ Judicial Inspectorate of Prisons: Briefing to the joint monitoring committee on improvement of quality of life and status of children, youth and persons with disabilities: 20 September 2002.

(footnote continued)

SENTENCED CHILDREN IN CUSTODY PER CRIME CATEGORY: 31 JULY 2002						
Crime Categories	7-13 years	14 years	15 years	16 years	17 years	Total
Economical	3	17	82	259	435	796
Aggressive	3	6	55	189	436	689
Sexual	1	8	33	54	157	253
Narcotics			1	1	7	9
Other	2	3	5	18	29	57
All crime categories	9	34	176	521	1064	1804

Table 88. Sentenced children (younger than 18 years) in custody per crime category: 31 July 2002. Source: Judicial Inspectorate of Prisons, 20 September 2002.

SENTENCE PROFILE OF CHILDREN (1999 & 2000)		
Averages		
SENTENCE	1999 (%)	2000 (%)
0 - 6 months	13.00	11.08
>6 - 12 months	16.90	12.50
>12 - 24 months	11.20	11.08
>2 - 3 years	26.80	25.80
>3 - 5 years	14.70	16.44
>5 - 7 years	6.80	7.75
>7 - 10 years	6.40	8.00
>10 - 15 years	2.60	3.69
>15 - 20 years	1.20	0.98
>20 years+	0.4	1.12
N	1375	1624

Table 89. Sentence Profile Of Children (1999 & 2000). A Snapshot. Source: Sloth-Nielsen & Muntingh (2001).

CHILDREN HELD IN CORRECTIONAL CENTRES AND PRISONS THROUGHOUT THE COUNTRY AS ON 20/9/2002				
PROVINCE	CENTRE	NUMBER OF CHILDREN	CAPACITY	% Overcrowding
Western Cape	Brandvlei	369	348	6.0
	Hawequa	383	225	70.0
	Drakenstein Med B	685	474	NA
	Pollsmoor Med A	2029	1111	82.0
Gauteng	Leeuwkop Med B	729	723	0.8
	Baviaanspoort	555	640	NA
	Emthonjeni			
	Boksburg Med B	417	274	65.0
North West	Rustenburg	153	182	NA
KwaZulu-Natal	Durban	1124	629	78.0
	Ekuseni	636	600	6.0
Free State	Groenpunt	206	255	NA
	Kroonstad	86	67	28.0
Mpumalanga	Baberton	374	517	NA
TOTAL		7746	6045	

Table 90. Children and juveniles held in correctional centres and prisons throughout the country. Source: Judicial Inspectorate of Prisons, 20 September 2002.

SENTENCE PROFILE OF 7 - 16 YR. OLD CHILDREN SERVING PRISON									
SENTENCES: 1999 AVERAGES									
SENTENCE	E. Cape	Free State	Gauteng	KwaZulu Natal	Limpopo	Mpumalanga	N. Cape	N. West	W. Cape
0 - 6 months	146	53	64	97	85	55	31	43	87
>6 - 12 months	44	25	63	44	16	23	21	34	57
>12 - 24 months	23	33	22	18	7	11	13	9	34
>2 - 3 years	52	55	60	63	15	24	18	52	65
>3 - 5 years	11	28	49	47	5	4	4	33	32
>5 - 7 years	9	7	13	13	0	7	1	15	3
>7 - 10 years	5	6	17	14	3	4	2	9	10
>10 - 15 years	3	2	8	9				7	13
>15 - 20 years	2		2	3				1	
>20 years+	1		1	3				3	
Other	6	4	5			1			28
N	302	213	304	311	131	129	90	206	329

Table 91. Sentence Profile Of 7 - 16 Yr. Old Children: 1999 Averages. Source: DCS (2002).

SENTENCE PROFILE OF 17 YR. OLD SERVING PRISON SENTENCES:									
1999 AVERAGES									
SENTENCE	E. Cape	Free State	Gauteng	KwaZulu Natal	Limpopo	Mpumalanga	N. Cape	N. West	W. Cape
0 - 6 months	204	67	72	112	105	62	70	86	148
>6 - 12 months	66	34	65	42	20	26	36	43	96
>12 - 24 months	37	20	26	17	8	13	17	13	79
>2 - 3 years	60	65	91	91	18	30	20	41	89
>3 - 5 years	21	34	41	34	5	11	10	40	57
>5 - 7 years	11	10	16	30	0	13	4	13	18
>7 - 10 years	19	8	39	16	1	8	3	14	5
>10 - 15 years	5	10	15	12	2	2	1	4	3
>15 - 20 years	6		7	7		2		1	4
>20 years+	1	1	6	1					
Other	8		1	1					5
N	438	249	379	363	159	167	161	255	504

Table 92. Sentence Profile Of 17 Yr. Old Children: 1999 Averages. Source: DCS (2002).

SENTENCE PROFILE OF ALL CHILDREN SERVING PRISON SENTENCES:									
1999 AVERAGES									
SENTENCE	E. Cape	Free State	Gauteng	KwaZulu Natal	Limpopo	langa Mpurna	N. Cape	N. West	W. Cape
0 - 6 months	350	120	136	209	190	117	101	129	235
>6 – 12 months	110	59	128	86	36	49	57	77	153
>12 – 24 months	60	53	48	35	15	24	30	22	113
>2 - 3 years	112	120	151	154	33	54	38	93	154
>3 - 5 years	32	62	90	81	10	15	14	73	89
>5 - 7 years	20	17	29	43		20	5	28	21
>7 – 10 years	24	14	56	30	4	12	5	23	15
>10 – 15 years	8	12	23	21	2	2	1	11	16
>15 – 20 years	8		9	10		2		2	4
>20 years+	2	1	7	4				3	
Other	14	4	6	1		1			33
N	740	462	683	674	290	296	251	461	833

Table 93. Sentence Profile Of Children: 1999 Averages. Source: DCS (2002).

In terms of sentencing patterns, as indicated in Table 89, the majority of children convicted for criminal offences received sentences of less than five years, with 39.5 percent and 42.24 percent of all convicted children receiving sentences of between two and five years in 1999 and 2000, respectively. Disturbingly, between 13.2 and 15.75 percent of children convicted for criminal offences received sentences of between five and ten years in 1999 and 2000, respectively.

As indicated by the average statistics reflected in Tables 91 to 93 the above-mentioned trends pertained to all provinces.

The problems associated with the incarceration of children in prisons has been the focus of considerable scrutiny and debate for some time now (Sloth-Nielsen & Muntingh, 1999). Despite this, the numbers of sentenced children detained in prison have been increasing with relentless regularity since 1995.

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Provincial distribution

As reflected in Tables 94 and 95, for the period 1995 to 2000, the majority of sentenced male child prisoners were incarcerated in Gauteng, KwaZulu-Natal

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and Western Cape prisons. For the same period, the smallest proportion of sentenced male child prisoners were serving sentences in Northern Cape and Limpopo Province prisons. Furthermore, from 1995 to 2000, the average number of sentenced male child prisoners increased sharply in the Eastern Cape (from 7.58 percent of the national total in 1995 to 17.8 percent in 2000) and Northern Cape (from 1.93 percent of the national total in 1995 to 7.09 percent in 2000); while decreasing sharply in Gauteng (from 33.28 percent of the national total in 1995 to 16.47 percent in 2000). Moderate increases in the sentenced male child prisoner populations were recorded in the Western Cape, North West Province, Limpopo Province and the Free State from 1995 to 2000, while a moderate decrease was recorded in Mpumalanga (See Table 95).

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A slightly different pattern emerges in relation to sentenced female children. As Tables 96 and 97 reveal, the Limpopo Province, KwaZulu-Natal and the Eastern Cape had the highest average proportion of sentenced female child prisoners for the period 1995 to 2000, while the Northern Cape, followed by the North West Province and Mpumalanga, respectively, had the lowest proportion. Given the small size of the population of sentenced female child prisoners, a detailed interpretation of Tables 96 and 97 will not be appropriate.

AVERAGE NUMBER OF SENTENCED MALE CHILDREN IN PRISON (1995–2001)							
REGIONAL DISTRIBUTION							
REGION	1995	1996	1997	1998	1999	2000	2001
E. Cape	51	79	146	186	203	283	298
Free State	54	66	102	112	162	170	157
Gauteng	224	237	278	242	298	274	298
KwaZulu Natal	156	148	185	198	240	261	266
Limpopo	20	48	76	61	55	60	69
Mpumalanga	32	51	71	77	86	83	76
N. Cape	13	22	57	68	93	118	105
N. W. Province	34	45	88	114	136	128	129
W. Cape	89	126	177	179	250	287	276
N	673	822	1180	1237	1523	1664	1674

Table 94. Sentenced Male Children In Prison (1995 – 2001). Regional Distribution (raw data). Source: DCS (2002).

SENTENCED MALE CHILDREN IN PRISON (1995–2001)									
REGIONAL DISTRIBUTION (percentages)									
REGION	1995 (%)	1996 (%)	1997 (%)	1998 (%)	1999 (%)	2000 (%)	2001 (%)	Average (%)	Overall Rank
E. Cape	7.58	9.61	12.37	15.04	13.33	17.01	17.80	13.25	4
Free State	8.02	8.03	8.64	9.05	10.64	10.22	9.38	9.14	5
Gauteng	33.28	28.83	23.56	19.56	19.57	16.47	17.80	22.72	1
KwaZulu Natal	23.18	18.00	15.68	16.01	15.76	15.69	15.89	17.17	2
Limpopo	2.97	5.84	6.44	4.93	3.61	3.61	4.12	4.50	9
Mpumalanga	4.76	6.20	6.02	6.22	5.65	4.99	4.54	5.48	7
N. Cape	1.93	2.68	4.83	5.50	6.11	7.09	6.27	4.92	8
N. W. Province	5.05	5.47	7.46	9.22	8.93	7.69	7.71	7.36	6
W. Cape	13.22	15.33	15.00	14.47	16.41	17.25	16.49	15.45	3

Table 95. Sentenced Male Children In Prison (1995–2001): Regional Distribution (percentages). Source: DCS (2002).

AVERAGE NUMBER OF SENTENCED FEMALE CHILDREN IN PRISON (1995–2001)							
REGIONAL DISTRIBUTION							
REGION	1995	1996	1997	1998	1999	2000	2001
E. Cape	3	4	7	5	4	7	4
Free State	2	1	2	5	2	9	4
Gauteng	3	4	6	4	5	4	4
KwaZulu Natal	3	6	6	7	5	5	5
Limpopo	4	6	7	4	6	4	5
Mpumalanga	2	2	2	3	2	2	3
N. Cape	1	2	2	2	1	3	5
N. W. Province	1	3	2	3	3	3	1
W. Cape	1	4	3	5	6	4	7
N	20	32	37	38	34	41	38

Table 96. Sentenced Female Children In Prison (1995–2001): Regional Distribution. Source: DCS (2002).

SENTENCED FEMALE CHILDREN IN PRISON (1995–2001):									
REGIONAL DISTRIBUTION (percentages)									
REGION	1995 (%)	1996 (%)	1997 (%)	1998 (%)	1999 (%)	2000 (%)	2001 (%)	Average (%)	Overall Rank
E. Cape	15	12.5	18.92	13.16	11.76	17.07	10.53	14.13	3
Free State	10	3.13	5.41	13.16	5.88	21.95	10.53	10.01	6
Gauteng	15	12.5	16.22	10.53	14.71	9.76	10.53	12.75	4
KwaZulu Natal	15	18.75	16.22	18.42	14.71	12.20	13.16	15.49	2
Limpopo	20	18.75	18.92	10.53	17.65	9.76	13.16	15.54	1
Mpumalanga	10	6.25	5.41	7.89	5.88	4.88	7.89	6.89	7
N. Cape	5	6.25	5.41	5.26	2.94	7.32	13.16	6.48	9
N. W. Province	5	9.38	5.41	7.89	8.82	7.32	2.63	6.64	8
W. Cape	5	12.5	8.11	13.16	17.65	9.76	18.42	12.09	5

Table 97. Sentenced Female Children In Prison (1995–2001): Regional Distribution (percentages). Source: DCS (2002).

SENTENCED MALE CHILDREN IN PRISON (1995–2001):					
AGE DISTRIBUTION (percentages)					
YEAR	AGES				
	7–13 yrs (%)	14 yrs (%)	15 yrs (%)	16 yrs (%)	17 yrs (%)
1995	0.89	2.08	4.9	20.65	71.47
1996	1.09	1.95	6.45	22.99	67.52
1997	1.1	1.95	6.78	23.98	66.19
1998	1.21	1.7	8.25	25.95	62.89
1999	0.79	1.58	7.75	30.01	59.89
2000	0.48	2.34	8.23	27.1	61.84
2001	0.42	2.39	8.96	27.3	60.93

Table 98. Sentenced Male Children In Prison (1995–2001): Age Distribution (percentages). Source: DCS (2002).

Age distribution

As indicated in Tables 98 and 99, the majority of sentenced male child prisoners fell within the 16- and 17-year-old age categories. Indeed, as the contents of Table 91 reflect, for the period 1995 to 2000, between 88.84 percent and 92.12 percent of all sentenced male child prisoners fell into these age categories. However, while the proportion of sentenced male child prisoners aged 16 years increased substantially between 1995 and 2000 (from 20.45 percent of the national total of all sentenced male child prisoners in 1995 to 27.1 percent in 2000), the proportion of sentenced male child prisoners in the 17-year-old age category showed a significant decline over the same period. For the corresponding period, the proportion of male child prisoners in the 14- and 15-year-old age categories increased, though only marginally so in the case of the 14-year-old age category. Conversely, the proportion of male child prisoners in the 7- to 13-year-old age category decreased fractionally between 1995 and 2000.

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AVERAGE NUMBER OF SENTENCED MALE CHILDREN IN PRISON (1995–2001): AGE DISTRIBUTION						
YEAR	AGES					N
	7–13 yrs	14 yrs	15 yrs	16 yrs	17 yrs	
1995	6	14	33	139	481	673
1996	9	16	53	189	555	822
1997	13	23	80	283	781	1180
1998	15	21	102	321	778	1237
1999	12	24	118	457	912	1523
2000	8	39	137	451	1029	1664
2001	7	40	150	457	1020	1674

Table 99. Sentenced Male Children In Prison (1995–2001): Age Distribution. Source: DCS (2002).

AVERAGE NUMBER OF SENTENCED FEMALE CHILDREN IN PRISON (1995–2001): AGE DISTRIBUTION						
YEAR	AGES					N
	7–13 yrs	14 yrs	15 yrs	16 yrs	17 yrs	
1995			1	6	13	20
1996		1	5	11	15	32
1997	1	3	7	8	18	37
1998	3	1	8	9	17	38
1999	2	1	6	9	16	34
2000	1	1	8	11	20	41
2001			6	10	22	38

Table 100. Sentenced Female Children In Prison (1995–2001): Age Distribution. Source: DCS (2002).

SENTENCED FEMALE CHILDREN IN PRISON (1995–2001):					
AGE DISTRIBUTION (percentages)					
YEAR	AGES				
	7–13 yrs (%)	14 yrs (%)	15 yrs (%)	16 yrs (%)	17 yrs (%)
1995			5	30	65
1996		3.13	15.63	34.38	46.88
1997	2.7	8.11	18.92	21.62	48.65
1998	7.89	2.63	21.05	23.68	44.74
1999	5.88	2.94	17.65	26.47	47.06
2000	2.44	2.44	19.51	26.83	48.78
2001			15.79	26.32	57.89

Table 101. Sentenced Female Children In Prison (1995–2001): Age Distribution (percentages).
Source: DCS (2002).

As reflected in Tables 100 and 101, at least one of the trends discerned in the statistics related to male child prisoners, is mimicked in the statistics related to female child prisoners. Specifically, among the sentenced female child prisoners too, the largest proportion of prisoners fell in the 16- and 17-year-old age categories between 1995 and 2000. While there are undoubtedly other interesting features emerging from the data contained in Tables 100 and 101 as previously noted, in view of the relatively small population size of sentenced female child prisoners, further definitive statements concerning these features would not be appropriate.

Types of crime

As indicated in Tables 112 to 115, the majority of sentenced male and female prisoners were serving sentences for crimes falling into the 'aggressive crimes' and 'economic crimes' categories. This was particularly true for children aged 7 to 14 years (See Tables 106 to 115). While there was a general decrease in the proportion of female child prisoners serving sentences for economic crimes between 1995 and 2000, there was a slight increase in the number of male child prisoners serving sentences for the same types of crimes during this period (To a certain extent, this contradicts the pattern discerned in respect of unsentenced male child prisoners). Across all categories and for both genders a relatively small proportion of children were serving sentences for narcotics-related offences.

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Furthermore, as indicated in Table 102, a significant proportion of the male child prisoners were serving sentences for crimes falling in the 'sexual crimes' category.

AVERAGE NUMBER OF SENTENCED MALE CHILDREN IN PRISON (1995–2001): CRIME CATEGORY DISTRIBUTION						
YEAR	CRIME CATEGORY					N
	<i>Aggressive</i>	<i>Economic</i>	<i>Narcotics</i>	<i>Sexual</i>	<i>Other</i>	
1995	246	335	19	95	28	723
1996	296	335	17	124	39	811
1997	385	561	28	201	53	1228
1998	393	572	26	249	48	1288
1999	475	883	25	246	56	1685
2000	580	812	21	225	61	1699
2001	632	748	23	231	75	1709

Table 102. Sentenced Male Children In Prison (1995–2001): Crime Category Distribution. Source: DCS (2002).

SENTENCED MALE CHILDREN IN PRISON (1995–2001): CRIME CATEGORY DISTRIBUTION (percentages)					
YEAR	CRIME CATEGORY				
	<i>Aggressive</i> (%)	<i>Economic</i> (%)	<i>Narcotics</i> (%)	<i>Sexual</i> (%)	<i>Other</i> (%)
1995	34.02	46.33	2.63	13.14	3.87
1996	36.50	41.31	2.96	15.29	4.81
1997	31.35	45.68	2.28	16.37	4.32
1998	30.51	44.41	2.02	19.33	3.73
1999	28.19	52.40	1.48	14.60	3.32
2000	34.14	47.79	1.24	13.24	3.59
2001	36.98	43.77	1.35	13.52	4.39

Table 103. Sentenced Male Children In Prison (1995–2001). Crime Category Distribution (percentages). Source: DCS (2002).

AVERAGE NUMBER OF SENTENCED FEMALE CHILDREN IN PRISON PER YEAR (1995 – 2001): CRIME CATEGORY DISTRIBUTION						
YEAR	CRIME CATEGORY					N
	<i>Aggressive</i>	<i>Economic</i>	<i>Narcotics</i>	<i>Sexual</i>	<i>Other</i>	
1995	7	17			8	32
1996	14	20	3	1	10	48
1997	19	28	4	1	9	61
1998	22	24	5	2	7	60
1999	15	25	3		8	51
2000	25	27	3	1	8	64
2001	24	22	3		6	55

Table 104. Average Number Of Sentenced Female Children In Prison (1995–2001): Crime Category Distribution. Source: DCS (2002).

SENTENCED FEMALE CHILDREN IN PRISON PER YEAR (1995–2001): CRIME CATEGORY DISTRIBUTION (percentages)						
YEAR	CRIME CATEGORY					
	<i>Aggressive</i> (%)	<i>Economic</i> (%)	<i>Narcotics</i> (%)	<i>Sexual</i> (%)	<i>Other</i> (%)	
1995	21.88	53.13			24.99	
1996	29.17	41.67	6.25	2.08	20.83	
1997	31.15	45.90	6.56	1.64	14.75	
1998	36.67	40.00	8.33	3.33	11.67	
1999	29.41	49.02	5.88		15.69	
2000	39.06	42.19	4.69	1.56	12.5	
2001	43.64	40.00	5.55		10.91	

Table 105. Sentenced Female Children In Prison (1995–2001): Crime Category Distribution (percentages). Source: DCS (2002).

SENTENCED MALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(7-13 YEARS):					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995	20.00	50.00		20.00	10.00
1996	20.00	46.67	20.00		13.33
1997	29.17	33.33		12.5	25.00
1998	22.22	40.74	3.70	22.22	11.11
1999	35.00	35.00	10.00	15.00	5.00
2000	30.77	46.15		7.69	15.38
2001	28.57	35.71		14.29	21.43

Table 106 Sentenced Male Children In Prison (1995–2001): (7-13 Years); Crime Category Distribution (percentage). Source: DCS (2002).

SENTENCED FEMALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(7-13 YEARS)					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995					
1996					
1997		100.00			
1998	33.33	66.67			
1999	50.00	50.00			
2000	100.00				
2001					

Table 107 Sentenced Female Children In Prison (1995–2001): (7-13 Years). Crime Category Distribution (percentage). Source: DCS (2002).

SENTENCED MALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(14 YEARS)					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995	40.00	30.00	15.00	10.00	5.00
1996	33.33	37.04	7.41	11.11	11.11
1997	10.13	73.42	3.80	8.86	3.80
1998	N/A	N/A	N/A	N/A	N/A
1999	29.41	44.12	2.94	20.59	2.94
2000	33.33	39.58	2.08	20.83	4.17
2001	25.00	50.00	2.08	14.58	8.33
Code: N/A = Data not available					

Table 108. Sentenced Male Children In Prison (1995–2001): (14 Years): Crime Category Distribution (percentage). Source: DCS (2002).

SENTENCED FEMALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(14 YEARS)					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995					
1996	100.00				
1997	33.33	66.67			
1998	100.00				
1999					100.00
2000		100.00			
2001					

Table 109. Sentenced Female Children In Prison (1995–2001): (14 Years): Crime Category Distribution (percentage). Source: DCS (2002).

SENTENCED MALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(15 YEARS)					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995	35.71	38.10	4.76	14.29	7.14
1996	26.15	44.62	3.08	16.92	9.23
1997	25.53	43.62	4.26	18.09	8.51
1998	N/A	N/A	N/A	N/A	N/A
1999	20.93	53.49	3.88	17.05	4.65
2000	28.08	52.05	1.37	13.70	4.79
2001	31.25	46.25	3.13	13.75	5.63
Code: N/A = Data not available					

Table 110. Sentenced Male Children In Prison (1995–2001): (15 Years): Crime Category Distribution (percentage). Source: DCS (2002).

SENTENCED FEMALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(15 YEARS)					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995		100.00			
1996	28.57	42.86	14.29		14.29
1997	38.46	46.15	7.69		7.69
1998	45.45	45.45		9.09	
1999	33.33	66.67			
2000		100.00			
2001	37.50	50.00			12.50

Table 111. Sentenced Female Children In Prison (1995–2001): (15 Years): Crime Category Distribution (percentage). Source: DCS (2002).

SENTENCED MALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(16 YEARS)					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995	33.33	47.33	2.00	12.67	4.67
1996	31.63	44.90	1.02	16.84	5.61
1997	25.23	53.50	2.13	15.50	3.65
1998	N/A	N/A	N/A	N/A	N/A
1999	29.05	48.13	1.24	14.73	6.85
2000	31.15	50.33	1.96	12.85	3.70
2001	37.77	42.49	0.86	14.81	4.08
Code: N/A = Data not available					

Table 112. Sentenced Male Children In Prison (1995–2001): (16 Years): Crime Category Distribution (percentage). Source: DCS (2002).

SENTENCED FEMALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(16 YEARS)					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995	9.09	36.36			54.55
1996	23.53	41.18	5.88		29.41
1997	29.41	41.18	5.88		23.53
1998	40.00	33.33	6.67		20.00
1999	26.67	46.67			26.67
2000	N/A	N/A	N/A	N/A	N/A
2001	50.00	37.50	6.25		6.25
Code: N/A = Data not available					

Table 113. Sentenced Female Children In Prison (1995–2001): (16 Years): Crime Category Distribution (percentage). Source: DCS (2002).

SENTENCED MALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(17 YEARS)					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995	34.13	47.31	2.20	13.17	3.19
1996	36.74	44.98	1.43	13.80	3.05
1997	41.16	33.65	2.19	19.25	3.76
1998	N/A	N/A	N/A	N/A	N/A
1999	31.80	47.65	1.31	15.63	3.61
2000	36.40	46.47	0.87	13.07	3.19
2001	38.20	43.78	1.27	12.83	3.92
Code: N/A = Data not available					

Table 114. Sentenced Male Children In Prison (1995–2001): (17 Years): Crime Category Distribution (percentage). Source: DCS (2002).

SENTENCED FEMALE CHILDREN IN PRISON PER YEAR (1995–2001):					
(17 YEARS)					
CRIME CATEGORY DISTRIBUTION (percentage)					
YEAR	CRIME CATEGORY				
	Aggressive (%)	Economic (%)	Narcotics (%)	Sexual (%)	Other (%)
1995	25.00	50.00			25.00
1996	29.17	41.67	4.17	4.17	20.83
1997	29.63	44.44	7.41	3.70	14.81
1998	33.33	36.67	13.33	3.33	13.33
1999	29.17	45.83	12.50		12.50
2000	N/A	N/A	N/A	N/A	N/A
2001	41.94	38.71	6.45		12.90
Code: N/A = Data not available					

Table 115. Sentenced Female Children In Prison (1995–2001): (17 Years): Crime Category Distribution (percentage). Source: DCS (2002).

6.4 Children serving non-custodial sentences administered by DCS

As indicated in Tables 116 to 120, for the period 1995 to 2000, there was a significant increase in the number of children serving non-custodial sentences. While this pattern mimics the trends in children serving prison sentences, the increases in the number of children serving non-custodial sentences were generally much more significant than the increases in the number of children serving prison sentences (See Tables 94 to 97).

As reflected in Tables 116 and 117, these significant increases in the number of children serving non-custodial sentences occurred across all provinces. However, the increases in KwaZulu-Natal and the Limpopo Province appear most substantial.

As reflected in Tables 94 to 96, while there was a general decrease in the proportion of female child prisoners (in relation to male child prisoners) for the period 1995 to 2000, there was a proportionate increase in female children (in relation to male children) serving non-custodial sentences for the same period (See Table 118). Furthermore, the increase in the proportion of female children serving non-custodial sentences is more significant than the decrease in the proportion of female children serving prison sentences.

As indicated in Tables 119 and 120, the age distribution of children serving non-custodial sentences mimic the age distribution of children serving prison sentences (Also see Tables 98 to 101). However, the increase in the number of children between the ages of 15 and 17 years serving non-custodial sentences is much more significant than the increase in the number of children in the same age category serving prison sentences. It is also worth noting that while children younger than 15 years constituted 90.91 percent of all children serving non-custodial sentences in 1995, they constituted only 5.41 percent of all children serving non-custodial sentences in 2000.

CHILDREN SERVING NON-CUSTODIAL SENTENCES: AVERAGE NUMBER PER YEAR (1995–2001): REGIONAL DISTRIBUTION							
REGION	1995	1996	1997	1998	1999	2000	2001
E. Cape	3	0	8	9	13	65	160
Free State	4	2	2	13	34	81	164
Gauteng	4	5	9	11	13	31	108
KwaZulu Natal	2	4	4	12	26	107	261
Limpopo	3		3	11	22	72	196
Mpumalanga	2		2	1	6	16	103
N. Cape		2	3	6	3	25	49
N. W. Province	1	2	2	6	4	52	135
W. Cape	3	2	4	6	4	32	131
N	22	17	37	75	125	481	1307

Table 116. Children Serving Non-Custodial Sentences: Average Number Per Year (1995 – 2001): Regional Distribution. Source: DCS (2002).

CHILDREN SERVING NON-CUSTODIAL SENTENCES (1995–2001): REGIONAL DISTRIBUTION IN PERCENTAGES							
REGION	1995	1996	1997	1998	1999	2000	2001
E. Cape	13.64	0.00	21.62	12.00	10.40	13.51	12.24
Free State	18.18	11.76	5.41	17.33	27.20	16.84	12.55
Gauteng	18.18	29.41	24.32	14.61	10.40	6.44	8.26
KwaZulu Natal	9.09	23.53	10.81	16.00	20.80	22.25	19.97
Limpopo	13.64		8.11	14.67	17.60	14.97	15.00
Mpumalanga	9.09		5.41	1.33	4.80	3.33	7.88
N. Cape		11.76	8.11	8.00	2.40	5.20	3.75
N. W. Province	4.55	11.76	5.41	8.00	3.20	10.81	10.33
W. Cape	13.64	11.76	10.81	8.00	3.20	6.65	10.02

Table 117. Children Serving Non-Custodial Sentences: Average Number Per Year (1995 – 2001): Regional Distribution. Source: DCS (2002).

CHILDREN SERVING NON-CUSTODIAL SENTENCES (1995-2001):							
GENDER DISTRIBUTION IN PERCENTAGES							
GENDER	1995	1996	1997	1998	1999	2000	2001
MALE	100.00	100.00	97.37	90.12	93.60	90.07	93.25
FEMALE			2.63	9.88	6.40	9.93	6.75

Table 118. Children Serving Non-Custodial Sentences (1995 – 2001): Gender Distribution In Percentages. Source: DCS (2002).

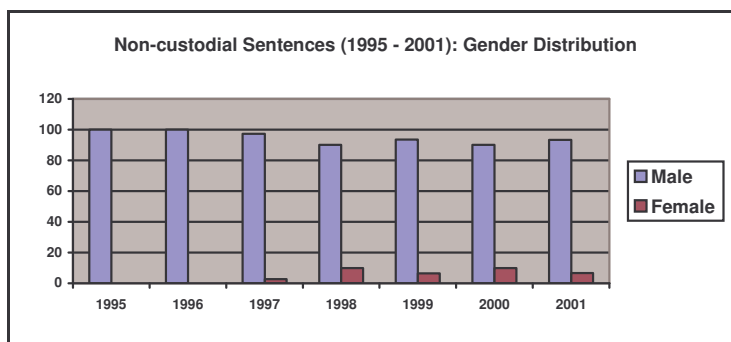


Figure 25. Children Serving Non-Custodial Sentences (1995 – 2001): Gender Distribution In Percentages. Source: DCS (2002).

AVERAGE NUMBER OF CHILDREN SERVING NON-CUSTODIAL SENTENCES (1995-2001):						
AGE DISTRIBUTION						
YEAR	AGES					N
	7-13 yrs	14 yrs	15 yrs	16 yrs	17 yrs	
1995	20		1		1	22
1996	11			2	4	17
1997	19	1	4	3	10	37
1998	29	2	1	6	37	75
1999	10	4	3	21	87	125
2000	15	11	29	96	330	481
2001	23	30	122	357	775	1307

Table 119. Average Number of Children Serving Non-Custodial Sentences (1995-2001): Age Distribution. Source: DCS (2002).

CHILDREN SERVING NON-CUSTODIAL SENTENCES (1995–2001) AGE DISTRIBUTION IN PERCENTAGES					
YEAR	AGES				
	7–13 yrs (%)	14 yrs (%)	15 yrs (%)	16 yrs (%)	17 yrs (%)
1995	90.91		4.55		4.55
1996	64.71			11.76	23.53
1997	51.35	2.70	10.81	8.11	27.03
1998	38.67	2.67	1.33	8.00	49.33
1999	8.00	3.20	2.40	16.80	69.60
2000	3.12	2.29	6.03	19.96	68.61
2001	1.76	2.30	9.33	27.31	59.30

Table 120. Children Serving Non-Custodial Sentences (1995–2001): Age Distribution in Percentages. Source: DCS (2002).

7 DEATHS IN CUSTODY

7.1 Deaths in custody

The only statistics related to child deaths in custody were those provided by the Child Justice Project. These statistics are categorised in Tables 121 and 122. As reflected in Table 121, for the period January 1999 to April 2000, most child deaths in custody occurred in police cells. Three child deaths occurred in reform schools, one death in prison and one in a place of safety. Very disturbingly, as reflected in Table 122, nine of the child deaths that occurred while the victims were held in custody, were due to 'non-natural' causes.

DEATHS OF CHILDREN IN CUSTODY	
01/01/1999–30/04/2000	
PLACE OF DEATH	
PLACE OF DEATH	F
Police Cells	5
Reform Schools	3
Prison	1
Place of Safety	1
N	10

Table 121. Deaths Of Children In Custody: 01/01/1999–30/04/2000. Place Of Death. Source: Skelton (2001).

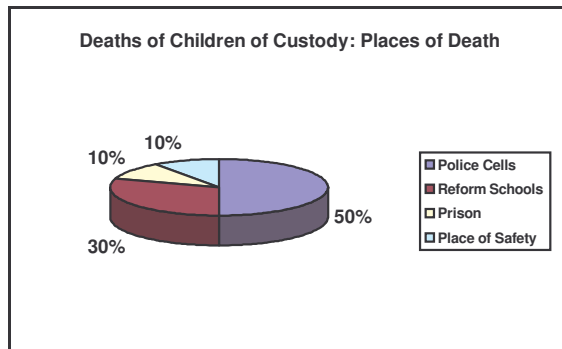


Figure 26. Deaths Of Children In Custody: 01/01/1999–30/04/2000. Place Of Death. Source: Skelton (2001).

DEATHS OF CHILDREN IN CUSTODY	
01/01/1999–30/04/2000	
CAUSE OF DEATH Source: Skelton (2001)	
OFFICIAL CAUSE OF DEATH	F
'Natural'	1
'Non-natural'	9
N	10

Table 122. Deaths Of Children In Custody: 01/01/1999–30/04/2000. Cause Of Death. Source: Skelton (2001).

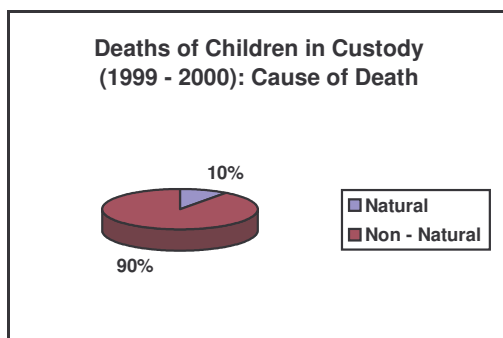


Figure 27. Deaths Of Children In Custody: 01/01/1999–30/04/2000. Cause Of Death. Source: Skelton (2001).

In view of the paucity of statistics on child injury and deaths in custody, as well as the fact that statistics can never really capture the full horror of the physical and psychological trauma suffered by many children in custody, it was decided to include the following descriptive case material related to the statistics contained in Table 121 and 122 in this report.

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7.2 Ten case reports on deaths in custody

Case 1: J, male, aged 11 years

J died in the police cells at [Place Name], on 18 February 1999. He was only 11 years of age at the time of death. According to the post-mortem reports, J's death was caused by "trauma to the chest and abdomen". J had been spotted breaking into a building together with two other boys. Security officials allegedly assaulted the boys. The boys were then taken to the police and placed in the [Place Name] police cells. When J appeared at the [Place Name] Magistrate's Court on 17 February he had visible wounds on his face. The boys were subsequently remanded to the [Place Name] Police Station, where the police recorded J's injuries. J subsequently complained that he was not feeling well, and requested that he be taken to hospital for treatment. He was found dead in the [Place Name] police cells at 12h30 on the same day, 18 February 1999. He had not received treatment. The case was initially investigated by the Independent Complaints Directorate (ICD), but when the other boys identified security officers as suspects, the case was handed over to the SAPS for further investigation. The Directorate for Public Prosecutions (DPP) decided to prosecute the security officers on a charge of culpable homicide. The ICD continued to investigate the role of the police in this matter, and have handed the case docket over to the DPP, whose decision is still awaited.

Case 2: K, female, aged 15 years

K died in the [Place Name] police cells on 6 December 1999. She had been arrested on a housebreaking charge. She appeared in the [Place Name] Magistrate's Court for the first time on 6 December 1999, and was remanded by the magistrate to the [Place Name] police cells. She was detained alone, and was found dead in the cell at 13h35 on the same day (6 December 1999). It would appear that she had committed suicide by hanging herself with a piece of cloth. An ICD investigation found that there had been no foul play on the part of the SAPS, although there may have been negligence.

The ICD has forwarded the case docket to the Public Prosecutor in [Place Name] on 10 January 2001 and a decision by the DPP is awaited.

Case 3: L, male, aged 15 years

L died in the [Place Name] police cells on 16 July 2000. He had been arrested on the afternoon of 15 July 2000 and was charged with trespassing, stock theft and resisting arrest. He was placed in the police cells. He died the next day before appearing in court. It was originally believed that he had hanged himself. However, evidence that raised concerns about the exact circumstances of his death later surfaced. At the request of the ICD, L's body was exhumed for a second post mortem to be conducted and further forensic evidence is being examined. The investigation into this matter is not yet complete.

Case 4: S, male, aged 17 years

S died in the [Place Name] police cells on 8 August 2000. On 7 August 2000, this 17-year-old had been arrested on a charge of theft of a motor vehicle. At about 19h00 hours on the same day he was placed in a cell together with a number of adults. At 02h00 on 8 August 2000, he was found dead wearing only his underwear. It would appear that he was raped and murdered by one or more of his adult cellmates. A post-mortem was held on 11 August 2000, and a case of murder is being investigated against a number of the adult detainees. The ICD has investigated the police's conduct in relation to this case, and has recommended to SAPS that the three officers involved be charged under Regulation 18(21) for allowing a minor to be detained with adults in the same cell, and that the Station Commissioner should be charged for failing to ensure compliance with the relevant regulations, and for failing to discipline members when this was brought to his attention. The outcome of the disciplinary proceedings is awaited.

Case 5: M, male, aged 15

M died in the [Place Name] police cells on 10 March 2001. M had been arrested on Friday 9 March 2001 on a charge of housebreaking and theft. He was detained and placed in a cell at the [Place Name] Police Station. Initially he was alone in the cell, but in the early hours of the morning of Saturday 10 March 2000, another detainee aged 18 years, was placed in the same cell. He was charged with drunkenness, resisting arrest, attempting to escape and refusing to furnish a police officer with his name and address. At about 03h05 on 10 March 2000, police officers found the cell covered in blood. M had apparently been battered to death. His 18-year-old cell-mate was charged with murder. The matter was not reported by police to the ICD as is required by law. The ICD is now investigating the matter.

Case 6: N, male, aged 16 years

N died at the [Place Name] Prison on 28 May 1999. N had been accused of killing his stepbrother. As a result of his emotional state, he was sent to [Place Name] Hospital for mental observation. He was however found fit to stand trial. A bail application was subsequently submitted on 31 April 1999, but was refused, and N was remanded to [Place Name] Prison to await trial. He was due to appear in court again on the date of his death. He had apparently hanged himself with a sheet in the early morning. An inquest was held which found that the cause of death was "suffocation due to suicide hanging".

Case 7: O, male, aged 14 years

O died at the [Place Name] Place of Safety on 23 January 2001. O had been awaiting trial at the [Place Name] Place of Safety, run by the KwaZulu Natal Department of Social Development. On the evening of 22 January 2001, a child and youth care worker was leading a group of children to the sleeping quarters and had just unlocked the gate that separates two sections of the facility, when she was called to the phone. During her absence a number of boys allegedly attempted to escape by climbing out of

the dining room window, up the drainpipe and onto the roof of the facility. O fell from the roof and was taken to hospital. He died of his injuries the next day. The department has conducted its own investigation. Police are investigating the matter and according to the Magistrate at [Place Name] an inquest will be held if necessary

Case 8: P, male, aged 17 years

P died at [Place Name] Reform School on 21 March 1999. P had served a sentence at [Place Name] Reform School. He completed his sentence and was discharged in November 1998. He was living in the community prior to his death. According to staff at [Place Name] Reform School he had been visiting other boys at the school and was suspected of having stolen goods during his visit. The staff at [Place Name] Reform School lured him to the school where they detained him in a holding cell at the facility. He was locked up on Wednesday 17 March 1999. Several days later, on 21 March 1999, he hanged himself using a blanket tied to the grille bars of the door. An investigation was carried out by the Department of Education. Criminal charges were laid against the relevant members of staff, and the [Place Name] Reform School was closed down as part of the provincial department's "rationalization" of facilities.

Case 9: Q, male, aged 17 years

Q died at the [Place Name] Reform School on 24 January 2000. He was serving a sentence at the reform school. Q was stabbed in a fight that had broken out at the facility. He subsequently died of his wounds. The police were called in and a number of youths were charged with murder. They are currently awaiting trial in [Place Name] Prison. No internal investigations were conducted.

Case 10: R, male, aged 17 years

R died at the [Place Name] Reform School on 12 February 2000. He was serving a sentence at the [Place Name] Reform School. On the morning of 12 February 2000, R complained of a headache. He was initially given pain killers, but when these did not help he was taken to hospital by the reform school staff. He died later the same day.

The death certificate indicated that he had died of natural causes linked to congestion of the lungs. No inquest was held. No internal investigations were carried out.

8 OVERALL RECOMMENDATIONS

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The dearth of reliable statistical data, as well as the patent absence of adequate monitoring systems to record the relevant statistics pertaining to children in conflict with the law constituted the single most important obstacle to meeting the key objectives of the present research initiative. Consequently, the researchers hereby wish to recommend that a serious attempt be made to co-ordinate the development of appropriate systems aimed at ensuring the adequate capturing of relevant statistics – as well as other forms of information (e.g. narrative material) – related to children in conflict with the law. Only when such systems had been put in place can the objectives of a project such as the present one be met. Moreover, the development of these monitoring systems would be key to the implementation of the proposed child justice legislation.

9 LIST OF SOURCES

Article 40 (2001). *The house arrest project. An alternative to children being held in custody awaiting trial.* Article 40, 3(2), pp. 6 – 7.

Barberton, C. (2000). *Costing child justice.* Article 40, 2(1), pp. 1 – 11.

Barnoski, R (1997). *Standards for Improving Research Effectiveness in Adult and Juvenile Justice,* Washington State Institute for Public Policy, Washington.

Child Justice Alliance (2001). *Advocacy campaign planned around the Child Justice Bill.* Article 40, 3(1), pp 1 – 3.

Community Law Centre (undated). *Children in prison. A situational analysis.* Bellville: Community Law Centre, University of the Western Cape.

Gilbert, S. (1999). The draft Justice Bill. *“What the children said”.* Bellville: Community Law Centre, University of the Western Cape.

Judicial Inspectorate of Prisons, (2002). *Briefing to the Joint Monitoring Committee on improvement of quality of life and status of children, youth and persons with disabilities.* Cape Town.

Judicial Inspectorate of Prisons, Annual report 2001/2002, *Prison and Prisoners,* Office of the Inspecting Judge, Cape Town.

Madotyeni, Z. & Muntingh, L. M. (2000). *Editorial.* Article 40, 2(2), p. 3.

Muntingh, L. M. (2002). *Children co-accused with adults at the Port Elisabeth Stepping Stone Centre,* Cape Town, NICRO.

- Muntingh, L.M, (2002). *Sentenced children admitted to prison 1999-2000*, Cape Town, NICRO.
- Muntingh, L. M. (2001). *The effectiveness of diversion programmes. A longitudinal evaluation of cases*. Unpublished report, Cape Town: NICRO.
- Muntingh, L. M. (2001). Update: *Sentenced and unsentenced children in prisons*. Article 40, 3(1), pp. 6 – 7.
- Muntingh, L. M. (2001). Sentence and diversion statistics: 1999-2000. *Article 40*, 3(3), p. 8.
- Muntingh, L. M. (1999). *Diversion statistics: a two year review: 1997-1999*. Occasional Paper, 13, Cape Town: NICRO.
- Muntingh, L. M. (1998a). *The effectiveness of diversion programmes*. Unpublished report, Cape Town: NICRO.
- Muntingh, L. M. (1998b). *Statistical report on NICRO's services for the financial year 1997/8*. Unpublished report, Cape Town: NICRO.
- Muntingh, L. M. (1997). *Submission prepared for the White Paper on Safety and Security on diversion from the criminal justice system*. Unpublished report, Cape Town: NICRO.
- Muntingh, L. M. (1996). *Sentencing trends: 1977/8 to 1995/6*. Unpublished report, Cape Town: NICRO.
- Muntingh, L. M. (1995). *The conviction of juvenile offenders: 1977/8-1993/4. An overview of selected statistics*. Occasional Paper, 5, Cape Town: NICRO.
- Muntingh, L. M. & Shapiro, R. J. (1997). NICRO annual report: 1996/7. *An introduction to diversion from the criminal justice system*. Cape Town: NICRO.

Pinnock, D., Skelton, A. & Shapiro, R. (1994). *New juvenile justice legislation for South Africa: giving children a chance. SACJ*, 3, pp. 338 - 347.

SA Law Commission (2000). *Report on Juvenile Justice*, Project 106, Pretoria.

Schönteich, M. (1999). *The dangers of youth? Linking offenders, victims and age. Nedcor ISS Crime Index*, 5, pp. 22 - 28.

Sewpaul, O. (2000). *South African presentation to the UNCRC: setting the agenda for transformation. Article 40, 2(2)*, pp. 1 – 3.

Skelton, A. (2001). *Report on the deaths of children in custody*. Unpublished report. Pretoria: Child Justice Project.

Skelton, A (1993). *Children in Trouble with the Law*, Lawyers for Human Rights, Pretoria.

Sloth-Nielsen, J. (1996). *Juvenile justice review. 1996. SACJ*, 9, pp. 342 - 353.

Sloth-Nielsen, J. (1995). *No child should be caged-Closing the doors on the detention of children. SAS*, 89, pp. 47 - 59.

Sloth-Nielsen, J. & Muntingh, L. M. (1998). *Juvenile justice review. SACJ*, 12, pp. 65 - 80.

Sloth-Nielsen, J. & Muntingh, L. M. (1998). *Juvenile justice review. 1999- 2000*, Unpublished Report (later published in the South African Journal of Criminal Justice (2001), 3, pp. 384-405).

Tserere, M. (2002). *A diversion case audit*. Unpublished report. National Prosecuting Authority: Pretoria.

United Nations (1986). *Standard Minimum Rules for the Administration of Juvenile Justice*, United Nations, New York.

Other sources of Information

Child Justice Project

Department of Correctional Services

Department of Social Development

National Prosecuting Authority

South African Police Service Youth Desk (Western Cape)

Stepping Stones Youth Justice Centre.