

Article

40

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

Volume 6 - Number 4
December 2004



Photo: Katherine Perchall

Article 40 (3):

"Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged to, accused of, or recognised as having infringed the penal law and in particular:
(b) wherever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected."

Consultative workshops

on the development of diversion minimum standards

by Jean Redpath with Louise Ehlers and Lukas Muntingh

It is assumed that there will be a rapid expansion in the number and type of diversion programmes available in South Africa once the Child Justice Bill becomes law. While this is a positive development, there are real risks, especially the risk of harm to children, if minimum standards are not applied to these programmes. In an unregulated environment, the risks include:

- infringing upon the rights of children as stipulated in the Constitution and the UN-CRC, African Charter on Children's Rights and other relevant international instruments
- maladministration and mismanagement of resources
- inappropriate programme content
- poor monitoring and evaluation
- inappropriate matching of children to programmes

EDITORIAL

This issue of Article 40 profiles encouraging developments in the child justice field. The Western Cape Department of Social Services is intending to review the management of children's facilities in the province, including places of safety and secure care, following a study which highlighted shortcomings and problems. Amanda Dissel of the Centre for the Study of Violence and Reconciliation reports on a prison-based programme for young people, intended to promote reintegration. And in KwaZulu-Natal, firm plans are in place to ensure the roll-out of assessment services. Secure care is also being developed with one facility in Newcastle due to open shortly, while plans are under way to provide secure care in the southern and northern regions too.

Recent figures indicate that the number of children in detention in prisons has dropped, from a high of around 2 500 children in prison on any one day during 2003, to approximately 1 700 now. The Western Cape has noted a steady decline in the number of children in the biggest facility, Pollsmoor Prison. This trend is indeed encouraging, and shows that progress can be attained through dedication and teamwork. In this light, it is somewhat surprising that parliamentary attention is once again focused on children in prison, and it appears that there are some suggestions to move children out of prison before Christmas – a step which has failed in the past, and which would undoubtedly not provide a long-term solution now. Efforts should rather be aimed at ensuring the finalisation of the Child Justice Bill, as this legislation would provide a comprehensive overarching framework to ensure that detention of children is used only as a last resort.

** Note from the editors: The article entitled "Two lads from Amsterdam" in the September 2004 edition of Article 40 incorrectly referred to the Restorative Justice Centre. The reference should have been to the Centre for Child Law at the University of Pretoria. Another error was the incorrect spelling of Katherina Perchel's name. We apologise for the oversights.*

- poor programme content
- lack of capacity within service provision agencies
- lack of skill in service providers.

Consequently, the Department of Social Development has contracted NICRO to develop minimum standards for diversion, ahead of the passage of the Child Justice Bill in Parliament.

NICRO's goal in this process has been to develop standards for diversion programmes suitable to the South African context, which are achievable, developmental and empowering, but which do not compromise the rights of children and the quality of services rendered to children.

The process began with a panel of experts, brought together to finalise the project design. The next phase of the project involved a comprehensive research process that was split into two focus areas.

The first looked at minimum standards relating to service providers: organisations or individuals that will be providing diversion services. In essence, these relate to organisational development requirements. Standards relating to topics such as service provider management systems, human resource management, as well as the training of programme facilitators, were developed out of this focus area.

The second focus area addressed the outcomes of diversion programmes. The idea behind creating minimum standards for programme outcomes, rather than for programme content, is to allow service providers flexibility in how to achieve outcomes, while ensuring that the rights of children and the interests of stakeholders are protected.

The Human Sciences Research Council (HSRC) was contracted to develop these draft minimum standards. During their research process, the HSRC also produced a literature review on "what works" in diversion programmes, a very useful "by-product" which will be an invaluable resource for service providers.

For these research processes, numerous focus groups and key informant interviews were carried out, and numerous drafts were developed. A final draft was then produced for broad-forum consultation purposes.

Originally, it was thought that broad-forum consultation would take place at one large conference. However, it was felt that a single conference might exclude smaller organisations and those in more remote areas. It was therefore decided to hold six regional workshops, all following the same format.

NICRO's goal has been to develop standards for diversion programmes suitable to the South African context, which are achievable, developmental and empowering ...



Participants at the Gauteng/North-West Province workshop.

These workshops were held in October 2004, in Cape Town, for the Western Cape; Port Elizabeth, for the Eastern Cape; Durban, for KwaZulu-Natal; Bloemfontein, for the Northern Cape and Free State; Krugersdorp, for Gauteng and North-West; and Waterval-Boven, for Mpumalanga and Limpopo.

NICRO provincial offices were tasked with inviting participants from a range of categories, including prosecutors, magistrates, probation officers, academic institutions, welfare organisations, the South African Police Services, the Department of Correctional Services, the Department of Social Development, and organisations currently offering diversion programmes or planning to do so.

The aim was to ensure participation of individuals who had not already been consulted in the drafting process, but who are associated with diversion on a regular basis. Between 15 and 30 participants attended each workshop.

At each workshop, participants were introduced to the project and provided with the necessary background through a presentation by the facilitators. The participants were divided into three groups, with each group comprising individuals from different professional backgrounds.

Discussions in the groups focused on the desirability and feasibility of the standards. A standard may be desirable (it is a good standard to have) but it may be not be feasible (it is impossible to implement). The consultation process placed emphasis on standards that must be relevant to the South African context; there would be little sense in developing standards that are impossible to implement.

The groups were then presented with the draft minimum standards and asked to comment on whether they felt each standard was desirable, and if not, why. The group then had to consider whether the standard was feasible, and if not, why. They were then asked to describe what steps would need to be taken to make the standard feasible.

The groups were also asked to add new standards if they felt that something had not been covered by the draft standards. Groups recorded their comments in writing and the results from all six workshops are currently being collated into a single consolidated report.

Some of the draft minimum standards which generated debate included those determining who may be a diversion service provider, in particular, the inclusion of “for-profit” companies and schools; the percentage profit which may be made by diversion service providers; the time limit within which children should be assessed after their arrest; what information should be included in the probation officer’s assessment; and the geographical accessibility of the programme to the child.

Discussions in the groups focused on the desirability and feasibility of the standards.

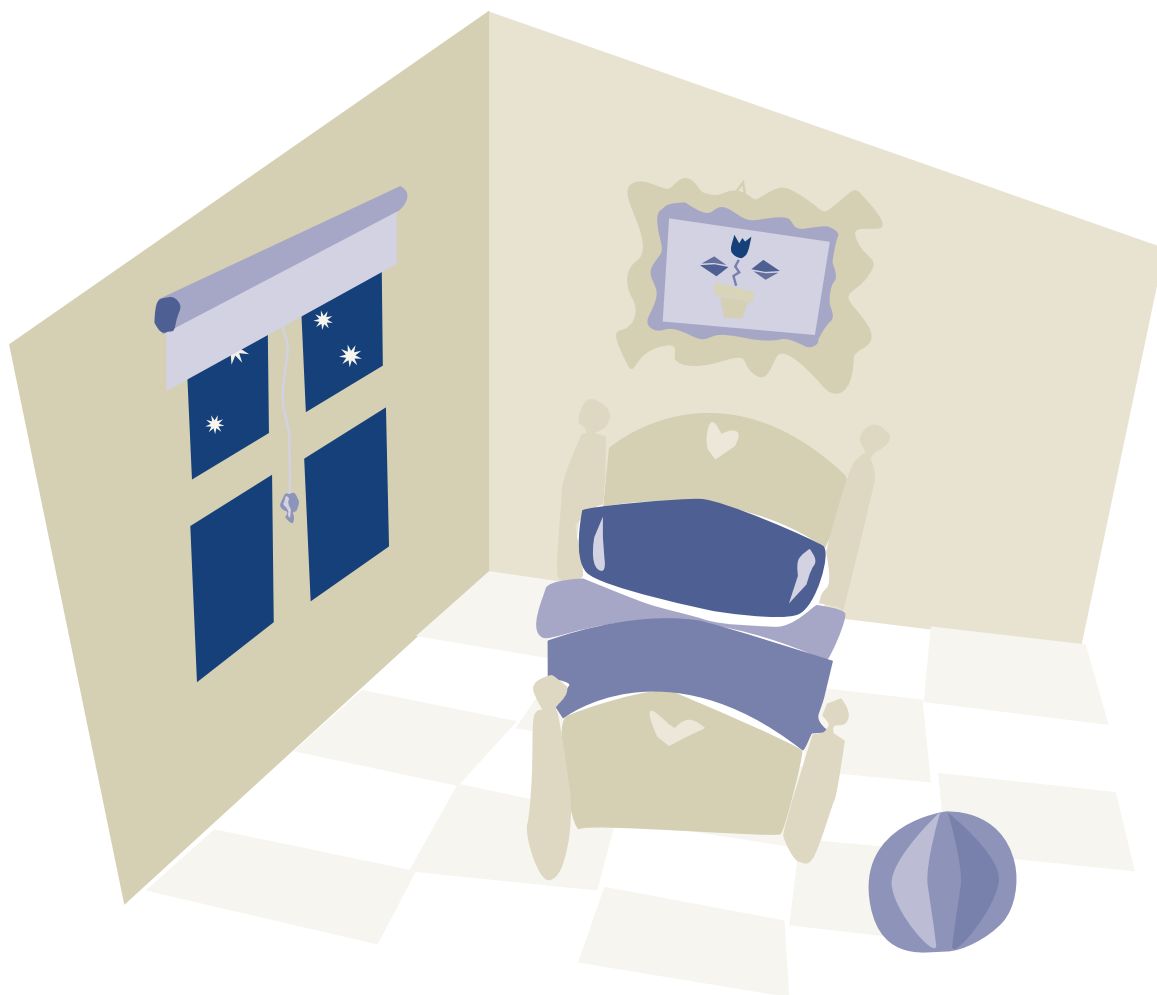
Overall, except for isolated instances, the majority of groups found the proposed standards both desirable and feasible. However, the groups also suggested additional standards.

At the end of each workshop, a feedback form was distributed to all participants. Almost all participants agreed that the workshop had provided them with the opportunity to discuss thoroughly the proposed minimum standards; that they had sufficient written material to support the debate; that their views had been satisfactorily recorded; and that the workshops were well facilitated and organised.

Many participants also mentioned that the workshop had provided a rare opportunity to debate with colleagues from other professions. A serendipitous result was therefore inter-sectoral contact at regional and provincial level, which does not seem to occur as part of normal operations.

The findings in the consolidated report will be fed into the process of drafting the diversion minimum standards manual, which will then be piloted in three pilot sites. (The consolidated report will also be distributed to everyone who participated in the workshops.) The piloting will inform the correction and redrafting of the manual, after which a final set of standards and a final report will be submitted to the Department of Social Development.

The commitment of the workshop participants, who provided sound comments and suggestions on the draft standards, formed an integral part of the process of producing achievable, developmental and empowering minimum standards that protect the rights of children. •



PAWC¹ commissions a review of facilities

In the early part of 2004, the Western Cape Provincial Department of Social Services and Poverty Alleviation commissioned a review of children's facilities which fall directly under their management. Excluded from the brief were children's homes subsidised by the Department, and the facility for detained awaiting-trial children which the Department had outsourced to private management. Eight facilities were involved, ranging from a small facility for babies and toddlers placed there as being in need of care, to facilities for awaiting-trial children, which catered for different geographic regions in the province, or different age groups or gender. One facility was dedicated to drug rehabilitation services for teenagers.

The study

The brief of the review team was fairly narrow. The key objectives of the study were:

- To critically analyse the Department's mandate regarding the care and protection of children in state-run facilities.
- To contextualise the role of departmental facilities in a model that also comprises government-supported children's homes and community-based alternative models of care.

REVIEW

- To determine the strategic direction that the Department should adopt for the future regarding state-run residential care.
- To analyse programme delivery at the designated institutions with a view to determining gaps and risks.
- To provide recommendations as to an implementation plan to align the structure with the recommended future strategic direction.

A large amount of documentation already existed, which was supplemented with site visits and further data collection. The outsourced facility was included in the study, as it was decided to investigate the management, functioning, programming and budget of this facility as an external benchmark against which to measure the programmes and outputs of those facilities operated by the Department itself. The overall context was the legal framework provided by the Convention on the Rights of the Child, the Constitution and other relevant documents such as the UN Standard Minimum Rules for the Protection of Children Deprived of their Liberty, the IMC's Minimum Standards for the South African Child and Youth Care System², and the Regulations to the Child Care Act 74 of 1983, as amended in 1999³. The principles of the Minimum Standards are informed by:

- a rights-based approach,
- the use of statutory processes as a last resort,
- placement in the least restrictive and most empowering environment when placement is required,
- the necessity of individual care and development plans compiled after thorough assessment for each child in statutory care,
- the need for young people to receive services in a safe environment in which they are protected from physical, social and emotional harm or the threat of harm, and
- the need for services to be directed at emotional and social care which enables quality interactions with adults and peers and which promotes positive, sustained relationships at school, with families, with significant others and friends.

The results

The study produced varied results for the institutions that were subject to the review. The drug rehabilitation centre, which accepts referrals from schools and communities as well as from courts for the three-week programme that has been developed, was given a highly positive review, and it was proposed that this facility could serve as a learning site for other provinces seeking to implement programmes of this nature. Similarly, several of the facilities designated for children referred under the Child Care Act as being children in need of care have been playing a valuable role in providing child-centred, integrated services to the children in their care. It seemed that key factors in developing excellence were good programming for the particular group of children likely to be referred there, staff commitment, and sound management practice.

In some of the remainder of the facilities, however, the overall picture that emerged was not as rosy. Problems were especially apparent in

facilities for awaiting-trial children where incidences of violating the basic rights of children were evident. Staff members had in some instances been subject to disciplinary processes for the abuse of children deprived of their liberty.

The following incidences, occurring to a greater or lesser degree, were observed at some of the facilities:

- Children were not engaged in meaningful activity, although this was partly due to uncertainty around the pending hand-over by the Department of Education of the in-house schools to the Department of Social Services.
- In one facility, children were lying in bed at midday, and no programmes were in evidence at all.
- The work environment tended to be geared to the needs of staff rather than exclusively to the rights and needs of the children – staff were for example found to be playing cards on their computers or reading newspapers and novels, rather than interacting with the children in their care.
- Extensive training that the department had arranged over years did not appear to have been maximally internalised or applied – this was particularly evident in facilities for awaiting-trial children where little programme development could be observed and incidences of staff being abusive towards children were reported.

Extensive training that the department had arranged over years did not appear to have been maximally internalised or applied ...

Financial analysis

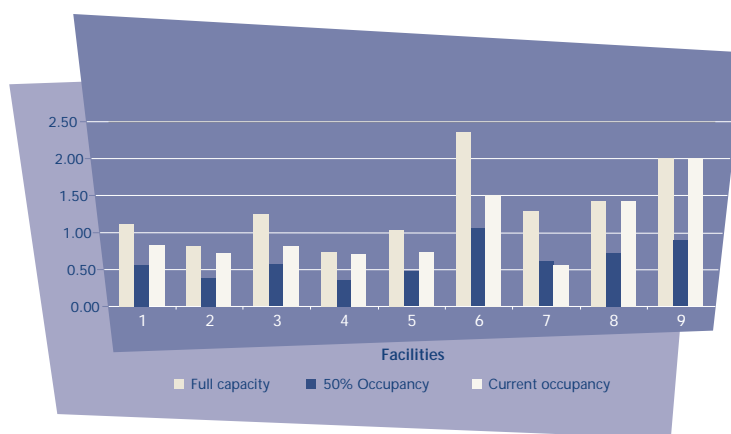
A very simple methodology was used to conduct this aspect of the study. It entailed the following:

- Collecting budget information for 2003/04 for each of the facilities.
- Obtaining current staff complements for each of the facilities from the facility managements.
- Noting the capacity (No. of places) and current occupancy of each of the facilities at the time of the visits.
- Analysing the information in order to produce a range of ratios and unit costs.

Information obtained from New Horizon Youth Centre, the outsourced facility for awaiting-trial youth, was also presented as a benchmark against which to compare the other facilities.

Amongst other findings, the study found that at the occupancy levels prevailing at the time of the research, all the Department's facilities, save two, had more staff than there were children in the facility. Figure 1 above shows for example, that at the time of the visits, there were two staff members employed for every one child currently resident in facility 7. This could be contrasted with the outsourced facility (No. 9) where there were two children to every one member of staff. This

Figure 1: Child to total facility staff ratio



should, however, be seen within the context that, for various reasons, none of the facilities were filled to capacity at the time of the study and in the case of facility 7 particularly, the occupancy rate was less than 50% of capacity.

Analysis of the overall cost ratios indicated that it costs in excess of R100 000 per year per child in four of the Department's eight facilities if the facilities operate at full capacity. If occupancy falls to 75% then it costs in excess of a R100 000 per year per child in all the Department's facilities, except one. By contrast, it costs the outsourced facility only R73 000 per year per child.

Figure 2: Total facility cost per child (2003)

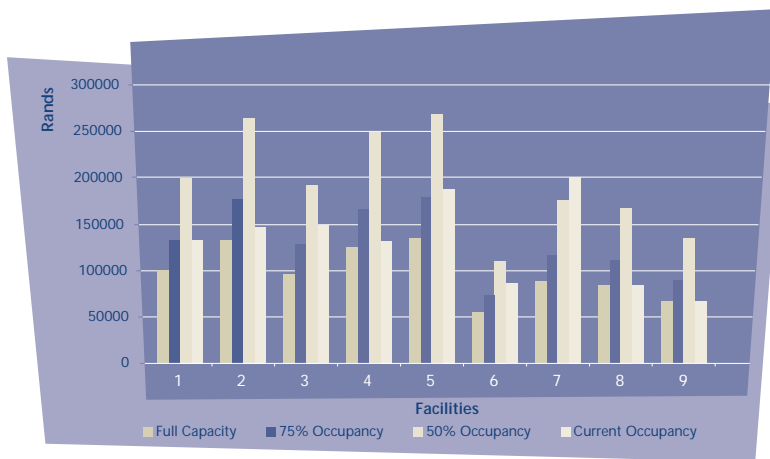


Figure 2 shows the total facility cost per child per year. In other words, this is the total amount that the Department has spent per child per year in 2003. The right-hand bar in each set shows the cost per child per year at the occupancy levels observed at the time of the visits.

The average salary per member of facility staff in all the Department’s facilities was between 11% and 55% higher than the average salary of staff at New Horizons, the outsourced facility. Furthermore, at New Horizons, 54% of current expenditure was being expended on staff costs, the remaining 46% was used to fund food, clothing, educational materials, maintenance, etc. In other words, 46% was being spent on care of the children. By contrast, at one departmental facility (No. 4), 80% of the current expenditure went towards staff costs, and a mere 20% on other items (See Figure 3).

Going forward

Based on the performance of departmental facilities as measured against the benchmark provided by the outsourced facility, it may be

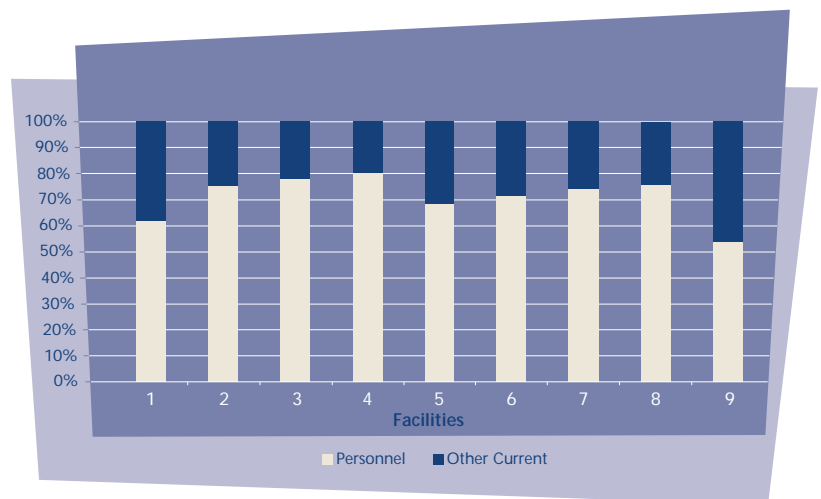
concluded that the outsourced facility provides a service that is more aligned with child rights and more economical than departmental facilities.

However, the Department is committed to the transformation of service delivery in general, and to the cost-effective use of its child and youth care facilities in particular – it is indeed for purposes of assisting the Department with a strategic direction for transformation and restructuring of its facilities that the study had been commissioned.

The Department is engaging with the overall recommendations contained in the Review of Facilities, and exploring

various options for moving forward. A detailed restructuring strategy has since been developed by the Department. The process is being managed in four phases, the first of which is nearing full implementation status and is purposefully aimed at appropriate measures to ensure that the protection, well-being and developmental needs of children are sufficiently cared for while the restructuring process is in progress. This process includes the development of a restructured service delivery model with various implementation options aimed at maximising efficiency and cost-effectiveness. The new model is due for implementation by June 2005. ●

Figure 3: Personnel expenditure vs other current expenditure



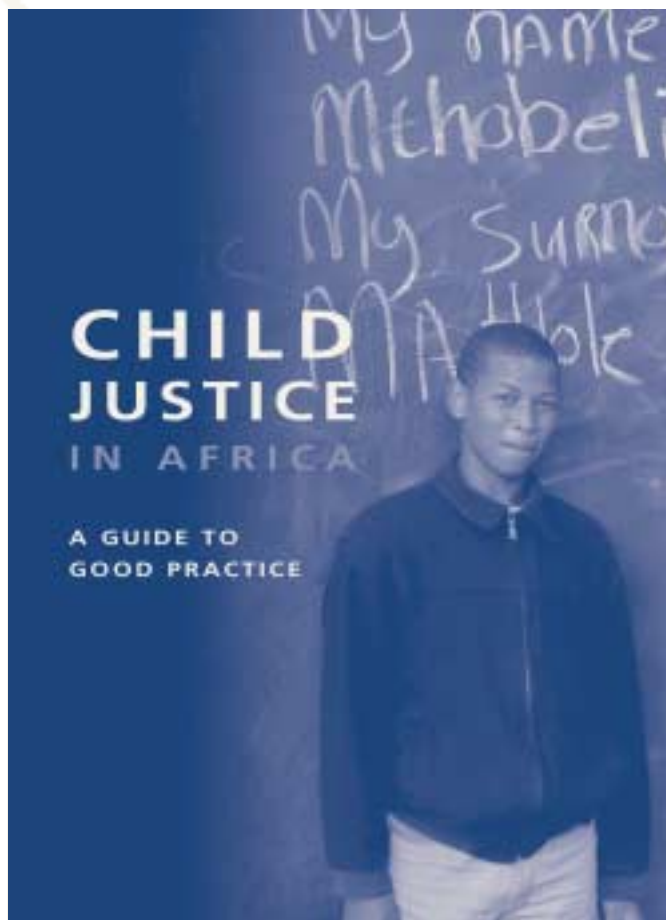
1. Provincial Administration of the Western Cape
 2. Dated May 1998.
 3. GN No. R.416 of 31 March 1998 and GN No. R.119 of 3 February 1999.

Book launch

Child justice in Africa: A guide to good practice

An 18-month project that involved research across the continent culminated in a successful launch of the Community Law Centre's publication on good practice in child justice in Africa. The launch of the manual was enhanced by a photographic display of renowned artist Sue Williamson's work, focusing on children at risk and their life hopes. Some of the children who were the subjects attended the launch and entertained the guests with marimba music.

Copies of the book can be obtained from Janine Demas at jdemas@uwc.ac.za or tel no. 021 959 3701.





Three of the authors - Buyi Mbambo, Ann Skelton and Julia Sloth-Nielsen



Sue Williamson addressing those present at the launch regarding the photographs in the publication.



Children from a community development programme providing entertainment at the launch.

Following the Morning Star:

an integrated young offender programme

by Amanda Dissel


Morning Star, or Ikhwezi Lomso, is the name chosen by a group of participants to represent their journey through the Integrated Youth Offender Programme. This programme represents their hopes and optimism, and is a symbol of their journey from darkness into the light.

time, some of which substantially duplicate the skills he has already learned, simply because he is interested in doing something positive with his time and applies for anything that comes his way. While neither approach is necessarily incorrect, it is not the best use of limited resources and time.

Responding to these needs, a group of NGOs in Johannesburg came together to try and develop a system for integrating the different services that were offered in prison. The network developed a framework that is being piloted in Boksburg Youth Centre during the second half of 2004. Organisations involved in the project are:

- The Centre for the Study of Violence and Reconciliation
- Phaphama Initiatives – Alternatives to Violence Project
- NICRO
- The Centre for Alcohol and Drug Studies (a subsidiary of SANCA)
- Themba HIV/Aids, and
- BEntrepreneurING

The Integrated Young Offender Programme (IYOP) builds on the theory of risk and resilience. It aims to address the cognitive thinking, attitudes and behaviours that support criminal conduct by developing psychological and emotional resilience through developing a better understanding of the self, and building an authentic self-esteem and an internal locus of control. An important component of resilience is developing and building sustainable relationships. This is particularly true for young offenders, many of whom have experienced difficult relationships with family and other support members. Reconnecting with family members while in prison can offer them support, but can also help to ensure a smoother reintegration process when they are released. Developing positive relationships with the community is also dealt with through anger management and non-violence training.



The new White Paper on Correctional Services (2003) places rehabilitation at the core of the Department's activities. This new vision stresses the importance of partnerships with civil society in the implementation of programmes, creating a fertile opportunity to develop, pilot and evaluate different approaches. In the past, the Department of Correctional Services and NGOs have expressed frustration at the lack of coordination in services that are made available, particularly to young people in youth offender institutions. Often the programmes that are available are short-term and *ad hoc*. A young person may attend one life-skills programme, for example, and then attend no other developmental programme during his five-year sentence. On the other hand, a young person may attend many programmes during that

Many of the young offenders enter into crime through the pathway of escalating drug and alcohol misuse, and many continue to use drugs while in prison. Substance abuse often contributes to the challenges of seeking employment, building stable relationships, and furthering their education. It is a key risk factor that is addressed through the IYOP programme. In addition, given the high prevalence of sex, sexual violence and coercion in prison, and the associated risk of the spread of HIV and Aids, this is also tackled in the programme through a lively set of drama workshops. Although the programme doesn't teach specific job skills, it does incorporate a component on entrepreneurial skills training.

In terms of building resilience, the programme aims to develop cognitive skills and new patterns of attitudes and behaviour. Through cooperation, and the building of the different skills and knowledge of the different partners, the project attempts to address this composite of needs.

Staff component

Since prison staff play a critical role in the day-to-day interaction and handling of inmates, it was believed that this programme would be strengthened by developing staff buy-in. This has, in part, been achieved through regular meetings with prison management and the coordinator of social services in the prison. An additional component of the programme offers training to prison staff in order to enhance their capacity to deal with young prisoners. The training consists of the following components:

- Alternatives to violence
- Trauma awareness
- Impact of trauma on the work of the correctional officer (including developing an understanding of the causes of crime and the cycle of violence)
- Vicarious trauma and self-care
- Discipline and effective use of authority
- The role of correctional officers as rehabilitators.

So far, approximately 18 staff members have attended the training, and if time and budget allow, further training is scheduled with another staff group before the end of the year. Despite this, it appears that the programme has been less successful in its com-

munication with prison staff working in the sections, and not everyone is fully on board. The lesson learnt is that it is important to develop an effective communication strategy with all levels of staff.

Implementation

The IYOP programme was started in May this year with a group of 20 inmates of ages ranging from 18 to 21 years. The participants are serving medium-term sentences, and although an attempt was made to select inmates who would complete the entire programme, several prisoners have been released or transferred. The programme duration is eight months. The programme is structured so as to provide continuity between different components while at the same time building and reinforcing lessons learned in prior sessions.

The organisations represented in the programme, as well as the facilitators, meet monthly to discuss the participation and development of individual inmates, as well as overall programme coordination and implementation. The prison is faced with staff shortages and other resource constraints that often impact on the programme. Although members of the Department form part of the programme steering committee, they have unfortunately been unable to attend any meetings thus far. Despite this, excellent cooperation has been achieved with the Boksburg prison management.

Evaluation

Because this programme is attempting a more structured, integrated approach to prison-based programmes, it is important that it is properly monitored and evaluated. It is a relatively expensive and resource-intensive process, and so it should be determined whether it is feasible and sustainable in the long term. More important, however, is the need to determine whether this approach makes a meaningful contribution to the successful reintegration of prisoners. Because few prison interventions are properly evaluated, the programme cannot compare its results against stand-alone programmes.

An external evaluator was contracted to conduct the evaluation process from the outset. All participants were screened using cognitive and psychometric assessment tools with a view to excluding participants who may have serious personality disorders or who had such a low level of functioning as to be unable to benefit from the intervention. Participants were also asked to complete a base-line questionnaire dealing with their history, behaviours and attitudes. This will be re-administered at the end of the programme and the results compared. The final evaluation will consist of a review of all these instruments, interviews with the participants and programme partners, as well as a review of all the evaluations administered internally by those partners. It is hoped that the evaluation will provide some indicators for the future directions of this approach.

The way forward

The IYOP has recognised the need for ongoing support to participants once the formal workshop process is completed in November this year. The programme is developing a peer support and educator role for the participants that remain in prison with the expectation that they will not only continue with their own development, but will also assist in change processes for other inmates in the prison. We hope to be able to continue this project in 2005 with another two groups of inmates, and with more intensive training of staff. •

Preparing for implementation in KwaZulu-Natal

Much work has been done over the last while to prepare for the implementation of the developing child justice system in KwaZulu-Natal. The provincial Department of Social Development has been steadily putting the building blocks in place to ensure that, from the point of view of the delivery of services for which they are responsible, staff and facilities will be available in major centres in the province.

*Julia
Sloth-Nielsen
interviewed Margaret
Niemand and Radesh
Byroo of the KwaZulu-
Natal Department of
Social Development on
developments in the
province.*

Arrest, reception and referral centres (ARR centres)

The Durban arrest, reception and referral centre, initially a pilot project of the Inter-Ministerial Committee on Young People at Risk, has experienced problems in recent times, but is on the way to being revived. Centres have, however, been set up in a number of other districts, such as Pietermaritzburg, Newcastle, Ntuzuma (Kwa Mashu), and Empangeni. Plans are under way to establish further centres at Pinetown, Stanger, Umlazi, Dundee, Vryheid and Ladysmith during the current financial year. Indeed, advertisements have already been placed for the appointment of 27 dedicated posts for probation officers, who will conduct assessments, prepare pre-sentence reports, and undertake ancillary work related to the implementation of the Child Justice legislation. Eighteen additional posts, centred in the Pietermaritzburg and KwaZulu-Natal Midlands areas, have already been filled.

There are no plans at this stage to establish one-stop child justice centres along the lines of the model implemented in Mangaung and Stepping Stones in the Eastern Cape, as the province has chosen rather to concentrate on developing assessment services through ARR centres, located either at courts, or where accommodation has been problematic, at police stations (such as at Newcastle).

Diversion development

In addition to the services provided by NICRO in this province, the Department has contracted Khulisa to assist



with the extension of diversion to areas that were formerly left out. The Department says that Khulisa is doing a wonderful job with an extensive, structured and restorative justice-oriented programme that has been developed. It includes the 'Make it Better' component, group sessions dealing with life skills, sessions with parents of diverted youth, mentorship, and restorative aspects focusing on putting right the wrong done. The programme is running successfully in rural areas, and is especially good at accommodating children that would be otherwise hard to place in conventional diversion programmes. Khulisa's services are to be extended as ARR centres multiply and a growth in demand for diversion services takes off.

A unique feature in this province is the existence of a diversion programme run in Westville Prison itself – the only known example in the country of diversion being offered in a prison setting. While it may seem to be a contradiction to talk about diversion in prison, the end goal is to minimise the period of deprivation

of liberty of the children concerned, so although this form of diversion is not in accordance with the traditional notion of diversion, its aims are as laudable.

Magistrates indicate on the detention warrant (the J7) that the child concerned should attend the YES programme whilst in detention in prison awaiting trial and, on conclusion of the programme, have been prepared to acquit the child following withdrawal of the charges. Three dedicated social workers and eight child care workers are allocated to the provision of welfare services to awaiting-trial children in this prison, with salary costs being met by the Department.

Secure care and other services for awaiting-trial children

Renovations at Valley View Place of Safety in Clare Estate in Central

Durban, formerly a 'House of Delegates' facility, have recently been completed. This will result in the conversion of underutilised space into a secure care section which will be able to accommodate 60 boys. This is in addition to the secure care capacity of the existing institution, Excelsior in Pinetown, which stands at 70. However, the occupancy of Excelsior rarely exceeds 50 children, which the Department ascribes to the reluctance of magistrates to select this facility over Westville Prison (with an average awaiting-trial juvenile population of approximately 400 at the moment).

Furthermore, plans have been finalised for a dormitory to be set aside for the secure care of 40 boys at the Newcastle School of Industries (which belongs to the Department of Social Development). Tenders are set to be advertised, with completion of the process expected in the next financial year.

Although somewhat further behind in the process, secure care will also be available at Kwabonambi (near Empangeni) and Port Shepstone, where sites have already been identified.

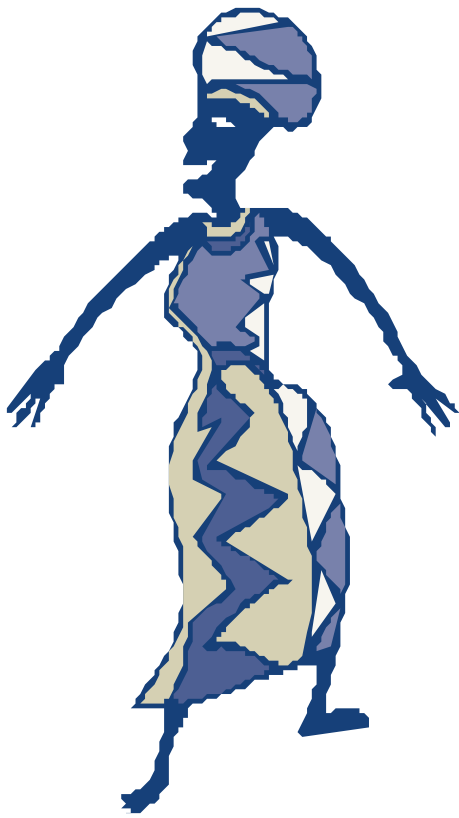
The province has also implemented the pioneering home-based supervision system, first developed in the Western Cape Province (see an initial description of what was then termed the House Arrest Pilot Project in *Article 40* Vol 3 No 2 June 2001). Assistant probation officers appointed to posts in Durban (4), Umlazi (2), Kwa Mashu (2), Pietermaritzburg, Port Shepstone, Ladysmith, Dundee, Empangeni and Vryheid carry the responsibility of implementing this programme to ensure that children are deprived of their liberty only as a last resort.

The province does not have a reform school for sentenced children, but reports that boys from KwaZulu-Natal are regularly accommodated at the reform school in Mpumalanga. Unfortunately no access for girls is possible, but the demand for services is also equally low: when Vuma Reform School (which did accommodate girls) was closed in 1996, only four girls were being accommodated there. The number of girls aged under 18 at Westville Female Prison is extremely low as well, with only one sentenced girl prisoner as at October 2004. (Westville Female Prison is the only prison for females in the province.) This indicates that the establishment of a facility for sentenced girls cannot be regarded as being a priority.

Fiscal allocation

Evidence of the province's commitment to transforming services to children in trouble with the law is linked to the budgetary allocations that have been ringfenced for this sector. The Department reports that the provincial treasury has set aside R11,7 million in this financial year specifically for child justice developments, and double that, R22 million, for the next financial year. These monies will enable the secure care facility at Valley View to become fully operational, and will also be used for the new probation officer appointments mentioned above, for various training initiatives, and for the extension of Khulisa's diversion services.

In summary, considerable progress towards developing the infrastructure for the forthcoming Child Justice legislation is evident in KwaZulu-Natal. What is notable, too, is the focus on developing services in smaller towns and rural areas, without losing sight of the fact that a greater demand will continue to exist in the province's large urban centres. •



The formation of a Southern and East African Juvenile Justice Network



On 11 and 12 November 2004, the Children's Rights Project at the Community Law Centre hosted a meeting of representatives from various African states and Nepal with a view to establishing a regional juvenile justice network. This meeting was made possible through the generous funding of Save the Children Sweden and the Danish Institute of Human Rights.

In addition to representatives from SIDA and Unicef South Africa, Zambia and Lesotho, participants from Lesotho, Malawi, Uganda, South Africa, Swaziland, Zambia, Kenya and Nepal attended the meeting.

Each of the representatives presented a brief situational analysis of their juvenile justice systems. From this it appeared that juvenile justice is in various stages of reform in the various countries. In fact, it is encouraging that Malawi seems to be close to the enactment of its new child justice system – a shining example to those countries still struggling to pass law reforms.

From the presentations it became evident that there is a commonality of problems amongst Southern and East African countries in relation to child justice. Amongst the challenges identified are:

- Training of role-players within the judiciary, police and probation services.
- The need for political will to further child justice law reform.
- The extent to which HIV/Aids is a causal factor in children coming into conflict with the law.
- The need for measures to intervene with children below the age of criminal responsibility who commit crimes.

Those present at the meeting clearly endorsed the establishment of a regional juvenile justice network. A preliminary goal for the network was agreed upon, namely:

“To enhance the development of in-country child justice reform in the African region.”

The meeting also agreed that the Children’s Rights Project should serve as the first secretariat for the network and that it should immediately initiate the following activities, amongst others:

- Linking with other countries to join the network.
- Establishing a repository of information, including child justice laws and draft laws, evaluations of child justice initiatives, policy documents and training materials.
- Resource mobilisation for the functioning of the network.

All the participants agreed that it was a very informative and productive meeting and committed themselves to ensuring regional cooperation on issues relating to the management of child offenders. •



The Unicef representatives – Gabi Fernandez, Seamus Mac Roibin and Buyi Mbambo.



Participants at the meeting.

Head of Probation Services in Lesotho receives prestigious international award



Mrs N Qhubu, Director of Probation in Lesotho, who was one of the participants at the regional network meeting, received an Individual Pioneer Award at the Community Justice Award ceremony presented by Princess Anne at the

Probation 2004 international conference in the United Kingdom, held in January 2004. She was honoured for her tireless efforts to introduce restorative justice concepts and initiatives into juvenile justice law reform in Lesotho.

NOTICE-BOARD



Upcoming events

1. **Juvenile Justice and the Prevention of Juvenile Delinquency in a Globalised World – International Conference.**

This International Conference is presented as a preparatory conference of the Second World-wide Congress on the Rights of Childhood and Adolescence which will be held in Peru in November 2005.

For more information contact the Central Office at:
C/Camino de Miranda, 2 – 37008, Salamanca, Spain
Phone: + 34 92 319 41 70 • Fax: + 34 92 319 41 71
E-mail: oijj@oijj.org

2. **5th World Conference on Early Childhood Education**

This conference will be held from Wednesday, 6 April 2005 to Friday, 8 April 2005.

Event Organiser: Secretary of Education of the State of Miichoacan. For more information contact:

AMEI - WAECE, C/Averroes, 3 – 28007 Madrid, Spain,
Tel: + 34 91 501 87 54 • Fax: + 34 91 501 87 46
E-mail: info2@waece.org

3. **The web page of the Children's Rights Project at the Community Law Centre can be accessed at www.communitylawcentre.org.za**



Editorial board

Ann Skelton – Centre for Child Law, UP

Joyce Matshego – Department of Correctional Services

Lukas Muntingh – NICRO

Francois Botha – Consultant

Pieter du Rand – Department of Justice

Johanna Prozesky – Department of Social Development

Coenie du Toit – Department of Social Development

Julia Sloth-Nielsen – Faculty of Law, UWC

Editor

Jacqui Gallinetti with guest editor
Julia Sloth-Nielsen

Tel: 021 959 2950/1

Fax: 021 959 2411

E-mail: jgallinetti@uwc.ac.za

This publication was made possible by the generous funding of the Swiss Agency for Development and Cooperation.

Published by the Children's Rights

Project, Community Law Centre, University of the Western Cape

The views expressed in this publication are in all cases those of the writers concerned and do not in any way reflect the views of the Swiss Agency for Development and Cooperation or the Community Law Centre.

Layout and design

Out of the Blue Creative
Communication Solutions

Tel: 021 947 3508

E-mail: lizanne@outoftheblue.co.za