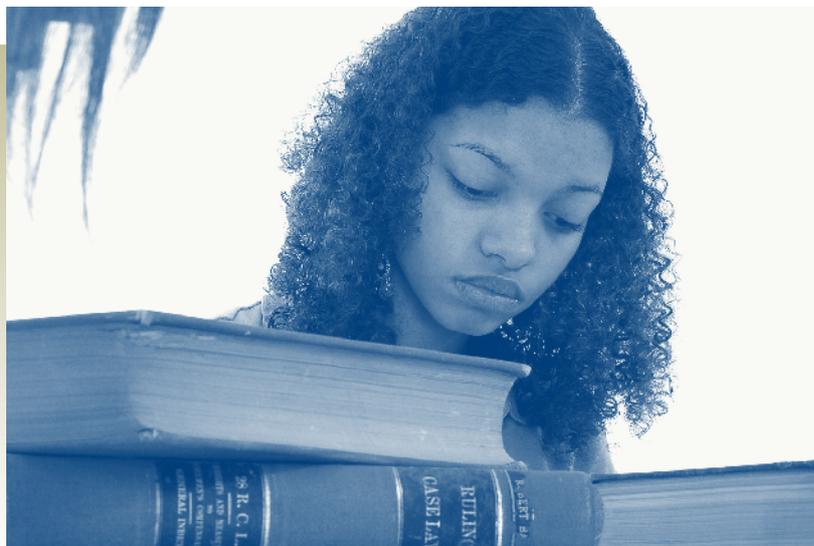


Article 40

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

Volume 11 – Number 3
December 2009



Article 4

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

Introducing the Social Services Professions and Occupations Bill

By Lucy Jamieson

*In January 2008, the Department of Social Development published the draft Social Services Professions Bill in the Government Gazette and called for the public to give their comments. Several redrafts were released, and the latest draft dates from November 2008; it is called the **Social Service Professions and Occupations Bill**. It was released on the South African Council for Social Service Professions’ (SACSSP) website in June 2009¹. Although the subtitle of the Bill declares that it is*

the ‘final draft: post public comment’, as of 1 November 2009, the website reports that the Council is still accepting comments. The Department of Social Development, in conjunction with the Council, is in the process of developing a policy to guide the implementation of the new legislation. After the policy is finalised, the Bill will be tabled in Parliament. This will most probably be in the second half of 2010. Parliament is required to hold public hearings and social service practitioners will have opportunity to make submissions and to voice their opinions. There are a number of sections of the Bill that need to be scrutinised and discussed by social service practitioners.

¹ <http://www.sacssp.co.za/>

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EDITORIAL

As is evidenced by most of the articles in this edition, implementation is what is currently dominating all child justice roleplayers' thoughts and actions. It is not only the national departments that are busy with implementation plans but also provinces and civil society.

Corlia Kok provides an update on what the national Department of Justice and Constitutional Development is working on regarding their implementation plans. In addition, we provide an insight into the recent implementation workshop in Limpopo and we also feature an article on the activities of the Child Justice Alliance as they prepare for the Child Justice Act coming into operation on 1 April 2010.

As the United Nations Committee on the Rights of the Child has noted in its General Comment No. 5 on General Measures of Implementation: '[e]nsuring that all domestic legislation is fully compatible with the Convention and that the Convention's principles and provisions can be directly applied and appropriately enforced is fundamental'. Therefore it is heartening to recognise the efforts that have occurred thus far, while still acknowledging that much more needs to be done.

Finally, we wish to join in the celebrations around the 20th anniversary of the adoption of the Convention on the Rights of the Child on 20 November 1989. It is indeed a momentous occasion and somewhat gratifying, for our purposes, that the Child Justice Act was finalised before the Convention entered its third decade of existence.

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Why do we need a new Bill?

New laws such as the Sexual Offences Act 32 of 2007, the Child Justice Act 75 of 2008, and the Children's Act 38 of 2005 have come into force, or are due to do so soon. These laws collectively will transform the nature and shape of social services in South Africa. They have all been developed in line with the developmental model of social services outlined in the Department of Social Development's policy papers and require the delivery of a range of prevention and early intervention programmes, diversion programmes and community-based services. The legislation recognises that a range of social service practitioners are required to deliver these services. For example the Children's Act defines the term "social service professional" to include "a probation officer, development worker, child and youth care worker, youth worker, social auxiliary worker and social, security worker". Throughout the Children's Act certain functions that were previously the exclusive responsibility of social workers under the Child Care Act, have been given to social service professionals. The intention of Parliament was to allow the burden of service delivery to be shared between different professions. The existing legal framework regulating the sector does not accommodate this diversity.

At present, the regulatory framework for social service professions is the Social Service Professions Act 110 of 1978. The Act establishes the South African Council for Social Service Professions (SACSSP) and allows for the establishment of Professional Boards, and the registration of professionals. According to Council:

- "The Act has become out-dated and therefore not fully effective.
- Some of the provisions of the Act are vague and lend themselves to misinterpretation.
- The Act does not address the transformation of social services mechanisms envisaged in South Africa today;
- There is need to synergize the Act with other legislation;
- The Act is not well aligned with the provisions of the new Constitution."²

The new Bill should address these concerns. It should be in line with the Constitution and other legislation, and it should provide a clear legal framework for the transformation of social services.

What is in the new Bill?

The purpose of the new Bill is to "advance social justice by promoting developmental social services". To achieve this aim, it contains six chapters that define the categories of practitioners that are to be registered, and deals with other matters such the requirements for registration, and disciplinary procedures.

Broadening the scope of the Bill to include occupations

Clause 1 of the Bill introduces the following definitions:

"social service occupation" means the child and youth care work occupation and any other social service occupation designated by the Minister'.

² South African Council for Social Service Professions (SACSSP) "A Call To Service Providers Appointment Of A Service Provider To Develop The Social Service Professions Policy".

A framework which enables the registration of both occupations and professions would broaden the categories of social service practitioners that are able to register, and hence is a transformative and progressive measure.

“social service profession” means the social work profession, and any other social service profession designated by the Minister as a social service profession.’

The Bill states that the Minister may, on the recommendation of Council, designate any profession as a social service profession (clause 22(1)) and any occupation as a social service occupation (clause 27(1)). The Bill does not stipulate what exactly is required to become a profession or an occupation and there is no clarity on the criteria used to distinguish between a profession and an occupation. Therefore the Bill does not define what a profession is.

However, it is assumed that it will be in line with the National Qualifications Framework Act 67 of 2008 (NQFA). The NQFA provides the main principles and framework for defining areas of work in relation to qualifications. The NQFA notes that a ‘professional body’ means any body of expert practitioners in an occupational field; and ‘professional designation’ means a title or status conferred by a professional body in recognition of a person’s expertise and right to practice in an occupational field. The South African Qualifications Authority does not have an official definition, but have suggested that a profession would be a when the level of qualification is a four-year degree as is the case for social workers, lawyers, teachers and nurses. Occupation therefore appears to be a broad term applying to all practitioners, whereas, the profession is restricted to those recognised as experts with the requisite qualifications.

A framework which enables the registration of both occupations and professions would broaden the categories of social service practitioners that are able to register, and hence is a transformative and progressive measure. However, the lack of clarity on what constitutes an occupation and a profession and how a group is recognised means that the new Bill could be open to misinterpretation when trying to categorise different services or practitioners.

Who is classified as a social service practitioner?

According to clause 32 of the Bill the categories in which a person may register in a social service profession are: social worker; social auxiliary worker; student social worker; and student auxiliary worker. The categories in which a person may register in a social service occupation are: child and youth care worker; and student child and youth care worker. This contradicts the NQFA. Registration is mandatory if a person wants to practice in any of these categories. There is no mention of probation officers anywhere in the Bill.

Exclusive competencies

Section 33 states that “the Minister may, on recommendation of the Council ... identify the type of work which may only be performed by

persons registered in a category contemplated in section 32”, this means that the Minister has the power to restrict certain jobs to a single profession, or occupation, or specialist group, for example only an adoption social workers may provide adoption services.

Composition of Council

Clause 9 deals with the composition of the Council. The following table illustrates how Council is constituted. Practitioner groups should assess whether or not the composition will ensure that they are effectively represented and their interests taken into consideration through the composition of the council.

Each Professional board	3
Each Occupational board	2
NGO forums	1
Department of Social Development	1
Department of Education	1
Trade Unions	1
Community	2

In terms of clause 9(3) the council may co-opt two additional members to supplement its expertise or to accommodate additional constituencies – for example community development workers (CDW) do not have an occupational board at present, this clause would enable Council to ensure that there is representation from the community development sector if they were to consider establishing a board and registering CDW. There are a number of these constituencies e.g. youth workers, home-based carers and early childhood development practitioners. Therefore if there are only two co-opted positions some practitioner groups would not have representation on the Council.

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It is critical to ... motivate for a Bill that serves the best interests of all social service practitioners and empowers this valuable workforce in advancing social justice in communities throughout South Africa.

Composition of boards and representation on SACSSP

Council regulates the professions in the same way as it regulates the occupations; however, there are some notable differences in relation to composition of the boards, and representation on the SACSSP. On professional boards 50% of the members must be elected by members of the profession(s) represented on the board. It should also be noted that a professional board can cover more than one profession. Occupational boards are structured differently: only two practitioners may serve on each occupational board, alongside two community members, Department of Social Development officials and representatives from education and training institutions. The SACSSP is composed of three persons from each profession but only two persons from each occupation. Therefore, it seems at first glance that professions have greater influence on SACSSP. However, professional boards can represent more than one profession, in which case those professions would be under-represented.

Powers of the Council

The Council acts as an advisory board to the Minister of Social Development on matters affecting social service professions and occupations and on matters related to the Act. Council plays an advisory, consultative and liaison role with public authorities in matters affecting social service professions and occupations. It must also promote the interests of the professions, and work to enhance the integrity and prestige of the sector. Council

must develop policy on financial matters; education and training; the registration of social service practitioners; and professional conduct. It must also develop and issue guidelines on any matter affecting social service professions and ensure uniform application of such policies and guidelines by the boards. Council has a responsibility to provide the necessary financial, administrative and other assistance to enable the boards to perform their functions, and must coordinate the activities of the boards. It must also determine the standards of professional conduct and enforce those standards.

Under the existing Act the professional boards should control and exercise authority in respect of all matters affecting training, from determining the minimum standards of education, approving training schools and appointing examiners and moderators. Section 3 (f) of the current Act requires the Council “to determine, on the recommendation of the professional boards, the qualifications for registration of social workers, social auxiliary workers and persons practising other professions in respect of which professional boards have been established.” Clause 6 of the Social Service Professions and Occupations Bill grants these powers to the Council. The Council must consult with relevant authorities in education like SAQA, and the Council for Higher Education.

Responding to the Bill

It is critical that all whose interest are affected by the Bill should respond to these issues and motivate for a Bill that serves the best interests of all social service practitioners and empowers this valuable workforce in advancing social justice in communities throughout South Africa. The Social Service Practitioners’ Advocacy Network is a network. ●

For more information or to join the Social Service Practitioners Advocacy Network contact: Lucy Jamieson or Khululwa Seysisi on 021 689 5404 or email lucy.jamieson@uct.ac.za.

Getting to know the Child Justice Act

Lorenzo Wakefield and Jacqui Gallinetti

As many readers will be aware, the Child Justice Alliance was formed in 2001 with its aim being to garner support for the Child Justice Bill and its passage through Parliament. In the intervening years the Alliance has continued with its advocacy efforts, but also embarked on research initiatives producing, amongst others, A baseline study of children in the criminal justice system in 3 magisterial districts and A quantitative overview of children in the criminal justice system: 2007.



The Alliance will continue with advocacy efforts where needed as well as awareness raising on child justice issues. However, the focus of its work will increasingly concentrate on research and monitoring the implementation of the Child Justice Act.

With this in mind, the Alliance has been busy with awareness-raising on the content of the Act in anticipation of it coming into operation on 1 April 2010. In addition, the Alliance has developed a monitoring tool for civil society organisations and has been introducing this tool by way of provincial workshops.

Information booklet on the Act

The Alliance recently published an information booklet on the provisions of the Child Justice Act called: *Getting to know the Child Justice Act*. This 67-page booklet covers all the processes and procedures in the Act by adopting an easy to read format that sets out the key features of the Act.

It deals with, amongst others, age and criminal capacity; pre-trial detention; pre-trial assessment; the preliminary inquiry; diversion; and sentencing.

In addition to providing information on these topics, the booklet also provides the reader with a list of useful websites, an appendix illustrating a child's passage through the criminal justice system and an appendix with the offence schedules.

continued on page 6

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CJAMIT

In preparing for the implementation of the Child Justice Act, the Alliance has also published a monitoring tool. This monitoring tool is known as the 'Child Justice Act Monitoring Implementation Tool' (CJAMIT). It was designed to enable the Alliance to collect information on the implementation of the Act from a practitioners' perspective. The target audience for the tool is persons working in or with the criminal justice system that can observe the manner in which the Child Justice Act is implemented, or not.

The tool is intended to collect information on the following areas (based on the indicators developed by Unicef for monitoring juvenile justice systems):

- Children in detention;
- Duration of detention;
- Children coming into contact with the child justice system;
- Existence of a child justice system;
- Separation from adults and separation from gender;
- Protection from torture, violence, abuse and exploitation;
- Prevention services; and
- After-care programmes.

The information collected will be used in the following three important ways:

- First, to identify any problems or challenges with the implementation of the Child Justice Act, which can be communicated to the Inter-Sectoral Committee on Child Justice (ISCCJ). The ISCCJ is the body established under the Act to monitor the implementation of the Child Justice Act.

- Second, apart from identifying the problems or challenges, CJAMIT also seeks to identify the successes and best practice of implementation on the Child Justice Act. This information will also be communicated to the ISCCJ.
- Finally, if the Alliance is given permission to use the information for research purposes, CJAMIT will be used to provide rich qualitative information for research projects aimed at monitoring the implementation of the Act.

Provincial workshops

The Child Justice Alliance is also in the process of hosting one-day workshops in all the provinces of South Africa, introducing CJAMIT and the provisions of the Child Justice Act. Workshops were held in Cape Town (Western Cape), Johannesburg (Gauteng), Durban (KwaZulu-Natal), Port Elizabeth (Eastern Cape), Nelspruit (Mpumalanga), Polokwane (Limpopo) and Upington (Northern Cape).

At these workshops civil society organisations and government officials (in their individual capacities as friends of the Alliance) were invited to participate in discussions around the provisions of Child Justice Act with the aim of learning more about the final product that aims to establish a criminal justice system that suits the needs of children in conflict with the law.

More workshops will be held in Bloemfontein (Free State) and Mmabatho (North West) in early 2010. Therefore, please contact the Child Justice Alliance (details provided on www.childjustice.org.za) should you wish to attend either of these two workshops.

Conclusion

The Child Justice Alliance is actively preparing for the implementation of the Child Justice Act. To ensure you remain updated with and participate in our activities please sign up either as a friend of the Alliance (should you be a government official) or a member of the Alliance at www.childjustice.org.za. •

Both the information booklet and CJAMIT are available for download from the Alliance website: www.childjustice.org.za.

Perspectives from the judiciary

By Sidette Kotze, Senior Magistrate, Seshego, Limpopo

In relating the perspective of the magistracy, I will endeavour to examine our role in respect of the Child Justice Act in a less formal and non-legalistic manner. We have to give serious consideration as to what our role as magistrates will be in the implementation of this Act. The most significant question however, is what our approach should be when dealing with matters involving children accused of crime and how to balance this with the interest of justice.

The nature of the issue at hand

Problems experienced by children in conflict with the law are, by their very nature, social in origin. No child is born a criminal or chooses to be born into socio-economically deprived circumstances. A child in conflict with the law are generally victims of circumstance and, as a point of departure, deserves the opportunity to be afforded a 'second chance'. What can we, as magistrates, do to facilitate this?

I would argue that as magistrates we can play a meaningful role in re-shaping and re-building a potentially better future for a child offender. I would always contend that court processes in isolation can never effectively change the lives of children in conflict with the law. As lawyers, our training did not include disciplines like psychology and sociology, whereas many social workers and non-governmental organisations (NGO's) have very skilled people with the necessary expertise to provide support to the courts when dealing with matters of this nature. The old legal saying of "context is everything" will always be relevant. We must always be aware of the social circumstances in the districts that we serve.

Judicial activism

This debate will inevitably lead to the topic of "judicial activism" – often a controversial issue leading to heated exchanges. Whilst the opponents of a pro-active approach often contend that judicial activism could jeopardise our independence and legitimacy, I believe that as magistrates this should not constrain us from going the proverbial "extra mile". We are uniquely placed to work in creative and innovative ways to offer opportunities and make a difference in the lives of the people we serve and more especially in the lives of the children in the communities we work in that we cannot fail to act as agents of social change.

This is especially true for magistrates in the lower courts. Most South Africans who come into contact with the judicial system will appear before magistrates, thus the lower courts play a critical role in effecting social change. We should be aware that in the lower courts we are better placed than the High Courts to change the course of a child offender's life, as we work directly in the communities we serve. We should thus strive to make

every court intervention for a child offender as meaningful as possible and giving tangible expression to the objects of the Child Justice Act.

This brings us to the question as to how do we envisage achieving this?

In my view, it is only with a well-integrated, co-ordinated and holistic approach, that we could strive to achieve this. Our effectiveness will ultimately depend on how well we can establish these networks and "partnerships". I do not think that it is too idealistic to strive to ultimately get the involvement of socially-conscious companies to provide work-programmes for child offenders who have completed skills training programmes.

I have been privileged in my career to have worked closely with many NGO's and other international agencies and have always been impressed with the level of commitment and passion displayed by individuals in these organizations. Do we as magistrates illustrate the same level of commitment and do we fully utilize the opportunities to make a difference in the lives of people who appear before us?

Conclusion

In conclusion, to quote the thought-provoking and appropriate words of retiring Constitutional Court Judge Albie Sachs "justice involves a strange alchemy of life and law".

As magistrates the truly great things we can achieve during our careers are often the seemingly insignificant contributions we make to changing the course of the lives of individuals who appear before us. May we always strive to treat every person with the necessary human dignity that they deserve. ●

This article is based on a presentation by Magistrate Kotze at the Child Justice Act Workshop in Limpopo on 21 and 22 October 2009.

The Department of Justice and Constitutional Development gears up for implementing the Child Justice Act

The following article is based on a presentation delivered by Corlia Kok, Director: Child Justice and Family Law, at the Limpopo implementation workshop on 27 October 2009. The main issues identified in relation to the implementation of the Child Justice Act were the drafting of regulations to the Act; the development of the National Policy Framework (NPF); and infrastructure and training needs.

Timeframes

As background to implementation, certain timeframes are relevant. First, the draft regulations must be tabled in Parliament in December 2009. Second, the NPF has to be tabled by June 2010. Third, research must be conducted on the criminal capacity of children and the findings submitted to Parliament by 1 April 2015. Planning and systems need to be put in place to achieve this. Finally, the NPF has to be reviewed after the first three years of the Act coming into operation and then at least once every five years thereafter.

The National Policy Framework

The first draft of the NPF was scheduled to be available by end October 2009 and will be distributed amongst the member departments of the Intersectoral Committee on Child Justice (ISCCJ) for consultation. Once this has been completed it will be distributed to NGO's and civil society for their comments. The draft will then be submitted to the relevant Directors General, the ISCCJ and finally tabled in Parliament.

The outline of the NPF, at this stage, is as follows:

Chapter 1	Historical overview and introduction to the NPF
Chapter 2	The Context of Child Justice in South Africa
Chapter 3	The International and National Legal Framework as it relates to Child Justice
Chapter 4	Current policy frameworks applicable to Child Justice in South Africa
Chapter 5	Monitoring and Evaluation
Chapter 6	Implementation Plan
Chapter 7	Strategies and Priorities of the NPF

The NPF requires various policies to be developed and these are underway at present, in particular policies relating to One-Stop Child Justice Centres, diversion and sentencing.

The NPF may be tabled by December 2009, but will most probably only be finalised for tabling by February 2010.



Other initiatives for implementation

Human resources and infrastructure requirements

At present audits of human resources and infrastructure needs are being updated.

In addition, three new One-Stop Child Justice Centres have been proposed. It is anticipated that these are to be designated during 2009/10 at existing Child and Youth Care Centres.

However, a major challenge is the lack of sufficient budgets for all the relevant Departments' needs in this regard. The result of this is that a rights-based approach in terms of the realisation of vulnerable persons' (women's and children's) rights, is being negatively affected because of the lack of budgetary and human resources. The Cluster Departments are continuously lobbying to prioritise cluster budget bids for child justice as well as departmental (Department of Justice and Constitutional Development (DoJCD) and Department of Social Development (DSD)) bids for the implementation of the Children's Act, 2005.

Training

A Child Justice Reference Group for the purposes of training on the Child Justice Act was established during 2008/09 by the ISCCJ. In addition, a training manual has been developed by a consultant in consultation with the Reference Group and has been circulated to all departments at national and provincial levels.

Unfortunately, the manual does not include the regulations, but these will be added once they have been finalised and adopted.

Finally, social context workshops are planned in all the provinces starting in November 2009 and this will kick-start the training initiative.

As far as public awareness on child justice issues and the legislation is concerned, a guide to the Child Justice Act is in the process of being developed. In addition, branding, pamphlets, posters, CD's and media campaigns are planned and the materials are scheduled to be sent out to the various departments and provinces by March 2010.

Information Management

Information management has been on the agenda of the ISCCJ for a number of years. Information capturing is still manual and received on monthly basis in various departments.

The Integrated Justice System (IJS) is working towards a holistic Information Management System and this will be linked with the various indicators that need to be included according to the mandate set out under the NPF.

Importantly, this system will be linked to the four registers that are being developed, namely:

- a register for children younger than 10-years of age;
- the diversion register;
- a register for children detained in police custody; and
- a register for children who have suffered injury or trauma in police custody.

The Integrated Justice System (IJS) is working towards a holistic Information Management System and this will be linked with the various indicators that need to be included according to the mandate set out under the NPF.

Restorative Justice Framework and programs

The Restorative Justice Task Team of the ISCCJ has finalised a draft Restorative Justice Framework, which will be submitted to the Justice, Crime Prevention and Security (JCPS) Cluster by December 2009.

In addition, there has been a mapping of the restorative justice processes which are provided for in both the Child Justice Act, 2008 and the Children's Act, 2005.

Conclusion

While the DoJCD has certainly made significant headway in planning for implementation, challenges remain. Of these, as mentioned earlier, budget allocations for child justice is perhaps the greatest. However, it is also imperative that the correct linkages between departments are in place. For instance, there is a need for the linkages between the various clusters in terms of crime prevention to be strengthened. Likewise linkages between Regional Heads of the DoJCD responsible for child justice, as well as with the Ministry for Women, Children and Persons with Disabilities and relevant Portfolio and Select Committees, and finally between various line-function Departments, including the DoJCD and DSD, need to be strengthened. ●

Limpopo province plans for the implementation of the Child Justice Act

by Jacqui Gallinetti

Apart from the national plan in relation to the implementation of the Child Justice Act, the provinces also need to ensure that they are ready for the Act coming into operation on 1 April 2010.

Accordingly the Limpopo provincial Department of Justice and Constitutional Development (DoJCD) hosted a very successful workshop on 26 and 27 October 2009 in Polokwane. All the relevant stakeholders in the province were invited to attend the workshop and provide inputs on what their state of readiness is for the implementation of the Act. These included the Departments of Social Development, Education, Correctional Services, Safety and Security, the National Prosecuting Authority, senior magistrates, diversion service providers and Bosasa. What follows is a summary of selected presentations as well as the discussion on an implementation plan for Limpopo.

Opening presentations

The workshop was opened by the MEC for Safety, Security and Liaison in Limpopo, the Honourable Dikeledi P Magadzi. Right at the start of her speech the MEC stressed that implementation requires that practitioners do not work in silos. She emphasised that decisions must meet critical issues and that there is an urgent need to address crime as a collective force and ensure outcomes are appropriate to Limpopo Province, confirming that respect for the rule of law is a key cornerstone of democracy. She pointed out that any discussions in the workshop must be very sensitive to the risks and exposures facing children in conflict with the law. In particular she was concerned that not enough attention is paid to children who are used by adults to commit crime (CUBAC) and called on local structures to address CUBAC as an issue in a co-ordinated way.

The next speaker was Judge Connie Mocomie from the Free State. She confined her presentation to a discussion on trial and sentencing issues. At the outset she listed a range of cases which have set precedents regarding why there should be differential treatment for child offenders at the sentencing phase. These cases, she noted, illustrate that the use of restorative justice is becoming common practice in our courts. In particular, she cited the decision of *Centre for Child Law v Minister of Justice and Others* in order to emphasise the detention as a last resort principle as contained in section 28(1)(g) of the Constitution [*discussed in the previous edition of Article 40 – ed*]. These cases show that diversion and restorative justice are already being used in practice and that in terms of the new Act must be applied in a legal framework.

Moving on, Judge Mocomie acknowledged the important role of magistrates in the adoption of the Child Justice Act and she paid tribute to Justice College for its role in educating prosecutors and magistrates on child justice issues.

In closing she welcomed the initiative that resulted in the workshop and the opportunity it presented for examining the provisions of the Child Justice Act and how the Act would be implemented.



*Left: the MEC for Safety, Security and Liaison in Limpopo, the Honourable Dikeledi P Magadzi
Middle: Judge Mocomie and Mr Sebetso of the Limpopo DoJCD
Right: Participants at the workshop.*

Presentations by provincial stakeholders

Informative presentations were delivered by all the relevant provincial stakeholders.

Advocate Madingana of the National Prosecuting Authority (NPA), for instance, focused his presentation on the recently developed NPA policy directives for the Child Justice Act. He noted the emphasis in the directives on the promotion of diversion and the need to ensure that proceedings involving children are expedited.

Magistrate Daniel Thulare made a very interesting presentation on unaccompanied foreign minors and the duties of officials in the criminal justice system when encountering such a child who has come into conflict with the law. These children may be refugees, trafficked or abandoned and lost and therefore are vulnerable and in need of specific interventions. Officials need this insight when such a child is accused of a crime as it may affect the outcome of the matter.

Representatives from Nicro and Khulisa presented on diversion programmes offered in Limpopo, and while their services have gone a long way to ensure that such programmes are available in many areas of the province, human capacity and funding remain huge challenges for both organisations.

Other presentations on readiness and challenges to implementation were made by the Departments of Education, Social Development, Correctional Services, the police and Legal Aid South Africa.

Planning for implementation

In the concluding session of the workshop, the participants brainstormed possible approaches to implementation as well as issues in urgent need of attention. It was decided that Limpopo's implementation plan should be dealt with on two levels. First, each department must plan for their role in implementation and, second a comprehensive plan is discussed at provincial level facilitated by the Limpopo Child Justice Forum. It was suggested that the plan deal with, amongst others, the context of child justice in Limpopo; the incorporation of the National Policy Framework; challenges identified; action steps to address these challenges; time-frames

for action steps to be completed and the implementation workplan to be monitored by the provincial Child Justice Forum.

The main areas of concern that were identified are:

- Training – which could require accredited and uniform training; on-going training initiatives and the monitoring of continuous training on an annual or biannual basis.
- Human resource capacity – this was identified as a critical issue with the need not only for posts to be approved through management structures but also that suitable candidates be recruited and appointed timeously.
- Budgeting – this is a concern not only for government but also service providers and there needs to be an appropriate and effective funding relationship forged between service providers and the Department of Social Development for diversion services
- Infrastructure and practicalities – the establishment of Reception, Arrest and Referral Centres is urgent as is the establishment of a Limpopo One-Stop Child Justice Centre. Likewise participants committed themselves to ensuring that all relevant and appropriate persons serve on the provincial Child Justice Forum.

The workshop closed with everyone agreeing that the Limpopo Child Justice Forum would set aside a full day for all role-players to attend and draft a provincial implementation plan. •



NOTICE-BOARD



On the occasion of the 20th Anniversary of the Convention on the Rights of the Child, on 20 November 2009, the United Nations General Assembly adopted, by consensus, a resolution formally welcoming the Guidelines for the Alternative Care of Children. The Guidelines are the result of more than five years of negotiation and discussion.

From the beginning of this initiative, numerous child rights NGOs, UNICEF, experts and academics, have been involved in the development and promotion of the Guidelines, in particular through the NGO Working Group on Children without Parental Care which was set up under the auspices of the Geneva-based NGO Group for the Convention on the Rights of the Child (www.childrightsnet.org).

To mark this occasion and to promote the process of dissemination, SOS Children's Villages International and the International Social Service (ISS) have launched the publication, "Guidelines for the Alternative Care of Children: A United Nations framework". It includes the text of the Guidelines, sets of introductory questions reflecting on national policy, and a page of useful links to further information and resources.

For further information on the process and progress of the Guidelines and to participate further in the activities of the NGO Working Group for Children without Parental Care, contact the co-convenors of the working group:

MIA DAMBACH, Children's Rights Specialist
International Social Service
International Reference Centre for the Rights
of Children Deprived of their Family
E-mail: mia.dambach@iss-ssi.org
www.iss-ssi.org

and

ALAN KIKUCHI-WHITE, Geneva Representative
SOS Children's Villages International
Liaison & Advocacy Office
KikuchiA@sos-kd.org
www.sos-childrensvillages.org

Source: <http://www.crin.org/resources/infodetail.asp?id=21326>

To download the Guidelines, go
to: <http://www.crin.org/docs/SOS-ISSGuidelinesPublication-1.pdf>



Guest editor

Jacqui Gallinetti

To contact the Children's Rights Project:

Bianca Robertson and
Lorenzo Wakefield

Tel: 021 959 2950

Fax: 021 959 2411

E-mail: brobertson@uwc.ac.za
and lwakefield@uwc.ac.za

Editorial board

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Website

www.communitylawcentre.org.za

www.childjustice.org.za

Layout and design

Out of the Blue Creative
Communication Solutions

Tel: 021 947 3508

E-mail: lizanne@outoftheblue.co.za

This publication was made possible by the generous funding of the Open Society Foundation for South Africa (OSF).

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