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From the Editor

It is now over a year since the Project Committee of the SA Law Commission released its Report on Juvenile Justice and the draft Child Justice Bill and it has still not been introduced to Parliament. Although this is somewhat disappointing, we must continue, unabated, to work towards a new criminal justice system for children. It is clear that government is working towards implementation of the new system as well as building capacity within the respective departments. This can be seen from the activities that have been undertaken as described in this edition of Article 40. Joyce Matshego shares her experiences in receiving training on best practices in the institutional and community based treatment of young offenders, Hendrick Mukwevho overviews the role of prosecutors in enabling diversion and the NDPP has convened a forum to interact with civil society on various issues, including child justice. As a backdrop to this, most countries have been preparing for the UN General Assembly Special Session on children to be held in September 2001, at which the issue of juvenile justice will receive much attention. Therefore we urge both government and civil society to continue working to bring about a new child justice system despite the fact that, as yet, there is no legislative framework within which to do so.

The role of prosecutors in enabling diversion

Advocate Hendrik Mukwevho, of the Sexual Offences and Community Affairs Unit of the NDPP, writes as follows:

Introduction

Prosecutors are central to the administration of criminal justice in the country. They are dominis litis, meaning they decide which cases to prosecute or decline. This is an onerous task with a huge responsibility because, before prosecuting, the prosecutor must balance the interests of justice in protecting society and the rights of the individual accused. Society would like to see every alleged criminal whose case has been reported to the police tried and punished. At the same time not every reported case warrants prosecuting. A prima facie case in the form of some evidence must exist before prosecution.

The role of the prosecutor is equally important when it comes to diversion. The final decision as to whether to prosecute or divert the offender lies with the prosecutor. Therefore it is imperative for prosecutors not only to know and understand diversion but also to appreciate the need for diversion in our legal system.

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Diversion is not a new concept in our legal system. In fact, prosecutors have been implementing diversion over the years. However, it is clear that until now there has been no coherent policy regarding the place of diversion in the criminal justice system. As a result, diversion has been implemented selectively and disjointedly.

The above scenario seemed set to change when the National Prosecuting Authority (NPA) was introduced. The office of the National Director of Public Prosecutions (NDPP) issued policy directives regarding diversion, and these were communicated to all prosecutors in the country. Despite this, as our audit has shown, a large proportion of the courts still do not practise diversion at all. Nevertheless, the issuing of the policy directives has been a positive step in that it has increased the number of diverted cases.

In our effort to improve the situation in the country, the NDPP (through its Sexual Offences and Community Affairs Unit) has recently gone through the process of revising the policy directives. This was prompted by the need to establish a different system for the management of child offenders. By its very nature, the criminal justice system has never been intended to be a child-friendly system. We therefore had to find a way of accommodating rehabilitation and reintegration of child offenders in our system. This is in line with the spirit of the new Child Justice Bill, which encourages the values of restoration, restitution and reintegration.

The Diversion Case Audit

Knowing our historical limitations regarding diversion, and in our effort to implement the system in the courts throughout the country, the Unit decided to conduct an audit on diversion practice by courts to determine which courts are practising diversion, problems experienced in implementing diversion, which programmes are being utilised, and why certain courts were not practising diversion.

The following observations from the audit are worth mentioning:

- Between July 1999 and June 2000 about 10 000 children were diverted by the courts.
- NICRO, an NGO, was the most used service provider as far as diversion programmes are concerned.
- In the North West Province, the entire former Bophuthatswana territory does not practise diversion.
- In the Northern Province, only ten diversion cases were dealt with in the former Venda territory between July 1999 and June 2000.
- Diversion is mainly practised in big cities such as Durban, Pietermaritzburg, Johannesburg, Pretoria and Cape Town.
- The Western Cape Province had the largest number of diverted cases with 2 491, followed by KwaZulu-Natal with 2 030. The Wynberg cluster (Western Cape) dealt with most cases (1 304), followed by Kimberley (Northern Cape) with 1 077.
- Former homeland territories of Ciskei and Transkei seem to be doing well compared with other former homeland territories, with 205 and 125 cases respectively.
- In small towns, only the predominantly 'white' areas practise diversion, eg Lichtenburg in the North West, Meyerton in Gauteng, Louis Trichardt in the Northern Province and Lydenburg in Mpumalanga Province.
- Just over 100 courts out of about 500 practise diversion!

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Challenges that were experienced by prosecutors practising diversion include the following:

- Lack of diversion programmes and referral institutions in most areas
- Lack of co-operation from other stakeholders, more particularly the Department of Social Development
- Lack of co-operation from children and their parents
- Difficulties in implementing Family Group Conference programmes, as many child offenders have no sound family base
- No contactable address for some children
- Lack of awareness of the existing programmes among some prosecutors
- Lack of training on diversion, with the consequence that policy directives were not appropriately applied.

The Way Forward

Having identified the challenges that we face as prosecutors in the implementation of diversion, we firstly decided to revise the policy directives. This process has already been completed and the new policy directives have been submitted for consultation with the various Directors of Public Prosecutions. Secondly, we aim to conduct training on diversion for prosecutors throughout the country. Business proposals for these programmes have already been submitted to potential funders.

In addition, we cherish the excellent relationship we have with NGOs, bearing in mind that most of them boast a great deal of expertise, skills and capacity that we may not possess. To this end we have organised a consultative conference with NGOs. (Ed's note: see report on p 3)

Finally, considering that we do not seem to be sufficiently informed about what is happening on the ground, we have come up with a proposal for the collection of baseline information on diversion, so that we can continuously monitor the management of child offenders in the criminal justice system.

Conclusion

We realise that there are many areas that still need improvement in prosecutors' implementation of diversion and we also acknowledge the critical role of other stakeholder departments and civil society in achieving the changes.

Towards an expeditious and efficient justice system for women and children

From 19 - 21 August 2001 an NGO Consultative Forum was convened by the Office of the National Director of Public Prosecutions in order to discuss issues of mutual concern and NGOs from all the provinces were in attendance.

The Forum was addressed by the National Director of Public Prosecutions, Mr Bulelani Ngcuka, who noted that the significance of the Forum was in its attempt to foster a structured relationship between government and civil society according to the constitutional obligation of co-operative governance.

The participants were consulted on four central topics: maintenance, family violence, sexual offences and child justice. The questions were centred on issues

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of service delivery, victim support services, public awareness and education, research and costing. This process occurred on a provincial level, with each province answering the questions in relation to all four topics. Then the participants with experience in each of the four fields were requested to analyse the information that was elicited and prioritise certain steps that needed to be taken.

The priorities that were identified for child justice included:

- Ensuring there was sufficient pressure from the Department of Justice and Constitutional Affairs, the NDPP and civil society to show support for the Child Justice Bill in its passage through Parliament
- The NDPP finalising, communicating and implementing its policy on diversion
- Developing an implementation strategy around the Child Justice Bill
- Developing a curriculum for training, in anticipation of the enactment of the Child Justice Bill
- Monitoring and implementing the Protocol on Children Awaiting Trial in Prison.

Ooshara Sewpaul of the Department of Justice addressed the Forum on the issue of child justice and was happy to announce that some of the priorities identified were already being attended to within the Department, specifically an implementation strategy regarding the Child Justice Bill.

In order to take these priorities forward and structure a means of ensuring they received due attention and action, it was decided that a memorandum of understanding would be drafted, which would attempt to define the relationship between the Department of Justice and Constitutional Development, the NDPP and NGOs. A draft of this memorandum was circulated, although it still needs finalisation.

It is clear that the responsibility therefore rests with both government and NGOs to ensure that the Forum achieves positive and practical results.

Best practices in the institutional and community-based treatment of young offenders

Ms BJ Matshego

Joyce Matshego, Deputy Director in the Department of Correctional Services (and Board Member of Article 40) reports on the 118th international training course: "Best practices in the international and community-based treatment of juvenile offenders" at UNAFEI (United Nations Asia and Far East Institute for Prevention of Crime and Treatment of Offenders) in Fuchu, Tokyo, Japan from 14 May to 15 July 2001.

Background

Having played a key role in establishing standards through the adoption of, inter alia, the Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations has further recognised the prevalence of young offenders at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of

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Offenders (April 2000, Vienna). At this forum, it urged for measures to be taken to address the root causes and risk factors related to delinquency. In particular, the international community has accepted that the move towards restorative and community justice is a natural consequence of a decreasing use of formal Child Justice Systems. Consequently, UNAFEI, as a United Nations regional institute, decided to present this course, looking specifically at the issue of the treatment of young offenders, both institutionally and in the community.

Organisations in charge of the treatment of young offenders in conflict with the law face many challenges. In some countries, the treatment system is overwhelmed by the sheer volume of offenders processed by the police, prosecution and the judiciary. In others, the pressure from society to redefine the most appropriate measures to deal with young offenders has intensified. The cost of offender treatment is also under pressure to be reduced, so that both offenders and the rest of society get a reasonable share of the national wealth.

To increase the efficiency of crime reduction through offender control, a thorough integration of prevention and treatment in both institutional and community-based treatment settings is required. Newly emerging ideas such as "risk management", "community justice", "restorative justice" and "multi-systemic approaches" give impetus to the idea of integrating the various treatment systems of the agencies dealing with young offenders. These ideas presuppose that the risk of reoffending can be identified early in life and can be minimised through successive interventions, utilising a combination of various social resources.

Designing a 'Communities that Care' (CTC) Model

The CTC model is an overarching model linking preventive efforts targeting both risk and protective factors found at multiple levels of society - individual, family, school and community. The principles of prevention in this model are:

- Preventive interventions should focus both on reducing risk and enhancing protection.
- Preventive interventions should target individuals exposed to higher levels of risk and to lower levels of protective factors.
- Preventive interventions should address risk and protective factors at developmentally appropriate stages and, whenever possible, intervene early.
- Preventive interventions should use data to select priority risk and protective factors in designated communities.

Community-based Treatment of Young Offenders

The principles underpinning our proposed model of community-based treatment are as follows:

- As far as possible, at least for juveniles under a certain age, the preferred option is to divert at pre-court or at court stage;
- multidisciplinary teams should work on the best treatment option to address the needs of young offenders to help them remain in the community;
- multidisciplinary teams should influence the availability of community resources to support young offenders;

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- the system should be one encompassing continuity of care and supervision of these young offenders;
- the overall goal of the team is to identify programmes that decrease criminal behaviour and increase personal responsibility.

The basic function of the Multidisciplinary Team is to collectively assess the young offenders, and to devise a treatment plan that meets the best interests of the young offender.

Best Practices in the Institutional Treatment of Young Offenders

Most countries are facing the following problems in their institutional organisations for youth offenders:

- Overcrowding in institutions;
- non-availability of technical and professional staff, and lack of trained staff;
- non-existent or non-professional parole system;
- non-existent young offender or specialised family courts, childcentred classification, and dedicated young offender training schools.

A re-socialisation system aimed at preventing the behaviour of young offenders from progressing to further offending should be established in each country.

A system for institutional and community-based rehabilitation needs to be supported with a training system that will equip each officer with core competencies to execute proper care and supervision of young offenders according to best practice standards. Staff should receive proper training to clarify their responsibilities with regard to the rehabilitation of offenders and to ensure that the offenders' rights, as well as those of society, are protected.

Besides this generic training at a basic level, there is also the need for further training depending on the areas of specialisation and specific treatment issues that community-based corrections staff need to address.

Institutional treatment, especially secure treatment, is invariably more expensive than community-based treatment. In the field of community-based treatment for young offenders, finding new resources from the community level is the key cost-reduction method. NGOs, neighbourhoods, peers and employers at the community level can be prospective benefactors, once a risk assessment has been done. Whether community resources are governmental or non-governmental agencies, the efficient use of allocated money should aim to reduce the cost of treatment.

Development of an Offender- based Information System

In attempting to develop a model system for the community-based treatment of young offenders, consideration has to be given to the development of an offender-based information system. It should ideally start from risk and needs assessment at the predisposition investigation stage, followed closely by a process of formulating an individualised supervision or treatment plan for each young offender to steer him or her away from future offending.

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Many of the participating countries already have some form of standardised risk assessment tool. The risk and needs assessment instrument is a vital tool for an offender-based information management system. For example, it helps with classification of a young offender with regard to the degree of supervision and level of service he or she needs to strengthen the prospect of successful reintegration in the community.

Public Relations: Gaining Public Confidence

In general, the public are reluctant to accept offenders in their community. However, social support is vital to reintegration, and communities have resources that can contribute to the prevention of recidivism.

Participants identified Probation Services as a major role-player in the promotion of rehabilitation. Some examples of strategies in this regard were:

- Public participation in the Child Justice System;
- volunteers in community-based treatment programmes;
- avoiding stigmatisation through public relations exercises;
- providing services and security to the community.

Conclusion

The challenges facing the treatment of young offenders in the new millennium are multiple and differ from country to country. Nevertheless, participants at this course agreed that the treatment of young offenders requires an integrated approach from all agencies, supported by individual treatment programmes and sophisticated information databases.

What did the 3rd substantive session of the preparatory committee for the special session on children achieve for Child Justice?

Carol Bower, Executive Director RAPCAN

Introduction

It is more than a decade since the UN ratified the Convention on the Rights of the Child (1989) and hosted the World Summit for Children (1990), so now it's time for its member countries to assess progress towards the creation of "A World Fit for Children". Therefore, the UN General Assembly Special Session (UNGASS) on Children is to be held in early September 2001. Heads of member states will gather in New York to receive and consider the Report of the Secretary-general, "We the Children: End-decade review of the follow-up to the World Summit for Children", and to ratify what has been called the "Outcomes Document" (OD). Kofi Annan has written his Report, but the OD needs to be prepared for signature by the Heads of State. All the member countries therefore sent their delegations to the UN for three Substantive Sessions of the Preparatory Committee. The last of these was in June this year, and I also went - along with representatives from 815 other NGOs.

The OD speaks specifically to the "unfinished agenda" of the 1990 World Summit - ie it looks at where the commitments made to children during the World Summit

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have not been met, and reaffirms the intentions of the member states to achieve these goals. The South African delegation was headed by Thoko Mkhwanazi-Xaluva, Director of the Office on the Rights of the Child in the Office of the Presidency, with five additional members from Social Development, Justice and the Office of the Presidency. Of interest might be that there were 250 official delegates aged between 7 and 18 at the Preparatory Session - 220 of these children were part of NGO delegations, and 30 formed part of government delegations, including an impressive young man from Botswana (but none from our sunny shores!).

For five days, Government delegations met daily to agree upon the wording and structure of the OD. NGO representatives are allowed to attend these meetings, but can only speak at them via formally requested oral submissions. Government delegations also met in regional caucuses (South Africa formed part of the Africa Caucus), but these were closed to NGOs.

For NGO representatives, there was a full programme of side events and various caucus meetings (regional as well as thematic, for example children's rights, child justice, disability, advocacy and sexual abuse) every day. The role of NGOs at the Substantive Session was to make, from within the various caucuses and via government delegations and groups of countries, representations to ensure that our concerns were reflected in the OD.

Official Meetings

From day 1 (Monday 11 June), with the publication of the third revision of the Draft OD, it was clear that the text was being weakened with regard to rights-based language, especially around corporal punishment and other child justice matters. Major differences were also evident around children's participation. NGOs feared that the United States's position, because of its power in the world and at the UN, would be crucial on several issues. Of special concern were that the US supports the death penalty, and that the Bush Administration has links with fundamentalist Christian groups which could influence the US position on family, sex education and reproductive health.

The NGO position was very strongly that the Convention on the Rights of the Child should provide the framework for the OD, and that the latter should strengthen the CRC and not replace it.

On Tuesday, progress was described by Ambassador Durrant as "painfully slow", and this did not improve through the Session. The US was vocal in arguing against the rights-based language of the OD, and Canada inadvertently caused a storm of outrage when it brought the issue of abortion into the debate. The Holy See, the United States and some Islamic countries clashed with Canada and the Rio Group about this issue for several hours.

Wednesday was a day of debate about what to call female human beings under the age of 18. Paragraph 31 of the OD referred to "? complications related to pregnancy and childbirth that kill (so many) women and adolescent girls?". Iran couldn't accept "girls", Libya suggested "mothers", Chile thought "women including adolescents" would work, and Singapore suggested "expectant mothers". And the debate raged on until 02:00. And on and on ? through the next two days and nights until finally everyone staggered off exhausted on Friday evening with around 30% of the OD still pending, including almost every paragraph dealing with child justice. In general, scant attention was paid to this

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issue (sexuality seemed more interesting), but a rights-based approach was seen as controversial by the United States and several Islamic countries.

Side Events

These were many, varied and usually far more interesting than the main event - and mostly they were strongly focused on child rights. From a child justice perspective, by far the most interesting of the side events was a presentation by Defence for Children International entitled "Juvenile Justice: Worrying Trends Worldwide" (they also host a most interesting web site: <http://193.73.242.117/dsc/index.html>). The speakers stressed that the OD is weak on child justice issues, and that the international community lacks a strong commitment to child justice from a rights-based approach. Even the child rights arena ignores children in conflict with the law, with a lack of resources usually being blamed for this.

The meeting reviewed the status of child justice in the Netherlands, the United States (where the situation is very gloomy!), children who are especially vulnerable (with street children being defined as the most vulnerable, with high rates of arrest), and some of the better systems (especially in the UK, with South Africa's new Child Justice Bill being cited as a good example of the way to go!) The fact that an appropriate, rights-based child justice system focused on restorative justice is very cost-effective was stressed by all the speakers.

Issues of concern for child justice internationally were identified as follows:

- Child justice is often neglected in international instruments such as the OD because of the reservations of some member states.
- CRC provisions around the issue often contradict domestic laws.
- Budgetary allocations within member countries are usually inadequate.
- Child justice systems often stigmatise and discriminate against certain categories of children (eg poor children, street children).
- In many states, social problems are addressed with criminal justice system solutions.
- The definition of "cruel and degrading treatment" is variable.
- Children can be sentenced to life imprisonment or death (the US is a good example of where they do this).
- There are widespread variations in the definitions of the age of culpability, criminal responsibility and majority (the CRC itself does not specify the age of criminal responsibility).
- Concerns were expressed about deprivation of liberty and the conditions of detention.
- There are very few states in which there is a specific child justice system.

So Where Does This Leave Child Justice?

Of course, there is no way that any NGO representative could claim to have influenced the OD in its final form to any degree. However, there is no doubt that lobbying undertaken by NGOs played a significant role in the final versions of international instruments such as the OD. With about 30% of it still unresolved, and with the firm declaration of both Carol Bellamy (Executive Director of UNICEF) and Patricia Durrant (Chair of the Bureau of the Preparatory Committee) that they will not allow finalisation of the OD at the September UNGASS itself, it seems to me that there will still be a role for NGOs. This would need to be via an NGO accredited to the Substantive Session, of which RAPCAN is one, linking with

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the Child's Rights Caucus and lobbying our Government and other delegations. I am in the process of finding out what happens next, and will keep anyone interested informed. However, it is also true that we should not view the OD as the end of a process, but rather as a step in a process - a process that may finally result in a world fit for ALL children, even the naughty ones.

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Ed's note: In light of the tragic events in New York, the UNGASS Special Session on Children has been postponed indefinitely.

Sentences and diversion statistics 1999-2000

By Lukas Muntingh, NICRO

Introduction

In the following article some key indicator statistics pertaining to child justice are presented. Figures relating to the 1998/99 and 1999/00 financial years are presented here for comparative purposes. The statistics show the following important trends emerging in the treatment of children by the criminal justice system:

More children are being sentenced to imprisonment and they are receiving longer prison sentences, and the number of children being diverted annually is steadily increasing.

Children sentenced to imprisonment

Children are primarily sentenced for property crimes as shown in Table 1. Of the total, 50,5% were convicted for property crimes, 30,8% for aggressive offences, 14,5% for sexual offences, 0,7% for narcotic-related offences, and 3,4% for other offences. The same table shows an interesting shift in the offence profile of sentenced children in custody in that the proportion of children convicted for economic crimes has dropped below the 50% mark from 1998/99 to 1999/00. The number of children convicted for aggressive offences increased by nearly 4% from 30,8% to 34,3%. The number of children convicted for sexual offences also decreased by 2,1%.

Although the number of children in prison declined from 1997 to 1998, it increased again rapidly from 1998 to 1999 and by September 1999 there were 34,3% more sentenced children in prison than in October of the previous year. It is especially 17-year-olds who showed the most substantial increase in real numbers. The only decrease was in the age group 7 - 13 years. The number of sentenced children in custody on selected dates shows an increase of 26,3% from October 1997 to September 2000.

Table 1: Offence profile of sentenced children in custody on 30 September 1999 and 30 September 2000

	1998/99	1999/00	1998/99	1999/0
			%	%

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Economical	820	84650,5	49,2
Aggressive	500	59030,8	34,3
Sexual	235	21714,5	12,6
Narcotics	12	140,7	0,8
Other	55	523,4	3,0
Total	1 622	1 719100,0	100,0

Diversion from the criminal justice system

NICRO remains the primary provider of diversion programmes to the courts, although the Departments of Welfare are increasingly providing diversion programmes.

Despite seasonal fluctuations, the overall number of cases diverted to NICRO programmes continued to increase. The highest number of cases referred in one month was recorded in October 2000 - a total of 1 420. The compliance rate with the programmes is above 80%, with the result that few cases are returned to court. Diversion services through NICRO have (since 2000) been available in all nine provinces. The last province to establish services was the Northern Province. In the 1998/99 financial year NICRO rendered diversion services to 111 magisterial districts in South Africa.

A total of 9 446 cases were referred in 1998/99 and 9 984 in 1999/00. In 1998/99, 69,8% of these were from three provinces, namely the W Cape, E Cape and KZ-Natal. In the following year this figure dropped somewhat to 63,2%, indicating an increased use of diversion in the other provinces. It remains a reason for concern that proportionately few cases are referred for diversion in Gauteng, Mpumalanga, North West and Northern Province, especially when it is taken into account that 45% of South Africa's population reside in these four provinces.

The offence profile of diversion cases remains fairly stable and in 1998/99, 80,4% were propertyrelated cases, 9,1% crimes against the person, and 10,5% victimless offences.

Table 2: Proportional distribution of diversion cases per province

Province	1998/99	1999/00	% change
W Cape	32,0	24,8	-7,2
E Cape	18,6	16,3	-2,3
KZ-Natal	19,2	22,1	2,9
Free State	6,0	5,8	-0,2
N Cape	4,9	5,4	0,5

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Gauteng	13,4	19,6	6,2
Mpumalanga	2,6	2,4	-0,2
N West	3,0	2,6	-0,4
Northern	0,2	0,9	0,7

Education and the South African Juvenile Justice System

Michael Gast, American educationalist

Education in the South African juvenile justice system entails much more than just the formal classes and curriculum offered to young offenders. Through my month long research project I have come to see that looking at education necessarily means studying the whole process of imprisonment, institutionalisation and rehabilitation

Realities of Transformation

While the post-apartheid era has brought many changes in legislation, a new focus on restorative justice and alternatives to institutionalisation, like many other changes in South Africa, the implementation has been slow and painful.

Only now, in 2001, have many of the changes envisioned in the mid to late 1990's started to come about. Finally, the South African Law Commission submitted their final report in August of 2000, which includes the proposal for a new juvenile justice system in the form of a Child Justice Bill, to the Minister of Justice. Also, only now has the Department of Education responded in action to the report of 1996 by the IMC and begun the transformation of reform schools and schools of industry.

Site Visits

With such a legacy of oppression and knowing the current urgency of reforms, I have sought to get a sense of the realities of educational opportunities for young male offenders, ranging in age from 15-21, in the Western Cape. In total I was able to visit three youth centres, as juvenile prisons are now named, and one Youth Care and Special Education Centre, as the former reformatories are currently called. **Drakenstein Youth Centre**

The first youth centre I visited was Drakenstein. It is located about 10 km outside of Paarl and is famous for being the prison from where Nelson Mandela was finally released. The Drakenstein Youth Centre is only a small part of a larger prison complex that houses adults as well as juveniles. It is separated from the adult prison and contact between the two groups is minimal. It currently holds 521 young offenders and is the only youth centre with maximum sections in the Western Cape.

The curriculum at the school, is centered around the Adult Basic Education and Training (ABET) framework, part of the move to the Outcomes Based Education system. In general, Drakenstein had the least physical resources out of the three

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youth centres I visited. The classrooms were tiny and there are not enough textbooks for the students.

Some of the issues that arose during my stay at Drakenstein were the dwindling attendance over the course of the semester and the related issue of lack of control over attendance, lack of study space, the overwhelming use of Afrikaans as the medium of instruction, and the inability by the prison to control against adult prisoners living in the juvenile section. It must be noted, nonetheless, that I found the quality of the teacher's lesson plan and attention to the needs of the students to be high. It is just that the teacher has such limited influence and access to the prisoners during the day that it seemed as if the developmental and rehabilitative mission of the school was generally left behind in the intricacies of the rest of prison life.

Hawaqua

The next juvenile prison that I visited was Hawaqua Youth Centre. Unlike Drakenstein and Brandvlei, Hawaqua is completely dedicated to juvenile offenders and, while being built to hold 250 inmates, it currently holds 390. The school at Hawaqua currently has 8 teachers and an enrollment of approximately 120 students. The language of the majority of prisoners is, again, Afrikaans but Hawaqua does offer Level 4 Xhosa and if it is a class of both Afrikaans and Xhosa speakers then the medium of instruction would be English. In addition, Hawaqua works extensively with NGO's in the area. It brings in programmes from NICRO, Media Works and CRED.

Another unique feature of Hawaqua is that they have school cells where all the students who take classes sleep in the same cell, according to ABET level. This seemed to be the closest thing to a solution to the problems of lack of study space that I found at any of the facilities.

Brandvlei

Brandvlei Youth Centre was the site of my longest visit and most extensive research. I was able to spend a week, from May 2nd to May 9th, living on the facility. I sat in on classes, interviewed teachers and administrators and talked to the prisoners about their experiences and struggles with education in the prison.

The Youth Centre was originally built for 288 but now houses 340-380 and there are rumours that the Department is going to transfer some of the overpopulation from Pollsmoor to Brandvlei, which would bring the total up to 542.

The majority of students take the ABET Level 1-4 classes but unlike the other facilities, for high school Brandvlei does not offer the regular curriculum but runs a NSS and NIC course which is equivalent to the regular high school course load but is focused on business and entrepreneurial skills. Besides a strictly academic curriculum the Youth Centre offers extensive training courses in their workshop classrooms. There is a metal shop, glass shop, woodworking class, leather works class, basket making and pottery. The Labour Department also runs several courses at the facility, which include rust repair, welding, panel beating and several others. Finally, there are sports two days a week in the afternoon (with the training classes the other three afternoons), the Presidents Award program, a library and Basic Radio program, where a radio station is run by the prisoners with the help of a warden as the coordinator.

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One of the most surprising aspects of the school is that about 50-60 medium security prisoners are allowed to come to the Youth Centre every day for classes. This constitutes a violation of the UN Rules for the Protection of Juveniles Deprived of their Liberty, which state, "In all detention centres juveniles should be separated from adults, unless they are members of the same family," yet the positive or negative affects of such interaction are hard to gauge. The positive aspects of this program are many. For one thing the medium security prisoners are gaining access to facilities and classes that are scarce and incredibly poorly funded in the medium prison. The adult prisoners also offer a service to the school as 6 of them serve as study leaders for the teachers. In the classrooms the medium security prisoners are also some of the most attentive and focused students and can be a calming influence on a class of teenagers.

Nonetheless there are still some negative aspects to such a system. While many of the adults are role models, some are not. The medium security prisoners are a source of drugs for the juveniles as well as exposure to a harder, more serious gangster influence.

Two of the issues that struck me during my stay, and generally in all three visits to Youth Centres, were language and a very business oriented curriculum. It is important to note though that there were a significant handful of students that were Xhosa speaking and they had limited resources for learning in their mother-tongue. In addition, the lack of history and literature classes, which have been replaced by the NSS and NSI curriculum for the grade 10-12, is disturbing. While more business and entrepreneurial classes might seem more pragmatic and useful with South Africa's high unemployment rates I would argue that it is important that education is not structured for the benefit of the market.

Eureka Youth Centre

My visit to Eureka Youth Center, a center for boys under 18, in order to gauge the changes by the Education Department to the Reform Schools system, confirmed, for me, many of the limitations of Youth Centers under the Department of Correction Services.

The initial plan for reform schools was to demolish the old reform schools and schools of industry, sell the properties and with that money buy new land and facilities. This turned out not to be feasible in the hectic transition period, so they decided to keep the present facilities and only upgrade them as money becomes available. Nonetheless, the new paradigm of development and restorative justice has officially begun, with the schools changing names and formally beginning the process of re-training.

On the staffing end of things, the new protocol calls for a residential education staff with professionals in various specialties such as psychology and social work emphasizing the individual treatment and development of the young men and women in their care. While these reforms are the model for the future of these schools, the reality is that many are currently in the throes of transition and the system is far from straightened out quite yet.

Of the 14 former Reform Schools and Schools of industry, four are being shut down completely, four are being turned into Schools of Skills (schools for children with "limited capabilities, like low IQ's"), two are being turned into Youth Care and Special Education Centers (the only facilities where the young men or women are referred in terms of the Criminal Procedures Act), 3 are being turned into

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Youth Care and Education Centers (for children referred by the Child Care Act of 1986), and one is becoming a Youth Care Center for Boys with a separate Youth Care and Special Education Center for Girls.

Eureka Youth Center is the first former Reform School in the Western Cape to officially make the full switch to a Youth Care and Special Education Center for Boys. My impression was that the ability, for the boys, to have a much longer day of activities, family visits and an individually tailored development program that takes into account many of their learning disabilities and previous educational history, is a positive development and addresses my concerns about juvenile prisons.

Conclusions

My visits to a variety of facilities has made clear to me the vast limitations of correctional institutions for realizing the goals of the "promoting a child's reintegration and assuming a constructive role in society," as stated by the CRC. Even with the tremendous range of programs and opportunities as well as dedicated staff at Brandvlei Youth Center the environment was one that cut a young man off from his community and makes him more knowledgeable in the world of crime.

In all of my research it has been a constant battle for me to reconcile my love of education as a tool for critical thinking and the politicization process with the realities of a corrections environment. I think I have realized that they don't work together very well and that while I understand (or am trying to understand) the need to banish certain members of a community for the safety of the whole, it is clear to me that, for the vast majority of young offenders, a State-run secure care facility is not compatible with a vibrant and positive educational experience.

'Walking the Talk' - the National Alliance for Street Children Conference

From 3 - 6 September 2001, the National Alliance for Street Children held its annual conference in Hanover Park, Cape Town. A wide range of speakers made presentations and a diversity of topics was covered over the four days, with a number of pertinent issues being raised. The conference was attended by service providers from six different provinces including Mpumalanga and the Eastern Cape, and the participants were from both the NGO and governmental sectors.

The international speaker who gave the keynote address at the opening of the conference was James Lees, who has undertaken pioneer work in the United States in relation to street children and HIV/Aids. He has also worked extensively with street children in India and took the opportunity to share some of his experiences with the conference participants. He stressed the need for adults working in this field to be able to listen to children and identify their hopes, fears and needs. In this way a better understanding of their situation can be reached, which in turn enables better service provision.

Headman Sirala-rala and Jac Jacobs of the Homestead in Cape Town addressed the participants on their experiences as street workers. They stressed the need to interact with children on their level and in a way that encouraged trust and inclusion. However, they warned against inappropriate ways of trying to win the children's trust such as sharing alcohol or cigarettes with them. They also

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provided useful tips on how to help the children identify persons who abuse them on the streets.

Julia Zingu of the KwaZulu-Natal Street Children's Forum gave an informative talk on twin cities. Although she focused on the efforts undertaken by Durban in twinning with Rotterdam and Chicago on street children's issues, she underlined the general principle of twinning. This is the building of linkages between cities (international and within South Africa), NGOs and street children's shelters to share information and best practices. Although city twinning necessarily involves local government, and child justice does not fall within their scope of responsibilities, there is the potential of NGOs twinning between cities on issues of child justice.

Chris Drummond, Chairman of the Claremont Improvement District Company (CIDC), delivered a very controversial presentation. CIDC is a section 21 company, formed by local businessmen and aimed at uplifting the Claremont business district in Cape Town. Its activities therefore directly impact on street children in and around the Claremont business district. CIDC has employed security guards to patrol the business district and has established an assessment centre where the street children are taken and assessed with the purpose of trying to identify a suitable intervention. However, Mr Drummond was unable to answer various questions including those relating to the nature of these interventions and the training and accountability of the security guards to the satisfaction of the conference participants. The general feeling among the audience was that CIDC's practices will require greater scrutiny before the success or usefulness of the venture can be determined.

The conference enabled information sharing, capacity building and the creation of further networks among those committed to finding solutions and providing alternatives for street children.