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AN EVALUATION OF THE EFFECTIVENESS OF THE JUVENILE JUSTICE SYSTEM IN REHABILITATING THE YOUTH IN SOUTH AFRICA: A CASE STUDY OF BOSASA YOUTH DEVELOPMENT CENTRE'S DIVERSION PROGRAMMES IN POLOKWANE

By

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DECLARATION

I, Leah Gwatimba student number 11605759; hereby declare that this dissertation for the Master of Arts degree(Youth Development) at the University of Venda, hereby submitted by me, has not been submitted previously for any degree at this or any other University, and it is my own work and execution, all reference material contained therein has been duly acknowledged.

Gwatimba ..... 12/4/16 .....

Gwatimba L Date

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DEDICATION

This research is dedicated to my late brother Mike who will always be an inspiration throughout my life. You have successfully made me the person I am becoming. God has you in His arms and I have you in my heart.

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ABSTRACT

The incidences of youth who engage in unlawful or criminal activities are of great concern for the criminal justice system and government in South Africa. In terms of the juvenile justice system in South Africa, under-age youth who have been found guilty and sentenced to serve a jail term cannot be sent to the same detention facility as adults. The juvenile justice system is meant to protect young offenders from physical, emotional and mental exploitation by adult prisoners. Under-age young offenders should be assisted and exposed to educational, entrepreneurial and behavioural programmes that can equip them with the much needed skills that will turn them into law-abiding and economically productive citizens. The aim of this study was to evaluate the effectiveness of the justice system in South Africa in the rehabilitation of young offenders. This study also evaluated the effectiveness of the diversion programmes offered at Bosasa Youth Development Centre, Polokwane, with the aim of promoting and implementing juvenile justice in South Africa. A qualitative method was used. The study used the non-probability purposive sampling to select the respondents. In-depth interviews, focus groups, observation and thematic coding were used to collect and analyse the data respectively. The study population consisted of social workers, project managers and offending youth at Bosasa Youth Development Centre in Polokwane. The sample comprised of 18 respondents (i.e. 4 social workers, 2 project managers and twelve offending youth 7 males and 5 females). The study indicated that there is worrying recurrence of the anti-social behaviour by some of the young offenders at the Centre. According to this study the effectiveness of the juvenile justice system in the rehabilitation of the offending youth can be achieved by paying serious attention to follow-up services, participation of families of the offending youth in the diversion programmes and by improving the socio-economic conditions in the homes and communities of the offending youth.

Keywords: *Juvenile delinquent, juvenile justice system, diversion programmes, rehabilitation, restorative justice.*

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CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.1 Introduction

Juvenile justice has always been a thorny problem in South Africa. Legislation dealing with the issue of children and young people in conflict with the law includes the Child Justice Act 38 of 2008. The government realised that transformation from a punitive system to a restorative system is of paramount importance. This shift has led to the introduction of the diversion programmes. The research also examines the way the diversion programmes at Bosasa Youth Development have been used to serve the needs and the rights of the youth in conflict with the law.

1.2 Background of the study

The 1985 Beijing Rules describe the juvenile justice system as a system that emphasizes on the well-being of the juveniles and also ensures that any response juvenile offending is always in line with the circumstances of both the offender and the offence (United Nations, 1985). The main focus of the juvenile justice system is to rehabilitate rather than to punish the young offenders.

The 1985 Beijing Rules defines a juvenile as a young person who must be dealt with differently from an adult (Geneva. United Nations Human Rights, 1985). The rules further place an emphasis on the fact that the detention, arrest and imprisonment of a young person should be used as a measure of last resort and other options should be made available. This means that juveniles are to be kept in separate institutions or a separate part of the institution holding adult offenders. This is meant to protect the young offenders from abuse or exploitation by adult offenders. Exploitation comes in the form of mental, emotional or physical abuse. In 1989, the focus on safeguarding the human rights of children and young people was strengthened by the Convention on the Rights of the Child (UNCRC) (Geneva. United Nations Human Rights, 1989). This convention highlights the rights of young people in conflict with the law.

The 1990 Guidelines for the Prevention of Juvenile Delinquency, which is also referred to as "The Riyadh Guidelines" (Geneva. United Nations Human Rights, 1990), established a basic

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plan for preventing young people from engaging in criminal activities as well as to protect the human rights of the young people in conflict with the law. These rules played a major role in promoting and implementing juvenile justice system globally. These rules recognize the importance of guaranteeing inclusive policies in juvenile justice systems that prevent and respond to juvenile delinquency while protecting the child in conflict with the law (World Congress on Juvenile Justice, 2015).

The United Nations Convention on the Rights of the Child and the subsequent African Youth Charter of 2006 are the regulations that have set precedence for the rights of young people across the continent of Africa. It emphasizes that the aim of treatment of every child should be for his or her reformation and reintegration into his or her family and social rehabilitation (Penal Reform International, 2013). The African Youth Charter advocates for the treatment of young offenders with humanity and dignity.

During the apartheid era in South Africa the rehabilitation of African young offenders was poorly implemented. It was difficult for young offenders to have access to the resources the whites had like separate centres for young white offenders. The death of Neville Snyman in 1992, a 13 year old young offender in prison, was a spark for the movement working towards reform of juvenile justice system in South Africa. Neville was detained in the police cells and was beaten to death. His tragic death led to a public outcry because of the age of the young offender in prison. Subsequently, the government took action by setting up a National Working Committee on children in detention (Skelton, 2007). The committee was a policy-making agency in the field of youth care and managing youth in conflict with the law.

In 1994, a new government came to power in South Africa. Nelson Mandela made a promise during his inaugural speech as the first president of South Africa, that the issue of young people in prison would be dealt with and that in future the criminal justice system would be the last resort when dealing with young offenders. In 1995, President Nelson Mandela instructed that young people should not be detained in prison. This led to young people being placed in inefficient, insufficient, unhygienic, overcrowded and poorly managed institutions (Skelton, 2007). However, numerous young offenders escaped from these institutions to commit new crimes. The Correctional Services Amendment Act 14 of 1996 was introduced to reverse the provisions of previous legislations notably the Correctional Services Amendment Act 17 of 1994 and the Children's Act of 1937. Courts were given limited discretion in terms of the new Act and this gave provinces the opportunity to build secure facilities for young offenders.

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The passing of the Children's Act 38 of 2005 whose aim was to put the best interests of the child at all times made a provision for the establishment of children's court. In terms of the Criminal Procedure Act 51 of 1977, when a young person is convicted the court may place the convicted juvenile under supervision of a probation officer, in custody of a suitable person or that he or she is sent to a reformatory school (Act 51 of 1977). This means that a young person should be sent to a place suitable for young people in conflict with the law.

In view of this, it can be argued that both the Children's Act and Criminal Procedure Act require that young people in conflict with the law should be dealt with differently from the adult criminals. These Acts and United Nations children and youth policy documents and the African Youth Charter emphasise the need to have special arrangements and programmes for the purpose of handling the cases of young offenders. The documents are in place to rehabilitate young offenders. Subsequently, governments and courts were obliged to develop diversion programmes to be used for the rehabilitation of young offenders. Such programmes are extremely important since governments and courts are expected to dispense restorative justice, especially in cases involving children and young offenders. The South African Department of Justice and Constitutional Development (2011) define restorative justice as an approach that aims to involve parties to a dispute and others affected by their harm. It aims to bring together all the parties involved in an offence in order to repair the harm done. Restorative justice system differs from the criminal justice system which focuses on giving offenders punishment for the offence committed.

Diversion programmes in South Africa were first pioneered by the National Institute for Crime Prevention and Reintegration of Offenders (NICRO). Diversion programmes give young people a chance to avoid criminal records while at the same time teaching them to acknowledge responsibility for their actions thereby avoiding stigmatisation and brutalising effects of the criminal justice system (South African Law Commission Project, 2000). With this in mind, it can be said that diversion is a way of giving young offenders a second chance and to right the wrong by positive behavior. The significance of diversion programmes is placing emphasis on the rehabilitation and reintegration of the youth who are in conflict with the law (Child Justice Act 75 of 2008). Bosasa Youth Development Centre runs diversion programmes on life skills, behavioral modification, sex offender and substance abuse. As a result of these programmes, the youth who were involved in criminal activity turn into advocates and role models of positive behavior to other young people. These youths play an important role in helping to encourage and guide other young people being caught up in criminal activities. All

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this has been made possible for the young offenders through emphasis on restorative justice, and juvenile justice in particular. The resources and the programmes, diversion programmes in particular which are offered at Bosasa Youth Development Centres create an appropriate opportunity, environment and life skills which address the educational, vocational and emotional needs of the youth who are in conflict with the law (Bosasa Youth Development Centre 2014). Diversion programmes offered at Bosasa Youth Development Centre play a significant role in the life of the youth in conflict with the law by transforming and giving them hope for a brighter future.

The Bosasa Youth Development Centre (BYDC) was established in 1995 for juveniles who in are conflict with the law. They range between the ages of 14 and 17. It offers the youth legal protection. It is guided by South African legislation as well as international guidelines and trends. The Centre is meant to promote and implement juvenile justice system in South Africa. It provides a safe and secure facility for the children and youth in conflict with the law. It is also guided by the United Nations Convention on the Rights of the Child. The latter is the first legally binding international instrument to incorporate the full range of human rights specifically for the youth who are in conflict in with the law.

1.2 Problem statement

The youth constitute a significantly higher percentage of the South African population. Their needs warrant serious attention in order to ensure that they become productive citizens. Their families, communities and government have to create a conducive environment which can help them to become the best they can. However, there are many young people who engage in anti-social behavior which may lead them into conflict with the law. As a result, there seems to be an increase in juvenile delinquency despite the efforts of parents and government to put these young people in special programmes. This is evidenced by the statistics from the Department of Correctional Services. In the 2011/2012 financial year, there were over 30 318 young offenders in South Africa. In the following financial year (i.e. 2012/2013), the number of young people in conflict with the law who received sentences which included referrals to youth development centres shot up to 45 842 (Department of Correctional Services, 2013). This suggests that there might be a problem in addressing the issues of juvenile delinquency in South Africa. This calls for a study that will evaluate the effectiveness of the Bosasa Youth Development Centre's diversion programmes which have been put in place in order to combat and curb the ever-spiraling juvenile delinquency in South Africa.

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1.3 Aim

The aim of this study is to evaluate the effectiveness of the juvenile justice system in rehabilitating the youth in South Africa with special reference to the diversion programmes at Bosasa Youth Development Centre.

1.4 Objectives

The objectives of the study are:

i. To determine the role and significance of the juvenile justice system in South Africa for the rehabilitation and reintegration of the youth back into their communities.
ii. To establish the effectiveness of the Bosasa Youth Development Centre's diversion programmes in the rehabilitation of the youth and the promotion of juvenile justice in South Africa.

1.5 Research questions

i. What is the role and significance of the juvenile justice system in South Africa in the rehabilitation and reintegration of the youth back into their communities?
ii. How effective are the diversion programmes at Bosasa Youth Development Centre in the rehabilitation of the youth and the promotion of juvenile justice in South Africa?

1.6 Significance of the study

The significance of this study is to raise awareness on the effectiveness of the diversion programmes run by the Bosasa Youth Development Centre in promoting, supporting and implementing the juvenile justice for the benefit of young people who are in conflict with the law in South Africa. It will also help to highlight the strengths and weakness of the implementation of juvenile justice through diversion programmes in rehabilitating and re-integrating youth offenders back into their communities.

1.7 Division of the Study

The study comprises of five chapters.

Chapter one: Introduction and background to the study

The chapter contains the introduction and background to the study. It also covers the background of the study, major research questions, and the aim of the study as well as the

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objectives of the study. The aim of this chapter is to provide the reader with the general overview of the study.

Chapter two: Literature review: analysis of the juvenile justice system

This chapter reviews literature based on the juvenile justice system in order to help provide a deeper understanding of the phenomenon.

Chapter three: Research design and methodology.

The chapter discusses the nature of the study, purpose of the study, population and location of the study, sampling methods, data management, data analysis, ethics and the study limitations.

Chapter four: Analysis of the study findings

The chapter discusses data analysis and interpretation of research findings in relation to the literature reviewed in chapter 2. The chapter ends with a conclusion, which is a summary of the major findings.

Chapter five: Discussion of the study findings and recommendations

In this chapter, the researcher will interpret the study findings in terms of legislations, programmes for young people and children in conflict with the law and provide some recommendations for an effective juvenile justice system.

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CHAPTER TWO

2. LITERATURE REVIEW

2.1 Introduction

This section provides a review of the literature on the juvenile justice system in order to provide a clear understanding of the phenomenon. The section will also review literature on the role and significance of juvenile justice system in South Africa. The literature review will also touch on the effectiveness of the juvenile justice system and the diversion programmes facilitated by Bosasa Youth Development in rehabilitating and re-integrating youth offenders back into their communities. While most of the literature will focus on restorative justice, there will also be some discussion on why retributive justice is not ideal when trying to correct, rehabilitate and re-integrate young people who are in conflict with the law.

2.2 Juvenile justice system

Juvenile justice deals with all the aspects of a system dealing with young offenders (Kariuki, 2010). In this sense it includes legislations and mechanisms implemented by the authorities to deal with young people who commit offences. The 1985 Beijing Rules describe the juvenile justice system as a system that emphasizes the well-being of the juveniles and also ensures that any response to juvenile offending is always in line to the circumstances of both the offender and the offence (United Nations, 1985). Geary (2013) maintains that juvenile justice recognizes a young offender as a person in need of help. In criminology sense juvenile justice has been defined as justice to the delinquent or a child that is drawing close to delinquency through the structured processes such as arrest, sentencing and custodial care. Juvenile justice has been defined as a system that deals with young offenders (Kumari, 2004; Kariuki, 2010). In this sense juvenile justice system involves the process of rehabilitation and reintegration of the young offender.

Juvenile justice is different from the criminal justice system. The juvenile justice system is different from criminal justice system because a child in conflict with the law should bear no connection to a criminal. This implies that a justice system designed for children and young people should not resemble an adult criminal court (Skelton and Tshehla, 2008; Geary, 2013)

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2.3 International legislation influencing juvenile justice system

The South African juvenile justice, like many other African countries, has been influenced by the international legislations. These legislations laid the foundation for what exactly should the system entail. The international legislations are a cornerstone of the ideal juvenile justice system. In terms of sections 23 and 39 of the Constitution of South Africa, international law must be considered and courts must give first choice to any reasonable interpretation of legislation that is in line with international law (Constitution of South Africa Act 108 of 1996).

The United Nations Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) provide a clear plan for the essential elements of an effective juvenile justice system. They call upon all states to establish legal protections that further the well-being of a young person in conflict with the law. According to Geary (2013), the rules cover the first contact with law enforcement from the moment of arrest, directing states to establish separate justice policies that protect young people and meet their individual needs. According to the Beijing Rules, the model of a juvenile justice system in administering justice for the young person aims at providing care, protection and vocational skills, with the aim of to assisting juvenile delinquents with a socially constructive and productive role in society (United Nations, 1985). For example, the diversion programme should assist young people to live crime free lives. In other words, these diversion programmes should help young people to realize that there are other productive activities they can be involved in other than crime.

The United Nations Guidelines for the prevention of juvenile delinquency (Riyadh Guidelines) give guidance to states to construct road maps to prevent children from becoming involved in unlawful activities. The Riyadh Guidelines are youth-centred. They encourage a young person's full participation in the society. States are urged to establish separate juvenile justice policies that protect children's rights and meet their individual needs (Geary, 2013). Goldson and Muncie (2012) state that the Riyadh Guidelines are reinforced by diversionary and not punitive sanctions. This means that the Riyadh Guidelines focus on redirecting young people to something more productive. They also emphasize rehabilitation and reintegration rather than punishment. The main question that is often posed is why should there be preventive policies and programmes for children? The Riyadh Guidelines answers this question by stating that youthful behavior does not conform to the overall social norms and values, that it is part of the developing process and tends to disappear spontaneously in most individuals as they grow older (UNICEF, 2009). However the Riyadh Guidelines have been criticized for having many

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complicated ideas being linked together (Skelton and Tshehla 2008). The document seems to have many ideas thrown in all at once. But such ideas might be difficult to implement.

Skelton and Tshehla (2008) postulate that the United Nations Convention on the Rights of the Child (UNCRC) deals with a range of comprehensive children's rights and provisions within the juvenile justice system. Article 40 of the UNCRC deals with the administration of juvenile justice wherein state parties must recognize the right of every child accused of committing an offence to be treated in a way that promotes the child's self-worth. The Convention reinforces respect for the child's rights. The child's age and the child's reintegration and child's constructive role in society are emphasized by the Convention (Geneva. United Nations Human Rights, 1995). According to Geary (2013), the Convention sets out states' obligations to recognize juvenile justice, reaffirming the importance of change to something more meaningful.

2.4 Current legislation in South Africa on juvenile justice

The preamble of the Child Justice Act 75 of 2008 establishes a criminal justice system for an accused child which is different from that of adults. It specifically refers to the new criminal justice for children (Child Justice Act 75 of 2008). It aims to establish a criminal justice process for children accused of being in conflict with the law. This is meant to protect the rights of children entrenched in the constitution and provided for in international legislations on the juvenile justice system (Skelton and Tshehla, 2008).

2.5 Juvenile justice principles

There are a number of principles that should be adhered to for the juvenile justice system to be effective. The principles are in place to promote the well-being of young people. Juvenile justice principles include, among others, the best interests of the child, proportionality principle, detention as a measure of last resort and the age of criminal responsibility.

2.5.1 The proportionality principle

The proportionality principle is premised on Rule 5 of the Beijing Rules which states that any reaction to juvenile offenders shall always be in proportion to the circumstances of both offenders and the offence (United Nations, 1985). This calls for individual situations of the offender to be taken into consideration in any action concerning the offender (Kariuki, 2010). According to Skelton and Tshehla (2008), the proportionality principle is important when dealing

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with young offenders not only when handling a case and the outcome of the trial, but even when the children and young persons are being dealt with outside the criminal justice system.

2.5.2 The best interests of the child

Every UNCRC principle is based on the best interest of the child. Section 28(2) of the Constitution of South Africa prescribes that the best interests of the child are of paramount importance in every matter concerning the child (Act 108 of 1996). According to Cronje and Heaton (2008), the child's best interests must be put first unless the violation of those interests can be justified by a limitation clause in the constitution. Therefore, the best interests' principle means that punishment for offending must give way to the rehabilitation and restorative objective of the criminal justice system where young people are concerned (Kariuki, 2010). According to the World Congress on Juvenile Justice (2015) this principle is primary in all decisions considering the deprivation of the liberty of youthful offenders. The best interests' principle is opposed to focus on punishment. It instead stresses rehabilitation and restoration in order to instil positive behavior on young offenders. This principle is embeds the principle of protection. This includes the provision of vocational and educational training inside child detention centres and putting in place safeguards that might promote healthy development of child offenders (Penal Reform International, 2013).

2.5.3 Detention as a measure of last resort

The South African Constitution section 28(1) (g) awards every child the right not to be locked up except only if it is the only option left (Constitution of South Africa Act 108 of 1996). In terms of the juvenile justice system, a child or young person should be freed from lock up into the care of parents or appropriate adult prior sentencing (Skelton and Tshehla, 2008). The aim is to prevent arbitrary and unlawful detention provided for in numerous international legal instruments (Kariuki, 2010). This is important because the aim of juvenile justice is not to imprison and punish young offenders. While in detention, young people may come into contact with hardened criminals who can influence their behaviour negatively.

2.5.4 The age of criminal responsibility

Within the general principles, the Beijing Rules require that the minimum age of criminal responsibility should not be fixed too low bearing in mind the emotional, state of mind and the ability of the child to be rational (Skelton and Tshehla, 2008). South Africa's Criminal Procedure

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Act 75 of 2008 raised the minimum criminal capacity from 7 years to 10 years or older under the age of 14 years at the time the offence is committed. These young people are presumed to lack criminal capacity. This means that a child under the age of 14 cannot be held accountable for his or her actions because at that age he or she is unable to appreciate the wrongfulness of their action. The antisocial behaviours of children under the age or responsibility should be addressed through suitable and targeted interventions that are proven to be in the best interests of the child (Penal Reform International, 2013). This means that institutions designed for the care of young people should ensure that their rights are upheld and be given an open environment to flourish mentally and emotionally.

Geary (2013) states that children should never be held accountable for any criminal offences. This is because criminalizing children subvert from the goal of the juvenile justice system which is to rehabilitate. Criminalizing children should be avoided at all costs. Children and young people are entitled to special rights and protections. However, the age of 18 is recognized internationally as the age at which children attain the majority status and should also represent the upper limit of the juvenile justice system. This means that any child above the age of 18 can be held accountable for their actions.

2.6 Diversion as strategy to promote juvenile justice system

Diversion is premised on the notion that while a child may have carried out actions against the law it is more damaging if young offenders are taken through the criminal justice system (Penal Reform International, 2013). According to Skelton (2006), diversion is the channelling of young people away from the formal court system into rehabilitation for their subsequent reintegration back into the community. Diversion aims to involve and strengthen support networks of the child including the family and community. National Institute for Crime Prevention and Reintegration of Offenders (NICRO, 2012) defines diversion as a process before trial used by the courts to dispose of court cases and ensure that individuals are channelled out of the criminal justice system into intervention programmes that will contribute to correcting their offensive behavior. According to the Child Justice Bill (Liese, 2002), diversion should always be the first option because it prevents a child from obtaining a criminal record. This gives young offenders a second chance and avoids them being labelled criminals.

When an offending child or young person has been arrested by the police judicial proceedings would not have yet been initiated, therefore, as a diversion strategy, the police may use their

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discretion and not lay charges against the offending child or youth (Smit, 2011). The police may warn the offending child or youth or they may refer the offending him or her for rehabilitation instead of taking him or her to courts. Ideally diversion occurs at the earliest stage before trial towards an alternative way of resolving and addressing the criminal behavior (Skowyra and Powell, 2006; Doek, 2006).

Section 51 of the Child Justice Act states that the aim of diversion is to encourage young offenders to take responsibility, meeting the individual needs of child offenders and reintegrate and reunite them with their families, the community and the victims. Apart from the Acts support for diversion are evident on the emphasis on *Ubuntu*. *Ubuntu* acknowledges the interconnectedness of humanity at times (Murithi, 2008). The significance of diversion programmes is that the focus is on the rehabilitation and reintegration of the children who are in conflict with the law. There is a variety of diversion options which may be helpful in instilling positive behavior in the offending child. Compulsory school attendance, supervision of behavior, attendance of specific programmes and counselling, as well as restitution and community service may be used as diversion options that may assist in transforming and instilling positive behavior in the offending child or youth (Child Justice Act 75 of 2008).

There are various diversion programmes that promote, support and implement juvenile justice system in South Africa. For example, Bosasa Youth Development Centres have diversion programmes that are meant to promote, support and implement the new criminal justice for children.

In diversion programmes, young offenders spend their time learning life skills rather than wasting time in the fruitless exercise of being tried, convicted and sentenced (Woodward, Sloth-Nielsen and Muthiti, 2008). At the same time, diversion encourages the young offenders to understand the negative impact of their behavior on others. Diversion also highlights the strengths of the young offenders in other areas. According to Muncie (2009), diversion is a fundamental element of youth justice which emphasizes that young people should be protected from rigorous adult justice. Diversion is threefold in nature. Young offenders are diverted from crime, prosecution and custody. This, in the authors view means that a range of diversionary strategies have always retained some presence in one form or the other.

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2.6.1 Diversion from crime

This involves various methods of crime prevention which can range from target hardening and early intervention to skills of training and education. Target hardening focuses mainly on the illegal and unlawful activities of young offenders. This is done in order to curb criminal activities by young people.

2.6.2 Diversion from prosecution

This is a system of warning minor offenders rather than seeking prosecution. This is a done before the trial starts and prevents the young offender from having a criminal record. The young offender is diverted into an alternative system and no further judicial processing takes place (Wilson and Hoge, 2013) when the young person is arrested by the police and diverted immediately by referral into an intervention programme.

2.6.3 Diversion from custody

Community based programmes are increasingly being used as alternatives to custody. There are many benefits of this type of diversion over criminal prosecution. This type of diversion avoids detention where often youth offenders may come into contact with hardened criminals. Doek (2006) discusses the timing of diversion and alternative measures. The author states that in traditional criminal procedure there are three opportunities for action by three different role-players in the process, namely the police, the prosecutor and the court. Within a comprehensive diversion policy the police can, in the authors' opinion play a crucial role when the child has first contact with the police before the judicial proceedings. In other words, there is the possibility that the police may issue an informal warning. There is not enough attention paid to the role of the police in the diversion process. The role-player who could initiate diversion is the prosecutor. In the Bill the prosecutor plays a crucial role during and after the preliminary inquiry, including administering the discretionary power to refer the case for diversion. The prosecutor should have the power to divert a case.

2.7 Bosasa Youth Development Centre's diversion programmes

Bosasa Youth Development Centre offers a number of diversion programmes. The Centre has adopted a rights-based approach to young people accused of committing crimes which is based on the Child Justice Act 75 of 2008. Bosasa Youth Development Centre's aim is prevent crime

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and promote public safety by diverting young people who are in conflict with the law from committing criminal activities by exposing them to programmes that will positively rehabilitate them.

Bosasa Youth Development Centre's diversion programmes are sex offenders programme, substance abuse programme, life skills programme and Whitney's kiss programme.

2.7.1 Substance Abuse programme

This programme is compulsory for those offenders would have been sentenced for substance abuse related crimes. The main objective of this programme is to equip incarcerated youth with basic understanding of the dangers of substance abuse and also links substance abuse to negative behavior.

2.7.2 Sex Offenders programme

Bosasa Youth Development Centre also offers Sex Offenders Programme. The latter addresses the problem of sex offending by youth. Early intervention through proper identification, assessment and referral should therefore, prevent further involvement in sexual offences (Steyn, 2005). According to Hunter et al (2004), an intervention for young sex offenders consists of group therapy for sex offenders supplemented by family and individual therapy. These programmes aim to increase responsibility and victim empathy and to provide sex education and anger management (Rietzel and Carbonell 2006). This programme is meant to change behavior and highlight the consequences of substance abuse.

2.7.3 Life Skills programme

This is the programme through which the young offender is provided with career guidance. In this programme young offenders are taken through the process of choosing a career. The programme consists of practical applications that include applying for a position to time management and goal setting. In Life Skills the strategies predict, reflect and stimulate pro-social behavior (Steyn, 2005).

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2.7.4 Whitney's Kiss programme

This programme addresses adolescent sexuality which is influenced by factors such as gender identity and sexual orientation. It also covers HIV/Aids, real love, honesty, injustice and friendship.

These cited different types of diversion programmes are effective in reducing recidivism because they reinforce positive behavior (Woodward, Sloth-Nielsen and Mathiti 2008). Diversion is also cost effective. Court time is saved as prosecutors usually dispose of cases from the court roll on condition that young offenders comply with the conditions of diversion.

The above mentioned programmes are informed the Differential Association Theory and Social Learning Theory. The latter theory asserts that new patterns of behavior can be acquired through direct experience. It suggests that observational learning can have a powerful effect and it is enhanced when the person who is observing believes that the person demonstrating the behavior is similar to themselves (Demming and Johnson, 2009). The programmes also take into consideration the fact that criminal behavior can be learnt from intimate social groups (Sutherland, 1947; Matsueda, 2006). The experts try to make the young offenders learn positive behavior from within their social context.

Some diversion programmes seem to work better than others such as those that utilize individualized counselling or those that emphasize that youths should account for their actions. Factors that may affect the effectiveness of diversion include the type of offence, number of prior offenses, family support, drug use and peer association (Patrick et al 2004; Hoffman, 2011).

2.8 Restorative justice as a central feature in diversion

The principle of restorative justice is the cornerstone of the Child Justice Act 75 of 2008. In terms of the Child Justice Act, restorative justice is an approach to justice that involves the young offender, the victim, families concerned and the community members to come together in order to identify and concentrate on troubles, needs and obligations through accepting responsibility, making compensation, taking measures to prevent a similar incident and promoting reconciliation (Child Justice Act 75 of 2008). In other words, restorative justice seeks to bring the parties together and reinforcing a change of the offenders' behavior so that the

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offender lives a crime free life. Restorative justice has no element of punishment. It aims at rebuilding the young offender by taking responsibility for the offending behaviour.

The approach of restorative justice for youths is beneficial because it is concerned with the harm that results from the crime than with the criminal act. Unlike the criminal justice system which is focused on punishment and concerned with giving offenders what they deserve, restorative justice is concerned with the needs of victims, offenders as well as the community. In this way, restorative justice does not draw a clear cut distinction between victims and perpetrators. Instead, it recognizes the fundamental relationship between the victims and the perpetrators (Clark, 2011; Sherman and Strang, 2007). Restorative justice system is helpful in South Africa since there is a high rate of youth crime. Otherwise, South Africa would have many young offenders incarcerated. Such young offenders would not have a second chance to change their behavior (Burton, Leoschut and Bonora, 2009).

According to Clark (2011), restorative justice is complementary rather than a substitute to the criminal justice system. It is a more individualized child and youth-focused response to crime and has an important role to play in dealing with challenges of youth violence in South Africa. Internationally, restorative justice is more preferred because it is more effective in dealing with child or youth offenders because it does not emphasize punishment. It instead focuses on rebuilding or transforming the behavior of youth offenders and their re-integration into society (Bazemore and Schiff, 2004; Stein, 2010).

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2.8.1 Restorative justice processes and programmes

The main goal of restorative justice system is to provide interventions that are focused on repairing the harm caused by criminal behavior to the community, family and the victim. Victim Offender Mediation programme and Family Group conferencing are examples of restorative justice programmes for diversion. The Victim Offender Mediation facilitates dialogue between the victim and the offender after a crime has been committed. This programme gives an opportunity for the victim and the offender to resolve the effect of the crime. The victim and the offender engage in a discussion about the crime committed. The dialogue is facilitated by a skilled mediator. The victim is able to confront the offender. This programme is also beneficial in that the offender gains an insight into the real impact of the crime and the community is able to resolve its conflicts and problems (Department of Justice and Constitutional Development, 2011).

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Family Group Conferencing are similar to Victim Offender Mediation but involves the family and friends of the young offender in a process that is meant to re-establish the balance and prevent the offence from recurring (Mutingh and Shapiro, 2007). It is also defined as an approach to care for the young offender by providing support from within the family (Asscher et al, 2014). This group conferencing provides an opportunity for family members to get together to make a plan for their child which addresses major causes of the illegal activities.

2.9 Rebuttal of retributive justice in dealing with youth crime.

Retributive justice concerns itself with ensuring that offenders are punished for their crime. According to retributive justice, punishment is to correct a wrong done in the criminal offence. Punishing the offender is what constitutes retribution (Gxubane, 2006). But imprisonment has a negative effect on children and young people. Imprisoned children and young people may be exposed to abuse which is prevalent within adult prisons. As a result, imprisoned children and youth may experience victimization in the form of verbal, physical, sexual and emotional abuse (Wolf et al, 2009). Imprisoned young people may not only suffer from abuse but also from depression. Imprisonment of juveniles in adult prisons may raise risks of depression, whereas youth offenders kept in secure facilities established as sites of rehabilitation and counselling of youth offenders are exposed to diversion programmes that may prevent them from suffering depression and other psycho-social effects of incarceration. (Irene et al, 2011).

According to NICRO (2007), young offenders run the risk of becoming hardened criminals and graduating with even more criminal skills if sent to prisons. This is the case because youth offenders will be in contact with the hardened adult criminals who may influence them negatively. This is likely to happen because many facilities for adult prisoners do not separate young offenders from the adult offenders. Ward (2007) supports this notion and states that rather than limiting these young people's violent tendencies, the environment in prison is likely to strengthen their socialization into aggression. Unlike restorative justice, retributive justice is not premised on the notion of rehabilitation which is aimed at putting an end to violent behavior.

Another limitation of retributive justice relates to deterrence. Leoschut and Bonora (2007) point out that young people who have had prior experience of being in prison are not concerned about being sent there again. This is in keeping with the findings of Pinheiro (2006) who reports that young people subjected to detention are more likely to commit offences in the future than those placed in diversion programmes. Simply punishing young people is not the solution. This

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brings into light another limitation of retributive justice that locking up young offenders is a short term way of fixing a problem that may not have any long term benefits (Clark, 2012).

Retributive justice does not provide rehabilitation. It fails to equip the offending youth with concrete skills (Brazzel, Crayton, Mukamal, Solomon, and Lindal, 2009). Despite the clear evidence of how important quality education is in prison during incarceration, the education is inferior to that which is received by the youth offenders' peers in the community. Correctional programmes fail to provide the high quality education services that are often necessary for the incarcerated youths, and without education the risk of recidivism increases (Leone, 2005; Blomberg et al, 2006).

Having a criminal record can lead to personal inward strain and cause the young person who has been released from prison to doubt if they are able to experience success in their lives back in the community. The transition of the youth offenders back in the community after serving time in prison can be extremely difficult (Mears and Travis, 2004; Anthony and Ashcraft, 2010).

2.10 Theoretical framework

There are many theories that underpin guidelines, policies, programmes and strategies for effective crime reduction and delinquency prevention. The rehabilitative model will be applied for the purpose of this study. The rehabilitative model focuses on the treatment of the offender with the thought that interventions such as management of the day to day life of the offender, work readiness training, cognitive skills and therapy on how to conduct oneself will change behavior and reduce the frequency of juvenile offenses (Bradshaw and Rosenborough, 2005). The advocates of the rehabilitation model maintain that juvenile offenders are likely to become adult criminals if they are not properly rehabilitated. According to Simpson (1976), the rehabilitative model requires that state intervention should further the offender's best interests rather than punishing him or her. According to this model, youth offenders are not supposed to be regarded as criminals, but must be seen as wayward children in need of help.

The rehabilitation model is preferred over the retributive model because the latter is not effective since it lays much emphasis on punishment as a way of deterring criminal behavior. The rehabilitative model is preferred because its methods address the individual needs of the offender. It gives juvenile delinquents reasonable options to make it in society without having to re-offend and re-enter the juvenile justice system (Bradshaw and Rosenborough, 2005).

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2.11 Summary

The chapter discussed international and local legislation that govern the juvenile justice system. The basic principles of juvenile justice system were examined noting best interests of young offender should prevail at all times and also to take into consideration the age of the offender as stipulated by the minimum age of criminal responsibility. Retributive justice has been proven to be inappropriate when dealing with young offenders; it places young people at a risk of attaining more criminal behavior. Therefore, no child should be caged, but instead channelled to something that is more meaningful and rehabilitative, hence paving way to diversion. Diversion has been identified as procedure employed by the juvenile justice system to deal with young offenders and effectively rehabilitate and reintegrate young offenders back into their communities. Diversion comes in threefold, namely, diversion from crime, prosecution and custody. There are various diversion programmes for young offenders which include Substance Abuse, Whitney's Kiss, Sex Offender and Life Skills programme. The programmes utilize individualized counselling and emphasize that youths should consider themselves accountable for their actions.

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CHAPTER THREE

3. RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

This chapter entails the description of the research design and methodology that was used for the study. According to Terre Blanche et al (2006), methodology specifies how researchers may go about practically studying whatever they believe can be known. In the same vein, De Vos et al (2005) state that research methodology includes a description of the specific techniques to be employed, the specific measuring instruments to be utilized and the specific series of activities to be conducted in making the measurements. It explains the logic behind research methods and techniques. The aim of this chapter is to provide a clear understanding of the methods used by the researcher in conducting the study. This chapter also discusses methodological issues such as study population and location, sampling procedures, methods of data collection and analysis and the ethical considerations.

3.2 Research methodology

The study was qualitative in nature. This research method was appropriate for the study because it leads to in-depth understanding of the effectiveness of the justice system and diversion programmes on juvenile offenders. According to Berg and Lune (2012), qualitative research involves data in the form of expressions, pictures, descriptions or narrations rather than numbers found in quantitative approach. In addition, qualitative method has been defined as using methods such as participant observation, case studies and in depth interviews which result in a narrative and descriptive account of a setting or practice (Parkinson and Drislane, 2011). In light of this, content analysis approach was used to uncover detailed, descriptive and explanatory analysis of the effectiveness of the juvenile justice system in rehabilitating the youth. This is done with the hope of resolving the problem at hand through generating different themes of the study. A qualitative research method is more descriptive as it gives an emphasis that enables people, groups and organizations to be understood. Studying people qualitatively enables the researcher to get to know participants personally and experience what they experience in their daily struggle in society. This research method enabled the study to get deeper into issues of juvenile justice and youth crime by analyzing the words, descriptions and narrations of the participants as decoded from the collected data.

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3.3 Research design

According to Welman and Mitchell (2005), research design is the arrangement according to which information is collected from research participants. It also describes what is going to be done in order to meet the objectives and address the research questions. A descriptive case study research design was used for the purpose of this study. According to Creswell (2007), a case study design involves an investigation of an enclosed system or a single or multiple cases over a period of time by way of a thorough in-depth data collection involving several sources of information. This process involves detailed in-depth data collection methods which may include interviews, documents, observations and archives (De Vos et al, 2011). This therefore means that the researcher had to obtain access to and the confidence of participants. In this case an intensive study of Bosasa Youth Development Centre was undertaken in order to provide a detailed description of the issues of juvenile justice. Therefore, the outcome of this research would be through an in-depth description of the effects of diversion programmes at Bosasa Youth Development Centre in Polokwane

3. 4 Study population and location

Welman, Kruger and Mitchell (2005) define study population and location as consisting of individuals, groups and organizations being studied. The target population of this study was young male and female offenders between the ages of 14-18 years, social workers and project managers at Bosasa Youth Development Centre in Polokwane. The researcher chose this location and the Centre because the purpose of the study was to use the youth from this Centre to evaluate the effectiveness of juvenile justice system in South Africa in the rehabilitation of the youth catered for by the same centre.

3.5 Sampling procedure

Since it is impossible to include the whole population in a study it is vital for researchers to make use of a sample to select respondents who would represent the whole study population. In order to enable the researcher to obtain a suitable sample for young offenders for the study, non-probability sampling was used. This sampling technique is whereby the possibility of any element to be incorporated cannot be guaranteed. According to Maxwell (2012), non-probability sampling is useful where the goal is to understand the structure of a particular setting or group.

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The study aimed to understand a group of people at Bosasa Youth Development Centre, namely, the young offenders.

3.5.1 Purposive sampling

The study used purposive sampling as a sub-type of non-probability sampling. According to Lewis and Sherpard (2006), purposive sampling is a planned selection of an informant due to the qualities the informant possesses. This type of sampling is dependent on the judgment of the researcher. Purposive sampling is ideal in that people who are unsuitable will have already been eliminated, hence it becomes less time consuming and costs are greatly reduced. The researcher used two types of purposive sampling namely expert sampling whereby the researcher interviewed social workers and project managers at Bosasa Youth Development Centre and homogeneous sampling which entails selecting individuals who have the same characteristics, in this case young offenders at Bosasa Youth Development Centre. The study was purposive in that the researcher looked for predetermined qualities such as gender and age. In this study male and female young offenders aged between the ages of 14-18 were selected. The experts comprised of people who had knowledge about the diversion programmes at Bosasa Youth Development Centre, namely project managers and social workers at the centre.

3.5.2 Sample size

For the purpose of the interviews, the sample consisted of eighteen (18) participants. The participants comprised of six (6) young females, six (6) young males, four (4) social workers and two (2) project managers from Bosasa Youth Development Centre.

3.6 Data collection instruments

The researcher was assisted by two research assistants to collect data for the study. The data was collected from the different respondents as per the agreed times between the researcher and the respondents. The data collected was then written down and made ready for analysis.

3.6.1 Interviews

The main data collection instrument for this study was the semi-structured interview. An interview schedule was appropriate because it permits a great deal of flexibility than a self-

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administered questionnaire. Furthermore, the interview allows the researcher to interact with the respondents on a one-to-one basis unlike in a self-administered questionnaire where the interaction between the researcher and the respondents is not available. The interview schedule had questions which sought to understand the effectiveness of juvenile justice system in administering the diversion programmes to rehabilitate young offenders in South Africa. The researcher thus, asked questions to solicit information from the respondents about the effectiveness of juvenile justice system in South Africa.

Face-to-face interviews were used. These interviews gave the researcher an opportunity to observe cues like physical body language and facial expressions. The researcher particularly used a semi-structured interview. Gibson and Brown (2009) argue that with semi-structured interviews, the interviewer is also free to probe the participants for more information on particular points to explore and even points that may emerge during the interview. The advantage of using semi-structures interviews is that the researcher gains insight into context of the effectiveness of the juvenile justice system in South Africa.

3.6.2 Focus groups

Focus group discussions were also used for the collection of data. Duggleby (2005) describes focus groups as a specific set of group interviews that involves a collective activity. In the study phenomenological approach was used for the focus group in order to understand everyday experiences of the participants at Bosasa Youth Development Centre. A group is selected because of certain characteristics that the participants have in common that enable them to relate to the topic in the focus group (De Vos et al, 2011). The group was "focused" in that all participants were involved in the activities at Bosasa Youth Development Centre. Group discussions can bring out rich information and participants are comfortable with sharing their experiences (Boeije, 2010). The focus group discussion enabled different responses on the effectiveness of the juvenile justice system to emanate from the participants. The researcher encouraged the participants to share their views, feelings and experiences through a purposeful discussion.

The researcher conducted two focus group meetings with the participants. The reason for having two meetings is that the she wished to determine whether the discussion reflected the unusual make-up of the group or dynamics of the participants in order to come up with a reliable answer to the research questions.

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3.6.3 Observation

Observations act as a complimentary method of data collection. The researcher made use of non-participant observation as a method of data collection. De Vos et al (2011) describe non-participant observation as a method that qualitatively studies the ordinary day-to-day arrangement or state of affairs in a particular community. The researcher observed events, activities and interactions at Bosasa Youth Development Centre with the aim of gaining a direct understanding of the activities and events. The attitudes and commitments, verbal and non-verbal communication of the young offenders at Bosasa Youth Development Centre showed how they felt about their presence at the Centre.

3.7 Data analysis procedure

Qualitative data analysis endeavours to ascertain how participants make meaning of a specific phenomenon by analyzing their perceptions, attitudes, understanding, knowledge, values, feelings and experience in an attempt to approximate their construction of the phenomenon (Maree, 2007). The process of data analysis commenced after the completion of the interviews with all eighteen (18) participants. Data was analyzed through the use of thematic coding. Thematic analysis is a method of analyzing, identifying and exposing patterns (themes) contained in the data; it helps the researcher to determine the relationship between the concepts (Alhojaila, 2012). The reason for using themes is that they are best suitable for analysis of an in-depth individual interviews or group interviews. For the purpose of this study it was applicable as it enabled the researcher to acquire in-depth information from the responses given by the respondents.

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The following process of data analysis was followed as suggested by Braun and Clarke (2006):

i. The researcher familiarized herself with the data and searching for meanings from the data.
ii. The researcher generated a list of ideas about what is in the data.
iii. The codes where sorted and grouped into potential themes.
iv. The researcher identified the importance of what each theme was all about and what aspects of the data each theme entails.

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3.8 Ethical considerations

The term ethics implies preference that influences behavior in human relations, meeting certain code of principles, the rules of conduct, the responsibility of the researcher and the standard conduct of a given profession (Babbie 2007). This means that the way other people are affected by actions of others merits ethical consideration. Care was taken to ensure that the human rights of the participants during this study were maintained. The ethics that where applied in this study were avoidance of harm, voluntary participation, informed consent, avoidance of violation of privacy, avoidance of bias and community entry.

3.8.1 Avoidance of harm

The fundamental moral rule of social research is that it must cause no harm to participants (Babbie 2007). Harm can mainly be of an emotional nature. The researcher had an ethical obligation to protect participants by all means possible from any form of material distress that may emerge from the research project (Creswell 2003). Participants were given full details beforehand about the impact of the research.

3.8.2 Informed consent

Obtaining informed consent entails providing information on the goals of study and the participants' involvement and the dangers which might ensue if there are any (Royse 2004). In other words, the researcher should take the participants step by step as to the procedure informing the participant of the relevance of the information that the participant is giving out. Consent could either be verbal or written. To this effect, the researcher acquired consent from participants before conducting interviews. The researcher gave participants a consent letter which they had to sign to affirm their consent to the participation in the study. The researcher also designed minor consent forms to cater for the minors who suffered from a legal disability preventing them from giving out informed consent because of their age. The participants were informed of the right to withdraw from the study at any point, if they desired so. Participants were also informed that they could choose not to answer any question that they felt uncomfortable with.

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3.8.3 Voluntary participation

The researcher thoroughly informed participants of what was being studied and the purpose of the study. They were informed that their participation is voluntary and that they are not forced to participate. The respondents were also informed that they should feel free to decline to participate or withdraw whenever and if ever they were not comfortable. The researcher informed the participants that declining to participate in the study will not affect them in any way.

3.8.4 Avoidance of violation of privacy

The researcher should not violate the participants' right to privacy. The researcher considered how to protect participants and was sensible when it came to this. In this case the researcher used the information acquired only for the purpose of this study. The interviews were conducted in a room reserved specifically for the interview in order to ensure privacy. The researcher used pseudonyms to protect the identities of the participants. The researcher interviewed the participants privately in order to ensure that no one knew of the responses they were giving out.

3.8.5 Avoidance of bias

The researcher must report his or her findings correctly and avoid being biased. The researcher is not supposed to influence the outcome of the study. Bias usually emerges during sampling. An obligation rests on the researcher towards all fellow academics to report correctly on the analyzed of data and the results of the study (Babbie 2001). In data collection the researcher avoided being biased by not manipulating the data.

3.8.6 Community entry

Gaining permission to enter the field is of prime importance in order to get the study started. According to Lennox et al (2005), gaining access to the participants in order to collect data involves going through a hiercharchy of gatekeepers or management. The researcher applied for permission to gain access into Bosasa Youth Development Centre. This was necessary because the researcher collected data by interviewing the youth offenders catered for by the Centre and all other people who work at the Centre. A brief written description of the study was made available to the management of the Centre. The researcher communicated with the management about what was going to happen and how long the data collection process would last. The management was also provided with the schedule of the research. The researcher

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also acquired permission prior to collecting the data from the Research and Publications Committee at the University of Venda.

3.9 Pilot study

According to De Vos et al. (2005), a pilot study is a small study that is conducted before the main research to determine the adequacy of the methodology, sampling instruments and analysis. A pilot study was conducted using semi-structured interviews and it involved three interviewees. Through the use of a pilot study, the researcher was able to confirm whether the questions and terminology were clear to the interviewees. Questions that were difficult for the participants were later simplified. Piloting did not lead to the change of the type of data collection tool.

3.10 Conclusion

The chapter discussed the methods that were used in conducting the study. It also examined the methodology undertaken by the researcher. The study was qualitative in nature with a case study research design. The research methods, including the sampling method, the sample size, the population under study, and the study location were discussed in depth as well. The ethical considerations that govern the study participants' rights as well as the researcher's integrity were discussed. The characteristics of the data collection tools as well as the piloting of the instrument were also explained.

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CHAPTER FOUR

4. DATA PRESENTATION AND ANALYSIS

4.1 Introduction

This chapter presents the data obtained from the respondents in relation to the effectiveness of the juvenile justice system in rehabilitating the youth in South Africa with specific reference to the diversion programmes at Bosasa Youth Development Centre.

In this chapter the researcher analyzed and interpreted the data collected from the youth who participated in the diversion programmes, social workers and project managers at Bosasa Youth Development Centre. The analysis and interpretation of data have assisted in determining effectiveness of the juvenile justice system in rehabilitating the youth in South Africa.

This process allowed the researcher to move from the description of events to a deeper understanding and making sense of the respondents' experiences. This is the case because data analysis involves arranging and categorizing, evaluating and comparing as well as synthesizing and reviewing the raw and coded data, Neuman (2006).

The interview schedule, focus group discussion and observation of this research aim to look at the qualitative method of analysis used in this research because it is helpful for the researcher to be able to understand the meaning people have constructed. This method enables one to decode meaning from the utterances made by the research participants during the interviews.

The collected data was analyzed and categorized according to the emerging themes. The themes which were discussed include, among others, the role of the juvenile justice in reducing reoffending, the impact of diversion programmes on the youth, factors contributing to youth reoffending, the strengths and weaknesses of the diversion programmes and the challenges faced by experts working with young offenders.

4.2 Demographic profile of the research participants

For the purpose of this study, only the aspects of age and gender were covered. In this chapter, 20 respondents from Bosasa Youth Development Centre were interviewed.

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TABLE 1 AGE

AGE	FREQUENCY	PERCENTAGE
14	2	11.1
16	3	16.6
17	2	11.1
18	5	27.8
35-40	4	22.2
40-45	2	11.1
TOTAL	**18**	**100**

Table 1 above indicates the age of the respondents. This table shows that the number of respondents who were 14 years of age were 2, thus representing 11.1 % of the total sample. The 17 year olds who were 2 in number represented 11.1% of the total sample. The 18 year olds constituted the largest number of the respondents (5 respondents) represented 27.8% of the total sample. The much older age group of between 35-40 years and 40-45 years were 2 and 4 in number respectively. These groups represented 22.2% and 11.1% of the total sample respectively and consisted of 2 project managers and 4 social workers working at Bosasa Youth Development Centre.

In the case of the young offenders in the above table, a larger percentage of the youth in conflict with the law is that of 18 year olds. This is the case because, according to U.S Department of Justice (2014), criminal careers of the youth usually start during adolescence and early adulthood and peak during adulthood.

TABLE 2 GENDERS

GENDER	FREQUENCY	PERCENTAGE
Male	7	58.3
Female	5	41.7
TOTAL	**12**	**100**

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Table 2 only indicates young offenders. As indicated in Table 2 above, the number of female offenders is 5 (41.7%) of the total sample. On the other hand, the number of male offenders stands at 7 (58.3%) of the total sample.

According to the statistics provided above, male offenders constitute two thirds of the total sample of the study. This means that female offenders are fewer than male offenders. The above data reveal that more young men commit offences than young women. This could be as a result of the different ways in which young men and young women are socialized. This assertion is supported by Sutherland's Differential Association (1949) which states that there is a clear gender difference when it comes to socializing.

4.3 Emerging themes

Hereunder follows a discussion of the emerging themes from the collected data.

4.3.1 Theme 1 – The impact of diversion programmes at Bosasa Youth Development Centre

The respondents were asked to state their view on the impact of diversion programmes at Bosasa Youth Development Centre. This was aimed at determining if the diversion programmes at Bosasa Youth Development Centre had helped the youth to turn over a new leaf. Most of the respondents gave an account that shows positive impact of the diversion programmes offered at Bosasa Youth Development Centre. Here is a thought expressed by one of the young offenders:

> *For the first time in my life my studies are important to me, something that I would have never done before being sent to Bosasa.*

The above statement highlights the positive impact that the diversion programmes at Bosasa Youth Development Centre have on the lives of young offenders. The programmes award them with a second chance to turn their lives around. This assertion is further supported by the response below from one of the young offenders:

> *My six months on trial at Bosasa has been a way to turn my life around. I was not upset about being at Bosasa because I did not have to go to prison. I needed to be here to discover who I really am. Youth centre is there to offer a second chance therefore you have to make good use of it.*

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Young offenders were also asked to give their view on how Life Skills programme equips them with the needed skills for a crime free life. One of the respondents stated that:

> *I am going to abide by the law because I now know the skills. If you follow what we are taught here your dreams come true.*

The above statement shows the effectiveness of the Life Skills programme. The young person who once committed crime and was subsequently put into the Life Skills programme came out a changed person altogether. The respondent shows that he is now determined to abide by the law in order to avoid reoffending. This can only be done by a person who has seen the positive results brought about by the Life Skills programme at Bosasa Youth Development Centre. The respondents pointed out that the diversion programmes contribute significantly in changing their attitude and behavior. Acquisition of life skills from the Life Skills programme has enormously helped to change most of young people's behavior. The extract below attests to the positive impact of the diversion programmes on young people:

> *When anger and hopelessness seem to be taking control over me, the relevant steps in the programme we receive here becomes a thing I turn to for courage, hope and direction.*

The diversion programmes at Bosasa Youth Development Centre, particularly the Life Skills programme, is designed in such a way that it helps young people to become more responsible. The programme helps them to realize that there is so much more they can do with their lives. Generally, the diversion programmes increase young people's ability to deal with problems. With the help of this diversion programme, young people are equipped with skills that enable them to find solutions to their problems as well as to resolve their past. Furthermore, young offenders are equipped with better communication skills, ability to freely speak their minds, to be optimistic and to be accountable and responsible for their actions.

The respondents also highlighted communication skills as another benefit they received after being exposed to the diversion programmes at Bosasa Youth Development Centre. All 14 respondents (100%) indicated that they could communicate better as a result of participating in the diversion programme. Consequently, they felt that they were more confident. 98% agreed that they had better skills "to get on with other people" and are able to handle their stress better while at Bosasa. 97% indicated that they know more about feelings and were able to express

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their feelings appropriately. According to the Bosasa Youth Development Centre's staff, diversion programmes allow and give young offenders the freedom to explore their inner being and forge new identities.

Of the 12 respondents, 10 of them (55.6%) vowed to lead a crime free life. The respondents indicated that the diversion programmes had a massive impact on their lives to such an extent that they now see no reason to commit crime. The respondents found the diversion programmes, particularly the Life Skills programme, so relevant for their life situations. This programme is structured in such a manner that it addresses their day to day challenges. To this effect, another respondent stated that:

The programme helps in that it motivates me to overcome my sense of failure.

The above statement also highlights the impact of the Life Skills programme on some of the offending youth. After committing crime and after being confined to Bosasa Youth Development Centre, young people are often labeled and stigmatized by members of community. But after going through the Life Skills programme, the offending youth come out more resilient. They come out strong and ready to deal with the stigma attached to them because of their anti-social behavior before they were taken into the Life Skills programme. The Life Skills programme enables these young people to be determined not to fail by avoiding engaging in activities that may lead them to reoffending.

The offending youth who took part in the Life Skills programme were asked if they would commit crime again. Of interest is that 11 respondents (79%) indicated that they do not want to commit any crime again. This shows that the majority of those who took part in the Life Skills programme were helped to change into law abiding citizens. This in itself highlights the effectiveness of the Life Skills programme at Bosasa Youth Development Centre.

However, there were three respondents (21%) who seemed not sure about the effects of the Life Skills programme on their lives. These youth did not see the importance of taking part in the Life Skills programme. The response of these young people shows that the Life Skills in which they took part did not help to change their lives, hence their being uncertain about the effectiveness of the Life Skills programme.

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4.3.2 Theme 2 - Factors contributing to youth reoffending

The researcher also asked a question to determine the number of young people who had reoffended after participating in a diversion programme before. Table 3 below gives statistics which shows the number of young men and women who had reoffended after participating in a diversion programme.

TABLE 3 RE-OFFENDING YOUTH

Re-offending youth after participating in a diversion programme	**Frequency**	**Percentage**
First time offenders	7	58.3
Re-offending youth	5	35.7
TOTAL	**12**	**100**

Table 3 shows that 7 respondents (58.3%) of the young offenders were first time offenders while 5 respondents (35.7%) of the young offenders had reoffended after completion of diversion programme. Of the youth that had reoffended, the major offences they had committed were shoplifting and theft. The 5 young people who reoffended stated that were influenced by their peers. They reoffended in order to please their peers so that they can be accepted by their peers as evidenced by the following statement:

> *My friends always said things that would push me to reoffend. I felt I had to do it in order to please them. Otherwise, they were not going to accept me as part of the group.*

The above statement shows that young people reoffended because of the peer pressure. Despite the fact that they had gone through the diversion programme, they are pushed to reoffend in order to fit again in the very same group that made them commit these offences. This implies that, upon their release, these young people still go back to their communities and associate with their old friends who might have influenced them to commit crime.

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The reoffending young people also said that they were forced to reoffend by the circumstances they found themselves in after their release. They said that they still had to go back to the same conditions that led them to commit crime before. They said that after their release and being at home, they still did not have anyone to provide them with what they needed since they come from poor families. They found that the only way to provide for their needs was to commit crime by, for example, shoplifting. This is captured by the following extract from one of the reoffending young people:

> *My family is poor and cannot afford to provide me with what I want. Sometimes I cannot have food or clothes that I want. I then steal so that I can buy what I want.*

The above data highlight the fact that most young people reoffend not because they want to. They reoffend because of the peer pressure and poor economic situation in which they find themselves in.

4.3.3 Theme 3 – The role of juvenile justice system in reducing reoffending.

This section reviews information given by the respondents on how the current juvenile justice system helps in reducing reoffending. The experts (i.e. social workers and project managers) were asked to indicate their views on how juvenile justice system helps in reducing reoffending.

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The experts, namely, social workers and project managers working at Bosasa Youth Development Centre, indicated how the juvenile justice system helps to reduce reoffending by youth in South Africa. The following is an extract from the response of one of the social workers:-

> *The juvenile justice system does a better job of holding young people responsible and reinforcing parental involvement within the young offenders' behavior. This includes that the young offender is more likely to be mandated to attend school, try to right the wrong that they have done to victims and participate in rehabilitative programmes.*

The above statement shows that the juvenile justice system is aimed at rehabilitating the offending youth. It provides an opportunity to the offending youth to correct the wrongs they committed. The offending youth have to take part in rehabilitative programmes to help them change. The offending youth are made to take responsibility for wrongs they committed.

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However, this is not done in a punitive manner. Since the offending youth are of school going age, they are also expected to attend school so that they do not miss while still participating in the rehabilitation programme.

Rehabilitation is an ensuing factor of a process that seeks to correct offensive behavior and development of the offenders' humanity while promoting the offenders responsibility. The experts were asked give an opinion on whether the diversion programmes addresses the rehabilitative aspect all of them answered affirmatively. One respondent attested that:

> *It ensures that the offender is equipped with appropriate practical and social skills for their reintegration back into the community.*

This response above might imply that the programmes seek the reintegration of the young offenders by redoing the wrong made by the offender through participation in the various programmes. According to Roper (2005) the purpose of rehabilitative interventions is that young people in conflict with the law return to family and life and contribute positively towards socio-economic development of their communities and society. The diversion programmes cover the rehabilitative aspect which is the main aim of the juvenile justice system using restorative justice principles.

Social workers and project managers interviewed also noted how the juvenile justice system plays a critical in ensuring that the offending youth get appropriate and adequate support. The programmes facilitate taking personal responsibility, increasing self-discipline and motivation to embrace a new way of being in the world which is being a responsible citizen. It also identifies interest and talents and develops practical job finding skills. This is helpful in ensuring that the offending youth are exposed to rehabilitative programmes that will help influence the youth to change their behavior. Once they participate in these rehabilitative programmes the offending youth are bound to change and develop positive behavior. In other words, juvenile justice system helps to reduce reoffending by addressing some of the causes of anti-social behavior amongst the youth. This argument is aptly captured in the following statements:

> *The juvenile justice system helps in reducing offending in that it works with the young person to provide support by a qualified person like social workers.*

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The juvenile justice system is the most suitable intervention which is crucial in handling youth's risk of re-offending. The effective intervention addresses dynamic risk factors such as anti-social attitudes and association with criminal peers.

Social workers and project managers also stated that the juvenile justice system helps to avoid the offending youth from having a criminal record which may stigmatize the youth. The youth with a criminal record will most certainly have many problems. For example, they may find it difficult to go on with their high school education or even have problems when searching for employment. The youth with a criminal record may experience challenges when trying to secure student financial aid to further their studies at tertiary level. Juvenile justice system provides the offending youth with a 'second chance' to start their lives all over as responsible citizens.

The data collected further shows the significance of diverting young people away from the criminal justice system. This diversion has helped to effectively reduce re-offending. This is clearly expressed in the following response from one of the young offenders:

> *Being at Bosasa was an eye opener it made me realize that I had to change my lifestyle. I realized that I could be a better person who does not inflict harm on others and that it's possible to abstain from crime. I learned how to live peacefully with others.*

4.3.4 Theme 4 - Strengths and challenges of diversion programmes offered at Bosasa Youth Development Centre.

Bosasa Youth Development Centre offers five diversion programmes, namely, Life Skills, Substance Abuse, Sex Offender, Behavioral Modification and Whitney's Kiss programmes (NICRO, 2012). The table below shows the percentages of youth offenders who participate in the above stated diversion programmes offered at Bosasa Youth Development Centre.

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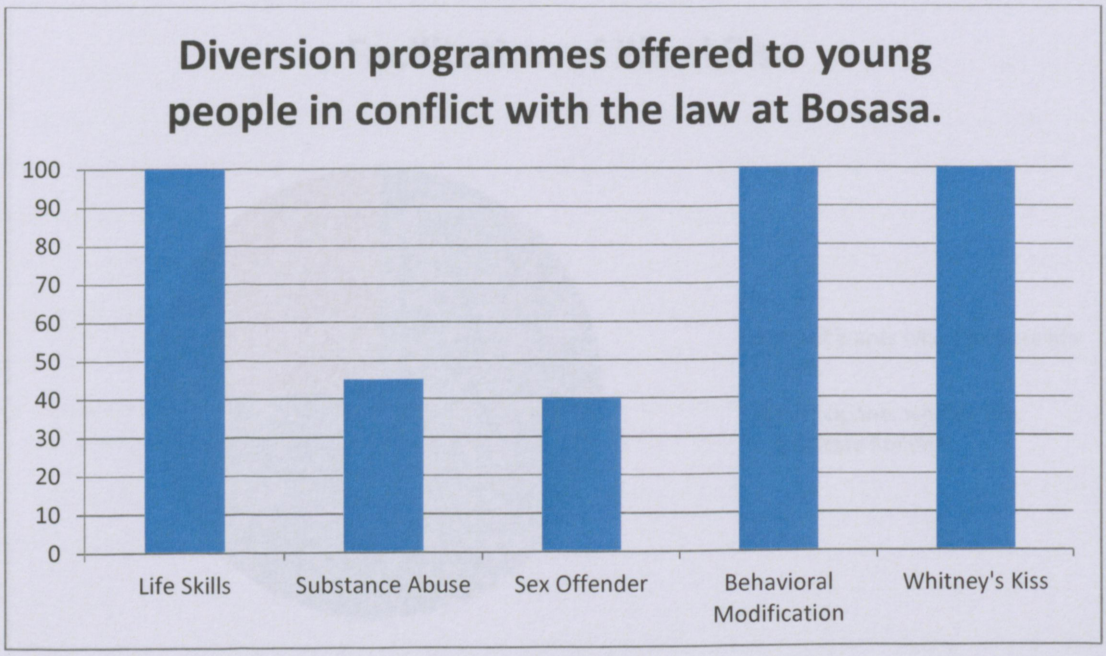
Figure 1



N=12

The experts (i.e. social workers and project managers) stated that all 12 respondents (100%) participate in the Life Skills, Behavioral Modification and Whitney's Kiss programme. The Substance Abuse programme is attended by 45% of the young offenders. This programme is for those offenders whose offences are related to the abuse of drugs. Moreover, 40% of the young offenders participate in the Sex Offenders programme as well because of the fact that their offences are sexually related.

4.3.4.1 Life Skills programme.

The experts were requested to give information on the strengths and challenges of the Life Skills programme at Bosasa Youth Development Centre.

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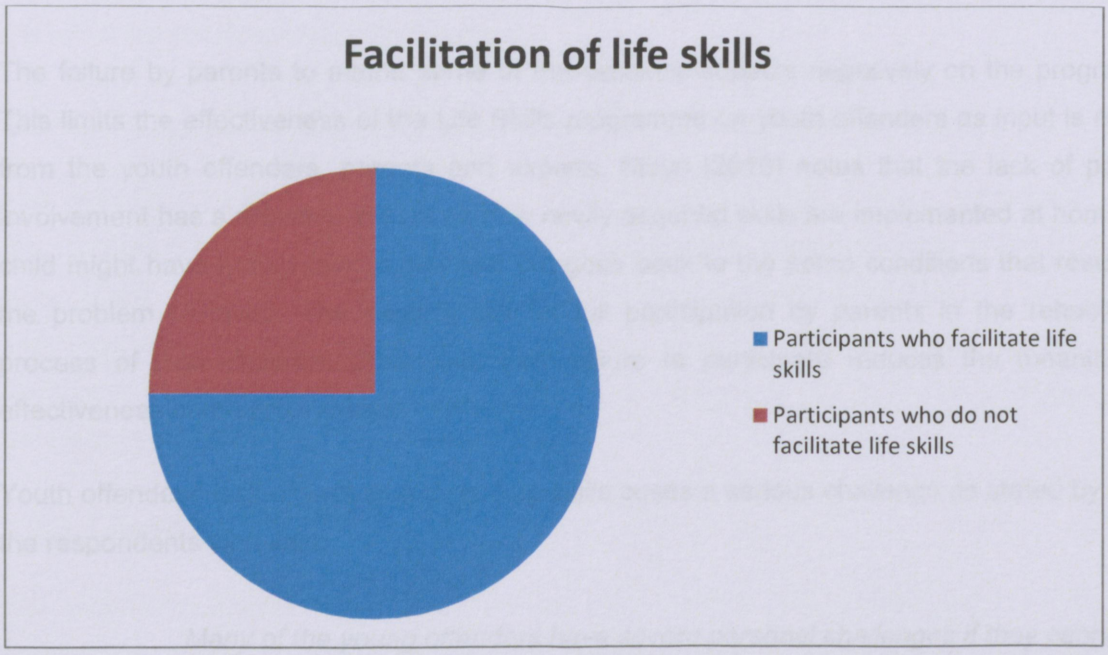
Figure 2



N=6

Figure 2 above shows the respondents who facilitate and who do not facilitate the Life Skills programme at Bosasa. A majority of the respondents (75%) facilitate the programme and only 25% do not facilitate the programme. In terms of these results, all the respondents (100%) indicated that the Life Skills programme offers an opportunity to learn the life skills they will need when they return back to their communities. The programme successfully creates better learning opportunities for the youth offenders. Bandura's Social Learning Theory of Bandura (1969) and Sutherland's Differential Association Theory (1947) are applied in the programme. This is done best in a group setting as indicated by the respondents.

The respondents were also able to talk about the some of the challenges regarding of the programmes. One of the respondents stated that parents of the offenders show lack of interest. The expert said that parents are not attending the sessions as expected. This makes it difficult for both the experts and youth offenders as they need the cooperation and support of the parents. The following statement shows that the root of the experts' frustration is due to lack of participation and commitment of parents:

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We expect the parents to attend the first and last sessions but many attend one session if at all.

The failure by parents to attend some of the sessions impacts negatively on the programme. This limits the effectiveness of the Life Skills programme on youth offenders as input is needed from the youth offenders, parents and experts. Steyn (2010) notes that the lack of parental involvement has a negative impact on how newly acquired skills are implemented at home. The child might have turned over a new leaf but goes back to the same conditions that resulted in the problem behavior. The experts call for full participation by parents in the rehabilitation process of their children. Otherwise, their failure to participate reduces the meaning and effectiveness of the programme.

Youth offenders' lack of writing and reading skills poses a serious challenge as stated by one of the respondents who said:

Many of the young offenders have severe personal challenges if they cannot read and write.

This corroborates Steyn's (2010) view that children who are underdeveloped struggle with this type of programme. Similarly, young offenders who cannot read and write have difficulties as some of the programmes require them to write down their feelings, perceptions and emotions for the experts to review after the group sessions.

All of the respondents (100%) stated that there is lack of follow-up activities after the young offenders have left the Centre. If they do exist they may be unstructured and informal. One of the respondents stated that

...at least six months follow up is needed to prevent reoffending. Some of the young offenders fail to sustain the new attitude and behavior they acquire at the centre because of the lack a follow-up.

Follow up services are essential in that they help to keep track of the progress the young offender has made since leaving the Centre. The follow up services can be just basic with at least one social worker visiting the young offender within the community for a few months.

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It can be concluded that even though the life skills programme is of paramount importance in the rehabilitation and subsequent reintegration of young offender. Inasmuch as it is important it still has a lacuna that needs to be filled up.

4.3.4.2 Complimentary programmes to the diversion programmes.

The manner in which Bosasa Youth Development Centre delivers restorative justice programmes illustrates the complex and emotional process of reconciliation. In this section the respondents were asked about the strengths and challenges of the complimentary programmes. These complimentary programmes are the Family Group Conferencing and Victim Offender Mediation. These programmes are used in most of the diversion programmes at Bosasa Youth Development Centre.

4.3.4.3 Family Group Conference.

The researcher asked the respondents on the strengths and challenges of family group conferences. The first step was to establish who among the experts was facilitating the programme. Fortunately, all the respondents were facilitating the programme as the programme is complimentary to other diversion programmes.

Regarding the strengths the respondents stated that the value of family group conference is that it aims at restoring that which was damaged by the offence. This is captured in the following extract by one of the respondents:

> *It facilitates reconciliation between the young offender and the community and family.*

The above statement shows that the outcomes of the family group conferencing are in line with the objectives of diversion as stated in the Child Justice Act 75 of 2008. This is the case because the conference allows a direct intervention from a domestic point of view. Too often the parents rely on the environment from school to nurture their children's behavior. In situations where a young offender is involved the family must step in. Family group conferencing allows the offender to take responsibility for his or her actions. According to the Child Justice Act (2008), family group conferencing creates a scene for child offenders and those affected by the criminal act to discuss the circumstances leading to the crime in order to come up with a strategy that benefits all. The Family group conferencing gives closure to the victims by

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reconciling and forgiving the offender. This is done through the face-to-face confrontation with the offender.

The respondents were also asked to give their opinion on the strengths of the Family Group Conference. Two (33%) respondents stated that family group conferences help to address family issues as well as the causes of crime. Child offending can originate from a number of causes. This is in line with the findings of Steyn (2010) who observed that restorative justice practices can facilitate understanding by delving into individual reasons for crime to get a holistic picture of needs. The family can with the assistance of the experts highlight some of the circumstances that contribute to anti-social behavior and try to find a solution to prevent reoffending.

Opinions were extracted from the narratives of the interviews regarding the challenges of the family group conferencing. Two (33%) respondents noted that it is difficult to get the parties together. Sometimes the young offenders refuse to participate in family group conferencing. This is as a result of bad blood between the parties due to the offending behavior of the young person; hence young offenders constantly fight with their parents. In some cases the parents seem not to be ready just yet to forgive the young offender. This renders the family group conferencing ineffective.

Another challenge of the family group conferencing is that some of the young offenders attend this programme only in order to avoid prosecution. Hence, it is problematic to work with someone who does not attend wholeheartedly but only to avoid jail time. This view emanated from one of the respondents who said that:

> *They only attend the programme just to please the authorities because they don't want to go to jail.*

Working with young offenders who are not remorseful poses a huge challenge. Such young offenders have a negative attitude and they are difficult to deal with. This view is also shared by Kleinhans (2013) who states that it is problematic and difficult to work and achieve the intended goals of diversion with young offenders who are only there to avoid prosecution. At the back of their mind these young offenders just want to do their time at the Centre and go back to their communities. As a result of their negative attitude, it is likely that the same young offenders will find themselves back in the Centre in no time.

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All respondents (100%) stated that is it is difficult to work with respondents from different backgrounds. It tends to be difficult to manage cultural imbalances. The difficulty comes when the experts need to work with people from different backgrounds. Some of the young offenders who come from economically well up families are difficult to work with as they might try to buy themselves out of the situation with the help of their families. The ideas and beliefs on morality can differ from one background to another.

4.2.3.4 Victim Offender Mediation.

An interview with the Bosasa project managers and social workers indicate that the Victim Offender Mediation Programme has a number of benefits and challenges with regard to the implementation of restorative justice. One of the respondents noted that the insight and views of both the offender and victim were altered by the Victim Offender Mediation programme. Alexander et al (2010) hold the view that victim offender mediation could change the perception of the offenders, but other research goes further and observes that the views of the victim can change too. The mediation can change the views of the victim with regards to the offenders' circumstances. This can help the victim to embark on the road to forgiveness. The offender gains insight into the real impact of the crime committed. The presence of those he harmed can have an emotional impact and the criminal act is viewed more comprehensively

Four (67%) respondents stated that both the victim and the offender benefit from the programme. The victim benefits through confrontation with the offender. Wemmers and Cyr (2006) disagree, claiming that victims are being used in victim-offender mediations for the purpose of keeping crime under control and not for the full benefit for the victim.

Some of the challenges mentioned by two respondents (33%) were as follows:

Some aspects of the victim offender mediation are not done appropriately. Choi and Severson (2009) argue that if restorative group conferences such as victim-offender mediations are not implemented appropriately, it will cause secondary victimization. Instead of helping out the situation if this programme is not approached in a sensitive manner it can lead to further disagreements between the victim and the offender.

Wemmers and Cyr (2006) support the views of four respondents (66%) that the victim does not necessarily want to participate actively in the programme. This can be due to the fact that the community has negative perceptions about offenders. The willingness of the victim to give the

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offender a second chance influences their decisions about taking part in the victim offender mediation. The other reason why some of the victims are not willing to participate is because they are not yet ready to forgive the offender.

4.3.5 Theme 5 - Challenges faced by experts working with young offenders.

The data highlights some of the challenges faced by the social workers and project managers whilst working with the young offenders. These seriously hamper the effectiveness of the juvenile justice system in achieving some of its goals.

All (100%) of the experts indicated a major challenge which was trying to engage with young offenders who constantly re-offend and spend most of their time in the justice system. This view is in line with Dawes (2008) who argues that a major difficulty in helping the young offenders to change their anti-social behavior is that they are involuntary clients who already have their own views about the juvenile justice. They also lack the desire even motivation to get involved in community based education or training programmes. This is attested to by the following statement made by one of the respondents:

> *The major issue is that some of the youth offenders do not come here voluntarily hence breaching orders is not a big deal to them because they have been here a couple of times.*

The above statement indicates that youth offenders do not care at all what happens to them despite having been arrested and sent to the juvenile Centre several times. As a result, these young offenders end up labelling themselves as criminals. This reveals that they no longer care as they have accepted that most part of their lives is to be spent within the juvenile justice system.

The majority of the experts indicated that unless the family is supportive the young offender has a little or no chance at all of living a crime free life. The experts further stated that such young offenders have a higher probability of returning to the juvenile justice system. The following utterance by one of the experts endorses the above assertion:

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> *...family support is important as it provides stabilization of behavior and emotions.*

This quotation helps to emphasize the fact that family support in everything is important. Strong family support system will ensure that they do not relapse into a life of crime again. The experts also raised parental attitudes condoning anti-social behaviours as another major challenge. This means that there are parents who do not see anything wrong in their children's anti-social behavior. This issue culminates in young offenders lacking positive role models who can mould these young offenders into being responsible and well-behaved citizens. Below are some of the responses shared by the experts in this regard?

> *When parents portray negative behavior it becomes difficult for them to recognize their children's anti-social behavior because it is something that is not new in their environment.*

> *When families are dysfunctional they provide a breeding ground for criminal acts by young people within the family.*

> *While children are growing up they reflect behaviours that they learn within their families. If a child grows up on a diet of violence they pick up violent tendencies.*

All the views expressed in the above quotations are in line with Bandura's Learning Theory (1969) which states that behavior is driven by consequences and that those behaviours that are rewarded are more likely to re-occur. Since some of the parents of these children fail to guide them to behave well, the children continue engaging in an anti-social behavior because to them there is nothing wrong with their behavior. The experts at the Bosasa Youth Development Centre cannot replace the emotional nourishment that the environment at home should be offering. This means that if the parents condone anti-social behavior it becomes difficult for social workers and project managers to work with young offenders from such kind of families.

All (100%) of the respondents highlighted another challenge as attempting to actively integrating the young offenders into the mainstream education. The environment at school is an eye opener and also teaches a lot about life. The experts stated that once youth offenders are expelled from school, their chances of ever going back to school become minimal. If they ultimately do not return to school, these young people will have a lot of time to engage in anti-social activities.

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Another challenge faced by the experts while working with these young offenders is that some of the young offenders lack empathy. The respondents stated how some of the young offenders do not even feel bad. This makes it difficult for the social workers and project managers to work with youth offenders who do not feel guilty. This view is also shared by Tangney et al (2012) who argue that shame and guilt provide points of intervention for the young offender. If the young offender lacks shame or guilt it is very difficult for them to feel motivated to do any reparative action.

4.4 Conclusion

The study is about the effectiveness of the juvenile justice system in the rehabilitation of the youth in South Africa. Fourteen respondents took part in the study which was conducted using a semi structured interview; focus group discussion and lastly observation as a complimentary data collection method. This study highlights the importance of the juvenile justice system in providing diversion programmes that will be helpful in ensuring effective rehabilitation for youth offenders. This means that the juvenile justice system should not be punitive but help in rehabilitating young offenders so that they can become well-behaved and responsible citizens.

It can be noted from this study that although there are a few challenges when it comes to administering justice for young offenders, the efforts of the juvenile justice systems to rehabilitate youth offenders and to reduce reoffending are not in vain.

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CHAPTER FIVE

5. SUMMARY, STUDY FINDINGS, RECCOMMENDATIONS AND CONCLUSION

5.1 Introduction

The aim of this research was mainly to evaluate the effectiveness of the juvenile justice system in South Africa with special reference to Bosasa Youth Development Centre's diversion programmes in Polokwane. This has so far been achieved through discussions of the diversion programmes for young offenders with an exposition of the research methodology employed in the qualitative study as well as an in-depth analysis of the results obtained from the study.

5.2 Summary

Chapter one is mainly concerned with the purpose of the study by introducing the problem statement and stating the aims and objectives of the study.

Chapter two reviews the literature on the effectiveness of the juvenile justice system. In this chapter literature that was reviewed was on the restorative aspect being the main component of the juvenile justice as opposed to the punitive aspect of the criminal justice system. The main purpose of the juvenile justice system is to rehabilitate young offenders rather than to imprison and punish. Hence diversion programmes are premised on the notion of rehabilitation.

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Chapter three described the methodology and approach that was used to collect data. The population and sample that was used in the study are clearly described. In-depth interviews, focus group discussion and observation were used to collect data.

Chapter four was on the presentation and analysis of the data collected. The presentation and analysis of data raised issues such factors contributing to reoffending, the role of juvenile justice in reducing reoffending, the effectiveness of diversion programmes at Bosasa Youth Development Centre, the strengths and challenges of diversion programmes and the challenges faced by young offenders while working with young offenders which subsequently led to the recommendations of the study.

Having discussed the above the next section will discuss the findings and the recommendations of the study.

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This chapter discusses the findings and appropriate recommendations and conclusions, based on the objectives of the study linked with the literature reviewed as well as the data collected from the respondents. To facilitate the research, the aim of this study was subdivided into two objectives, namely:

i. To determine the role and significance of the juvenile justice system in South Africa for the rehabilitation and reintegration of the youth back into their communities.

ii. To establish the effectiveness of the Bosasa Youth Development Centre's diversion programmes in the rehabilitation of the youth and the promotion of juvenile justice in South Africa.

To ensure that this study is also a review of a process and not only a description based on a skeleton, the findings made in the preceding chapters on the objectives are summarized in this chapter in order to make recommendations and draw conclusions on the effectiveness of the juvenile justice system in rehabilitating the youth in South Africa.

5.3 Findings of the study.

The following are some of the findings that were derived following the analysis of the data in Chapter 4.

The major finding that emerged from the study indicates that young offenders' stay at Bosasa has had a positive impact on their lives. This is mainly due to the effectiveness of the diversion programmes to which young offenders are exposed to. This answers one of the study objectives which sought to determine the effectiveness of diversion programmes in rehabilitating the young offenders in South Africa. From the results gathered it is evident that the programmes offer young offenders the chance to turn their lives around into something meaningful and productive. Noteworthy, this study shows diversion programmes help young offenders to have an opportunity to reflect and think hard on how their behavior has had a negative impact on others. Most of the respondents highlighted their positive feelings about the fact that they were going to restart their lives on a clean slate because they had acquired better skills through the diversion programmes. This study highlights the effectiveness of the diversion programmes in rehabilitating the youth offenders and in reducing reoffending by using restorative justice principles.

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Another finding of this study is the recurrence of the anti-social behavior by some of the young offenders at the Centre. A significant number of the young offenders who were interviewed had been in the justice system before. This is attributed to lack of follow-up services after the young offenders have left Bosasa Youth Development Centre. This finding concurs with the literature that was reviewed. Peer pressure also leads young people to reoffend. Young people also reoffend because they are often released back into the same poor economic and home conditions which led them to offend in the first place.

The study also highlights a negligible but disconcerting percentage of some youth offenders who lack interest in taking part in the diversion programmes. This is worrying because the juvenile justice system introduced these programmes to ensure that young offenders are rehabilitated. This is now becoming impossible because of the youth offenders' lack of interest.

Lack of cooperation and participation by parents in the diversion programmes was found to be impeding the effectiveness of the diversion programmes in the rehabilitation of youth offenders.

5.4 Recommendations

The following recommendations were made based on the findings of the study:

Mentoring programmes should be implemented in schools, communities and religious institutions which deal with adolescents wherein they can be mentored by possible role models so that they are molded into productive citizen at grassroots level thereby eliminating any possibility of falling into the justice system.

Youth centres should be established to reinforce the values that ex-youth offenders learned while they were at Bosasa Youth Development Centre. Youth offender rehabilitation programmes should also involve the public in order to avoid stigmatization of young offenders by members of the community.

The professionals who facilitate the diversion programmes should receive comprehensive training in mediation so that they can be able to encourage cooperation, participation and communication amongst all parties. This is vital in order to ensure that the youth offenders are rehabilitated.

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Participation of families of the youth offenders must be compulsory. This is to ensure that the family is involved in the rehabilitation process of the member of the family. This will maximize potential successful rehabilitation and reintegration of the youth offender.

Follow-up services should be made use of to ensure the long term effectiveness of the diversion programmes. The follow-up services should make use of reinforcement programmes like visiting the young offenders within their households and having sessions with both the offender and the family in order to determine how well the offender has been rehabilitated.

Social workers should spend more time with the families of the young offenders in order to get a clear picture of the family dynamics as well as to engage with the victim in order to facilitate reintegration.

The Centre should develop special programmes that can also cater for those offenders who cannot read and write.

Centres should be in partnership with the education department and advocate on behalf of the youth offenders to find ways to actively get the young offenders back into school system as well as providing the necessary support to teachers in dealing with these offenders in order to ensure their successful rehabilitation.

Collaboration amongst the organizations that offer diversion programmes to young offenders should be encouraged.

Facilitators of diversion programmes should undergo a comprehensive training so that they can be skilful in effectively dealing with a range of behaviours young offenders possess.

5.5 Limitations of the study

The fact that the effectiveness of the diversion programmes were analyzed over a short period of time is a limitation. Another limitation is that the study was only conducted in one province, that is, Limpopo. This limits the scope of the study as societal issues are not homogenous. In order to ascertain the true effectiveness of the study, the research must have been conducted in at least three different youth development centres across South Africa.

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5.6 Conclusion

The incidences of cases of youth who engage in unlawful or criminal activities are of great concern for the criminal justice system and South Africa government. The juvenile justice system in South Africa is meant to address challenges caused by under-age young people and simultaneously protect and rehabilitate them so that they also become productive members of the society. This juvenile justice system is not supposed to be punitive but restorative. To realize this, the justice authorities and relevant stakeholders use a number of different diversion programmes to rehabilitate the offending youth. In South Africa, the diversion programmes offered at Bosasa Youth Development Centre, namely Life Skills Programme, Sex Offenders Programme, Whitney's Kiss Programme, Substance Abuse Programme and Behavioural Modification Programme, are used to help rehabilitate the offending youth. Therefore, the aim of this study was to evaluate the effectiveness of the juvenile justice system in rehabilitating the youth in South Africa with special focus on these diversion programmes.

Despite the availability of these diversion programmes across the country, the number of young people engaging in criminal activities keeps rising. This is problematic because it creates an impression that the diversion programmes are not effectively addressing the problem of juvenile delinquency in South Africa. The study pointed out the problem of the recurring anti-social behavior among some young offenders in South Africa even after they had been exposed to the diversion programmes. What is disconcerting about this situation is that it paints a bad picture about the effectiveness of the diversion programmes since they appear to be failing. As a result the South African justice system appears to be failing to create a favourable environment for the effective rehabilitation of the offending youth.

The study found that lack of follow-up services after the attendance of the diversion programmes by the offending youth, inconsistent participation of families in the diversion programmes and the socio-economic conditions in the homes and communities of the offending youth compromised the effectiveness of the diversion programmes. For the juvenile justice system to be effective in rehabilitating the offending youth follow-up services and participation of families of the offending youth should be standardized and made compulsory. The socio-economic conditions in the homes and communities of the offending youth should be given serious attention to ensure that the offending youth do not go back to the same conditions which created their anti-social behavior. Paying special attention to these conditions will help in

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increasing the effectiveness of the diversion programmes in rehabilitating the offending youth in South Africa.

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APPENDICES

APPENDIX A

Formal Consent letter

This formal consent letter is for young offenders who are held at Bosasa Youth Development Centre in Polokwane, who I am inviting to participate in research on the effectiveness of the juvenile justice system with specific reference to the diversion programmes at Bosasa. The title of the research project is "An Evaluation of the Effectiveness of the Juvenile Justice System in Rehabilitating the Youth in South Africa: A case study of Bosasa Youth Development Centre's diversion programmes in Polokwane."

The principal investigator is Leah Gwatimba a master's student at the University of Venda.

This Informed Consent Form has two parts:

a) Information Sheet (to share information about the research with you)

b) Certificate of Consent either or Minor Assent Form (for signatures if you agreed to take part)

You will be given a copy of the full Formal Consent Form

PART A: Information sheet

Introduction

I am Leah Gwatimba, a student at the University of Venda. The main purview of this research is to evaluate the effectiveness of the juvenile justice system in the rehabilitation of the youth in South Africa.

I am going to give you information and invite you to be part of this research. You do not have to decide today whether or not you will participate in the research. Before you decide, you can talk to anyone you feel comfortable with about the research.

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There might be some words you do not understand. Please ask me to stop as we go through the information and I will take time to explain. If you have questions later, you can ask them from me or the research assistants.

Type of Research Intervention

This research will involve your answering the questions put to you and contained in the interview questions.

Participant selection

We are inviting all young offenders and project managers at Bosasa Youth Development Centre (Polokwane)

Voluntary participation

Your participation in this research is entirely voluntary. It is your choice whether to participate or not. Whether you choose to participate or not, all the services you receive at this centre will continue and nothing will change. If you choose not to participate in this research project, you will be offered all the rights that are routinely offered in this centre in terms of the law. You may change your mind later and stop participating even if you agreed earlier.

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Part B. Certificate of consent

My name is **Leah Gwatimba**. I am a Masters student at the University of Venda registered for the Masters of Arts (Youth Development) degree. My research is on the **An Evaluation of the Effectiveness of the Juvenile Justice System in Rehabilitating the Youth in South Africa: A case study of Bosasa Youth Development Centre's diversion programmes in Polokwane.** I am inviting you to participate in this study. Please note that any information you will provide will be treated as confidential and therefore will not be divulged to anyone without your consent. Names will not be used in this study therefore the information you provide will remain anonymous. Note that your participation is voluntary, meaning to say you are free to pull out at any time should you feel uncomfortable during the course of the study. The information given will only be used for academic purposes.

Signature of researcher..... Date.....

I ..... Have read and understood the contents and terms of this invitation to participate in this study. I hereby declare that I am voluntarily participating in this research.

Respondent signature..... Date.....

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Minor Assent Form

I am willing to take part in the study called "An Evaluation of the Effectiveness of the Juvenile Justice System in Rehabilitating the Youth in South Africa: A case study of Bosasa Youth Development Centre's diversion programmes in Polokwane." I understand the researcher from the University of Venda is hoping to analyse how the justice system for young people has been effective in rehabilitating young people in conflict with the law. I understand that I will be asked a few questions by the researcher at Bosasa Youth Development Centre in Polokwane. I will be asked about how the programmes at Bosasa have changed my wayward ways and the positive effects of the programmes. This study will take place at Bosasa in Polokwane and should take about twenty minutes of my time.

I am taking part because I want to. I have been told that I can stop at any time and if I do not like a question, I do not have to answer it. No one will know my answers even my parents or fellow young people here at Bosasa Youth Development Centre.

I want to be part of this project:

Participant Name (Please Print):_____

Signature:_____

Date:_____

Investigator Name (Please Print):_____

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Signature:_____

Witness Name (Institutional authority):_____

Signature:_____

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APPENDIX B

Research instrument: Interview schedule

Young offenders

1. How has being at the Bosasa Youth Development Centre changed the way you view life.
2. How has the BYDC diversion programmes contributed to a change in attitude and behavior?
3. What are the positive effects of diversion programmes?
4. Do you see or view life differently through these programmes offered at BYDC?
5. Is there any other thing which you wish to bring to our attention which has not been brought up in the interview?
6. How does the Life Skills Programme equip you with the needed skills for a crime free life?
7. Please explain the impact of each programme if at all on the direction in which you intend to take your life moving forward

    - Substance Abuse Programme
    - Sex Offender Programme
    - Whitney's Kiss Programme

8. Do you feel you have been given a second chance by being at Bosasa?

Social workers and project managers

1. In your own opinion does the current juvenile justice system help in reducing re-offending?
2. What exactly do these diversion programmes entail?

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3. What is your opinion on diversion options?

4. What are the strengths and challenges of the diversion programmes?

5. What do you think can be done to enhance the facilitation of the diversion programmes?

6. In your own opinions are these programmes effective.

7. In your own view do these diversion programmes address the rehabilitative aspect which is the main aim? Please support your answer.

8. What are the challenges that you come across while working with young offenders?

9. Do you wish to bring to our attention that has not been brought up in the interview?

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