



CENTRE FOR CHILD LAW



## STATEMENTS FROM THE NGOs ENTERING THE CASE AS AMICI CURIAE AND THE CENTRE FOR CHILD LAW

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### **Childline's Joan van Niekerk on automatic inclusion of children on the register:**

*“A ‘one size fits all’ approach to children who sexually offend will result in grave injustices to many children. Labelling is a problem because children often begin to live the labels they are given, and find it difficult to develop a future orientation. Children, because their behaviour, sexual or otherwise, is not yet fixed, usually have the potential to change and benefit from well planned and implemented therapy and diversion programmes. Therefore careful assessment should determine the child’s level of risk and the type and length of treatment from which the child will benefit. Reassessment on the completion of the treatment programme should then determine whether or not the child still presents as a risk and whether their name should be placed on a register.”*

### **Dr Shaheda Omar from Teddy Bear Clinic for Abused Children said the following in regards to what evidence indicates:**

*“Intervention is a better opportunity for children as it is not stigmatizing and traumatizing but enhances their sense of wellbeing. Placing children automatically on the register would deny them this opportunity and induce secondary trauma and experience all the negative effects associated with labelling.”*

### **Arina Smith from NICRO makes the following statement on having individual assessments:**

*“In NICRO’s experience children exhibiting early on-set behaviour are often in dire need of professional attention. Without an assessment these children will fall through the cracks – including their names on a register per se rather than assisting them has the effect of marginalising them further”.*

### **Centre for Child Law attorney Morgan Courtenay explains the conflict between the register and the Child Justice Act:**

*“The Child Justice Act aims to break the cycle of crime and contribute to a safer society through encouraging children to become law-abiding and productive adults. The register, on the other hand, focuses on the exclusion of offenders and, in the case of child offenders; this may prevent them from growing up to become law-abiding adult citizens”.*