

1  **Children Who Kill or Commit Violent Crime**

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2  **This was a difficult presentation to prepare**

- The challenge of knowing so little about these children and how to work with them
- There is a need for research on this in South Africa
- There is a need for us to understand the drivers behind the behaviour – see beyond the act to the child
- There is a need to move beyond a simple criminal justice response to these children to focussing on their need for intervention and therapy.
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3  **Why present on this?**

- There are enormous concerns about the numbers of children who kill or commit crimes of violence. (refer to the presentation on gangs yesterday)
- In recent research the MRC reported on their research on child homicide.
- A child is killed every 7/8 hours in South Africa
- However the most vulnerable population are teenage boys – possibly in gang violence perpetrated by teenage boys.
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4  **Recent cases involving children that have received extensive press coverage**

- The arrest of the child in Northern Cape for the murder of his mother, father, and sister
- The Terreblanche murder
- The teenager in Chatsworth Durban in the murder of her stepfather

5  **Child Justice Act no 75 of 2005**

- Progressive
- Based on restorative justice principles
- Children are encouraged to acknowledge and take responsibility for their behaviour
- Establishes diversion as a means of minimising the negative impact of the criminal justice system – moving children into diversion programmes that address their needs and behaviour – and where a child is old enough and able – to provide some compensatory act/activities to restore balance in their family and community.
- This could be symbolic – eg a letter of apology, community service.

6  **The issue of criminal capacity – the Child Justice Act**

- The 2 stage test
- Knowing the difference between right and wrong
- The ability to act in accordance with this.
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Irrebuttable criminal incapacity in South Africa is up to age 10 – despite the fact that strong recommendations were made to the Parliamentary Portfolio Committee on Justice and Constitutional development to peg this at least at 12 years.

- Between 10 and 14 years – rebuttable criminal incapacity.

7  **The issue of criminal capacity – the Child Justice Act**

- A strong recommendation was made to the Parliamentary Portfolio Committee on Justice and Constitutional Development to raise the age of irrebuttable Criminal

### Incapacity

- However the PPCJCD decided that it did not have enough information about how many and what kind of crimes are committed by 10, 11, 12 and 13 year olds.
- A compromise was therefore reached, that within 5 years from the implementation of the CJA, Parliament will again consider raising the minimum age of criminal capacity – this time with more information at its disposal.
- This in my opinion is not a rational decision – criminal capacity is linked to children's development – not the number or seriousness of the crime or how many serious crimes are committed.
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### 8 **How does one assess criminal capacity?**

- The evaluation must include assessment of cognitive, emotional, moral, psychological and social development. S 11 (3) of the Child Justice Act  
However a recent workshop on criminal capacity concluded
- 1. There is a lack of psychiatric facilities and professionals to conduct the assessment of criminal capacity of children. Routine assessments of these children place an increased burden on already stressed resources

### 9 **How does one assess criminal capacity?**

- 2. The status of assessment reports is a concern. There are concerns about the quality and accuracy of assessment reports because probation officers are still using old and outdated theories and not modern theories of criminal behaviour. Therefore, the way that information is gathered and the tools used needs to be updated in line with international best practice. Assessment reports do not meet the needs and requirements of the court, the child offender and the community.
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### 10 **Diversion**

- Can be applied in schedule 3 (very serious) crimes such as murder – but has to be clearly motivated
- Can be applied at various stages of the Criminal Justice Process
- Children must have criminal capacity to be diverted
- However there is a specific process to be followed with children in conflict with the law under 10 years or children without criminal capacity

### 11 **Research on children who commit serious acts of violence**

- Good Literature is scarce – especially literature that relates to South Africa.
- However an internet search provided:
  - 584 000 000 results on the topic.
  - Including Killer kids games and movies – in which children practice and are taught to kill.
  - Much of the "knowledge" in many of the sites is based on media reports rather than hard research.

### 12 **Childline's experiences: the difficulty of choosing case studies**

- Each has brought its own learnings with regard to assessment and management of the child
- Each has provided an invaluable insight into the lives of these children
- Each has challenged our understanding of why children commit acts of violence.
- The children Childline works with are atypical – but then – what is typical.

### 13 **Jackie**

- Arrested for killing her parents – with boyfriend

- Kept in woman's prison awaiting trial
- No female youth facility
- Mixed race
- Only child
- Childline requested to write a pre-sentence report.

14  **First Contact**

- Brought from prison and interviewed in a courtroom – hardly ideal.
- Although physically average, appeared "cowed"
- Love bites on neck
- Disclosed sexual assault in prison by other females
- This was the initial crisis
- Had to resolve and ensure a safe placement before proceeding
- Then only began the process of information gathering

15  **Information gathering**

- From child – (frightened, sad, untrusting, confused)
- family (angry, mourning, sad, disbelieving rejecting, negative)
- community including school (rejecting, negative)
- School records
- Police docket
- Crime scenes information
- etc
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17  **The process**

- Worked in a multi-disciplinary team – prosecutor, defence attorney, correctional services staff, child and youth care workers, other social workers.
- Family group conference – at first excluding Jackie and then including Jackie – this a very difficult process (anger, rejection, the need to know). It did not bring closure but it began a process – it opened a door a little – and we were able to build on this over the years (yes – years!)

18  **Jackie**

- Sentenced
- Suspended sentence
- Correctional Supervision
- House arrest
- Community service
- Placement in a child and youth care centre
- Compulsory attendance at programmes including therapy
- Childline to coordinate and monitor the network of activities

19  **Jackie's progress – or lack thereof! Hanging in there.....**

- A year of serious acting out
- Suicide attempts
- Abscondment
- Failure to integrate into the Centre
- Unacceptable Sexual behaviour
- Rejection by therapist
- Child and youth care workers in despair

- Frequent case conferences – social workers, child and youth care workers, lawyer, correctional supervision staff
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20  **The Turning point(s)**

- The realisation that people were committed to the “Long haul”
- The sudden insight that we had to enable/catalyse a mourning process
- This was a real wake up call – we think of these children as perpetrators – we began to realise that this child was severely traumatised by her own and her boyfriend’s behaviour and also missed her parents – the fact that her loss was initiated in part by her own self, did not take away the fact that there was a need to acknowledge loss, grief and her own trauma

21  **The mourning process**

- The nightmares – “I am covered in blood”
- The bloodletting
- The rituals of mourning
- The mourning space
- Open acknowledgement of the maternal extended family’s mourning
- Trying to initiate contact with the maternal extended family

22  **Moving on**

- Challenges were certainly not over
- Struggles included
- Poor self esteem
- Guilt and loss
- School – acceptance and catching up

23  **Where is Jackie now?**

- Early (20 years) pregnancy and marriage (early by her own definition – but I need a family)
- Matric – and now in early tertiary education
- In stable relationship with partner and father of baby who knows her history, for past 4 years.
- Maintains brief contacts with Social worker in Child and Youth Care Centre and Childline.
- Some limited contact with extended family

24  **Extracting learnings from our experiences**

- Try to encourage rapid finalisation of the criminal cases – for several reasons
- The real “work” of change is difficult to begin when there are anxieties around “what is going to happen to me.” for example work on genuine remorse and understanding of the impact of behaviour on others.
- Long delays also compromise the child – Example of “P”.
- The child is seeing multiple role-players who are part of the “assessment”/investigation/sentencing processes and this makes establishing stable therapeutic relationships difficult.
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25  **Extracting learnings from our experience**

- Time to reflect is essential – to go over detail to “mind map” it
- These children are usually labelled in a totally negative way – particularly by the media. This makes it hard to look for positives – but this is essential as these are the building blocks for the future growth of the child.
- Children take these labels upon themselves
- You cannot protect from the impact of media – but equip the child to deal with it.

- Labels are not that helpful – as they sometimes blinker our understanding of the child. However don't reject them outright as they give some perspective.
- Extensive history taking is very important – as it helps one understand the complexity of the drivers of the child's behaviour and to some extent puts it in context.

26  **Extracting learnings from our experience**

- Patience is essential – change is slow
- Relationship is critical – possibly more so than technique.
- Ground yourself – reading, exploring different therapeutic and theoretical options was helpful
- Ground yourself – the impact of the child's initial behaviour and subsequent struggles on yourself as a professional and as a person cannot be denied. Debriefing is critically important to give perspective and maintain psychological health.

27  **Learnings from our experience**

- Placement of these children in care and school requires careful planning and selection
- Sharing details of the child's crime must be carefully managed
- Risk must be carefully assessed
- Staff must be well briefed and prepared.
- It is helpful for the child to know which staff has knowledge of his/her history

28  **Extracting learnings from our experience**

- Team work is critical
- Different perspectives
- Different methodologies
- Support during periods of discouragement
- Sharing experiences and information
- Debriefing
- Sharing the load
- Sustaining the effort
- Celebrating the successes
- You also model relationships to the child – how you deal with differing perspectives, opinions etc

29  **Extracting learnings from our experience**

- Celebrate every step forward – no matter how small – with the child and the team
- Draw in other services when necessary – but broker these carefully with the child as they anticipate rejection and judgemental attitudes
- For all our children, community service has been very useful and building of confidence and self esteem – but it must be an appropriate setting.
- Protect these children from the media if possible – where they are usually labelled inappropriately

30  **Learnings from our experiences**

- The words "therapist" and "therapy" must be seen from a broad perspective. Some of the most healing experiences are not necessarily delivered by a highly qualified professional.
- Reintegration of these children back into their communities has to be carefully processed
- This may involve arranging for traditional rituals that facilitate this process.
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31  **There are different constellations of factors associated with in/out of family killings/violence.**

- There seem to be different profiles for

- children who commit frequent acts of violence
- Versus those who kill their parents/a parent/close family member: usually these children
  - are seldom violent
  - are abused
  - have parents are likely to be substance abusers
  - are isolated and don't know who to turn to for help
  - kill only when they feel there is no other option
  - do not revel in the murder – they block it out.
  - are remorseful.

32  **Risk factors for family killing identified by Heide**

- Some researchers have identified risk factors for children who kill/commit serious violent crimes (Heide – research with 50 adolescents who had killed their parents)
  - o Evidence of family violence
  - o Attempts to get help, which failed
  - o Attempts to run away or commit suicide
  - o Isolation from peers
  - o Increasingly intolerable family situation
  - o Children feel helpless to change the home situation
  - o Inability to cope with what is happening to them
  - o No criminal record
  - o A gun available in the home
  - o Alcoholism present in parents
  - o Amnesia reported after murder
  - o Victim's death perceived as a relief by all involved.

33  **Extra family killing/violence**

Earl-Taylor

- Children are subjected/exposed to violence
- These children are "Coached" into violent behaviour through this abuse and exposure
- Often involve one principle instigator
- Low empathy and social intelligence
- Incapable of compassion towards victim

34  **The influence of media, games etc.**

- Research does appear to indicate links – but not simple cause/effect connections.
- Grossman in his article "training children to kill" believes that "desensitization toward violence is happening to our children through violence in the media"
- he notes that children watch vivid pictures of human suffering and death, and they learn to associate it with their favorite soft drink and candy bar, or their girlfriend's perfume and calls this Acquired Violence Immune Deficiency Syndrome.

35  **Yesterday I was asked – in the cases we have dealt with – could the violence have been prevented?**

- I think yes – these acts in some instances were almost predictable.
- Others knew of the child's situation/vulnerability - but
- Authorities were rarely contacted – and in some instances – if they were – they were not responsive. (Eg Xabisa who killed his "friend"; Xoliswe who killed her sister)

- This really prompted us at Childline to question the spread of information about our toll free number to children and adults with concerns about children.

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THANK YOU!

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