

## THE CENTRE FOR CHILD LAW STRONGLY REJECTS MEDIA REPORTS THAT CHILDREN SHOULD BE ALLOWED TO SMOKE WEED

FOR IMMEDIATE RELEASE

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The Centre for Child Law notes media reports that intimate that it advocates for children to be allowed “*to smoke weed*”. The Centre strongly rejects these media reports and is disappointed by their misrepresentative nature.

The Centre *does not* argue that children should be allowed to smoke weed. The Centre argues that if children are found to be using cannabis then they should not be dealt with by the criminal justice system. The children should instead receive the support of parents, communities, Department of Social Development and/or other certified social welfare services which will ensure that the children receive the rehabilitative programmes needed having taken their individual needs into account. The aim of this approach is to avoid children being exposed to the brutalising effect of the criminal justice system that does not have the necessary mechanisms to properly deal with cannabis dependency.

The Centre for Child Law was invited by the High Court, to be a ‘friend of the court’, to make submissions regarding the treatment of children charged with allegedly contravening section 4(1)(b) of the Drugs and Drug Trafficking Act 140 of 1992. The facts that gave rise to the matter are:

- A number of children had, we presume, been arrested and brought before the Child Justice Court, Krugersdorp following each of them testing positive for cannabis during a drug test.
- In each matter the child was diverted and in each matter the child, for reasons unknown, failed to comply with the terms of the diversion order.
- The children were, as a consequence, ordered to undergo compulsory residence at the Mogale Leseding Child and Youth Care Centre owned and operated by BOSASA for an unspecified period.

An issue that arose was whether a criminal justice response to the use and/or possession of cannabis was the most appropriate manner to deal with children suffering from a cannabis related drug dependency, especially considering the Constitutional Court judgment in *Prince*. The Centre is of the view that a more appropriate response would be to deal with the child either under the Children's Act 38 of 2005 or the Prevention of and Treatment for Substance Abuse Act 70 of 2008. It firmly believes that emphasis should rather be placed on treating children for drug dependency rather than criminalising, incarcerating and punishing them, especially when adults in the same position are treated differently.

It is therefore incorrect to suggest that the Centre for Child Law is advocating for the position reported by the media. The Centre for Child Law calls for more careful reporting of court cases particularly cases involving children.

**Ends**

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