

**SOUTH AFRICA INCREASES THE MINIMUM AGE OF CRIMINAL
RESPONSIBILITY FROM 10 YEARS OLD TO 12 YEARS OLD TO ALIGN WITH
INTERNATIONAL STANDARDS**

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The Centre for Child Law (the Centre) welcomes President Cyril Ramaphosa's assenting of the Child Justice Amendment Bill, 2019 that increases the minimum age of criminal capacity from 10 years old to 12 years old. The Bill was gazetted on 04 June 2020. It is significant that this happened during child protection week recognizing that children who are alleged to have committed offences need protection and support to enable their rehabilitation.

The Centre applauds this move as it places South Africa within international standards and further acknowledges the importance of ensuring that exposure of children to the criminal justice system should be a last option. It also acknowledges that support services, to determine why a child as young as 12 years has committed an offence and what intervention is needed, should be provided.

Practically this change to the law means that a child who commits an offence while under the age of 12 years does not have criminal capacity and therefore should not be taken through the criminal justice system. Instead, a probation officer must be notified about the child. The probation officer will then assess the child to determine the best course forward, this could include intervention such as:

1. Referral to a children's court if the child is in need of care and protection; or
2. Referral to counselling or therapy, or provision of support services.

Linking children under the age of 12 years old to support services, instead of exposure to the criminal justice system, is important because more often than not a young child who gets involved in crime is a child at risk and some action should be taken.

Raising the minimum age of criminal capacity to 12 years old ensures that South Africa aligns with recommendations from the United Nations Committee on the Rights of the Child to increase the minimum age to at least 12 years.



The Centre looks forward to engaging with the regulations that will be formulated to support the implementation of this amendment.

Ends.

For more information, please contact the Centre for Child Law:

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